Judicial Independence in Illiberal Regimes

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Summary

Observing judicial independence in illiberal regimes presents a puzzle: Independent courts constrain the power of the government and are a cornerstone of democratic rule. Yet, research has identified judicial independence as beneficial for the stability and durability of authoritarian rule as well. The possibility to oversee governmental action should lead to high friction between the judiciary and the authoritarian executive, which builds its power upon low levels of accountability. How does the authoritarian executive balance the benefits and costs of an independent judiciary? In my dissertation, I address this research question by providing a closer examination of the relationship between these two branches of the government. I argue that greater judicial independence is compatible with autocrats' aspiration to control society because the executive limits judicial independence in key areas and changes its way of repression.

Judicial independence can be combined with societal control by linking judicial independence with limited jurisdiction of specific courts. Authoritarian leaders have an incentive to increase the independence only of those courts where the benefits of judicial independence for the leader balance the associated potential costs. I theorize that authoritarian rulers, particularly personalist ones, make these costs-benefit calculations for each type of court before granting greater autonomy. Focusing on the ordinary judiciary, the highest and lower courts have distinct functions for authoritarian rulers: Lower-level courts have a comparative advantage in monitoring society, whereas the highest court plays an important role for power-sharing between the authoritarian ruler and his political elites. Providing either the highest or lower courts with greater autonomy instead of both reduces the risk of conflict between the executive and the judiciary. It also satisfies personalist rulers' aim for limiting interference in their rule. Using data on a global sample of non-democratic countries, my findings show that the mixture of liberal and illiberal institutions that can be observed in other fields of authoritarian rule also extends to the judicial branch. However, increasing degrees of personalism are not always associated with greater differences between courts. The dissertation's novel theoretical and empirical distinction of judicial independence at different levels of the judicial hierarchy contributes to a better understanding of the existence of independent judges in illiberal regimes. The highlighted differences between court types might explain contradictory findings in the field.

Authoritarian rulers may vary the level of judicial independence across courts by influencing the appointment process of judges. Countries known for interference by the executive have often implemented nonpartisan selection commissions to shield the judiciary. I argue that private connections and personal interests of decision makers influence the selection process for vacant positions as judge at low-and mid-level courts. Using original data on applicants for the position as judge at this type of courts in the Philippines, I find that non-merit-based factors influence all steps of the application process. My analyses draw on a dataset that is unique in its consideration of the complete application process in an illiberal regime. I examine the applicants' decision to apply, the shortlisting decision by the selection commission, and the decision of the appointing president. The study extends our knowledge on the appointment process for judges outside of liberal democracies or countries with a high degree of human development. My findings cast doubt on the effectiveness of selection commissions and highlight the difficulties of implementing liberal institutions in illiberal regimes. Overall, I provide insights into the general role of patronage and nepotism in illiberal regimes with a specific focus on the judicial branch.

Independent courts in illiberal regimes raise the question if they contribute to reducing repression. State officials face the problem of being confronted with two principals whose interests may only partly overlap. The authoritarian ruler demands the implementation of the repressive agenda. In contrast, independent judges do not support the agenda of the government because they hold officials accountable or by not providing state officials with the necessary techniques for repression, such as political imprisonments. I argue that state officials react to these diverging interests of the executive and the judiciary by moving towards extrajudicial means. I draw on data covering extrajudicial killings on the Philippines and measure judicial independence based on original data on individual dates of appointment of Philippine judges. My results show a greater use of extrajudicial killings in territories that are under the jurisdiction of independent judges compared to areas where judges are likely biased towards the government. This result confirms the double-edged sword of democratic institutions in illiberal contexts: Instead of reducing the degree of repression as a reaction to independent judges, the executive adapts to the new limitations by adjusting its behavior without becoming more liberal.

My dissertation shows the strategic consideration of authoritarian rulers when allowing judicial independence. It highlights the difficulties of establishing true judicial independence via the selection process of judges and the potentially negative side effects that judicial independence can have for citizens of not fully democratic countries. I combine new theoretical explanations of how conflicts between the authoritarian executive and the independent judiciary are avoided with two innovative original datasets on (1) subnational variation in the degree of judicial independence on the Philippines that enables a micro-level analysis of the relationship between repression and judicial independence, and (2) on the universe of lawyers on the Philippines and their decision to apply for the position as judge at low- and midlevel courts as well as their performance in the corresponding selection processes. Incorporating information on the application decision helps to account for self-selection, strengthening the conclusions that can be drawn from the analysis of the selection processes.

By focusing on reasons for and consequences of independence at lower and mid-level courts, the dissertation contributes to the slowly emerging research on subnational variation in judicial independence. My analysis of the decision-making of authoritarian leaders in designing state institutions to their advantage improves our understanding of authoritarian rule and the functioning and (mis-)use of democratic institutions. With a focus on extrajudicial killings, I contribute to micro-level analyses of state repression and studies on the strategic selection of different repressive means. The case of the Philippines is representative of many illiberal regimes in its handling of judicial independence and the issues of patronage and nepotism. In combination with my macro-level analyses of non-democratic countries, this provides a broad generalizability of my findings.

Contents

I	Introduction	1
	1.1 Motivation and Research Question	1
	1.2 Argument in Brief	5
	1.3 Empirical Approach	6
	1.4 Dissertation Outline	9
	1.5 Central Contributions	11
2	Democratic Elements in Illiberal Regimes	17
	2.1 Introduction	17
	2.2 Why Democratic Elements?	18
	2.3 Conceptualizing Judicial Independence	27
	2.4 The Role of Independent Courts	29
	2.5 Threads to Autocratic Rule and the Attractiveness of Dependent Courts	32
3	Theoretical Framework	37
	3.1 Introduction	37
	3.2 Accountability in Autocracies	38
	3.3 Mechanisms of Balancing Judicial Independence and Avoiding Accountability	42
	3.4 Scope Conditions	46
	3.5 Summary and Introduction to Empirical Chapters	48
4	There is More than the Supreme Court: Judicial Independence in Au-	
	TOCRACIES	49
	4.1 Introduction	49
	4.2 Personalist Rule in Autocracies	53
	4.3 Personalism and Judicial Independence	55
	4.4 Research Design	63
	4.5 Empirical Analysis	68
	4.6 Robustness Checks	71
	4.7 Discussion & Limitations	76
	4.8 Conclusion	79
5	JUDICIAL INDEPENDENCE UNDER THREAT: THE APPOINTMENT OF JUDGES IN	
	CLIENTELISTIC REGIMES	81
	5.1 Introduction	81
	5.2 Nepotism & Patronage-Based Hiring in the Judicial Branch	86
	5.3 Selection Commissions and Candidates' Merit	88
	5.4 Merit-Selection Under Pressure in Semi-Democracies	89
	5.5 The Empirical Case: The Philippines	95
	5.6 Research Design	98
	5.7 Analysis of the Application & Appointment Procedure	105
	5.8 Discussion & Limitations	118
	5.9 Conclusion	122

6	Тне	Dark Side of Judicial Independence: Extrajudicial Killings as a	
	Mea	INS TO BYPASS INDEPENDENT JUDGES?	125
	6.1	Introduction	125
	6.2	The Dilemma of State Officials and the Supremacy of Extrajudicial Killings	128
	6.3	The Empirical Case: The Philippines	131
	6.4	Research Design	137
	6.5	Empirical Analysis	143
	6.6	Robustness Checks	147
	6.7	Discussion & Limitations	148
	6.8	Conclusion	149
7	Con	ICLUSION	151
	7.1	Summary	151
	7.2	Broader Implications	153
	7.3	Future Research	157
	7.4	Final Remarks	161
Ar	PEND	IX A SUPPLEMENTARY INFORMATION TO CHAPTER 4	162
	A.1	Descriptive Statistics	163
	A.2	Detailed Results for Main Analyses	164
	A.3	Robustness Checks	168
Ar	PEND	IX B SUPPLEMENTARY INFORMATION TO CHAPTER 5	177
	B.1	Information on Data-Retrieval, Processing, and Coding Decisions	177
	B.2	Descriptive Statistics	182
	B.3	Detailed Results for Main Analyses	185
	B.4	Robustness Checks – Main Analyses	197
	B.5	Robustness Checks – Bayesian Hierarchical Regression	213
Ar	PEND	IX C SUPPLEMENTARY INFORMATION TO CHAPTER 6	222
	C.1	Further Information on the Judicial System on the Philippines	222
	C.2	Descriptive Statistics	224
	C.3	Detailed Results for Main Analyses	229
	C.4	Robustness Checks – Regression Analysis	231
	C.5	Robustness Checks – Difference in Differences Analysis	233
Re	FERE	NCES	265

List of Figures

4.1 4.2 4.3 4.4	Distribution of the main dependent variables	65 69 73
	gorical) regime type	74
5.1	Overview of the application and appointment process for lower- and mid-level judges on the Philippines	97
5.2 5.3	Identification of applicant's connections to strong local family networks Six-month share of appointed judges with connections to influential families on the	103
	Philippines (by type of connection)	106
5.4	Logistic regression of lawyers' application for position as a judge	108
5.5	Effect of family network (same surname) on lawyers' decision to apply	109
5.6	Logistic regression of applicants' shortlisting for position as judge	111
5.7	Interviewed applicants' occupation and the probability to be shortlisted	113
5.8	Time between submission of shortlist to president and appointment of judge	115
5.9	Logistic regression of applicants' appointment as judge	116
5.10	Shortlisted applicants' occupation and the probability to be appointed	117
6.1 6.2	Violence against civilians in the Philippines, 2016-2019	132
6.3	binomial regression	145
	negative binomial regression	146
A.1	Jackknife estimation for the effect of personalism on highest court independence	168
A.2	Jackknife estimation for the effect of personalism on lower court independence	168
A.3	Jackknife estimation for the effect of personalism on Δ judicial independence	169
A.4	Jackknife estimation for the effect of personalism on $ \Delta $ judicial independence \ldots	169
R 1	Overview of documented application steps in the dataset	182
D.1 R 2	Judges' experience as lawyer when being appointed	182
D.2 B 3	Share of female lawyers among newly registered	182
D.5 R 4	Jawwers' places of registration (1944-2018)	183
D.4 R S	Number of newly registered lawyers each year (194/2018)	18/
B.G	Varying influence of year of har admittance on applications	187
D.0 B 7	Effect of gender on lawyers' decision to apply	187
D./ B.8	The effect of applicants' gender on the probability to be shortlisted	192
B.9	Varying influence of year of bar-admittance on shortlisting	192
B.10	Receiver operating characteristic (ROC) curves for main application-models (same	174
	surname)	199
B.11	Receiver operating characteristic (ROC) curves for main shortlisting-models (same	
	surname – full sample)	204

B.12	Receiver operating characteristic (ROC) curves for main shortlisting-models (same	
	surname – restricted sample)	205
B.13	Receiver operating characteristic (ROC) curves for main appointment-models (same	
	surname – full sample)	211
B.14	Receiver operating characteristic (ROC) curves for main appointment-models (same	
	surname – restricted sample)	212
B.15	Model diagnostics – traceplots	215
B.16	Model diagnostics – autocorrelation	216
B. 17	Model diagnostics – density	217
B.18	Model diagnostics – traceplots	219
B.19	Model diagnostics – autocorrelation	220
B.20	Model diagnostics – density	221
C.1	The judicial system of the Philippines	222
C.2	Timeline of judicial appointments in the Philippines, 2015-2019	225
C.3	Map of treated vs. control municipalities	226
C.4	Appointments as treatments for municipalities	227
C.5	Demographic and political factors	228
C.6	Improvement of covariate balance after propensity score weighting	233
C.7	Pre-treatment time trends in covariate balance	234
C.8	Average treatment effect on treated municipalities for appointments of RTC judges .	235

List of Tables

2.1	Tasks fulfilled by democratic institutions in illiberal regimes	34
4.1 4.2	Relevance of independent courts for personalist dictators	57
	mainly responsible	60
6.1	Characteristics of relevant court-types	136
A.1 A.2	Summary statistics	163
A.3	gression	164
	gression	165
A.4	Effect of latent personalism on Δ judicial independence, fixed-effects regression	166
A.5	Effect of latent personalism on $ \Delta $ judicial independence, fixed-effects Poisson regression	n 167
A.6	Effect of latent personalism on judicial independence (highest court), random-effects	
A .7	regression	170
	regression	171
A.8	Effect of latent personalism on Δ judicial independence, random-effects regression $$.	172
A.9	Effect of latent personalism on different dependent variables, controlling for foreign	
	direct investment, fixed-effects regression	173
A.10	Effect of latent personalism on $ \Delta $ judicial independence, controlling for foreign di-	
	rect investment, fixed-effects Poisson regression	174
A.11	Effect of listwise-deletion (comparison of full sample vs. sample restricted by population-	-
	measure), fixed-effects regression	175
A.12	Effect of listwise-deletion (comparison of full sample vs. sample restricted by population-	-
	measure), fixed-effects Poisson regression	176
B.1	Effect of family (surname) on application (first-level courts)	185
B.2	Effect of family (surname) on application (RTCs)	186
B.3	Effect of family (surname) on shortlisting (first-level courts)	188
B.4	Effect of family (surname) on shortlisting (RTCs)	189
B.5	Effect of family (surname) on shortlisting (first-level courts / with occupation)	190
B.6	Effect of family (surname) on shortlisting (RTCs / with occupation)	191
B.7	Effect of family (surname) on appointment (first-level courts)	193
B.8	Effect of family (surname) on appointment (RTCs)	194
B.9	Effect of family (surname) on appointment (first-level courts / with occupation)	195
B.10	Effect of family (surname) on appointment (RTCs / with occupation)	196
B.11	Effect of family (network) on application (first-level courts)	197
B.12	Effect of family (network) on application (RTCs)	198
B.13	Effect of family (network) on shortlisting (first-level courts)	200
B.14	Effect of family (network) on shortlisting (RTCs)	201
B.15	Effect of family (network) on shortlisting (first-level courts / with occupation)	202
-		

B.16	Effect of family (network) on shortlisting (RTCs / with occupation)	203
B. 17	Results for Sartori selection model, first-level courts	206
B.18	Results for Sartori selection model, Regional Trial Courts	206
B.19	Effect of family (network) on appointment (first-level courts)	207
B.20	Effect of family (network) on appointment (RTCs)	208
B.21	Effect of family (network) on appointment (first-level courts / with occupation)	209
B.22	Effect of family (network) on appointment (RTCs / with occupation)	210
B.23	Effect of family (surname) on appointment (first-level courts)	214
B.24	Effect of family (surname) on appointment (RTCs)	218
C.1 C.2	Summary Statistics	224
	mial regression (with time dummies)	229
C.3	Effect of first-level court judge appointment on killed civilians, random-effects nega- tive binomial regression (with time dummies)	230
C.4	Effect of RTC judge appointment on killed civilians, random-effects negative bino-	
	mial regression	231
C.5	Effect of RTC judge appointment on killed civilians, random-effects Poisson regres-	
	sion (with time dummies)	232
C.6	Effect of RTC judge appointment on killed civilians, fixed-effects Poisson regression	232

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1 Introduction

I.I MOTIVATION AND RESEARCH QUESTION

The defeat in the Six-Day War in 1967 made ruling elites in Egypt aware of the problems the country faced. The concentration of power in the one-party state under the rule of President Gamal Abdel Nasser and his Arab Socialist Union had led to monitoring problems and a lack of accountability within the state bureaucracy. It was reflected in high levels of corruption, state agencies becoming more and more autonomous, and a high inefficiency in the public sector (Rosberg, 1995, pp. 70-75). The lack of limitations on the power of the government made private domestic and foreign investors hesitate to make investments in the country (Moustafa, 2008). Using centralized monitoring agencies under the control of the executive and complaints offices as a response to these problems did not bring the desired results of less corruption and greater efficiency within the state bureaucracy (Moustafa, 2008; Rosberg, 1995). In this difficult situation, increasing the degree of judicial independence, which was limited since Gamal Abdel Nasser came to power in the 1950s, became a viable solution for the authoritarian regime, as can be seen in the suggestion of a member of the Supreme Executive Council of the Egyptian Arab Socialist Union in a meeting in 1967: "I think what we can do right now is introduce some reforms to the current system like accepting criticism and doing away with fear by granting the right to appeal any ruling in front of a judicial body [...]." (cited by Rosberg, 1995, p. 153). It took until the mid-1970s when then President Anwar el-Sadat introduced reforms to the judicial branch that increased the independence of judges (Moustafa, 2008; Rosberg, 1995). The steps had the desired effect of increasing the efficiency of the bureaucracy as well as creating an environment attractive to investors (Moustafa, 2008; Rosberg, 1995). And yet, the Egyptian success-story of judicial independence under authoritarian rule found an end in the late 1990s and early 2000s. By then, the regime's repressive power and legitimacy was increasingly undermined by opposition groups challenging the government before court. This ultimately led to the decision of the regime to no longer condone the defeat in court and instead crack down on the independence of the Supreme Constitutional Court (Moustafa, 2007).

The events in Egypt highlight the general difficulties in illiberal¹ regimes of sustaining judicial independence and profiting from it while also retaining control over society. A lack of judicial independence has been associated with higher perceived corruption (van Aaken, Feld, & Voigt, 2010) and less economic growth (Feld & Voigt, 2003; Voigt, Gutmann, & Feld, 2015). Yet, too much judicial independence limits the tools the regime has to stay in power (Harvey, 2022; Moustafa & Ginsburg, 2008) and therefore can lead to a regime change (Verdugo, 2021). This tension is reflected in the considerable variation in the degree of judicial independence that can be observed for illiberal regimes with some even surpassing the levels of independence observed for democracies (Linzer & Staton, 2015). Autocratic leaders have to find the right balance between not enough and too much autonomy of judges. The potential negative fallout of a miscalculation can also be observed in cases such as the final years of the Chilean dictatorship under General Augusto Pinochet when judges expanded electoral transparency against the interest of the ruling junta (Verdugo, 2021). Despite close control over the judges and no prior signs of opposition to the regime (Barros, 2008), the judges of the Constitutional Court interpreted the Chilean Constitution in a "creative" (Verdugo, 2021, p. 594) way, leading to a liberalization of the election process that was not intended and unexpected by the regime (Verdugo, 2021).

The observable variation in the level of independence in illiberal regimes has sparked a growing field of research with explanations for why it may be beneficial for authoritarian leaders to increase the inde-

¹For the purpose of this dissertation, I use the terms *illiberal* regime and *authoritarian* regime interchangeably. They describe regimes that show clear authoritarian characteristic, for example, by ignoring civil liberties, manipulating elections, or repressing minority groups or the opposition. This encompasses all regimes that are commonly classified as so-called, *illiberal democracies* (e.g., Zakaria, 1997), *hybrid* regimes (e.g., Bogaards, 2009), or in the most extreme case *closed autocracies* (e.g., Schedler, 2006).

pendence of the judiciary (Epperly, 2013, 2017, 2019; Moustafa & Ginsburg, 2008; Randazzo, Gibler, & Reid, 2016). These benefits are often based on making the ruler and his subordinates appear to or actually be accountable to an independent institution as in the case of Egypt. However, what is largely missing so far in the literature are explanations how authoritarian rulers can solve the above described dilemma that results from an increase in the autonomy and power of judges.

Classic strategies for coping with judges in illiberal regimes, such as infamous "telephone justice"² practiced in the Soviet Union (Gorlizki, 1997; Hendley, 2009) are generally considered as incompatible with judicial independence. Instead, some researchers suggest that judicial independence is only manageable for authoritarian rulers when regimes use specialized or military courts for sensitive cases (Pereira, 2008; Toharia, 1975). Corresponding attempts to create a separate justice system, however, broadly attract attention, as visible in the case of Hungary in 2018 (Novak & Kingsley, 2018; Venice Commission, 2019). Particularly those illiberal regimes that depend on development aid may be reluctant to take such a clear step of avoiding accountability and enabling repression as it may endanger future aid by democratic donor states. Other researchers argue that regimes can maintain their repressive capacity and hence the control over society by resorting to methods of repression that are invisible to independent judges because they do not leave scars on victims' bodies (Conrad, Hill, & Moore, 2018; DeMeritt & Conrad, 2019). Yet, repressive state officials may have neither time, space, nor training to conduct these alternative means of repression. I conclude that further examinations of authoritarian rulers' techniques to combine judicial independence with societal control are necessary.

This dissertation addresses the question how the authoritarian executive in illiberal regimes balances the benefits and costs of an independent judiciary. I study the relation between these two branches of the government by examining the strategic considerations of authoritarian rulers and their subordinates when granting judges greater autonomy or reacting to a high degree of judicial independence. I argue that the executive has developed different strategies to avoid being held accountable by independent judges. First, I theorize that regimes increase the independence only of those courts where the benefits of greater autonomy outweigh the costs. Second, authoritarian rulers influence the selection of prospective judges by undermining the selection commission that is supposed to shield the judiciary from undue influence. Finally, low-level state officials adjust their means of repression when encountering indepen-

²The term "telephone justice" is an idiom that describes the possibility to influence judges via informal commands or informal networks (Hendley, 2009, pp. 326f.). In the Soviet Union, such commands were often given orally, for example, via telephone to avoid any risk (Gorlizki, 1997, p. 257).

dent judges and switch to extrajudicial killings under the guise of self-defense. These strategies enable the authoritarian regime to avoid severe restrictions on its power that could potentially endanger its survival. By investigating three distinct mechanisms, I shed light on how authoritarian regimes, without actually having to fully democratize, can harvest the fruits of accountability that originally only democracies were entitled to.

Understanding how authoritarian regimes balance costs and benefits of judicial independence is important for scholars and policy-makers alike. Research on democracies' use of "clean torture" (Rejali, 2007), pro-government militias (Carey, Colaresi, & Mitchell, 2015), the extrajudicial killing of journalists (Carey & Gohdes, 2021), or physical integrity violations of marginalized groups (J. L. Jackson, Hall, & Hill, 2018) has challenged previous perceptions of the overall positive effect of democratic institutions. It is therefore important to also consider tactics that help the regime and its agents to avoid having their hands tied by independent courts. In this dissertation, I suggest that the consideration of mechanisms of accountability avoidance helps to better understand the meaning of high levels of judicial independence in ordinary courts as, for example, observed in Spain under the rule of Francisco Franco (Toharia, 1975), or mixed empirical results on the determinants of judicial independence in authoritarian regimes (e.g., Epperly, 2017; Popova, 2010). Policy-makers benefit from knowing these tactics by having more accurate expectations about the effects of development programs that target the strengthening of the judiciary (e.g., U.S. Agency for International Development, 2018). My analyses highlight the effects of corresponding initiatives, such as the implementation of merit-based selection of judges, on the degree of judicial independence or the prevention of state repression. The above mentioned examples on the strategic behavior of democracies provide a first hint at the great potential for non-existent or undesired consequences of such programs in illiberal regimes. Examining the relationship between the judiciary and the executive in authoritarian contexts helps to better understand the interplay of authoritarian and democratic institutions in general, providing further insights into pressing challenges, such as (not so) new forms of autocratic governance with a democratic spin (Dobson, 2012) or the democratic retreat that is highlighted by NGOs (Freedom House, 2019), journalists (e.g., Leonhardt, 2022; Rubin, 2018), and scholars (e.g., Diamond, 2008; Haggard & Kaufman, 2021; Levitsky & Ziblatt, 2018; Riaz, 2021).

I.2 ARGUMENT IN BRIEF

The central argument of my dissertation is that authoritarian leaders and their subordinates develop strategies to avoid accountability and limitations on their authoritarian agenda despite making the judiciary more independent. Autocrats benefit from implementing institutions that either appear to or actually hold members of the executive accountable (Besley & Kudamatsu, 2008; Wright, 2008). This is also the case for independent courts that are theorized to increase, among others, the legitimacy of the ruler, the efficiency of the state, and enable power-sharing with political elites (Moustafa, 2008; Ríos-Figueroa & Aguilar, 2018). Greater judicial independence has been found to contribute to the survival of the regime and its ruler (Gallegos, 2020), the latter quite literally (Epperly, 2019).

Despite these advantages of independent courts, the benefits of autonomous judges in many cases do not outweigh the threats an independent judiciary poses for the power of the government and its authoritarian policies. The effect of judicial independence on the survival of authoritarian regimes is still unclear as independent judges have been found to pave the way for democratization (Escribà-Folch & Wright, 2015; Verdugo, 2021), undermine the legitimacy of the ruling elites (Harvey, 2022), and deprive the executive of its repressive capacity (Moustafa, 2008; Pereira, 2008). Authoritarian leaders therefore face an incentive to find a way to take advantage of independent judges while avoiding the downsides of it for authoritarian rule. I argue that authoritarian rulers and other members of the executive have developed three mechanisms to avoid accountability and retain extensive control over the judiciary despite their independence. These mechanisms are: (1) the selective use of judicial independence, (2) creating new avenues of influence, and (3) adjusting means of repression.

First, leveraging the different subject matter jurisdiction of courts (i.e., the type of cases courts have the authority over), I argue that in particular personalist authoritarian rulers apply a strategy of selectively increasing judicial independence. Instead of deciding for an universal level of independence within the country, rulers evaluate the costs and benefits of granting judges greater autonomy for each type of court. Courts that pose a lower threat to authoritarian rule as they oversee only a certain type of cases and fulfill tasks beneficial to the regime should have greater autonomy than other courts. This way authoritarian rulers can ensure that limitations to their power are relatively low despite having independent judges who contribute, for example, to a greater legitimacy of the government. Second, accountability by independent judges of the executive is also reduced if measures that are increasing the accountability are undermined and new avenues for influence are created. To increase the – actual or perceived – independence of the judiciary, many countries have adjusted the selection process of judges. I argue that attempts to reduce the influence of the ruler by incorporating a nonpartisan commission in the selection process are undermined by personal interests of the decision makers. The ruler and political elites can use existing and new avenues to influence the judiciary. This can be done by exercising control over the appointment of commission members, having the final decision on the appointment of judges, and via informal institutions in society.

As a third mechanism to avoid accountability, I argue that authoritarian regimes react with a changing way of repression to judicial independence. Instead of reducing the repression of oppositional forces to avoid conflicts with independent judges, means of repression that are less verifiable and thereby harder to sanction are used. In situations where state officials cannot resort to less *visible* techniques of repression, because they lack the training, space, or time for it, agents react to independent judges with an escalation in violence by using extrajudicial killings as a low-cost alternative for hidden repression. Declaring these killings as acts of self-defense creates a situation of plausible deniability for state officials.

The three proposed mechanisms cover the decisions where independent judges are implemented, how measures beneficial to judicial independence are undermined, and how states react to increased levels of judicial independence. By covering the strategic considerations of the authoritarian ruler and his repressive agents, I provide a comprehensive theoretical framework for the interaction between the executive and the judiciary. It provides an answer to the guiding question of this dissertation how the authoritarian executive balances the benefits and costs of an independent judiciary.

I.3 Empirical Approach

The empirical part of this dissertation is composed of three empirical chapters in which I test the proposed theoretical mechanisms in one macro- and two micro-level large-N studies. The macro-level analysis provides the opportunity to test the mechanism of a selective use of judicial independence on a broad sample of non-democratic countries, enabling the identification of general patterns. The two microlevel studies on the municipality-level and on the level of the individual applicant or individual judge provide in-depth insights into the processes of repression and judicial selection in an illiberal regime. To analyze the selective use of judicial independence for different court types in Chapter 4, I draw on data from the Varieties of Democracy (V-Dem) project (Coppedge, Gerring, Knutsen, Lindberg, Teorell, Alizada, et al., 2021). To my knowledge the dataset is unique in its provision of separate information on the degree of judicial independence for different levels of the judicial hierarchy in different countries. I combine the information on judicial independence of the highest and lower courts with newly released data on the degree of personalism of non-democratic regimes (Wright, 2021). The macro-level analysis of a global sample of 112 non-democratic countries between 1945 and 2010 is based on fixed-effects ordinary least squares (OLS) and Poisson regression models to test for the effect of regime type on the degree of judicial independence, and on the relative and absolute difference of independence between different court types.

To examine the effect of private connections and personal interests of decision makers on the selection process of judges, in Chapter 5 I use information on the appointment process for judges at lower and mid-level courts in the Philippines between May 2011 and November 2020. The original dataset that covers more than 3,500 applicants is based on official documents of the selection commission and enriched with information provided by the Supreme Court of the Philippines on more than 70,000 lawyers, de facto representing the full universe of lawyers officially registered in the country. Similar to other studies on the topic of nepotism (e.g., Fafchamps & Labonne, 2017; Gagliarducci & Manacorda, 2020), I leverage the correspondence of family-names in combination with geospatial data to identify connections between applicants and local politicians, thereby indirectly measuring if applicants are backed by powerful clans or families. The separate analyses of the application decision of the lawyer, the shortlisting decision by the commission, and the appointing decision by the president are based on logistic regression models. As alternative model specifications, I repeat the analyses with a specific selection model estimator and a Bayesian cross-classified logistic regression model with random effects. Descriptive statistics on temporal variation in the presidents' time for handling shortlists complement the multivariate analyses.

The empirical analyses in Chapter 6 on the effect of judicial independence on changes in repressive behavior leverage sub-national and temporal variation in the level of judicial independence and the frequency of extrajudicial killings in the Philippine's "War on drugs" (2016–2019). I use an original dataset on about 2,200 Philippine presiding judges of first- and mid-level courts between 2016 and 2019 and measure judicial independence based on individual dates of judicial appointments. I draw upon internal documents of the Office of the Court Administrator to ensure the correct territorial jurisdiction of judges. The main analyses are based on a random effects negative binomial panel regression models. I repeat the analyses with two-way fixed-effects Poisson models. After matching municipalities using propensity score weighting, analyses are also conducted with a difference in differences design, leveraging the staggered appointment of judges. Finally, to probe the causal mechanism and serving as a placebo test, I compare the effect of judges with relevant jurisdiction for the subject matter with those judges that are assigned to a similar regional area but should have no jurisdiction due to their lower position on the judicial hierarchy.

The decision to conduct the micro-level analyses presented in Chapters 5 and 6 in the context of the Philippines is based on the great potential for generalizing the findings and the country's specific characteristics, which enable the analysis of the sensitive topics of judicial selection and extrajudicial killings. Politics on the Philippines are shaped by clientelism and patronage (Weiss, 2020), with corruption extending to the judicial branch (International Bar Association, 2016; Social Weather Stations, 2006). Violence against journalists and legal action by the government against critical news sites is common (Reporters Sans Frontières, 2022). The OECD classifies it as developing country (Organisation for Economic Co-operation and Development, 2017) and it ranks below the world average according to the 2019 Human Development Index (United Nations Development Programme, 2022). Hence, the country mirrors many other illiberal states in the world. Equally important, for my analyses I do not rely on any specific characteristics of the judicial system of the Philippines that may be unique to this country and could impede generalizations.

A diverse media landscape and attempts of increasing the transparency of political processes enable research also on sensitive topics and make the Philippines a hard case for testing the proposed mechanisms. Similar to other countries, the Philippines have implemented a selection commission for judicial appointments. Yet, in contrast to many of these countries (see, e.g., the case of the U.S. in the study by Goelzhauser, 2018), information on lawyers and the progress of applicants is publicly available, enabling quantitative empirical research. Likewise, public information on presiding judges even for low-level courts facilitates an evaluation of variation of judicial independence on the district-level or even the level of the individual judge. With a focus on state repression, the violent anti-drug campaign conducted by President Duterte has led to increased news coverage of actions of security forces so that official statements on extrajudicial killings can be verified. Overall, the availability of rare information on the inner workings in the judicial branch and detailed data on a specific type of repression in a country that is similar to many other countries in key political and economic aspects make the Philippines an ideal candidate for evaluating my theory.

I.4 DISSERTATION OUTLINE

My dissertation is organized as follows: In Chapter 2, I provide an overview of research on the mixing of democratic institutions with authoritarian ones. Adopting elements of democratic rule has been a survival-strategy of authoritarian regimes for a long time. It is not only pursued by regimes in the middle of the autocracy-democracy spectrum, so-called anocracies, but also those with a consolidated and clear authoritarian rule. In the chapter, I highlight the ruler's wish to appear accountable as an important underlying reason for implementing democratic institutions, such as parliaments. Subsequently, I focus on one specific democratic institution, the independent judiciary. The benefits of autonomous judges for authoritarian rulers that have been identified in the literature are reviewed and contrasted with the political costs that make many authoritarian rulers to shy away from granting judges too much independence. I conclude that a high degree of judicial independence has many disadvantages for authoritarian leaders so that they have an incentive to find ways of appearing accountable without giving up too much power.

In Chapter 3, I present the theoretical framework how the executive in illiberal regimes can politically benefit from independent courts while at the same time avoiding to be held accountable by the very same judges. The theory is placed in the broader literature on strategies by authoritarian rulers to appear accountable without actual constraints on their power that can be observed in, for example, the rigging of elections or the use of pro-government militias. Subsequently, I lay out and provide more details on the three mechanisms I propose authoritarian rulers are using to avoid judicial accountability: (1) the selective use of judicial independence, (2) the creation of new avenues for influence, and (3) the adaptation of repressive means. After setting out the scope conditions for these mechanisms, I summarize the key aspects of the theoretical mechanisms and provide an overview how they will be tested.

In the empirical part of my dissertation, I examine the proposed strategies of authoritarian rulers and state officials to retain partial control over society and the judiciary despite greater judicial independence. In Chapter 4, I highlight the heterogeneity in the degree of autonomy different judicial institutions have in non-democratic countries. I argue that observed variation in judicial independence of different courts within a regime can be explained by strategic decisions of the ruling elite. Particularly personalist rulers evaluate the costs and benefits of providing different courts with greater autonomy and thereby leverage the fact that courts have distinct functions in authoritarian regimes. I suggest that providing either the highest or lower courts with greater autonomy instead of both is beneficial as it reduces the risk of conflict with the judiciary and allows the personalist ruler to benefit from judicial independence where its interference with the dictator's policy is the lowest. Using yearly data on a global sample of nondemocratic countries, I find authoritarian leaders' preference for mixing liberal and illiberal institutions to be reflected in the organization of the judicial branch as well. A shift of power towards a single individual in the regime reduces overall judicial independence but increases the independence of high court judges relative to other judges. While personalist regimes show greater differences between court types than other non-democratic regimes, a further concentration of power in personalist regimes is associated with a convergence of courts' independence.

In Chapter 5, I analyze the application process of judges at lower and mid-level courts on the Philippines and explore how personal interests of the president and influential elites in society continue to play a role in the appointment of judges despite the implementation of institutions and measures to reduce both. I argue that, supposedly nonpartisan, selection commissions, which are implemented in many countries to increase the independence of the judiciary, often only obfuscate personal interests of its members. In many cases the president retains considerable influence over the appointment process. My analysis based on original data on applicants at various levels of the nomination process for the position as judge shows the influence of non-merit-based factors such as family-relations on the application and appointment of these applicants.

In Chapter 6, I examine the consequences of independent judges for the state's way of repressing its citizens and how it can retain control over society despite increased accountability. I theorize that security forces with a repressive agenda who encounter independent judges face a dilemma of whether to comply with the orders they receive from the government or to abstain from repression and adhere to the constitutional rights of citizens. Doing the latter avoids being held accountable by the independent judiciary but might have severe consequences for the stability of the regime and the well-being of the individual member of the security forces. I argue that security forces solve this conflict by changing the means of repression to evade accountability. In many cases political imprisonment should be substituted with extrajudicial killings, where security forces can build upon past training and experiences. I test my hypothesis by analyzing extrajudicial killings in the Philippine's "War on drugs" (2016-2019) with a panel regression design. I measure judicial independence of Philippine judges at lower and regional level courts based on original data on individual dates of appointment. The results confirm my hypothesis, showing more extrajudicial killings in districts with independent judges.

Chapter 7 summarizes the main findings of the empirical chapters. It connects to the main research question of this dissertation of how the authoritarian executive balances the benefits and costs of an independent judiciary. I highlight the broader contribution of my dissertation for our understanding of illiberal regimes and point at the relevance of my findings also for democratic backsliding in liberal democracies. I conclude with remaining open questions and provide suggestions for future avenues of research.

I.5 CENTRAL CONTRIBUTIONS

This dissertation adds to our understanding of the strategic considerations of authoritarian rulers and their subordinates when allowing judicial independence. It makes important contributions theoretically and empirically, and has significant policy implications for the promotion of judicial independence. In the following sections, I provide a brief summary of the central contributions specifically to the research on judicial independence. A consideration of the broader set of contributions of my dissertation in the field of democratic institutions in authoritarian regimes as well as its policy-implications is provided in Chapter 7.

I.5.1 Theoretical Contributions

My argument that the authoritarian executive develops mechanisms to avoid accountability from the judiciary contributes to growing research on attempts by authoritarian states to avoid or evade accountability for their behavior (e.g., Carey et al., 2015; Conrad et al., 2018; Morgenbesser, 2020; Rejali, 2007; Sjoberg, 2014, 2016). The three mechanisms I propose, add to specific subsets of this literature by theoretically extending or transferring existing theoretical concepts to new areas and connecting different fields of research. This is in particular the case for the areas of judicial politics, human rights, authoritarian governance and institutions, and political economy.

As part of my first proposed mechanism, I introduce a novel theory explaining why the highest court and lower courts are not always equally independent in non-democratic regimes. Research highlights that there is considerable variation in the level of judicial independence within a country (Ferejohn, 1999; Tiede, 2006). Yet, theories on the strategic use of courts with different levels of independence in authoritarian regimes largely focus on differences between ordinary and special courts, such as security or military courts (Pereira, 2008; Toharia, 1975). I argue that authoritarian rulers have an incentive to leverage also differences in the subject matter jurisdiction between the highest and lower courts as a way to balance the costs and benefits of judicial independence. I highlight that the individual decision on the degree and design of the judicial fragmentation is based on the distribution of power in the regime. My theoretical framework contributes to research on the determinants of judicial independence (Aydın, 2013; Feld & Voigt, 2003; Hayo & Voigt, 2007; Randazzo et al., 2016), with a specific focus on authoritarian regimes (Epperly, 2017, 2019; Ginsburg, 2008; Moustafa & Ginsburg, 2008; Pereira, 2008). By also taking into account the distribution of power, I add to our understanding of the inter-relatedness of governance and the institutional landscape in non-democratic regimes (Geddes, Wright, & Frantz, 2018; Svolik, 2012).

Scholars emphasize the importance of the selection of judges for the independence of the judiciary (Garoupa & Ginsburg, 2009; Melton & Ginsburg, 2014; Rosenn, 1987) while relying on different theories on the appropriate selection mechanism (e.g., Bopp, 2013; Glick, 1978). In Chapter 5, I argue that institutions, such as selection commissions, cannot adequately limit undue influence on the selection process. I theorize that incentives to use positions in the judiciary for personal gain make the government and elites in society react to the new formal institution with informal means, such as nepotism and corruption, to regain influence. My theory builds upon the argument by Fjelde and Hegre (2014) and contributes to research on the use of informal institutions in autocracies (E. Chang & Golden, 2010; Hollyer & Wantchekon, 2015; Wintrobe, 1998). By considering judicial appointments as scarce and valuable good for the government to distribute among supporters, my theory adds to research on the role of public sector positions for patronage (Brierley, 2021; Pierskalla & Sacks, 2020). More broadly, my theoretical framework contributes to research on the subversion of meritocratic recruitment for public sector positions in general (Brassiolo, Estrada, Fajardo, & Martinez-Correa, 2021; Dzmitryieva, 2021; Scoppa, 2009) and authoritarian rulers' incentives for appointments in the public sector in particular (Buckley & Reuter, 2019; Burkhardt & Libman, 2018; Lorentzen & Lu, 2018).

Finally, I contribute to research on the strategic adaptation of repression (e.g., Carey & Gohdes, 2021; Steinert, 2022) by introducing a new theoretical framework to explain the occurrence of extrajudicial killings in illiberal regimes when state officials face judicial oversight. Increasing accountability of the government or members of the state apparatus has been repeatedly found to lead to a change in the type of repression (Chen, 2017; DeMeritt & Conrad, 2019), often implying the use of more hidden means of repression (Conrad et al., 2018; Rejali, 2007). I argue that in contrast to "clean" measures of repression also an excess in violence by resorting to extrajudicial killings is a viable option for repressive agents. It results from the resource constraints security forces often face in combination with low incentives for shirking and the possibility to declare deadly encounters as incidents of self-defense. Besides its contribution to strategic repression decisions, my theory advances research on the effect of courts on physical integrity rights violations (Abouharb, Moyer, & Schmidt, 2013; Crabtree & Fariss, 2015; Keith, 2012) and on the individual contribution of low-level agents to these violations (Bohara, Mitchell, Nepal, & Raheem, 2008; Englehart, 2009; Haschke, 2017; Mitchell, 2004; Scharpf, 2018).

1.5.2 Empirical Contributions

Empirical research on judicial politics often faces difficulties in tracing the proposed mechanisms (Linzer & Staton, 2015). Conceptual problems (Kornhauser, 2002), yet particularly data limitations, for example, due to the sensitivity of the topic (Tannenberg, 2022) or attempts by governments to limit public information on their strategic considerations or misconduct (e.g., Barros, 2016; Rejali, 2007), hinder many analyses. By using new measurements on the degree of judicial fragmentation and original datasets, which are discussed in the following paragraphs, this dissertation makes several important empirical contributions. It reduces the gap between latent concepts and measurements, tests mechanisms in new contexts, and provides unique insights in the strategic considerations of various actors in the executive and judicial branch.

The empirical findings presented in Chapter 4 suggest that increasing personalism, i.e., greater control of the authoritarian ruler over other institutions in society, is associated with a reduction in the independence of judges in non-democratic regimes. I find this effect only for courts below the highest court. Compared to other types of rule, personalist regimes show a greater absolute difference between the highest and lower courts, suggesting a greater fragmentation. However, the difference between courts shrinks again for personalist and party-based regimes with very high levels of personalism. My analysis represents the first examination of judicial fragmentation in a cross-country large-N setting and improves existing analyses of the effect of personalization on judicial independence in nondemocracies (N. K. Kim, 2021) by using newly released data on the degree of personalism (Geddes et al., 2018; Wright, 2021). Highlighting the empirical differences in the level of independence between different court types contributes to our understanding of the determinants of judicial independence in non-democratic regimes (Epperly, 2019; Ginsburg, 2008; Moustafa & Ginsburg, 2008; Pereira, 2008) and may help us to understand mixed findings in the field (e.g., Epperly, 2017; Popova, 2010). More broadly, the findings add to research on the effects of personalization on governance in authoritarian regimes (Frantz, Kendall-Taylor, Wright, & Xu, 2020; Geddes et al., 2018; Grundholm, 2020).

The empirical findings presented in Chapter 5 offer unique insights into the role of non-merit based factors in the selection process for the appointment of judges. Using original hand-coded data on the selection of judges on the Philippines, they highlight that non-merit based factors are relevant particularly for the application and appointment of judges, undermining the purpose of the selection commission. These findings contribute to and advance existing research on the impact of merit-based selection on judicial appointments (Goelzhauser, 2016, 2018; Riddell, Hausegger, & Hennigar, 2008). To the best of my knowledge, this is the first empirical study that examines all important steps of the selection process – including the application – for low- and mid-level judges in a large-N empirical analysis. It is also the first large-N empirical analysis of the role of nepotism and political patronage for this group of judges in an illiberal regime. Analyzing the complete pool of (potential) applicants instead of only focusing on those selected or appointed, helps me to draw better inferences about the relevance of (non-)merit-based factors. The findings add to the comparatively small field of empirical studies on merit-based selection of judges outside of liberal democracies (Dzmitryieva, 2021). By considering the role of family-based nepotism and patronage as key influential factors, the results contribute to our understanding of the role of nepotism and political patronage in the public sector (Pierskalla & Sacks, 2020; Scoppa, 2009) and the judicial branch in particular (Brassiolo et al., 2021).

Chapter 6 provides novel empirical insights into the reaction of low-level state officials to greater judicial independence. Using original hand-coded data on judges on the Philippines, I present empirical evidence showing the heightened use of extrajudicial killings in areas overseen by independent judges. These findings improve our understanding of the effects of greater accountability of governments and their actors on repressive tactics (Conrad et al., 2018; DeMeritt & Conrad, 2019). By using subnational data on judicial independence, I contribute to the small but emerging field of micro-level analyses of judicial independence (Liu, Lu, Peng, & Wang, 2022; Shvets, 2016). The dissertation adds to research on the relation between judicial oversight and physical integrity violations on the municipality-level (Acemoglu, Fergusson, Robinson, Romero, & Vargas, 2020). The use of fine-grained micro-level instead of macro-level data is expected to improve the tracing of the proposed mechanisms. My findings add to the broader research on the effects of judicial overview on human rights violations on the national (Crabtree & Fariss, 2015; Crabtree & Nelson, 2017; Keith, 2002, 2012) and subnational level (Hu & Conrad, 2020).

1.5.3 Policy-Relevant Implications

This dissertation offers several policy-relevant insights into the underlying reasons for and consequences of increased levels of judicial independence in illiberal regimes. Independent judges are considered a central aspect of liberal democracy (Russell, 2001) and a key for economic growth (Voigt et al., 2015). Bolstering the autonomy of judges is therefore an important aspect of democracy promotion and development aid (Ariotti, Dietrich, & Wright, 2021). My findings point at the strategic considerations of the authoritarian executive in dealing with judicial independence to avoid actual regime change.

As I show in Chapter 4, authoritarian rulers are aware of the benefits of judicial independence for their regime but try to avoid the negative effects autonomous judges may have on their power. As a result, greater independence of some judges may contribute to a stabilization of authoritarian rule while only having a limited effect on the policy of the government. My research highlights these tactics and helps to identify regimes that are particularly prone to mixing courts with different levels of judicial independence.

A preferred strategy for increasing the independence of judges is the implementation of selection commissions that are supposed to limit the government's control over the appointment of judges and to increase the quality of the bench. The implementation of selection commissions has been common in many African countries after democratization (Kenyan Const. of 2010, art. 171; South African Const. of 1996, art. 178; Ugandan Const. of 1995, art. 146), and organizations such as the American Bar Association (American Bar Association, 2008) as well as legal scholars (e.g., Glick, 1978) highly recommend it. The findings presented in Chapter 5 highlight the potential problems of this strategy with non-merit based considerations being merely obfuscated by the new institution. My analyses also put a spotlight on application patterns that are biased towards particular segments of the society even before the selection commission can take effect. In combination, these findings raise doubts regarding the effectiveness of selection commissions to strengthen judicial independence in those contexts where strategies to bolster the autonomy of judges are needed the most.

Judicial independence is often considered important for the protection of physical integrity rights (Crabtree & Fariss, 2015; Keith, 2012). My findings in Chapter 6 emphasize the potentially negative effects a promotion of judicial independence in illiberal regimes can have for citizens of the respective countries. Instead of leading to a reduction of repression, greater independence may result in the use of different, potentially harsher, methods of repression as visible in the extensive use of extrajudicial killings in the case of the Philippines. Such behavior is a result of decisions by security force members who are pressured by the government to continue their repressive agenda. This suggests that a promotion of human rights via the backdoor of increasing the degree of judicial independence may be a dangerous strategy.

"A body of men, holding themselves accountable to nobody, ought not to be trusted by anybody."

Thomas Paine, Rights of Man (1791)

2

Democratic Elements in Illiberal Regimes

2.1 INTRODUCTION

On 10 March 2019 North Koreans participated in a process that is best described as "surreal" for outsiders and that repeats every five years. Despite ranking among the least democratic countries in the world with all power tailored to "Supreme Leader" Kim Jong-un and his family dynasty, citizens were called to participate in the election for representatives to the Supreme People's Assembly, the North Korean legislature. With only a single name on the ballot paper and no viable choice to voice disagreement, the later reported turnout of 99.99 percent (Rodong Sinmun, 2019) and hence the victory for the parties representing the Democratic Front for the Reunification of Korea was widely expected (BBC, 2019). Besides North Korea, the large majority of autocracies has implemented regular elections on the national or at least the local level (Gandhi & Lust-Okar, 2009). Many of these elections show considerably more competition than their North Korean counterpart (Lust-Okar, 2006). Yet, elections are by far not the only democratic element observable in illiberal regimes. Some autocracies show surprisingly high levels of media freedom (Egorov, Guriev, & Sonin, 2009). Considerable variation also exists for the level of judicial independence in a regime. Whereas countries like North Korea and Turkmenistan are since 1990 constantly among the autocracies that grant their judges the least autonomy, the judiciary of other autocracies can be considered as equally or even more independent than the one in established democracies.¹ For example, according to Linzer and Staton (2015) the judiciary in Hungary under Communist rule in the 1960s was about as independent as the judiciary in France during the same period. Namibia, which is considered a one-party state by Geddes, Wright, and Frantz (2014) since its independence in 1990, is ranked in 2010 equally high in terms of judicial independence as Israel. And Tanzania, rated as "Closed Anocracy" in 2010 by the Polity V project (Marshall & Gurr, 2020), had higher levels of judicial independence than Indonesia that year, rated as "Democracy".

This chapter systematically addresses the question emerging from these observations: Why do illiberal regimes bother to integrate institutions commonly associated with democratic rule into their state? To answer this question, I begin by reviewing existing explanations for the phenomenon of autocrats integrating formal and informal democratic institutions into their authoritarian regime, sometimes called democratic authoritarianism (Brancati, 2014). First, I provide a general overview that is shaped by the still dominant research in the field on the role of elections, legislatures, and parties. Where applicable, I draw parallels to emerging research on the use of free media and the role of free speech in authoritarian regimes as types of informal democratic institutions. I continue with a specific focus on the role of judicial independence in authoritarian regimes. After defining the concept of judicial independence, I review the literature on the central tasks that independent courts fulfill for authoritarian regimes. These tasks are contrasted with the common tasks that (dependent) courts take over in these regimes, highlighting why, compared to elections, independent judges are by far not the rule in illiberal regimes. In sum, this chapter highlights the value of nominal and factual democratic institutions in autocracies with a special focus on judicial independence. It provides a first insight into the dilemma authoritarian leaders face when deciding whether to increase the autonomy of judges. The chapter provides the ground for the main theoretical framework and locates my dissertation in the broader research in the field of institutions in autocracies.

2.2 Why Democratic Elements?

The obvious conflict between observing institutions commonly associated with democratic governance in authoritarian contexts has sparked extensive research on the reasons and effects of this very common

¹Figures are based on data by Linzer and Staton (2015).

constellation (Brancati, 2014; Gandhi & Lust-Okar, 2009). Scholars largely agree that nominally democratic institutions in autocracies are rarely only window-dressing but often have important functions for the regime (Lagacé & Gandhi, 2015). Their presence has been associated with longer tenure of autocratic rulers (Boix & Svolik, 2013; Gandhi & Przeworski, 2007; Svolik, 2012), less coups or popular uprisings (Svolik, 2012), and higher economic growth (Wright, 2008). However, as democratic institutions are in many cases inherited from previous regimes, it is difficult for researchers to differentiate between the initial reasons for their implementation and the role they later play for the regime (Brancati, 2014; Gandhi & Lust-Okar, 2009). Observations of illiberal regimes balancing the costs and benefits of democratic institutions speak nonetheless for a strategic decision-making by the autocratic ruler (M. K. Miller, 2020), at least regarding the final configuration of the democratic institutions. Scholars have proposed four² main mechanisms how legislatures, elections, parties, and free media can be beneficial for authoritarian regimes: via co-optation, power-sharing, monitoring, and signaling.

2.2.1 CO-OPTATION

Authoritarian rule cannot be solely based on fear via repression. It is necessary to convince a certain number of people to support the regime (Gerschewski, 2013).³ This so-called "co-optation" targets various groups in society, often distinguished based on their a priori access to power and their general sentiment towards the regime. Lagacé and Gandhi (2015) differentiate between the elites, the broader masses, and the opposition as recipients of government benefits. Democratic institutions, such as parties and legislatures, play an important role in creating and distributing incentives that help garner support for the government (Gandhi, 2008; Gandhi & Przeworski, 2006; Svolik, 2012).

Legislatures provide valuable positions for elites as delegates, often associated with material rewards as well as immaterial benefits, such as legal immunity and potential political careers in the long run (Blaydes, 2010). In her examination of politics of co-optation and patronage in Egypt, Blaydes (2010, pp. 133f.) describes how gaining parliamentary immunity enables politicians to engage in criminal

²While the proposed underlying explanations are usually the same, scholars so far have not come to an agreement about how to classify them. Whereas Brancati (2014) proposes five categories of mechanisms (signaling, information acquisition, patronage distribution, credible commitment, and monitoring), Lagacé and Gandhi (2015) use seven categories of mechanisms (information gathering, co-optation, credible commitments, conflict resolution, signaling, minimizing future losses, diffusing responsibility) for their review on democratic institutions in autocracies.

³For example, Svolik (2012) highlights that, while autocratic rule without repression is not possible, a too heavy reliance on repression creates a moral hazard problem as the regime's fate is solely in the hands of the repressive agents.

activity, covering among others corruption, the sale of illicit drugs, tax and financial fraud, and pyramid schemes. Material rewards hence extend beyond the salary of members of parliament. Legislatures also enable the regime to mobilize the masses with delegates functioning as links between the individual constituency and the ruling government (Lust-Okar, 2006). This eases the distribution of rents via patronage networks.

Similar to legislatures, the establishment of parties is said to contribute to the survival of the regime. By creating party structures that control access to benefits and appointments, leaders create strong incentives for people to become party members and to contribute to the regime via service for the party (Svolik, 2012). According to Svolik (2012, p. 181f.), these investments of citizens tie the fate of their own career to the success of the regime, making regimes with a party-structure much more resilient than those that resort to material benefits based on short-term commitments. For example, party-membership was a key requirement for white-collar workers in Czechoslovakia under Communist rule to join public sector and being expelled from the party had negative effects on the career (Grzymala-Busse, 2002). An even more stringent *nomenklatura* system with a list of positions that require demonstrated loyalty to the regime and long-standing party membership has been reported, for example, for the Soviet Union (Rigby, 1988) and China (Landry, 2008; Shambaugh, 2009).

Closely related to the distribution of rents, the implementation of somewhat competitive elections and a political party that can officially nominate candidates creates incentives for elites to work harder to get re-elected (Lust-Okar, 2006). By forcing candidates to persuade or buy voters, the distribution of rents may be perceived by elites as more fair and candidates might be more focused on the goals of the regime (Blaydes, 2010; Gandhi & Lust-Okar, 2009). Repeatedly running for office also makes members of the legislature focus on acquiring resources for the constituency as patronage, which is easier for delegates loyal to the regime. As voters know this, the vote share for candidates endorsed by the government should increase compared to opposition candidates, without much further manipulation necessary (Lust-Okar, 2006). As Lust-Okar (2006, p. 461) concludes for the case of Jordan "[...] voters not only want parliamentarians who can deliver, but they want representatives who will be willing to funnel these resources to them, personally."

Apart from material benefits, legislatures satisfy the demand of elites and the masses to have some influence on the political agenda of the regime. Though sensitive topics that might endanger the regime are usually off the table (Truex, 2016), legislatures and parties can be considered as a place where political

elites and people outside of the regime can discuss demands and formally participate in policy decisions of the government (Gandhi & Przeworski, 2006). Using the case of China's National People's Congress, Truex (2016) examines its role in so-called "representation within bounds". He finds that the regime is incorporating suggestions by deputies on nonsensitive issues into the political agenda and that both deputies and citizens are aware of this – albeit limited – representation. The potential of legislatures for co-optation can also be leveraged for members of the opposition (Lust-Okar, 2005). Lust-Okar (2005) argues that authoritarian leaders may give some opposition groups the chance to participate in the political process if they agree on restrictions on how to criticize the incumbent and voice discontent. This enables the regime to somewhat moderate and contain dissenting views in society (Albrecht, 2005) as well as create a division among opposition forces (Lust-Okar, 2005; Magaloni, 2006). Magaloni (2006) describes how the Mexican PRI used the mixed electoral system to its advantage by making it easier for smaller opposition parties to win seats for the legislature thereby discouraging the use of violent means or coordination between different opposition groups.

2.2.2 Power-Sharing

Svolik (2009, 2012) points out that a major threat for autocratic rulers does not originate from outside groups but from people in the inner circle of the regime. The growing power of the ruler and the secrecy that is typical for autocratic regimes cause commitment problems. Ruling elites must fear that the dictator will break the promise to share the spoils of her rule with them after she got powerful enough to rule alone (see also: Magaloni, 2008a). As a result, coups against dictators by her former allies are very common (Svolik, 2012, p. 4). Nominally democratic institutions, such as parties and legislatures, help overcome the commitment problem by enabling power-sharing between the dictator and the ruling coalition (Magaloni, 2008a; Reuter & Remington, 2009; Svolik, 2012).

Two mechanisms are suggested by Svolik (2012, pp. 89f.) to explain how democratic institutions enable power-sharing: (1) by creating transparency and (2) by creating a shared understanding of violations of the power-sharing agreement among elites. Institutions, such as legislatures, create a formalized framework where elites and the autocratic ruler deliberate over policies and other aspects of governance. This creates more transparency about the dictator's actions for the political elites, reducing the likelihood of misperceptions. As a result, intra-elite conflicts over the interpretation of the dictator's actions is reduced. Building upon this, the formalized procedures associated with institutions enable an unambiguous detection of situations where the dictator oversteps her competences. Having a shared understanding of when autocratic leaders break their commitment to power-sharing reduces the collective action problem among elites when trying to stage a rebellion (Lagacé & Gandhi, 2015). Svolik (2012, pp. 85ff.) sees this concept most clearly being implemented in China after Deng Xiaoping who created a system of collective leadership with term-limits, regular meetings of party committees, and shared decision-making in the aftermath of Mao's rule (Baum, 1997; A. L. Miller, 2008). Likewise, ruling elites in the Soviet Union resurrected the Presidium as a reaction to the death of Stalin to avoid future attempts of personalist leadership, something that proved to be effective in 1964 when Nikita Khrushchev was deposed by the Presidium and the Central Committee (Taubman, 2003).

2.2.3 Monitoring

Autocracies are known for their severe information problems (Escribà-Folch, Böhmelt, & Pilster, 2020; Frantz, Ezrow, & Ezrow, 2011; Svolik, 2012). Openly expressing critique and speaking up against the ruler can be life-threatening for ordinary citizens and for political elites. As a result, autocratic governments often lack proper information about the true level of discontent in society and the potential for opposition (Wintrobe, 1998). This increases the likelihood to be ousted by the opposition (Lagacé & Gandhi, 2015). As governments face an asymmetry in information, for example, about the competence and loyalty of state officials (Holmstrom, 1979), a lack of information hinders an efficient (i.e., only for those who deserve it) distribution of rents for co-optation (Blaydes, 2010). Information problems also decreases the general efficiency of the state, as citizens cannot complain about the misbehavior of state officials. Institutions of the executive that have the task to identify these problems within the state apparatus may decide to collude with them (Pan & Chen, 2018), thereby worsening the information problem. Nominally democratic institutions are expected to help solve these information problems (Magaloni, 2006).

The informational advantage that democratic institutions provide is most obvious for the implementation of elections in the regime. Conducting elections enables the ruler to gather information on citizens' demands and helps to identify strongholds of the ruling party as well as the opposition in multiparty elections (Blaydes, 2010; Brownlee, 2007; Magaloni, 2006). It helps to identify state officials that are not working towards to goals of the regime. Blaydes (2010) reports that the local results of parliamentary elections in Egypt have been used to identify provincial secretaries and governors that are not
competent enough in mobilizing popular support or that have previously lied about the popularity of their candidates. The election results have then been used to make decisions on the future career of party members.

Also legislatures help gather information about the population. Local representatives can bring the demands of their constituencies into the political arena of legislatures that provide a forum for exchange (Truex, 2016). Though Gandhi, Noble, and Svolik (2020) conclude that delegates are mostly motivated by the prospects of personal enrichment, several studies on local-level representatives in China (Manion, 2015) and Vietnam (Malesky & Schuler, 2010) suggest that some representatives are willing to stand up for their constituencies and voice criticism. Knowing about the areas with loyal supporters or a strong opposition also helps governments to better target rewards and punishments (Magaloni, 2006, p. 136), for example via infrastructure projects (Blaydes, 2010).

Despite the advantages of elections as a means of receiving information, authoritarian leaders often face a dilemma of how to gain a reliable picture of the situation, while ensuring the victory of the ruling party (Lagacé & Gandhi, 2015; Malesky & Schuler, 2011). In absence of an opposition party, Malesky and Schuler (2011) argue that the Vietnamese regime can gather information on the popularity of individual candidates backed by the central party by letting them strategically compete with local nominees. This provides incentives to create avenues for competition and limited accountability even in singleparty regimes (Malesky & Schuler, 2011). However, Malesky and Schuler (2011) admit that having no "true" opposition parties limits the informational value of these elections. G. W. Cox (2009) questions the informational value of election *results* in illiberal regimes in general, yet highlights that conducting elections provides other important sources of information, such as attendance at rallies. The author's critical view on election results in autocracies is contrary to empirical results by Ananyev and Poyker (2022) who find that the Russian government conducted less election fraud in areas with a stronger opposition, potentially to improve information gathering. The argument by G. W. Cox (2009) also raises the question why illiberal governments, if influencing election results, should not be able to assess the effect of fraud on the published election results or at least take into account geographical variation in the published vote share. The fact that the Mexican PRI regime distributed funds based on the 1988 federal elections (Magaloni, 2006, p. 136) suggests that illiberal regimes consider the informational value of election results high enough to make policy decisions based on them (on the use of election results, see

also: Blaydes, 2010). Overall, considering just the attendance at rallies as suggested by G. W. Cox (2009) may underestimate the informational value of elections.

Finally, scholars increasingly consider other formal and informal democratic institutions as opportunities to gather more information about elites, state officials, and the population. Egorov et al. (2009) and others (Blaydes, 2010; Lorentzen, 2014) have highlighted the incentives for autocratic rulers to increase the independence of the media. Relatively independent press can identify cases where politicians are capitalizing on their position too much, thereby limiting excessive corruption (Blaydes, 2010). While some studies suggest that monitoring bureaucrats is not very effective (see, e.g., Brehm & Gates, 1999), Egorov et al. (2009) expect that the fear that shirking behavior is observed by journalists incentivizes bureaucrats to make greater efforts and be open about problems occurring in their area of responsibility. Closely related to free press, reductions in the censorship of the Internet that allows free expression of criticism may be due to similar intentions (King, Pan, & Roberts, 2013). King et al. (2013) show that the Chinese government allows citizens to voice criticism via social media as long as the criticism does not call for collective action. Relatively free press and some freedom of expression complement other official channels for citizens to voice complaints (Dimitrov, 2014; Distelhorst & Hou, 2017), such as petitions (Dimitrov, 2015).

2.2.4 SIGNALING: LEGITIMACY, STRENGTH, & PROPERTY RIGHTS

The integration of democratic institutions helps the ruling government to convey messages to audiences at home and abroad. Signaling the legitimacy of the rule (Schedler, 2006), the strength of the regime (Gehlbach & Simpser, 2015), and the existence of credible constraints on the power of the autocratic ruler (Wright, 2008) are further reasons for autocracies to divert from closed autocratic rule and conduct elections.

Despite the fact that the low democratic value of elections in non-democracies is relatively obvious (Lust-Okar, 2006), they may contribute to the survival of the regime by signaling the legitimacy of the rule (Dukalskis & Gerschewski, 2017; Schedler, 2002, 2006). The possibility to participate in politics, in particular when opposition parties are present, is supposed to show that the regime's agenda is based on the will of the people (Schedler, 2006, p. 13). Research by Williamson (2021) suggests that people who perceive the quality of elections under authoritarian rule as higher also rank the legitimacy of the

government higher and show less willingness to protest against the regime. This is also true for those who criticize the performance of the government (Williamson, 2021, p. 1494).

Autocratic rule that completely excludes the masses will also face difficulties gaining international legitimacy (Gandhi & Lust-Okar, 2009). Multi-party elections are often a pre-condition for development aid (Brown, 2011). As a result, economic and military dependence on democracies is associated with the adoption of electoral authoritarianism as alternative to closed autocratic rule (M. K. Miller, 2020).

Elections and their outcomes send signals to citizens. Overwhelming victories in elections, as reported for North Korea, discourage political elites and the opposition from acting against the incumbent (Geddes et al., 2018; Gehlbach & Simpser, 2015; Magaloni, 2006; Simpser, 2014). They display the regime's capacity to manipulate elections and convey information about the general strength of the regime. Ananyev and Poyker (2022) question whether it is the opposition that should be intimidated by overwhelming victories. Analyzing the Russian Parliamentary elections in 2011, the authors find that election fraud is mainly used in areas with less opposition. Gehlbach and Simpser (2015) point out that an important target of this message are members of the regime's state apparatus whose employment and future career depend on the incumbent remaining in power. When bureaucrats are convinced that the incumbent will remain in power in the foreseeable future, they are more likely to act in line with the ruler. As a result of the positive effects of winning with great margins, many illiberal regimes manipulate elections far more than what would have been necessary to stay in power (Simpser, 2014).

Lastly, there are economic reasons for implementing democratic institutions. Having few constraints on the power of the executive is assumed to cause commitment problems vis-à-vis foreign and domestic investors (Wilson & Wright, 2017; Wright, 2008). The risk of expropriation increases for investors if the government cannot credibly guarantee to keep their hands off private property. As a result, investors have lower incentives to invest in projects in these regimes (e.g., Haber, Razo, & Maurer, 2003; Henisz, 2002). Wright (2008) finds that resource-poor regimes that depend on investors are more likely to implement legislatures that constrain the power of the ruler. The author shows that these *binding* legislatures are also positively correlated with economic growth. Examining oil nationalization, Wilson and Wright (2017) find support for the theorized negative effect of legislatures on expropriation risk for some autocratic regime types. This lends support to the theory that legislatures in illiberal regimes either actively limit or, more likely, lead to a self-limitation of the ruler in terms of nationalization of goods (for a discussion of the aspect of credible commitment, see Lagacé & Gandhi, 2015).

2.2.5 Preliminary Summary

The variety of explanations for observing democratic institutions in illiberal regimes suggests that these institutions fulfill multiple tasks for authoritarian rulers (Gandhi & Lust-Okar, 2009). Identifying the tasks that these institutions fulfill in illiberal regimes however is hindered by the use of different terms and concepts to describe the mixing of democratic and autocratic institutions.⁴ Confusion also exists about the role that the actual "democrativeness" of these nominally democratic institutions plays for the proposed mechanisms. Whereas direct constraints of the powers of the autocratic leader are hardly possible (Lagacé & Gandhi, 2015), several of the proposed mechanisms build upon the creation of limited or perceived accountability of the dictator or his subordinates. Monitoring of state officials is based on creating institutions that enable the ruler to hold shirking agents accountable. Power-sharing between the ruler and the elites is based on making autocrats "responsive, if not accountable, to at least their inner circle" (Svolik, 2012, p. 197). And the legitimacy of the regime as well as the signal of secure property rights are both based on convincing audiences that constraints on executive power and hence a limited form of accountability exists. As such, it is not only the mere presence of empty shells of democratic institutions that is relevant for autocratic leaders, but to some degree also the existence, or at least appearance, of accountability that is a priori inherent in these institutions.

An emphasis on the role of elections and related elements, such as legislatures and parties, by researchers is clearly recognizable. In her review of research on democratic authoritarianism, Brancati (2014) almost exclusively refers to elections and parties and their role for authoritarian regimes. In many studies on the general effects of "democratic institutions" researchers usually limit their analyses to the (non-)existence of legislatures and parties in the regime (e.g., N. K. Kim & Sudduth, 2021; Woo & Conrad, 2019). This prominent role of elections in the literature may be due to the obvious conflict between the perception of an unconstrained authoritarian ruler and the role elections have in liberal democracies in enforcing the accountability of rulers. The perceived relevance of this conflict for scholars is further increased by the widespread adoption of elections (competitive or not) in non-democratic regimes as described in the introduction of this chapter.

⁴For example, Gandhi and Lust-Okar (2009) highlight the use of typologies, such as "hybrid regimes", "competitive authoritarianism", and "electoral authoritarianism" (Diamond, 2002; Levitsky & Way, 2002; Schedler, 2006). For more on this problem, see the discussion by Cassani (2014).

Independent courts, as another institution commonly associated with liberal democracy, gained greater attention by scholars of illiberal regimes (e.g., Epperly, 2017; Helmke, 2002; Moustafa & Ginsburg, 2008). The overwhelming focus on the de jure or de facto *independence* of courts emphasizes that researchers use the quality of the judicial branch instead of the mere existence as benchmark for analyses. This partly avoids the above described confusion occurring in the context of elections. In the next sections, I will look closer at the definition of judicial independence and the role that judicial independence plays for autocratic regimes.

2.3 CONCEPTUALIZING JUDICIAL INDEPENDENCE

Before considering the reasons for its implementation in illiberal regimes, the concept of "judicial independence" calls for further clarification. When comparing conceptualizations of judicial independence, a general ambiguity becomes evident (Burbank & Friedman, 2002; Keith, 2012; Ríos-Figueroa & Staton, 2014). This makes some even question the usefulness of the concept (Kornhauser, 2002) – a position that is however widely rejected (e.g., Epperly, 2019; Keith, 2012). Scholars have proposed various definitions of judicial independence with differences, for example, regarding the considered level of the judiciary it refers to (e.g., independence of an individual judge, a court, or the judicial branch) and whom these entities are independent from (e.g., the executive, higher ranking courts) (Ríos-Figueroa & Staton, 2014). Whereas Melton and Ginsburg (2014, p. 190) have an understanding of judicial independence that is limited to independence from other government actors (for a similar view, see also Tiede, 2006), other researchers also consider actors outside of the government as threats to the independence of judges (e.g., Becker, 1970; Rosenn, 1987). For example, in a simplified version of the conceptualization by Becker (1970, p. 144), Rosenn (1987, p. 7) defines judicial independence as "the degree to which judges actually decide cases in accordance with their own determination of evidence, the law and justice, free from the coercion, blandishments, interference, or threats of governmental authorities or private citizens." The definition highlights that judges, albeit in line with the law to avoid arbitrariness, should decide cases without interference by other actors. It also emphasizes that independent judges cannot rule without some guiding principles stated in the law (see also A. Cox, 1996). Despite some noteworthy differences in the understanding of judicial independence, one can break down most definitions to judges being free from undue influence (e.g., Keith, 2012; Melton & Ginsburg, 2014).

A distinction that has gained more relevance since the early 2000s is between *de jure* and *de facto* judicial independence. De jure judicial independence is characterized by the existence of formal rules that are supposed to shield judges from undue pressure (Ríos-Figueroa & Staton, 2014). Elements in the constitutional text, such as the provision of separate appointment procedures or life tenure, increase the formal independence of judges. This may indirectly raise the costs of interference with the judiciary: Deviating from the constitutionally guaranteed rights of judges, for example, by lowering the retirement age, can be unambiguously identified by the public as a limitation of judges' independence, given that it is contrary to the previously established norm (Melton & Ginsburg, 2014). It follows that de jure independence is only effective if authoritarian rulers care about their public image and if audiences (the masses, elites, or other political institutions) recognize the breach of law and are willing to revolt against the government to enforce the formal provisions (ibid.). Melton and Ginsburg (2014) provide pure dictatorships as an example where these mechanism of "self-enforcement" may not work, potentially explaining the so far mixed evidence for an effect of de jure on de facto independence (e.g., Hayo & Voigt, 2007, 2019; Smithey & Ishiyama, 2002).

De jure judicial independence, i.e., the constitutional provisions, are contrasted by de facto judicial independence, usually defined as the actual behavior of judges (e.g., Epperly, 2019). Ríos-Figueroa and Staton (2014, pp. 106f.) highlight two sub-concepts of de facto independence. The authors differentiate between judicial *autonomy* and judicial *power*. Autonomy means that judges face no undue pressure on their decision-making, they are the "authors of their own decisions" (Kornhauser, 2002, p. 48). However, given the lack of means of coercion (Melton & Ginsburg, 2014), judges always need to gain influence over other actors that either comply or help enforce compliance. This power to influence is seen as an essential second aspect of de facto judicial independence (C. M. Cameron, 2002). In concrete terms, for being considered as de facto independent, judges should make unbiased decisions (autonomy) and the involved actors – voluntarily or forced by other actors (e.g., political elites) – should apply the courts' decrees (power).

As highlighted by Epperly (2019) and his colleague (Epperly & Sievert, 2019), the distinction between judicial autonomy and power has more value for conceptualization than for empirical research on de facto judicial independence. Both concepts are clearly linked with each other (Ríos-Figueroa & Staton, 2014) and there is reason to assume that the power to influence also has an effect on the autonomy of judges (Carrubba & Zorn, 2010; Epstein & Knight, 1998; Vanberg, 2005). Though some measures seem to cover only one aspect of de facto independence (e.g., R. M. Howard & Carey, 2004), researchers have raised doubts if it is empirically possible to isolate the concept of autonomy (Linzer & Staton, 2015). Epperly and Sievert (2019) suggest that the two concepts of power and autonomy may be best distinguished via the de jure and de facto independence of judges, given that measures of de jure independence primarily capture judicial autonomy (Epperly & Sievert, 2019), whereas measures of judicial power dominate for de facto independence (Ríos-Figueroa & Staton, 2014).

In line with other empirical studies (e.g., Keith, 2012) and unless indicated otherwise⁵, I use a broad understanding of judicial independence as provided, for example, in the definition by Rosenn (1987). I conceptualize judicial independence as the independence not only from the government but also private actors. The degree of independence is derived from the independence of the individual judge, meaning that there may be individual independent judges in an overall dependent judiciary (Burbank, 1999). As my focus is on how illiberal regimes can balance the benefits and costs of judicial independence, a conflict that is mainly shaped by de facto judicial independence (e.g., Epperly, 2019), I conceive judicial independence as judges' actual capability to make decisions free from undue influence and that the addressees comply with the rulings. Similar to previous studies on judicial independence in autocracies (Epperly, 2019; Randazzo et al., 2016), I consider judicial autonomy and judicial power together as essential components of judicial independence. In the two subsequent sections, I use this conceptualization of judicial independence and consider its role in illiberal regimes.

2.4 The Role of Independent Courts

Research provides various explanations for why rulers grant judges autonomy in illiberal regimes. Similar to other policy decisions, judicial independence is generally considered to be a strategic decision by the ruler (e.g., Epperly, 2019; Popova, 2010; Stephenson, 2003). Rulers are argued to allow greater judicial independence because they expect this independence to be more beneficial to them than a loyal judiciary. These benefits can be interpreted as *tasks* that independent courts are supposed to fulfill in an authoritarian regime (Moustafa & Ginsburg, 2008).

The tasks proposed for independent courts show great overlaps with those identified for other democratic institutions in authoritarian regimes. Though many similarities exist regarding the underlying

⁵See Chapter 6, where the operationalization of my main independent variable draws upon a negative conceptualization of independence specifically regarding the government.

mechanisms, key differences result from the great (political) distance between the independent judicial branch and the executive. Even though independent courts are a political actor (Dahl, 1957), they are not *directly* involved in decisions over the political agenda of the government, whereas the power of the executive also results from its representation (e.g., via the ruling party) in the legislature. Being less involved in, for example, the repression of the opposition allows an independent judicial branch to potentially survive the collapse of the regime, thereby having a lasting impact on the state and being relevant also for the post-tenure fate of the dictator (Epperly, 2019). I classify the tasks of an independent judiciary in illiberal regimes in four groups with reference to the classification used above for other democratic institutions: (1) monitoring, (2) signaling, (3) power-sharing, and (4) post-tenure insurance.

2.4.1 MONITORING

Similar to legislatures, independent courts fulfill an important monitoring function in autocracies (Ríos-Figueroa & Aguilar, 2018). They represent another tool to identify upcoming problems early on. Citizens perceiving courts in authoritarian regimes as independent actors are more willing to use them for litigation (Corduneanu-Huci, 2019), which can reveal information about pressing problems in society (Ríos-Figueroa & Aguilar, 2018).

Researchers often refer to issues of corruption in society and the wish to identify corrupt state officials as important drivers for the implementation of somewhat independent courts (Moustafa, 2008; Rosberg, 1995). Complaints by citizens against local elites help differentiate between opportunistic public officials and those committed to the survival of the regime, helping to maintain discipline (Ginsburg, 2008). One often cited example in this context is the provision of more independent Egyptian courts in the 1970s to improve the monitoring of bureaucrats (Moustafa, 2008; Rosberg, 1995).

2.4.2 SIGNALING: LEGITIMACY & PROPERTY RIGHTS

Implementing relatively independent courts sends strong signals to audiences within and outside the country. Focusing on the citizens of the respective country, the implementation of professional judicial bodies and related measures signals a certain level of rule of law (Whiting, 2017). The associated perceived procedural fairness and constraints on arbitrary rule increase the legitimacy of the regime in the eyes of the citizens (Moustafa, 2008; Tyler, 2001; Whiting, 2017). While independent courts can provide the image of a democracy-like level of accountability, they can also help governments to obfuscate the accountability for unfavorable policies. Similar to politicians in democracies (Graber, 1993; Hirschl, 2004; Whittington, 2005), autocratic governments can delegate controversial policies to judicial institutions to be able to reject the blame for it. Moustafa (2007) reports that the Egyptian Supreme Constitutional Court "helped" with its rulings the Mubarak government to implement policies of economic liberalization that were unpopular among some groups in society.

International audiences also help explain why autocracies implement independent courts. Like international pressure for liberal norms influences countries' decision to sign human rights treaties (Goodliffe & Hawkins, 2006), accountability via the judiciary and rule of law have become common norms that influence countries' constitutions (Keith, 2012). The implementation of independent courts can be seen as a signal of complying with these norms and that the country is on a par with other members of the international system. Finally, autocratic regimes have an incentive to introduce independent courts to signal a credible guarantee of property rights to attract foreign investors (Moustafa & Ginsburg, 2008; Root & May, 2008). Similar to legislatures (Wilson & Wright, 2017; Wright, 2008), autonomous courts are expected to constrain the power of the ruling elite, making investments in the country more attractive (Feld & Voigt, 2003; Voigt et al., 2015). In accordance with this expectation, reliance on foreign direct investments has been found to positively affect the level of judicial independence in a country (Cho, 2020).

2.4.3 POWER-SHARING

Ríos-Figueroa and Aguilar (2018) argue that the power-sharing problems described by Svolik (2012), resulting from a credible commitment problem between the dictator and her allies, can also be addressed by courts as third actor. For this task, courts do not need to be strictly independent. Instead, they should remain neutral towards all factions of the government and the political elites.⁶ By neither preferring the autocratic ruler nor her allies, neutral courts help the winning coalition to better identify situations when dictators begin to shrug off previous power-sharing agreements. The underlying mechanism equals the one described above for legislatures and parties: By facilitating a shared understanding of the turning point, coordination problems of elites against the regime leader are resolved and both, dictator and elites, can punish the other side if the benefits of rule are not shared with each other. Alternatively, the authors

⁶In return, this also means that the (neutral) court may render a politically biased verdict, if it is in the interest of all major political actors, excluding the opposition.

argue that credibility problems can be solved by creating additional courts with special jurisdiction supervised by important groups in the winning coalition, thereby granting these groups more autonomy and power.

2.4.4 Post-Tenure Fate: Courts as Insurance

Courts can also shape the post-tenure fate by serving as "insurance" for regime leaders (Landes & Posner, 1975; Ramseyer, 1994). Autocrats who face high uncertainty regarding their – in the context of authoritarian and transitory regimes often literal (Svolik, 2012, pp. 4f.) – survival, can draw benefits from increasing the independence of the judiciary. Dependent judges in weak autocracies who anticipate a change in power face incentives to ingratiate themselves with the potential new leader by ruling against the sitting government (Helmke, 2002). Judges that depend on the outgoing government are likely replaced by equally dependent judges under the new government (Helmke, 2005). This makes politicized trials against the old leader more likely. Increasing judges' independence can reduce this behavior as judges will be less dependent on the goodwill of the new government.

Evidence in favor of this argument is mixed. Popova (2010) observes that greater uncertainty makes autocratic rulers tighten their grip on the judiciary to use it for controlling their enemies. In contrast, Epperly (2017) finds that autocrats who face higher uncertainty because of greater electoral competition also show a greater willingness to increase the independence of the judiciary. The assumed value of courts as insurance is backed up by results suggesting that higher levels of judicial independence improve the post-tenure fate of leaders (Epperly, 2013). Finally, in his analysis of judicial independence before and after regime transition, Epperly (2019) demonstrates the robustness of judicial independence to executive turnover, even when one autocrat replaces another, providing further evidence for the insurance mechanism.

2.5 Threads to Autocratic Rule and the Attractiveness of Dependent Courts

Table 2.1 summarizes the tasks that independent courts and other democratic institutions fulfill in illiberal regimes. It shows that many of the tasks are attributed to several institutions and that most institutions fulfill more than one task for authoritarian rulers. Some institutions have comparative advantages, such as independent courts in their role for the post-tenure fate of rulers. While many researchers point at these advantages of democratic institutions for autocratic leaders (e.g., Epperly, 2019; Gandhi & Przeworski, 2007; Svolik, 2012; Wilson & Wright, 2017; Wright, 2008), some also highlight the risks for the ruler who implements these institutions (Bunce & Wolchik, 2010; Donno, 2013; M. M. Howard & Roessler, 2006). Using the words of Lagacé and Gandhi (2015, p. 287): "They are solutions to some problems, but they also seem to create others." For example, multi-party elections pose the risk of opposition candidates actually winning. Due to strategic adaptations of the opposition (Bunce & Wolchik, 2010; M. M. Howard & Roessler, 2006), autocrats can have less control over the outcome of the election (Lagacé & Gandhi, 2015). Attempts to mitigate this risk by using fraud to avoid a regime change can spark protests in society (Daxecker, Di Salvatore, & Ruggeri, 2019). In his large-N analysis of elections in Africa, Lindberg (2006) finds that elections are self-reinforcing by leading to more democracy over time.

Focusing on the fallout of granting courts greater independence, problems for autocratic rulers become evident. Many of the tasks that independent courts fulfill are based on actual or perceived accountability of the ruler or other members of the executive, as it is also the case of legislatures and other democratic institutions. If constitutional conflicts or conflicts with those counting on the restriction of the leader's powers (e.g., investors, elites, or broader masses) should be avoided, rulers have to respect the (limited) independence of judges. This means, however, that courts become another political actor in the regime who influences the implementation of the government's policy, to some extend akin to what can be observed in democracies (Dahl, 1957). In his study of the Chilean Constitutional Court under the Pinochet dictatorship, Verdugo (2021) shows how legal decisions over electoral rules were used by the judges to expand electoral transparency, to reduce the state's discretion over voter registration, and to strengthen the rights of political parties. Hence, judges themselves can become an unintentional source of liberalism. As I elaborate in Chapter 4, particularly those rulers that aim for a concentration of power in their hands would face a considerable limitation on their autonomy.

Besides the direct restrictions of the regime's policy, indirect effects have also been observed. Even courts without de facto independence can open a public space for opposition forces to voice their discontent (Moustafa, 2008). The wide use of somewhat independent courts to litigate against the authoritarian state is reasonable, given that also fully dependent courts are used for this purpose: O'Brien and Li (2004) describe how citizens in China used their rights in the late 1990s and early 2000s to litigate against state officials, despite low success rates, intimidation, and retaliation. The authors highlight that this created pressure on local officials, which was further increased by plaintiffs' willingness to seek me-

	Intended Tasks						
Democratic Institution	Monitoring	Signaling (Legitimacy)	Signaling (Strength)	Signaling (Property Rights)	Power-sharing	Insurance	Co-optation
Parties					+		+
Legislature		+		+			+
Elections	+	+	+				+
Free Media	+						
Free Speech	+						
Independent Courts	+	+		+	+	+	

Table 2.1: Tasks fulfilled by democratic institutions in illiberal regimes

dia attention to improve their chances in the courtroom. Where groups in society successfully file a suit against the government, the legitimacy of the ruling elite is undermined and their future room for maneuver narrowed. Harvey (2022) shows how judicial independence in non-democratic regimes reduces the degree of election manipulation, due to legitimacy fears of the ruling elites and fears of local agents to get involved in legal conflicts.

Making courts more autonomous also deprives the autocratic government of an important tool for social control and co-optation. As one of the most important reasons for the implementation of effective (but not necessarily independent) courts in authoritarian regimes, researchers consider the potential for social control (e.g., Moustafa, 2008; Pereira, 2008; Shapiro, 1981). In these cases, rulers control the population as they "rule by law" (Ginsburg & Moustafa, 2008; Rajah, 2012), using orders and laws to repress and criminalize the opposition. Examples are acts against "vandalism" that actually target opposition politics or laws that claim to protect national security yet are actually tools to control the press (e.g., for the case of Singapore, see Rajah, 2012). This use of criminal law represents another opportunity to control and ensure obedience of citizens, besides militias and secret police forces. It potentially promises more legitimacy of the act. Even totalitarian regimes have strengthened their judiciary accordingly: After the Great Terror, Stalin and the Communist Party invested heavily in the education of prosecutors and judges (Solomon, 1987). This was done to reduce the likelihood that legal mistakes led to the acquittal of defendants. As a result, the criminal law system became more professional, contributing to the effectiveness and legitimacy of the state, despite courts being influenced by unofficial target numbers for guilty verdicts and other political interference (Solomon, 1987). Using courts to control and repress regime opponents is often only possible if the autonomy of judges is considerably limited (Pereira, 2008).

Lastly, courts may serve the task of paying off important members of the winning coalition by providing them with influential positions in the judicial sector. Distributing positions in the judiciary among friends and supporters has also been reported for democracies (see, e.g., Devins & Baum, 2017; Russell & Ziegel, 1991), leading to the introduction of counter-measures, such as merit-based selection. As I describe in Chapter 5, rulers of illiberal countries that have increased the independence of their judiciary may face greater difficulties to use positions in the judiciary as valuable good for patronage.

In summary, research suggests that the initial implementation of democratic institutions or their later upgrade to somewhat autonomous institutions pose great opportunities but also risks for autocratic leaders. This is even more so for an independent judiciary that should, by definition, be less politicized than other branches of the government. While dependent courts fulfill important tasks for the regime, for example, providing positions to co-opt elites, a main advantage of loyal judges is the non-interference in the policy-agenda of the authoritarian leader. It is contrasted by independent courts' ability to create accountability. An authoritarian leader's wish to establish a limited degree of accountability for herself or her subordinates should be key in the decision whether to grant judges more autonomy. Autocratic rulers should prefer a solution in which they can harvest the above described fruits of accountability without being held actually accountable themselves. As a response to these opposing incentives, in the next chapter I present a theoretical framework that shows how members of the executive can balance the benefits and costs of an independent judiciary in their regime by evading accountability.

3

Theoretical Framework

3.1 INTRODUCTION

The advantages of democratic elements in authoritarian regimes create a dilemma for autocratic leaders. If implemented, these institutions might help solving core problems of authoritarian rule by creating accountability (Svolik, 2012; Wright, 2008). Yet, the same institutions may also shorten instead of extending their rule by opening avenues for the opposition and constraining the power of the executive to respond (M. M. Howard & Roessler, 2006; Lindberg, 2006, 2009; Magaloni, 2008b). For the case of independent judges this means that autocratic leaders may actually face a trial in front of the judges that are supposed to ensure the power-sharing agreement with the political elites, thereby potentially undermining the legitimacy of the state (e.g., Harvey, 2022). This leads to the core question of this dissertation: *How can the authoritarian executive balance the benefits and costs of an independent judiciary*?

I argue that illiberal regimes have developed ways to integrate institutions of accountability in their regime but avoid to be held accountable. I build upon research on the strategic adaptation of repression (Chen, 2017; Conrad et al., 2018; Rejali, 2007) and election fraud (Simpser, 2008; Sjoberg, 2014, 2016) to bypass increased levels of accountability. My research connects to studies, for example, by Morgenbesser (2020) and his "menu of autocratic innovation". While the author focuses on autocracies mimicking accountability, I focus on the implementation of actual, albeit limited, accountability institutions and how the executive deals with them. For the case of independent judges, I propose three mechanisms by which members of the executive can avoid accountability despite limited judicial independence. These mechanisms take effect before and after the implementation of judicial independence and target accountability in different ways.

In this chapter, I present the main theoretical framework of my dissertation and provide an overview of the mechanisms that I expand on and test in the empirical chapters. I highlight connections between these mechanisms and point to similarities and differences to existing theoretical explanations on the compatibility of democratic institutions and autocratic rule. I begin by defining the important concept of accountability and emphasizing its role in autocracies. I highlight the strategies autocracies and democracies have developed to evade accountability. Subsequently, I draw a connection to the role of judicial independence and propose three mechanisms by which members of the executive evade the accountability established via independent courts. After providing an overview of these mechanisms and how they work, I address the scope conditions of my theory. I conclude with a summary of my theoretical framework and an introduction to the empirical chapters.

3.2 Accountability in Autocracies

Governments and their officials face various accountability mechanisms. Accountability describes a situation where "some actors have the right to hold other actors to a set of standards, to judge whether they have fulfilled their responsibilities in light of these standards, and to impose sanctions if they determine that these responsibilities have not been met" (Grant & Keohane, 2005, p. 29). While democratic processes are often considered to be the most prominent representation of accountability – the public decides whether politicians acted correctly and punishes them if necessary – it is not the only one. Many principal-agent relations are characterized by accountability, and accountability exists also in the international system. The exact mechanism of the accountability relationship between the actors can vary. Grant and Keohane (2005) differentiate, besides others, between hierarchical, legal, and reputational accountability, depending on who is held accountable by whom, and what are the associated costs of being held accountable. For governments, particularly authoritarian ones, accountability is a double-edged sword. The positive effects of democratic institutions summarized in Chapter 2 are in many cases based on creating actual or perceived levels of accountability (e.g., Wright, 2008). For example, to encourage foreign investment, autocrats bind themselves by creating strong legislatures that would prevent the confiscation of investments (Wright, 2008). Independent judges may hold state officials accountable to increase the efficiency of the regime and its legitimacy (Moustafa & Ginsburg, 2008). However, being accountable to other actors reduces the room to maneuver for the executive to act against the constitution if it wants to avoid a constitutional crisis (on this so-called *constitutional paradox*, see Verdugo, 2021).

The trade-off between accountability and power has led to attempts by democratic and authoritarian regimes to mimic accountability without actually practicing it (Morgenbesser, 2020). Morgenbesser (2020) describes how states benefit from opposition parties that are not independent from the incumbent, yet simulate multi-party elections and accountability of the government. Likewise, various illiberal regimes have set up government-operated non-government organizations (GONGOs) that create the impression of a vivid civil society that supports the government policy. The latter technique can be observed, among others, in Cambodia, Malaysia, and Singapore (Morgenbesser, 2020).

It is not always possible or desired to completely erode the power of democratic institutions by merely mimicking accountability. Political elites and foreign investors may not be convinced that the implementation of "toothless tigers" is securing their influence, lives, and assets. A lack of trust in the integrity of these institutions undermines their capability of fulfilling their purposes (Corduneanu-Huci, 2019). As a consequence, autocratic regimes are incentivized, instead of mimicking accountability, to establish true (albeit limited) accountability and find ways to evade it, to reduce the limitations on their political agenda.¹

Based on the characterization by Grant and Keohane (2005, p. 30), accountability requires information as well as the potential of sanctions. Actors trying to evade accountability address one of these two pillars. Not only is this true for state officials but also for governments and states in general. At-

¹Some of these attempts to avoid accountability (for example the use of public relations firms) are considered by Morgenbesser (2020) as examples of *mimicking* accountability. I disagree with this view. Techniques that do not pretend accountability but interfere with actual institutions of accountability should not be labeled as a form of mimicking, as they disturb existing accountability mechanisms. The example brought forward by the author, public relations firms in the U.S. that are sponsored by autocratic states, makes this distinction clear. These firms, because they are paid by the government and publicly defend the official agenda, are neither actual accountability institutions nor perceived as those by the public. Instead, they lobby U.S. policymakers and influence the public opinion in the country so that (theoretically possible) accountability, for example via sanctions, is hindered in the absence of political and public support.

tempts to avoid or evade accountability are repeatedly observed, for example, in the areas of human rights violations (Carey et al., 2015; Mitchell, Carey, & Butler, 2014; Rejali, 2007) or election fraud (Boyko & Herron, 2015; Simpser, 2008; Simpser & Donno, 2012; Sjoberg, 2014, 2016). Research on election monitoring shows that regimes do not accept increased accountability for their wrongdoing: They rarely stop electoral fraud completely or relocate it to regions without oversight (e.g., see Asunka, Brierley, Golden, Kramon, & Ofosu, 2019). Instead, regimes have become creative in further improving their techniques to influence the outcome of elections, yet minimizing the traces that could be identified by the public. Sjoberg (2014) shows that when being confronted with web cameras that monitor ballot boxes in the 2008 parliamentary election, the Government of Azerbaijan reduced classical forms of electoral fraud, such as ballot box stuffing. The regime substituted the technique with measures not detectable by webcams, specifically manipulation of the vote-count. Accountability for one type of fraud was hence avoided by adapting measures of electoral manipulation. Studies on Armenia (Sjoberg, 2016) and Ukraine (Boyko & Herron, 2015) highlight the role of staff at the polling stations in conducting electoral fraud. Where members of the formally independent local electoral management body secretly work for the government, this "smart fraud" cannot be detected by election observers (Sjoberg, 2016). As an alternative, some illiberal regimes with a bad record on electoral integrity, such as Russia and Zimbabwe, introduced own election monitoring missions or invited missions by befriended states as an alternative to renowned international missions in the past (Hyde, 2011). As an example, Hyde (2011, pp. 172f.) highlights how Zimbabwe was praised by the Organization for African Unity for the quality of the 2000 parliamentary and the 2002 presidential election, though both elections did not meet the standards of free and fair elections. Corresponding missions by biased election monitors can to some degree effectively mimic accountability (Bush & Prather, 2018) and by providing contrary assessments of the quality of elections challenge the credibility of actual monitoring organizations (Hyde, 2011, pp. 174).

Considerable efforts to avoid accountability are undertaken on issues related to human rights violations and war crimes. The greater the misconduct and the potential of sanctions, the more actors are interested in evading accountability. Correspondingly, in the context of civil wars and potential trials in the aftermath, government tactics to blur accountability are well known. Governments resort to militias for acts that otherwise might lead to high reputational or legal costs (Carey et al., 2015; Mitchell et al., 2014). By "outsourcing" violence to non-governmental actors, a clear responsibility of the government for human rights violations cannot be established. As a consequence, information about who is in charge of violence is unclear and potential sanctioning mechanisms cannot take effect. The latter mentioned sanctioning mechanisms are most prominent in regimes with democratic institutions such as free press, parliaments, and independent judiciaries that monitor governments' actions. This explains why leaders of democracies are particularly interested in evading accountability for human rights violations (Mitchell, 2012; Rejali, 2007) and weak democracies as well as countries receiving foreign aid from democracies are at the forefront of using informal militias (Carey et al., 2015).

I build upon these findings, arguing that the potential for members of the executive to evade the accountability created by independent courts enable their implementation under authoritarian rule in the first place. Being able to avoid accountability by independent courts ensures the survival of autocratic leaders despite granting judges greater autonomy. This way the costs and benefits of judicial independence can be balanced in illiberal regimes. Mechanisms to avoid accountability by the judiciary can work *ex ante* by adjusting the way it is implemented or *ex post* when the executive changes its behavior as reaction to the increased level of accountability. Similar to the examples provided above, I argue that attempts to evade accountability are based on addressing the informational or sanctioning element of accountability. Given that these are the necessary conditions of accountability (Grant & Keohane, 2005), targeting them should always be the most reliable strategy for authoritarian and democratic leaders alike.

I propose three mechanisms how authoritarian countries can evade conflict with independent judges and therefore avoid to be held accountable despite the existence of these institutions. First, when implementing independent courts (*ex ante*), some authoritarian leaders use it selectively by leveraging the limited jurisdiction of courts. This way, independent judges lose their potential for sanctions in subject matters most relevant for the regime. Second, when an independent judiciary has been implemented (*ex post*), the regime creates new avenues of influence on the judiciary. By appointing loyal judges, it limits the potential of sanctions when conducting its policies. Finally, state officials that encounter an independent judiciary (*ex post*), adjust their means of societal control by using a form of repression that minimizes the information available to independent judges and their potential for sanctions. In the following sections, I provide further details on these mechanisms, which I expand on and test in the empirical chapters.

3.3 MECHANISMS OF BALANCING JUDICIAL INDEPENDENCE AND AVOIDING ACCOUNT-ABILITY

3.3.1 Selective Use of Judicial Independence

According to the first theorized mechanism (Chapter 4), some authoritarian leaders balance the costs and benefits of judicial independence by using it selectively for different elements of the judiciary. Using separate judicial systems enables authoritarian rulers to extend the independence, for example, of regular courts (Moustafa, 2014). Toharia (1975) describes how the Franco-regime channeled sensitive cases to military tribunals and the so-called "Tribunal de Orden Público" for political crimes. This enabled the regime to keep ordinary courts relatively autonomous. A similar strategy has been implemented in Egypt (Moustafa, 2007). The executive can leverage variations in the subject matter jurisdiction of courts to increase or decrease their independence where it benefits or endangers the government. This way, the executive reduces the potential for sanctions of judges and evades accountability in certain subject matters. The mechanism applies ex ante by influencing the decision how judicial independence is implemented.

The suggested mechanism builds upon research emphasizing the selective usage of the above presented techniques for avoiding accountability, such as the use of fraud only in important elections (Sjoberg, 2016) or depending on local political competitiveness (Harvey, 2016). I draw upon studies that highlight how different courts in autocracies fulfill different tasks for the incumbent regime (e.g., Pereira, 2008; Ríos-Figueroa & Aguilar, 2018; Toharia, 1975), emphasizing the advantages of fragmented over unified judicial systems (Moustafa & Ginsburg, 2008). Autocratic regimes, such as Egypt under Mubarak, Salazar's Portugal, and Nazi Germany, have used military or security courts to handle politically-sensitive cases aside from the regular judiciary (Pereira, 2008; Toharia, 1975). This enables greater independence for ordinary judges. Alternatively, the jurisdiction of independent courts is limited to cases with no potential to challenge the regime (Silverstein, 2008) or possibilities for abstract judicial review are restricted (Magaloni, 2008b).

I argue that the different functions courts fulfill in the judicial hierarchy for the authoritarian regime enable a differentiation in the degree of independence between courts. This differentiation is not only possible between security courts and ordinary courts but also between the highest and lower courts within the ordinary judiciary. The potential to individually adjust the independence of court types should be particularly relevant for personalist leaders. They are known for their strong preference of avoiding accountability and the resulting major problems of autocratic rule (e.g., Frantz et al., 2011; Svolik, 2012). I theorize that personalist rulers prefer an overall reduction in the degree of independence in accordance with their strong preference on accountability. However, they will increase the relative independence of those courts that pose the least threat and promise the greatest benefits for their rule. Based on an evaluation of the specific weaknesses of personalist regimes, I expect higher levels of personalization to be associated with greater independence of lower courts vis-à-vis the highest court. As a result, also the differences between the highest and lower courts in the degree of judicial independence should increase. The mechanism I propose, and which I explain in greater detail in Chapter 4, allows the autocratic ruler to reduce the degree of accountability she faces, without giving up on major benefits that independent judges as institution of accountability provide to the regime.

3.3.2 Creating New Avenues of Influence

Where judges have gained greater independence, I theorize that authoritarian rulers use alternative ways to influence judges' decisions. My second theorized mechanism (Chapter 5) minimizes the potential for sanctions for the authoritarian ruler by shaping the outcome in court decisions. I argue that by using informal means to influence the composition of the judiciary, the executive retains some control over it without the need to abolish formal institutions that have been implemented to shield the judiciary from influence. It represents a strategy to reduce the potential for being held accountable *after* measures have been taken that increase the independence of the judiciary.

The mechanism I propose builds upon research on the relevance of informal institutions in nondemocratic regimes (Fjelde & Hegre, 2014). Informal institutions enable political elites and the government to subvert newly implemented *formal* institutions that limit the power of the mentioned groups (ibid.). The mechanism connects the use of these institutions with studies on the relevance of judicial selection mechanisms for the composition and politicization of the judiciary (e.g., Bonica & Sen, 2017; Canes-Wrone, Clark, & Kelly, 2014; Goelzhauser, 2018) and research on the role of patronage and nepotism in public sector appointments in general (Pierskalla & Sacks, 2020). Courts can have an important influence on a country's policy (Dahl, 1957) and (individual) judges can greatly influence whether governments can continue with their repressive agenda (Lichtman, 2012). Similar to other positions in the public sector (Buckley & Reuter, 2019; Reuter & Robertson, 2012), autocratic governments may therefore have an incentive to fill these positions with loyal instead of competent people. At the same time, positions in the judiciary can be expected to represent a valuable good for patronage to co-opt supporters, similar to other positions in the public sector (Pierskalla & Sacks, 2020). Overall, this leads to a high politicization of the appointment process of judges (e.g., Bonica & Sen, 2017; Canes-Wrone et al., 2014; Hasen, 2019). The selection of judges via an independent commission is often considered an important and effective step to shield the judiciary from influence by the executive (Bonica & Sen, 2017; Glick, 1978), thereby increasing its means to hold the executive accountable. This has made the implementation of selection commissions an important step for many countries to signal and increase the independence of judges (e.g., Kenyan Const. of 2010, art. 171; South African Const. of 1996, art. 178; Ugandan Const. of 1995, art. 146).

I argue that the material and political value of positions in the judiciary creates incentives for the executive and elites in society to overcome this new restriction on their power over the appointment process. Following and extending the argument by Fjelde and Hegre (2014), I expect that the executive and elites in society react to the implementation of this institution by creating avenues of influence via informal means: The executive often retains some direct control over the appointment process and in many cases is also responsible for the selection of at least some commission members. Appointing new loyal supporters to these positions or leveraging career pressures for re-appointment of incumbent commission members provides alternative avenues for influencing the selection process. In contrast, elites in society may use nepotism and corruption to influence the decision-making of commission members. In both cases, the influence by the president and by elites, I consider the secrecy surrounding the deliberation of selection commissions as a factor that lowers the barriers for exercising influence. Previous research highlights that even in Western liberal democracies the potential for limiting the politicization of the selection process via selection commissions is limited (Bopp, 2013; Fitzpatrick, 2017; Goelzhauser, 2018). I expect this potential to be further reduced in less democratic and less economically developed contexts (see, e.g., the analysis of the merit-selection in Russia by Dzmitryieva, 2021). In these contexts, the value of these positions for elites in society and the executive should be even higher. Using the mentioned means of nepotism and corruption as well as the president's influence on the composition of the commission, I argue that the executive evades accountability by creating new ways of placing loyal supporters in the judiciary. This undermines the potential for sanctions and facilitates the implementation of the government's agenda. In Chapter 5, I explain the proposed mechanism in greater detail.

3.3.3 Adjusting Means of Societal Control

According to the third theorized mechanism (Chapter 6), the presence of independent courts that hold members of the executive accountable will force them to adjust their means of societal control. By utilizing different means of repression, the first and second requirement of accountability (Grant & Keohane, 2005), information and the potential for sanctions, are targeted by the executive to reach a state of plausible deniability and to avoid accountability. Similar to the mechanism of creating new avenues for influence, the change in repression describes a reaction to the implementation of an institution of accountability.

For this mechanism, I build upon research on the strategic adaptation of repression in general (Carey & Gohdes, 2021; Steinert, 2022) and when facing institutions of accountability in particular (Chen, 2017; Conrad et al., 2018; DeMeritt & Conrad, 2019; Rejali, 2007). While higher levels of accountability are generally perceived to reduce the level of violence against citizens (Keith, 2002, 2012), this effect seems to be conditioned by the type of group that is targeted (J. L. Jackson et al., 2018). Where higher levels of public backlash are expected, states often resort to other techniques of repression (DeMeritt & Conrad, 2019), sometimes those that create *plausible deniability* (Rejali, 2007). It describes a situation that enables the state to avoid accountability due to a lack of information about the malpractice. A similar strategy can be observed where the authoritarian central government prohibits harsh measures (Chen, 2017). States that have implemented democratic institutions that may hold state officials or the government accountable for their repressive behavior often resort to these measures of *clean* torture to avoid conflicts with these institutions (Conrad et al., 2018; Rejali, 2007).

I argue that the change in repressive tactics is a common strategy for the regime and low-level agents to cope with the increasing degree of accountability, as in the case of increasing levels of judicial independence. However, the use of less visible means of repression often requires greater capacities on behalf of the repressive agents (e.g., on the costs of different kinds of repression, see Rejali, 2007; Steinert, 2022) that might not be available. Extrajudicial killings are under some circumstances a low-cost alternative (Carey & Gohdes, 2021) for agents to resolve the dilemma of avoiding accountability by the judiciary and implementing the regime's repressive agenda.² By substituting political imprisonments with extra-

²See in this context the study by Chen (2017) on China and the dilemma local officials face amid the reduction of tools available for repression by the central government.

judicial killings, states can retain control over society and enjoy the benefits of partly independent judges. In Chapter 6, I provide further details on this mechanism.

3.4 Scope Conditions

Previous large-N analyses (Conrad et al., 2018) and various country-level studies (Pereira, 2008; Silverstein, 2008; Toharia, 1975) on the evasion of the accountability created by independent courts speak for a broad applicability of my proposed theory on the balancing of costs and benefits of judicial independence. However, there remain some scope conditions for the general theory and the specific mechanisms to apply. While also liberal democracies use techniques to evade accountability (Rejali, 2007), my theoretical framework specifically targets the considerations of rulers within illiberal regimes. Here, restrictions on the independence of the judiciary are most tempting for the government and attempts to increase the accountability of the executive promise comparatively great benefits and threats as highlighted in Chapter 2. I follow previous studies by assuming that autocratic leaders are rational actors who are aware of these costs and benefits when deciding on whether and how to implement an independent judiciary (Epperly, 2019; Popova, 2010). The theoretical framework assumes that autocratic leaders try to avoid being held accountable to not provoke constitutional crises in which the regime would have to act against its own preferences. While these conditions are important for all of my proposed mechanism, below I address further aspects relevant for the executive to search for new avenues for influence (Chapter 5) and the adjustment of the means of societal control (Chapter 6).

The second mechanism on the creation of new avenues for influencing the judiciary presupposes that a formal institution has been established to increase judicial independence that can be targeted by informal means like corruption. As in the theoretical mechanism, in many cases this is a selection commission that often leaves considerable room for the influence of the personal interests of decision makers (Bopp, 2013). Yet, also for other ways of judicial selection that appear to increase the independence of the judiciary, such as elections, an exertion of informal influence is conceivable. The implementation of such institutions is often associated with not fully closed autocracies but instead hybrid regimes or semi-/weak democracies as in the case of Uganda or Nigeria in the 1990s (Ugandan Const. of 1995, art. 146; Oko, 2005).³ Positions in the judiciary should be economically and/or politically attractive enough

³Note however that even in liberal democracies the implementation of so-called merit selection does not necessarily exclude partisan considerations from the selection decision (Goelzhauser, 2018). Though it is not the focus

that elites in society and the executive have incentives to build up or use existing informal institutions to influence the selection of individual candidates. Most often this is the case for low- to middle income countries where positions in the public sector are particularly attractive.

The third mechanism on the adjustment of repression requires that low-level agents of the regime are pressured or incentivized to execute a repressive agenda of the government. The relation between the government and low-level repressive state officials represents a principal-agent relationship (e.g., Conrad & Moore, 2010; DeMeritt, 2015; Dragu & Lupu, 2018) that is shaped by information asymmetry (G. J. Miller, 2005). State officials have an incentive to leverage the principal's lack of information and act according to their own interests (moral hazard). Agents who are supposed to fulfill the repressive agenda of their principal and are suddenly confronted with independent judges face increasing costs when simply continuing with the principal's agenda. This is because independent judges are non-cooperative towards the repressive agents: They may hold agents accountable or at least no longer provide agents with the tools to conduct repression (e.g., political imprisonment). It follows that shirking, the noncompliance with the agenda of the principal, a priori would be the best strategy for agents. Only when the costs of shirking are equal or greater than the costs associated with non-shirking, I expect agents to adjust their means of social control as described in the mechanism proposed in Chapter 6. It allows agents to reconcile the demands of the principal with the independence of judges. As the survival of authoritarian regimes is closely connected to the repression of the opposition (Gerschewski, 2013) and following orders by the government has positive effects on the personal career (Scharpf & Gläßel, 2020, 2022) or directly an agent's wallet (Acemoglu et al., 2020) this requirement should be met in most illiberal regimes. Yet, the proposed strategy of extrajudicial killings is often associated with a high psychological burden (for the case of Nazi death squads, see Scharpf & Gläßel, 2022, p. 11), so that a second condition must be met for the mechanism to apply: Agents must face restrictions regarding the availability of alternative means of repression. Only when classical forms of clean torture (for an overview, see Rejali, 2007) are not available to agents, as it is often the case for low-level agents that face constraints on training, time, and space, they will resort to killing the target as cost-effective alternative (Carey & Gohdes, 2021). Finally, observing the mechanism should be more likely where intense investigations of the extrajudicial killings do not take place because repression focuses on marginalized groups (on the role

of this dissertation, the mechanism may in some cases also be observed in liberal democracies where politicians try to exert influence on the appointment of judges.

of group-membership for repression, see Conrad et al., 2018; J. L. Jackson et al., 2018). As authoritarian leaders often leverage or create cleavages in society or make a bogeyman out of the opposition, this condition is met in many illiberal regimes.

3.5 SUMMARY AND INTRODUCTION TO EMPIRICAL CHAPTERS

Autocracies are very creative in pretending accountability of the executive. Where actual accountability exists, similar creativity is used to find ways to evade it. Often, inspiration for techniques, such as clean torture, comes from democracies. In this chapter, I have highlighted the two necessary conditions of accountability, information and the potential for sanctions, and how they are targeted by autocracies that at least want to appear accountable, yet avoid major limitations on the power of their government. After bringing the focus on the role of independent judges as institution of accountability, I have proposed three mechanisms how the executive in illiberal regimes balances the costs and benefits of judicial independence by evading the resulting accountability. The mechanisms take effect before and after judges are granted greater autonomy and address (1) the overall strategy how judicial independence can be used cost-effectively by autocratic leaders, (2) how societal elites and the executive can regain some influence over the composition of the judiciary after formal institutions to increase its independence have been established, and (3) how low-level state officials substitute one repression technique with another to fulfill the repressive agenda of the executive without being held accountable by independent judges.

In the following three empirical chapters, the three proposed mechanisms are separately examined. I provide greater details on the motivation for the mechanisms and on the mechanisms themselves. After explaining the individual steps of each mechanism hypotheses are derived. The observable implications of the mechanisms are separately examined in one macro and two micro-level studies. The restriction of the macro-level analysis to non-democracies and the selection of the Philippines as empirical case for the micro-level studies ensures that the above described scope conditions are met.

4

There is More than the Supreme Court: Judicial Independence in Autocracies

4.1 INTRODUCTION

Authoritarian rulers can benefit from giving up some control and providing courts with a certain degree of independence (Epperly, 2013; Moustafa, 2007). As highlighted in Chapter 2, independent courts are considered beneficial for autocrats as they can help solving key problems of authoritarian rule. They oversee bureaucrats (Ginsburg, 2008), serve as post-tenure insurance for regime leaders (Landes & Posner, 1975; Ramseyer, 1994), and solve power-sharing problems within the winning coalition (Ríos-Figueroa & Aguilar, 2018). However, the way authoritarian leaders organize judicial independence still raises many questions. Examples from Nazi-Germany (Geerling, Magee, Mishra, & Smyth, 2018), Shanghai in the early 2000s (Howson, 2010), and Francoist Spain (Toharia, 1975) show that some authoritarian regimes provide different courts with different degrees of independence. In his study of the Soviet criminal justice system, Solomon (1987, p. 542) describes the Supreme Court of the Soviet Union as "better qualified, more independent, and often more liberal than lower courts". *Why do some authoritarian leaders accept these differences across courts whereas others do not?*

Ríos-Figueroa and Aguilar (2018) highlight that not all courts fulfill all tasks in authoritarian regimes equally well. Higher-ranking courts are mainly involved in solving power-sharing issues, whereas lowerranking courts take over monitoring functions. At the same time, even a limited degree of judicial independence can become a gateway for opposition groups to challenge the regime (Moustafa, 2008; Tezcür, 2009). I argue that this creates an incentive to some autocratic regimes to only provide those courts with greater independence that fulfill functions the regime needs. Specifically, differences in autocrats' preference for exclusive control over institutions, which is commonly named personalization of power (Frantz et al., 2020), explain the heterogeneity in the degree of judicial independence.¹

Problems of authoritarian rule, such as monitoring the opposition or power-sharing, are influenced by its institutional design and the internal power structure (Svolik, 2012), aspects that greatly depend on the degree of personalism. Personalist regimes, i.e., regimes with a higher personalization of power, are defined by the concentration of power in the hands of a single authoritarian leader and the weakening of institutions vis-à-vis the dictator (Geddes, 1999; R. H. Jackson & Rosberg, 1984). I expect higher levels of personalism to have a two-fold effect on judicial institutions. First, in line with research showing that personalist regimes have lower levels of media freedom (Sheen, Tung, & Wu, 2022) and higher levels of repression (Frantz et al., 2020), I expect higher personalism to be associated with less judicial independence across court types. Providing courts with greater independence is equivalent to giving up some political power, which runs contrary to personalist rulers' aim to minimize other loci of power in the state. Second, I argue that personalist rulers still have an incentive to grant judges a limited degree of independence: Compared to other non-democratic regimes, personalist rule suffers, for example, from considerable monitoring problems (Frantz et al., 2011; Svolik, 2012). As a result, with increasing personalism, I expect a change in the relative degree of independence between different courts. A selective use of judicial independence is particularly attractive to personalist rulers. By providing selected court types with greater independence than other courts, rulers retain more control over the judiciary in total while at the same time enabling some courts to fulfill tasks personalist regimes are in great need of.

¹In this chapter I use the terms personalization of power, personalist regime, and regime with a high degree of personalism interchangeably. They all describe a regime where power is concentrated in the hands of a single dictator. See Section 4.2.1 in this chapter for more information on this.

Evaluating the costs and benefits of judicial independence for different types of courts, I hypothesize an emphasis of lower court independence relative to the highest court with an increasing degree of personalism. The potential improvements in monitoring capabilities and fewer possibilities for public policy interference should outweigh the advantages of high court independence. Yet, the advantages of higher courts, for example, when dealing with legitimacy problems and the post-tenure fate of the ruler, should not be ignored and could still be relevant. As a consequence, I provide an alternative hypothesis suggesting an opposite effect.

To test my hypotheses, I combine newly released data on the degree of personalism of authoritarian regimes by Geddes et al. (2018) with yearly country-level data from the Varieties of Democracy (V-Dem) project (Coppedge, Gerring, Knutsen, Lindberg, Teorell, Alizada, et al., 2021) that includes separate evaluations of the independence of higher and lower courts for 112 non-democratic countries between 1945 and 2010. In accordance with my first hypotheses, I find that a higher degree of personalism in autocracies is associated with less judicial independence. At the same time, greater personalization increases the independence of higher courts vis-à-vis lower courts. Analyses of the gap between higher and lower court independence reveal that in personalist regimes, contrary to my expectations, a further concentration of power is associated with a shrinking of the gap. I explain these different findings with a harmonization between courts and conclude that judicial fragmentation, though used by personalist regimes, is not the preferred strategy of those rulers who want to reduce the power of other potential veto-players to a minimum.

I make several important contributions. First, I add another dimension to the strategic selective liberalization in autocracies. Research shows that authoritarian leaders can benefit from mixing elements of authoritarian and democratic rule. Many autocracies enable limited competition in multiparty elections (Gandhi & Lust-Okar, 2009), allow access to free media (Egorov et al., 2009), or apply censorship selectively (King et al., 2013; Lorentzen, 2014). These steps are often not considered as a sign of convergence towards democracy but as a way to strengthen the authoritarian regime by misusing institutions formerly exclusively associated with democratic rule. In this chapter, I build upon research showing similar strategic considerations in the context of judicial independence (Epperly, 2019). Comparable to censoring calls for collective action but allowing to voice discontent (King et al., 2013), I show that authoritarian leaders also differentiate between courts when increasing judges' autonomy. My research highlights that making general statements about the degree of judicial independence in authoritarian countries can be difficult, potentially explaining conflicting findings in the field (e.g., Epperly, 2017; Popova, 2010). I show that supposed loci of democracy-like rule-of-law in autocracies are a consequence of a strategic evaluation of the associated costs and benefits for the ruling government.

Second, my research helps to better trace the different functions courts take over in authoritarian regimes. We know about the tasks of courts and how greater independence helps to fulfill them (Moustafa & Ginsburg, 2008). Yet, it is often unclear which courts fulfill these tasks and would hence benefit from greater independence. I extend theoretical considerations by Ríos-Figueroa and Aguilar (2018) and others (e.g., Ginsburg, 2008; Pereira, 2008). I show that differentiating between tasks falling into the area of responsibility of the highest and those falling into the area of responsibility of lower courts improves the accuracy and validity of other large-N empirical studies in the field by using measures of judicial independence specifically for those courts relevant in a theoretical mechanism.

Finally, I add to work on the effect of regime type and traits on policy decisions by autocratic leaders (Geddes, 1999), contributing to research on the variation of institutional needs that different autocracies have (Egorov et al., 2009). Regimes with a high degree of personalism have often been singled out by researchers due to their specific characteristics that should have an impact on various policy decisions, for example, regarding the design of security forces (Escribà-Folch et al., 2020). Despite personalism being associated with various differences and changes in the institutions of autocracies (Geddes, 1999; R. H. Jackson & Rosberg, 1984), to my knowledge, a thorough theoretical consideration or an empirical study on its effect on judicial institutions are missing. I use an improved measure of personalism by Geddes et al. (2018) that tracks yearly changes in the degree of personalism, compared to previous studies that often used static measures of regime type for the complete lifespan of regimes. It enables me to better trace the causal ordering, ensuring that a regime first became more personalist before changes in the degree of judicial independence are observable. The measure also enables a consideration of the effects of greater personalism in regimes that due to their structure are often classified, for example, as party- or military-based. The results of my analysis will help to formulate better expectations about the development of the judicial sector in autocracies depending on the distribution of power among the autocratic leader and the political elites.

4.2 Personalist Rule in Autocracies

4.2.1 CONCEPTUALIZING PERSONALISM AND PERSONALIST LEADERS

Autocracies differ significantly from each other, for example, in terms of their leadership structure, support base, political processes, and institutions (e.g., Cheibub, Gandhi, & Vreeland, 2010; Linz, 2000; Roberts, 2015). In an attempt to categorize autocracies, some researchers suggest focusing on the characteristics of and constraints faced by the ruler(s) (Geddes, 2003; Magaloni, 2006; Svolik, 2009). Following this path, Geddes (1999) and Geddes et al. (2014) define a *regime* as the combination of formal and informal rules for the selection of leaders and policies and identify four ideal types of authoritarian regimes: monarchies, party-based regimes, military-based regimes, and personalist regimes. Related categories for different types of authoritarian rule can also be found, for example, in the studies by Hadenius and Teorell (2007) and Weeks (2012, 2014). As regimes rarely fit perfectly into one of these categories some researchers suggest to mix categorical indicators with continuous measures of selected dimensions (Hadenius & Teorell, 2007) or to use only latent measures of authoritarian rule (Geddes et al., 2018; Wright, 2021). This enables a better examination of regime type variation over time.

Research has been particularly interested in those regimes where power is concentrated in the hands of a single dictator (e.g., Chin, Escribà-Folch, Song, & Wright, 2022; R. H. Jackson & Rosberg, 1984; Roessler, 2011). *Personalist* regimes (Geddes et al., 2014) or regimes with a high degree of *personalism* (Geddes et al., 2018), such as Russia under Vladimir Putin and Yoweri Museveni's Uganda, stand out from other types of autocratic rule because all state institutions are aligned towards a single person or ruling family.

To avoid the development of other centers of power in the regime, personalist leaders often have a very narrow winning coalition. In many cases it only involves family members and close friends whom the dictator can trust. Museveni appointed his wife as minister of education and sports and promoted his son Muhoozi Kainerugaba to the position of a Lieutenant general (Gitta, 2016). Putin promoted many former colleagues from his work at the KGB, particularly from his time in the St. Petersburg office, to leading positions in the security apparatus and the military (Kirby, 2022). Aside from promotions to important positions, the small size of the winning coalition enables the dictator to use material rewards to pay off its members (Bratton & de van Walle, 1997; Svolik, 2012).

Though the concentration of power in personalist regimes does not rule out the existence of other actors, such as a ruling party or a military, they are politically weak by comparison and have no meaning-ful influence over the regime's policy (Frantz et al., 2011). Other institutions, such as parliaments, are less a tool for power-sharing with political elites but to control them (Wright, 2008). Slater (2003) high-lights this difference between *political* weakness of institutions, a consequence of a personalization of power, and a weakness of the *capability to implement* a policy. He calls the latter "infrastructural power" and sees it as independent from the degree of personalism. According to Slater (2003), greater personalism reduces the ability of an authoritarian institution, such as the military, to decide about the regime's policy, but should have no influence on its strength vis-à-vis the opposition in terms of repressive power.

4.2.2 PROBLEMS OF AUTHORITARIAN RULE ASSOCIATED WITH PERSONALIZATION

The concentration of power and the focus on a small winning coalition comes at certain costs for autocratic leaders. Though personalist leaders are less accountable to other state institutions than other authoritarian leaders, they are at the center of public attention. Failure to achieve military or social goals, or to deliver material goods for supporters, is closely tied to the fate of the dictator. When, for example, sanctions reduce access to material rewards, personalist dictators are more likely to face negative consequences than other authoritarian rulers (Escribà-Folch & Wright, 2010). The decision by Chinese paramount leader Xi Jinping to stick to the economically devastating so-called "Zero-COVID" policy in 2022, while other countries opened up their countries and accepted relatively high infection rates, is considered by some as a burden to his accumulation of power (Gadsden, 2022).

The problem of being the key figure in the state is worsened by the fact that personalist leaders often struggle with legitimacy, as they can neither base their authority on a decision by the ruling party, a military hierarchy, or a long tradition (Escribà-Folch et al., 2020). Instead, personalist rulers base their power on a mix of personality cult and material rewards. The great dependence of personalist autocrats on material rewards to ensure the loyalty of elites makes attracting foreign investors, buyers of natural resources, and foreign donors essential for the survival of the regime (Wright, 2008). However, the almost unconditional distribution of transferable material benefits provides only short-term incentives for the support base to invest in the survival of the regime, leading to lower quality of governmental service (Svolik, 2012). Being surrounded only by friends and family members whose position depends on the goodwill of the dictator has consequences for the dictator's awareness of problems in the state apparatus (Escribà-Folch et al., 2020; Frantz et al., 2011; Svolik, 2012). Escribà-Folch et al. (2020, p. 563) speak in this context about the "informational insulation" of personalist autocrats. It results in a higher likelihood of dictators to misinterpret information about threats to their power (Frantz et al., 2011). Personalist leaders' extensive control over the appointment of their advisors further reduces the competence of this body in providing high-quality information about problems in society (Frantz et al., 2011). It may be associated with the appointment of less qualified advisers and can result in groupthink (Janis, 1972). The group of advisers is very cohesive, dominated by the authoritarian leader's opinion, and group members may conduct self-censorship to avoid negative consequences. The resulting poor decision-making and the associated problems are aggravated as autocrats in personalist regimes are confronted with greater problems of monitoring and control than other autocrats due to the lack of monitoring institutions.

Overall, personalist leaders have been found to be more likely to face negative outcomes after losing office than other dictators (Radtke, 2020). With an increasing degree of personalism, the assassination of the leaders is often considered as the only feasible way to induce policy change (Chin, Escribà-Folch, et al., 2022). Yet, those personalist regimes that do not invest in separate security forces face greater threats from mass protest than from elites (see Grundholm 2020; for an opposing view, see Chin, Song, and Wright 2022).

4.3 Personalism and Judicial Independence

The specific characteristics of personalist regimes vis-à-vis other authoritarian regime types should have consequences for the organization of the judiciary and their degree of independence. Yet, research on differences in the judicial branches between regimes with higher versus lower levels of personalism or analyses of the effects of changing levels of personalism are scarce. Rhodes-Purdy and Madrid (2020) find that a concentration of power by presidents reduces the level of democracy, including judicial constraints on the president. The authors focus their analyses on a regional cluster of (semi-)democratic countries. The evaluation whether independent courts are beneficial for the ruler or not should however be different between democracies and non-democracies, not least because of differences in the size of the winning coalition and the post-tenure fate. The study by N. K. Kim (2021) considers the effect of personalist regimes on judicial independence for autocracies. Compared to military regimes, the author

finds a small negative effect of personalist regimes on judicial independence. It remains unclear what could explain this result and whether the identified difference between military and personalist regimes reflects a difference between personalist and non-personalist regimes in general. Overall, the limited empirical evidence on the characteristics of the judicial branch in non-democratic personalist regimes requires a comprehensive analysis of the effects of personalist rule on judicial independence.

4.3.1 Costs and Benefits of Empowering Judges

Considering the tasks independent courts fulfill for autocracies (see Chapter 2) and the problems of personalist rule, autonomous judges may be more attractive for personalist dictators than for other types of autocratic rulers. Personalist rulers may increase judicial independence so that courts can provide "services" to the regime leader that she cannot receive from other institutions.

Table 4.1 summarizes the effects of judicial independence (JI) on fulfilling their tasks as presented in Chapter 2 and sets them in relation to the relevance a certain task has for personalist leaders. The (perceived) clear responsibility for policy decisions in personalist regimes increases the attractiveness of greater independence for judges who can take the blame for unfavorable policy decisions. To recap, courts can help to obfuscate a dictator's responsibility by autonomously ruling in her favor, supporting the official policy of the government. By signaling a democracy-like separation of power and rule of law, courts that show some independence from the ruler may help to signal judicial accountability in personalist regimes where democratic accountability and other sources of legitimacy are missing. This also helps to attract foreign investors and donors, enabling the rewarding system in personalist regimes, which is based on material benefits. As independent courts provide clear information about problems within the state and discontent among the citizens, threats to the leader's rule are monitored and recognized early on despite the lack of other institutions, such as effective parliaments. Monitoring also involves identifying the most corrupt state representatives that undermine the efficiency of the state. Finally, the fact that many personalist leaders face bad prospects if they would lose power makes institutions that can absorb some of the punishment very attractive. Compared to other (potentially politicized) institutions of the state, such as the military, the parliament, or judges loyal to the regime, independent courts can fulfill this insurance function as they are usually not replaced in the aftermath of a regime change and unlikely to ingratiate themselves with the new government (Epperly, 2013; Helmke, 2002).

Intended Task of Courts	Impact of JI	Relevance for Personalist Leader				
Monitoring	+	high				
Signaling (Legitimacy/Property Rights)	+	high				
Power-Sharing	+	low				
Insurance	+	unclear				
Social Control	-	high				
Co-optation	-	medium				
Unintended Consequence of Courts						
Veto-Player	+	very high				

Table 4.1: Relevance of independent courts for personalist dictators

Despite these benefits of independent judges, I argue that a general implementation of them remains unattractive for personalist leaders. As personalist rulers depend on a small winning coalition consisting of friends and family members, the dangers that her allies stage a rebellion are relatively low (Grundholm, 2020; Svolik, 2012). Grundholm (2020) describes the process of personalization as an "autocratic survival strategy" against insider challengers. As a result, granting courts greater independence to secure *power-sharing* with political elites and solve the commitment problem as suggested by Ríos-Figueroa and Aguilar (2018) should have less relevance for the personalist ruler. By increasing the independence of courts, the autocrat would instead lose a tool for *co-optation*, as prestigious positions in the judiciary are no longer available as form of patronage. Greater judicial independence can also make courts an entry-point and a chance to publicly challenge the regime (Harvey, 2022). This increases the problem of outsider challengers that personalist regimes face (Grundholm, 2020).

Not being able to use courts for *social control* via political trials further impedes a quick response by the ruler. Even though personalist dictators have the worst outcomes in terms of post-tenure fate (Radtke, 2020) and hence would benefit from implementing independent judges as *insurance*, it is questionable whether they make provisions for their likely destiny. Personalist autocrats are known for their paranoia (Frantz et al., 2020; Radtke, 2020; Wintrobe, 1998). Yet, after having eliminated obvious sources of competition in the state within their inner circle, rulers may not be willing to grant judges higher independence in preparation of a situation where neither the ruler nor a close ally is in power. Most importantly and as mentioned Chapter 2, increasing the independence of judges makes them a political actor (Dahl, 1957) who by definition can also rule against the government (*Veto-Player*). Their empowerment runs contrary to the strong preference of personalist leaders to exercise control over all important institutions in the state. Research shows that a higher degree of personalism decreases the regime's willingness to give up control for other domains, as indicated by less media freedom (Sheen et al., 2022). Personalist regimes rather tend to further weaken other actors, for example, by fractionalizing the security forces (Escribà-Folch et al., 2020). The fear of providing a platform for opposition to the regime and the clear contradiction to the aim of personalist regimes. Low levels of competition and power-sharing reduce the benefits of judicial independence. As a result, I expect that the less authoritarian leaders are accustomed to power-sharing, i.e., the higher the level of personalism, the lower the observed degree of judicial independence in autocracies.

Hypothesis 1: A higher degree of personalism is associated with less judicial independence in a country.

VARIATION OF JUDICIAL INDEPENDENCE WITHIN AUTHORITARIAN REGIMES

While judges in personalist regimes overall should have less independence than in other non-democratic regimes, I argue that personalist leaders apply a strategy of selectively granting autonomy. The tasks courts have in autocracies are not fulfilled equally by all courts (Ríos-Figueroa & Aguilar, 2018). They are distributed among different courts depending on their subject matter jurisdiction, that is the type of cases a court is deciding on. I add another dimension to the general argument made in the previous section by distinguishing between court types for personalist rulers' evaluation of the costs and benefits of judicial independence. I theorize that different subject matter jurisdictions provide an incentive for personalist leaders to strategically increase or decrease the independence of judges individually for each type of court.

Varying degrees of judicial independence often result from constraining the independence of some courts to specific legal matters. Courts usually have greater autonomy if jurisdiction is restricted towards not politically sensitive cases (Geerling et al., 2018; Howson, 2010; Toharia, 1975). In Francoist Spain, ordinary courts enjoyed a relatively high degree of autonomy as politically sensitive cases were mainly dealt with at courts with special jurisdiction (Toharia, 1975). Whereas ordinary courts' jurisdiction was
limited to solving conflicts between private parties, special tribunals were created to rule on conflicts between citizens and the state. To minimize the danger for the regime, this "jurisdictional fragmentation" (Toharia, 1975, p. 487) was also reflected in the varying independence from the executive. Judges at the special tribunals were dependent on the discretion of the government in matters of appointment and promotion. In Nazi-Germany the People's Court (*Volksgerichtshof*) was implemented to hear political offenses of treason and high treason as it was considered to be more loyal to the government than the existing Supreme Court (Geerling et al., 2018).²

Despite descriptions of this strategy, for example by Howson (2010) and Toharia (1975), quantitative analyses of judicial independence have so far largely neglected the possibility that courts may be independent, i.e., possibly rule against the regime, but at the same time be limited in their subject matter jurisdiction, for example by only overseeing non-political cases. Regime leaders may strategically decide to liberalize in some areas, while keeping close control in others. I argue that dictators utilize the fact that not all court types can be expected to fulfill the above described tasks of courts in autocracies equally well. The division between court types can be considered the most obvious way in which judicial independence is limited to certain legal matters. For example, independent judges may only signal secure property rights if corresponding cases fall into their jurisdiction. Likewise, regime leaders may face an "insurance gap" after a regime change if independent judges declare that they have no jurisdiction over the fate of the former incumbent.

Using the terminology by Svolik (2012), Ríos-Figueroa and Aguilar (2018) theorize that there is a split between those judicial institutions that help autocrats to solve the problem of control, and others that help dealing with the task of power-sharing. Ríos-Figueroa and Aguilar (2018) consider the monitoring task of courts to fall into the jurisdiction of ordinary (lower) courts and prosecutors. Citizens who want to use courts for private litigation or who want to complain about local elites are usually forced into a judicial hierarchy in which it is upon the lower courts to focus on dispute resolution. These lower courts are the ones who act as fire alarm (McCubbins & Schwartz, 1984) and detect discontent in society. In contrast to thousands of cases of dispute resolution in lower courts, the highest court in a country usually only has a fraction of cases and focuses on articulating doctrine (Beim, 2017). Ríos-Figueroa

²See however also the analysis by Müller (1987) on Hitler's long-term plan of creating an alternative to the Supreme Court.

and Aguilar (2018) consider the task of power-sharing to be mostly handled here, where judges rule on whether the authoritarian leader oversteps her competences.

I build upon and extend the division of tasks between the highest court and lower courts suggested by Ríos-Figueroa and Aguilar (2018). Using the list of tasks of courts in authoritarian regimes presented in Chapter 2 and discussed in the previous section for personalist regimes, I assign each task to either the highest, lower, or both types of courts, as shown in Table 4.2.

Intended Tasks of Courts	Impact of JI	Relevance for Personalist Leader	Type of Court
Monitoring	+	high	lower
Signaling (Legitimacy/Property Rights)	+	high	both
Power-Sharing	+	low	highest
Insurance	+	unclear	highest
Social Control	-	high	lower
Co-optation	-	medium	highest
Unintended Consequence of Courts			
Veto-Player	+	very high	highest

Table 4.2: Relevance of independent courts for personalist dictators, divided by type of court mainly responsible

The highest court should be most relevant for acting as "insurance" for outgoing autocrats. Studies on this matter have usually relied solely on a measure of high court independence when testing the insurance hypothesis (e.g., Epperly, 2019), arguing that former leaders will likely litigate in all judicial instances, ultimately encountering Supreme Court judges. It is upon the highest court to make the final decision on the constitutionality of governmental action, such as the punishment of the former leader.

I expect that the signaling function is equally fulfilled by the highest and lower courts. Signals by the highest court target both an international and domestic audience, whereas signals by lower courts solely target citizens. In democracies, court decisions even by the highest court are covered by media only in a minority of cases (Meyer, 2021). This suggests that the signaling function of courts is inherently limited. Though autocracies are known for using censorship to limit communication and media coverage (King et al., 2013; Lorentzen, 2014), this should play a minor role for the signaling function of courts.³ Even when court rulings are used for propaganda reasons, international audiences will most often only

³I expect that the regime will abstain from using censorship and instead even boost news coverage of trials in state media if it is deemed beneficial for the regime.

notice decisions by the highest court (see T.-K. Chang & Lee, 1992; Galtung & Ruge, 1965; Peterson, 1979). Its behavior vis-à-vis the government will determine the picture many have about rule of law and judicial accountability. Domestic audiences, in contrast, receive signals from various court types. Many interactions by citizens take place solely with lower courts, who rule over most conflicts relevant for citizens' daily life. Yet, domestic media outlets should give rulings of the highest court greater weight as they impact more people (Gans, 1980; Harcup & O'Neill, 2001). I conclude that the signaling task is fulfilled by both lower and the highest court, even though audiences may vary.

Daily interaction of citizens with lower courts suggests these as main driver of social control. Criminal prosecution, a main part of social control, is usually handled by lower courts rather than the highest court. Where no separate judicial system exists, political trials are first and foremost held by regular courts as in the Soviet Union after Stalin's death (Solomon, 1992). Though defendants in criminal and political trials sometimes can appeal to the highest court, it remains by design a rare event.

Table 4.2 connects these expectations on the division of labor between courts with the previously identified value of judicial independence for personalist regimes, showing the potential personalist leaders are may see in selectively granting autonomy. Personalist leaders focus on a concentration of power in their hands. If Hypothesis 1 is correct and they prefer lower autonomy of judges, personalist leaders should benefit from empowering only one type of court. This would be the type that fulfills the tasks the personalist leader considers as important for her survival. Table 4.2 shows that when solely focusing on the tasks of monitoring, power-sharing, and co-optation, personalist regimes should benefit from providing lower courts with more independence relative to the highest court as lower courts can translate the additional autonomy into a valuable asset for the leader. Increasing the independence of lower courts to improve the monitoring capabilities helps to compensate for the considerable issues personalist regimes face in this area. In contrast, greater independence for the highest court is unnecessary to achieve the objective of improving power-sharing amid the small winning coalition and deprives personalist leaders of the chance to distribute valuable positions in the judiciary among supporters.

The other tasks, signaling, insurance, and the social control function of courts, do not change the impression that personalist leaders have greater incentives to increase the independence of lower courts relative to the highest court. The lack of a convincing legitimization of personalist leaders' rule increases the relevance of alternative sources of legitimacy among domestic audiences. Convincing citizens of the presence of the rule of law via lower court independence is a good strategy to do this. Low levels of po-

litical competition in personalist regimes reduce the urgency for the insurance-function of the highest court and, as I will show in Chapter 6, extrajudicial means can be used to achieve social control despite independent judges. Finally, dictators' preference to reduce the power of other veto-players in the regime should influence the decision for providing only one court with greater independence and which type of court the dictator prefers. Independent higher courts can be expected to represent a greater risk for dictators' policy discretion because of their jurisdiction over the constitutionality of governmental action and the policy-consequences judges' rulings often have. Furthermore, a dependent highest court can overrule decisions of lower courts, limiting the potential negative effects of lower court independence. Overall, personalist leaders should benefit the most from greater independence at lower courts relative to the higher courts. This lets me derive the following hypothesis:

Hypothesis 2a: A higher degree of personalism is associated with greater judicial independence of lower courts relative to higher courts.

Despite the convincing arguments for a preference of lower court independence by personalist rulers, the argument above clearly shows that there are also reasons to expect personalism to be associated with more autonomy of higher courts relative to lower courts. A key disadvantage of providing lower courts with greater independence is that courts' ability of social control and repression is reduced, as judges may decide to acquit defendants. This is particularly problematic for personalist regimes given the threats from mass protest (Grundholm, 2020), meaning that barriers for collective action should not be lowered. As highlighted above, greater independence of the highest court may also help to attract investments and foreign aid to pay off the support base as it sends an unambiguous signal that the authoritarian ruler is willing to make some concessions and recognizes property rights (Moustafa, 2007). Doing so by granting judges of the highest instead of lower courts more independence increases the likelihood that foreign investors and other countries notice it (e.g., see T.-K. Chang & Lee, 1992; Galtung & Ruge, 1965; Peterson, 1979). Finally, while it is unclear if personalist leaders take it into consideration, it is likely the highest court that can credibly act as insurance for the post-tenure fate of the ruler (e.g., Epperly, 2019). I account for these arguments by providing an alternative hypothesis on the positive relation between personalism and higher court independence: **Hypothesis 2b:** A higher degree of personalism is associated with greater judicial independence of higher courts relative to lower courts.

Finally, it cannot be fully ruled out that personalist leaders decide against a selective use of judicial independence. Granting judges greater independence always poses a threat to authoritarian leaders and, as visible in Table 4.2, both solutions have negative consequences. As autocratic leaders, in particular personalist ones, are often considered to be driven by paranoia (Frantz et al., 2020; Radtke, 2020; Wintrobe, 1998), leaders may decide against the advantages of (somewhat) independent courts. It would mean reducing limitations to their power in terms of more freedom in appointment decisions and more avenues for repression. Less variation between courts in the degree of judicial independence with an increasing degree of personalism would be the consequence.

4.4 Research Design

To test my hypotheses of an effect of personalism on the degree of judicial independence and on the difference in independence between courts, I use yearly data on 112 non-democratic countries from 1945 until 2010. As non-democracies, I consider all countries coded as autocratic in the data by Geddes et al. (2014).⁴ The sample considers only those country-years as valid that fall under the definition of states in the international system used by the Correlates of War dataset (for more information, see Correlates of War Project, 2017).

4.4.1 Dependent Variables

In accordance with the above stated hypotheses, I apply three related dependent variables, reflecting the *degree* of judicial independence in 1) the highest and 2) lower courts, as well as 3) whether rulers grant lower or the highest court greater judicial independence, relative to each other. To analyze the effect of personalism on judicial independence I use measures of the degree of judicial independence in the highest and lower courts based on data provided by the V-Dem Project (Coppedge, Gerring, Knutsen,

⁴Geddes et al. (2014) consider a *regime* to be autocratic if it "achieved power through undemocratic means" (p. 317), if the government limits the competition in future elections, or if access to competitive elections was restricted by the military for one or more parties with substantial popular support.

Lindberg, Teorell, Alizada, et al., 2021; Pemstein et al., 2021). These measures stem from expert evaluations that are aggregated using a Bayesian item response theory measurement model.⁵

Using the V-Dem dataset as foundation for my measures has several advantages. First, to my knowledge it is the only dataset that provides a yearly cross-country measure of de facto judicial independence of courts below the level of the highest court. Lower courts represent a great contrast to high courts. Though their decisions may be overruled by those of the high court, the decisions by lower courts can still have considerable consequences for citizens and the regime alike. Second, the V-Dem expert evaluations focus on judges' actual behavior. Other studies use latent measures of judicial independence that aggregate various aspects on the dimension of rule of law, such as social order, executive constraints, and financial assets in banking institutions as share of total money supply (e.g., Linzer & Staton, 2015). This makes it impossible to differentiate between court types and hinders the isolation of the independence of courts from other factors closely related to the concept of rule of law. Third, the evaluations of the level of judicial independence for both higher and lower courts are likely based on assessments by the very same country experts. As a result, the potential for error is further reduced and observed differences in the evaluation of institutions within one country are more meaningful.

To ease interpretation, I rescale the variables from their original 0 to 1 scale to a 0 to 10 scale with higher values indicating greater independence of judges. Though I assume a generally negative effect in Hypothesis 1, the different tasks of high and lower courts suggest a separate consideration in my analyses as there may be variations in effect size and importance of covariates.

While I expect a general negative effect of personalism on judicial independence, regimes may decide to use the different tasks of courts and differentiate between them when granting independence. As argued in Hypotheses 2a and 2b, a higher degree of personalism may be associated with a greater emphasis of lower (higher) court independence relative to higher (lower) court independence. To test these hypotheses on the direction of the differentiation, I take the difference of the two measures of high and lower court independence. Positive values represent a greater emphasis of high court independence, neg-

⁵The questions are 1) "When the high court in the judicial system is ruling in cases that are salient to the government, how often would you say that it makes decisions that merely reflect government wishes regardless of its sincere view of the legal record?" and 2) "When judges *not* on the high court are ruling in cases that are salient to the government, how often would you say that their decisions merely reflect government wishes regardless of their sincere view of the legal record?" (emphasis in original) (Coppedge, Gerring, Knutsen, Lindberg, Teorell, Altman, et al., 2021, pp. 168f.). Experts can answer on a five-point scale, ranging from "Always" (0) over "Usually" (1), "About half of the time" (2), "Seldom" (3), to "Never" (4). Details on the coding and the aggregation method can be found in in the codebook and methodology guide accompanying the dataset (Coppedge, Gerring, Knutsen, Lindberg, Teorell, Altman, et al., 2021; Coppedge, Gerring, Knutsen, Lindberg, Teorell, Marquardt, et al., 2021).



(a) Judicial independence by court type

(b) Difference of judicial independence between court types

Figure 4.1: Distribution of the main dependent variables *Note:* Epanechnikov kernel densities with a bandwidth of 0.15.

ative values indicate a greater emphasis of the independence of lower courts, and values close to or equal zero signal similarity between high and lower courts. Figure 4.1 shows the distribution of the variables. Many country-years in the sample show only minor observable differences in the level of independence between their court types. The visible tails in Figure 4.1b indicate that for some observations there is some divergence between highest and lower courts independence.

To minimize the potential for endogeneity and account for the fact that changes in the degree of personalism might not be reflected in the degree of independence in the same year, I use the lead (t+1) of the dependent variables for my analyses (Sheen et al., 2022). Though this is equivalent to lagging all independent variables by one year, the models benefit from the greater availability of data on judicial independence compared to the independent variables.

4.4.2 Main Independent Variable

To measure the degree of personalism, I resort to the latent measure of personalism by Geddes et al. (2018). On a yearly level, the authors evaluate for each autocracy the concentration of power in the hands of the dictator. They aggregate eight (not mutually exclusive) indicators that reflect the relationship between the dictator and other potential loci of power in the state, specifically the government, the governing party, the (para-)military, and other institutions of the internal security apparatus. Focusing

on the latter, Geddes et al. (2018) consider the dictator's control over appointments to the head of the internal security police or the creation of such an agency. The authors evaluate whether the dictator has control over paramilitary forces via the appointment of friends, family members, or other people with a personal connection. As two closely related indicators, Geddes et al. (2018) take into account whether the dictator promotes those officers that can be expected to be loyal to the dictator and conducts purges among other officers by imprisoning or killing them without fair trial.

Focusing on the role of the party vis-á-vis the dictator, Geddes et al. (2018) consider if the dictator or her allies have founded a new party that helps organize loyal supporters, if the dictator has control over positions of the party executive committee, and if the executive committee de facto questions decisions by the dictator. These indicators help to assess whether the party in an authoritarian regime represents a (fairly) independent institution or is mainly controlled by the dictator. Finally, the authors broadly evaluate if the dictator has discretion over the appointment of important positions in the state.⁶

By controlling for diverse aspects of authoritarian rule and power-sharing, the measure by Geddes et al. (2018) is well suited for reflecting the latent concept of personalization of power. It has clear advantages over other measures of regime type that show no (Geddes et al., 2014) or only limited (Weeks, 2012) within-variation per authoritarian regime or leader and hence might not adequately reflect changing power structures (Wright, 2021).

4.4.3 CONTROL VARIABLES

I account for several factors that may be correlated with the dependent and the independent variables. I rely on previous studies on the determinants of de facto judicial independence and complement them with factors that can be considered relevant for the decision of high and lower court independence.⁷

Legislatures can take over tasks of the judiciary, such as providing the ruler with information about discontent among citizens or power-sharing by enabling elites to monitor the executive (Gandhi & Lust-Okar, 2009; Magaloni & Kricheli, 2010). They may also be affected by increasing levels of personalism due a decreasing need for binding institutions (Wright, 2008). Epperly (2019) highlights the relevance of competition in the parliament for the decision to increase the independence of the judiciary. Con-

⁶Important for my analyses, this does not include positions in the judiciary. A conceptual overlap of the measure by Geddes et al. (2018) and my dependent variable(s) can therefore be ruled out. I thank the authors for clarifying this aspect of their coding decisions.

⁷Summary statistics of the used variables can be found in Table A.1 in Appendix A.

sidering characteristics of the legislature is hence important when analyzing the effect of personalism on judicial independence. I take into account the suitability of the legislature for collecting information about society by measuring the level of democracy, thereby focusing on the electoral dimension of it. I use the electoral democracy index provided by V-Dem that covers aspects such as freedom of expression, the share of population with suffrage, and whether elections are free and fair (Coppedge, Gerring, Knutsen, Lindberg, Teorell, Altman, et al., 2021). Following the argument by Sievert (2018) and Epperly (2019) on suitable measures of political competition, I complement the index of electoral democracy with the measure of political constraints by Henisz (2002). The political constraints index builds upon indicators of the party composition of the respective branches of the government. It represents the number of executive and legislative veto points and the feasibility of policy change. Both measures are coded on a scale from 0 to 1. Higher values represent more democracy and more political constraints, respectively.

Focusing on judicial independence at different levels of the state, the structure of the state becomes important. It should be ruled out that differences between different court types are due to institutional aspects, such as federalism. I use two V-Dem indices of the presence and independence of local and regional governments (Coppedge, Gerring, Knutsen, Lindberg, Teorell, Alizada, et al., 2021). They measure whether elected local and regional governments exist and if they can work without interference by unelected officials (excluding judges). A greater degree of subnational democracy may indicate less willingness to level-out differences within the regime, leading to more variation between high and lower court independence. Both indices are coded on a scale from 0 to 1 and higher values represent a strengthening of subnational politics.

A high degree of corruption can have different reasons in autocracies (E. Chang & Golden, 2010). E. Chang and Golden (2010) show that personalist regimes often have high levels of corruption. The authors attribute this finding to personalist rulers' reliance on patronage networks. As highlighted above, independent courts can help to reduce corruption by providing oversight over the bureaucracy. To isolate the effect of personalism on judicial independence from general considerations of the regime to curb corruption, I include a measure of corruption in my analyses. The measure is based on an expert assessment of the prevalence of corruption among public sector employees and like the previous measure is provided in the V-Dem dataset and coded on a scale from -5 to 5 with 0 representing roughly the mean of all country-year observations on the VDem-dataset and 5 representing no corruption. I recode the original measure so that higher values of the measure reflect a high level of public sector corruption.

Personalist regimes are more likely than other authoritarian regimes to engage in war (Weeks, 2012). At the same time, it is often expected that during national emergencies judicial oversight is reduced on behalf of the executive (for normative reasons, see, e.g., Posner & Vermeule, 2007). Research by Epperly and Sievert (2019) indicates that armed conflict changes the degree of judicial independence in democracies, yet the effect goes both in a positive and negative direction. Though the authors are cautious about making statements about similar effects in autocracies, institutional change in the aftermath of conflicts in non-democratic countries cannot be fully ruled out. To ease the comparison with previous studies in the field (Epperly, 2017; Randazzo et al., 2016), I account for the presence of armed conflict using a dichotomous indicator based on the UCDP/PRIO Armed Conflict Dataset (Gleditsch, Wallensteen, Eriksson, Sollenberg, & Strand, 2002; Pettersson et al., 2021).⁸

Finally, judicial independence and differences between courts may be influenced by a country's level of development. Independence of judges requires financial resources to improve their education and to make them autonomous from alternative funding sources that could induce bias. Improving the standing of Supreme Court judges and of judges across the country increases the financial burden further. Research provides evidence for an impact of political institutions on economic growth (Henisz, 2002; Wright, 2008), suggesting a potential effect also of personalism. To account for a potential confounding, I include measures of GDP per capita and population size (both log-transformed) in the models (Coppedge, Gerring, Knutsen, Lindberg, Teorell, Alizada, et al., 2021).

4.5 Empirical Analysis

To test the hypotheses of a negative effect of personalism on judicial independence and of greater independence of the lower courts relative to the highest court (and vice versa), I mainly use fixed-effects linear regression models, meaning that I analyze the *within*-country variation, i.e., the temporal change in judicial independence.⁹ I account for heteroskedasticity and autocorrelation by using robust stan-

⁸I measure the presence of armed conflict by considering all types of conflict (extrasystemic, interstate, intrastate, and internationalized) that take place within a specific country in a certain year and reach at least 25 battle-related deaths. I focus on the location of the conflict and not mere conflict-participation as the direct confrontation of the population with violence should have the greatest impact on the institutions of a country.

⁹Using random effects linear regression models does not change the results meaningfully.

dard errors. The coefficients for personalism across various model configurations and separately for the different dependent variables are depicted in the first three rows of Figure 4.2.¹⁰ Models 1 to 3 represent bivariate and multivariate models, the latter taking into account the control variables. In Model 4, I include a measure of judicial independence based on the respective court type. Decisions about the degree of judicial independence are not made in vacuum, but can be expected to be influenced by the decision on the other court type.



Figure 4.2: Effect of latent personalism on different dependent variables

Note: Selected coefficient estimates based on fixed-effects OLS and fixed-effects Poisson regression models. Thin bars indicate 95% and thick bars 90% confidence intervals based on robust standard errors.

The first and second row of Figure 4.2 show the results for high and lower court independence. For the highest court, the effect of personalism remains negative and statistically significant (at least p<0.05) until the measure of lower court independence is included to account for the interplay between the court types. This finding stands in contrast to the expectation formulated in Hypothesis 1, which postulates a negative effect in all models. The estimates for the effect of personalism on lower court independence remain negative and statistically significant (at least p<0.05) for all model configurations, providing evidence in favor of Hypothesis 1. Substantially, in Model 4 a move from low personalism to high person-

¹⁰The result for the remaining variables can be found in Tables A.2 to A.5 in Appendix A.

alism is associated with a decrease in the independence of lower courts by about 0.3 points on a scale from 0 to 10. As I analyze the temporal change in independence within the country, this has to be set into relation with the low *within*-standard deviation (about 0.47) and resembles approximately the deterioration in lower court judicial independence that could be observed in the immediate aftermath of the 1996 Russian presidential election.

In a second step, it is worth considering the effect of personalism on the difference between courts over time. The observation that personalism has a clear negative effect on lower court independence but remains statistically insignificant for the highest court in the last configuration is a first sign that dictators in highly personalist regimes may decide to put different emphasis on different court types. The monitoring argument suggests that lower courts show greater independence relative to higher courts to solve the information problem that is particularly pressing in personalist regimes. On the contrary, the signaling/insurance argument highlights the benefits of displaying autonomy of the highest court to satisfy international donors and investors, suggesting a strengthening of higher court independence. The third row in Figure 4.2 shows the coefficients for the effect of personalism on the relative difference in independence between the court types across the model configurations (excluding Model 4). Positive coefficients of the independent variable indicate that the highest court is more independent than the lower courts and vice versa. In accordance with Hypothesis 2b, personalism shows a positive effect across all model configurations. Except for the bivariate analysis, the coefficients are statistically significant at the p<0.1 level. Similar to above, the observed effect is rather moderate: A move within a country from low personalism to high personalism is associated with 0.2 points greater judicial independence at the highest court vis-à-vis the other courts. This is somewhat lower than the within-standard deviation for this variable of about 0.34. The size of the coefficient resembles about the effect observed for Uganda under the rule of President Yoweri Museveni when in 1995 a new constitution was adopted. The constitution introduced the Judicial Service Commission to restrict the president's power over the appointment of judges to the highest courts (Ugandan Const. of 1995, art. 142), causing some convergence of the independence of the highest court towards the (still greater) independence of lower courts. Despite remaining restrictions on the independence of courts¹¹, this and related steps taken in the constitution

¹¹The 1995 constitution of Uganda still grants the president considerable influence over the appointment of judges to the Supreme Court and other high courts as the Judicial Service Commission is only advising him in his decision (Ugandan Const. of 1995, art. 142). Notable, the president is also responsible for directly nominating four of the nine commission members as well as the appointment of all commission members after approval by the parliament (Ugandan Const. of 1995, art. 146). The Ugandan selection commission therefore has many

are considered as considerable progress for the non-democratic country (Rukare, 2016; Tripp, 2010), indicating the relevance even of small observed changes in the dependent variables.

The question remains if the identified preference for high court independence is indicative of more differentiation between court types or if it, as in the case of Uganda, results from a convergence of the courts. Higher levels of personalism, while increasing the independence of the highest court relative to lower courts, might be associated with an overall harmonization between courts. As visible in Figure 4.1b, autocracies appear to slightly favor lower court independence over independence of the highest court. A move by personalist regimes towards greater independence of the highest court may make up for this tendency, leading to lower instead of greater differences between courts. As a follow-up analysis, I consider the *absolute* difference, i.e., the gap between the measures of high and lower court independence. This new measure of the degree of differentiation is by construction greater than or equal to zero, continuous, and heavily right-skewed. As a result, I use a Poisson regression model for the estimation. Though Poisson regression models are commonly associated with discrete (count) outcomes, they are also consistent for non-negative continuous outcomes (Wooldridge, 2010). Due to the panel-structure of the data, I use the Poisson model with country-level fixed-effects and the Huber-White (Robust) Sandwich Estimator for the standard errors. This specification has been demonstrated to be very robust (A. C. Cameron & Trivedi, 2010; Wooldridge, 2010).

The coefficients for personalism of the various model configurations are shown in the fourth row in Figure 4.2. All coefficients are negative, but they do not meet conventional levels of statistical significance. At most, these coefficients suggest a decrease in the difference between court types with an increasing degree in personalism. This would mean a harmonization between courts.

4.6 ROBUSTNESS CHECKS

The limited number of non-democratic countries in the sample (112) increases the risk that the above presented results are driven by individual countries. To verify the robustness of the findings, I re-run the analyses using jackknife resampling methods to identify influential observations. I calculate DFBETA values for the main variable as a measure of influence and plot the coefficients and p-values of the separate analyses. The calculated statistics for the measure of personalism are shown in Figures A.1 to A.4 in

similarities with the selection commission on the Philippines (see Philippine Const. of 1987, art. 8, sec. 8), the empirical case of Chapter 5.

Appendix A. Most findings hold when changing the sample. For the negative effect of personalism on lower court judicial independence, coefficients from the separate analyses are basically indistinguishable despite minor¹² differences for the DFBETA statistics.

Though the coefficients for the analysis of the difference between courts are also closely grouped together (see Figure A.3b), differences in their statistical significance suggest an increased influence of some countries on the final estimate. Excluding, for example, Burkina Faso, Ethiopia, Cambodia, or the Dominican Republic from the analyses, increases the uncertainty of the estimates, leading to the statistical insignificance of the results (p<0.1 threshold). This suggests a considerably stronger effect in these countries. As they do not share the same regional background, a geographical pattern as reason for the observed differences seems unlikely. The countries are characterized by relatively large differences between higher and lower court independence.¹³ As many countries show only small differences between courts, a heavy dependence of the results on those countries with greater heterogeneity was to be expected. Analyzing the reasons for the observed high degree of heterogeneity in some of the analyzed countries is beyond this study and I recommend further research on their specific judicial branches.

The great reliance on external funding of personalist regimes (Wright, 2008) and the potential effects this has on the degree of judicial independence may also suggest the necessity to account for foreign direct investments in the analyses to avoid omitted variable bias. Data on foreign investments and aid is scarce and may also be unreliable due to the lack of transparency especially in personalist authoritarian regimes (Hollyer, Rosendorff, & Vreeland, 2019). Using data from the United Nations Conference on Trade and Development (United Nations Conference on Trade and Development (United Nations Conference on Trade and Development, 2022) on the amount of foreign direct investments¹⁴ I repeat the above presented analyses, taking into account that a large amount of observations are lost due to missing data on investments. To identify potential omitted variable bias, I compare the results with analyses of the same restricted sample when excluding the measure of investments. The results (shown in Tables A.9 and A.10 in Appendix A) suggest that changes in the coefficients of the main independent variable personalism can be mainly attributed to the limited sample and not the additional control variable. Likewise, the considerable reduction of observations due to missing data for the population-measure used in the main analyses if at all only weakens the above

¹²As critical threshold for the DFBETA values Belsley, Kuh, and Welsch (1980) consider values above or below $2/\sqrt{(n)}$. None of the observations crosses this threshold (about ±0.19).

¹³For example, Ethiopia has up to 1.53 points difference, Cambodia has up to 1.01 points difference, and Burkina Faso has up to 2.15 points difference between the court types.

¹⁴I use annual data on inward foreign direct investment stock as recommended by Cho (2020).

shown statistically significant effects of personalism (see Tables A.11 and A.12 in Appendix A). Overall, this suggests that foreign direct investments play only a minor role for the analyzed relationships, meaning that it can be omitted from the main analyses.



Figure 4.3: Distribution of latent personalism across regime categories *Note:* Epanechnikov kernel densities with a bandwidth of 0.05.

Sheen et al. (2022) suggest to complement the interval measure of personalization with the existing categorical measure of regime types. Also Hadenius and Teorell (2007) argue for treating personalization not as a distinct regime category but as a trait that can be found to varying degrees across all regime types. To account for this alternative conceptualization of personalism, I include the classic measures of regime type by Geddes et al. (2014) in the above presented models and, in a second step, interact them with the latent measure of personalism by Wright (2021). As shown in Figure 4.3, regimes coded as personalist by Geddes et al. (2014) show considerable variation on the latent measure of personalism. For example, the personalist regime under Abdul Rahman al-Eryani in Yemen never came above a personalism score of about 0.25 and Bolivian President René Barrientos reached only about 0.33 (Geddes et al., 2014). Both are contrasted by personalist dictators Jean-Bédel Bokassa (Central African Republic) and Saddam Hussein (Iraq) who constantly had a score of about 0.87 during their reign. The categorization as personalist by Geddes et al. (2014) may hence cover somewhat different aspects of the concept than the new measure of latent personalism, such as maybe the source of authority.



Figure 4.4: Effect of latent personalism on different dependent variables – accounting for (categorical) regime type Note: Selected coefficient estimates based on fixed-effects OLS and fixed-effects Poisson regression models. Thin bars indicate 95% and thick bars 90% confidence intervals based on robust standard errors.

The results for the separate models are shown in Figure 4.4. Problems of categorical measures of regime type, particularly differentiating between personalist and other regime types (Morgenbesser, 2018), suggest that the coefficients for the regime effects are conservative estimates. I use the category of personalist regimes as base-category when evaluating the effect for the other regime types. No meaningful difference can be identified for the analysis of the independence of the highest court. The effect of the latent personalism measure remains statistically insignificant also when considering the regime type specific effects resulting from the interaction of the measure of personalism with the categorical measures of regime type. For lower court independence, the clear general negative effect for the continuous measure of latent personalism identified in the main analysis remains. The coefficients of the interactions with regime type suggest that countries coded as personalist by Geddes et al. (2014), further backing the main results. However, the positive and statistically significant interaction between personalism and the indicator of military regimes suggests that in military regimes increasing levels of personalism

have no effect on lower court independence.¹⁵ This finding may be a result of the reliance on military courts for political trials by some military regimes, reducing the interference by the regime in the work of ordinary courts (see, e.g., Pereira, 2008). As a consequence, higher levels of personalization may not change the cost/benefit calculations of these regimes.¹⁶

No clear effect can be identified for the relative difference between courts, suggesting similar trends across regime types. When considering the absolute difference between courts, the analyses confirm the general tentative negative effect of (latent) personalism identified above: A one-step increase in the degree of personalism is associated with a 39% shrinkage of the gap between the highest and lower courts.¹⁷

Two findings of the analysis of the interaction with regime-type stand out: First, in line with Hypothesis 2, personalist regimes (measured with the classic categorical indicator) show the greatest absolute difference in independence between the highest and lower courts compared to other regimes. Second, when considering the absolute difference between courts, the coefficients of the interaction terms for military regimes and monarchies are both positive and statistically significant (p>0.05). Based on the size of the coefficients, again, military regimes remain virtually unaffected by greater (latent) personalism, providing further evidence for the special status of military regimes in their handling of judicial independence. In contrast to all other regimes, monarchies display a clear positive relationship between personalism and judicial fragmentation. Compared to personalist regimes, a one-step increase in the degree of personalism is associated with an about 57% widening of the gap between the highest and lower courts.

The analyses of the effect of regime type on the relationship between personalism and judicial independence highlight that differences between regimes can mainly be found for the absolute difference between courts, that is the degree of fragmentation. Military regimes and monarchies diverge from the general negative association. Whereas military regimes show no association, a higher concentration of power in monarchies is associated with a considerably greater fragmentation in judicial independence between courts. In the following section, I discuss the potential reasons for these and my other findings.

¹⁵The coefficient of the interaction with the indicator of a military regime is of about the same absolute size (0.54) as the negative main effect of personalism (-0.51).

¹⁶The fact that regimes classified as "Military" have on average the highest rating for lower court independence (3.91) among the non-democratic regimes (Personal: 3.25; Party-based: 3.41; Monarchies: 3.53) is further evidence in this regard.

¹⁷Because of the exponential link function, to compute the effect one has to insert the coefficient b_i in $(e^{b_i} - 1) \times 100\%$ (A. C. Cameron & Trivedi, 2010; Silva & Tenreyro, 2006).

4.7 Discussion & Limitations

The findings provide a mixed picture of the heterogeneity in judicial independence of courts in nondemocracies and the role of personalism. As expected in Hypothesis 1, I find that personalism has a negative effect on the degree of judicial independence. The fact that this finding is not universal across court types but is limited to lower courts backs my expectation about the differences between courts. As no effect for the highest court can be found, it is reasonable to assume that the specific advantage of loyal lower courts, increased social control over society, is a driving force for the decision to limit judges' autonomy. The results of the analysis of the differences between courts, which reveals a preference for higher court independence, corroborates Hypothesis 2b. Most dictators appear to be unwilling to solve the severe monitoring problem with increasing personalism and instead prefer to limit the opportunities for challenging the authority of the regime in local courts.

Despite the stronger preference for higher court independence in non-democratic regimes that display an increase in the degree of (latent) personalism (including also non-personalist regimes) analyses provide no clear results for a greater gap in the degree of independence between courts. The negative, albeit statistically insignificant, coefficients instead are indicative of a harmonization of judicial independence across courts with increasing degrees of personalism. Separate analyses with interactions between the latent measure of personalism and classic categorical measures for regime type substantiate the effect: Over-time changes in personalism are negatively associated with judicial fragmentation for regimes classified as overall personalist or party-based. How can one make sense of these, at first sight, contradictory findings?

As emphasized in the empirical analyses using the example of Uganda, a selective empowerment or the selective restriction of judges' autonomy is compatible with a decrease in the degree of fragmentation. For example, empowering a previously tightly controlled highest court may bring it closer to the greater independence that lower courts enjoy in a regime. In these cases, changes in the degree of personalism are associated with a harmonization between different court types. I have explained the strategic incentives for personalist rulers to apply a strategy of fragmentation in an attempt to reduce the threats to their rule and balance the costs and benefits of independent courts. However, corresponding cost-benefit calculations of personalist leaders presuppose that rulers are open for minor restrictions on their power to consolidate their rule and their post-tenure fate. My results highlight that personalist rule, when contrasted with other types of authoritarian rule, is compatible with the concept of judicial fragmentation: Controlling for various alternative explanations for differences between the highest and lower courts, personalist rule is associated with a greater gap in the degree of independence than party-based, military, or monarchic rule. Examples are the Cuban dictatorship under the rule of Fulgencio Batista or the dictatorship in Paraguay under Higinio Morínigo. In both cases, lower courts had considerably greater autonomy than the highest court (see the ratings in Coppedge, Gerring, Knutsen, Lindberg, Teorell, Alizada, et al., 2021).

When personalist rulers make efforts to further tighten their grip on political institutions, indicated by greater control over political institutions, my findings show that their efforts also affect the judicial branch and are associated with a harmonization of courts. Considering the clear negative effect of personalism on the independence of lower courts, this reaction may be traced back to previously mentioned high levels of paranoia that are often associated with personalist leaders (Frantz et al., 2020; Radtke, 2020; Wintrobe, 1998) and the wish to eliminate all potential veto-players. This interpretation is in line with observations from Nazi Germany, where the initially increased heterogeneity resulting from the introduction of the People's Court was reduced over time and, except for individual judges (Geerling et al., 2018; Müller, 1987), judicial independence was soon basically nonexistent (Müller, 1987).

As the case of Franco-Spain shows, it cannot be fully ruled out that an increase in the degree of personalism leads to the use of special courts instead of the ordinary judiciary, explaining why rulers may not need to differentiate between the highest and lower courts. Data constraints impede a large-N analysis of this mechanism. However, descriptive analyses of constitutional provisions for military courts by Ríos-Figueroa and Aguilar (2018) do not indicate a greater reliance on these courts in personalist regimes, suggesting that personalist rulers do not substitute one type of judicial fragmentation for another. Further research is necessary to evaluate the role of special courts and their relation to the ordinary judiciary (see Chapter 7).

Besides showing that personalist rulers, willing to share power, grant judges different degrees of independence, the empirical findings suggest that also other types of authoritarian regimes differentiate in the degree of judicial independence between the highest and lower courts. Whereas the analyses provide no evidence for a statistically significant difference between personalist and party-based regimes in the association between personalism and judicial independence, I find that monarchies show a clear positive association between personalism and judicial fragmentation. The distinct finding for monarchies may be explained by the specific structure of these regimes compared to other forms of authoritarian rule (e.g., Herb, 1999; Menaldo, 2012). In his analysis of monarchies in the Middle East and North Africa, Menaldo (2012) points at the "monarchic political culture" (p. 709) that helps to create greater stability than other types of rule. It legitimizes the ruler vis-á-vis the citizens¹⁸, creates long-term security for investors, and makes elites invest in the survival of the regime by aligning their interests with those of monarchs (ibid., p. 711). This may explain why some monarchies have long neglected to modernize their judicial system (e.g., Ehteshami, 2003; Mayer, 2002). The monarchic political culture may have enabled monarchies to solely focus on the independence of the most visible court in the country: Lower probabilities of social unrest and less corruption (Menaldo, 2012) reduce the necessity of independence at lower courts, while autonomous judges at the highest court may still refrain from questioning the rule of monarchs. Correspondingly, about 80% of all monarchic regimes in the sample have at least one year where the independence of the highest court is rated greater than the independence of lower courts. In 40% of these cases, the highest court showed constantly greater independence than the lower courts throughout the lifespan of the regime. The reduced costs of judicial independence for the authoritarian ruler make greater independence for high court judges a viable option to reassure political elites when monarchs increase their influence over other sectors of the state (see the positive coefficient in Figure 4.4). The one-sided empowerment of judges may then lead to the observed greater gap in independence between lower courts and the highest court.

My analyses highlight persisting data limitations in the analysis of judicial independence for different courts on illiberal regimes. Despite the many advantages of the V-Dem data, the sensitivity of its measures for court heterogeneity may simply be too low for many empirical analyses. Low within-regime variation in the measures of judicial independence undermines the gained precision of the new measure of personalism. Using a more clear-cut catalog of criteria for evaluating the de facto independence of courts instead of a single question may help to improve this measure in the future.

¹⁸The legitimizing effect of monarchic rule is also highlighted by Maghraoui (2001, p. 75) who describes the relation between citizens and the Moroccan king as follows: "While [the citizens] may consider the king personally unfair or unjust, they nonetheless identify with the monarchy as a symbol of national unity and a legitimate form of governance."

4.8 CONCLUSION

Supreme-, Constitutional-, and other high ranking courts have a prominent position in the judicial hierarchy. Yet, the judiciary of a country is never a monolith and courts on lower levels in the hierarchy have many characteristics distinct from their higher-ranking counterparts. Historical examples of variation in the independence of specialized and ordinary courts in non-democracies raise questions if authoritarian rulers also differentiate *within* the ordinary judiciary between the highest and lower courts when granting judges more autonomy.

In this chapter, I argue that the observation of different degrees of judicial independence is based on strategic considerations of the authoritarian ruler. Autocrats who focus on a concentration of power in their own hands face incentives to use the different tasks and jurisdictions of courts to their advantage. By selectively providing those courts with greater independence that should have the greatest impact on the autocrat's survival, leaders balance the costs and benefits of independent judges.

Using data on judicial independence at different levels of the judicial hierarchy from a global sample of non-democratic countries, my analyses show that the degree of personalism differently impacts the independence of the highest and lower courts. Greater personalism reduces lower court independence, also relative to the highest court. The empirical results suggest that personalist regimes, compared to other types of non-democratic rule, show the greatest heterogeneity in the degree of judicial independence between courts. Contrary to my expectations, a further concentration of power is associated with a shrinking of the gap between the highest and lower courts for these rulers, reflecting less fragmentation of the judiciary. I attribute this finding to variation in personalist rulers' willingness to incur limitations on their power: Whereas personalist rulers appear to be a priori willing to leverage judicial fragmentation to stabilize their rule, greater personalism is reflected in changes in the cost/benefit calculation of personalist rulers, so that veto-players are generally considered unacceptable.

My results highlight the importance of considering the subnational perspective of judicial independence. Explanations for and effects of judicial independence can vary between courts, potentially causing theoretical and empirical imprecision. By taking into account the degree of personalism and regime type, I improve our understanding of the relation between regime characteristics and the design of the judicial branch. The empirical findings raise further questions on the independence of courts in authoritarian regimes. Given the mixed results for the effect of personalism on judicial fragmentation for personalist regimes, future research should examine the effects that the harmonization between courts and the reduction in judicial independence have for personalist rulers. Making judges from different courts equally (in-)dependent may lower the monitoring costs for the regime to keep the judicial branch in check. Also a harmonization within the ordinary judiciary in combination with an implementation of special courts may be a viable option that requires further examination. Focusing on the observed differences between regimes, they match previous studies in highlighting distinct styles of governance in military and monarchic regimes that are also reflected in the use of judicial institutions. While this is a first hint at the reasons for the observed differences, further research is necessary to explain why, for example, greater personalism in monarchies is associated with more fragmentation.

Though measures of subnational judicial independence are still rare and have some limitations, they provide the ground for developing and evaluating more complex theories that better reflect authoritarian rulers' creativity in consolidating their rule. Future research may use this new perspective to reevaluate some of the explanations for judicial independence that have seen contradictory findings in the past. When we went to school we were told that we were governed by laws, not men. As a result of that, many people think there is no need to pay any attention to judicial candidates because judges merely apply the law by some mathematical formula and a good judge and a bad judge all apply the same kind of law. The fact is that the most important part of a judge's work is the exercise of judgment and that the law in a court is never better than the common sense judgment of the judge that is presiding.

Robert H. Jackson (cited by Gerhart, 1958, p. 289)

5

Judicial Independence under Threat: The Appointment of Judges in Clientelistic Regimes

5.1 INTRODUCTION

After the end of military dictatorship in 1999 important steps have been taken to increase the separation of powers in Nigeria. One of these steps is the introduction of the National Judicial Council (NJC), a nonpartisan commission that evaluates the qualification of applicants for positions in the judiciary and recommends suitable candidates to the governor or president (Oko, 2005). The country followed a trend originating from the U.S., where this so-called *merit-selection* of judges gained popularity and is by some considered a better alternative to public elections of judges let alone a unilateral appointment (Phillips, 2009). The selection of judges by technocrats is said to increases the quality and diversity of the bench, while at the same time minimizing avenues for nepotism and corruption (Glick, 1978). Besides Nigeria, many other countries opted for selection commissions during democratization as well, such as South Africa (South African Const. of 1996, art. 178), Uganda (Ugandan Const. of 1995, art. 146), and Kenya (Kenyan Const. of 2010, art. 171).

Yet, examinations of the judicial branch, for example in Nigeria, suggest a failure of the selection commission to improve the quality of the bench given that corruption and clientelism among court personnel are still considered major problems (International Commission of Jurists, 2008; United Nations Office on Drugs and Crime, 2019). Though the NJC publicly demonstrates its action against allegedly corrupt judges (e.g., Butty, 2016; Ikhilae, 2017), reports suggest that nepotism and patronage make the commission also recommend ill-qualified judges (Sahara Reporters, 2020). Similarly, also other selection commissions, such as the one in South Africa, repeatedly face allegations of nontransparent and unfair practices in the selection of judges (Rampedi, Ngoepe, & Afrika, 2019). *Why does the implementation of a selection commission in many cases not have the expected positive impact on the judiciary?*

I argue that the observed failures of selection commissions relate to a more general problem of introducing democratic institutions in unfavorable contexts. Formal institutions that are not strong enough may easily be bypassed or captured by policymakers or elites in society. Corruption can act as an informal institution that helps counteracting democratic institutions (Fjelde & Hegre, 2014). For the case of selection commissions, the observed problems can be expected to be, at least partly, due to a mixture of nepotism and patronage politics both within the selection commissions and by the appointing presidents.

Building on research about nepotistic and patronage hiring in the public sector (e.g., Durante, Labartino, & Perotti, 2011; Pierskalla & Sacks, 2020; Scoppa, 2009), I expect two mechanism to influence the appointment of judges. First, due to the relatively high value of positions in the judiciary, private actors are willing to use pre-existing networks and influence to lobby for candidates for open vacancies. Members of the selection commission have high incentives to succumb to these lobbying efforts, given the overall low levels of transparency and accountability within the selection process. Second, also the president may want to fill positions at courts with loyal supporters to avoid future conflicts with judges and reduce the probability to be held accountable for her policy agenda. In addition, compared to political appointments in the bureaucracy or other positions in the executive branch that are often of temporary nature, appointments in the judiciary signal even stronger bonds given the life tenure status of judges.

This makes positions as judge a valuable good for patronage. I expect the president to use her remaining direct and indirect influence on the selection process to favor members of the elites in society.

To test my hypothesis, I focus on the selection process of judges in the Philippines. Using an original dataset on applicants at varying stages of the application processes for about 2,000 positions as judges in lower- and mid-level courts between May 2011 and November 2020, I examine the factors that influence the application, nomination, and appointment of judges. Focusing on the Philippines as empirical case has several advantages. Similar to other countries it implemented an independent selection commission during its democratization in 1987. Furthermore, clientelism and patronage are very common in the Philippines (Weiss, 2020), with some researchers even calling the country an oligarchy (McCoy, 2009). The corruption extends to the judicial branch (International Bar Association, 2016; Social Weather Stations, 2006). Justices at the Supreme Court of the Philippines show a clear political leaning (Dressel & Inoue, 2018; Escresa & Garoupa, 2013; Pellegrina, Escresa, & Garoupa, 2014). Hence, the case of the Philippines typifies other illiberal regimes, specifically semi- and weak democracies¹, that have likewise implemented initial steps to shield the judiciary from external influence, but also face issues of corruption and nepotism. Nonetheless, the selection process is relatively transparent by comparison as information on the pool and progress of applicants is publicly available.² This makes the Philippines a hard case³ to test the argument as there is a heightened risk for the members of the Judicial and Bar Council (JBC) and the president that favoritism in the selection process is uncovered by the public. Findings of systematic clientelism in the distribution of positions in the judiciary on the Philippines would suggest similar processes in other countries.

My research provides suggestive evidence for systematic favoritism by the president of applicants supported by influential families for positions at lower-level courts outside of the pre-election period. Importantly, potential accumulations of appointments of candidates with such relationships can also be attributed to a higher likelihood of these applicants to apply for court positions in the first place. As lawyers with connections to influential families are more likely to apply for open vacancies, kinship is an important factor already before considerations of the selection commission or the president have an

¹For the sake of clarity, I will henceforth mainly refer to semi-democracies. I consider the concepts of weak and semi-democracies in the context of this dissertation as equivalent, given their many similarities.

²See as a counterexample the lack of transparency of U.S. states in matters of judicial appointments. Goelzhauser (2018) describes how in many cases only the names of appointees are disclosed and that he had difficulties in gaining access to information about the applicant pool for particular positions. In the end, only Nebraska provided some of the information he requested for his analyses.

³On the different types of case selection and the related "least-likely" case, see Levy (2008).

effect. The pool of potential candidates is further skewed by the fact that highly qualified lawyers are less likely to apply. I find that both, selection commission and the president, do not effectively counterbalance these problematic application patterns. Applicants living in the same or near municipality of the court with the vacant position are preferred over applicants from municipalities further away. Though this may be justified on the grounds of good knowledge of the local circumstances, it also eases the accumulation of local power. Finally, the empirical results show that also other factors such as gender, experience, and occupation in some cases influence the shortlisting and appointment.

This chapter makes several important contributions. First, it provides a better understanding of the functioning and (mis-)use of democratic institutions in illiberal regimes, with a specific focus on semidemocracies. While we have a good understanding of the functioning of parliaments (for an overview: Gandhi et al., 2020), the role of the judiciary in these hybrid regimes remains vague and is mainly considered around the general concept of judicial independence (e.g., Epperly, 2017; Hayo & Voigt, 2007). Despite its high relevance for judges' independence, the specific process of selecting judges only plays an ancillary role in many studies. Appointing politically biased or ill-qualified judges clearly undermines the judiciary's role as counterweight to the government, making attempts to better shield the judiciary from external influence a welcome development. Questions remain whether selection commissions can fulfill this task if informal institutions play a major role in society (Fjelde & Hegre, 2014). In particular the interaction of the selection commission with the appointing institution, such as the president, is largely unexplored. My research provides empirical insights into the working mechanisms of selection commissions and whether this institution can reduce the influence of the government and other non-state actors particularly in semi-democracies.

Second, my analyses provide further insights into the role of patronage in these regimes. Previous studies have largely focused on public good provision and patronage hiring in the bureaucracy and related areas (e.g., Pierskalla & Sacks, 2020). To my knowledge, this is the first study that empirically tests patronage politics in the judicial branch in a semi-democracy, with an emphasis on lower-level courts. Patronage hiring in the bureaucracy often has detrimental effects on the efficacy of the state (Colonnelli, Teso, & Prem, 2018; Xu, 2018). Compared to that, patronage hiring in the judicial branch suggests an expansion of the government's sphere of influence. The distribution of these positions among supporters can have considerable and long-lasting effects for the incumbent and society. My analyses show if and at which point of the selection process patronage politics come into effect and thereby undermine the impartiality of the appointment process.

Third, I specifically contribute to the research on family-based nepotism as a specific type of corruption. While there are various means of influencing decision-making processes, ranging from professional lobby groups to intimidation by criminal gangs, using kinship to one's own advantage is particularly prominent in history (e.g., Sundell, 2013; Wang, 2022). Nepotism in general is largely seen as incompatible with merit-based employment that promises the best output (Pérez-González, 2006). Empirical studies for a long time have mainly focused on the role of nepotism in private sector recruitment (e.g., Gagliarducci & Manacorda, 2020), yet also public sector employments face increased scrutiny (e.g., Scoppa, 2009). Despite its high relevance in daily life, empirical studies specifically focusing on the judicial branch are still very rare. They focus on regular court staff and suggest a negative impact on courts' performance (Brassiolo et al., 2021). My analysis contributes to this field of research by focusing on the effect of nepotism on the most prominent and valuable employment in the judicial branch, the position as judge. Valuing kinship higher than merit on this important position may not only influence the performance of the court, but also have consequences on judicial decisions.

Lastly, I provide detailed insides into the process of appointing judges. Most empirical studies on the effects of merit-based selection on the composition of the judicial branch focus on the case of the U.S. (e.g., Goelzhauser, 2016, 2018) or Canada (Riddell et al., 2008). These highly developed countries with a long democratic tradition represent a very different context than what can be found in many semi-democracies. Facing lower levels of corruption, a greater pool of highly qualified applicants, and a – with some limitations – more consolidated democratic society, pressure on the selection commission to correctly fulfill its task is lower in highly developed liberal democracies. In contrast, less democratic countries often struggle with autocratic legacies and a situation where (political) power and education are particularly interconnected. Identifying suitable candidates and withstanding external influence is therefore much more difficult. The original dataset that I provide is unique in its consideration of the complete application, nomination, and appointment process of judges in a semi-democratic country. It enables a consideration of the final appointment decision and the characteristics of the fixed pool of candidates the commission and the president can choose from. By analyzing the complete pool of (potential) applicants instead of only considering those who are selected or appointed, I can draw better inferences about the underlying mechanisms. My empirical results show that merely implementing selection commissions is not enough to shield the appointment of judges from undue influence. Application patterns that are biased towards particular segments of society and personal interests of those involved in the selection process can still take effect and may be even better obfuscated than in contexts of unilateral appointment.

5.2 Nepotism & Patronage-Based Hiring in the Judicial Branch

The mechanisms behind patronage, the distribution of public jobs by the government among political supporters (Weingrod, 1968), as well as nepotism, the favoritism of close relatives and friends, have repeatedly gained attention by scholars analyzing public sector employment (Golden, 2003). Though there have been reports on the prevalence of patronage and nepotism before, only in recent years systematic empirical analyses are possible, thanks to the availability of large datasets on employment in the private (e.g., Fafchamps & Labonne, 2017; Gagliarducci & Manacorda, 2020) and public sector (e.g., Colonnelli et al., 2018; Lorentzen & Lu, 2018). These studies show that hiring of political supporters and relatives in some contexts, even democracies, goes beyond individual cases but tends to be systematically practiced. For example, Durante et al. (2011) and Scoppa (2009) provide evidence for the prevailing problem of nepotism in the Italian public sector. Colonnelli et al. (2018) show that in Brazil political support for the incumbent party considerably increases the likelihood of public sector employment with support offsetting a lack of qualification.

As elected officials have discretion over appointment decisions within the bureaucracy and other positions in the executive body of the state, most research focuses on patronage and nepotism in these sectors. At the same time, branches of the government are rarely strictly separated, offering the possibility to utilize vacancies in the judicial sector for patronage. Courts have to be considered a political actor in its own right given their increasing relevance in daily politics (Dahl, 1957). It is attractive for the government to appoint judges it deems loyal and that will likely not interfere with the own policies. For example, the appointment of U.S. Supreme Court justices with a more liberal or conservative leaning by the U.S. president is often considered to be a political decision (C. M. Cameron, Cover, & Segal, 1990; Epstein & Segal, 2007). Yet, the position as judge also offers advantages equal to and often even outperforming those of other appointments in the public sector. Prestige and a secure, albeit likely lower than in the private sector, income make the position attractive for outsiders and hence a suitable reward by the government in exchange for political support or loyalty. Consequently, there have been repeatedly allegations of patronage hiring for judicial appointments. In a study on federal judicial appointments in Canada between 1984 and 1988, Russell and Ziegel (1991) show that more than 47 percent of the appointees had a known political association to the incumbent party, about 24 percent even a strong association. The authors report that lawyers actively sought to bring their names to attention to the minister of justice via the means of personal or political networks, highlighting the perceived value of these positions. Where lawyers were able to gain the attention and have been appointed, the appointees' political association in some cases outweighed their qualification (Russell & Ziegel, 1991). The appointment of unfit candidates and the competition of lawyers over the rare good of open vacancies highlight that appointments to the judicial branch go beyond the aim to shape the court politically. Instead, patronage politics and rewarding supporters play likewise an important role.

Given the relevance of open vacancies in the judiciary for strategic appointments to influence the political leaning of the court and as patronage for political supporters, nepotistic considerations have played a minor role in research and public discourse so far. Yet, the benefits of public sector appointments in the bureaucracy extend to the judicial branch and are even greater (see above). This should eventually also open the possibility for nepotistic appointments, in particular if kinship mixes with political support. At the same time, also less prominent positions in the judicial sector provide a good opportunity for hiring decisions based on nepotistic concerns. Using the case of Mexico, Brassiolo et al. (2021) find that judges leverage their discretion over appointments of court staff to provide members of their families with lucrative positions.

Both patronage and nepotism contradict the idea of meritocratic recruitment and are widely associated with lower performance of companies (e.g., Pérez-González, 2006). In the public sector, employment based on qualification is widely considered important for a high quality of public service delivery (Colonnelli et al., 2018; Robinson & Verdier, 2013; Xu, 2018). For example, in their study on Brazil Colonnelli et al. (2018) show that the patronage hiring decisions decrease the quality of public service as measured by local education provision. For the judicial branch, lower levels of performance have been identified if staff members are hired based on family ties (Brassiolo et al., 2021). More importantly, appointments based on loyalty or political leaning can have considerable impact on judicial decisions and the role of courts as counterweight to the government (Hausegger, Riddell, & Hennigar, 2013; Riddell et al., 2008). This highlights the important role the appointment process of judges has for the independence of the judiciary.

5.3 Selection Commissions and Candidates' Merit

As a response to concerns of patronage but also political partisanship of courts, there have been attempts to separate judicial appointments from external influence. Public elections of judges are often seen as one way to minimize the potential influence of the executive. Yet, public judicial elections come with some potential downsides. Examples are the ongoing discussion about voters' ability to assess the candidates' competence (Champagne & Haydel, 1993; Dubois, 1980; Hall & Bonneau, 2006) and that nonetheless partisan affiliation plays a role (Bonneau & Cann, 2015). The selection of judges by a nonpartisan commission, so-called *merit*-selection to emphasize the sole focus on applicants' qualifications, has been repeatedly brought forward as a way to depoliticize the selection of judges (Glick, 1978). The commissions are often consisting of lawyers, sometimes in combination with representatives of the government. Hence, the process of merit-selection does not fully exclude the executive. The government or the head of state often retains the power for appointments. Merit-selection commissions are said to limit the potential for patronage and nepotism by including non-governmental members in the decisionmaking process, for example, by providing a shortlist or even recommending only a single candidate who has to be selected by the government. Because of these considerations, merit-selection based systems of judicial appointments have been implemented in several states in the U.S. as well as in other countries, for example, Canada and South Africa (Goelzhauser, 2018).

Empirical studies that test whether merit-selection can live up to the expectation that it leads to a lower level of politicization of the bench and a higher quality of judges primarily focus on the U.S. (Bonica & Sen, 2017; Fitzpatrick, 2017; Goelzhauser, 2018). Bonica and Sen (2017) compare the ideological positions of U.S. judges and lawyers across different systems of judicial selections and find an overall lower level of politicization compared to most other methods of selection. The most advanced empirical study has been conducted by Goelzhauser (2018). He considers the candidate pool, i.e., who submits an application, in his analyses. The author shows that partisanship influences both the selection of judges within the commission as well as the appointment-decision by the governor when a nominee is selected from the shortlist. In a prior study, Goelzhauser (2016) does not find effects of different selection mechanisms on the qualification of judges. Hence, for the U.S. case, studies provide no clear evidence for a superiority of merit-system based selection of judges over other means of selection, such as public elections. Outside of the U.S., weaknesses in the system of merit-selection become more evident. As a reaction to patronage appointments, Canada implemented a screening commission for candidates for the position as federal judge. Riddell et al. (2008) show that even after the implementation of meritselection, almost a third of appointees have financially supported the appointing party in the years before their appointment.

Different explanations have been brought forward to explain the failure of nonpartisan commissions to reduce the influence of politics on the appointment process. Studies have identified the members of the selection commission as one potential weakness in the merit-selection of judges. Surveys among members of nonpartisan commissions in the U.S. indicate that some of the members take into account partisan or other non-merit based considerations into the selection process (Henschen, Moog, & Davis, 1990; Watson & Downing, 1969). Selection commission members might also not represent the full political spectrum. Due to the overall more liberal views among lawyers in the U.S. (see Bonica, Chilton, & Sen, 2016), Fitzpatrick (2017) hypothesizes that judges appointed by commissions, with lawyers as some of the commissions' members, may also be biased towards liberal political views. Though the author finds some evidence in favor of his hypothesis, he acknowledges that due to methodological and data limitations it remains unclear whether the identified relationship is systematic. Because of the observation that members of supposed nonpartisan commissions are not necessarily nonpartisan themselves, critics argue that merit-selection only hides political considerations within the commission (Bopp, 2013).

5.4 Merit-Selection Under Pressure in Semi-Democracies

Two major conclusions can be drawn from existing research. First, both nepotism and patronage play a role in public sector hiring. Examples of systematic non-compliance with the ideal of merit-based employment indicate that nepotism and patronage are relevant factors in hiring decisions beyond the bureaucracy in other branches of the government, such as the judiciary. The high value of positions in the judiciary, both for the government and for the individual, is key. Second, attempts to limit the influence of patronage and nepotism in the judicial branch via nonpartisan selection commissions remain inconclusive. The composition of the selection commission and interests of its members pose a major obstacle for merit-based selection.

For semi-democracies, these findings suggest that attempts to select candidates for positions in the judiciary based on qualification should be even harder to achieve. The economic situation in these states, often low- to middle-income countries, increases the demand for public sector positions and prestigious

positions in the judiciary in particular. At the same time, the implementation of a nonpartisan selection commission in often previously closed authoritarian regimes represents an interference in established political power structures. Research by Fjelde and Hegre (2014) suggests that (political) elites react to this interference via the establishment of informal institutions such as patronage, nepotism, and other types of corruption. This way, the de facto power of formal institutions, for example parliaments, is weakened or circumvented. I broaden the concept used by Fjelde and Hegre (2014) to cover elites in society in general (i.e., economic elites or those with political influence) and expect a similar effect for the institution of the selection commission: Whereas previously the distribution of positions in the judiciary was based also on loyalty or political support, this channel is at least partly closed with the implementation of the selection commission. As a consequence, elites in society are in a tight spot to find alternative channels for (easy) access to positions in the judiciary. Applying the authors' argument, these alternative channels are more than previously based on informal means, using corruption and nepotism, to give candidates an advantage in the merit-based selection process (see Fjelde & Hegre, 2014).

Considering the perspective of the members of the selection commission, the economic situation of commission members influences their individual susceptibility to career pressures, nepotism, and corruption. While the commission may reduce the opportunities for interference by other branches of the government, personal interests of the commission members remain weak points for non-merit-based considerations in the appointment decision. Though presidents now have to share the control over judicial selection, if commission members decide to select on grounds other than merit, the purpose of the commission to reduce the role of favoritism is undermined. The opportunity for additional income should make members of the selection commission susceptible to attempts of outsiders who ask them to decide not only based on merit but to give a specific candidate an advantage in the selection process. Knowing the value of positions in the judiciary, the compensation that commission members can get in exchange for the risk of being discovered should be considerable. The type of decision-making of these commissions, usually behind closed doors, also opens a window of opportunity of plausible deniability for the commission members (Bopp, 2013). Without knowing the content of the consultation, for example, if individual commission members stand up for a certain candidate or vote for her, the progress of candidates in the selection process cannot be attributed to a single commission member but is considered from the outside as a decision by the commission in total. This reduces the risk of being discovered or facing a penalty when secretly working against the purpose of the commission, making it more attractive to sell and buy votes in the selection process. As such, the typical design of selection commissions makes it easier for its members to succumb to own personal interests and the intensified lobbying by elites in society.

As a consequence, I expect that vacancies in the judiciary in semi-democracies are distributed similar to other positions in the public sector via nepotism and patronage networks, thereby partly neglecting the qualification of candidates. Commission members can gain short-term benefits (for example money or favors) when taking advantage of their decision-making authority over whom to consider as qualified enough for a position to be placed on the shortlist. They also have an incentive to align shortlist nominations with the (perceived) preferences of the president if she oversees the (re-)appointment of members of the selection commission. Commission members may consider their chances of reappointment higher if proposed candidates meet the expectations of the president, giving the president greater control over the selection process.

The economic and political power the applicant or her supporting group has, should influence the commission members' nomination decision. These factors enable a person to pressure or incentivize commission members to no longer focus only on the qualification of applicants but to take into account other factors. In practice, where members of economically or politically influential groups decide to apply for a position in the judiciary, other members of this group have an incentive to support this application to enhance the power of the group and to ensure financial security of one of its members. Support may imply that individual members of the selection commission are approached directly or, more likely, indirectly via people close to the commission member.

By offering a material reward or favor, the commission member is lobbied to use her influence during the phase of deliberation to convince other commission members of the personal strengths of the candidate, thereby increasing the likelihood of the candidate to make it on the shortlist. Alternatively, selection commission members either recognize it or it is brought to their attention that certain applicants are members of societal groups relevant to the president's political fate, usually members of elites in society. Based on anticipatory obedience, commission members likely on their own initiative shortlist those applicants that the president wants to appoint to co-opt the associated elites. Being supported by economic and political elites, or broadly speaking influential groups in society, should hence make a difference when being evaluated by the selection commission via the means of (1) corruption on behalf of those elites and (2) given the elites' political relevance for the president. The elites' political and economic strength in society might counterbalance personal weaknesses of candidates supported by these groups or give these candidates an advantage where qualifications are equivalent.

The expected biasing of the selection process by commission members and attempts to influence it via informal institutions are in line with reports from countries such as Nigeria and South Africa that implemented merit-selection of judges with the hope to minimize the politicization of the selection process. In many of these cases the selection commission does not only consider merit in the nomination and appointment of judges, but kinship and political factors also play a role (Oko, 2005; Rampedi, Ngoepe, & Afrika, 2019). In Nigeria, internal documents revealed that a majority of the candidates for positions at the Federal Capital Territory High Court recommended by the selection commission in April 2020 did not meet the official requirements for these positions, for example due to a lack of seniority or no official participation in the selection process (Sahara Reporters, 2020). The fact that these candidates had strong private or professional ties to high-ranking members of the judiciary and the commission suggest that kinship played a major role in the decision-making of the committee. In a commentary, the Executive Director of the non-governmental organization *Access to Justice*, refers to a statement by Niki Tobi, then Justice of the Supreme Court in Nigeria (Otteh, 2004). Tobi emphasizes the role of favoritism in the selection process by the commission as well as applicants' active campaigning for appointment using also non-merit based factors. Based on the arguments developed above, I derive the following hypothesis:

Hypothesis 1: Applicants with support from influential groups are more likely to be *nominated* for the shortlist by the selection commission.

Also the government has a strong motive and many opportunities to influence the selection process. Though selection commissions are established to shield the judiciary from influence by the government, the context of semi-democracies increases the potential gains of having access to the appointment process. Where candidates and parties have no clear agenda as well as problems to make credible programmatic promises, the political fate of the president and the ruling party depends on buying votes and appeasing influential groups. This often involves the distribution of positions in the public sector (e.g., Driscoll, 2018). In the context of Indonesia, Pierskalla and Sacks (2020) find evidence that particularly in districts where the ruling party faced competition, the district governments increased the number of contract teachers hired and the salary of permanent teachers during election years. I argue that positions in the judiciary should signal even stronger bonds to friends and supporters due to the life tenure of judges and the higher level of prestige, making them valuable for the government as form of patronage. Filling vacancies in the public sector with loyal supporters has further strategic reasons beyond the individual election (Sigman, 2022). The implementation of the president's agenda requires noninterference by other branches of the government, very often the judiciary. Distributing positions in the judicial branch among loyal elites in society should reduce the likelihood that the government loses trials when being challenged by the opposition over its policies as judges appointed by the government are often considered to rule in its favor (Epstein, Martin, Quinn, & Segal, 2007; Shvets, 2016; Sunstein, 2006). Reducing the threat of being sanctioned for a policy thereby reduces the accountability of the president.

Positions in the judicial branch become available as patronage for the government because the mixture of autocratic and democratic elements lowers the barriers for interference by the president. Despite the intentions behind implementing the selection commission, the president often retains considerable influence over the process of judicial selection (e.g., Ugandan Const. of 1995, art. 142). Presidents often directly influence the process by choosing a candidate from a shortlist. Influence can sometimes also be exerted indirectly by (re-)appointing members of the selection commission. The direct and indirect influence can be used by the president to appease and co-opt influential groups in society. Those candidates with connections to such groups, often with economic or political power, should be more likely to be appointed than other candidates from the shortlist to secure support for the president and her party in upcoming elections and the implementation of policies that require support by these actors and the judiciary.

Hypothesis 2: Applicants with support from influential groups are more likely to be *appointed* as judge by the president.

Aside from the selection commission and the president, applicants are the third major actor in the process of application. By submitting the application, they initiate the application process and become part of the limited pool of people from which the other two actors can choose.⁴ This sheds light on

⁴Even where applications are based on recommendations by a fourth actor, applicants usually have to agree prior to being considered by the commission and the president. This is, for example, also the case for the appli-

the characteristics of potential applicants, influencing the capability and the willingness to apply for a position as judge. As highlighted above, positions in the public sector are often considered to be attractive not only due to their secure salary but also due to the potential for influence in society. Individuals who are already part of an influential group may wish to extend the power of their group to the judicial branch or obtain acceptance of the other group members by holding the prestigious and influential position. They usually fulfill formal requirements that precede the admittance of the application, such as certain educational degrees, as societal influence often goes hand in hand with relative prosperity. In many countries this is still an important factor for educational success.⁵ This could lead to a high share of applicants coming from elites in society in the pool of applicants. However, there are also reasons for expecting a negative effect of group membership on the likelihood to apply. Not only does a secure salary make positions in the public sector attractive to other people in society as well, but those who already enjoy prosperity and influence should have many alternative occupational options, especially in nepotistic societies. In summary, it is unclear if support by an influential group increases the likelihood of application for positions in the judiciary relative to other potential applicants without such a support network.

By conducting analyses that account for core personal characteristics of potential applicants, such as experience or connections to influential groups, it is possible to separate decisions by the commission and the president from specific application patterns. Without this, for example, a high share of applicants with connections to politics could systematically influence the pool of potential candidates the commission and the president can choose from. This would cause patterns of appointment that look very similar to those expected from biased decisions by the commission or the president, yet are based on a different underlying mechanism.

cation process on the Philippines. As such, applicants retain their power to decide about the initiation of the application process.

⁵On the effect of family income on children's education level in sub-Saharan Africa, see, for example, the studies by Lewin (2009) and Ilie and Rose (2016). For the effect of family income on education in Western countries, see the studies by Acemoglu and Pischke (2001) and Løken, Mogstad, and Wiswall (2012).
5.5 THE EMPIRICAL CASE: THE PHILIPPINES

5.5.1 The Influence of Families and Clans in the Philippines

For my analyses I focus on the case of the Philippines. The country's political system can be best described as a semi- or weak democracy. Elections are regularly held and changes of government are common. However, state and society suffer considerably from clientelism and corruption. While the civil service is considered as essential to the functioning of the government, it suffers from (political) interference by different actors in the state that minimize its effectiveness (Hodder, 2009). In addition to conflicts between agencies and branches of the state regarding competencies, personal interests paralyze the state body. An overall rather weak central government is contrasted by powerful families with local strongholds, where they exercise considerable influence in local politics and cultivate patronage networks. The latter becomes visible during election periods when electoral support is often bought in exchange of money or positions in the state apparatus (Weiss, 2020). Though laws are in place to curtail such procedures, prosecution is hindered by law enforcement authorities and other members of the society partly partaking in and profiting from these measures.

Another factor is the identification and exploitation of loopholes in the rules. Considering appointments in the executive branch alone, roughly 15,000 to 20,000 individuals are constantly employed as so-called non-career personnel on temporary basis without prior open call for the position or due selection process (Hodder, 2009; Monsod, 2015). This makes appointments to positions in the public sector a popular tool for patronage. Of particular interest is the ban of so-called "midnight appointments" in the Philippines. To minimize the use of public positions in exchange for votes or as reward for prior loyalty, laws prevent the executive from making appointments, promotions, or salary increases for most state positions during the last two months prior to an election date (Philippine Const. of 1987, art. 7, sec. 15). As a result, officials tend make appointments shortly before the deadline ends. For the 2010 pre-election period alone, 977 appointments by President Gloria Macapagal Arroyo have been reported (Valderama, 2010). Though some of these have been made after the deadline on March 10, there is a noticeable accumulation of appointments in the days before the official ban (ibid.).

5.5.2 The Selection-Procedure for Judges in the Philippines

Given these circumstances, it comes as no surprise that several measures have been put in place to ensure the independence of judges from external influence. For example, where judges share jurisdiction, cases are assigned by raffle to the different branches, following a strict procedure to avoid potential exertion of influence by defendants (Supreme Court of the Philippines, 2002). To countermeasure the executive branch, judges hold office until they reach the age of seventy years, if they do not become incapacitated (Philippine Const. of 1987, art. 8, sec. 11). For lower courts it is upon the Supreme Court to discipline the judges.

Until 1986 and hence the end of the Marcos regime, appointments of judges were under the sole authority of the president. Prior to the move to dictatorship, the consent of the Commission on Appointments of the Legislature was necessary. As reaction to criticism regarding the lack of transparency of the appointment process as well as due to allegations of a politicization of appointments, after the end of the Marco's regime, the 1987 Constitution provided for the creation of a Judicial and Bar Council (JBC) (Philippine Const. of 1987, art. 8, sec. 8). Its task is to evaluate the qualification of applicants and to recommend appointees to the judiciary to the president. The members of the JBC are (1) the Chief Justice, (2) the Secretary of Justice, (3) a representative from Congress (the two representatives from Senate and House of Representatives alternate throughout the year), (4) a representative of the Integrated Bar of the Philippines, (5) a professor of law, (6) a retired member of the Supreme Court, and (7) a representative from the private sector. The latter four are regular members, appointed by the President of the Philippines, and have to be confirmed by the Commission on Appointments. The term of the regular members is four years. They can be reappointed for consecutive terms.

In coordination with the Court Administrator, the JBC opens vacant position at lower and midlevel level courts for application. Only for higher level courts, the occurrence of vacancies automatically opens an application process. Applications for these positions can be made by the applicants themselves or upon recommendation by another person. After the deadline, the list of applicants is published, leaving the public with a 10-day limit to report complaints or derogatory information against the applicants to the JBC, which will then look into the allegations. If applicants fulfill all formal requirements for the respective position⁶ they undergo various screenings of their competence and integrity by the

⁶For example, all members of the judiciary must be a citizen of the Philippines, must be a member of the Philippine Bar, and must not have pending criminal or regular administrative cases.



Figure 5.1: Overview of the application and appointment process for lower- and mid-level judges on the Philippines

JBC. A selection of applicants is then invited to public interviews for further examination. If deemed qualified, the Council nominates at least three applicants for a shortlist from which the President of the Philippines has to select the candidate for the vacant position within 90 days from the submission of the list (Philippine Const. of 1987, art. 8, sec. 9). Figure 5.1 provides an overview of the steps of the appointment process.⁷

Notwithstanding these attempts to isolate judges and their appointment from external influence, judicial independence in the Philippines is limited in various ways. In particular in lower courts judicial corruption is a serious problem (Social Weather Stations, 2006). It is nourished by the structural problem of funding shortages, leading to large workload and low payments (Batalla et al., 2018; Pangalangan, 2015).

Also the process of appointment shows clear signs of political influence. Similar to other institutions in the Philippines there have been reports that the JBC is lobbied by various groups for vacancies in higher-level courts (Bakker, 1997; Cupin, 2017). Personal networks and businesses play a major role. Reports center around the composition of the shortlist with tactics involving the inclusion of otherwise unsuitable candidates (Cupin, 2018). The latter is done to facilitate the appointment as judge at a specific position. There have also been reports indicating that unfit candidates are included to increase the chances of mediocre applicants (Canlas, 2016).

Finally, despite the existence of the JBC, presidents can exert considerable influence on the selection process. As stated above, five of eight members are directly appointed by the president. Barcena (2010, p. 135) highlights that, because the terms of the regular members of the JBC are shorter than the six-year term of the president, at some point a majority of members is appointed by the incumbent president.

⁷For more information on the structure of the Philippines' judiciary, please consult the descriptions by Pangalangan (2015) and Batalla, Romana, and Rodrigo (2018).

This opens the possibility for the president to use these positions as reward for individuals that showed support or loyalty. The Commission on Appointments, which is supposed to prevent such behavior and has to approve these appointments, faces allegations of partisanship, patronage, and corruption (Barcena, 2010; Jimeno, 1999). This makes it unlikely that it can meet this obligation. Due to the possibility of reappointment, those members of the JBC appointed by a predecessor of the incumbent president have an incentive to signal their loyalty (Barcena, 2010, p. 135). In those rare cases where, despite the influence on the JBC, the provided shortlist does not meet the expectations of the president, reports suggest that presidents sometimes ignore the rank order or even add further candidates to the shortlist (Dressel & Inoue, 2018). As a consequence, the question has been raised whether the JBC is in fact the bulwark against external influence as which it is often presented (Dressel & Inoue, 2018).

5.6 Research Design

To test my hypotheses, I use an original dataset on applicants at various levels of the nomination process for the position as judge at lower⁸ and mid-level courts⁹ in the Philippines. The dataset is based on a collection of publicly available information provided by the JBC and the Supreme Court of the Philippines in combination with research using, besides others, social media and newspaper sources. As part of the data collection, about 2,000 pages of official documents by the JBC have been processed using computer-assisted hand-coding. The identity of hundreds of applicants has been manually checked. This was done to ensure that applicants are properly tracked during the application processes even when, for example, name changes occurred due to marriage or divorce. Due to the varying availability of information for the individual steps of the application process, the covered time frames vary depending on the focus of the analyses. Information on appointments is available as early as 2005. Information on applicants and shortlists for individual positions are available after May 2011 and March 2012, respectively. Data on interviews and psychological evaluations are available starting January 2014 and January 2016, respectively.

⁸Henceforth, when speaking of "lower" or "first-level courts" I refer to the group of Municipal Trial Courts (MTCs), Municipal Trial Courts in Cities (MTCCs), Municipal Circuit Trial Courts (MCTCs), and Metropolitan Trial Courts (MeTCs). While so-called Shari'a Circuit Courts (SCCs) are strictly speaking also part of the first tier, I exclude them from the definition as SCCs only deal with cases involving Muslim affairs in Mindanao.

⁹By "mid-level courts" I refer to Regional Trial Courts, excluding other types of second-tier courts.

Though the varying availability of information is far from ideal, most importantly, the data on all steps of the appointment process cover both the period before and after the 2016 presidential election to test for pre-election patronage hiring. By considering the final appointment decision and various steps in the selection process, I can control for the characteristics of the fixed pool of candidates the commission and the president can choose from. This allows me to draw better inferences about the underlying mechanisms.¹⁰

The application information provided by the JBC is combined with data from the so-called "Lawyers' List" by the Philippine Supreme Court. Using web scraping-methods, a corpus of more than 70,000 lawyers has been created, which covers the time of entry in the Philippine Bar, the place of registration, and the official registration number. It represents the full universe of lawyers officially registered on the Philippines as of March 20, 2019. The data enable me to advance the pioneering study by Goelzhauser (2018) by not only considering *who* applied for a position as judge, but also who *could have* applied. To identify the population of potential candidates, for the later analyses I restrict the group to those lawyers that can be expected to meet the formal requirements for application.¹¹ Translated into bar admission years, I exclude all lawyers who have been admitted to the Philippine bar before 1967 (1972) or after 2015 (2010) from the pool of potential applicants for positions at first-level courts (Regional Trial Courts). I decide for these more generous estimates that minimize the amount of false negatives instead of minimizing false positives, which is hardly possible with the available information.¹²

Due to the varying availability of information for the different steps in the application process, I use two datasets with different data structures, depending on the focus of my analyses: a *lawyer*-centered and a *position*-centered dataset. The lawyer-centered dataset is used to answer the question of general

¹⁰For more information on the processing of the official documents by the JBC, see the supplementary information in sections B.1.1 and B.1.2 in Appendix B.

¹¹The minimum age for admission to the Philippine bar, which is a requirement for application, is 21 years. Judges of first-level courts must be thirty years (35 years for Regional Trial Court judges). In addition, first-level judges must have been engaged in the practice of law in the Philippines for at least five (ten) years or held a public office in the Philippines "requiring admission to the practice of law as indispensable requisite" (Congress of the Philippines, 1981). The maximum age of judges is 70 years. Because of the requirement on experience, judges who were admitted to the Philippine bar in the 4 (9) years before the year 2019, the last one fully covered in the dataset, are excluded from the sample. Thereby, I take into account that lawyers may apply shortly before meeting the experience requirement. With the same error tolerance, but in consideration of the minimum age for bar admittance and the maximum age of judges, I exclude lawyers from the sample who have been admitted to the bar 45 (40) years before 2012, the first year fully covered in the dataset.

¹²JBC documents in combination with the Lawyer's list suggests that the mean age of admission to the Philippine bar is likely around 28, thereby seven years later then the legal requirement of 21 years that is used for defining the sample of potential applicants (see Judicial and Bar Council, 2019a, 2019b).

progress in the selection process. There is exactly one observation per lawyer in this dataset with variables indicating whether a lawyer has ever reached a certain step of the application process between 2011 and 2020 (separated by type of court).¹³ This means, several applications by the same lawyer for positions at different courts of the same level are aggregated in a single observation. A variable that (potentially) varies between these different applications yet is part of the analyses is the applicant's occupation. I aggregate the applicant's statements concerning her current occupation by taking the modal occupation type during the observed time frame.

In the position-centered dataset, there is no such aggregation of applications. Instead there is an observation for every single application process initiated by an applicant and that can be clearly identified with the available data. This is usually only the case after applicants got invited by the JBC to either the interview or the psychological evaluation for a specific position. Consequently, an applicant who has been invited to interviews five times between March 2012 and February 2020 (the time frame for which information on interviews, psychological evaluations, or shortlistings is available) also appears five times in this dataset. The advantage of having separate observations for each application process is a better examination of the position-specific variables. Instead of relying on averages across the application processes of a single lawyer, it is possible to compare applicants with their competitors for one specific position. A short example makes the difference to the lawyer-centered dataset clear: Whereas in the lawyer-centered dataset it is possible to answer the question whether applicants who generally apply for nearby open vacancies have a higher chance of being selected, with the position-centered datasets it is possible to answer whether the applicant was actually selected for a nearby vacant position.

5.6.1 Dependent Variables

As dependent variables, I use dichotomous measures indicating whether a person is listed in the documents for selected steps in the application process or not. I focus my analyses on three essential steps in the application process. Each of them can be attributed to the decision of one of the three main actors: the applicant, the JBC, and the president. To examine systematic differences in the decision to apply

¹³Given the availability of the official documents by the JBC, before, during, and after the covered time frames, it cannot be ruled out that some lawyers actually reach a higher level in the application process than the one recorded in the dataset. I provide a discussion on this issue in the supplementary information in the appendix when presenting the retrieval and processing of the official documents. I conclude that missing records in the data cause a false-negatives scenario, which makes it harder to identify the proposed mechanisms with increasing levels of miss-classification. As a consequence, the effects presented below can be considered as the lower bounds of the actual effects.

for positions in the judiciary, a first measure indicates whether a lawyer has ever decided to apply during the time frame of investigation, as identified by the published lists of applicants (lawyer-centered). A second dichotomous measure focuses on the decision made by the JBC whether a certain candidate has ever been placed on a shortlist (lawyer-centered). Finally, a third dependent variable measures whether a candidate is selected by the president for a specific position, resulting in the candidate's appointment (position-centered).

5.6.2 MAIN INDEPENDENT VARIABLE

According to Hypotheses 1 and 2, I expect applicants backed by influential groups to have higher chances of being nominated for the shortlist and appointed as judge. Amid the high economic and political relevance of families and clans on the Philippines, they represent important groups in society that have both an interest in gaining access to public sector positions and whose support is important for the president. The clearest sign of applicants having the support of an influential family who could lobby the JBC or directly the president is the applicants' affiliation with these families via marriage or as descendants. Correspondingly, my main independent variable is indicating whether an applicant is affiliated with such a family. To identify these affiliations, I check for similarities in family-names. The use of individuals' names to identify family relations is a common procedure in the analysis of nepotism and clientelism (e.g., Fafchamps & Labonne, 2017; Gagliarducci & Manacorda, 2020). The accuracy of these measures depends on the uniqueness of the name and the availability of additional information, for example, regarding the geographical origin. Countries with strict naming conventions have enabled researchers to analyze the role of family networks more accurately. This is in particular true for the Philippines (Cruz, Labonne, & Querubin, 2020; Fafchamps & Labonne, 2017). The local naming structure is based on a renaming of Filipinos in the nineteenth century to ease tax collection. Using a catalog of 61,000 different surnames, officials assigned a different name to each family in a municipality. These names have been carried on over time due to strict naming conventions, thereby reducing the number of very common family names. Filipinos carry their surname and a middle name. The middle name is either the mother's maiden name (for men and single women) or the father's family name (for married women). In contrast, the surname is the father's family name (for men and single women) or the husband's family name (for married women). Using both surname and middle name, family relations can be identified with much greater certainty than in many other countries (Cruz et al., 2020).

To identify influential families, I match applicants' surname with a list of all individuals that got into public office via elections at the municipality-level within the last 15 years.¹⁴ I define those as a member of an influential family, whose surname matches the surname or middle name of an elected public office holder in the same or the neighboring municipality where an applicant is registered as lawyer. The location information is processed using the web-service *OpenCage* to retrieve coordinates based on the addresses. For an overview of lawyers' places of registration see Figure B.4 in Appendix B. The number of newly registered lawyers each year is presented in Figure B.5.

Since not all applicants provide a middle name in their application and because the differentiation between a second first name and a (true) middle name is hindered by a lack of standardization in the JBC-documents, I only use applicants' surname(s) to match applicants with public office holders.¹⁵ Furthermore, I use both surname and middle names of public office holders for a comprehensive identification of local family structures.¹⁶ Figure 5.2 illustrates this process with the use of applicants' surnames and elected officials' middle and surnames. I will mainly focus on surname-concordance in the analyses presented below. Robustness checks using the family-network are provided in Appendix B. Most of the empirical results can also be found using this alternative measure of kinship.

Though the naming conventions on the Philippines reduce the number of very common family names, clusters of unrelated people sharing the same last name may still occur in densely populated areas. To account for this, I use the prevalence of the surname in the region as weighting factor to estimate the likelihood that two persons sharing the same name are actually related with each other. Since official sources on the distribution of surnames are not available, information of name-distributions are derived from the genealogy database of the private company *Forebears.io*. For detailed information on this process, please consult section B.1.3 in Appendix B.

¹⁴Data on elected officials is obtained from the open data portal of the Government of the Philippines and the Commission on Elections (Government of the Philippines, 2022). As highlighted above, power in the Philippines is very much located on the local level, so that I abstain from considering public office holders at higher levels such as provincial level institutions or members of Congress or Senate.

¹⁵However, female applicants may choose to use their family name after marriage not as middle name, but as second surname. Likewise, when being invited to an interview it is more likely that a second surname is revealed. The latter can be a problem in the estimation, as a second surname also increases the chances of having an identified relationship with an influential family. Though – if available – I incorporate both surnames in the estimation, as a robustness check, I run all application-related models once again with a variable indicating the number of surnames. The results (not shown due to spatial constraints) indicate that the main conclusions regarding the effect of family-connections do not change.

¹⁶As the election documents provide standardized names of the elected officials, the use also of middle names to identify family-networks is appropriate here. Due to the clear standardization, it is associated with greater precision than in the case of (less standardized) applicant middle names.



Figure 5.2: Identification of applicant's connections to strong local family networks

5.6.3 CONTROL VARIABLES

Various factors influence the decision to apply for a certain position as well as the hiring decisions. The same can also be expected for the decision of whom to appoint as judge. My aim is not the prediction of who gets appointed but to estimate the effect of potential lobbying efforts of applicants' families on the likelihood of being nominated for the shortlist and ultimately the likelihood of being appointed. Control variables can be restricted to those that are expected to be correlated with these variables.

Economic and political success of one's family can be expected to influence applicants' success at the university as well as the occupational career. Performance evaluations and prior experience are important influential factors for hiring decisions in merit-based systems. For example, applicants with prior experience as judge should have an advantage in a merit-based selection process over those without any experience in the judicial branch. But lawyers with great success at the university might also decide for a more lucrative position in the private sector instead of applying for the position as judge. Given this likely correlation, I account for applicants' university performance by matching their names with the list of top-ten topnotchers in their cohorts' bar exam.¹⁷

Following the reasoning by Goelzhauser (2018), to account for general experience as lawyer, variables measuring the year of the registration as lawyer (lawyer-centered analyses) or the years *since* the registra-

¹⁷Topnotchers are publicly announced by the Supreme Court and widely published in the news. For my analyses, I mainly rely on an existing collection of names (Brabante, 2009) and complement the list with information from local news for later cohorts of examinees. The correctness of the information is checked by comparing a random sample of topnotchers with official press statements by the Supreme Court for the respective year.

tion as lawyer (position-centered) are included in the models.¹⁸ I likewise include a squared term of the variable due to expected lower marginal returns with more years of experience and less attractiveness of candidates that will retire soon.

As part of the interview for the psychological evaluation the applicants' occupation is made public. By searching for key words in the occupational title, I assign applicants' current position to one of 45 job categories. To simplify the analysis, these categories are grouped into six umbrella categories representing the key differences in the occupation that should be relevant for appointment decisions. The umbrella categories are as follows: "Student", "Private sector", "Court staff", "Prosecutor", "Judge", and the residual category "Other", which captures other types of public sector employments. I expect previous experience in positions similar to the pursued one as beneficial in the selection process. At the same time, selection committees likely want to avoid creating new vacancies with their decision, making relocations less attractive than new hires. As a result, applicants with prior experience at courts but not working as judge already (i.e., court staff and prosecutors) should have the highest chances of being nominated and appointed. Prosecutors should slightly surpass court staff as the latter might in some cases only deal with administrative tasks. Applicants already working as judges should be placed third as their beneficial prior experience counterbalances the disadvantages of relocations. Based on merit-considerations, applicants from the private sector or other public sector employments should have the same chance of appointment. Noticeable differences between these two groups may hint at patronage politics in favor of business partners or individuals with access to political networks. Students, as they did not pass the bar exam yet and have no prior experience in courts, should be least like to be selected. Because merit-selection is also supposed to increase the diversity of the bench, I elicit applicant's gender based on their first name, using the online-service Gender-API.

Characteristics of the open position may also be relevant in the appointment process. Applications for positions that are further away from the home town of the applicant could signal commitment of the applicant. It may also be of interest for the selection commission as the appointment of non-local judges should reduce the potential for corruption and other interference. To the contrary, influential families

¹⁸Because of the relatively large time frame, in the lawyer-centered analyses I abstain from identifying the single endpoint that is necessary for calculating the exact experience when applying or being nominated for a shortlist. By focusing on the year of the bar-registration an alternative proxy is available that should perform negligible worse. Accounting for this focal point in every lawyer's career enables drawing conclusions about the approximate age as well as experience and can be expected to considerably impact a lawyer's decision to apply. Reasons for this are diverse and range from varying preferences during the life cycle, over physical limitations, to the previously mentioned legal requirements.

that already gained political control should be interested in having control over the local judiciary. This makes vacant positions near the family stronghold particularly valuable. In the position-specific analyses I account for the distance between an applicant's place of registration as lawyer and the place of the court.¹⁹ This is done by including an indicator whether the lawyer is registered within a 15km radius around the place of the court (as defined in footnote 19), i.e., the very same or an adjacent municipality. I take into account the number of applicants for a specific position on the same shortlist, measuring the competition over a certain open position. Finally, I include a measure indicating the position of the applicant on the shortlist. Though shortlists are supposed to be ordered alphabetically, a recency bias or a strategic ordering in the decision-making process cannot be fully ruled out.

5.7 Analysis of the Application & Appointment Procedure

Figure 5.3 provides descriptive insights on the prevalence of appointments of candidates with connections to influential political families. The share of corresponding appointees to positions at first-level courts and Regional Trial Courts varied considerably since the beginning of the documentation in 2005. It ranges from less than 5 percent up to more than 25 percent of the appointees in a half-year. The graph highlights the high relevance family connections could have for being appointed. It raises the question what might influence the variation over time. Explanations could be, for example, a decision made by the selection commission and the president or decisions made on the side of the applicants.

Though my main focus is on the influence of the JBC and the president in the appointment process of judges, the individual lawyer and her decision to apply is highly relevant as it initiates the application process. Also the evaluation procedure by the JBC lends itself to an analytical breakdown of the decisionmaking process, not least because of increasing information about the individual applicant that becomes publicly available with every step in the process. Finally, there are methodological concerns that speak against a joint analysis of these steps via a selection model. Using a Heckman selection model (Heckman, 1979) is not feasible due to the exclusion restriction that prevents using the same set of variables for the selection and outcome equation (Sartori, 2003). Sartori (2003) proposes an alternative selection model estimator for binary outcome variables that avoids this requirement by only relying on distributional

¹⁹ As place of the court, I use the centroid of the municipality for which the court is responsible (first level courts) or where it is mainly located (Regional Trial Courts). For first-level courts that have oversight over several municipalities, I use the centroid of the centroids of the respective municipalities. Please note that given the island-structure of the Philippines, some coordinates of courts may be located at sea.



Figure 5.3: Six-month share of appointed judges with connections to influential families on the Philippines (by type of connection)

assumptions. The estimator assumes that the error terms for the selection and the outcome equation are similar as it is the case for processes with similar decisions or goals (Sartori, 2003, p. 117). It is questionable whether this assumption holds in the case at hand, where three different actors are involved of which particularly the applicant may have different interests than both the JBC and the president. Furthermore, the estimator cannot account for the parallel shortlisting of applicants for multiple positions as reflected in the position-centered dataset. As a result of these theoretical and methodological considerations, I divide the application and appointment process depicted in Figure 5.1 into three main analytical steps, similar to the three main actors in the process of application: the lawyer, the selection commission, and the president.²⁰

5.7.1 The Decision to Apply

As a first step, I compare the group of lawyers that applied during the time of consideration for a position as judge on the Philippines with the group of potential applicants that can be derived from the "Lawyers' List" as described above. This helps to identify factors that act as self-imposed restrictions in the application-process and act both independent and in expectation of the influence of the JBC and the president on the appointment process. It provides information about the representativeness of the

²⁰Despite the methodological concerns, joint analyses of the application and shortlisting decision using the Sartori estimator substantiate my findings (see Tables B.17 and B.18 in Appendix B).

sample the JBC and ultimately the president can choose from.²¹ Only a small fraction of the pool of lawyers decides to apply for a position as judge at lower or mid-level courts between 2012 and 2020. For 2,828 (3.93%) of the 71,905 lawyers an application is registered in the dataset. Considering only those lawyers who meet the requirements of experience and age, 1,684 of 43,641 lawyers (3.86%) applied for a position at a first-level court and 1,254 of 35,064 lawyers (3.58%) applied for a position at a Regional Trial Court.²²

As information on potential applicants is scarce and can only be inferred based on the lawyer's first and surname, only few factors can be taken into account for explaining the application for judge. Figure 5.4 shows the results of the logistic regression analysis with the realization of the application as dependent variable, divided by type of court. Five different models are calculated, covering a baseline model, a model including fixed-effects for the administrative region lawyers come from, and three models that account for the regional prevalence of certain surnames.²³ Two of these three models also include interaction effects with the year of admittance to the bar. For the full list of regression results, please consult Tables B.1 and B.2 in Appendix B.

For the main variable of interest *Cityhead*, which is a dummy variable indicating the relation to an influential family, in the case of applications for first-level courts four of the five models show a positive effect on the probability to apply, which is also statistically significant at least at the p<0.05 level. The fifth model that includes an interaction effect with the year of being admitted to the bar highlights the relevance of age (or experience) for this factor.

To ease the interpretation of the coefficients, I calculate predicted probabilities with the other variables set at their mean values. The effect of the family network conditional on the year of the bar exam for applications at first-level courts is displayed in Figure 5.5a. The graph shows that a statistically significant boost in the probability of application can be identified for lawyers passing the bar exam between the 1980s and the late 1990s. The probability of application is about 2.5 percentage points higher for lawyers with a relation to an influential family than without. It shows that kinship already influences who becomes a judge before the selection process starts. One explanation for this finding may be found

²¹In this part of my analysis, I only consider lawyers that are publicly listed as applicants (step 2 in Figure 5.1) in the time frame of consideration. Those lawyers who are, for example, mentioned on a shortlist but for whom there is no public record of application are not included in the analysis.

²²Please note that some lawyers apply for both types of courts within the time frame.

²³Due to a high correlation between administrative regions and the measure of surname-prevalence, these variables have been included in separate models.



Figure 5.4: Logistic regression of lawyers' application for position as a judge

Note: Coefficient estimates with 95% confidence intervals. Relation to elected municipality heads defined by same surname. *a*: variable centered at year 2000.

in potential age and cohort effects. Younger lawyers may apply for positions in the judiciary without considering the potential benefits for their family, whereas older lawyers from influential families apply strategically and are hence over-represented. Unfortunately, identifying whether it is due to a lawyer's age or a cohort-effect cannot be done with the available data. For applications for positions at Regional Trial Courts no statistically significant effect of family relations can be found (see Figure 5.5b). This may suggest that strategic considerations of the family where to apply could mainly focus on local-level courts that have a higher relevance for municipality politics than Regional Trial Courts. An alternative explanation would be that kinship is more relevant for the decision to enter the judiciary in general, which is usually done by applying for positions at first-level courts. Both explanations are in line with the observed pattern.

With regard to the control variables, across all models there is a clear effect of performance and gender on the probability to apply for the position as judge, both for first-level courts and for Regional Trial Courts. Lawyers that are among the topnotchers in the bar exam in their cohort prefer to stay outside of the judiciary. The corresponding coefficients are clearly negative and statistically significant at the



(b) Regional Trial Courts

Figure 5.5: Effect of family network (same surname) on lawyers' decision to apply

p<0.05 level. It is reasonable that the pattern identified for topnotchers also extends to other highly qualified lawyers not explicitly covered in the model. This finding suggests that even if the selection commission and the president would solely focus on the qualification of candidates when appointing judges, merit-selection would be hindered by an at worst mediocre candidate pool they can choose from. Potential explanations for this finding center around the expectations highly qualified lawyers might have regarding the selection process as well as the alternative opportunities for employment. Knowing that kinship may trump merit at a later stage of the selection process could make topnotchers question whether it is worth the effort to apply for these positions in the first place. In contrast, highly paid positions in the private sector represent attractive alternatives.

Based on the results, female lawyers appear to be more likely to apply. Calculating predicted probabilities, female lawyers are up to about 5 percentage points more likely than their male counterparts to apply for the position as judge, though this number varies depending on the year of bar admittance (see Figures B.7a and B.7b in Appendix B). With increasing shares of female lawyers that pass the bar exam every year (see Figure B.3), there seems to be a clear tendency to move in the judicial branch subsequently and take over positions as judge.

The year of the bar admittance is relevant beyond this interaction effect. Figure B.6 in Appendix B displays the baseline impact of the year of bar-admittance on the probability of application. The predictive margins clearly show that applicants for Regional Trial Courts were admitted to the bar earlier than those lawyers applying for positions at first-level courts. This finding partly reflects the higher formal requirements for applications, but also shows that the decision to apply for first-level courts is made at the beginning or middle of a lawyer's career. This illustrates that the judicial branch competes with the private sector over highly qualified judges. As applications are rather submitted at earlier stages of the career, it seems to be relatively rare that lawyers first decide for a career in the private sector and later move back to the judicial branch before retiring.

5.7.2 The Influence of the Selection Commission

In light of the nonrandom sample of applicants, the influence of the selection commission gains further relevance. Figure 5.6 shows the results of a logistic regression focusing on the shortlisting of applicants.²⁴ As only very few of the topnotchers decide to apply, this measure of performance is excluded from the estimation, moving the spotlight on family relations, gender, and year of the bar-admission.

Though some members of influential families apply more often than other lawyers, no preference by the JBC can be identified. According to the results, being a member of an influential family can have both positive (first-level courts) and negative (Regional Trial Courts) effects on the probability of being shortlisted, yet the respective estimates are not statistically significant. This finding does not change when considering the year of bar admittance of the applicants. Hence, the present data provides no support for Hypothesis 1. At this stage of the analyses it remains unclear why applicants cannot leverage their family ties when interacting with the selection commission. Being aware of the impact of their application behavior on the pool of candidates, applicants may decide that influencing the members of the selection commission is not necessary to increase the likelihood of being shortlisted.

²⁴More detailed results of the regression models can be found in Tables B.3 and B.4 in Appendix B.



Figure 5.6: Logistic regression of applicants' shortlisting for position as judge Note: Coefficient estimates with 95% confidence intervals. Relation to elected municipality heads defined by same surname. *a*: variable centered at year 2000.

The data reveal more about the preferences of the JBC. Setting aside the higher likelihood of female lawyers to apply for positions in the judiciary, this effect is further intensified by the JBC's preference for female applicants. The coefficient for gender is positive for both applicants at Regional Trial Courts and first-level courts, yet only meets standard levels of statistical significance for the latter. Here, the advantage of female applicants can be best identified for those who were admitted to the bar between 1990 and 2010 (see Figure B.8a in Appendix B). Female applicants are about 10 percentage points more likely than their male counterparts to be shortlisted. This value apparently increases further for applicants who were admitted to the bar earlier, yet the uncertainty around these estimates is too great to draw reliable conclusions. The results provide support for advocates of merit-selection who consider it as a tool to increase the diversity of the bench. It may also be considered as a positive signal for judicial independence, as some authors consider female judges on the Philippines as less politically influenced than male judges (Deinla, 2021).

Lastly, considering the year of the bar-admission, a preference for supposedly younger and less experienced applicants for positions at first-level courts becomes evident (see Figure B.9 in Appendix B). Whereas applicants for Regional Trial Courts have the best chances of being shortlisted when they already gained some experience but are not too old, as indicated by an inverse-U relationship, this is not the case for applicants at lower-level courts. For the latter, applying early in their career pays off with a higher probability of shortlisting. Filling vacancies at lower courts with young lawyers has several advantages for the selection commission and the government. Younger judges are likely staying longer in the judicial branch so that they have a long-lasting effect on the reduction of general vacancies at courts (Goelzhauser, 2018). Their lack of experience also could make it easier for the government to influence judicial decisions or reduce judicial oversight over the executive's bureaucrats and forces.²⁵

The analyses depicted in Figure 5.6 focus on systematic differences between applicants and those that passed all screenings by the JBC and have been shortlisted. A drawback of this procedure is that none of the information that becomes available as part of the screening and that might impact the decision by the JBC can be considered for the analyses, as it is not available for those applicants who are not invited.²⁶ While the exact evaluation by the JBC is not publicly disclosed, as stated above, in the public invitation to the psychological evaluation and the public interview the applicants' occupation is revealed.

As part of a sub-set analysis of applicants that got invited for a screening, I include applicants' occupation in the estimation.²⁷ The results, depicted in Figure 5.7, show a clear preference of the JBC for applicants with prior experience in the public sector. Keeping everything else at the mean values, the probability of shortlisting for positions at first-level courts increases from roughly 60% for applicants from the private sector to almost 90% for applicants working as judges. Court staff and applicants working in other sectors of the state see a statistically significant (p<0.05) increase in their probability of shortlisting, though the increase is rather modest (about 10 percentage points). For positions at Regional Trial Courts, members of the court staff (+14 percentage points), prosecutors (+12 percentage points), and judges (+18 percentage points) have a clear advantage. Presumably due to the broad variation within the group of court staff, the estimate has a large confidence interval so that only the estimates

²⁵Studies examining the effect of age or experience on judicial decisions are still very rare (Rachlinski & Wistrich, 2017). Research by Fox and van Sickel (2000) indicates that older judges are more likely to side with the prosecutor. While this does not explain the commission's motives, it would undermine government's aim to increase its influence on judicial decisions via less experienced judges.

²⁶One reason for this can be that an applicant, albeit meeting the formal requirements, is considered as unsuitable, for example, due to complaints by the public. Also, those applicants that passed the screenings in a previous application do not have to be interviewed again if the last interview is not too long ago.

²⁷As an applicant's occupation may change over time and between the different applications, I use the occupation that has been mentioned in the records most often for my analyses. Alternative specifications using for example the last occupation recorded in the dataset lead to similar results.

for prosecutors and judges meet high levels of statistical significance (at least p<0.01). Despite the nonrandom samples, the main findings for the other variables are similar to those mentioned above. The complete results of this subset analysis are listed in Tables B.5 and B.6 in Appendix B.



Figure 5.7: Interviewed applicants' occupation and the probability to be shortlisted *Note:* Probability estimates with 95% confidence intervals. P-values calculated for the discrete change from the base level (private sector). + p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001.

The results for applicants' occupation are somewhat in contrast to the expectation formulated above. As anticipated, experience in the judicial sector appears to be higher valued than prior employment in the private sector. This effect also extends to judges and is even stronger than for other members of the judicial branch. Whereas the selection commission puts lower emphasis on the age of judges, it highly appreciates applications by active judges. With a probability of shortlisting of 90 percent, candidates working as judges already are almost certainly nominated for open vacancies at first-level courts. This clear support for relocation of judges casts doubts on the hypothesis mentioned above that the commission's preference for younger candidates results from the objective to reduce vacancies.

5.7.3 The Presidential Appointment Decision

After the JBC has made a decision, the president has 90 days to appoint a candidate as judge from the shortlist. I hypothesize that candidates that are members of strong local family networks have an advantage compared to other candidates in the appointment decision. I consider the decision-making by the president in 1,285 shortlists for which a final decision has been made. Figure 5.8 plots the number of days between submission and appointment for every shortlist in the dataset, divided by type of court and the family-relation of the appointee.²⁸ The graph highlights the common violation of the 90-days limit. It also shows that decisions about court positions are made considerably faster in the months prior to a presidential election and shortly before the ban of "midnight appointments" takes effect. A similar pattern is not observable in the context of other elections in the time frame of consideration. This is suggestive evidence of the value positions in the judiciary have for patronage politics by the president. Furthermore, it indicates that patronage politics might be particularly strong in the pre-election period. This is in line with previous research highlighting that public policies are sometimes aligned with the electoral cycle in an attempt to increase the vote share of the incumbent party (e.g., Drazen & Eslava, 2005; Shi & Svensson, 2006). Hanusch and Keefer (2013) and Pierskalla and Sacks (2020) have extended these considerations to the context of patronage politics, arguing for an increase in the exchange of patronage jobs for political support or loyalty with the election date coming nearer.

Applicants with a relation to an influential family are only appointed in a minority of the cases shown in Figure 5.8. For shortlists for first-level courts (Regional Trial Courts), only in 33 (21) of 642 (643) cases such an applicant was appointed. As visible in Figure 5.8, surprisingly, the pre-election period sees especially *few* of such supposed nepotistic appointments. To identify whether these observations are due to a systematic appointment behavior by the president or a factor on the supply-side of the shortlist, it is necessary to analyze the appointment behavior on the level of the individual applicant.

In my analysis, I identify the factors that increase the probability of shortlisted applicants to be appointed. For this step of the application process, the available data allows me a consideration of positionspecific characteristics and of the characteristics of the direct competitors for this specific position. As candidates can be simultaneously and sequentially shortlisted for different positions, observations are no longer independent from each other. Applications of the same candidate are potentially correlated with

²⁸Shortlists for which no decision has been made at the end of the covered time frame are excluded from the sample.



Figure 5.8: Time between submission of shortlist to president and appointment of judge *Note:* The limit of 90 days for the president to appoint a judge after the JBC decision is highlighted.

each other. The same is true for applications by other candidates for the same positions, and in some cases even applications by other candidates for other positions. When presidents receive nominations for several positions simultaneously, appointing a candidate for one position naturally eliminates this candidate as competitor for other positions. The individual chances to be nominated of the remaining candidates also from other shortlists change as a result.

Still, the observed correlation between observations is very low. To account for it, I run the logistic regression analysis with standard errors clustered on the level of the groups of shortlists that have been submitted to the president together. In doing so, I acknowledge the most problematic aspects of parallel applications and interrelatedness of appointment-decisions. Importantly, a considerably more complex Bayesian multilevel model that explicitly accounts for the above described correlations leads to similar results. Please consult Section B.5 in Appendix B for the corresponding model description and estimates.

Figure 5.9 lists the main results of the analyses in various model configurations, similar to those seen for the other actors in the application process. Differences exists regarding the additional use of positionspecific variables and the consideration of the experience applicants have in the field of law instead of



Figure 5.9: Logistic regression of applicants' appointment as judge Note: Coefficient estimates with 95% confidence intervals. Relation to elected municipality heads defined by same surname. *a*: variable centered at mean.

using the proxy of the bar-exam year. Finally, a fifth model with an interaction of the family-relation with an indicator of the six months prior to the presidential election is introduced to test whether patronage politics are aligned with the election-cycle.²⁹

The analysis of the data reveals a clear preference of the president for applicants that have a close local connection to the prospective position. Having a place of registration as lawyer within a 15km radius around the place of the court (as defined in footnote 19), and thereby in most cases in the very same or an adjacent municipality, has a consistent positive effect. The probability of appointment increases for these applicants by about 4 to 6 percentage points for applications at first-level and Regional Trial Courts, respectively.

Regarding the main variable of interest *Cityhead*, i.e., the relation to a locally influential family, the findings are less clear. Though the coefficients are positive, suggesting a considerable effect on the appointment decision, they do not meet standard levels of statistical significance. This is also the case when taking into account the experience of the applicants.

²⁹For detailed results, please consult Tables B.7 and B.8 in Appendix B.

When accounting for differences between presidential appointment decisions in the pre-election period compared to the remaining sample, the analyses suggest an interesting pattern. For applications at first-level courts, the coefficient estimates show a general positive effect of being a member of an influential family on the appointment decision by the president, which is counterbalanced by a strong negative effect during the pre-election period. Both coefficients barely miss the conventional level of statistical significance of p<0.05 and are in line with the descriptive findings in Figure 5.8. The probability of appointment for members of influential families decreases from about 22 percentage points outside of the pre-election period to about 11 percentage points in the six months prior to the presidential election. The probability of appointment for those candidates who are not members of influential families remains virtually unaffected by the election cycle (18 vs. 19 percentage points). In combination, these observations could be indicative of patronage that is not only based on strong local families but also incorporates other political supporters. The strong reduction in appointments of members with influential families at least reflects a clear change in priorities of the president in the most relevant campaigning period. I discuss potential explanations for my findings in greater detail in Section 5.8.



Figure 5.10: Shortlisted applicants' occupation and the probability to be appointed *Note:* Probability estimates with 95% confidence intervals. P-values calculated for the discrete change from the base level (private sector). + p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001.

Similar to the analyses in the previous section of the decision-making by the JBC, also in the case of the presidential appointment decision it is worth considering the impact of applicant's occupation on the probability of appointment. Again, information is only available for those applicants for which an interview or psychological evaluation is mentioned in the records. I do not expect these samples to be systematically different from each other and the results for the remaining variables are virtually similar to the ones presented above. When focusing on occupation, the analysis of the restricted sample indicates that applicants already working as judges have a lower probability to be appointed for positions at firstlevel courts. As Figure 5.10 shows, judges have an almost 10 percentage points lower probability of appointment compared to applicants from the private sector and the effect is statistically significant on the p < 0.01 level. There is suggestive evidence of an increased probability of appointment for applicants with experience in the public sector, unrelated to courts. This pattern clearly contradicts the preferences of the selection commission. To recall, applicants already working as judges are strongly favored by the commission for all types of courts and those with other tasks in the judicial branch have an advantage for positions at Regional Trial Courts in particular. In contrast, the data on the presidential appointment decision shows that judges who apply for first-level courts, i.e., are likely interested in a relocation instead of a promotion, are significantly less likely to be appointed. It suggests that the president (1) prefers to reduce the number of vacancies and (2) to fill these positions with handpicked candidates that likely have not been chosen by her predecessor. It remains unclear which of these two motives are key for the disadvantage active judges face. Finally, the fact that the president only values prior experience in other public sector areas but the judicial branch could be indicative of favoritism of supporters originating from within the own administration.

5.8 DISCUSSION & LIMITATIONS

The above presented findings point at interesting interactions between applicants, the JBC, and the president in the application process for positions as judges at lower- and mid-level courts. First, based on the data, merit and experience matter in the application process. Yet, these effects are not always in the direction one would deem beneficial for the judicial system. Despite the general attractiveness of positions in the judiciary in terms of prestige and influence, lawyers who perform best in their cohort are systematically underrepresented among the applicants. Given the reports about large workloads and relatively low payments (Batalla et al., 2018; Pangalangan, 2015), this finding comes as no surprise. The

JBC apparently tries to counterbalance these effects by preferring applicants that have prior experience in the judicial sector. Yet, when it is upon the president to decide, applicants already working as judges and aiming for a relocation among the first-level courts are worse off than applicants with a different occupational background, even from the private sector. As previously mentioned, this finding may be explained by the objective to fill one of the many vacancies in the judicial sector. It could however also be indicative of the objective to fill positions in the judicial sector with supporters instead of dealing with judges that likely have been appointed by a predecessor. Relocating judges instead of hiring new ones is not very attractive under both of these considerations.

The roles of nepotism and patronage, both hypothesized to influence judicial appointments, are harder to assess. My analyses provide some evidence for increased numbers of applications by members of influential families. However, contrary to Hypotheses 1, I find no clear evidence for a systematic preferential treatment of these applicants by the selection commission. For the hypothesized effect of family membership on the appointing decision by the president (Hypothesis 2) the results are mixed. The main regression models show no effect of family membership. Yet, by preferring lawyers with close geographical proximity to the new position, it is easier for influential families to gain further influence over their local strongholds. Especially in a society shaped by high levels of nepotism, a much better strategy would be to appoint judges from municipalities further away from the new position to minimize a potential conflict of interest.

My analyses also reveal a considerably faster decision-making processes in the pre-election period. It shows clear parallels to patronage-driven appointments for other positions in the public sector. When considering the effect of family membership separately for pre-election period and the remaining term of the president, there is suggestive evidence of opposing effects: a general *positive* effect of family ties versus a *negative* effect in the six months prior to a presidential election. This finding is contrary to the expected positive effect family ties into local politics should have throughout the presidential term. Both, the general positive effect of family membership and the temporary negative effect barely miss conventional levels of statistical significance (p<0.05), which may be explained by the use of conservative measures at every step of the analysis.

At least two explanations for this surprising finding are conceivable. First, the increasing attention on the behavior of the president in the pre-election period might make the president counterbalance the increased number of applications with connections to influential families. Due to data limitations the analysis of the pre-election period is restricted to the behavior by President Benigno Aquino III in the 2016 presidential election. In the election, he endorsed Mar Roxas to continue his campaign centered around anti-corruption efforts (Whaley, 2015). Though the topic of corruption did not reach the same relevance as in the 2010 presidential election, it remained high, and Roxas's competitors likewise highlighted the importance of anti-corruption measures (Holmes, 2016; Macaraig, 2015). As a result, fewer candidates from influential families might have been appointed to not spur criticism. In this case, it is questionable if the specific finding of a negative effect of ties to influential families during the preelection period can be generalized to other elections with different campaign foci.

A second explanation for my finding could be that other factors than family membership gain importance for the distribution of positions in the pre-election period. Dressel and Inoue (2018) highlight the relevance of other types of informal networks such as university connections and work relations for the explanation of judicial decision-making at the Supreme Court. Despite the importance of family relations on the Philippines, one can imagine that these factors also play a role in the distribution of positions. Whereas families might lobby constantly for positions, outgoing presidents potentially prefer to supply friends and loyal supporters with positions in the judiciary. Uncovering these alternative paths and accounting for them in a statistical model is however beyond the scope of this dissertation.

My analyses highlight the role of other non-merit based factors in the application process. The results suggest that the judicial sector is particularly attractive for female applicants. This application pattern is nourished by the JBC by giving female applicants for positions at first-level courts a preferential treatment. As soon as one makes it to the shortlist, no further impact of gender can be identified. The observed application behavior by women may (partly) be influenced by the expectation of this preferential treatment. If it is known that the JBC promotes the appointment of female candidates, this might incentivize their application. In light of the increasing numbers of female lawyers on the Philippines, this can be considered as an additional positive signal for the diversity of the bench with potential positive effects on the level of judicial independence as mentioned above.

It is worth considering the potential limitations of the analyses. First, the dataset only represents a snapshot for a limited time frame in the application of judges on the Philippines. It only allows for an examination of the application, nomination, and appointment pattern in this specific time period. Nonetheless, I argue that most of the found patterns can be generalized beyond the specific time period and to other semi-democracies. When accounting for the negative effect of kinship during the

pre-election period of the 2016 presidential election, the suggestive positive effect during the remaining presidential term prevails. Whereas the temporary negative effect might be related to the specific situation of the 2016 campaign, it could also be a sign of a different prioritization in the pre-election period. Previous studies on election-cycle hiring (e.g., Hanusch & Keefer, 2013; Pierskalla & Sacks, 2020) indicate a high demand for patronage goods. My research may suggest that governments generally target different groups of elites depending on the type of support needed or the alertness of the general public. In any case, there are many reasons to expect that the general finding of a use of vacancies in the judicial branch for patronage politics can also be observed in other contexts. Nepotism and patronage in public sector appointments have been problems on the Philippines for a long time and the same is true for many other, not only semi-, democracies. Utilizing positions outside of the bureaucracy as reward to supporters is reasonable and the persistent influence of the president on the appointment process for judges in many countries makes the distribution of the positions in the judiciary a feasible task. At the same time, it can be expected that selection commissions at least partly comply with their obligation to find suitable candidates or increase the diversity of the bench. As highlighted above for the case of the JBC, prior experience and gender are still taken into account in the decision to shortlist a candidate. Finally, my findings point at the problem of skewed application patterns that influence the pool of candidates from which selection commission and president can choose. It can reinforce existing power structures in society without any additional help by other actors in the appointment process.

It has to be noted that I cannot fully rule out that the identified application pattern can be attributed to an intervention by the selection commission. The names of applicants only become public after an initial screening by the JBC for formal mistakes in the application documents. Hence, it is possible for the JBC to exclude certain applicants on the grounds of not meeting the formal requirements, such as forgetting to submit a specific document. As a consequence, it could be argued that the application pattern results from a higher rate of disqualifications of regular applicants versus those from influential families. Despite individual reports highlighting the potential for interference at this early step of the application process (Cupin, 2018), I do not consider this as a viable option for systematically rigging the applicants' progress, the initial screening is done based on factual criteria. Using it to disqualify applicants is considerably harder to hide and therefore less likely. Consequently, it is reasonable to attribute the findings for the application patterns to the behavior of the applicants.

Lastly, my analyses are factor- instead of outcome-centric. The predictive performance of the models is in general negligible. Nonetheless, it makes sense to consider it briefly. Receiver operating characteristic (ROC) curves (see Figures B.10 and B.11 in Appendix B) indicate that the application models perform relatively well in correctly classifying who applies and who doesn't. This stands in stark contrast to the models for the decisions by the selection commission (see Figures B.11 and B.12) and the president (see Figures B.13 and B.14), where the performance is only slightly better than the reference line. It highlights that the regression models can only explain a fraction of the motivations of the JBC and the president, which makes sense as only publicly available information is incorporated into the models. Other factors such as the performance in the interviews cannot be accounted for, leaving a lot of variation unexplained. Future studies may gain access to this information to move beyond the examination of selected factors and increase the prediction performance.

5.9 CONCLUSION

The selection of judges is considered a key aspect that determines the independence of the judiciary. Whereas certain measures of selection, such as unilateral appointment and judicial elections, face criticism because incumbents, parties, or the electorate are said to have too much discretion over the appointment decision, merit selection of judges by independent commissions is often considered as the much better alternative.

In this chapter, I argue that merit selection in semi-democracies can rarely live up to these high expectations. Members of the selection commission and the appointing president have incentives to leverage their discretion over the appointment process for their own advantage. The government has in particular an interest in filling positions in the judiciary with loyal supporters as a way of co-optation and to reduce the probability of being held accountable by courts. Consequently, applicants with support by elites in society should be more likely to be nominated for the shortlist and to be appointed as judge. I test these hypotheses using newly collected data on the appointment process of judges on the Philippines.

My results lead to a differentiated picture of the appointment process via selection commissions. I find suggestive evidence of the presence of nepotism and patronage in the nomination and appointment process of judges. In addition, by also examining the decision to apply for positions in the judiciary, my findings point at problematic patterns even before favoritism by either the selection commission or the president can influence the selection of candidates. Applicants from influential families appear to be more likely to apply for positions in the judiciary, thereby shaping the pool of candidates from which the selection commission can pick. This is not surprising given the incentives to fill vacancies in the judiciary with family members. Despite being highly problematic for the independence of the judiciary, this aspect of the selection process has rarely been considered before. The task of courts to check on government's behavior may be considerably hindered if judges themselves have close connections into politics. This finding is worsened by the observation that those with the highest qualification among the potential candidates largely decide against a career as a judge. It is a clear indication that the judiciary does not attract the pool of candidates that is crucial for a merit-based selection, but instead those who might also have an advantage in the selection process due to kinship and patronage.

My analyses show that neither the commission nor the president take measures to act against these patterns, for example, by systematically refraining from choosing candidates from strong families. Some factors identified as beneficial in the application process, such as the appreciation of prior experience in the judiciary by the selection commission, can be considered as reasonable on a merit-base. Others, such as the preference for candidates coming from the same or near municipalities as the open vacancy, work against the aim to minimize external influence on the judiciary. In sum, the combination of selection commission and president apparently does not act as the bulwark against external influence as which it was intended.

These findings have important implications for current research. By showing that neither the selection commission nor the president clearly act in accordance with the principle of merit-selection, my research highlights that the process of merit-selection has to be much better established in semidemocracies. As a first step, positions in the judiciary should be made more attractive to highly qualified lawyers that otherwise might move to private sector employers. Further, one should aim for a greater degree of independence of members of the selection commission, as their personal and political interests may undermine any attempt of merit selection. Other aspects, such as a reduction of the direct influence of presidents on the appointment decision, should be taken into due consideration, in particular where leaders repeatedly show or might tend to autocratic traits.

Open questions remain and provide various avenues for future studies. The comprehensive approach of considering application and nomination decisions should be in particular fruitful in less developed countries with close links between political influence and high education. Yet, it may also lend itself for the analysis of selection commissions in highly developed democracies where no significant effect of selection commissions on the level of politicization of the judiciary has been found. Likewise, I call for a closer examination of the individual members of selection commissions. Existing studies have already provided valuable insights into the opinions of commission members in general (e.g., Henschen et al., 1990). Analyses of the networks these members are embedded in, similar to the analyses we have seen for Supreme Court judges (e.g., Dressel & Inoue, 2018), may help us to even better understand when members decide to focus on the qualification of a candidate and when other non-merit-based factors are paramount.³⁰ Finally, the fact that governments, for example due to Freedom of Information Acts, are increasingly forced to provide information about the selection processes of judges, promises further in-depth analyses of the decision-making processes in the future. With more information on applicants, models that explain the decision-making of the commission can be further improved and the relevance of merit vis-à-vis other considerations be examined more closely.

³⁰For more on this aspect, consider my discussion on future avenues for research in Chapter 7.

"The basic point is not what actually takes place in an encounter situation – what is important is how it is represented on paper, because all the inquiries and courts are going to examine the documentary evidence and the paperwork done by the police. If you are careful then anything can be managed."

Indian Police Officer (cited by Belur, 2010, p.83)

6

The Dark Side of Judicial Independence: Extrajudicial Killings as a Means to Bypass Independent Judges?

6.1 INTRODUCTION

Democratic and autocratic rulers alike continuously demonstrate their creativity in finding ways to evade accountability for their misbehavior. Examples are the invention of new methods for rigging elections (Sjoberg, 2014) or the implementation of anti-terror laws that minimize judicial oversight (Scheppele, 2004). The evasion of judicial oversight is of special interest, given that judicial independence is widely perceived as a cornerstone of human rights protection. Greater levels of judicial independence have repeatedly been found to improve government respect for physical integrity rights (Abouharb et al., 2013; Conrad, 2014; Crabtree & Fariss, 2015). Though this effect of independent judges on executive behavior is far from surprising, findings in the previous chapters of this dissertation question how authoritarian states can survive the implementation of partly independent judges. As highlighted in Chapter 2, there is a high variation in the degree of judicial independence in these regimes that can be explained by the many benefits that independent judges provide for authoritarian regimes and rulers. At the same time, repression of the opposition is considered as main pillar of authoritarian rule (Gerschewski, 2013). This raises the question: *How do state officials in illiberal regimes react to an independent judiciary?*

Research by Conrad et al. (2018) provides evidence that governments facing a strong judiciary do not forgo state repression, but move from visible to hidden torture techniques. I argue that such behavior is only a viable option if repressive security forces have access to an abundance of resources to conduct hidden torture techniques, such as "waterboarding" or using "sweatboxes" (see Rejali, 2007). More often, this is not the case and security forces face a difficult balancing act. They have to find a way to solve the conflict between complying with the orders they receive from the government and not being held accountable for their behavior by the independent judiciary. In these situations, they should choose a technique of repression they are familiar with and that can be conducted under the guise of selfdefense: extrajudicial killings. As security forces continuously train for the elimination of enemies and form comradeships characterized by internal cohesion and discretion towards outsiders (Crank, 1998; Savitz, 1970; Westley, 1951, 1956), killing unpleasant citizens can be a cost-effective way of repression. Hence, I hypothesize that it should be more common where security forces face considerable pressure to repress from the regime leaders while at the same time conventional means of repression, such as imprisonment or beating, cannot be implemented because of increased oversight by independent judges. This argument is in line with research by Carey and Gohdes (2021) showing that restrictions on the means available for repression in combination with electoral pressure can lead to an increasing use of lethal force.

In my analysis, I focus on the Philippine's "War on drugs" (2016–2019). This initiative by the Philippine government under the controversial President Rodrigo Duterte has made headlines across the world (Baldwin & Marshall, 2016; Hincks, 2016; Villamor, 2017). Duterte's aggressive agitation in combination with the high number of deaths in anti-drug operations raised concerns of international audiences. Reports by local media suggest that many suspects have been killed by police forces either purposefully or that their death due to injuries has been willingly accepted (Baldwin, Marshall, & Sagoli, 2016), hence representing clear cases of extrajudicial killings. I argue that this behavior should be especially pronounced in areas where the security forces cannot rely on a fast and loyal judiciary that supports Duterte's anti-drug campaign. To test the hypothesis, I coded an original dataset of over 2200 Philippine judges presiding at municipality and regional courts, measuring judicial independence based on which president appointed the respective judge. The information is linked to monthly municipality-level information on killed civilians provided by the Armed Conflict Location and Event Data Project (ACLED) (Raleigh, Linke, Hegre, & Karlsen, 2010).

In support of my argument, I find that in municipalities *without* judges appointed by Duterte, there are on average 30% more extrajudicial killings than in municipalities under the jurisdiction of judges appointed by this president. Importantly, this effect can only be found for changes on the level of regional courts that would decide drug-related cases. For lower-level courts with a different subject matter an effect of judicial appointments cannot be identified, thereby providing further suggestive evidence in favor of my argument. Additional analyses show that the effect of loyal judges in the case at hand is limited to the second month after appointment, thereby opening up avenues for future research. Overall, the results demonstrate the considerable negative side effects increased levels of judicial independence can have in contexts of political repression.

This chapter contributes to three strands of literatures. First, many studies focus on state-level examinations of the effect of courts on physical integrity rights (e.g., Crabtree & Fariss, 2015). Though this brings important insights into the relationship between courts and state repression, tracing subnational theoretical mechanisms can be difficult. My study contributes to the emerging field of micro-level analyses of the effects of the judiciary on physical integrity rights violations by government agents that enables a closer examination of the interplay between violence and judicial oversight (e.g., Acemoglu et al., 2020; Hu & Conrad, 2020). Second, by providing an original dataset on local judges with a reasonable indicator of judges' individual independence from the government, this chapter more generally adds to the emerging field of empirical studies focusing on sub-national levels of judicial independence (Shvets, 2016). Due to data constraints researchers often have to rely on state-level assessments of judicial independence. As a consequence, subnational variation in the independence of courts cannot be examined. Therefore, analyses on the district-level or even the level of individual judges represent another important tool for researchers to leverage this variance. Finally, this chapter contributes to the analysis of strategic considerations in the selection of repressive means (Conrad et al., 2018; Rejali, 2007). I present a theoretical explanation for why state agents may resort to extrajudicial killings as a means of repression despite the existence of judicial oversight, thereby complementing the analysis by Acemoglu et al. (2020) by shedding light on an alternative mechanism. Generally, my explanation provides a new

angle to existing explanations that argue in favor of increasingly hidden means of repression with increasing levels of accountability.

6.2 The Dilemma of State Officials and the Supremacy of Extrajudicial Killings

Whereas independent judges with confined discretionary powers (see Chapter 4) may constitute only a minimal danger for the ruling elites of the state, lower-level officials face a dilemma by being accountable to two political actors whose interests might only marginally overlap. On the one hand, officials remain recipients of their principal's orders, the government, which they have to execute to ensure their own safety as well as the regime's stability. For officials in the security apparatus this can be the repression of oppositional citizens. In drastic cases, as for example observed in Russia, the government's orders can be "performance targets" that have to be met by security forces (Human Rights Watch, 1999). On the other hand, officials face oversight by the judiciary whose (albeit limited) independence shrinks officials' room for maneuver considerably by limiting the available tools for repression. For example, judicial independence necessarily comes with uncertainty over the outcome of the proceedings, thereby severely diminishing the efficiency of imprisonment for political repression. Even in autocratic states, pre-trial detention in most cases cannot last forever, but it needs a legal proceeding where a judgment is made concerning the future of the detainee. Judges loyal to the government can be expected to follow the reasoning of the public prosecutor's office (often part of the executive) even if accusations or the proposed penalty are based on political reasons (Geerling et al., 2018). Where judges are independent from the government, the likelihood of continued imprisonment is less a matter of political interests but instead based on provided evidence. To repress oppositional citizens, evidence has to be fabricated without the guarantee that it will convince the independent presiding judge(s).

In this constellation, governments de facto impose the responsibility for the selection of means of repression upon their security forces. This constitutes a problem for them since the applicability of other types of repression is restricted as well. With only marginally overlapping interests of judges and the government, immunity from prosecution is no longer guaranteed when simply following government orders. Consequently, regular forms of repression, such as torture, considerably endanger members of the security forces by providing points of attack for independent investigations and enable complaints at the courts as they come with obvious traces (so-called *scarring* torture). An alternative are measures of *clean* torture (Rejali, 2007). Members of security forces in democracies have long been at the forefront

of applying these methods given the security forces' heightened oversight from media, the democratic public, and independent judges. In an empirical macro-level study, Conrad et al. (2018) analyze states whose acts are monitored, that is where information is available on their misbehavior and where the executive faces potential sanctioning. Such states switch to these clean techniques to establish a level of plausible deniability for their actions.

With the increasing implementation of democratic institutions in autocratic contexts, the repression of oppositional forces is more secretly conducted also in autocracies (Guriev & Treisman, 2019). Yet, the application of clean torture is only one option, which has considerable limitations. As research by Rejali (2007) shows, all types of torture tie up resources: The opportunities for detention need to be available and they take time to apply. Depending on the type of clean torture, it also requires staff that is skilled in its application so that it remains invisible to outsiders (Rejali, 2007).

Given these obstacles, I argue that in contexts where members of the security forces face resource constraints, whether it is financially or a lack of training, extrajudicial killings can be a cheap alternative to clean torture techniques if the aim is plausible deniability to evade accountability.¹ Based on Cingranelli and Richards (2014, p. 7), I define extrajudicial killings as killings conducted without due process of law that "may result from the deliberate, illegal, and excessive use of lethal force" by government officials, such as police forces, or private groups instigated by the government. The use of deadly force compared to torture minimizes the resource constraints, for example in terms of time and space, by leading to instant and sustaining results of repression. Compared to other forms of repression, the application of lethal force requires less additional training of security forces as they are usually proficient in its application. The necessary steps are repeatedly practiced to minimize reaction times and to securely exercise them, even in stressful situations. The immediate effects in combination with the overpowering use of force make extrajudicial killings in some aspects even superior to imprisonments for repression.² However, the high potential of long-term backlash reactions by the population (O'Brien & Deng, 2015) often outweighs the mentioned benefits so that extrajudicial killings have to be considered a second-best tactic.³ The main advantage of extrajudicial killings from the perspective of security forces are the com-

¹On extrajudicial killings as cost-effective method, see also Carey and Gohdes (2021).

²Imprisonments are associated with the costs of accommodating prisoners and help the opposition to overcome collective action problems and to recruit new supporters (Steinert & Dworschak, 2022).

³Another reason for using public trials and imprisonments as a default tactic of repression can be seen in the labeling of dissidents as criminals.

paratively low immediate costs⁴ compared to other types of hidden repression in combination with a certain degree of plausible deniability and independence from judicial means of repression.

Plausible deniability in the context of extrajudicial killings is reached for security force members by taking advantage of the legitimacy of applying lethal force in self-defense situations. This legal justification can be considered universal (Hessbruegge, 2017). While this means that also regular citizens are allowed to use lethal force under very narrow circumstances, there are many factors that help security forces in portraying encounters with suspects as situations of self-defense that justify the use of lethal force. Because of their training, members of the police or military are expected to be better in assessing the danger of a conflict situation, making justifications of self-defense more credible. This leap of faith is accompanied by group behavior that is often considered to be specific to security forces and has repeatedly been analyzed (Crank, 1998; Savitz, 1970; Westley, 1951, 1956). Often framed under the term "police culture", it describes group behavior of police officers that is characterized by a high level of comradeship and loyalty to the in-group members in combination with a high level of concealment towards out-group members. This considerably hinders investigations of misbehavior of police officers (Skolnick, 2002).⁵ Where members of the security forces deliberately want to take advantage of these factors and try to conceal their wrongful killing of a person, the previously highlighted knowledge of handling of weapons is combined with at least basic knowledge on the composition of crime scenes as well as forensics.

When being confronted with judges that do not actively support repressive orders from the government, low costs and plausible deniability can make extrajudicial killings a viable option of repression for members of the security forces. My argument is in line with empirical results by Hausman and Kronick (2021) who find that police officers switch tactics when facing constraints on their arsenal of repressive means. While the authors discover that police officers in Chicago switched from pedestrian stops to traffic stops, in extreme cases, such as Venezuela, a new code of criminal procedure has led to increasing use of lethal force when arrest powers were limited (see also Alguíndigue & Pérez-Perdomo, 2011). My proposed mechanism on the effects of the judicial system are also confirmed by anecdotal evidence. For the case of India, police forces adopted the tactic of fake encounters partly because members of the po-

⁴I assume that security forces discount potential long-term backlash reactions. Instead, they are motivated by short-term career and financial incentives (see, e.g., Acemoglu et al., 2020; Scharpf & Gläßel, 2022).

⁵See also the study by Brehm and Gates (1999), highlighting the problems of monitoring bureaucrats in general and police forces in particular.
lice faced pressure from politicians and the public to fight organized crime with more intensity (Belur, 2010). Furthermore, the slow and inefficient judicial system was considered unsuitable to adequately cope with crime via the option of imprisonment, so that police officers opted for extrajudicial killings. In summary, under the condition that alternative means of repression are not available, I expect high uncertainty of security force members about the decision-making of the local judiciary, which can be interpreted as judicial independence, to lead to an increasing use of extrajudicial killings.

Hypothesis 1: Higher levels of judicial independence are associated with a greater reliance on extrajudicial killings for repression.

As highlighted above, this does not mean that extrajudicial killings are always the preferred option of repression amid an independent judiciary. Its benefits are in many situations outweighed by its reputational and long-term costs. The potential for public backlash influences the decision over repressive tactics (see DeMeritt & Conrad, 2019; Rejali, 2007). However, in particular the repression of marginalized groups may incur less public backlash for security forces (Conrad et al., 2018). Members of marginalized groups are often less protected against repression than other victim types (Conrad et al., 2018; J. L. Jackson et al., 2018). By targeting marginalized groups in society, the (reputational) costs of extrajudicial killings should decrease. Furthermore, even though courts protect in particular the rights of minority groups (Conrad et al., 2018), less intensive inquiries by prosecutors and judges in cases of repression against marginalized communities may still be the case (Brinks, 2003).⁶ Consequently, one may observe the above proposed mechanism in particular in situations where security forces face a high degree of explicit or implicit pressure by the government to use repressive means against marginalized groups.

6.3 THE EMPIRICAL CASE: THE PHILIPPINES

6.3.1 Extrajudicial Killings in Duterte's "War on Drugs"

Early on in his belated 2016 presidential campaign Rodrigo Duterte painted pictures of crisis in the Philippines (Curato, 2016). In a populist manner, he framed illegal drugs, crime, and corruption as

⁶Members of marginalized communities are also less likely to provide information to courts that would increase the likelihood of conviction of police officers (Brinks, 2003). Reasons for this are that members of these communities are easier to be intimidated by police forces, have less trust in the judicial system, and are harder to reach by prosecutors for further inquiries because of their living situation.



(a) Duterte's inauguration and fatalities per month



(b) Fatalities per municipality



the core problems the nation faces and thereby shaped the public opinion on the matter. As solution to these problems, Duterte portrayed himself as a strongman who is able and willing to solve the problems with all – even unconstitutional – means. After his election, but before his inauguration, he stated that members of the security forces will receive a bounty for killed dealers (The Guardian, 2016). This announcement was later followed by a nationwide antidrug campaign under the name "Oplan Double Barrel" that consisted, besides others, of house-to-house visits, entrapment, and raids (Gonzales & Cabigao, 2016).

Aside from a rise in the number of imprisonments, since early on in this campaign and the campaigns that followed, there have been reports about a high number of alleged drug dealers and owners that were killed in encounters with the police. Figure 6.1 shows the distribution of civilian killings over time and across the Philippines as reported in the ACLED data. In the month of Duterte's inauguration the number of killed civilians rose to more than 800 killed people. While decreasing, in the following six months the number of monthly fatalities remained very high. Starting in 2017, again more civilians were killed. The killings reached a peak for that year in late summer. After 2018, killings have stabilized at, by comparison, moderately increased levels of about 80 killed civilians per month. These are still on average 50 more killed civilians per month than in the six months prior to Duterte's inauguration for which ACLED data is available. Geographically, vast numbers of killings were reported for Metropolitan Manila. Other large cities remain behind the capital. Yet, killings also occurred at the periphery in less densely populated municipalities.

News reports on killings suggest that not only police forces but multiple actors with different techniques were involved in the extrajudicial killings of alleged drug sellers and consumers. A considerable amount of killings was conducted by unknown vigilantes. But the majority of citizens was killed by police forces and the army (David, Mendoza, Atun, Cossid, & Soriano, 2018). According to reports by local media, many suspects were killed by police forces either purposefully or their death due to injuries was willingly accepted (Baldwin, Marshall, & Sagoli, 2016). Crime scenes appeared to be manipulated by planting weapons and drugs (Mogato & Baldwin, 2017). This is in line with the fact that police forces legitimated their actions by arguing that they acted in self-defense and generally seemed to downplay the excess in violence. Yet, high numbers of suspects who "coincidentally" died on their way to the hospital as well as repetitions in the officially stated course of police operations raised suspicion (Baldwin & Marshall, 2017). For outside viewers it seemed like suspected criminals were killed before they got the opportunity to be heard by judges.

Empirical analyses of the extrajudicial killings have been very rare. One major obstacle in the analysis is the lack of sufficiently reliable data. Most of the data have been collected by local news, though coverage varies and many projects have been suspended after some time. Publicly available data from official sources are widely perceived as not reliable, given that the state faces strong incentives to downplay numbers with various means.

Kreuzer (2018) analyzes extrajudicial killings by the police forces *before* Duterte's presidency. He shows that spatial and temporal variation in the number of killings by police forces can be observed even before the "War on drugs". Prior to Duterte's inauguration these incidences were common during non-election years, indicating that killings can be controlled. An analysis of the variation in killing patterns shows that the application of lethal violence does not appear to be related to the threat levels police officers face. Regarding the lethality of police missions, Kreuzer (2018) highlights that suspects are regularly killed instead of wounded. Importantly, the data Kreuzer (2018) uses for his analyses suggest that since 2006, the first year for which data is provided, the number of extrajudicial killings has never been as high as during the Duterte presidency. The average number of suspects killed by the police each month between 2006 and 2015 ranges between less than 10 and little more than 20, which is far less than the above presented numbers.⁷

For the most recent killings in the "War on drugs" under Duterte, David et al. (2018) provide some first analyses. Using data on the level of individual victims for the time frame of May 2016 to September 2017 the authors provide in-depth descriptive statistics on killings. They indicate that most civilian fatalities caused by the police result from by-bust-operations. Shootouts are named as main reason for the killings. Ravanilla, Sexton, and Haim (2022) analyze the contextual factors that might impact the number of anti-drug incidents as well as extrajudicial killings on the municipality level. The authors find that mayors excluded from patronage networks bandwagon on the president's anti-drug policy to increase their chances for re-election in midterm elections. Consequently, they push for a much harsher

⁷Even when restricting the sample of reported killed civilians to only those where police forces can be clearly identified as perpetrators, the monthly average number of killed civilians after Duterte's inauguration is still higher by the factor 3.8 to 11.9 (83 killed civilians per month) and for the time 2018 onward still by the factor 2.3 to 7.9 (54 killed civilians per month). This means that even during the worst years prior to the Duterte presidency, killings have been on average less than half the amount of what can be observed *after* the stabilization of extrajudicial killings at moderate levels in 2018.

implementation of the anti-drug war. Interviews with police officers (Mogato & Baldwin, 2017) suggest that at least some of the officers have also received cash payments for conducting extrajudicial killings, mimicking the incentive structure described by Acemoglu et al. (2020) for the case of Colombia.

6.3.2 The Judicial System of the Philippines

The court system on the Philippines is made up of several tiers with my analyses focusing specifically on courts on the first and second tier. The group of first-level courts includes trial courts on the municipalityand city-level. This encompasses courts that belong to a single municipality or city as well as courts that cover a group of cities and municipalities that are usually too small to justify individual courts. Furthermore, there are courts explicitly dedicated to the Metropolitan Manila. Regional Trial Courts (RTCs) are so-called second-tier courts. RTCs serve as courts of appeal for first-level courts but also exercise exclusive jurisdiction over certain legal cases.

First-level courts⁸ and RTCs deal, due to their jurisdiction, by design with the majority of criminal cases and are therefore most relevant for the daily affairs of members of the security forces. For example, first-level courts have exclusive jurisdiction over all offenses punishable with imprisonment not exceeding six years. RTCs have exclusive jurisdiction over offenses punishable with imprisonment longer than six years (Congress of the Philippines, 1994). Important for my analyses, RTCs also have exclusive jurisdiction over cases falling under the Dangerous Drug Act that punishes drug importation, manufacturing, trading, and possession of drugs besides others (Congress of the Philippines, 2002).⁹ Due to the importance of these courts not only for sentencing criminals but also issuing arrest warrants, changes in who presides the local court are not only covered by daily newspapers but also have direct consequences for members of the security forces.

First-level courts and RTCs are presided by a single judge. As especially large cities but also RTCs necessitate more than one judge to account for the workload, some courts have more than one branch and hence also several judges. In these cases, to avoid potential exertion of influence by defendants regarding which judge is getting a specific case assigned, all cases are assigned by raffle, following a strict procedure

⁸As in Chapter 5, "first-level courts" refer to the group of Municipal Trial Courts (MTCs), Municipal Trial Courts in Cities (MTCCs), Municipal Circuit Trial Courts (MCTCs), and Metropolitan Trial Courts (MeTCs). I do not consider Shari'a Circuit Courts (SCCs) because of their specific territorial and subject matter jurisdiction.

⁹Only in very rare occurrences do courts on the municipality-level handle drug-related cases. Data from 2017 on the processing of drug-related cases in lower courts shows that RTCs received 83,396 newly filed cases, whereas all types of municipality-level courts together only received nine cases falling into their jurisdiction (Supreme Court of the Philippines, 2018).

(Supreme Court of the Philippines, 2002). Table 6.1 summarizes the key characteristics of the relevant court types.

Table 6.1: Characteristics of relevant court-types

Type of Court	Characteristics
Regional Trial Courts	– Several branches (=presiding judges) per territory
	– Territorial jurisdiction: Several municipalities/cities
	– Jurisdiction over crimes: >6 years imprisonment & crimes accord- ing to Dangerous Drug Act
	– Judges are appointed by the president
First-level Courts	– One presiding judge per territory [†]
	 Territorial jurisdiction: One municipality/city or several small municipalities
	– Jurisdiction over crimes: <= 6 years imprisonment
	– Judges are appointed by the president

Note: [†] This is not true for Metropolitan Trial Courts where, because of the high number of cases, several branches (=presiding judges) oversee the Metropolitan region.

As highlighted in Chapter 5, responsible for the appointment of judges at all levels of the judiciary is the President of the Philippines. The president selects the candidate from a shortlist composed by a selection commission, the Judicial and Bar Council (JBC), whose majority of members are also appointed by the president. These factors give the president considerable influence over the appointment of judges, further potentiated by reports suggesting that presidents sometimes ignore the rank order or even add further candidates to the shortlist. This makes some researchers question whether the JBC has ever correctly fulfilled its obligations (Dressel & Inoue, 2018).

Studies have repeatedly shown the politicization of judges on the Philippines. Supreme Court justices make decisions in accordance with their appointing president (Dressel & Inoue, 2018; Escresa & Garoupa, 2013; Pellegrina et al., 2014), even though notable exceptions exist (Batalla et al., 2018). Nonetheless, where judges act neutral or in opposition to the policy of the government, appointments have usually been made by previous presidents (Pellegrina et al., 2014).¹⁰ Likewise, the dismissal of appointed judges has also been under greater scrutiny by the public as the Supreme Court removed its

¹⁰For more information on the structure of the judiciary in the Philippines as well as the appointment process, consider the supplementary information in Appendix C.

Chief Justice, Maria Lourdes Sereno, from office in 2018. This happened after Duterte publicly declared her as his enemy and made efforts to impeach Sereno using the House of Representatives (García-Sayán, 2018). With the Duterte administration accusing lower-level judges of being involved in illegal drug activities (BBC, 2016), a politicization also of lower-level judges is even more likely. The great media attention for new appointments, also of lower-level judges, further stresses the apparent importance appointment decisions have for citizens.

The government's control over the appointment of judges is contrasted by the judiciary's serious problems with regard to administrative efficiency and therefore also the rule of law (Batalla et al., 2018; Pangalangan, 2015). Trials are often considerably delayed as a result of court rules and procedures that allow the extension of waiting time periods before pleadings. While rules on the maximum time for court decisions exists, there are many exceptions and some delays do not count into the maximum time. Resource constraints impede a fast processing of the court decisions. With large workload and low payment, lower-level courts face many vacancies. Unused salaries for vacant positions are redistributed as bonus for staff. Given the relatively low pay, judicial corruption is a serious problem, in particular in lower courts (Social Weather Stations, 2006).

6.4 Research Design

To test my hypothesis, that higher levels of extrajudicial killings are observed in areas with higher uncertainty in the ruling of the responsible judge (i.e., higher independence of the judiciary) I use monthly data on active judges and violence against civilians in 1,631 municipalities and cities on the Philippines during the "War on drugs" (July 2016 - December 2019).¹¹ As highlighted above, security forces were under higher pressure to fulfill the election promise made by Duterte to solve the drug-problem by any means. The increase in the observed number of civilian fatalities (see Figure 6.1a) as well as the reports on the behavior of members of the police forces (Mogato & Baldwin, 2017) show an increasing use of extrajudicial killings. Furthermore, the reports on the victims of these killings highlight the targeting of poor people and hence further emphasize that the killings are an act of repression of a marginalized group. Overall, the described situation and behavior closely resemble my theoretical expectations for a context where members of the security forces face independent judges. Correspondingly, I expect that,

¹¹Note that I focus on the initial years of the anti-drug campaign. By ending the observation in 2019, I also avoid a potential confounding effect of the COVID-19 pandemic, starting in early 2020.

when accounting for alternative explanations, more killings should be observed in areas with a higher level of judicial independence.

6.4.1 FATALITIES IN THE "WAR ON DRUGS"

The use of correct information on the number of extrajudicial killings is key for the analysis. Due to the sensitivity of the topic, official sources on killings are likely unreliable (Baldwin & Marshall, 2016). The use of local media that collects information on the killings represents an alternative. As highlighted above, different news outlets have started collecting data on extrajudicial killings since the start of the Duterte presidency. Yet, temporal and spatial coverage as well as the level of detail vary considerably. For my analysis, I resort to the data on violence against civilians provided by ACLED (Raleigh et al., 2010). As of September 2022, it is the only publicly available dataset on the matter and provides a large time coverage from 2016 onwards. The overall coverage of extrajudicial killings appears to be on the conservative side. Between 2016 and 2019 the data list 6,698 killed civilians due to police forces and other perpetrators.¹² The numbers provided by ACLED appear to be only somewhat higher than the official number of killed civilians provided by the Philippine Drug Enforcement Agency (PDEA)¹³, but considerable lower than deaths due to unidentified gunmen.¹⁴ According to some estimates, the number of killed civilians during the "War on drugs" by the end of 2018 had reached up to 27,000 (Maru, 2018).

Part of the reason for this discrepancy may be a problem that is inherent to media-based event data: The intense coverage of events in close distance to cities whereas events on the countryside are easily neglected (Kalyvas, 2004). Precision of the geolocation also decreases with greater distance (Weidmann, 2015). ACLED faces allegations of considerable imprecision in its coding of events (Eck, 2012). This makes the estimate of extrajudicial killings a conservative measure, making it harder to identify the assumed relationship.¹⁵

¹²The version of dataset used for the analyses is from February 8, 2021.

¹³Based on information by the PDEA, there were 4,948 killed suspected drug users during police operations between July 1, 2016 and September 30, 2018 (Human Rights Watch, 2019), for the same time frame ACLED reports 3,131 killed civilians with security forces as perpetrators.

¹⁴22,983 deaths between July 1, 2016 and September 30, 2018 are considered as homicides under investigation by the Philippine National Police (Human Rights Watch, 2019), compared to 2,649 killed civilians with unidentified gunmen or "anti-drug vigilantes" as perpetrators according to ACLED.

¹⁵To foreshadow, the main identified effects also hold in municipalities outside of the metropolitan area. This provides some evidence that the presumed urban-rural gap in the quality of ACLED, while influencing the effect size, does not affect the overall mechanism.

For my analyses, I focus on killings of civilians where the perpetrator is classified by ACLED as member of the police, anti-drug vigilantes, or an unidentified armed group.¹⁶ Fatalities due to other perpetrators are not considered due to the presumably different motivation.

6.4.2 JUDICIAL INDEPENDENCE AT THE SUB-NATIONAL LEVEL

The identification of the level of judicial independence on the micro-level represents a considerable challenge. Existing measures of judicial independence mainly apply to the state-level only.¹⁷ While the V-Dem dataset differentiates between the level of judicial independence of the highest court and lowerlevel courts these estimates are on the state-level as well (Coppedge, Gerring, Knutsen, Lindberg, Teorell, Alizada, et al., 2021). Reasons for the state-centering of the measures can be found in the lack of publicly available data on lower-level judges as well as the lack of a suitable method for differentiating between dependent and independent judges in such a great detail. Sub-national or court-specific estimates of judicial-independence are still very rare (e.g., Shvets, 2016).

As highlighted above, the judicial system in the Philippines faces serious issues of corruption and lack of resources. At first sight, this casts serious doubts on the level of judicial independence as both are usually considered to be threats to independent court rulings. I contend that the opposite is true. Where judges act in their own interest and are both understaffed and underpaid, they cannot be efficient and loyal instruments of the government. Hence, for my analyses I utilize a negative¹⁸ conception of independence that may be called "quasi-independence" from the government. I expect to find differences in the level of this negative conception of independence, referred to as judicial independence, in the date of appointment of a judge.

Using the political ideology of the appointing president as a proxy of the political ideology of judges is a well-know and frequently used method, especially in the U.S.-context. Research from the Supreme Court of the Philippines (Dressel & Inoue, 2018; Escresa & Garoupa, 2013; Pellegrina et al., 2014) and various courts in other countries, such as the U.S. (Epstein et al., 2007; Sunstein, 2006) and Russia

¹⁶Specifically, I consider all killings of civilians classified with the main perpetrator (Actor1) being "Police Forces of the Philippines"– independent from the mentioned sub-unit. Furthermore, I include civilians killed by "Anti-Drug Vigilantes" or an "Unidentified Armed Group", again only focusing on incidences where the mentioned groups are the main perpetrator.

¹⁷See, for example, the studies by Cingranelli and Richards (2010); Feld and Voigt (2003); Henisz (2002); R. M. Howard and Carey (2004); La Porta, López-de Silanes, Pop-Eleches, and Shleifer (2004); Linzer and Staton (2015); Tate and Keith (2006).

¹⁸Similar to the conception of negative peace as the absence of war (Galtung, 1996).

(Shvets, 2016) indicate that decisions by judges closely resemble the position of the president responsible for the appointment, at least while the respective president is still in office. The observed progovernment bias in trials should also be expected for judges at first- and second-level courts in the Philippines, given the substantial influence the president has within the appointment process. As it is the date of appointment that influences *which* president is responsible for the appointment of a judge I argue that in the context of the Philippines the date of appointment is a reasonable proxy not only for the political ideology of the judge but also the independence of a judge from the current government. Judges on the Philippines that were appointed during Duterte's term in office should have a considerably higher level of loyalty to President Duterte.

I expect that judges appointed by and therefore loyal to President Duterte have lower requirements for the submitted evidence when imprisoning suspected drug criminals. This lower level of judicial independence decreases the uncertainty over judges' decisions in court trials for local security forces. It enables the utilization of the judicial branch for the implementation of the anti-drug war via the means of imprisonment. In contrast, judges that have been appointed by one of Duterte's predecessors should have no incentives to handle drug-related trials differently, meaning that they have a higher level of independence. Importantly, the proposed mechanism should also take effect if judges' loyalty to the appointing president varies within these two groups of judges. This is because the *perceived* independence of judges by the members of the security forces is more important than the actual independence of the individual judge. In combination with above presented evidence for the actual politicization of the judiciary, the great media attention on judges' appointments makes it highly likely that security force members perceive judges appointed by Duterte as more loyal to the president than judges that have been appointed by previous presidents and act accordingly.

To measure the level of judicial independence on the micro-level, I resort to an original hand-coded dataset on about 2,200 Philippine presiding judges.¹⁹ The dataset covers all judges overseeing Regional Trial Courts between 2016 and 2019. In addition, the data include presiding judges of all first-level courts outside of the metropolitan region (i.e., MCTs, MTCCs, MCTCs).

¹⁹The information is based on publicly available documents provided by the JBC. Since 2015, the institution has published an official record of all active judges at least once a year. After pre-processing the resulting more than 700 pages of information using optical character recognition, I have hand-coded the data into a machine-readable format to ensure a high accuracy of the information.

The information available for each judge includes the exact court and branch a judge oversees, her date of appointment to the specific position, and the approximate date of retirement. Vacancies for positions as presiding judge are also indicated. Based on this data, each court branch can be traced over time showing whether in a specific month a court is presided by a judge appointed by Duterte, by one of his predecessors, or is vacant. A change in a certain position from a judge appointed by Duterte's predecessors (or from vacancy) towards a judge appointed by Duterte is considered as a worsening of the level of judicial independence at the specific position.

The territorial jurisdiction of judges is of great relevance to ensure a clear identification of the effect, aside from a clear temporal specification of the appointment of judges. Whereas lower-level judges are confined by the boundaries of the municipality they have been assigned to²⁰, branches of RTCs are usually responsible for jurisdiction in several municipalities (see Table 6.1). For both lower- and regional-level courts, especially in highly populated regions, several branches may have a joint territorial jurisdiction. In cases of exclusive (subject matter) jurisdiction of regional courts, such as drug-related cases, the territorial jurisdiction of judges is oriented towards the appellate jurisdiction judges exercise over lower-level courts.²¹ Given this close connection in territorial jurisdictions, I use the information on a court's territorial jurisdiction in appellate cases as a proxy of a court's jurisdiction in drug-related cases. Internal documents on the appellate jurisdiction of RTC judges provided by the Office of the Court Administrator (OCA) enable me to assign 99.2% of all branches of the Regional Trial Courts to their municipality-level counterpart. Due to the shared jurisdictions of branches, this translates into 98.5% of the municipalities for which the level of judicial independence in the responsible RTC can be assessed.

To reduce complexity, I consider sub-national judicial independence as a binary variable, indicating whether at least one judge that was appointed by President Duterte has jurisdiction over a given municipality in a given month.²² The appointment of judges can be considered as a staggered treatment a sample of municipalities get exposed to (treatment group) whereas other municipalities see no change

²⁰Exemptions from this rule are only made in those cases where municipalities face a vacancy in the position of the presiding judge. In this case, neighboring courts incur the caseload of the respective position until a successor for the vacant position has been found.

²¹Personal communication of the author with a member of the Office of the Court Administrator of the Philippines from October 20, 2020.

²²Especially in areas with high population density several branches, i.e., several presiding judges, share the territorial jurisdiction over an area. Even though the allocation of cases becomes less predictable for security forces, the broad media coverage associated with the appointment of a judge by Duterte should impact expectations of security forces and thereby also their behavior.

in judges, constituting the control group. Figures C.2 and C.3 in Appendix C depict the appointment of judges over time and space. During the time frame of consideration 292 judges have been appointed by Duterte to Regional Trial Courts. Joint jurisdiction across branches and municipalities lead to 725 treated municipalities (44%) for which a decrease in the number of killed civilians should be observed as a result of the decreasing level of judicial independence.

6.4.3 FURTHER VARIABLES

Further factors are considered that could affect the number of killings and the appointment of judges. On the municipality-level, factors such as population size and poverty may be related to the severity of the anti-drug operation. Figure 6.1b shows that especially metropolitan areas are affected by these operations. At the same time, larger cities may be prioritized by the OCA and the pool of applicants may be large enough to fill vacant positions quickly. With regard to poverty, research has shown the focus of extrajudicial killings on the Philippines on poor segments of society (David et al., 2018). This is in line with findings by J. L. Jackson et al. (2018), showing that police forces are less constrained by democratic institutions when torturing marginalized groups compared to other victim types. On the Philippines, this pattern could lead to higher numbers of extrajudicial killings in municipalities with a higher poverty incidence. I account for both factors using municipality-level information on population size and poverty incidence, retrieved from the Philippine Statistics Authority (Philippine Statistics Authority, 2016).

Studies on the Philippine anti-drug campaign highlight the relevance of political factors as explanation of extrajudicial killings. Ravanilla et al. (2022) mention the role of mayoral support networks as explanation for higher numbers of extrajudicial killings. To account for this finding, I incorporate a measure indicating whether municipalities are overseen by mayors from the Liberal Party (LP) of the outgoing president with a strong political network.²³ Compared to "outsider"-mayors from other parties who have to display their loyalty to the new president via the drug war, extrajudicial killings should be lower in municipalities overseen by LP-mayors that have access to patronage networks.

²³Information on elected mayors is based on the "Certified list of elected city/municipality candidates" by the Commission on Elections (Philippine Commission on Elections, 2016).

Local support for the anti-drug campaigns indicated by a high number of votes for President Duterte in the 2016 presidential election is likely to be relevant and therefore enters the models.²⁴ In those municipalities where a large share of citizens support Duterte's anti-drug campaign, the pressure on security forces to execute the orders of the government should be higher. In the analysis, this should lead to a positive relationship between Duterte's vote share and the number of killed civilians.

On the regional level, I use data on the so-called "congestion rate" for jails in September 2015, i.e., the degree of prison overcrowding, based on documents by the Bureau of Jail Management and Penology (Bureau of Jail Management and Penology, 2015). High congestion rates might be another factor for the government to switch to extrajudicial means instead of imprisoning. Where prisons are highly overcrowded, judges might refrain from imprisoning for petty crime, which increases the incentives for extrajudicial killings. Summary statistics of all relevant variables are shown in Table C.1 in Appendix C.

6.4.4 MODEL

As shown in the descriptive statistics, the dependent variable and the main independent variables show considerable spatial and temporal variation. Hence, I utilize a panel regression model for my analysis. As the dependent variable is heavily skewed with many observations showing no or only low levels of violence, I use a non-linear specification of the regression model (A. C. Cameron & Trivedi, 2010; Silva & Tenreyro, 2006; Wooldridge, 2010). For the main analyses, I resort to a random effects overdispersion model, i.e., a negative binomial panel regression, accounting for both within- and between variation of units.

6.5 Empirical Analysis

Does greater judicial independence lead to more extrajudicial killings? Figure 6.2 (see also Table C.2 in Appendix C) shows the estimated coefficients for the dummy-variable indicating an appointment of an RTC judge responsible for a specific municipality. The coefficient estimates are based on random-effects negative binomial regression models with varying combinations of the above mentioned covariates. Before focusing on the main effect, the results for the other covariates are addressed. Among the covariates, two effects stand out. Contrary to the expectations, the number of killings is lower in municipality.

²⁴Amid the lack of an official dataset on local election results for the 2016 presidential election, municipalitylevel information on vote share for Duterte is based on data by Solatorio (2016).

ipalities with a higher poverty rate. This is surprising given the reports that security forces mainly target people without occupation. Depending on the size of the municipality/city, this finding could however be caused by a conflation of the varying effects in slums versus prosperous areas of a city. The other noteworthy effect can be found for higher congestion rates. In accordance with the expectations, killings are higher in regions with overcrowded prisons. The remaining covariates do not show an effect. The models do not identify higher numbers of killed civilians in municipalities with greater support for Duterte as proxied by his vote share in the 2016 presidential election. Only Model 2, which does not account for the poverty incidence rate in a municipality, identifies a small effect that has surprisingly a negative sign. However, the effect vanishes in other model configurations. Likewise, no effect of a change in office of the mayor or the presence of mayors with a connection to the LP party of former President Aquino III can be identified. The fact that previous findings in this regard cannot be confirmed by the data may be due to the fact that my analyses do not focus on municipalities with close elections.²⁵ The population size is set as exposure variable so that an interpretation is not possible.

Focusing on the main variable, the results show a clear negative effect of judicial appointments by President Duterte on the number of fatalities in a municipality. Figure 6.2 provides estimates when including time dummies. As the number of killings in the "War on drugs" decreases over time, accounting for overall time-trends is important.²⁶ When adjusting for socioeconomic, political, and crime-related factors, municipalities under the jurisdiction of at least one RTC judge appointed by Duterte show fewer killed civilians than municipalities under the jurisdiction of judges that have been exclusively appointed before the Duterte presidency. The coefficients for the respective models are statistically (p < 0.001) and substantively significant: The corresponding coefficient in Model 5 (baseline + socioeconomic factors + political factors + crime) translates into a 30% reduction in killed civilians in municipalities that are affected by judges appointed by Duterte.²⁷ This finding provides support for the hypothesis that higher uncertainty about the decision-making of the judiciary, i.e., a greater level of judicial independence, leads to higher levels of extrajudicial killings. In contrast, in those areas where security force members know

²⁵Ravanilla et al. (2022) focus their research on close elections only, as outside-mayors who win by large margins have no need to show loyalty to the national government to secure their reelection.

²⁶For results without the inclusion of time dummy effects consider, for example, Table C.4 in Appendix C. As expected, the treatment effect takes up the overall time trend and thereby is heavily inflated.

²⁷Common for models with an exponential link function, interpretation of the provided coefficients is done according to their multiplicative effect as so-called semi- or full-elasticity (A. C. Cameron & Trivedi, 2010; Silva & Tenreyro, 2006). Hence, for the given coefficient the provided effect size is based on $100 \times (exp(-0.353) - 1) = -29.74\%$.



Figure 6.2: Coefficients (RTC) for varying model specifications based on random-effects negative binomial regression *Note:* Coefficients are depicted with confidence intervals at the 90%, 95%, and 99% level.

that a judge loyal to the president oversees the court, they are less likely to resort to deadly force to comply with the repressive agenda of the government and use non-lethal means in the anti-drug campaign.

How reasonable is it that the identified effect of newly appointed RTC judges is due to changes in the prosecution of drug-related crimes? Ideally, judicial appointments and fatality numbers would be set in context with monthly rates of criminal convictions per judge. However, such data are not available. Instead, I leverage the exclusive jurisdiction in drug-related crimes of RTCs and contrast the shown negative effect of appointments to RTCs with estimates based on appointments to first-level courts. As first-level courts have no oversight over crimes according to the Dangerous Drug Act, no negative effect of appointments on civilian fatalities should be found for changes in position of the presiding judge, mirroring a placebo test. During the time-frame of consideration, Duterte has appointed 257 judges at first-level courts. This translates into 304 municipalities (18%) that saw a change in the position of the presiding judge and hence a change from high to low levels of judicial independence.²⁸

²⁸Remember that the difference in the number of treated municipalities in terms of RTCs versus first-level courts can be explained by the different territorial jurisdictions of the different court types. In contrast to the joint territorial jurisdiction for RTC-judges, judges at lower-level courts are assigned to a single municipality and joint jurisdiction across branches happens only in the case of MeTCs, which are excluded from the analysis.



Figure 6.3: Coefficients (first-level courts) for varying model specifications based on random-effects negative binomial regression

Note: Coefficients are depicted with confidence intervals at the 90%, 95%, and 99% level.

Figure 6.3 shows the corresponding results. The coefficients for the treatment are indistinguishable from zero at conventional levels of significance. This shows that security forces are not sensitive to all types of judicial independence. Only in those cases where the independence of a judge is in conflict with the orders they receive from the government, security force members adapt their behavior.

The data on first-level court appointments do not include appointments to courts in the Metropolitan region (MeTCs), de facto limiting the sample used in the analysis. To rule out that the above found negative effect of RTC appointments is solely based on developments in these regions, I re-estimated the models presented in Figure 6.2 using only those municipalities where data on appointments to firstlevel courts is available. The main conclusions stay the same, but the effect size is roughly halved and significance is reached at p < 0.05. This result clearly represents the emphasis in the "War on drugs" on urban areas in the Metropolitan region. At the same time, the finding shows that despite the problems with the reliability of ACLED in rural areas, the proposed mechanism can also be identified there.

Figures C.3, C.4a, and C.4b in Appendix C show that due to the different jurisdiction of municipalitylevel judges the number of "treated" municipalities is considerably lower than for RTC appointments. This impedes the identification of the effect and could contribute to the result. As a result, the "nonfinding" for municipality-level appointments should be interpreted with caution as suggestive evidence for the proposed theoretical explanation.

6.6 ROBUSTNESS CHECKS

Given that the number of killed civilians is not evenly spread across the Philippines, influential observations could drive the findings. To rule out potential effects caused by single municipalities, I use jackknife resampling methods on the municipality-level to identify problematic cases. No such effects can be identified for the main variable of interest, the appointment of RTC judges.

While the structure of the dependent variable favors the negative binomial model, all models have been re-estimated using random-effects Poisson regression to see whether the results still hold. Using robust standard errors to account for overdispersion (A. C. Cameron & Trivedi, 2010), the main findings are supported.²⁹ Random-effects regression models, despite their advantages (Bell & Jones, 2015), are often based on strict assumptions that are hard to meet. Because of this, fixed-effects models that control for time-invariant confounders are sometimes preferred. The negative binomial model does not allow for such an actual fixation of constant effects (Allison & Waterman, 2002). Hence, I use the fixed-effects Poisson model and again rely on robust standard errors to alleviate the overdispersion-induced error. In combination with time dummies, the resulting two-way fixed-effects Poisson model again confirms the identified effect.³⁰

Lastly, panel regression models incorporating both unit- and time-fixed-effects, though still widely practiced, are increasingly considered as problematic (de Chaisemartin & D'Haultfœuille, 2020; Imai & Kim, 2021). As a response, I evaluate the effect of judicial appointments using a difference in differences (DiD) design. The staggered appointment of judges represents an advantage for the estimation of the treatment effect. Using the technique proposed by Imai, Kim, and Wang (2020), I match treated municipalities with control municipalities using the open-source statistical software package *PanelMatch* (I. S. Kim, Rauh, Wang, & Imai, 2021). Matching is done based on pre-treatment effect on the treated

²⁹See in particular Table C.5 in Appendix C.

³⁰See Table C.6.

³¹I condition on the number of killed civilians four months prior to the treatment as well as the covariates used for Model 5 of the panel regression depicted in Table C.4 including the logarithm of population-size.

(ATT) is calculated for the six months after the treatment. The results are presented in Figure C.8 in Appendix C. The effect of newly appointed RTC judges is only temporary: The reduction in killings only happens in the second month after the appointment. Afterwards treatment and control municipalities follow similar trends. This finding suggests that police officers and anti-drug vigilantes only temporarily pause their repressive means and that the appointment of loyal judges has no long-term effect on the level of violence.

6.7 Discussion & Limitations

The above presented findings suggest that low-level state officials react to independent judges by increasing the use of extrajudicial killings. An overtime comparison of treated municipalities with their untreated counterfactuals provides evidence that the effect of newly appointed judges is of short nature, vanishing after the first three months in office. Potential reasons for this finding are diverse. Assuming that the president only appoints judges he considers as loyal, it could be the case that this "loyalty-effect" is short-lived. This could be due to the selection of opportunistic applicants that soon deviate from the presidential strategy or because even judges loyal to the president are soon confronted with problems, such as a huge workload, that impede a rigorous implementation of the "War on drugs". Further research is necessary to examine the underlying reasons.

My research shows some similarities to the one by Acemoglu et al. (2020) and complements their findings. The authors analyze the occurrence of so-called *false positives* in Columbia under the presidency of Álvaro Uribe. False positives describe killings of civilians that are falsely portrayed by the security forces as encounters with guerrilla combatants. The authors find that in areas with less judicial oversight, measured by greater judicial inefficiency, more false positives can be observed. Despite similarities in the context and the outcome – a repressive agenda by the government, backed with incentives for low-level agents, is associated with more extrajudicial killings – key differences to my analyses exist in the proposed and tested underlying mechanism. Acemoglu et al. (2020) interpret greater judicial inefficiency as judicial weakness that results in less judicial oversight. The authors focus on the power-dimension of judicial independence, considering all judges as having a priori an incentive to investigate extrajudicial killings (see Chapter 2). Given the reports about the workload of judges, the case of the Philippines examined in this chapter suggests treating judicial inefficiency instead as (constantly) relatively high. My theoretical mechanism focuses on judges' bias towards the position of the government, arguing that different incentives exist for judges to cooperate with low-level agents and support the government's repressive agenda. The different explanatory variables used in both studies correspond to these theoretical differences: Acemoglu et al. (2020) examine variation in the level of judicial efficiency. My analyses are based on variation in the loyalty to the government. The different foci likely explain the different empirical results.

I consider both mechanisms as complementing instead of opposing each other. Following Acemoglu et al. (2020), I agree that less judicial efficiency can increase the likelihood of extrajudicial killings, because weak judicial institutions are less likely to hold members of the security forces accountable for their wrongdoing. At the same time, my research highlights a considerable difference between the effect of inefficient judges that are loyal to the government and those that are perceived as more independent. Inefficient but loyal judges may still serve as henchman for low-level agents and support the repressive agenda with political imprisonments, reducing the use of extrajudicial killings compared to areas under the jurisdiction of inefficient and independent judges. I conclude that my consideration of the independence of judges adds another dimension to the mechanism proposed by Acemoglu et al. (2020). Future research may overcome existing constraints on the availability of fine-grained data of courts and jointly evaluate both mechanisms. This may also enable a comparison of the behavior of security forces who encounter varying degrees of judicial independence in contexts of high judicial efficiency.

A main shortcoming of all studies in the field of repression is the limited information on malpractice that happened. The dataset used in this study covers only a small fraction of the estimated number of killed civilians, thereby increasing the uncertainties around the estimates. Yet, also information on other aspects is limited as most municipality-level information is based on census or election data and therefore time-invariant for the time frame of consideration. For example, local support for Duterte can only be proxied by the results of the 2016 presidential election. A consideration of direct reactions of the local population to the repressive measures, for example, a backlash in the public opinion, cannot be considered for the analysis and remains a factor that could bias the results. Collecting more time-varying municipality-level data clearly is an avenue for future research in the field.

6.8 CONCLUSION

Could greater judicial independence have adverse effects? Most studies emphasize the positive aspects of independent judges for the respect of physical integrity rights (e.g., Crabtree & Fariss, 2015). Yet, ques-

tions arise amid the implementation of independent judiciaries in regimes known for their repressive behavior. Why is the effect of independent judges on state repression apparently limited? Research by Conrad et al. (2018) suggests that governments change repression techniques when facing an independent judiciary to evade accountability for their actions. This behavior is in line with similar contexts of malpractice, where governments adapt to potential limitations of their power by changing to other but likewise problematic means instead of stopping their malpractice completely. Given that independent judges are considered key for governmental accountability, observing such behavior to bypass independent judges is highly problematic for the protection of human rights.

Using an original hand-coded dataset on first-level and regional judges on the Philippines, I analyze the effect of judicial independence of individual judges on the behavior of security force members in the so-called "War on drugs" initiated by President Rodrigo Duterte between 2016 and 2019. The results of my analyses show a clear decreasing effect of judicial independence on extrajudicial killings. The appointment of judges that are likely to share the opinion of the president with regard to the harsh strategy on drugs is found to be associated with a reduction in the number of killed civilians by 30% in the affected municipalities. A closer examination of the effect provides suggestive evidence that the change in behavior is only caused by the appointment of judges who have jurisdiction over drug-related crimes. I explain this effect by lower barriers for imprisoning alleged drug dealers where judges loyal to the president oversee the trial. The lack of sound evidence against the suspects in combination with an overloaded judiciary are expected to cause a situation of "quasi-independence" from the government for other judges. As these judges are no obedient tool of the government, local agents adjust their means of repression and resort to extrajudicial killings in combination with planting evidence.

My study contributes to previous research on the effects of the judiciary on sub-national variation in the use of extrajudicial killings for repression by highlighting a different mechanism. By considering judicial independence on the level of individual judges, my analyses also add to the small field of empirical studies focusing on sub-national levels of judicial independence. The consideration of repressive behavior and judicial independence below the state-level reduces the potential impact of confounding factors and allows for a closer examination of state agents adapting to variations in their environment.

7 Conclusion

7.1 SUMMARY

Independent judiciaries are a phenomenon that is not exclusive to liberal democracies, but which can be observed also in a range of illiberal regimes. The judges in these countries are sometimes even regarded as more independent than their democratic counterparts (see, e.g., Linzer & Staton, 2015). Research has so far mainly focused on explaining *why* authoritarian leaders decide for an independent judiciary that is more than window-dressing and has actual power to hold members of the executive accountable. Scholars highlight the many advantages of independent judges for authoritarian leaders (e.g., Epperly, 2019; Moustafa & Ginsburg, 2008). What remains largely unexplained is *how* the executive and its sub-ordinates solve the inherent tension that arises when illiberal regimes that are based on secrecy (Barros, 2016), repression (Gerschewski, 2013), and co-optation (ibid.) grant an institution more autonomy so that it can hold the government accountable for its actions. In this dissertation I provide theoretical explanations and empirical evidence that answers the question of *how the authoritarian executive in illiberal regimes balances the benefits and costs of an independent judiciary*.

Before presenting my argument of illiberal regimes developing strategies to avoid being held accountable by independent judiciaries, it is important to highlight the benefits and costs of democratic institutions and in particular independent judges in illiberal regimes. In Chapter 2, I provide an overview of the current state of research on the reasons for the "inconsistency" of observing elections, parliaments, and independent judges in illiberal regimes. I highlight that independent judiciaries provide authoritarian rulers with many benefits similar to other democratic institutions yet have also some comparative advantages, such as the provision of "insurance" for outgoing rulers. Irrespective of the type of democratic institution, many of the benefits that these institutions provide are based on a limited degree of actual or perceived accountability of the regime or its subordinates. This is particularly the case for independent judges whose benefits almost exclusively build upon creating accountability.

As I explain, this accountability can be detrimental to the survival of the regime as it creates avenues for the opposition to challenge the regime. Challenging state officials in court undermines the legitimacy of the state and can deter other officials from executing the agenda of the regime. Increasing the independence of the judiciary also deprives the regime of courts as valuable tool for repression and patronage. Illiberal regimes hence face a conflict of interests between benefiting from the advantages of accountability yet also not destabilizing their authoritarian rule by tying their own hands too tight. In Chapter 3, I argue that authoritarian leaders respond to this dilemma by developing strategies to avoid accountability and limit the actual restrictions on their power. I propose three mechanisms that authoritarian rulers and their subordinates apply, beginning with (1) fragmenting the degree of judicial independence across types of courts, (2) the use of informal means to undermine existing institutions that are supposed to shield the judiciary from the executive, and (3) the strategic adaptation of repressive measures to enable an implementation of the repressive agenda without having to rely on judges as henchmen or risking a conviction.

In the empirical part of this dissertation, I provide more details on the proposed theoretical mechanisms and test them using innovative data. My analyses presented in Chapter 4 show that the distribution of power within the regime, its degree of personalism, only affects the independence of lower courts negatively, highlighting the empirical relevance of differentiating between the independence of varying types of courts. This negative effect is also reflected in a positive effect of personalism on the independence of the highest courts vis-á-vis lower courts. While I do find that personalist regimes more than other non-democratic regimes differentiate between courts when granting judges greater autonomy, higher levels of personalism are not always associated with greater fragmentation of judicial independence. Contrary to my expectations, a higher degree of personalism in regimes that are already considered as personalist is associated with *fewer* differences between courts. I explain this finding by variation among personalist rulers whether to accept greater judicial independence – if only for a certain type of court. Highly personalist rulers are unwilling to incur any limitations on their power, ruling out greater judicial independence via judicial fragmentation. I suggest further research concerning potential advantages of this strategy, for example, of monitoring equally (in-)dependent courts. My analyses presented in Chapter 5 provide evidence that the introduction of merit-based selection cannot effectively shield the judiciary from undue influence by private actors and the appointing president. The empirical findings point at a bias in the application process that attracts those applicants that have a connection to elites in society, yet deters the most-qualified people. This effect is only partly offset by the selection commission. The appointing president likewise does not actively work against the bias in the application process and uses his influence on the selection process to appoint less experienced candidates. I provide suggestive evidence that the president also prefers those candidates with connections to influential families, at least outside of the pre-election period. Finally, my examination of the strategic adaptation of repression in Chapter 6 indicates that low-level state officials show greater reliance on extrajudicial killings in areas controlled by judges that do not support the government's repressive agenda. This result highlights that independent judges do not necessarily lead to the use of less visible measures of repression but can also be associated with an excess in violence.

My findings show that authoritarian leaders and their subordinates are not willing or cannot decide between executive power and accountability. Instead, the hybrid approach – mixing democratic and authoritarian institutions – is also mirrored in their strategies to avoid accountability: By introducing judicial independence only in selected courts, implementing selection commissions – whose members are to a large degree appointed by the president – in combination with a selection by the president, and switching to a different form of a repression if another one is no longer available, illiberal regimes have been "creative" in creating a middle path to benefit from elements from both regime types.

7.2 BROADER IMPLICATIONS

In this dissertation I examine the strategies that authoritarian rulers and their subordinates use to balance the costs and benefits of independent judges. The empirical findings presented in Chapters 4 to 6 suggest that authoritarian rulers and low-level state officials apply judicial independence selectively, influence the selection of new judges to their personal advantage, and adapt the repressive means according to the level of oversight. After focusing on the specific theoretical, empirical, and political implications of these findings in Chapter 1, in the next sections I present some of the broader implications of my research with a focus on our understanding of democratic institutions in illiberal regimes, hiring patterns in these regimes, and democratic backsliding.

7.2.1 Democratic Institutions in Illiberal Regimes

My empirical analyses suggest great similarities between the institution of judicial independence and other democratic institutions in illiberal regimes. As highlighted throughout this dissertation, the strategies I propose, used by authoritarian rulers to balance costs and benefits of judicial independence, can be found in other areas of authoritarian rule. Freedom of expression is fragmented depending on the type of critique (King et al., 2013). Elections are influenced by undermining institutions that should ensure their integrity (Sjoberg, 2016). Regimes can quickly adapt their measures for election fraud when facing external constraints on the set of tools available (Simpser & Donno, 2012; Sjoberg, 2014). My finding that these techniques are also used to avoid control by the judiciary speaks for a broad set of tools that is used by authoritarian rulers non-exclusively for different areas of governance to secure their power. The broad application of these techniques theoretically reduces their corresponding "development costs" for illiberal regimes and enables learning processes across sectors. For example, if citizens do not complain about interference with the work of selection commissions, because of the bureaucracy behind the process, also other commissions, such as election commissions, may be easily undermined without major opposition. My analyses of the case of the Philippines suggest that corresponding techniques are sometimes also used simultaneously, which could make them more effective and may hinder their unambiguous identification to outsiders. This is in line with findings for election manipulation, where regimes may secure their electoral victory by using strategies simultaneously, such as driving a wedge between opposition groups and additionally distributing rents among supports (Magaloni, 2006). Finding these similarities between techniques to avoid accountability from the judiciary and other democratic institutions points at a great generalizability of the underlying theories and opens further avenues of research.

Despite highlighting different ways of how authoritarian rulers avoid severe restrictions on their power, my findings also corroborate the general conclusion that democratic institutions in illiberal regimes

are not only window dressing but may considerably shape the political processes in the country. For example, my analysis of the selection process via merit-selection, albeit highlighting its many flaws, indicates that it may be the president but not the commission members who actively favor candidates from influential families. In contrast to the president (see below), the commission also values candidates' prior experience. In Chapter 6, I identify the lack of cooperation of judges with state officials as explanation for the use of extrajudicial killings. Both cases show that judicial autonomy and measures to increase it are rarely without any effect. This is in line with findings on the role of elections in illiberal regimes that encourage competition between elites (Blaydes, 2010).

7.2.2 Application and Hiring Patterns in Illiberal Regimes

In Chapter 5, I highlight the relevance of family-membership in the selection process for prospective judges. My analyses also focus on other factors, with the results suggesting that the positions in the judiciary are less appealing for highly qualified lawyers and that the president has a lower preference for candidates with prior experience as a judge. Both results are indicative of general application and hiring patterns in illiberal regimes. Research highlights the tension in illiberal regimes between hiring competent and loyal state officials (e.g., Buckley & Reuter, 2019; Burkhardt & Libman, 2018; Egorov & Sonin, 2011). The results of my analyses provide further weight to those studies that emphasize the aspect of loyalty as being decisive in areas where the regime may potentially be challenged.

My findings also cast light on the purposeful hiring of less experienced or competent individuals in illiberal regimes (Scharpf & Gläßel, 2020, 2022; Zakharov, 2016). Scharpf and Gläßel (2022) suggest that superiors in these regimes can exploit career pressures of less qualified individuals or those without the right background for their own advantage (see also Scharpf & Gläßel, 2020). The authors focus their theoretical consideration on the most reprehensible tasks in the field of organized violence, the execution of orders to kill civilians during the Holocaust. The results of my analysis of the selection of judges on the Philippines provide suggestive evidence that similar hiring strategies also apply for positions outside of the executive branch and in less extreme cases. By hiring less experienced candidates for the position as judge, presidents may create a relationship shaped by dependency that encourages newly appointed judges to decide cases in line with the agenda of the government. As argued in Chapter 6, this might help the government to execute its repressive agenda. In extreme cases, judges may try to ingratiate themselves with the government by ruling extremely harsh against members of the opposition.

Following the argument by Scharpf and Gläßel (2022), it is reasonable to assume that in some cases also an unfavorable background of applicants could be leveraged by superiors, although I was not able to test this hypothesis due to data constraints. Buchheit (1968) argues that the infamous President of the People's Court in Nazi Germany Roland Freisler tried to cover the expulsion of his brother from the NSDAP with his later eagerness as judge, reflected in the humiliation of defendants and a frequent use of the death sentence.¹ Aside from the horrific and very specific context of Nazi Germany, which is by no means comparable with the analyzed case, the example shows that supposed weaknesses of judges can be beneficial for rulers of illiberal regimes. Building upon my suggestive evidence for the appointment of less qualified judges, further analyses of the selection and appointment pattern of judges are necessary to corroborate the claim of purposeful selection of less competent judges and the exact strategy behind it.

7.2.3 UNDERMINING JUDICIAL INDEPENDENCE AND DEMOCRATIC RETREAT

By highlighting the strategies how illiberal regimes can combine limited judicial independence with authoritarian rule, the empirical evidence presented in this dissertation also points at avenues used to undermine accountability in *liberal* regimes. Scholars debate whether we can observe a democratic retreat since the early 2000s (Diamond, 2008; Haggard & Kaufman, 2021; Levitsky & Way, 2015; Levitsky & Ziblatt, 2018). Whereas some scholars see clear signs of growing authoritarianism and "democratic rollback" (Diamond, 2008), others highlight that expectations regarding democratization have just been overly optimistic (Levitsky & Way, 2015). However, as far as it concerns liberal democracies, such as the U.S., the observed trends are considered as worrisome (Levitsky & Ziblatt, 2018). As an important element of democratic backsliding researchers consider reductions in the independence or impartiality of judges (ibid.).

In Chapters 5 and 6, I emphasize the role of the appointment process of judges for increasing or reducing the accountability of members of the executive. My findings on the limited effect of barriers to the power of illiberal governments imply that the appointment process and the court administration in general are attractive targets also for politicians with an authoritarian agenda in liberal democracies. By influencing the composition of institutions, such as the selection commission, loyalty to the govern-

¹Covering up his earlier interest in Marxism and his co-operation with Russian forces during World War I (Buchheit, 1968) may also have played a role for Freisler's attempts to win Hitler's favor with his behavior in the court room.

ment instead of merit can become an important (informal) requirement for applicants to be nominated. Such interference with the independence of the judiciary can be seen, for example, in Poland, where in 2017 the parliament lead by the ruling party "Law and Justice" has increased parliamentary control over the members of the National Judicial Council (Lyman, 2017). The institution is responsible for the evaluation and nomination of candidates for the position as judge. After the implementation of the corresponding bill, many of the newly elected commission members showed clear connections to the then Minister of Justice Zbigniew Ziobro (Hassel, 2018).

Attempts to undermine the court administration can also be observed in Hungary after the 2010 electoral victory of the Fidesz party. In 2011, the new government lowered the requirements for candidates at the Constitutional Court and the Supreme Court (Venice Commission, 2021) and purged the judiciary by temporarily lowering the retirement age of judges (Halmai, 2017). The president of the newly created National Judiciary Office is solely responsible for the appointment of judges. After its creation, the position was filled from 2012 until 2019 by Tünde Handó, who has close ties to the ruling Fidesz party and Prime Minister Viktor Orbán (Scheppele, 2012). In 2018, Orbán also made an attempt to create a parallel court system for politically sensitive cases (Novak & Kingsley, 2018), reflecting a strategy of fragmentation of the judiciary as described in Chapter 4. While in 2019 international pressure has led to a postponement of the plans (Gosling, 2019), these examples illustrate and add to the strategy of undermining the judiciary in particular and democratic institutions in general. My dissertation contributes to our understanding of these strategies to undermine the independence of the judiciary. Given my explicit focus on illiberal regimes, I recommend further research on the implementation of the proposed mechanisms explicitly in the context of liberal democracies.

7.3 FUTURE RESEARCH

The empirical findings presented in this dissertation help us understand why authoritarian leaders can remain in power despite loosening the grip on the judiciary. At the same time, this dissertation raises important questions and provides the ground for future studies by highlighting the role of judicial fragmentation, the peculiarities of the selection process of judges, and the strategic adaptation of repression. Below, I present selected avenues for future research that I consider worthwhile to pursue for an even better understanding of the relationship between the executive and the judiciary and the strategies to avoid accountability.

7.3.1 HIGH COURTS, LOWER COURTS, SPECIAL COURTS, AND EVERYTHING IN-BETWEEN

The new theoretical mechanism on the selective use of independence for the highest and lower courts proposed in Chapter 4, is based on the observation of judicial fragmentation, for example, in Francoist Spain (Toharia, 1975). However, here and in other cases (Moustafa, 2008) rulers sometimes created a separate *justice system* for court trials on sensitive topics. The impact of individual judges on the legal practice at certain courts or divisions in authoritarian (Geerling et al., 2018) and democratic regimes (Lichtman, 2012) likewise creates incentives for a selective implementation of judicial independence on the level of the individual judge. In Chapter 4, I highlight the theoretical and empirical reasons for my focus on the high-low divide in the judiciary. Yet, the selective use of independence, for example, incorporating other types of courts or by considering the level of individual judges, are interesting avenues for future research that may further improve our understanding of the configuration of the judiciary in illiberal regimes.

As I have explained in Chapter 4, having loyal judges in key positions helps the government to limit its interference in the independence of the judiciary. Besides different jurisdiction matter between the highest and lower courts, it may also be attractive for the government to leverage different territorial jurisdictions of individual judges. Having loyal judges in areas with a strong opposition may deter activists from using the judiciary to challenge the regime or may be beneficial when issuing arrest warrants. For illiberal regimes that conduct semi-competitive elections, having control over election-related cases may be decisive. While Chapter 6 provides a way to measure the independence of individual judges based on the date of appointment, future research may take into account further information from the selection process of judges to make statements about the independence of individual judges.

Besides further analyses of the high-low court divide, I consider also the empirical analysis of the divide between regular and specialized court systems as promising (see, e.g., Ríos-Figueroa & Aguilar, 2018). Problems remain regarding the measurement, as there is often only data available on whether the constitution would *allow* the implementation of specialized courts (e.g., Elkins & Ginsburg, 2021). This means that researchers would need to collect data (1) on the implementation of specialized courts by the government, and (2) the independence of these courts. Despite the potential problems that I highlight in my analyses, using expert ratings in the fashion of the V-Dem Dataset (Coppedge, Gerring, Knutsen, Lindberg, Teorell, Alizada, et al., 2021) may be the best approach for this task. A systematic large-N

macro-level analysis of the divide between regular and specialized courts may indicate if authoritarian leaders show even greater willingness to differentiate in the degree of independence between these two categories than within the regular justice system between the highest and lower courts.

7.3.2 The Effect of Individual Commission Members

In Chapter 5, I highlight the lacking effectiveness of the selection commission in shielding the appointment process of judges from the interference by private actors and the executive. Part of the explanation for this observation is the prevailing influence the president often has, not only on the final appointment decision but also on the composition of the committee. In the case of the Philippines, the Judicial and Bar Council (JBC) consists of eight members of which five are directly appointed by the president (Philippine Const. of 1987, art. 8, sec. 8). A similar potential for interference can also be found in other countries, such as Uganda (Ugandan Const. of 1995, art. 146). In the case of the JBC, this provides incentives for the president to distribute positions in the JBC among loyal supporters (Barcena, 2010). But also commission members appointed by previous incumbent presidents face incentives to show loyalty to increase their probability of reappointment (ibid.). While this should somewhat balance out the difference between the members in the commission, there remains a potential for these and other characteristics of individual commission members to influence the selection process, raising the question of the effect of individual commission members on the selection of candidates.

Studies show the relevance of group-dynamics for decision making (e.g., Moscovici, 1980), for example, in the context of trial juries (for an overview, see Devine, 2012). For the case of selection commissions, consider a situation where most members have been appointed by previous presidents and fight for reappointment by the new president. This might change the in-group dynamics and as a result the selection process compared to a situation where a majority of commission members has already gained the trust of the president or might no longer be interested in taking over this task (for example due to age or other commitments). Likewise, other characteristics, such as prior occupations of the appointed commission members, being members of influential families themselves, or the general ideology of the commission members could be relevant for the distribution of votes for individual applicants (e.g., for the potential consequences of ideology, see Fitzpatrick, 2009, 2017). While beyond the scope of this dissertation, future research may consider opening the black box of selection commissions. Data constraints often hinder these examinations, given that individual votes by commission members may not

be made publicly available, as it is the case for the JBC. Studies should therefore take into account observable changes in who is appointed as a commission member and how the selection behavior changes after such appointments.

7.3.3 SUBSTITUTABILITY OF REPRESSIVE TACTICS

Quantitative empirical analyses on factors influencing individual actors who implement a repressive agenda remain scarce (Acemoglu et al., 2020; Scharpf, 2018). This is problematic as the repressive apparatus in illiberal regimes is no monolith and the use of repression can depend on factors, such as the ideology of individual agents (Scharpf, 2018). Particularly scarce are micro-level analyses focusing on the repressive agents' decision between different types of repression. In Chapter 6, I argue that the decision to use extrajudicial killings is based on the presence of independent judges preventing the use of imprisonment. Data constraints hinder a direct examination of the proposed substitution effect. The indicator of judges' independence and regional-level estimates of prison overcrowding act as indirect measures of the availability of political imprisonment. Similar limitations on the availability of data on physical integrity violations force many studies to examine the strategic decision for or against a specific type of repression with states considered as unitary actors (DeMeritt & Conrad, 2019; Esberg, 2021; Steinert, 2022).

Given the "menu" of repressive means that is available to repressive agents (e.g., Rejali, 2007), understanding why agents decide for one type of repression *and not another* is an important avenue for future research to which I contribute another perspective and potential mechanism. More analyses are necessary to improve our interpretation of the results of empirical analyses that exclusively focus on individual types of repression. Reasons for a specific preference in repressive means are various: states may have created incentives for the use of a certain type of repression as in the case of false positives in Colombia (Acemoglu et al., 2020), new laws prevent the use of certain measures (Hausman & Kronick, 2021), or agents have learned from one another effective ways to torture (Rejali, 2007), as in the case of American interrogators who appear to have taken over measures of electrotorture from South Vietnamese interrogators (ibid., p. 197). As suggested by the analyses of clean versus scarring torture by Conrad et al. (2018), focusing only on one type of repression, for example, the most visible one, may lead to an underestimation of the general use of repressive means. It can also lead to democratic institutions having unintended effects, for example, when agents simply change from one type of repression to another as suggested in Chapter 6. I recommend that researchers should focus more on this interplay of different types of repression, specifically with a focus on judicial independence. Given the availability of increasingly fine-grained data with information on types of repression and the respective perpetrators as well as the important implications for research and policymakers, I see great potential in this area of research.

7.4 FINAL REMARKS

Independent courts are a cornerstone of the protection of individuals' rights against oppression (Crabtree & Fariss, 2015; Crabtree & Nelson, 2017) and moving away from judges dependent on a monarch or individual politician has likely contributed to greater prosperity (Klerman, 2005; Voigt et al., 2015). The fact that independent courts do matter has inspired many authoritarian rulers to adapt them. And yet, the possibility of independent courts to hold the executive accountable poses a problem to authoritarian rulers. In the example of late 1960s Egypt presented in the introduction, it took several years before rulers accepted independent courts as a solution to their problems of public sector inefficiency and poor private investments (Rosberg, 1995). Though independent judges continue to be predominantly found and most often show considerably greater independence in democracies, I show how also authoritarian regimes are able to grant their judges considerable leeway. By using judicial independence selectively, subverting the institutions that are supposed to shield the judiciary, and by changing the mode of repression, the authoritarian executive is able to balance the costs and benefits of independent judges. Understanding these strategies helps us to make sense of those regimes that show elements of democracy but clearly do not represent the ideal of liberal democratic regimes.



Supplementary Information to Chapter 4

A.I DESCRIPTIVE STATISTICS

	Mean	SD	Min	Max	N
Highest Court Indep.	3.26	1.12	0.89	6.41	4562
Lower Courts Indep.	3.45	1.18	0.63	6.69	4562
Δ Judicial independence	-0.19	0.75	-3.32	2.42	4562
$ \Delta $ Judicial independence	0.55	0.54	0.00	3.32	4562
Party-based	0.50	0.50	0.00	1.00	4562
Military-based	0.13	0.33	0.00	1.00	4562
Monarchy-based	0.12	0.33	0.00	1.00	4562
Personalism	0.42	0.28	0.00	1.00	4562
Corruption	0.57	1.20	-4.10	3.10	4562
Democracy	1.95	1.23	0.08	7.67	4544
Armed Conflict	0.21	0.41	0.00	1.00	4562
log(Population)	9.01	1.33	5.95	14.05	3711
Local Gov. Index	0.35	0.31	0.00	0.99	4499
Regional Gov. Index	0.16	0.25	0.00	0.99	4542
Pol. Constraints	0.06	0.14	0.00	0.73	4550
log(GDP p.c.)	8.02	0.92	5.92	11.23	4296
FDI (% of GDP)	19.58	39.05	0.00	686.10	2111

Table A.1:	Summary	statistics
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Deviations in the listed number of observations and the number of observations utilized in the analyses result from list-wise deletion.

A.2 Detailed Results for Main Analyses

	(1)	(2)	(3)	(4)	(5)	(6)
Main Explanatory Variable						
Personalism	-0.436**	-0.262*	-0.257*	0.023	0.063	0.032
	(0.16)	(0.12)	(0.12)	(0.08)	(0.08)	(0.18)
Control Variables						
Corruption		-0.117+	-0.121+	-0.039	-0.022	-0.019
		(0.06)	(0.06)	(0.04)	(0.04)	(0.04)
Democracy		0.315***	0.303***	0.138***	0.134***	0.140**
-		(0.04)	(0.05)	(0.03)	(0.03)	(0.03)
Armed Conflict=1		-0.069	-0.070	-0.071+	-0.030	-0.035
		(0.06)	(0.05)	(0.04)	(0.04)	(0.04)
log(Population)		-0.202*	-0.390+	-0.319*	-0.310*	-0.326*
		(0.08)	(0.22)	(0.15)	(0.13)	(0.13)
Local Gov. Index		0.471	0.448	0.238	0.208	0.188
		(0.29)	(0.29)	(0.21)	(0.21)	(0.21)
Regional Gov. Index		0.520	0.497	0.149	0.169	0.168
		(0.44)	(0.43)	(0.30)	(0.29)	(0.29)
Pol Constraints		-0.239	-0.198	-0.141	-0.162	-0.174
		(0.20)	(0.20)	(0.20)	(0.19)	(0.19)
log(GDP n c)		-0.012	-0.010	0.038	0.030	0.029
log(ODI p.c.)		(0.07)	(0.07)	(0.06)	(0.05)	(0.02)
Lower Courts Inden		(0.07)	(0.07)	0.60/***	0.602***	0.599*
Lower Courts Indep.				(0.06)	(0.05)	(0.05)
Darty				(0.00)	0.130	0.109
Tarty					(0.09)	(0.10)
Military					(0.07)	0.14)
Wintary					(0.11)	(0.12)
Manager					(0.11)	(0.15)
Monarchy					0.515	(0.10)
					(0.13)	(0.19)
Party × Personalism						(0.04/
						(0.21)
Military × Personalism						-0.116
						(0.28)
Monarchy \times Personalism						0.542
0	0.510***	(= A /****	< 0 50 **		0.055*	(0.35)
Constant	3.512***	4.586***	6.0/2**	3.22/*	3.055*	3.221*
- 1 ·	(0.07)	(0.81)	(2.07)	(1.47)	(1.29)	(1.28)
5-year dummies	No	No	Yes	Yes	Yes	Yes
$\sigma_{ m u}$	1.04	0.97	1.03	0.72	0.72	0.73
$\sigma_{ m e}$	0.50	0.44	0.43	0.37	0.36	0.36
ρ	0.81	0.83	0.85	0.79	0.80	0.80
\mathbb{R}^2	0.03	0.26	0.27	0.48	0.49	0.50
Akaike Inf. Crit.	4884	3970	3941	2782	2679	2668
Bayesian Inf. Crit.	4890	4025	4064	2912	2827	2834
Pseudo Log-Likelihood	-2441	-1976	-1951	-1370	-1316	-1307
N (Observations)	3449	3449	3449	3449	3449	3449
N (Groups)	109	109	109	109	109	109

Table A.2: Effect of latent personalism on judicial independence (highest court), fixed-effects regression

+ p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Robust standard errors in parentheses.

	(1)	(2)	(3)	(4)	(5)	(6)
Main Explanatory Variable						
Personalism	-0.556***	-0.438**	-0.432**	-0.298**	-0.303*	-0.510*
	(0.16)	(0.14)	(0.14)	(0.11)	(0.12)	(0.25)
Control Variables						
Corruption		-0.141^{*}	-0.135+	-0.070	-0.076	-0.069
		(0.07)	(0.07)	(0.05)	(0.05)	(0.05)
Democracy		0.275***	0.275***	0.122***	0.123***	0.122***
		(0.05)	(0.05)	(0.03)	(0.03)	(0.03)
Armed Conflict=1		-0.001	-0.014	0.012	-0.004	-0.006
		(0.05)	(0.05)	(0.05)	(0.05)	(0.05)
log(Population)		-0.003	-0.218	-0.061	-0.065	-0.065
		(0.08)	(0.21)	(0.15)	(0.14)	(0.15)
Local Gov. Index		0.225	0.235	-0.052	-0.017	0.022
		(0.24)	(0.24)	(0.17)	(0.17)	(0.16)
Regional Gov. Index		0.627	0.577	0.323	0.305	0.266
		(0.43)	(0.44)	(0.31)	(0.30)	(0.28)
Pol. Constraints		-0.268	-0.239	-0.213	-0.207	-0.195
		(0.17)	(0.17)	(0.17)	(0.17)	(0.16)
log(GDP p.c.)		-0.037	-0.087	-0.088+	-0.079	-0.084
		(0.06)	(0.07)	(0.05)	(0.06)	(0.05)
Highest Court Indep.				0.536***	0.543***	0.537***
				(0.05)	(0.05)	(0.05)
Party					-0.113	-0.218
					(0.09)	(0.17)
Military					0.003	-0.195
					(0.10)	(0.17)
Monarchy					-0.179	-0.332
					(0.18)	(0.23)
Party × Personalism						0.182
						(0.27)
Military $ imes$ Personalism						0.534*
						(0.25)
Monarchy $ imes$ Personalism						0.328
						(0.39)
Constant	3.782***	3.440***	5.484**	2.647*	2.666*	2.819*
	(0.07)	(0.69)	(1.89)	(1.29)	(1.29)	(1.28)
5-year dummies	No	No	Yes	Yes	Yes	Yes
$\sigma_{ m u}$	1.09	1.04	1.03	0.70	0.69	0.69
$\sigma_{ m e}$	0.47	0.42	0.42	0.36	0.36	0.35
م	0.84	0.86	0.86	0.79	0.79	0.79
\mathbb{R}^2	0.05	0.25	0.26	0.45	0.45	0.46
Akaike Inf. Crit.	4446	3661	3635	2595	2574	2545
Bayesian Inf. Crit.	4453	3716	3758	2724	2721	2710
Pseudo Log-Likelihood	-2222	-1821	-1798	-1276	-1263	-1245
N (Observations)	3449	3449	3449	3449	3449	3449
N (Groups)	109	109	109	109	109	109

Table A.3: Effect of latent personalism on judicial independence (lower courts), fixed-effects regression

+ p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Robust standard errors in parentheses.

	(1)	(2)	(3)	(4)	(5)
Main Explanatory Variable					
Personalism	0.120	0.175+	0.175+	0.209*	0.300
	(0.11)	(0.10)	(0.10)	(0.10)	(0.23)
Control Variables					
Corruption		0.014	0.014	0.030	0.028
		(0.05)	(0.05)	(0.04)	(0.05)
Democracy		0.027	0.027	0.023	0.029
		(0.03)	(0.03)	(0.03)	(0.03)
Armed Conflict=1		-0.056	-0.056	-0.019	-0.022
		(0.04)	(0.04)	(0.04)	(0.04)
Local Gov. Index		0.213	0.213	0.175	0.136
		(0.20)	(0.20)	(0.19)	(0.19)
Regional Gov. Index		-0.079	-0.079	-0.060	-0.038
		(0.31)	(0.31)	(0.29)	(0.29)
Pol. Constraints		0.042	0.042	0.024	0.005
		(0.19)	(0.19)	(0.18)	(0.18)
log(Population)		-0.172	-0.172	-0.163	-0.175
		(0.14)	(0.14)	(0.13)	(0.14)
log(GDP p.c.)		0.077	0.077	0.068	0.070
		(0.06)	(0.06)	(0.06)	(0.06)
Party				0.146	0.185
-				(0.10)	(0.16)
Military				0.058	0.197
				(0.11)	(0.15)
Monarchy				0.444**	0.325
-				(0.15)	(0.24)
Party × Personalism					-0.056
-					(0.24)
Military × Personalism					-0.408
					(0.27)
Monarchy $ imes$ Personalism					0.238
					(0.42)
Constant	-0.270***	0.589	0.589	0.431	0.477
	(0.04)	(1.29)	(1.29)	(1.23)	(1.24)
5-year dummies	No	Yes	Yes	Yes	Yes
$\sigma_{ m u}$	0.64	0.68	0.68	0.68	0.68
$\sigma_{ m e}$	0.35	0.34	0.34	0.34	0.34
ρ	0.77	0.80	0.80	0.80	0.81
\mathbb{R}^2	0.00	0.05	0.05	0.08	0.08
Akaike Inf. Crit.	2411	2293	2293	2201	2174
Bayesian Inf. Crit.	2418	2416	2416	2342	2334
Pseudo Log-Likelihood	-1205	-1126	-1126	-1077	-1061
N (Observations)	3449	3449	3449	3449	3449
N (Groups)	109	109	109	109	109
· · · · · · · · · · · · · · · · · · ·					

Table A.4: Effect of latent personalism on Δ judicial independence, fixed-effects regression

+ p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Robust standard errors in parentheses.
| | (1) | (2) | (3) | (4) | (5) |
|------------------------------|--------|--------|---------|---------|---------|
| Main Explanatory Variable | | | | | |
| Personalism | -0.122 | -0.108 | -0.119 | -0.144 | -0.495* |
| | (0.12) | (0.13) | (0.12) | (0.14) | (0.23) |
| Control Variables | | | | | |
| Corruption | | 0.033 | 0.045 | 0.033 | 0.053 |
| | | (0.05) | (0.05) | (0.06) | (0.06) |
| Democracy | | -0.002 | 0.020 | 0.026 | 0.030 |
| | | (0.04) | (0.05) | (0.04) | (0.04) |
| Armed Conflict=1 | | 0.072 | 0.060 | 0.074 | 0.056 |
| | | (0.07) | (0.07) | (0.06) | (0.06) |
| Local Gov. Index | | -0.003 | -0.024 | 0.065 | 0.116 |
| | | (0.26) | (0.26) | (0.29) | (0.29) |
| Regional Gov. Index | | -0.310 | -0.387 | -0.485 | -0.546 |
| | | (0.36) | (0.38) | (0.37) | (0.35) |
| Pol. Constraints | | 0.026 | 0.042 | 0.091 | 0.065 |
| | | (0.30) | (0.32) | (0.33) | (0.31) |
| log(Population) | | -0.105 | -0.384+ | -0.437* | -0.425 |
| | | (0.11) | (0.21) | (0.22) | (0.22) |
| log(GDP p.c.) | | 0.055 | -0.025 | 0.000 | -0.012 |
| | | (0.06) | (0.08) | (0.08) | (0.08) |
| Party | | | | -0.149 | -0.331- |
| | | | | (0.13) | (0.18) |
| Military | | | | -0.150 | -0.422* |
| | | | | (0.14) | (0.17) |
| Monarchy | | | | -0.065 | -0.524* |
| | | | | (0.21) | (0.24) |
| Party $	imes$ Personalism | | | | | 0.372 |
| | | | | | (0.28) |
| Military $	imes$ Personalism | | | | | 0.657* |
| | | | | | (0.31) |
| Monarchy $	imes$ Personalism | | | | | 0.952* |
| | | | | | (0.44) |
| 5-year dummies | No | No | Yes | Yes | Yes |
| Akaike Inf. Crit. | 4447 | 4460 | 4476 | 4483 | 4482 |
| Bayesian Inf. Crit. | 4453 | 4515 | 4598 | 4625 | 4642 |
| Wald χ^2 | 1.01 | 4.68 | 14.89 | 20.43 | 54.77 |
| Pseudo Log-Likelihood | -2223 | -2221 | -2218 | -2219 | -2215 |
| N (Observations) | 3448 | 3448 | 3448 | 3448 | 3448 |
| N (Groups) | 108 | 108 | 108 | 108 | 108 |

Table A.5: Effect of latent personalism on $|\Delta|$ judicial independence, fixed-effects Poisson regression

+ p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Robust standard errors in parentheses.

A.3 ROBUSTNESS CHECKS





(b) Jackknife estimates

Figure A.1: Jackknife estimation for the effect of personalism on highest court independence

Note: All estimates are based on Model 4 of the regression analyses when omitting the specified country. Markers are labeled for observations with noticeable deviation from the center of gravity.



(a) Influence of countries on estimate

(b) Jackknife estimates

Figure A.2: Jackknife estimation for the effect of personalism on lower court independence

Note: All estimates are based on Model 4 of the regression analyses when omitting the specified country. Markers are labeled for observations with noticeable deviation from the center of gravity.





(b) Jackknife estimates

Figure A.3: Jackknife estimation for the effect of personalism on Δ judicial independence

Note: All estimates are based on Model 3 of the regression analyses when omitting the specified country. Markers are labeled for observations with noticeable deviation from the center of gravity.



(a) Influence of countries on estimate

(b) Jackknife estimates

Figure A.4: Jackknife estimation for the effect of personalism on $|\Delta|$ judicial independence Note: All estimates are based on Model 3 of the regression analyses when omitting the specified country. Markers are labeled for observations with noticeable deviation from the center of gravity.

	(1)	(2)	(3)	(4)	(5)	(6)
Main Explanatory Variable						
Personalism	-0.446**	-0.274*	-0.273*	0.010	0.051	0.025
	(0.16)	(0.12)	(0.12)	(0.08)	(0.08)	(0.18)
Control Variables						
Corruption		-0.120^{*}	-0.122^{*}	-0.042	-0.025	-0.023
		(0.06)	(0.06)	(0.04)	(0.04)	(0.04)
Democracy		0.314***	0.304***	0.135***	0.133***	0.138***
		(0.04)	(0.04)	(0.03)	(0.03)	(0.03)
Armed Conflict=1		-0.070	-0.069	-0.071+	-0.032	-0.036
		(0.06)	(0.05)	(0.04)	(0.04)	(0.04)
log(Population)		-0.180^{**}	-0.242*	-0.126^{*}	-0.120^{*}	-0.125^{*}
		(0.07)	(0.12)	(0.06)	(0.06)	(0.05)
Local Gov. Index		0.467+	0.449	0.227	0.205	0.185
		(0.28)	(0.28)	(0.20)	(0.19)	(0.20)
Regional Gov. Index		0.464	0.472	0.163	0.190	0.192
		(0.41)	(0.40)	(0.26)	(0.26)	(0.25)
Pol. Constraints		-0.237	-0.205	-0.153	-0.174	-0.188
((2 D D)		(0.20)	(0.20)	(0.20)	(0.19)	(0.19)
log(GDP p.c.)		-0.024	-0.014	0.042	0.032	0.032
		(0.06)	(0.07)	(0.05)	(0.05)	(0.04)
Lower Courts Indep.				0.615***	0.611***	0.610***
D				(0.06)	(0.05)	(0.05)
Party					0.130	0.110
3.64					(0.09)	(0.14)
Military					0.080	0.115
1 1					(0.11)	(0.13)
Monarchy					0.504	0.26/
Dentro V Dente nalizza					(0.13)	(0.19)
Party × Personalism						0.04/
Milian X Dana alian						(0.21)
Military × Personalism						-0.131
Managahy X Dagaanaliam						(0.28)
Monarchy × Personalism						(0.25)
Constant	2 559***	4 505***	4 974***	1 565*	1 /55*	(0.55)
Constant	(0.12)	(0.76)	4.0/4	(0.76)	(0.64)	(0.64)
5-year dummies	(0.12) No	(0.78) No	Yes	Yes	Yes	(0.04) Yes
- /	1.02	0.02	0.02	0.50	0.50	0.50
σ _u	1.02	0.93	0.92	0.59	0.59	0.59
σe	0.50	0.44	0.43	0.3/	0.36	0.36
ρ within D ²	0.81	0.82	0.82	0.72	0.73	0.72
battypen D ²	0.03	0.26	0.2/	0.48	0.47	0.49
Detween K ⁻	0.09	0.19	0.18	0.6/	0.6/	0.6/
overall K ²	0.03	0.14	0.14	0.5/	0.58	0.58
N (Observations)	3449 100	3447 100	3449	3449 100	3449	3449
N (Groups)	109	109	109	109	109	109

Table A.6: Effect of latent personalism on judicial independence (highest court), random-effects regression

+ p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Robust standard errors in parentheses.

	(1)	(2)	(3)	(4)	(5)	(6)
Main Explanatory Variable						
Personalism	-0.562***	-0.437**	-0.439**	-0.295**	-0.296**	-0.505*
	(0.16)	(0.14)	(0.14)	(0.11)	(0.11)	(0.25)
Control Variables						
Corruption		-0.136*	-0.132+	-0.062	-0.067	-0.060
		(0.07)	(0.07)	(0.05)	(0.05)	(0.05)
Democracy		0.276***	0.276***	0.117***	0.118***	0.117***
		(0.05)	(0.05)	(0.03)	(0.03)	(0.03)
Armed Conflict=1		0.004	-0.012	0.017	0.000	-0.002
		(0.05)	(0.05)	(0.05)	(0.05)	(0.05)
log(Population)		-0.020	-0.172	-0.056	-0.060	-0.058
		(0.07)	(0.13)	(0.07)	(0.07)	(0.07)
Local Gov. Index		0.251	0.253	-0.023	0.012	0.049
		(0.23)	(0.23)	(0.16)	(0.15)	(0.15)
Regional Gov. Index		0.553	0.528	0.260	0.242	0.204
		(0.41)	(0.42)	(0.28)	(0.26)	(0.25)
Pol. Constraints		-0.253	-0.236	-0.202	-0.198	-0.186
		(0.17)	(0.17)	(0.17)	(0.17)	(0.16)
log(GDP p.c.)		-0.038	-0.094	-0.093+	-0.085+	-0.089+
		(0.06)	(0.06)	(0.05)	(0.05)	(0.05)
Highest Court Indep.				0.553***	0.559***	0.554***
D				(0.05)	(0.05)	(0.05)
Party					-0.110	-0.21/
1.01					(0.09)	(0.1/)
Military					0.01/	-0.183
M					(0.10)	(0.16)
Monarchy					-0.1/8	-0.32/
Denter V Densen alterna					(0.1/)	(0.22)
Party × Personalism						0.18/
Military X Demonstration						(0.27)
Mintary × Personalism						(0.35)
Managahu X Dagaanalian						(0.25)
Monarchy × Personalism						(0.20)
Constant	2 799***	2 570***	5 127***	0 <i>57</i> 2***	7 50/***	(0.37)
Constant	(0.12)	(0.65)	(1.19)	(0.67)	(0.67)	(0.66)
5 year dummies	(0.12) No	(0.85) No	(1.1)) Vec	(0.67) Vec	(0.67) Vec	(0.00) Ves
J-year dummes	NO	110	105	103	163	103
$\sigma_{ m u}$	1.08	0.99	0.98	0.61	0.62	0.61
$\sigma_{ m e}$	0.47	0.42	0.42	0.36	0.36	0.35
ρ	0.84	0.85	0.85	0.75	0.75	0.75
within \mathbb{R}^2	0.05	0.25	0.26	0.45	0.45	0.46
between R ²	0.06	0.13	0.16	0.65	0.65	0.65
overall R ²	0.02	0.10	0.13	0.56	0.56	0.57
N (Observations)	3449	3449	3449	3449	3449	3449
N (Groups)	109	109	109	109	109	109

Table A.7: Effect of latent personalism on judicial independence (lower courts), random-effects regression

+ p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Robust standard errors in parentheses.

	(1)	(2)	(3)	(4)	(5)
Main Explanatory Variable					
Personalism	0.116	0.166+	0.166+	0.199+	0.293
	(0.10)	(0.10)	(0.10)	(0.10)	(0.22)
Control Variables					
Corruption		0.008	0.008	0.024	0.022
		(0.04)	(0.04)	(0.04)	(0.04)
Democracy		0.027	0.027	0.024	0.029
		(0.03)	(0.03)	(0.03)	(0.03)
Armed Conflict=1		-0.057	-0.057	-0.022	-0.025
		(0.04)	(0.04)	(0.04)	(0.04)
Local Gov. Index		0.187	0.187	0.153	0.116
		(0.19)	(0.19)	(0.18)	(0.18)
Regional Gov. Index		-0.039	-0.039	-0.016	0.007
-		(0.27)	(0.27)	(0.26)	(0.26)
Pol. Constraints		0.028	0.028	0.012	-0.007
		(0.19)	(0.19)	(0.18)	(0.18)
log(Population)		-0.064	-0.064	-0.057	-0.062
		(0.06)	(0.06)	(0.06)	(0.06)
log(GDP p.c.)		0.082	0.082	0.072	0.074
		(0.05)	(0.05)	(0.05)	(0.05)
Party				0.144	0.184
				(0.10)	(0.16)
Military				0.053	0.194
				(0.11)	(0.15)
Monarchy				0.434**	0.330
				(0.15)	(0.24)
Party × Personalism					-0.058
					(0.24)
Military × Personalism					-0.415
					(0.27)
Monarchy $ imes$ Personalism					0.210
					(0.42)
Constant	-0.242***	-0.333	-0.333	-0.443	-0.456
	(0.07)	(0.71)	(0.71)	(0.66)	(0.66)
5-year dummies	No	Yes	Yes	Yes	Yes
$\sigma_{ m u}$	0.63	0.63	0.63	0.64	0.64
$\sigma_{\rm e}$	0.35	0.34	0.34	0.34	0.34
ρ	0.77	0.77	0.77	0.78	0.78
within R ²	0.00	0.05	0.05	0.07	0.08
between R ²	0.00	0.00	0.00	0.01	0.01
overall R ²	0.00	0.00	0.00	0.01	0.02
N (Observations)	3449	3449	3449	3449	3449
N (Groups)	109	109	109	109	109

Table A.8: Effect of latent personalism on Δ judicial independence, random-effects regression

+ p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Robust standard errors in parentheses.

	(High Court)	(High Court)	(Lower Courts)	(Lower Courts)	(Diff. JI)	(Diff. JI)
Main Explanatory Variable						
Personalism	-0.001	0.004	-0.237	-0.237	0.070	0.071
	(0.12)	(0.12)	(0.16)	(0.16)	(0.13)	(0.13)
Control Variables	()	~ /	()	()	× ,	()
Corruption	0.023	0.012	-0.025	-0.025	0.025	0.018
1	(0.05)	(0.05)	(0.04)	(0.04)	(0.05)	(0.05)
Democracy	0.132***	0.128***	0.062	0.062	0.081**	0.079*
,	(0.04)	(0.04)	(0.04)	(0.04)	(0.03)	(0.03)
Armed Conflict=1	-0.040	-0.037	-0.005	-0.005	-0.027	-0.025
	(0.05)	(0.05)	(0.05)	(0.05)	(0.04)	(0.04)
Local Gov. Index	0.527*	0.555*	-0.440**	-0.439**	0.614**	0.631**
	(0.21)	(0.22)	(0.17)	(0.17)	(0.20)	(0.20)
Regional Gov. Index	0.414	0.418	0.046	0.047	0.318	0.322
	(0.27)	(0.27)	(0.31)	(0.31)	(0.29)	(0.28)
Pol. Constraints	-0.313	-0.318	-0.252	-0.252	-0.056	-0.059
	(0.22)	(0.22)	(0.22)	(0.22)	(0.13)	(0.13)
log(Population)	-0.480	-0.418	0.571	0.573	-0.628+	-0.589
	(0.30)	(0.30)	(0.39)	(0.39)	(0.38)	(0.38)
log(GDP p.c.)	0.005	0.067	0.019	0.021	-0.003	0.035
	(0.09)	(0.09)	(0.07)	(0.08)	(0.08)	(0.08)
Lower Courts Indep.	0.764***	0.769***				
	(0.08)	(0.08)				
Highest Court Indep.			0.552***	0.552***		
			(0.06)	(0.06)		
FDI (% of GDP)		0.002***		0.000		0.001**
		(0.00)		(0.00)		(0.00)
Constant	4.338	3.249	-3.291	-3.327	4.899	4.231
	(3.03)	(3.01)	(3.62)	(3.67)	(3.53)	(3.60)
5-year dummies	Yes	Yes	Yes	Yes	Yes	Yes
$\sigma_{ m u}$	0.89	0.84	1.11	1.11	1.09	1.05
$\sigma_{ m e}$	0.29	0.29	0.28	0.28	0.24	0.24
م	0.90	0.89	0.94	0.94	0.95	0.95
R ²	0.55	0.56	0.42	0.42	0.16	0.17
Akaike Inf. Crit.	452	429	351	353	-94	-105
Bayesian Inf. Crit.	525	508	425	432	-26	-32
Pseudo Log-Likelihood	-212	-200	-162	-162	60	67
N (Observations)	1388	1388	1388	1388	1388	1388
N (Groups)	95	95	95	95	95	95

Table A.9: Effect of latent personalism on different dependent variables, controlling for foreign direct investment, fixed-effects regression

Note that the inclusion of FDI (% of GDP) leads to a considerable reduction in the number of observations. As visible, while none of the coefficients for *Personalism* are statistically significant anymore after drastically reducing the sample, there seem to be no meaningful differences between the estimates of models including the variable vs. those omitting the variable. This provides suggestive evidence that excluding *FDI* (% of *GDP*) from the main analyses to increase the sample size does not lead to a major bias in the estimates. + p < 0.1 * p < 0.05, ** p < 0.01, **** p < 0.001. Robust standard errors in parentheses.

	(Abs. Diff.)	(Abs. Diff.)
Main Explanatory Variable		
Personalism	-0.249	-0.248
	(0.18)	(0.18)
Control Variables		
Corruption	-0.039	-0.028
	(0.10)	(0.10)
Democracy	0.034	0.036
	(0.07)	(0.07)
Armed Conflict=1	0.116+	0.116+
	(0.07)	(0.07)
Local Gov. Index	-0.396	-0.415
	(0.30)	(0.29)
Regional Gov. Index	-0.185	-0.188
	(0.46)	(0.46)
Pol. Constraints	0.242	0.259
	(0.24)	(0.24)
log(Population)	-0.723	-0.775
	(0.53)	(0.52)
log(GDP p.c.)	-0.053	-0.095
	(0.09)	(0.10)
FDI (% of GDP)		-0.002^{*}
		(0.00)
5-year dummies	Yes	Yes
Akaike Inf. Crit.	1573	1574
Bayesian Inf. Crit.	1641	1647
Wald χ^2	15.45	22.57
Pseudo Log-Likelihood	-773	-773
N (Observations)	1387	1387
N (Groups)	94	94

Table A.10: Effect of latent personalism on $|\Delta|$ judicial independence, controlling for foreign direct investment, fixed-effects Poisson regression

Note that the inclusion of *FDI (% of GDP)* leads to a considerable reduction in the number of observations. As visible, there seem to be no meaningful differences between the estimates for *Personalism* of models including the variable vs. those omit-ting the variable. This provides suggestive evidence that excluding *FDI* (% of *GDP*) from the main analyses to increase the sample size does not lead to a major bias in the estimates. + p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Robust standard errors in parentheses.

	(High Court)	(High Court)	(Lower Courts)	(Lower Courts)	(Diff. JI)	(Diff. JI)
Main Explanatory Variable						
Personalism	0.037	0.006	-0.397**	-0.301**	0.256*	0.165+
	(0.09)	(0.08)	(0.13)	(0.11)	(0.12)	(0.10)
Control Variables						
Corruption	-0.045	-0.041	-0.081+	-0.070	0.021	0.013
	(0.04)	(0.04)	(0.04)	(0.05)	(0.04)	(0.05)
Democracy	0.141***	0.139***	0.121***	0.122***	0.020	0.028
	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)
Armed Conflict=1	-0.047	-0.073+	-0.007	0.012	-0.027	-0.057
	(0.05)	(0.04)	(0.04)	(0.05)	(0.05)	(0.04)
Local Gov. Index	0.256	0.226	-0.154	-0.055	0.268	0.207
	(0.21)	(0.21)	(0.14)	(0.17)	(0.19)	(0.20)
Regional Gov. Index	-0.010	0.204	0.146	0.333	-0.092	-0.048
	(0.27)	(0.30)	(0.19)	(0.31)	(0.24)	(0.30)
Pol. Constraints	-0.097	-0.178	-0.135	-0.220	0.020	0.022
	(0.15)	(0.20)	(0.15)	(0.17)	(0.16)	(0.19)
log(GDP p.c.)	0.087	0.046	-0.083	-0.086	0.111	0.082
	(0.06)	(0.06)	(0.06)	(0.05)	(0.07)	(0.06)
Lower Courts Indep.	0.585***	0.607***				
	(0.07)	(0.06)				
Highest Court Indep.			0.567***	0.537***		
			(0.04)	(0.05)		
Constant	0.281	0.486	2.083***	2.118***	-1.122^{*}	-0.885^{*}
	(0.48)	(0.45)	(0.48)	(0.43)	(0.52)	(0.43)
5-year dummies	Yes	Yes	Yes	Yes	Yes	Yes
σ_{u}	0.59	0.61	0.66	0.70	0.62	0.64
$\sigma_{ m e}$	0.38	0.37	0.38	0.36	0.37	0.34
م	0.71	0.73	0.75	0.79	0.74	0.78
R ²	0.49	0.47	0.47	0.45	0.04	0.05
Akaike Inf. Crit.	3688	2811	3793	2594	3419	2301
Bayesian Inf. Crit.	3827	2934	3933	2717	3552	2418
Pseudo Log-Likelihood	-1822	-1385	-1875	-1277	-1689	-1131
N (Observations)	4189	3449	4189	3449	4189	3449
N (Groups)	112	109	112	109	112	109

Table A.11: Effect of listwise-deletion (comparison of full sample vs. sample restricted by population-measure), fixed-effects regression

Log(Population) is excluded from the analyses to ensure comparability of results. As visible, a restriction of the sample to mirror the effect of listwise deletion leads to a shrinkage of the coefficients and, partly, a reduction in the level of statistical significance. + $p < 0.1^* p < 0.05$, ** p < 0.01, **** p < 0.001. Robust standard errors in parentheses.

	(Abs. Diff.)	(Abs. Diff.)
Main Explanatory Variable		
Personalism	-0.223	-0.151
	(0.15)	(0.12)
Control Variables		
Corruption	0.043	0.035
	(0.06)	(0.05)
Democracy	0.037	0.022
	(0.05)	(0.05)
Armed Conflict=1	0.012	0.055
	(0.07)	(0.07)
Local Gov. Index	-0.082	-0.023
	(0.24)	(0.26)
Regional Gov. Index	-0.117	-0.346
	(0.35)	(0.37)
Pol. Constraints	0.054	-0.006
	(0.24)	(0.31)
log(GDP p.c.)	-0.032	-0.026
	(0.08)	(0.08)
5-year dummies	Yes	Yes
Akaike Inf. Crit.	5454	4476
Bayesian Inf. Crit.	5587	4593
Wald χ^2	16.77	13.27
Pseudo Log-Likelihood	-2706	-2219
N (Observations)	4188	3448
N (Groups)	111	108

Table A.12: Effect of listwise-deletion (comparison of full sample vs. sample restricted by population-measure), fixed-effects Poisson regression

Log(Population) is excluded from the analyses to ensure comparability of results. As visible, a restriction of the sample to mirror the effect of listwise deletion leads to a shrinkage of the coefficients. + p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Robust standard errors in parentheses.

В

Supplementary Information to Chapter 5

B.1 INFORMATION ON DATA-RETRIEVAL, PROCESSING, AND CODING DECISIONS

B.I.I RETRIEVAL AND PROCESSING OF APPLICATION DOCUMENTS

To get the information on the application processes for judicial appointments, I automatically retrieved all official documents by the Judicial and Bar Council (JBC) available via its webpage (https://jbc .judiciary.gov.ph/). These documents have been supplemented with documents stored on older versions of the webpage, made accessible via the digital archive *Wayback Machine* (https://archive .org/web/). Documents related to the application process are stored as PDF and can be attributed to four categories: (1) announcements of applicants, (2) invitations to the interview, (3) invitations to the psychological evaluation, and (4) shortlists submitted to the president. The names of the ultimately *appointed* judges are directly listed on the webpage.

Due to the lack of a general directory of official announcements by the JBC, it remains unclear if individual documents may have been deleted before I could access them. Similarly, about 10 percent of the retrieved files are corrupted and could not be processed. As mentioned in the main text, the application process for positions in the judiciary is relatively transparent compared to the appointment processes in other countries. It is therefore reasonable to assume that the missing information is due to technical issues and restructuring of the webpage instead of malicious behavior. A visual inspection of the names of the corrupted files does not provide evidence for a systematic pattern in the corrupted and therefore missing information.

What are the implications of these missings? Those cases in the analysis of the application process where lawyers actually applied during the time period but are not listed in the dataset accordingly, have to be considered as false negatives. Their presence makes it harder to identify systematic patterns between applicants and actual non-applicants, biasing the assumed effect downwards. As a consequence, the above shown effects should only represent the lower bounds of the actual effects.

After retrieving the documents, information on open positions and applicants has been extracted. For this, documents have been pre-processed using optical character recognition via the proprietary software *ABBYY FineReader 15*. Due to changes in the layout of the processed documents over time, a fully automatic extraction of the information was not feasible. Consequently, individual records have been manually extracted, thereby undergoing a first check for mistakes in the character recognition. As a result, separate datasets for each type of document have been created before being linked via the applicant names.

B.I.2 Standardization of Applicant-Names and Linking of Information

Lawyers on the Philippines can be uniquely identified based on their registration number for the Philippine Bar. Applicants for positions in the judiciary receive so-called "Supreme-Court Numbers" (SC-No.) that enable a unique identification of the applicant throughout and across application processes. However, neither are these numbers compatible with each other nor are they always and fully disclosed in the application process. As a result, matching of information from different steps in the application process largely has to be done based on the name of the lawyer/applicant. The naming conventions on the Philippines both hinder and support this process. The rare occurrence of surnames minimizes the likelihood of applicants with the same name. The largely used Spanish system of personal name(s), mother's paternal family name as middle name, and father's paternal name as surname (and various modifications of this) on the contrary can lead to lengthy full names that are often abbreviated in the application documents. Furthermore, this abbreviation is not done consistently throughout the documentation. In the process of examining the official documents it became also apparent that diacritical

marks, accents, and hyphens are likewise not consistently used. All of this considerably hinders the use of a fully automatic matching process. As a consequence, an iterative matching process was applied, combining both automatic matching and comprehensive review, to link records of applicants across documents. The main steps of this process are listed below:

- Standardization of all documented names by eliminating diacritical marks and accents, replacing abbreviations, and establishing a comma-separated order of: [last name], [first name(s)] [middle name] [surname], [suffix].
- Probabilistic record linkage based on the standardized names using the Stata ado *reclink2* (Wasi & Flaaen, 2015).
- (3) Comprehensive clerical review of the four highest scoring potential linkages that represent no perfect match. This is done using entries, for example, in social networks (e.g., Facebook, LinkedIn), local newspapers, local chapters of the bar association, and court documents. As part of this background check, not only the name but all available information as provided in the application documents is considered holistically to assess the likelihood of an actual match. To identify different writings of a name this can encompass (but is not limited to) comparing the SC-No. across application documents, identifying applicants in local news articles about anniversary ceremonies of their bar exam cohort, or identifying applicants in official documents (e.g., certificates) using their registration-number to the Philippine Bar. Based on this check, matches are classified as "confirmed", "likely", "unlikely", and "no match". In case of doubt, for example, when the information fits several persons, matches are classified as "unlikely" until new information becomes available in the process of linking application information. "Confirmed" and "likely" matches are considered as valid linkages.
- (4) Updating and aligning of the standardized name using the newly acquired information from the manual linkage (e.g., adding a middle name). Where the mother's paternal family name can be clearly identified as such, it is hyphenated to the surname to more easily identify family linkages in later steps of the analysis. Especially in professional settings the so created double-surname is common and may therefore already be provided in the application documents.
- (5) Starting again with (2) using data from a different step of the application process.

After all datasets have been processed accordingly and records have been linked, standardized names undergo a final close examination to identify potential duplicates of applicants by checking the Levenshtein edit distance of the names.¹ The final dataset provides both the standardized name of each (potential) applicant, as well as the name as provided by the "Lawyer's List" of the Supreme Court.

¹The Levenshtein distance is a measure of similarity of two strings. It is defined as the minimum number of changes (insertions, deletions, or substitutions) that are necessary to convert one string into another string. The comparison of names based on the Levenshtein distance was done using the Stata ado *strgroup* (Reif, 2010).

B.I.3 SURNAME PREVALENCE IN THE REGIONS OF THE PHILIPPINES

In accordance with previous research (e.g., Cruz et al., 2020; Fafchamps & Labonne, 2017), I expect that on the local level, membership in a family can be determined based on the middle- or surname of a person with a very low false positive rate. Because my analyses focus on the level of municipalities, the same level on which the renaming took place, the level of analysis should be low enough to meet the requirements necessary for this low false positive rate. Nonetheless, in particular when considering densely populated municipalities, clusters of persons with the same surname but no family relationship may still occur. Likewise, surnames are not equally distributed across the Philippines, but preferences for certain surnames apparently vary. To account for these facts, I retrieved information on the region-based prevalence of surnames on the Philippines from the genealogy database of the private company *Forebears.io*. The company claims to have access to a database of approximately four billion people, which it uses to create statistics on fore- and surnames specific to every single country or even lower levels of aggregation as in the case of the Philippines.

To receive surname- and region-specific statistics for my analyses, first, the standardized surnames (see above) of lawyers have been used for queries via API. The use of the standardized versions of the surnames is not unproblematic, as Forebears.io provides different statistics for names containing diacritical marks vs. those that do not. However, as previously stated, when analyzing the application documents it became clear that diacritical marks are not used consistently. Weighing the potentially less accurate statistics provided by Forebears.io against the potential problem of inconsistency in the processing of the names of lawyers, I decided for minimizing the latter. In a second step, based on the API queries, datasets on the region-specific prevalence (i.e., the region-specific share of the surname in the database) for each surname have been created. For surnames for which there was no entry in the Forebears.io database, I assigned a share of zero to indicate the apparent uniqueness of the surname in the respective region. As third step, I combined the information on surname prevalence with the information on lawyer's surname(s) as well as their home and neighboring municipalities. Thereby, the allocation of the individual surname prevalence of each lawyer also considered scenarios for applicants that have up to two surnames and neighboring municipalities from up to four different regions. To rather over- than underestimate the prevalence of the surname for each individual, in cases where neighboring municipalities have been from other regions, the highest share of the respective surname among the affected

regions was selected as estimate in terms of a worst-case-scenario. For lawyers with two surnames, both estimates have been summed up to represent their increased chance of having a false positive identified family-relationship.

The estimate of the surname-prevalence is included in the regression models as control variable to account for the fact that it is expected to be correlated with the likelihood of false positives when identifying family networks. The occurrence of false positives in itself should bias the estimate for connections to cityheads downwards, thereby making it less likely to find the respective relationship. The inclusion of the surname prevalence serves as additional guard in the above-described scenarios where large cities may inflate the number of persons with supposed relationship to politicians.

B.2 Descriptive Statistics



Figure B.1: Overview of documented application steps in the dataset



Figure B.2: Judges' experience as lawyer when being appointed



Figure B.3: Share of female lawyers among newly registered



Figure B.4: Lawyers' places of registration (1944-2018)



Figure B.5: Number of newly registered lawyers each year (1944-2018)

B.3 DETAILED RESULTS FOR MAIN ANALYSES

B.3.1 Analysis of the Application-Decision

Table B.1: Effect of family (surname) on application (first-level courts)

	(Base)	(1)	(2)	(3)	(4)
Main Explanatory Variable					
Cityhead (Surname)=1	0.287***	0.245**	0.198*	0.200*	0.129
	(0.08)	(0.08)	(0.09)	(0.09)	(0.11)
Control Variables					
Female=1	0.475***	0.510***	0.469***	0.614***	0.469***
	(0.05)	(0.05)	(0.05)	(0.07)	(0.05)
Barexamtopnotcher=1	-1.120*	-1.008^{*}	-1.110*	-1.122*	-1.101^{*}
-	(0.45)	(0.45)	(0.45)	(0.45)	(0.45)
Bar-Year _a	0.086***	0.085***	0.086***	0.065***	0.096***
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Surname-prevalence			0.306	0.296	0.318
-			(0.32)	(0.32)	(0.32)
$Bar-Year_a \times Bar-Year_a$	-0.014***	-0.014***	-0.014***	-0.011***	-0.015***
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Surname-prevalence × Surname-prevalence			0.233	0.233	0.224
1 1			(0.30)	(0.30)	(0.30)
Female= $1 \times Bar-Year_a$				0.062***	
				(0.01)	
$Female=1 \times Bar-Year_a \times Bar-Year_a$				-0.008***	
				(0.00)	
Cityhead (Surname)= $1 \times Bar-Year_a$. ,	-0.057***
					(0.01)
Cityhead (Surname)= $1 \times Bar-Year_a \times Bar-Year_a$					0.005***
					(0.00)
Constant	-2.686***	-2.899***	-2.706***	-2.801***	-2.704***
	(0.04)	(0.39)	(0.05)	(0.05)	(0.05)
Region dummies	No	Yes	No	No	No
Akaike Inf. Crit.	11909	11785	11901	11856	11889
Bayesian Inf. Crit.	11964	11984	11974	11947	11980
Wald χ^2	3073.80	3062.94	3085.80	3134.60	3101.36
Pseudo Log-Likelihood	-5948	-5870	-5942	-5918	-5935
N (Observations)	67932	64463	67932	67932	67932

Table B.2: Effect of family (sur	rname) on application (RTC	(s

	(Base)	(1)	(2)	(3)	(4)
Main Explanatory Variable					
Cityhead (Surname)=1	0.164+	0.111	0.052	0.047	-0.045
•	(0.10)	(0.10)	(0.10)	(0.10)	(0.12)
Control Variables					
Female=1	0.485***	0.522***	0.474***	0.602***	0.475***
	(0.06)	(0.06)	(0.06)	(0.07)	(0.06)
Barexamtopnotcher=1	-1.144^{*}	-1.070^{*}	-1.152*	-1.153*	-1.152^{*}
	(0.45)	(0.45)	(0.45)	(0.45)	(0.45)
Bar-Year _a	-0.115***	-0.116***	-0.115***	-0.103***	-0.115***
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Surname-prevalence			1.027**	1.028**	1.038**
			(0.38)	(0.38)	(0.38)
$Bar-Year_a imes Bar-Year_a$	-0.010***	-0.011^{***}	-0.010^{***}	-0.009***	-0.011***
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Surname-prevalence × Surname-prevalence			-0.551	-0.546	-0.561
			(0.41)	(0.41)	(0.41)
Female=1 \times Bar-Year _a				-0.022*	
				(0.01)	
Female=1 $ imes$ Bar-Year _a $ imes$ Bar-Year _a				-0.003***	
				(0.00)	
Cityhead (Surname)=1 $ imes$ Bar-Year _a					-0.002
					(0.02)
Cityhead (Surname)=1 $ imes$ Bar-Year _a $ imes$ Bar-Year _a					0.001
					(0.00)
Constant	-2.968***	-2.477***	-3.013***	-3.053***	-3.002**
	(0.05)	(0.29)	(0.05)	(0.05)	(0.05)
Region dummies	No	Yes	No	No	No
Akaike Inf. Crit.	9537	9488	9529	9519	9531
Bayesian Inf. Crit.	9592	9687	9602	9610	9623
Wald χ^2	2427.71	2383.61	2439.37	2454.17	2441.56
Pseudo Log-Likelihood	-4763	-4722	-4757	-4749	-4756
N (Observations)	67932	64463	67932	67932	67932



Figure B.6: Varying influence of year of bar-admittance on applications



(a) First-level courts





2020

(b) Regional Trial Courts

Figure B.7: Effect of gender on lawyers' decision to apply

B.3.2 Analysis of the Shortlisting-Decision

	, , , ,, ,, ,,	
Table B.3: Effect of family	(surname) on shortlisting	(first-level courts)

	(Base)	(1)	(2)	(3)	(4)
Main Explanatory Variable					
Cityhead (Surname)=1	0.074	0.125	0.099	0.103	0.139
	(0.17)	(0.17)	(0.18)	(0.18)	(0.26)
Control Variables					
Female=1	0.449***	0.448***	0.454***	0.452**	0.454***
	(0.11)	(0.11)	(0.11)	(0.16)	(0.11)
Bar-Year _a	0.025**	0.028**	0.025**	0.028*	0.028**
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
$Bar-Year_a imes Bar-Year_a$	-0.000	-0.000	-0.000	-0.000	-0.000
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Female=1 \times Bar-Year _a				-0.009	
				(0.02)	
$Female=1 \times Bar-Year_a \times Bar-Year_a$				0.001	
				(0.00)	
Cityhead (Surname)= $1 \times Bar-Year_a$					-0.016
					(0.03)
Cityhead (Surname)=1 $ imes$ Bar-Year _a $ imes$ Bar-Year _a					0.000
					(0.00)
Constant	0.240*	1.435	0.244*	0.240*	0.242*
	(0.10)	(1.09)	(0.10)	(0.12)	(0.10)
Region dummies	No	Yes	No	No	No
Surname prevalence	No	No	Yes	Yes	Yes
Akaike Inf. Crit.	2037	2019	2038	2042	2042
Bayesian Inf. Crit.	2063	2132	2071	2085	2085
Wald χ^2	28.13	77.77	28.31	28.61	28.74
Pseudo Log-Likelihood	-1013	-989	-1013	-1013	-1013
N (Observations)	1575	1575	1575	1575	1575

Table B.4: Effect of family (surname) on shortlisting (RTCs)

	(Base)	(1)	(2)	(3)	(4)
Main Explanatory Variable					
Cityhead (Surname)=1	-0.164	-0.149	-0.143	-0.146	-0.038
	(0.20)	(0.21)	(0.21)	(0.21)	(0.25)
Control Variables					
Female=1	0.150	0.141	0.153	0.111	0.150
	(0.13)	(0.13)	(0.13)	(0.15)	(0.13)
Bar-Year _a	-0.014	-0.018	-0.014	-0.029	-0.009
	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)
$Bar-Year_a \times Bar-Year_a$	-0.002*	-0.002*	-0.002*	-0.003*	-0.002
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Female= $1 \times Bar-Year_a$				0.035	
				(0.03)	
$Female=1 \times Bar-Year_a \times Bar-Year_a$				0.003	
				(0.00)	
Cityhead (Surname)= $1 \times Bar-Year_a$					-0.038
					(0.05)
Cityhead (Surname)= $1 \times Bar-Year_a \times Bar-Year_a$					-0.003
					(0.00)
Constant	0.845***	2.691*	0.852***	0.859***	0.839***
	(0.10)	(1.05)	(0.10)	(0.10)	(0.10)
Region dummies	No	Yes	No	No	No
Surname prevalence	No	No	Yes	Yes	Yes
Akaike Inf. Crit.	1462	1452	1464	1466	1466
Bayesian Inf. Crit.	1487	1559	1494	1506	1506
Wald χ^2	10.89	52.51	11.00	12.79	12.74
Pseudo Log-Likelihood	-726	-705	-726	-725	-725
N (Observations)	1186	1186	1186	1186	1186

Table B.5: Effect of family (surname) on shortlisting (first-level courts / with occupation)

	(Base-1)	(Base-2)	(1.1)	(1.2)	(2.1)	(2.2)	(3.1)	(3.2)	(4.1)	(4.2)
Main Explanatory Variable										
Cityhead (Surname)=1	0.063	0.035	0.133	0.094	0.101	0.076	0.101	0.075	0.084	0.073
	(0.22)	(0.22)	(0.22)	(0.22)	(0.23)	(0.23)	(0.23)	(0.23)	(0.34)	(0.35)
Control Variables										
Female=1	0.441***	0.403**	0.440**	0.391**	0.448***	0.411**	0.172	0.121	0.444***	0.407**
	(0.13)	(0.13)	(0.13)	(0.14)	(0.13)	(0.14)	(0.20)	(0.21)	(0.13)	(0.14)
Occupation (Baseline: private sector)										
Court Staff		0.399*		0.480*		0.397*		0.414*		0.395*
		(0.20)		(0.20)		(0.20)		(0.20)		(0.20)
Prosecutor		0.197		0.296		0.193		0.219		0.191
T 1		(0.21)		(0.21)		(0.21)		(0.21)		(0.21)
Judge		1./36***		1.856		1./39***		1./39***		1./56***
Dublic sector (athen)		(0.50)		(0.51)		(0.50)		(0.50)		(0.51)
Fublic sector (other)		(0.20)		(0.20)		(0.20)		(0.20)		(0.20)
Bar Vear	0.031*	(0.20)	0.032*	(0.20)	0.031*	(0.20)	0.017	0.018	0.027*	0.028*
Dai-icai _a	(0.031	(0.01)	(0.01)	(0.01)	(0.01)	(0.033)	(0.02)	(0.02)	(0.01)	(0.01)
Bar-Year, × Bar-Year,	0.001	0.001	0.001	0.001	0.001	0.001	-0.001	-0.001	0.001	0.001
Dai leara / Dai leara	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
$Female=1 \times Bar-Year_{2}$	(0000)	(0000)	(0000)	(000)	(0000)	(0000)	0.026	0.026	(0000)	(0000)
							(0.03)	(0.03)		
Female=1 \times Bar-Year _a \times Bar-Year _a							0.003	0.003		
							(0.00)	(0.00)		
Cityhead (Surname)=1 × Bar-Year _a									0.035	0.038
• • •									(0.04)	(0.04)
Cityhead (Surname)=1 × Bar-Year _a × Bar-Year _a									-0.003	-0.003
									(0.00)	(0.00)
Constant	0.326**	0.025	1.494	1.176	0.333**	0.034	0.476**	0.170	0.337**	0.037
	(0.12)	(0.17)	(1.08)	(1.09)	(0.13)	(0.17)	(0.15)	(0.19)	(0.13)	(0.17)
Region dummies	No	No	Yes	Yes	No	No	No	No	No	No
Surname prevalence	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Akaike Inf. Crit.	1382	1371	1381	1369	1383	1373	1384	1374	1386	1376
Bayesian Inf. Crit.	1407	1417	1487	1494	1414	1423	1424	1434	1426	1436
Wald χ^2	20.46	38.73	52.97	73.31	20.72	39.00	23.82	42.24	21.79	40.28
Pseudo Log-Likelihood	-686	-677	-670	-659	-686	-677	-684	-675	-685	-676
N (Observations)	1115	1115	1115	1115	1115	1115	1115	1115	1115	1115

Table B.6: Effect of family (surname) on shortlisting (RTCs / with occupation)

	(Base-1)	(Base-2)	(1.1)	(1.2)	(2.1)	(2.2)	(3.1)	(3.2)	(4.1)	(4.2)
Main Explanatory Variable										
Cityhead (Surname)=1	-0.007	0.014	-0.007	0.013	0.040	0.054	0.041	0.059	0.187	0.211
	(0.25)	(0.25)	(0.26)	(0.26)	(0.26)	(0.27)	(0.26)	(0.27)	(0.31)	(0.31)
Control Variables										
Female=1	-0.141	-0.219	-0.209	-0.307+	-0.137	-0.215	-0.130	-0.204	-0.133	-0.209
	(0.15)	(0.15)	(0.15)	(0.16)	(0.15)	(0.15)	(0.17)	(0.17)	(0.15)	(0.15)
Occupation (Baseline: private sector)										
Court Staff		0.671+		0.597		0.669+		0.680+		0.647
		(0.40)		(0.41)		(0.40)		(0.40)		(0.40)
Prosecutor		0.540**		0.619**		0.538**		0.543**		0.529*
		(0.21)		(0.21)		(0.21)		(0.21)		(0.21)
Judge		0.874***		1.022***		0.872***		0.877***		0.876***
		(0.20)		(0.21)		(0.20)		(0.20)		(0.20)
Public sector (other)		0.231		0.331		0.230		0.231		0.224
D V	0.040*	(0.23)	0.045*	(0.24)	0.041*	(0.23)	0.020	(0.23)	0.024	(0.23)
Bar-iear _a	-0.040	-0.031+	-0.045	-0.034+	-0.041	-0.032+	-0.039	-0.024	-0.034+	-0.025
Bar Voor V Bar Voor	0.002	0.002	0.002	(0.02)	0.002	0.002	(0.03)	(0.03)	0.002	0.02)
Dal-Ical _a × Dal-Ical _a	(0.002 + (0.00))	(0.002)	(0.002 + (0.00))	(0.002)	(0.00)	(0.002)	(0.002)	(0.002)	(0.002)	(0.00)
$Female=1 \times Bar-Year.$	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	-0.004	-0.015	(0.00)	(0.00)
Tennie T/CDu Tena							(0.03)	(0.03)		
Female=1 × Bar-Year, × Bar-Year,							-0.000	-0.001		
a · · _ · · _ · · _ a							(0.00)	(0.00)		
Cityhead (Surname)=1 × Bar-Year,							()	()	-0.052	-0.048
									(0.05)	(0.05)
Cityhead (Surname)= $1 \times Bar-Year_a \times Bar-Year_a$									-0.004	-0.004
									(0.00)	(0.00)
Constant	1.022***	0.626***	1.175	0.591	1.037***	0.640***	1.034***	0.632***	1.020***	0.624***
	(0.12)	(0.16)	(0.83)	(0.86)	(0.12)	(0.16)	(0.13)	(0.16)	(0.12)	(0.16)
Region dummies	No	No	Yes	Yes	No	No	No	No	No	No
Surname prevalence	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Akaike Inf. Crit.	1100	1087	1102	1084	1102	1089	1106	1092	1105	1091
Bayesian Inf. Crit.	1124	1130	1203	1205	1131	1137	1144	1150	1143	1149
Wald χ^2	7.00	28.39	37.16	62.87	7.31	28.61	7.32	28.78	8.53	29.83
Pseudo Log-Likelihood	-545	-534	-530	-517	-545	-534	-545	-534	-544	-534
N (Observations)	917	917	917	917	917	917	917	917	917	917







(b) Regional Trial Courts

Figure B.8: The effect of applicants' gender on the probability to be shortlisted



Figure B.9: Varying influence of year of bar-admittance on shortlisting

B.3.3 Analysis of the Appointment-Decision

Table B.7: Effect of family (surname	e) on appointment	(first-level courts)
--------------------------------------	-------------------	----------------------

	(Base)	(1)	(2)	(3)	(4)	(5)
Main Explanatory Variable						
Cityhead (Surname)=1	0.170	0.212	0.206	0.185	0.318	0.249+
	(0.14)	(0.15)	(0.15)	(0.14)	(0.22)	(0.14)
Control Variables						
Female=1	0.021	0.002	0.025	0.047	0.028	0.030
	(0.10)	(0.10)	(0.10)	(0.15)	(0.10)	(0.10)
Experiencea	-0.010	-0.011	-0.011	-0.022	-0.016+	-0.010
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
SL-Position	-0.030	-0.035	-0.029	-0.028	-0.031	-0.032
	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)
Competitors	-0.244***	-0.245***	-0.243***	-0.246***	-0.243***	-0.244***
	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)
Local=1	0.255**	0.305**	0.259**	0.255**	0.249*	0.259**
	(0.10)	(0.11)	(0.10)	(0.10)	(0.10)	(0.10)
$Experience_a \times Experience_a$	0.001	0.001	0.001	0.001	0.000	0.001
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
$Female=1 \times Experience_a$				0.032		
				(0.02)		
$Female=1 \times Experience_a \times Experience_a$				0.003		
				(0.00)		
Cityhead (Surname)=1 × Experience _a					0.046+	
					(0.02)	
Cityhead (Surname)= $1 \times \text{Experience}_a \times \text{Experience}_a$					0.001	
					(0.00)	
Pre-Election Period=1						0.037
						(0.07)
Cityhead (Surname)= $1 \times Pre$ -Election Period= 1						-0.859+
						(0.45)
Constant	-1.770***	-2.603***	-1.764***	-1.807***	-1.782***	-1.775***
	(0.10)	(0.42)	(0.09)	(0.13)	(0.10)	(0.10)
Region dummies	No	Yes	No	No	No	No
Surname prevalence	No	No	Yes	No	No	No
Akaike Inf. Crit.	2685	2699	2686	2685	2686	2686
Bayesian Inf. Crit.	2732	2841	2740	2745	2745	2745
Wald χ^2	143.25	295.83	146.71	148.46	149.15	194.74
Pseudo Log-Likelihood	-1334	-1325	-1334	-1333	-1333	-1333
N (Observations)	2832	2832	2832	2832	2832	2832

Logistic regression with SE clustered on the document-level (groups of shortlists submitted together). *a*: variable centered at mean. + p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Standard errors in parentheses.

	(Base)	(1)	(2)	(3)	(4)	(5)
Main Explanatory Variable						
Cityhead (Surname)=1	0.149	0.149	0.210	0.137	0.041	0.113
	(0.13)	(0.13)	(0.15)	(0.13)	(0.17)	(0.14)
Control Variables						
Female=1	0.058	0.115	0.065	0.129	0.058	0.056
	(0.09)	(0.09)	(0.09)	(0.11)	(0.09)	(0.09)
Experiencea	0.010	0.012	0.008	0.017	0.002	0.009
	(0.01)	(0.01)	(0.01)	(0.02)	(0.01)	(0.01)
SL-Position	-0.016	-0.015	-0.015	-0.016	-0.015	-0.016
	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)
Competitors	-0.200***	-0.197***	-0.200***	-0.202***	-0.197***	-0.195***
	(0.04)	(0.05)	(0.04)	(0.04)	(0.04)	(0.04)
Local=1	0.418***	0.497***	0.420***	0.416***	0.413***	0.420***
	(0.11)	(0.10)	(0.11)	(0.11)	(0.11)	(0.11)
$Experience_a \times Experience_a$	-0.001	-0.001	-0.000	-0.000	-0.000	-0.000
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Female=1 \times Experience _a				-0.015		
-				(0.03)		
$Female=1 \times Experience_a \times Experience_a$				-0.000		
				(0.00)		
Cityhead (Surname)= $1 \times \text{Experience}_a$					0.089	
					(0.06)	
Cityhead (Surname)= $1 \times \text{Experience}_a \times \text{Experience}_a$					-0.005	
					(0.00)	
Pre-Election Period=1					. ,	0.076
						(0.08)
Cityhead (Surname)= $1 \times Pre$ -Election Period=1						0.539
						(0.44)
Constant	-1.695***	-1.662***	-1.677***	-1.729***	-1.685***	-1.699***
	(0.07)	(0.30)	(0.07)	(0.08)	(0.07)	(0.07)
Region dummies	No	Yes	No	No	No	No
Surname prevalence	No	No	Yes	No	No	No
Akaike Inf. Crit.	3020	3038	3020	3022	3021	3022
Bayesian Inf. Crit.	3069	3185	3076	3083	3082	3084
Wald γ^2	31.26	135.96	32.34	31.74	34.05	238.97
Pseudo Log-Likelihood	-1502	-1495	-1501	-1501	-1501	-1501
$\mathbf{N}(\mathbf{O})$	2224	2226	2224	2224	2224	222/

Table B.8: Effect of family (surname) on appointment (RTCs)

Logistic regression with SE clustered on the document-level (groups of shortlists submitted together). *a*: variable centered at mean. $+ p < 0.1^* p < 0.05$, ** p < 0.01, *** p < 0.001. Standard errors in parentheses.

 Table B.9: Effect of family (surname) on appointment (first-level courts / with occupation)

	(Base-1)	(Base-2)	(1.1)	(1.2)	(2.1)	(2.2)	(3.1)	(3.2)	(4.1)	(4.2)	(5.1)	(5.2)
Main Explanatory Variable												
Cityhead (Surname)=1	0.164	0.138	0.202	0.184	0.098	0.068	0.172	0.149	0.205	0.169	0.245	0.218
	(0.19)	(0.18)	(0.20)	(0.20)	(0.19)	(0.18)	(0.19)	(0.18)	(0.30)	(0.30)	(0.19)	(0.18)
Control Variables	(0.1))	(0.10)	(0.20)	(0.20)	(0.1))	(0.10)	(0.15)	(0.10)	(0.50)	(0.50)	(0.1))	(0.10)
Fomalo-1	0.00/	0.0/1	0.045	0.102	0.022	0.078	0.197	0.129	0.004	0.052	0.009	0.072
remaie-1	-0.008	-0.061	-0.043	-0.102	-0.023	-0.0/8	(0.19)	(0.12)	(0.14)	-0.033	-0.00)	-0.063
	(0.14)	(0.14)	(0.15)	(0.15)	(0.14)	(0.14)	(0.18)	(0.18)	(0.14)	(0.14)	(0.15)	(0.14)
Occupation (Baseline: private sector)												
Court Staff		0.264		0.294		0.263		0.251		0.284+		0.269
		(0.17)		(0.19)		(0.17)		(0.17)		(0.16)		(0.17)
Prosecutor		0.312		0.343		0.318		0.298		0.320		0.324
		(0.23)		(0.24)		(0.23)		(0.23)		(0.23)		(0.23)
Judge		-1.071**		-1.027**		-1.071**		-1.091**		-1.065**		-1.056**
		(0.40)		(0.39)		(0.40)		(0.40)		(0.40)		(0.40)
Public sector (other)		0.419+		0.443*		0.424+		0.410 +		0.428+		0.435+
		(0.22)		(0.22)		(0.22)		(0.22)		(0.22)		(0.23)
Experience.	-0.007	0.007	-0.010	0.005	-0.007	0.007	-0.025	-0.013	-0.012	0.002	-0.006	0.008
	(0.01)	(0.02)	(0.01)	(0.02)	(0.01)	(0.02)	(0.02)	(0.02)	(0.01)	(0.02)	(0.01)	(0.02)
SI Docition	-0.050	-0.042	-0.047	-0.040	-0.054	-0.045	-0.051	-0.043	-0.053	-0.045	-0.050	-0.042
31-103000	-0.050	-0.042	-0.04/	-0.040	-0.034	-0.04)	-0.051	-0.045	-0.055	-0.04)	-0.050	(0.04)
	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)
Competitors	-0.2//***	-0.269***	-0.280***	-0.2/5***	-0.281***	-0.2/3***	-0.2//***	-0.268***	-0.2/6***	-0.26/***	-0.2/5***	-0.26/***
	(0.04)	(0.04)	(0.05)	(0.05)	(0.04)	(0.04)	(0.05)	(0.05)	(0.04)	(0.04)	(0.04)	(0.04)
Local=1	0.215+	0.254+	0.305*	0.333*	0.196	0.233+	0.205	0.244 +	0.216+	0.258+	0.226+	0.262*
	(0.13)	(0.13)	(0.14)	(0.14)	(0.12)	(0.13)	(0.13)	(0.13)	(0.13)	(0.13)	(0.13)	(0.13)
$Experience_a \times Experience_a$	0.004**	0.004*	0.004**	0.004*	0.004**	0.004*	0.006*	0.005+	0.004*	0.003+	0.004**	0.004*
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Female=1 \times Experience _a							0.031	0.036				
							(0.03)	(0.03)				
$Female=1 \times Experience_* \times Experience_*$							-0.002	-0.001				
							(0.00)	(0.00)				
Citrihoad (Surmama) = 1 × Europianaa							(0.00)	(0.00)	0.052	0.055		
Citylicad (Sumanic)-1 × Experience _a									(0.032+	(0.02)		
									(0.03)	(0.03)		
Cityhead (Surname)=1 \times Experience _a \times Experience _a									0.004	0.005		
									(0.00)	(0.00)		
Pre-Election Period=1											0.105	0.061
											(0.15)	(0.16)
Cityhead (Surname)=1 × Pre-Election Period=1											0.000	0.000
											(.)	(.)
Constant	-1.938***	-2.056***	-2.558***	-2.850***	-1.957***	-2.077***	-2.050***	-2.151***	-1.949***	-2.075***	-1.946***	-2.067***
	(0.13)	(0.16)	(0.44)	(0.38)	(0.13)	(0.16)	(0.17)	(0.21)	(0.13)	(0.17)	(0.13)	(0.17)
Region dummies	No	No	Ves	Ves	No							
Surname prevalence	No	No	No	No	Yes	Yes	No	No	No	No	No	No
Sumane prevalence	110	110	110	110	100	103	110	110	110	110	110	110
Akaike Inf. Crit.	1472	1461	1489	1479	1473	1461	1474	1463	1474	1463	1470	1459
Bayesian Inf. Crit.	1515	1525	1619	1630	1521	1532	1528	1538	1528	1538	1518	1529
Wald χ^2	78.35	126.76	457.96	669.41	81.10	130.86	77.52	118.30	128.31	171.24	79.47	131.22
Pseudo Log-Likelihood	-728	-718	-721	-712	-727	-718	-727	-717	-727	-717	-726	-716
N (Observations)	1623	1623	1623	1623	1623	1623	1623	1623	1623	1623	1614	1614
. /												

Logistic regression with standard errors clustered on the document-level (groups of shortlists submitted together). *a*: variable centered at mean. + p < 0.01, * p < 0.05, ** p < 0.01, ** p < 0.001. Standard errors in parentheses.

Table B.10: Effect of family (surname) on appointment (RTCs / with occupation)

	(Base-1)	(Base-2)	(1.1)	(1.2)	(2.1)	(2.2)	(3.1)	(3.2)	(4.1)	(4.2)	(5.1)	(5.2)
Main Explanatory Variable												
Cityhead (Surname)=1	0.185	0.210	0.223	0.245+	0.231	0.251	0.165	0.190	0.102	0.137	0.184	0.202
	(0.15)	(0.15)	(0.14)	(0.14)	(0.17)	(0.17)	(0.15)	(0.15)	(0.19)	(0.19)	(0.15)	(0.15)
Control Variables												
Female=1	0.019	0.016	0.067	0.064	0.021	0.019	0.121	0.125	0.015	0.013	0.020	0.017
	(0.12)	(0.12)	(0.12)	(0.12)	(0.12)	(0.12)	(0.14)	(0.14)	(0.12)	(0.12)	(0.12)	(0.12)
Occupation (Baseline: private sector)												
Court Staff		-0.122		-0.169		-0.130		-0.163		-0.137		-0.091
		(0.22)		(0.22)		(0.22)		(0.22)		(0.21)		(0.22)
Prosecutor		0.193		0.173		0.193		0.172		0.177		0.216
		(0.19)		(0.20)		(0.19)		(0.19)		(0.19)		(0.19)
Judge		-0.087		-0.127		-0.085		-0.102		-0.087		-0.068
5 0		(0.15)		(0.15)		(0.15)		(0.15)		(0.14)		(0.15)
Public sector (other)		-0.183		-0.161		-0.179		-0.209		-0.168		-0.160
		(0.21)		(0.21)		(0.21)		(0.21)		(0.20)		(0.20)
Experience,	0.003	0.001	0.008	0.006	0.002	0.000	0.008	0.009	-0.007	-0.008	0.004	0.002
I a	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.03)	(0.03)	(0.02)	(0.02)	(0.02)	(0.02)
SL-Position	0.003	0.005	0.004	0.005	0.004	0.005	0.006	0.007	0.006	0.007	0.004	0.005
	(0.03)	(0.03)	(0.02)	(0.02)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)
Competitors	-0.247***	-0.245***	-0.255***	-0.253***	-0.246***	-0 244***	-0.251***	-0.249***	-0.243***	-0.242***	-0.268***	-0.267***
Competitors	(0.02)	(0.02)	(0.03)	(0.03)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)
Local-1	0.446***	0.4/3***	0 /97***	0.500***	0.446***	0.64/***	0.441***	0.438***	0.447***	0.446***	0.448***	0.445***
Local-1	(0.12)	(0.11)	(0.10)	(0.10)	(0.12)	(0.11)	(0.11)	(0.11)	(0.12)	(0.11)	(0.12)	(0.11)
Evenetion on X Evenetion on	0.000	(0.11)	(0.10)	0.000	(0.12)	0.000	0.000	0.001	(0.12)	0.001	0.000	(0.11)
$experience_a \times experience_a$	-0.000	0.000	-0.000	-0.000	-0.000	0.000	0.000	(0.001	0.000	0.001	-0.000	0.000
T I INT I	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
remaie=1 × Experience _a							-0.010	-0.015				
							(0.04)	(0.04)				
$remaie=1 \times Experience_a \times Experience_a$							-0.002	-0.001				
							(0.00)	(0.00)	0.4008			
Cityhead (Surname)=1 \times Experience _a									0.138*	0.126+		
									(0.07)	(0.06)		
Cityhead (Surname)=1 × Experience _a × Experience _a									-0.009+	-0.009+		
									(0.00)	(0.00)		
Pre-Election Period=1											-0.311*	-0.318^{*}
											(0.14)	(0.14)
Cityhead (Surname)= $1 \times Pre$ -Election Period= 1											-0.070	0.034
											(0.82)	(0.80)
Constant	-1.785^{***}	-1.767***	-1.713**	-1.705**	-1.771***	-1.756***	-1.833***	-1.802^{***}	-1.774^{***}	-1.754***	-1.771***	-1.770***
	(0.09)	(0.11)	(0.54)	(0.58)	(0.08)	(0.11)	(0.10)	(0.12)	(0.09)	(0.11)	(0.09)	(0.11)
Region dummies	No	No	Yes	Yes	No	No	No	No	No	No	No	No
Surname prevalence	No	No	No	No	Yes	Yes	No	No	No	No	No	No
Akaike Inf. Crit.	2098	2101	2116	2119	2100	2103	2099	2102	2098	2102	2100	2104
Bayesian Inf. Crit.	2145	2171	2255	2281	2152	2178	2157	2183	2156	2183	2158	2184
Wald r^2	183.76	208.26	626.66	1143 59	195 35	212.29	188 43	223 11	187 52	211.18	219.85	280.60
Pseudo Log-Likelihood	-1041	-1039	-1034	-1032	-1041	-1039	-1040	-1037	-1039	-1037	-1040	-1038
N (Observations)	2292	2292	2292	2292	2292	2292	2292	2392	2292	2292	2292	2292
in (Observations)	2372	2372	2372	2372	2372	2372	2372	2372	2372	2372	2372	2372

Logistic regression with standard errors clustered on the document-level (groups of shortlists submitted together). *a*: variable centered at mean. + p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Standard errors in parentheses.

B.4 ROBUSTNESS CHECKS – MAIN ANALYSES

B.4.1 ANALYSIS OF THE APPLICATION-DECISION

 Table B.11: Effect of family (network) on application (first-level courts)

	(Base)	(1)	(2)	(3)	(4)
Main Explanatory Variable					
Cityhead (Family)=1	0.210**	0.204**	0.113	0.116	0.030
• • •	(0.08)	(0.08)	(0.08)	(0.08)	(0.10)
Control Variables					
Female=1	0.474***	0.510***	0.468***	0.614***	0.468***
	(0.05)	(0.05)	(0.05)	(0.07)	(0.05)
Barexamtopnotcher=1	-1.125*	-1.011^{*}	-1.113*	-1.125*	-1.109^{*}
-	(0.45)	(0.45)	(0.45)	(0.45)	(0.45)
Bar-Year _a	0.086***	0.085***	0.086***	0.065***	0.096***
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Surname-prevalence			0.347	0.337	0.360
•			(0.32)	(0.32)	(0.32)
$Bar-Year_a imes Bar-Year_a$	-0.014***	-0.014***	-0.014***	-0.011***	-0.015***
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Surname-prevalence × Surname-prevalence			0.216	0.218	0.206
			(0.30)	(0.30)	(0.30)
Female=1 \times Bar-Year _a				0.062***	
				(0.01)	
$Female=1 \times Bar-Year_a \times Bar-Year_a$				-0.008***	
				(0.00)	
Cityhead (Family)=1 \times Bar-Year _a					-0.046**
					(0.01)
Cityhead (Family)=1 \times Bar-Year _a \times Bar-Year _a					0.005***
					(0.00)
Constant	-2.685***	-2.908***	-2.703***	-2.798***	-2.696***
	(0.04)	(0.39)	(0.05)	(0.05)	(0.05)
Region dummies	No	Yes	No	No	No
Akaike Inf. Crit.	11912	11786	11904	11859	11894
Bayesian Inf. Crit.	11967	11985	11977	11950	11986
Wald χ^2	3070.17	3061.78	3082.92	3131.74	3096.35
Pseudo Log-Likelihood	-5950	-5871	-5944	-5919	-5937
N (Observations)	67932	64463	67932	67932	67932

Table B 12. Effect of family (net)	work) on application (RTCs)
Table D.12. Lifect of failing (net)	NOT KI OT application (KTCS)

	(Base)	(1)	(2)	(3)	(4)
Main Explanatory Variable					
Cityhead (Family)=1	0.115	0.083	-0.009	-0.013	-0.125
	(0.09)	(0.09)	(0.09)	(0.10)	(0.11)
Control Variables					
Female=1	0.485***	0.522***	0.474***	0.601***	0.475**
	(0.06)	(0.06)	(0.06)	(0.07)	(0.06)
Barexamtopnotcher=1	-1.149^{*}	-1.073*	-1.155*	-1.156*	-1.155*
	(0.45)	(0.45)	(0.45)	(0.45)	(0.45)
Bar-Year _a	-0.115***	-0.116***	-0.115***	-0.103***	-0.114**
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
Surname-prevalence			1.084**	1.085**	1.099*
			(0.39)	(0.39)	(0.39)
$Bar-Year_a imes Bar-Year_a$	-0.010***	-0.011***	-0.010***	-0.009***	-0.011^{*}
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Surname-prevalence $ imes$ Surname-prevalence			-0.579	-0.575	-0.592
			(0.41)	(0.41)	(0.41)
Female=1 \times Bar-Year _a				-0.022*	
				(0.01)	
$Female=1 imes Bar-Year_a imes Bar-Year_a$				-0.003***	
				(0.00)	
Cityhead (Family)=1 \times Bar-Year _a					-0.008
					(0.02)
Cityhead (Family)=1 \times Bar-Year _a \times Bar-Year _a					0.001
					(0.00)
Constant	-2.967***	-2.480***	-3.010***	-3.051***	-2.994**
	(0.05)	(0.29)	(0.05)	(0.05)	(0.05)
Region dummies	No	Yes	No	No	No
Akaike Inf. Crit.	9538	9488	9530	9519	9530
Bayesian Inf. Crit.	9593	9688	9603	9610	9621
Wald χ^2	2426.69	2383.23	2439.13	2453.99	2443.02
Pseudo Log-Likelihood	-4763	-4722	-4757	-4749	-4755
N (Observations)	67932	64463	67932	67932	67932



(b) Regional Trial Courts

Figure B.10: Receiver operating characteristic (ROC) curves for main application-models (same surname)

B.4.2 Analysis of the Shortlisting-Decision

	(Base)	(1)	(2)	(3)	(4)
Main Explanatory Variable					
Cityhead (Family)=1	0.051	0.099	0.073	0.074	0.263
	(0.15)	(0.16)	(0.17)	(0.17)	(0.24)
Control Variables					
Female=1	0.449***	0.448***	0.453***	0.454**	0.452***
	(0.11)	(0.11)	(0.11)	(0.16)	(0.11)
Bar-Year _a	0.025**	0.028**	0.025**	0.028*	0.030**
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
$Bar-Year_a imes Bar-Year_a$	-0.000	-0.000	-0.000	-0.000	-0.000
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Female=1 \times Bar-Year _a				-0.009	
				(0.02)	
Female=1 $ imes$ Bar-Year _a $ imes$ Bar-Year _a				0.001	
				(0.00)	
Cityhead (Family)= $1 \times Bar-Year_a$					-0.033
					(0.02)
Cityhead (Family)= $1 \times Bar-Year_a \times Bar-Year_a$					-0.001
					(0.00)
Constant	0.241*	1.438	0.244*	0.240*	0.217*
	(0.10)	(1.09)	(0.10)	(0.12)	(0.10)
Region dummies	No	Yes	No	No	No
Surname prevalence	No	No	Yes	Yes	Yes
Akaike Inf. Crit.	2037	2019	2039	2042	2041
Bayesian Inf. Crit.	2064	2132	2071	2085	2084
Wald χ^2	28.05	77.65	28.21	28.49	30.00
Pseudo Log-Likelihood	-1013	-989	-1013	-1013	-1012
N (Observations)	1575	1575	1575	1575	1575

Table B.14: Effect of family (network) on shortlisting (RTCs)

	(Base)	(1)	(2)	(3)	(4)
Main Explanatory Variable					
Cityhead (Family)=1	-0.105	-0.115	-0.081	-0.081	-0.042
	(0.18)	(0.19)	(0.19)	(0.19)	(0.23)
Control Variables					
Female=1	0.148	0.140	0.151	0.109	0.149
	(0.13)	(0.13)	(0.13)	(0.15)	(0.13)
Bar-Year _a	-0.014	-0.018	-0.014	-0.029	-0.010
	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)
$Bar-Year_a imes Bar-Year_a$	-0.002*	-0.002*	-0.002*	-0.003*	-0.002+
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Female=1 \times Bar-Year _a		. ,		0.034	. ,
				(0.03)	
Female=1 \times Bar-Year _a \times Bar-Year _a				0.003	
				(0.00)	
Cityhead (Family)= $1 \times Bar-Year_a$. ,	-0.024
· · · · · ·					(0.04)
Cityhead (Family)= $1 \times Bar-Year_a \times Bar-Year_a$					-0.002
, , , , , , , , , , , , , , , , , , ,					(0.00)
Constant	0.843***	2.720*	0.851***	0.858***	0.844***
	(0.10)	(1.06)	(0.10)	(0.11)	(0.10)
Region dummies	No	Yes	No	No	No
Surname prevalence	No	No	Yes	Yes	Yes
Akaike Inf. Crit.	1462	1452	1464	1466	1467
Bayesian Inf. Crit.	1487	1559	1494	1507	1508
Wald χ^2	10.57	52.36	10.72	12.49	11.28
Pseudo Log-Likelihood	-726	-705	-726	-725	-726
N (Observations)	1186	1186	1186	1186	1186

Fable B.15: Effect of family	(network) on shortlisting (first-leve	el courts / with occupation)
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	(Base-1)	(Base-2)	(1.1)	(1.2)	(2.1)	(2.2)	(3.1)	(3.2)	(4.1)	(4.2)
Main Explanatory Variable										
Cityhead (Family)=1	-0.040	-0.058	0.016	-0.010	-0.016	-0.031	-0.024	-0.041	0.093	0.088
	(0.19)	(0.19)	(0.20)	(0.20)	(0.21)	(0.21)	(0.21)	(0.21)	(0.31)	(0.31)
Control Variables										
Female=1	0.443***	0.404**	0.442***	0.393**	0.447***	0.409**	0.171	0.119	0.447***	0.410**
	(0.13)	(0.13)	(0.13)	(0.14)	(0.13)	(0.14)	(0.20)	(0.21)	(0.13)	(0.14)
Occupation (Baseline: private sector)										
Court Staff		0.400*		0.481^{*}		0.399*		0.416*		0.399*
		(0.20)		(0.20)		(0.20)		(0.20)		(0.20)
Prosecutor		0.199		0.299		0.197		0.223		0.192
		(0.21)		(0.21)		(0.21)		(0.21)		(0.21)
Judge		1.741***		1.863***		1.743***		1.744***		1.750***
		(0.50)		(0.51)		(0.50)		(0.50)		(0.50)
Public sector (other)		0.402*		0.461*		0.400*		0.418*		0.401*
		(0.20)		(0.20)		(0.20)		(0.20)		(0.20)
Bar-Year _a	0.031*	0.032*	0.032*	0.033*	0.031*	0.032*	0.017	0.017	0.028*	0.029*
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.02)	(0.02)	(0.01)	(0.01)
$Bar-Year_a imes Bar-Year_a$	0.001	0.001	0.001	0.001	0.001	0.001	-0.001	-0.001	0.001	0.001
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
$Female=1 \times Bar-Year_a$							0.026	0.026		
							(0.03)	(0.03)		
$Female=1 \times Bar-Year_a \times Bar-Year_a$							0.003	0.003		
							(0.00)	(0.00)	0.01/	0.01.6
Cityhead (Family)=1 \times Bar-Year _a									0.014	0.016
									(0.03)	(0.04)
Cityhead (Family)=1 × Bar-Year _a × Bar-Year _a									-0.003	-0.004
	0.227**	0.025	1.505	1.10/	0.2/1**	0.0/0	0 / 05**	0.177	(0.00)	(0.00)
Constant	0.33/**	0.035	1.505	1.184	0.341	0.040	0.485	0.1//	$(0.32)^{*}$	0.025
Design domention	(0.13) N-	(0.17)	(1.08)	(1.09)	(0.15)	(0.17)	(0.15)	(0.19)	(0.13)	(0.18) N-
Sum and providence	No	No	ies No	ies No	No	No	No	NO Vac	INO Vac	No
Surname prevalence	INO	INO	INO	INO	ies	ies	les	ies	les	ies
Akaike Inf. Crit.	1382	1371	1382	1369	1384	1373	1384	1374	1387	1376
Bayesian Inf. Crit.	1407	1416	1487	1494	1414	1423	1425	1434	1427	1436
Wald χ^2	20.42	38.79	52.61	73.13	20.53	38.92	23.64	42.17	21.32	39.85
Pseudo Log-Likelihood	-686	-677	-670	-660	-686	-677	-684	-675	-685	-676
N (Observations)	1115	1115	1115	1115	1115	1115	1115	1115	1115	1115
Table B.16: Effect of fami	y (network) on shortlisting	g (RTCs / with occupation)								
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-	(Base-1)	(Base-2)	(1.1)	(1.2)	(2.1)	(2.2)	(3.1)	(3.2)	(4.1)	(4.2)
Main Explanatory Variable										
Cityhead (Family)=1	0.143	0.148	0.153	0.158	0.217	0.215	0.217	0.217	0.306	0.317
	(0.23)	(0.23)	(0.24)	(0.24)	(0.25)	(0.25)	(0.25)	(0.25)	(0.29)	(0.29)
Control Variables										
Female=1	-0.148	-0.225	-0.216	-0.312^{*}	-0.142	-0.219	-0.135	-0.208	-0.141	-0.216
	(0.15)	(0.15)	(0.15)	(0.16)	(0.15)	(0.15)	(0.17)	(0.17)	(0.15)	(0.15)
Occupation (Baseline: private sector)										
Court Staff		0.676+		0.603		0.674+		0.686+		0.656
		(0.40)		(0.41)		(0.40)		(0.40)		(0.40)
Prosecutor		0.542**		0.622**		0.540**		0.545**		0.534**
		(0.21)		(0.21)		(0.21)		(0.21)		(0.21)
Judge		0.873***		1.021***		0.870***		0.875***		0.871***
		(0.20)		(0.21)		(0.20)		(0.20)		(0.20)
Public sector (other)		0.231		0.331		0.230		0.230		0.221
		(0.23)		(0.24)		(0.23)		(0.23)		(0.23)
Bar-Year _a	-0.041^{*}	-0.032+	-0.045^{*}	-0.034+	-0.041^{*}	-0.032+	-0.039	-0.024	-0.035+	-0.027
	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.03)	(0.03)	(0.02)	(0.02)
$Bar-Year_a imes Bar-Year_a$	-0.002+	-0.002	-0.002+	-0.002	-0.002+	-0.002	-0.002	-0.002	-0.002	-0.002
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
$Female=1 \times Bar-Year_a$							-0.004	-0.015		
							(0.03)	(0.03)		
$Female=1 \times Bar-Year_a \times Bar-Year_a$							-0.000	-0.001		
							(0.00)	(0.00)		
Cityhead (Family)=1 × Bar-Year _a									-0.043	-0.039
									(0.05)	(0.05)
Cityhead (Family)=1 × Bar-Year _a × Bar-Year _a									-0.003	-0.003
									(0.00)	(0.00)
Constant	1.010***	0.613***	1.126	0.545	1.031***	0.634***	1.028***	0.626***	1.021***	0.624***
	(0.12)	(0.16)	(0.84)	(0.87)	(0.12)	(0.16)	(0.13)	(0.16)	(0.12)	(0.16)
Region dummies	No	No	Yes	Yes	No	No	No	No	No	No
Surname prevalence	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Akaike Inf. Crit.	1100	1086	1102	1084	1101	1088	1105	1092	1104	1091
Bayesian Inf. Crit.	1124	1130	1203	1204	1130	1136	1144	1150	1143	1149
Wald χ^2	7.40	28.81	37.59	63.31	8.08	29.31	8.09	29.50	8.85	30.05
Pseudo Log-Likelihood	-545	-534	-530	-517	-545	-534	-545	-534	-544	-534
N (Observations)	917	917	917	917	917	917	917	917	917	917

Logistic regression. *a*: variable centered at year 2000. + p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Standard errors in parentheses.



Sensitivity 0.50phat_head0_Fs ROC area: 0.5494 0.25phat_head1_Fs ROC area: 0.6167 phat_head2_Fs ROC area: 0.5489phat_head3_Fs ROC area: 0.5401phat_head4_Fs ROC area: 0.555Reference 0.00 0.00 0.250.500.751.001-specificity

(b) Regional Trial Courts

Figure B.11: Receiver operating characteristic (ROC) curves for main shortlisting-models (same surname - full sample)



(a) First-level courts



(b) Regional Trial Courts

Figure B.12: Receiver operating characteristic (ROC) curves for main shortlisting-models (same surname – restricted sample)

B.4.3 JOINT ANALYSIS OF APPLICATION AND SHORTLISTING DECISION

	(Selection)	(Outcome)
Main Explanatory Variable		
Cityhead (Surname)	0.103*	0.038
-	(0.04)	(0.06)
Control Variables		
Female	0.216***	0.057
	(0.02)	(0.04)
Bar-Year _a	0.026***	0.018***
	(0.00)	(0.00)
Barexamtopnotcher	-0.518**	-4.145
	(0.19)	(513.64)
(Bar-Year _a) ²	-0.004***	-0.004***
	(0.00)	(0.00)
Constant	-1.587***	-1.957***
	(0.02)	(0.03)
Region dummies	No	No
Surname prevalence	Yes	Yes
Wald χ^2	520.67	
Pseudo Log-Likelihood	-6917	
N (Observations)	41223	

Table B.17: Results for Sartori selection model, first-level courts

Sartori selection model with application decision as selection and shortlisting as outcome. *a*: variable centered at mean. + p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Standard errors in parentheses.

	(Selection)	(Outcome)
Main Explanatory Variable		
Cityhead (Surname)	0.028	0.078
	(0.05)	(0.07)
Control Variables		
Female	0.216***	0.125**
	(0.03)	(0.04)
Bar-Year _a	-0.043***	-0.034***
	(0.00)	(0.00)
Barexamtopnotcher	-0.464**	-3.527
	(0.18)	(128.09)
(Bar-Year _a) ²	-0.004***	-0.003***
	(0.00)	(0.00)
Constant	-1.673***	-2.184***
	(0.02)	(0.03)
Region dummies	No	No
Surname prevalence	Yes	Yes
Wald χ^2	553.12	
Pseudo Log-Likelihood	-5456	
N (Observations)	33187	

Table B.18: Results for Sartori selection model, Regional Trial Courts

Sartori selection model with application decision as selection and shortlisting as outcome. *a*: variable centered at mean. + p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Standard errors in parentheses.

B.4.4 Analysis of the Appointment-Decision

Table B.19: Effect of family	(network) on	appointment	(first-level courts)
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	(Base)	(1)	(2)	(3)	(4)	(5)
Main Explanatory Variable						
Cityhead (Family)=1	0.085	0.132	0.113	0.106	0.393+	0.180
	(0.14)	(0.14)	(0.14)	(0.14)	(0.21)	(0.14)
Control Variables						
Female=1	0.025	0.006	0.029	0.047	0.023	0.037
	(0.10)	(0.10)	(0.10)	(0.16)	(0.10)	(0.10)
Experience _a	-0.011	-0.011	-0.011	-0.022	-0.013	-0.009
	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)	(0.01)
SL-Position	-0.031	-0.035	-0.030	-0.029	-0.030	-0.033
	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)
Competitors	-0.243***	-0.243***	-0.242***	-0.245***	-0.242***	-0.243***
	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)
Local=1	0.254**	0.304**	0.257**	0.255**	0.252*	0.266**
	(0.10)	(0.11)	(0.10)	(0.10)	(0.10)	(0.10)
$Experience_a \times Experience_a$	0.001	0.001	0.001	0.000	0.002	0.001
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
$Female=1 \times Experience_a$				0.031		
				(0.02)		
$Female=1 \times Experience_a \times Experience_a$				0.003		
				(0.00)		
Cityhead (Family)=1 \times Experience _a					0.032	
					(0.02)	
Cityhead (Family)= $1 \times \text{Experience}_a \times \text{Experience}_a$					-0.004+	
					(0.00)	0.070
Pre-Election Period=1						0.079
Circle and (Esserily) 1 x Des Election Desired 1						(0.07)
Cityhead (ramily)=1 × Pre-Election Period=1						-1.119
Constant	1 7/4***	2 (2(***	1 75 9***	1 799***	1 000***	(0.40)
Constant	-1.764	-2.626	-1.759	-1./99	-1.808	-1.782
Pagion dummios	(0.10) No	(0.44) Vaa	(0.09)	(0.13) No	(0.10) No	(0.10) No
Surnama prevalence	No	No	Vac	No	No	No
Sumane prevalence	110	110	163	110	110	100
Akaike Inf. Crit.	2685	2700	2687	2686	2687	2685
Bayesian Inf. Crit.	2733	2842	2741	2746	2746	2744
Wald χ^2	141.25	306.29	145.43	143.90	137.10	230.15
Pseudo Log-Likelihood	-1335	-1326	-1335	-1333	-1333	-1332
N (Observations)	2832	2832	2832	2832	2832	2832

Logistic regression with SE clustered on the document-level (groups of shortlists submitted together). *a*: variable centered at mean. + $p < 0.1^* p < 0.05$, ** p < 0.01, *** p < 0.001. Standard errors in parentheses.

	(Base)	(1)	(2)	(3)	(4)	(5)
Main Explanatory Variable						
Cityhead (Family)=1	0.138	0.150	0.200+	0.128	0.060	0.138
	(0.11)	(0.11)	(0.12)	(0.11)	(0.15)	(0.11)
Control Variables						
Female=1	0.061	0.118	0.070	0.132	0.051	0.059
	(0.09)	(0.09)	(0.09)	(0.11)	(0.09)	(0.09)
Experiencea	0.010	0.012	0.009	0.018	-0.002	0.009
	(0.01)	(0.01)	(0.01)	(0.02)	(0.01)	(0.01)
SL-Position	-0.016	-0.015	-0.015	-0.016	-0.015	-0.016
	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)
Competitors	-0.201***	-0.198***	-0.200***	-0.202***	-0.195***	-0.196***
	(0.04)	(0.05)	(0.04)	(0.04)	(0.04)	(0.04)
Local=1	0.419***	0.497***	0.422***	0.417***	0.414^{***}	0.419***
	(0.11)	(0.10)	(0.11)	(0.11)	(0.11)	(0.11)
$Experience_a \times Experience_a$	-0.001	-0.001	-0.000	-0.000	0.000	-0.001
	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Female=1 \times Experience _a				-0.016		
				(0.03)		
$Female=1 \times Experience_a \times Experience_a$				-0.000		
				(0.00)		
Cityhead (Family)=1 \times Experience _a					0.102*	
					(0.05)	
Cityhead (Family)=1 × Experience _a × Experience _a					-0.006+	
					(0.00)	
Pre-Election Period=1						0.110
						(0.09)
Cityhead (Family)=1 \times Pre-Election Period=1						0.023
_						(0.37)
Constant	-1.699***	-1.712***	-1.683***	-1.734***	-1.684***	-1.707***
	(0.07)	(0.31)	(0.07)	(0.08)	(0.07)	(0.07)
Region dummies	No	Yes	No	No	No	No
Surname prevalence	No	No	Yes	No	No	No
Akaike Inf. Crit.	3020	3038	3020	3022	3019	3023
Bayesian Inf. Crit.	3069	3184	3075	3083	3080	3084
Wald χ^2	30.72	136.19	31.97	30.93	39.57	112.42
Pseudo Log-Likelihood	-1502	-1495	-1501	-1501	-1499	-1502
N (Observations)	3334	3334	3334	3334	3334	3334

Table B.20: Effect of family (network) on appointment (RTCs)

Logistic regression with SE clustered on the document-level (groups of shortlists submitted together). *a*: variable centered at mean. $+ p < 0.1^* p < 0.05$, ** p < 0.01, *** p < 0.001. Standard errors in parentheses.

Table B.21: Effect of family (network) on appointment (first-level courts / with occupation)

	(Base-1)	(Base-2)	(1.1)	(1.2)	(2.1)	(2.2)	(3.1)	(3.2)	(4.1)	(4.2)	(5.1)	(5.2)
Main Explanatory Variable												
Cityhead (Family)=1	0.206	0.197	0.259	0.256	0.141	0.130	0.210	0.205	0.295	0.294	0.276	0.268
, , , , , , , , , , , , , , , , , , ,	(0.18)	(0.18)	(0.19)	(0.19)	(0.18)	(0.18)	(0.19)	(0.18)	(0.29)	(0.29)	(0.18)	(0.17)
Control Variables	()	()	()	()	()	()	()	()	(,	((111)	()
Female=1	-0.006	-0.062	-0.044	-0.103	-0.021	-0.077	0.195	0.125	0.007	-0.052	-0.008	-0.064
	(0.13)	(0.14)	(0.15)	(0.15)	(0.14)	(0.14)	(0.18)	(0.18)	(0.14)	(0.14)	(0.13)	(0.14)
Occupation (Baseline: private sector)	(0.15)	(0.14)	(0.13)	(0.15)	(0.14)	(0.14)	(0.10)	(0.10)	(0.14)	(0.14)	(0.15)	(0.14)
Court Staff		0.264		0.295		0.262		0.251		0.307+		0.271
Court Stair		(0.17)		(0.19)		(0.17)		(0.17)		(0.17)		(0.17)
D		(0.17)		(0.1)		(0.17)		(0.17)		(0.17)		(0.17)
Prosecutor		0.314		0.346		0.518		0.500		0.34/		0.329
x ,		(0.23)		(0.24)		(0.23)		(0.23)		(0.23)		(0.23)
Judge		-1.0/0**		-1.02/**		-1.0/0**		-1.091**		-1.035**		-1.054**
		(0.40)		(0.39)		(0.40)		(0.40)		(0.40)		(0.40)
Public sector (other)		0.422+		0.448*		0.425+		0.414+		0.454*		0.440+
		(0.22)		(0.22)		(0.22)		(0.22)		(0.22)		(0.23)
Experience _a	-0.007	0.007	-0.010	0.005	-0.007	0.007	-0.025	-0.013	-0.015	-0.001	-0.006	0.008
	(0.01)	(0.02)	(0.01)	(0.02)	(0.01)	(0.02)	(0.02)	(0.02)	(0.01)	(0.02)	(0.01)	(0.02)
SL-Position	-0.050	-0.041	-0.046	-0.039	-0.053	-0.044	-0.051	-0.042	-0.053	-0.043	-0.050	-0.041
	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)	(0.04)
Competitors	-0.276***	-0.268***	-0.280***	-0.275***	-0.280***	-0.272***	-0.275***	-0.267***	-0.274***	-0.265***	-0.273***	-0.266***
1.	(0.04)	(0.04)	(0.05)	(0.05)	(0.04)	(0.05)	(0.05)	(0.05)	(0.04)	(0.04)	(0.04)	(0.04)
Local=1	0.214+	0.252+	0.304*	0.332*	0.197	0.233+	0.204	0.242+	0.215+	0.256+	0.225+	0.260*
	(0.13)	(0.13)	(0.14)	(0.14)	(0.12)	(0.13)	(0.13)	(0.13)	(0.13)	(0.14)	(0.13)	(0.13)
Experience, X Experience,	0.004**	0.004*	0.004**	0.004*	0.004**	0.004*	0.006*	0.005+	0.004*	0.003+	0.004**	0.004*
Experience ₄ × Experience ₄	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Frank 1 X Franking a	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
remaie-1 × Experience _a							(0.032	(0.03)				
T LIVE I VE I							(0.03)	(0.03)				
$Female=1 \times Experience_a \times Experience_a$							-0.002	-0.001				
							(0.00)	(0.00)				
Cityhead (Family)=1 × Experience _a									0.061*	0.064**		
									(0.02)	(0.02)		
Cityhead (Family)=1 × Experience _a × Experience _a									0.004	0.004		
									(0.00)	(0.00)		
Pre-Election Period=1											0.115	0.073
											(0.15)	(0.16)
Cityhead (Family)=1 × Pre-Election Period=1											0.000	0.000
											(.)	(.)
Constant	-1.946***	-2.066***	-2.560***	-2.857***	-1.962***	-2.083***	-2.057***	-2.160***	-1.968***	-2.118***	-1.956***	-2.081***
	(0.13)	(0.16)	(0.44)	(0.38)	(0.13)	(0.16)	(0.17)	(0.21)	(0.13)	(0.17)	(0.13)	(0.17)
Region dummies	No	No	Ves	Ves	No							
Surname prevalence	No	No	No	No	Vec	Vec	No	No	No	No	No	No
Sumane prevalence	110	110	110	NO	103	103	110	110	NO	110	110	110
Akaike Inf. Crit.	1471	1460	1489	1478	1472	1461	1474	1462	1473	1461	1469	1458
Bayesian Inf. Crit.	1514	1525	1618	1629	1521	1531	1528	1538	1526	1537	1518	1528
Wald γ^2	77.62	128.48	453.55	895.31	80.16	131.50	77.05	119.52	181.24	227.65	79.00	130.45
Pseudo Log-Likelihood	-728	-718	-720	-711	-727	-718	-727	-717	-726	-717	-726	-716
N (Observations)	1623	1623	1623	1623	1623	1623	1623	1623	1623	1623	-/ 20	1614
in (Obscivations)	1023	1023	1023	1023	1023	1023	1623	1023	1023	1023	1014	1014

Logistic regression with standard errors clustered on the document-level (groups of shortlists submitted together). *a*: variable centered at mean. + p < 0.01, * p < 0.05, ** p < 0.01, ** p < 0.001. Standard errors in parentheses.

Table B.22: Effect of family (network) on appointment (RTCs / with occupation)

	(Base-1)	(Base-2)	(1.1)	(1.2)	(2.1)	(2.2)	(3.1)	(3.2)	(4.1)	(4.2)	(5.1)	(5.2)
Main Explanatory Variable												
Cityhead (Family)=1	0.185	0.209	0.225+	0.249*	0.238	0.258+	0.174	0.198	0.126	0.155	0.220+	0.239+
	(0.13)	(0.13)	(0.12)	(0.12)	(0.15)	(0.14)	(0.13)	(0.13)	(0.16)	(0.17)	(0.12)	(0.13)
Control Variables	(()		()	()	()	((()	(,)	(,	()
Female=1	0.022	0.019	0.071	0.068	0.025	0.023	0.125	0.129	0.004	0.004	0.022	0.019
	(0.12)	(0.12)	(0.12)	(0.12)	(0.12)	(0.12)	(0.14)	(0.14)	(0.12)	(0.12)	(0.12)	(0.12)
Occupation (Baseline: private sector)	(()	(,	()		(,	()	(()	(,	(,	()
Court Staff		-0.113		-0.156		-0.121		-0.158		-0.161		-0.084
		(0.22)		(0.22)		(0.22)		(0.22)		(0.22)		(0.22)
Prosecutor		0.197		0.179		0.197		0.175		0.161		0.219
		(0.19)		(0.20)		(0.19)		(0.19)		(0.19)		(0.19)
Iudge		-0.088		-0.128		-0.086		-0.104		-0.105		-0.064
J8-		(0.15)		(0.15)		(0.15)		(0.15)		(0.15)		(0.15)
Public sector (other)		-0.181		-0.159		-0.176		-0.208		-0.190		-0.147
(,		(0.21)		(0.22)		(0.21)		(0.21)		(0.20)		(0.20)
Experience	0.004	0.002	0.008	0.007	0.003	0.001	0.010	0.011	-0.012	-0.013	0.005	0.004
	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.02)	(0.03)	(0.03)	(0.02)	(0.02)	(0.02)	(0.02)
SL-Position	0.004	0.006	0.005	0.006	0.004	0.006	0.006	0.008	0.005	0.006	0.004	0.006
	(0.03)	(0.03)	(0.02)	(0.02)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)	(0.03)
Competitors	-0.248***	-0.247***	-0.256***	-0.254***	-0.247***	-0.246***	-0.252***	-0.251***	-0.240***	-0.238***	-0.271***	-0.270***
competitors	(0.02)	(0.02)	(0.03)	(0.03)	(0.02)	(0.02)	(0.02)2	(0.02)1	(0.02)	(0.02)	(0.02)	(0.02)
Local=1	0.448***	0 444***	0.498***	0.501***	0.449***	0.447***	0.443***	0.440***	0.451***	0.450***	0.448***	0.446***
Local-1	(0.12)	(0.11)	(0.10)	(0.10)	(0.12)	(0.11)	(0.11)	(0.11)	(0.12)	(0.11)	(0.12)	(0.11)
Evnerience V Evnerience	-0.000	0.000	-0.000	-0.000	-0.000	0.000	0.000	0.000	0.001	0.001	-0.000	0.000
Experience _a × Experience _a	(0.00)	(0.00)	-0.000	-0.000	-0.000	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)
Female-1 × Experience	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	-0.012	-0.017	(0.00)	(0.00)	(0.00)	(0.00)
remaic=1 × Experience _a							(0.04)	(0.04)				
Female-1 × Experience × Experience							(0.04)	(0.04)				
$remain = 1 \times Experience_a \times Experience_a$							(0.00)	(0.00)				
Citybood (Family)=1 × Fynarianaa							(0.00)	(0.00)	0 129**	0.121**		
Cityhead (rainiiy)=1 × Experience _a									(0.05)	(0.05)		
Circle of (Ferrile) 1 × Ferreries of × Ferreries of									(0.03)	(0.03)		
Cityhead (Painity)=1 \times Experience _a \times Experience _a									-0.00)	-0.00)		
Dro Floation David-1									(0.00)	(0.00)	0.259	0.271
Pre-Election Period=1											-0.259+	-0.2/1+
Circlard (Earlie) 1 × Dry Election Daried 1											(0.15)	(0.16)
Cityhead (ramily)=1 × Pre-Election Period=1											-0.664	-0.568
Comment	1 702***	1 770***	1 7/0**	1 7/7**	1 770***	1 7//***	1.0/0***	1 012***	1 772***	1 720***	(0.66)	(0.64)
Constant	-1./75	-1.//8	-1./47	-1./4/	-1.//7	-1./66	-1.842	-1.815	-1.//5	-1./37	-1./84	-1./8/
Desire domento	(0.09)	(0.11)	(0.55)	(0.59)	(0.08)	(0.11)	(0.10)	(0.12)	(0.09)	(0.12)	(0.09)	(0.11)
Region dummies	No	No	ies	ies	No							
surname prevalence	INO	INO	INO	INO	Ies	Ies	INO	INO	INO	INO	INO	INO
Akaike Inf. Crit.	2098	2101	2116	2119	2100	2103	2099	2102	2096	2100	2099	2103
Bayesian Inf. Crit.	2144	2170	2255	2281	2152	2178	2157	2183	2154	2181	2157	2184
Wald γ^2	183.59	207.42	633.46	991.82	193.71	210.67	187.56	219.43	188.26	218.89	214.20	275.38
Pseudo Log-Likelihood	-1041	-1039	-1034	-1031	-1041	-1038	-1040	-1037	-1038	-1036	-1040	-1037
N (Observations)	2392	2392	2392	2392	2392	2392	2392	2392	2392	2392	2392	2392
(· · · · · · · · · · · · · · · · · · ·												

Logistic regression with standard errors clustered on the document-level (groups of shortlists submitted together). *a*: variable centered at mean. + p < 0.01, * p < 0.05, ** p < 0.01, *** p < 0.001. Standard errors in parentheses.



(b) Regional Trial Courts

Figure B.13: Receiver operating characteristic (ROC) curves for main appointment-models (same surname - full sample)







(b) Regional Trial Courts

Figure B.14: Receiver operating characteristic (ROC) curves for main appointment-models (same surname – restricted sample)

B.5 ROBUSTNESS CHECKS – BAYESIAN HIERARCHICAL REGRESSION

To account for the correlation between a president's decisions on every shortlisted candidate, I specify cross-classified logistic regression models with random effects on the level of (1) each applicant, (2) each shortlist, and (3) each group of shortlists on which the president decides at the same time. Using non-informative priors and the No-U-Turn (NUTS) Sampler, each model is estimated using 4 chains with 5,000 iterations, taking the first 2,000 iterations as burn-in.² The NUTS Sampler is especially suited for high-dimensional models so that convergence is reached even with a comparatively low number of iterations. The results of the re-estimated Model (5) are reported below. As visible, despite accounting for the complex correlation structure, the results are similar to those based on maximum likelihood estimation without hierarchical model specification presented in the main text.

²Estimations are conducted using the R packages *brms* (Bürkner, 2017, 2018) and *Stan* (Stan Development Team, 2022).

B.5.1 BAYESIAN ANALYSIS OF THE APPOINTMENT DECISION FOR FIRST-LEVEL COURTS

	Ŕ	$N_{\rm eff}$	Mean	SD	2.5%	50%	97.5%
Cityhead (Surname)=1	1.0	12000	0.3	0.2	-0.1	0.3	0.6
Female=1	1.0	12000	0.0	0.1	-0.2	0.0	0.2
Experience _a	1.0	12000	-0.0	0.0	-0.0	-0.0	0.0
SL-Position _a	1.0	12000	-0.0	0.0	-0.1	-0.0	0.0
Competitors _a	1.0	12000	-0.2	0.0	-0.3	-0.2	-0.2
Local=1	1.0	12000	0.3	0.1	0.0	0.3	0.5
$Experience_a \times Experience_a$	1.0	12000	0.0	0.0	-0.0	0.0	0.0
Pre-Election Period=1	1.0	12000	0.0	0.2	-0.3	0.0	0.4
Cityhead (Surname)=1 \times Pre-Election Period=1	1.0	12000	-1.0	0.6	-2.3	-0.9	0.1
Surname-prevalence _a	1.0	12000	-0.2	0.3	-0.8	-0.2	0.3
Intercept	1.0	12000	-1.8	0.1	-2.0	-1.8	-1.6
SD(Applicants)	1.0	4811	0.1	0.1	0.0	0.1	0.3
SD(Shortlist)	1.0	12000	0.0	0.0	0.0	0.0	0.1
SD(Shortlist-Group)	1.0	12000	0.0	0.0	0.0	0.0	0.1

Table B.23: Effect of family (surname) on appointment (first-level courts)

Estimates obtained using Bayesian logistic regression with cross-classification. *a*: variable centered at mean.



Figure B.15: Model diagnostics – traceplots



Figure B.16: Model diagnostics – autocorrelation



Figure B.17: Model diagnostics - density

B.5.2 BAYESIAN ANALYSIS OF THE APPOINTMENT DECISION FOR REGIONAL TRIAL COURTS

	Ŕ	$N_{\rm eff}$	Mean	SD	2.5%	50%	97.5%
Cityhead (Surname)=1	1.0	12000	0.2	0.2	-0.2	0.2	0.5
Female=1	1.0	12000	0.1	0.1	-0.1	0.1	0.3
Experience _a	1.0	12000	0.0	0.0	-0.0	0.0	0.0
SL-Position _a	1.0	12000	-0.0	0.0	-0.1	-0.0	0.0
Competitors _a	1.0	12000	-0.2	0.0	-0.3	-0.2	-0.1
Local=1	1.0	12000	0.4	0.1	0.2	0.4	0.6
$Experience_a \times Experience_a$	1.0	12000	-0.0	0.0	-0.0	-0.0	0.0
Pre-Election Period=1	1.0	12000	0.1	0.2	-0.3	0.1	0.4
Cityhead (Surname)=1 \times Pre-Election Period=1	1.0	12000	0.5	0.6	-0.7	0.5	1.6
Surname-prevalence _a	1.0	12000	-0.3	0.3	-0.9	-0.3	0.2
Intercept	1.0	12000	-1.7	0.1	-1.9	-1.7	-1.6
SD(Applicants)	1.0	6609	0.1	0.1	0.0	0.1	0.2
SD(Shortlist)	1.0	12000	0.0	0.0	0.0	0.0	0.1
SD(Shortlist-Group)	1.0	12000	0.0	0.0	0.0	0.0	0.1

Table B.24: Effect of family (surname) on appointment (RTCs)

Estimates obtained using Bayesian logistic regression with cross-classification. *a*: variable centered at mean.



Figure B.18: Model diagnostics – traceplots



Figure B.19: Model diagnostics – autocorrelation



Figure B.20: Model diagnostics - density

C

Supplementary Information to Chapter 6

C.1 Further Information on the Judicial System on the Philippines





Figure C.1 shows the court system of the Philippines with its four tiers (as illustrated by Pangalangan 2015). The first level is made up of trial courts on the municipality- and city-level. Municipal Trial Courts (MTCs) and Municipal Trial Courts in Cities (MTCCs) belong to a single municipality or city. Municipal Circuit Trial Courts (MCTCs) cover a group of cities and municipalities that are usually too small to justify individual courts. Courts dedicated to Metropolitan Manila are called Metropolitan Trial Courts (MeTCs). For cases involving Muslim affairs there are also Shari'a Circuit Courts (SCCs), which are all located in Mindanao. Second-tier courts, Regional Trial Courts (RTCs) and Shari'a District Courts, serve as courts of appeal for first-level courts but also exercise exclusive jurisdiction over certain legal cases. On the third level, there are courts that serve as an intermediary between the Supreme Court and lower-level courts. There are also courts for specific issues and quasi-judicial agencies. The Court of Tax Appeals (CTA), which reviews appeals in tax-related cases, and the Sandiganbayan, which is responsible for violations of anti-graft laws, are courts with special jurisdiction. Quasi-judicial agencies are administrative agencies, partly at the level of constitutional agencies, that have quasi-judicial functions in their fields of expertise. Examples are the Commission on Elections (COMELEC) and the Commission on Audit (COA). On the fourth and last level of the judicial hierarchy is the Supreme Court that has both original and appellate jurisdiction.

Courts at the third and fourth level are collegiate courts. Trial courts and Shari'a courts at the first and second tier are presided by a single judge. Judges hold office until they reach the age of seventy years if they do not become incapacitated before (Philippine Const. of 1987, art. 8, sec. 11). For lower courts it is upon the Supreme Court to discipline the judges. Responsible for the appointment of judges at all levels of the judiciary is the President of the Philippines. In coordination with the Court Administrator, the Judicial and Bar Council (JBC) opens vacant positions at lower-level courts for application. The JBC is composed of (1) representatives of the three branches of the government (with congress and senate each having a representative on their own), (2) a representative of the Integrated Bar of the Philippines, (3) a professor of law, (4) a retired member of the Supreme Court, (5) a representative from the private sector. The latter four are appointed by the president and have to be confirmed by the Commission on Appointments. The Commission on Appointments, which has to approve these appointments to the JBC, faces allegations of partisanship, patronage, and corruption (Barcena, 2010; Jimeno, 1999).

The occurrence of vacancies automatically opens an application process only for higher level courts. Applications for these positions can be made by the applicants themselves or upon recommendation by another person. If applicants fulfill all formal requirements for the respective position, they undergo various screenings, for example of their competence and integrity, by the JBC (see Chapter 5). If deemed qualified, the Council nominates at least three applicants for a shortlist from which the president has to select the candidate for the vacant position within 90 days from the submission of the list (Philippine Const. of 1987, art. 8, sec. 9). For more information on the structure of the Philippines' judiciary, please consider the descriptions by Pangalangan (2015) and Batalla et al. (2018).

C.2 Descriptive Statistics

Table C.1: Summary Statistics

	Mean	SD	Min	Max	Ν
Judge appointed (RTC)	0.20	0.40	0.00	1.00	96300
Judge appointed (First-level)	0.07	0.26	0.00	1.00	95400
Killed civilians	0.09	0.92	0.00	84.00	78288
Poverty-incidence	29.95	17.48	0.28	84.76	97560
LP-mayor	0.46	0.50	0.00	1.00	94800
Mayor-change	0.48	0.50	0.00	1.00	97680
Vote share (Duterte)	34.24	21.66	0.94	97.00	97740
Congestion-rate	3.80	2.08	0.18	7.20	97680
Population size	61944.16	130101.77	184.00	2936116.00	97680

Deviations in the listed number of observations and the number of observations utilized in the analyses result from list-wise deletion.



(a) Monthly judicial appointments to Regional Trial Courts



(b) Monthly judicial appointments to first-level courts

Figure C.2: Timeline of judicial appointments in the Philippines, 2015-2019



(a) Regional Trial Courts

(b) First-level courts

Figure C.3: Map of treated vs. control municipalities







(b) First-level courts

Figure C.4: Appointments as treatments for municipalities



(c) Municipalities with Liberal Party-mayors after(d) Vote share for Duterte in 2016 presidentialthe 2016 electionelection

Figure C.5: Demographic and political factors

C.3 Detailed Results for Main Analyses

 Table C.2: Effect of RTC judge appointment on killed civilians, random-effects negative binomial regression (with time dummies)

(Base)	(1)	(2)	(3)	(4)	(5)
(Dase)	(1)	(2)	(3)	(1)	())
-0.314***	-0.402***	-0.306***	-0.275***	-0.402***	-0.353***
(0.05)	(0.05)	(0.05)	(0.05)	(0.05)	(0.05)
	-0.032***			-0.032***	-0.023***
	(0.00)			(0.00)	(0.00)
		0.024		0.085	0.087
		(0.06)		(0.06)	(0.06)
		0.065		0.074	0.057
		(0.06)		(0.06)	(0.06)
		-0.004^{*}		0.001	-0.000
		(0.00)		(0.00)	(0.00)
			0.234***		0.153***
			(0.02)		(0.02)
-11.271***	-10.808***	-11.163***	-12.479***	-10.921***	-11.794***
(0.07)	(0.08)	(0.11)	(0.11)	(0.10)	(0.14)
1.304***	1.516***	1.299***	1.385***	1.518***	1.516***
(0.07)	(0.08)	(0.07)	(0.07)	(0.08)	(0.08)
-0.018	0.518***	-0.039	0.257**	0.529***	0.562***
(0.08)	(0.09)	(0.08)	(0.08)	(0.10)	(0.10)
Yes	Yes	Yes	Yes	Yes	Yes
23395	23161	23394	23183	23163	23087
23803	23579	23830	23601	23608	23541
2239.27	2580.25	2233.42	2410.98	2587.88	2599.26
-11652	-11534	-11649	-11545	-11532	-11493
65268	65268	65268	65268	65268	65268
1554	1554	1554	1554	1554	1554
	(Base) -0.314*** (0.05) -11.271*** (0.07) 1.304*** (0.07) -0.018 (0.08) Yes 23395 23803 2239.27 -11652 65268 1554	(Base)(1) -0.314^{***} -0.402^{***} (0.05)(0.05) -0.032^{***} (0.00) -0.032^{***} (0.00)(0.00) 1.304^{***} 1.516^{***} (0.07)(0.08) -0.018 0.518^{***} (0.08)(0.09)YesYes233952316123803235792239.272580.25 -11652 -11534 652686526815541554	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$

Population-size is set as exposure (the coefficient of ln(Population) is constrained to 1) to account for varying event likelihood. + p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Standard errors in parentheses.

	(Base)	(1)	(2)	(3)	(4)	(5)
Main Explanatory Variable						
Judge appointed (Duterte)=1	-0.005	-0.047	-0.001	0.012	-0.048	-0.029
	(0.07)	(0.07)	(0.07)	(0.07)	(0.07)	(0.07)
Control Variables						
Poverty-incidence		-0.034***			-0.035***	-0.026***
		(0.00)			(0.00)	(0.00)
LP-mayor=1			0.036		0.094	0.104 +
			(0.07)		(0.06)	(0.06)
Mayor-change=1			0.078		0.082	0.072
			(0.07)		(0.06)	(0.06)
Vote share (Duterte)			-0.003+		0.002	0.001
			(0.00)		(0.00)	(0.00)
Congestion-rate				0.223***		0.125***
				(0.02)		(0.02)
Constant	-11.127***	-10.584^{***}	-11.058^{***}	-12.328***	-10.746^{***}	-11.504^{***}
	(0.08)	(0.09)	(0.11)	(0.11)	(0.11)	(0.15)
$\ln(r)$	1.446***	1.605***	1.442***	1.553***	1.609***	1.645***
	(0.07)	(0.08)	(0.07)	(0.08)	(0.08)	(0.09)
$\ln(s)$	-0.037	0.419***	-0.051	0.294***	0.437***	0.522***
	(0.08)	(0.09)	(0.08)	(0.09)	(0.09)	(0.10)
Time dummies	Yes	Yes	Yes	Yes	Yes	Yes
Akaike Inf. Crit.	21327	21079	21328	21143	21079	21036
Bayesian Inf. Crit.	21735	21496	21763	21561	21524	21489
Wald χ^2	1621.59	1910.97	1621.78	1823.23	1923.41	1968.03
Pseudo Log-Likelihood	-10618	-10493	-10616	-10526	-10490	-10468
N (Observations)	64638	64638	64638	64638	64638	64638
N (Groups)	1539	1539	1539	1539	1539	1539

 Table C.3: Effect of first-level court judge appointment on killed civilians, random-effects negative binomial regression (with time dummies)

Population-size is set as exposure (the coefficient of ln(Population) is constrained to 1) to account for varying event likelihood. + p < 0.1 * p < 0.05, ** p < 0.01, **** p < 0.001. Standard errors in parentheses.

C.4 **ROBUSTNESS CHECKS – REGRESSION ANALYSIS**

	(Base)	(1)	(2)	(3)	(4)	(5)
Main Explanatory Variable						
Judge appointed (Duterte)=1	-0.952***	-1.024***	-0.941***	-0.896***	-1.021***	-0.956***
	(0.05)	(0.05)	(0.05)	(0.05)	(0.05)	(0.05)
Control Variables						
Poverty-incidence		-0.028***			-0.028***	-0.019***
		(0.00)			(0.00)	(0.00)
LP-mayor=1			0.001		0.051	0.050
			(0.06)		(0.06)	(0.06)
Mayor-change=1			0.073		0.084	0.057
			(0.06)		(0.06)	(0.06)
Vote share (Duterte)			-0.004**		-0.000	-0.001
			(0.00)		(0.00)	(0.00)
Congestion-rate				0.228***		0.166***
				(0.02)		(0.02)
Constant	-12.891***	-12.505***	-12.763***	-14.068***	-12.557***	-13.493***
	(0.05)	(0.06)	(0.09)	(0.09)	(0.09)	(0.13)
$\ln(r)$	1.077***	1.294***	1.074***	1.178***	1.290***	1.295***
	(0.07)	(0.08)	(0.07)	(0.07)	(0.08)	(0.08)
$\ln(s)$	0.018	0.586***	-0.003	0.313***	0.580***	0.607***
	(0.08)	(0.10)	(0.08)	(0.09)	(0.10)	(0.10)
Time dummies	No	No	No	No	No	No
Akaike Inf. Crit.	24700	24517	24698	24488	24520	24421
Bayesian Inf. Crit.	24736	24563	24761	24533	24593	24503
Wald χ^2	409.36	598.20	414.58	586.87	598.94	674.38
Pseudo Log-Likelihood	-12346	-12254	-12342	-12239	-12252	-12201
N (Observations)	65268	65268	65268	65268	65268	65268
N (Groups)	1554	1554	1554	1554	1554	1554

Table C.4: Effect of RTC judge appointment on killed civilians, random-effects negative binomial regression

Population-size is set as exposure (the coefficient of ln(Population) is constrained to 1) to account for varying event likelihood. + p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Standard errors in parentheses.

	(Base)	(1)	(2)	(3)	(4)	(5)
Main Explanatory Variable						
Judge appointed (Duterte)=1	-0.386*	-0.424**	-0.388*	-0.385+	-0.428**	-0.421**
	(0.19)	(0.15)	(0.19)	(0.20)	(0.15)	(0.15)
Control Variables						
Poverty-incidence		-0.037***			-0.039***	-0.032***
		(0.01)			(0.00)	(0.01)
LP-mayor=1			-0.039		0.066	0.068
			(0.11)		(0.11)	(0.11)
Mayor-change=1			-0.091		-0.049	-0.048
			(0.09)		(0.08)	(0.08)
Vote share (Duterte)			0.004		0.009***	0.008**
			(0.00)		(0.00)	(0.00)
Congestion-rate				0.243***		0.125**
				(0.04)		(0.04)
Constant	-12.349***	-11.508***	-12.426***	-13.425***	-11.780***	-12.464***
	(0.23)	(0.25)	(0.29)	(0.34)	(0.23)	(0.41)
$\ln(\alpha)$	0.597	0.231	0.592	0.399	0.194	0.149
	(3.25)	(3.48)	(3.20)	(3.19)	(3.30)	(3.26)
Time dummies	Yes	Yes	Yes	Yes	Yes	Yes
Akaike Inf. Crit.	25260	25025	25261	25116	25008	24976
Bayesian Inf. Crit.	25660	25434	25688	25525	25444	25421
Wald χ^2	129036.45	147301.13	134464.82	139189.65	155318.23	158290.57
Pseudo Log-Likelihood	-12586	-12468	-12584	-12513	-12456	-12439
N (Observations)	65268	65268	65268	65268	65268	65268
N (Groups)	1554	1554	1554	1554	1554	1554

Table C.5: Effect of RTC judge appointment on killed civilians, random-effects Poisson regression (with time dummies)

Population-size is set as exposure (the coefficient of ln(Population) is constrained to 1) to account for varying event likelihood. + p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Robust standard errors in parentheses.

	(1)	(2)
Judge appointed (Duterte)=1	-1.528***	-0.450**
	(0.14)	(0.15)
Time dummies	No	Yes
Akaike Inf. Crit.	22388	20037
Bayesian Inf. Crit.	22396	20386
Wald χ^2	113.16	1250.88
Pseudo Log-Likelihood	-11193	-9976
N (Observations)	30450	30450
N (Groups)	725	725

 Table C.6: Effect of RTC judge appointment on killed civilians,
 fixed-effects Poisson regression

Population-size is set as exposure (the coefficient of ln(Population) is constrained to 1) to account for varying event likelihood. + p < 0.1 * p < 0.05, ** p < 0.01, *** p < 0.001. Robust standard errors in parentheses.

C.5 ROBUSTNESS CHECKS – DIFFERENCE IN DIFFERENCES ANALYSIS



Figure C.6: Improvement of covariate balance after propensity score weighting



(a) No refinement (killed civilians)



(c) No refinement (other covariates)

Figure C.7: Pre-treatment time trends in covariate balance









Figure C.8: Average treatment effect on treated municipalities for appointments of RTC judges

Estimates are depicted with confidence intervals at the 95% level based on bootstrapping with 5,000 repetitions. Note that the small size of the ATT is a result of the likely underreporting of killed civilians and the resulting excess in zeros on the dependent variable.

References

Abouharb, M. R., Moyer, L. P., & Schmidt, M. (2013). De Facto Judicial Independence and Physical Integrity Rights. *Journal of Human Rights*, *12*(4), 367–396.

Acemoglu, D., Fergusson, L., Robinson, J. A., Romero, D., & Vargas, J. F. (2020). The Perils of High-Powered Incentives: Evidence from Colombia's False Positives. *American Economic Journal: Economic Policy*, *12*(3), 1–43.

Acemoglu, D., & Pischke, J.-S. (2001). Changes in the Wage Structure, Family Income, and Children's Education. *European Economic Review*, *45*(4-6), 890–904.

Albrecht, H. (2005). How Can Opposition Support Authoritarianism? Lessons from Egypt. *Democratization*, *12*(3), 378–397.

Alguíndigue, C., & Pérez-Perdomo, R. (2011). The Inquisitor Strikes Back: Obstacles to the Reform of Criminal Procedure in Revolutionary Venezuela. In L. M. Friedman, R. Pérez-Perdomo, & M. A. Gómez (Eds.), *Law in Many Societies* (pp. 220–228). Stanford, CA: Stanford University Press.

Allison, P. D., & Waterman, R. P. (2002). Fixed-Effects Negative Binomial Regression Models. *Sociological Methodology*, *32*(1), 247–265.

American Bar Association. (2008). *Judicial Selection: The Process of Choosing Judges*. Chicago, IL. Retrieved from https://www.americanbar.org/products/ecd/ebk/217453/

Ananyev, M., & Poyker, M. (2022). Do Dictators Signal Strength with Electoral Fraud? *European Journal of Political Economy*, *71*, Article 102075.

Ariotti, M., Dietrich, S., & Wright, J. G. (2021). Foreign Aid and Judicial Autonomy. *The Review of International Organizations*, *17*(4), 691–715.

Asunka, J., Brierley, S., Golden, M., Kramon, E., & Ofosu, G. (2019). Electoral Fraud or Violence: The Effect of Observers on Party Manipulation Strategies. *British Journal of Political Science*, 49(1), 129–151.

Aydın, A. (2013). Judicial Independence across Democratic Regimes: Understanding the Varying Impact of Political Competition. *Law & Society Review*, 47(1), 105–134.

Bakker, J. W. (1997). *The Philippine Justice System: The Independence and Impartiality of the Judiciary and Human Rights from 1986 till 1997*. Leiden and Geneva: Leiden University and Centre for the Independence of Judges and Lawyers.

Baldwin, C., & Marshall, A. R. (2016, October 18). As Death Roll Rises, Duterte Deploys Dubious Data in 'War on Drugs'. *Reuters*. Retrieved from https://www.reuters.com/investigates/special-report/philippines-duterte-data/

Baldwin, C., & Marshall, A. R. (2017, June 29). Philippine Police Use Hospitals to Hide Drug War Killings. *Reuters*. Retrieved from https://www.reuters.com/investigates/special -report/philippines-duterta-doa/

Baldwin, C., Marshall, A. R., & Sagoli, D. (2016, December 5). Police Rack Up an Almost Perfectly Deadly Record in Philippine Drug War. *Reuters*. Retrieved from https://www.reuters.com/investigates/special-report/philippines-duterte-police/

Barcena, J. C. S. (2010). Checking the Balance of the Separated Powers: A Critical View of De Castro v. JBC. *Philippine Law Journal*, *85*(1), 120–139.

Barros, R. (2008). Courts Out of Context: Authoritarian Sources of Judicial Failure in Chile (1973–1990) and Argentina (1976–1983). In T. Ginsburg & T. Moustafa (Eds.), *Rule by Law* (pp. 156–179). Cambridge: Cambridge University Press.

Barros, R. (2016). On the Outside Looking In: Secrecy and the Study of Authoritarian Regimes. *Social Science Quarterly*, *97*(4), 953–973.

Batalla, E. V. C., Romana, M. S., & Rodrigo, K. (2018). The Judiciary Under Threat. In E. V. C. Batalla & M. R. Thompson (Eds.), *Routledge Handbook of the Contemporary Philippines* (pp. 130–143). London: Taylor and Francis.

Baum, R. (1997). The Road to Tiananmen: Chinese Politics in the 1980s. In R. MacFarquhar (Ed.), *The Politics of China* (pp. 340–371). Cambridge: Cambridge University Press.

BBC News. (2016, August 7). Philippines President Duterte Accuses Judges of Drugs Links. *BBC News*. Retrieved from https://www.bbc.com/news/world-asia-37001916

BBC News. (2019, March 10). North Koreans Vote in 'No-Choice' Parliamentary Elections. *BBC News*. Retrieved from https://www.bbc.com/news/world-asia-47492747

Becker, T. L. (1970). *Comparative Judicial Politics: The Political Functionings of Courts*. Lanham, MD: University Press of America.

Beim, D. (2017). Learning in the Judicial Hierarchy. *The Journal of Politics*, 79(2), 591–604.

Bell, A., & Jones, K. (2015). Explaining Fixed Effects: Random Effects Modeling of Time-Series Cross-Sectional and Panel Data. *Political Science Research and Methods*, *3*(1), 133–153.

Belsley, D. A., Kuh, E., & Welsch, R. E. (1980). *Regression Diagnostics: Identifying Influential Data and Sources of Collinearity*. New York, NY: Wiley.

Belur, J. (2010). *Permission to Shoot? Police Use of Deadly Force in Democracies*. New York, NY: Springer.

Besley, T., & Kudamatsu, M. (2008). Making Autocracy Work. In E. Helpman (Ed.), *Institutions and Economic Performance* (pp. 452–510). Cambridge, MA: Harvard University Press.

Blaydes, L. (2010). *Elections and Distributive Politics in Mubarak's Egypt*. Cambridge: Cambridge University Press.

Bogaards, M. (2009). How to Classify Hybrid Regimes? Defective Democracy and Electoral Authoritarianism. *Democratization*, *16*(2), 399–423.

Bohara, A. K., Mitchell, N. J., Nepal, M., & Raheem, N. (2008). Human Rights Violations, Corruption, and the Policy of Repression. *Policy Studies Journal*, *36*(1), 1–18.

Boix, C., & Svolik, M. W. (2013). The Foundations of Limited Authoritarian Government: Institutions, Commitment, and Power-Sharing in Dictatorships. *The Journal of Politics*, *75*(2), 300–316.

Bonica, A., Chilton, A. S., & Sen, M. (2016). The Political Ideologies of American Lawyers. *Journal of Legal Analysis*, 8(2), 277–335.

Bonica, A., & Sen, M. (2017). The Politics of Selecting the Bench from the Bar: The Legal Profession and Partisan Incentives to Introduce Ideology into Judicial Selection. *Journal of Law and Economics*, *60*(4), 559–595.

Bonneau, C. W., & Cann, D. M. (2015). Party Identification and Vote Choice in Partisan and Nonpartisan Elections. *Political Behavior*, *37*(1), 43–66.

Bopp, J., Jr. (2013). The Perils of Merit Selection. Indian Law Review, 46(1), 87-102.

Boyko, N., & Herron, E. S. (2015). The Effects of Technical Parties and Partisan Election Management Bodies on Voting Outcomes. *Electoral Studies*, 40, 23–33.

Brabante, E. (2009, September 9). *Bar Topnotchers*, 1946-2008. Retrieved from https://elmerrandom.blogspot.com/2009_09_09_archive.html

Brancati, D. (2014). Democratic Authoritarianism: Origins and Effects. *Annual Review of Political Science*, *17*(1), 313–326.

Brassiolo, P., Estrada, R., Fajardo, G., & Martinez-Correa, J. (2021). *Family Rules: Nepotism in the Mexican Judiciary* (CAF - Working Paper No. 2021/09). Retrieved from http://scioteca.caf..com/handle/123456789/1798

Bratton, M., & de van Walle, N. (1997). *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*. Cambridge: Cambridge University Press.

Brehm, J., & Gates, S. (1999). Working, Shirking, and Sabotage: Bureaucratic Response to a Democratic Public. Ann Arbor, MI: University of Michigan Press.

Brierley, S. (2021). Combining Patronage and Merit in Public Sector Recruitment. *The Journal of Politics*, *83*(1), 182–197.
Brinks, D. M. (2003). Informal Institutions and the Rule of Law: The Judicial Response to State Killings in Buenos Aires and Sao Paulo in the 1990s. *Comparative Politics*, *36*(1), 1–19.

Brown, S. (2011). 'Well, What Can You Expect?': Donor Officials' Apologetics for Hybrid Regimes in Africa. *Democratization*, *18*(2), 512–534.

Brownlee, J. (2007). *Authoritarianism in an Age of Democratization*. Cambridge: Cambridge University Press.

Buchheit, G. (1968). *Richter in Roter Robe: Freisler, Präsident des Volksgerichtshofes [Judge in Red Robe: Freisler, President of the People's Court]*. Munich: List.

Buckley, N., & Reuter, O. J. (2019). Performance Incentives under Autocracy: Evidence from Russia's Regions. *Comparative Politics*, *51*(2), 239–258.

Bunce, V. J., & Wolchik, S. L. (2010). Defeating Dictators: Electoral Change and Stability in Competitive Authoritarian Regimes. *World Politics*, *62*(1), 43–86.

Burbank, S. B. (1999). The Architecture of Judicial Independence. *Southern California Law Review*, 72, 315–351.

Burbank, S. B., & Friedman, B. (2002). Reconsidering Judicial Independence. In S. B. Burbank & B. Friedman (Eds.), *Judicial Independence at the Crossroads* (pp. 9–42). Thousand Oaks, CA: SAGE Publications.

Bureau of Jail Management and Penology. (2015). *Congestion Rate at 4.7 Sq.M per Inmates: As of September 2015.* Retrieved from http://bjmp.gov.ph/data/OPNS%20DATA%20SEPT2015/ Congestion%20Rate.pdf

Burkhardt, F., & Libman, A. (2018). The Tail Wagging the Dog? Top-down and Bottom-up Explanations for Bureaucratic Appointments in Authoritarian Regimes. *Russian Politics*, *3*(2), 239–259.

Bürkner, P.-C. (2017). brms : An R Package for Bayesian Multilevel Models Using Stan. *Journal of Statistical Software*, *80*(1), 1–28.

Bürkner, P.-C. (2018). Advanced Bayesian Multilevel Modeling with the R Package brms. *The R Journal*, *10*(1), 395–411.

Bush, S. S., & Prather, L. (2018). Who's There? Election Observer Identity and the Local Credibility of Elections. *International Organization*, *72*(3), 659–692.

Butty, J. (2016, October 12). Nigeria's Corruption Fight Nabs Judges and Justices. *Voice of America*. Retrieved from https://www.voanews.com/a/nigeria-corruption-fight-nabs -judges-and-justices/3547124.html

Cameron, A. C., & Trivedi, P. K. (2010). *Microeconometrics Using Stata* (rev. ed.). College Station, TX: Stata Press.

Cameron, C. M. (2002). Judicial Independence: How Can You Tell It When You See It? And, Who Cares? In S. B. Burbank & B. Friedman (Eds.), *Judicial Independence at the Crossroads* (pp. 134–147). Thousand Oaks, CA: SAGE Publications.

Cameron, C. M., Cover, A. D., & Segal, J. A. (1990). Senate Voting on Supreme Court Nominees: A Neoinstitutional Model. *American Political Science Review*, *84*(2), 525–534.

Canes-Wrone, B., Clark, T. S., & Kelly, J. P. (2014). Judicial Selection and Death Penalty Decisions. *American Political Science Review*, *108*(1), 23–39.

Canlas, J. (2016, December 1). Sereno, JBC Overruled. *The Manila Times*. Retrieved from https://www.manilatimes.net/2016/12/01/news/headlines/sereno-jbc-overruled/299344/

Carey, S. C., Colaresi, M. P., & Mitchell, N. J. (2015). Governments, Informal Links to Militias, and Accountability. *Journal of Conflict Resolution*, *59*(5), 850–876.

Carey, S. C., & Gohdes, A. R. (2021). Understanding Journalist Killings. *The Journal of Politics*, *83*(4), 1216–1228.

Carrubba, C. J., & Zorn, C. (2010). Executive Discretion, Judicial Decision Making, and Separation of Powers in the United States. *The Journal of Politics*, *72*(3), 812–824.

Cassani, A. (2014). Hybrid what? Partial consensus and persistent divergences in the analysis of hybrid regimes. *International Political Science Review*, *35*(5), 542–558.

Champagne, A., & Haydel, J. (Eds.). (1993). *Judicial Reform in the States*. Lanham, MD: University Press of America.

Chang, E., & Golden, M. A. (2010). Sources of Corruption in Authoritarian Regimes. *Social Science Quarterly*, *91*(1), 1–20.

Chang, T.-K., & Lee, J.-W. (1992). Factors Affecting Gatekeepers' Selection of Foreign News: A National Survey of Newspaper Editors. *Journalism Quarterly*, *69*(3), 554–561.

Cheibub, J. A., Gandhi, J., & Vreeland, J. R. (2010). Democracy and Dictatorship Revisited. *Public Choice*, *143*(1-2), 67–101.

Chen, X. (2017). Origins of Informal Coercion in China. Politics & Society, 45(1), 67-89.

Chin, J., Escribà-Folch, A., Song, W., & Wright, J. G. (2022). Reshaping the Threat Environment: Personalism, Coups, and Assassinations. *Comparative Political Studies*, *55*(4), 657–687.

Chin, J., Song, W., & Wright, J. G. (2022). Personalization of Power and Mass Uprisings in Dictatorships. *British Journal of Political Science*, 1–20. Advance online publication. https://doi.org/10.1017/S0007123422000114

Cho, M. (2020). *Rethinking Judicial Independence in Democracy and Autocracy* (Doctoral dissertation). Retrieved from Proquest Digital Dissertations. (No. 28025292).

Cingranelli, D. L., & Richards, D. L. (2010). The Cingranelli and Richards (CIRI) Human Rights Data Project. *Human Rights Quarterly*, *32*(2), 401–424.

Cingranelli, D. L., & Richards, D. L. (2014). *The Cingranelli-Richards (CIRI) Human Rights Data Project Coding Manual: Manual Version 5.20.14.* Retrieved from http://www.humanrightsdata .com/p/data-documentation.html

Colonnelli, E., Teso, E., & Prem, M. (2018). *Patronage in the Allocation of Public Sector Jobs*. Retrieved from https://scholar.harvard.edu/files/edoardoteso/files/edoardoteso_jmp.pdf

Congress of the Philippines. (1981). Batas Pambansa Blg. 129 (The Judiciary Reorganization Act of 1980), sections 15 and 26.

Congress of the Philippines. (1994). *Batas Pambansa Blg. 129 (The Judiciary Reorganization Act of 1980), amended version of 1994: Republic Act No. 7691.*

Congress of the Philippines. (2002). *Comprehensive Dangerous Drugs Act of 2002: Republic Act No.* 9165.

Conrad, C. R. (2014). Divergent Incentives for Dictators: Domestic Institutions and (International Promises Not to) Torture. *Journal of Conflict Resolution*, *58*(1), 34–67.

Conrad, C. R., Hill, D. W., & Moore, W. H. (2018). Torture and the Limits of Democratic Institutions. *Journal of Peace Research*, *55*(1), 3–17.

Conrad, C. R., & Moore, W. H. (2010). What Stops the Torture? *American Journal of Political Science*, 54(2), 459–476.

Constitution of the Republic of Kenya of 2010, article 171. (2010).

Constitution of the Republic of South Africa of 1996, article 178. (1997).

Constitution of the Republic of the Philippines of 1986, article 7, section 15. (1987).

Constitution of the Republic of the Philippines of 1986, article 8, section 11. (1987).

Constitution of the Republic of the Philippines of 1986, article 8, section 8. (1987).

Constitution of the Republic of the Philippines of 1986, article 8, section 9. (1987).

Constitution of the Republic of Uganda of 1995, article 142. (1995).

Constitution of the Republic of Uganda of 1995, article 146. (1995).

Coppedge, M., Gerring, J., Knutsen, C. H., Lindberg, S. I., Teorell, J., Alizada, N., ... Ziblatt, D. (2021). *V-Dem [Country-Year/Country-Date] Dataset 11.1.* Varieties of Democracy (V-Dem) Project. Retrieved from https://www.v-dem.net/

Coppedge, M., Gerring, J., Knutsen, C. H., Lindberg, S. I., Teorell, J., Altman, D., ... Ziblatt, D. (2021). *V-Dem Codebook v11.1*. Varieties of Democracy (V-Dem) Project. Retrieved from https://www.v-dem.net/

Coppedge, M., Gerring, J., Knutsen, C. H., Lindberg, S. I., Teorell, J., Marquardt, K. L., ... Wilson, S. (2021). *V-Dem Methodology v11.1.* Varieties of Democracy (V-Dem) Project. Retrieved from https://www.v-dem.net/

Corduneanu-Huci, C. (2019). Autocratic Checks and Balances? Trust in Courts and Bureaucratic Discretion. *Democratization*, 26(4), 561–584.

Correlates of War Project. (2017). *State System Membership List: Version 2016.* Retrieved from http://correlatesofwar.org

Cox, A. (1996). The Independence of the Judiciary: History and Purposes. *University of Dayton Law Review*, *21*(3), 565–584.

Cox, G. W. (2009). *Authoritarian Elections and Leadership Succession, 1975-2004.* Paper Prepared for the 2009 Annual Meeting of the American Political Science Association, Toronto, CA. Retrieved from https://ssrn.com/abstract=1449034

Crabtree, C., & Fariss, C. J. (2015). Uncovering Patterns Among Latent Variables: Human Rights and De Facto Judicial Independence. *Research & Politics*, 2(3), 1–9.

Crabtree, C., & Nelson, M. J. (2017). New Evidence for a Positive Relationship between De Facto Judicial Independence and State Respect for Empowerment Rights. *International Studies Quarterly*, *61*(1), 210–224.

Crank, J. P. (1998). Understanding Police Culture. Cincinnati, OH: Anderson Publishing.

Cruz, C., Labonne, J., & Querubin, P. (2020). Social Network Structures and the Politics of Public Goods Provision: Evidence from the Philippines. *American Political Science Review*, *114*(2), 486–501.

Cupin, B. (2017, November 29). At Sereno Impeachment Hearing, Fariñas Brings up Flaws in JBC. *Rappler*. Retrieved from https://www.rappler.com/nation/189865-farinas-sereno-impeachment-jbc/

Cupin, B. (2018, February 12). SC Justices Decry 'Manipulation, Injustice' of Sereno Inclusion in JBC List. *Rappler*. Retrieved from https://rappler.com/nation/sereno-impeachment-jbc -include-saln-peralta

Curato, N. (2016). Politics of Anxiety, Politics of Hope: Penal Populism and Duterte's Rise to Power. *Journal of Current Southeast Asian Affairs*, *35*(3), 91–109.

Dahl, R. A. (1957). Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker. *Journal of Public Law*, 6(2), 279–295.

David, C. C., Mendoza, R. U., Atun, J. M. L., Cossid, R. P. N., & Soriano, C. R. R. (2018). *The Philippines' Anti-Drug Campaign: Building a Dataset of Publicly-Available Information on Killings Associated with the Anti-Drug Campaign* (ASOG Working Paper No. 18-001). Retrieved from https://archium.ateneo.edu/asog-pubs/37/

Daxecker, U. E., Di Salvatore, J., & Ruggeri, A. (2019). Fraud Is What People Make of It: Election Fraud, Perceived Fraud, and Protesting in Nigeria. *Journal of Conflict Resolution*, *63*(9), 2098–2127.

de Chaisemartin, C., & D'Haultfœuille, X. (2020). Two-Way Fixed Effects Estimators with Heterogeneous Treatment Effects. *American Economic Review*, *110*(9), 2964–2996.

Deinla, I. (2021). Filipino Women Judges and Their Role in Advancing Judicial Independence in the Philippines. In M. Crouch (Ed.), *Women and the Judiciary in the Asia-Pacific* (pp. 178–208). Cambridge University Press.

DeMeritt, J. H. R. (2015). Delegating Death: Military Intervention and Government Killing. *The Journal of Conflict Resolution*, *59*(3), 428–454.

DeMeritt, J. H. R., & Conrad, C. R. (2019). Repression Substitution: Shifting Human Rights Violations in Response to UN Naming and Shaming. *Civil Wars*, *21*(1), 128–152.

Devine, D. J. (2012). *Jury Decision Making: The State of the Science*. New York, NY: New York University Press.

Devins, N., & Baum, L. (2017). Split Definitive: How Party Polarization Turned the Supreme Court Into a Partisan Court. *The Supreme Court Review*, *2016*, 301–365.

Diamond, L. J. (2002). Thinking About Hybrid Regimes. Journal of Democracy, 13(2), 21-35.

Diamond, L. J. (2008). The Democratic Rollback: The Resurgence of the Predatory State. *Foreign Affairs*, *87*(2), 36–48.

Dimitrov, M. K. (2014). What the Party Wanted to Know. *East European Politics and Societies*, 28(2), 271–295.

Dimitrov, M. K. (2015). Internal Government Assessments of the Quality of Governance in China. *Studies in Comparative International Development*, *50*(1), 50–72.

Distelhorst, G., & Hou, Y. (2017). Constituency Service under Nondemocratic Rule: Evidence from China. *The Journal of Politics*, *79*(3), 1024–1040.

Dobson, W. J. (2012). *The Dictator's Learning Curve: Inside the Global Battle for Democracy*. New York, NY: Doubleday.

Donno, D. (2013). Elections and Democratization in Authoritarian Regimes. *American Journal of Political Science*, *57*(3), 703–716.

Dragu, T., & Lupu, Y. (2018). Collective Action and Constraints on Repression at the Endgame. *Comparative Political Studies*, *51*(8), 1042–1073.

Drazen, A., & Eslava, M. (2005). *Electoral Manipulation via Expenditure Composition: Theory and Evidence* (NBER Working Paper Series No. 11085). Retrieved from https://www.nber.org/papers/w11085

Dressel, B., & Inoue, T. (2018). Informal Networks and Judicial Decisions: Insights from the Supreme Court of the Philippines, 1986–2015. *International Political Science Review*, *39*(5), *616–633*.

Driscoll, B. (2018). Why Political Competition Can Increase Patronage. *Studies in Comparative International Development*, 53(4), 404–427.

Dubois, P. L. (1980). From Ballot to Bench: Judicial Elections and the Quest for Accountability. Austin, TX: University of Texas Press.

Dukalskis, A., & Gerschewski, J. (2017). What Autocracies Say (and What Citizens Hear): Proposing Four Mechanisms of Autocratic Legitimation. *Contemporary Politics, 23*(3), 251–268.

Durante, R., Labartino, G., & Perotti, R. (2011). *Academic Dynasties: Decentralization and Familism in the Italian Academia* (NBER Working Paper Series No. 17572). Retrieved from https://www.nber.org/papers/w17572

Dzmitryieva, A. (2021). Becoming a Judge in Russia: An Analysis of Judicial Biographies. *Europe-Asia Studies*, *73*(1), 131–156.

Eck, K. (2012). In Data We Trust? A Comparison of UCDP GED and ACLED Conflict Events Datasets. *Cooperation and Conflict*, 47(1), 124–141.

Egorov, G., Guriev, S., & Sonin, K. (2009). Why Resource-Poor Dictators Allow Freer Media: A Theory and Evidence from Panel Data. *American Political Science Review*, *103*(4), 645–668.

Egorov, G., & Sonin, K. (2011). Dictators and Their Viziers: Endogenizing the Loyalty-Competence Trade-Off. *Journal of the European Economic Association*, *9*(5), 903–930.

Ehteshami, A. (2003). Reform From Above: The Politics of Participation in the Oil Monarchies. *International Affairs*, *79*(1), 53–75.

Elkins, Z., & Ginsburg, T. (2021). *Characteristics of National Constitutions: Version 3.0.* Retrieved from https://comparativeconstitutionsproject.org/

Englehart, N. A. (2009). State Capacity, State Failure, and Human Rights. *Journal of Peace Research*, 46(2), 163–180.

Epperly, B. (2013). The Provision of Insurance? Journal of Law and Courts, 1(2), 247-278.

Epperly, B. (2017). Political Competition and De Facto Judicial Independence in Non-Democracies. *European Journal of Political Research*, *56*(2), 279–300.

Epperly, B. (2019). *The Political Foundations of Judicial Independence in Dictatorship and Democracy*. Oxford, UK: Oxford University Press.

Epperly, B., & Sievert, J. M. (2019). Conflict and Courts: Civil War and Judicial Independence Across Democracies. *Political Research Quarterly*, *72*(3), 700–713.

Epstein, L., & Knight, J. (1998). The Choices Justices Make. Washington, D.C.: CQ Press.

Epstein, L., Martin, A. D., Quinn, K. M., & Segal, J. A. (2007). Ideological Drift among Supreme Court Justices: Who, When, and How Important. *Northwestern University Law Review*, *101*(4), 1483–1542.

Epstein, L., & Segal, J. A. (2007). *Advice and Consent: The Politics of Judicial Appointments*. Oxford, UK: Oxford University Press.

Esberg, J. (2021). Anticipating Dissent: The Repression of Politicians in Pinochet's Chile. *The Journal of Politics*, *83*(2), 689–705.

Escresa, L., & Garoupa, N. (2013). Testing the Logic of Strategic Defection: The Case of the Philippine Supreme Court—An Empirical Analysis (1986–2010). *Asian Journal of Political Science*, *21*(2), 189–212.

Escribà-Folch, A., Böhmelt, T., & Pilster, U. (2020). Authoritarian Regimes and Civil–Military Relations: Explaining Counterbalancing in Autocracies. *Conflict Management and Peace Science*, *37*(5), 559–579.

Escribà-Folch, A., & Wright, J. G. (2010). Dealing with Tyranny: International Sanctions and the Survival of Authoritarian Rulers. *International Studies Quarterly*, *54*(2), 335–359.

Escribà-Folch, A., & Wright, J. G. (2015). Human Rights Prosecutions and Autocratic Survival. *International Organization*, *69*(2), 343–373.

Fafchamps, M., & Labonne, J. (2017). Do Politicians' Relatives Get Better Jobs? Evidence from Municipal Elections. *The Journal of Law, Economics, and Organization*, *33*(2), 268–300.

Feld, L. P., & Voigt, S. (2003). Economic Growth and Judicial Independence: Cross-Country Evidence Using a New Set of Indicators. *European Journal of Political Economy*, *19*(3), 497–527.

Ferejohn, J. (1999). Independent Judges, Dependent Judiciary: Explaining Judicial Independence. *Southern California Law Review*, *72*(2/3), 353–384.

Fitzpatrick, B. T. (2009). The Politics of Merit Selection. Missouri Law Review, 74(3), 675-710.

Fitzpatrick, B. T. (2017). The Ideological Consequences of Selection: A Nationwide Study of the Methods of Selecting Judges. *Vanderbilt Law Review*, *70*(6), 1729–1754.

Fjelde, H., & Hegre, H. (2014). Political Corruption and Institutional Stability. *Studies in Comparative International Development*, *49*(3), 267–299.

Fox, R., & van Sickel, R. (2000). Gender Dynamics and Judicial Behavior in Criminal Trial Courts: An Exploratory Study. *The Justice System Journal*, *21*(3), 261–280. Frantz, E., Ezrow, N. M., & Ezrow, N. M. (2011). *The Politics of Dictatorship: Institutions and Outcomes in Authoritarian Regimes.* Boulder, CO: Lynne Rienner Publishers.

Frantz, E., Kendall-Taylor, A., Wright, J. G., & Xu, X. (2020). Personalization of Power and Repression in Dictatorships. *The Journal of Politics*, *82*(1), 372–377.

Freedom House. (2019). *Freedom in the World 2019: Democracy in Retreat*. Retrieved from https://freedomhouse.org/sites/default/files/Feb2019_FH_FITW_2019_Report _ForWeb-compressed.pdf

Gadsden, A. E. (2022, April 25). China's 'Zero Covid' Policy is a Big Liability for Xi Jinping. *Foreign Policy in Focus*. Retrieved from https://fpif.org/chinas-zero-covid-policy-is-a -big-liability-for-xi-jinping/

Gagliarducci, S., & Manacorda, M. (2020). Politics in the Family: Nepotism and the Hiring Decisions of Italian Firms. *American Economic Journal: Applied Economics*, *12*(2), 67–95.

Gallegos, Y. (2020). *Carrot or Stick? Examining the Effect of Judicial Independence and Repression on Authoritarian Regime Stability and Leader Survival* (Doctoral dissertation). Retrieved from Proquest Digital Dissertations. (No. 28830678).

Galtung, J. (1996). *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*. Oslo: SAGE Publications.

Galtung, J., & Ruge, M. H. (1965). The Structure of Foreign News. *Journal of Peace Research*, *2*(1), 64–90.

Gandhi, J. (2008). Political Institutions Under Dictatorship. Cambridge: Cambridge University Press.

Gandhi, J., & Lust-Okar, E. (2009). Elections Under Authoritarianism. *Annual Review of Political Science*, *12*(1), 403–422.

Gandhi, J., Noble, B., & Svolik, M. W. (2020). Legislatures and Legislative Politics Without Democracy. *Comparative Political Studies*, *53*(9), 1359–1379.

Gandhi, J., & Przeworski, A. (2006). Cooperation, Cooptation, and Rebellion under Dictatorships. *Economics and Politics*, *18*(1), 1–26.

Gandhi, J., & Przeworski, A. (2007). Authoritarian Institutions and the Survival of Autocrats. *Comparative Political Studies*, 40(11), 1279–1301.

Gans, H. J. (1980). Deciding What's News: A Study of CBS Evening News, NBC Nightly News, Newsweek, and Time. London: Constable.

Garoupa, N., & Ginsburg, T. (2009). Guarding the Guardians: Judicial Councils and Judicial Independence. *American Journal of Comparative Law*, *57*(1), 103–134.

Geddes, B. (1999). What Do We Know About Democratization After Twenty Years? *Annual Review of Political Science*, *2*(1), 115–144.

Geddes, B. (2003). Paradigms and Sand Castles. Ann Arbor, MI: University of Michigan Press.

Geddes, B., Wright, J. G., & Frantz, E. (2014). Autocratic Breakdown and Regime Transitions: A New Data Set. *Perspectives on Politics*, *12*(02), 313–331.

Geddes, B., Wright, J. G., & Frantz, E. (2018). *How Dictatorships Work: Power, Personalization, and Collapse.* Cambridge: Cambridge University Press.

Geerling, W., Magee, G., Mishra, V., & Smyth, R. (2018). Hitler's Judges: Ideological Commitment and the Death Penalty in Nazi Germany. *The Economic Journal*, *128*(614), 2414–2449.

Gehlbach, S., & Simpser, A. (2015). Electoral Manipulation as Bureaucratic Control. *American Journal of Political Science*, *59*(1), 212–224.

Gerhart, E. C. (1958). *America's Advocate: Robert H. Jackson*. Indianapolis, IN and New York, NY: Bobbs Merrill Company.

Gerschewski, J. (2013). The Three Pillars of Stability: Legitimation, Repression, and Co-Optation in Autocratic Regimes. *Democratization*, *20*(1), 13–38.

Ginsburg, T. (2008). Administrative Law and the Judicial Control of Agents in Authoritarian Regimes. In T. Ginsburg & T. Moustafa (Eds.), *Rule by Law* (pp. 58–72). Cambridge: Cambridge University Press.

Ginsburg, T., & Moustafa, T. (Eds.). (2008). *Rule by Law: The Politics of Courts in Authoritarian Regimes.* Cambridge: Cambridge University Press.

Gitta, A. (2016, June 7). Uganda's New Cabinet: Old Hands and Family Ties. *Deutsche Welle*. Retrieved from https://p.dw.com/p/1J20F

Gleditsch, N., Wallensteen, P., Eriksson, M., Sollenberg, M., & Strand, H. (2002). Armed Conflict 1946-2001: A New Dataset. *Journal of Peace Research*, *39*(5), 615–637.

Glick, H. R. (1978). The Promise and the Performance of the Missouri Plan: Judicial Selection in the Fifty States. *University of Miami Law Review*, *32*(3), 509–542.

Goelzhauser, G. (2016). *Choosing State Supreme Court Justices*. Philadelphia, PA: Temple University Press.

Goelzhauser, G. (2018). Does Merit Selection Work? Evidence from Commission and Gubernatorial Choices. *Journal of Law and Courts*, *6*(1), 155–187.

Golden, M. A. (2003). Electoral Connections: The Effects of the Personal Vote on Political Patronage, Bureaucracy and Legislation in Postwar Italy. *British Journal of Political Science*, *33*(2), 189–212.

Gonzales, J., & Cabigao, F., Jr. (2016). War on Drugs: The Unheard Stories: 'Oplan Tokhang': From Tagging to Killing. *ABS-CBN News*. Retrieved from https://news.abs-cbn.com/war-on -drugs/part4 Goodliffe, J., & Hawkins, D. G. (2006). Explaining Commitment: States and the Convention Against Torture. *The Journal of Politics, 68*(2), 358–371.

Gorlizki, Y. (1997). Political Reform and Local Party Interventions Under Khrushchev. In P. H. Solomon Jr. (Ed.), *Reforming Justice in Russia, 1864 - 1996* (pp. 256–281). Armonk, NY: Sharpe.

Gosling, T. (2019, May 31). Hungary Scraps Parallel Justice System Plans After EU Failure. *Al Jazeera*. Retrieved from https://www.aljazeera.com/news/2019/5/31/hungary-scraps -parallel-justice-system-plans-after-eu-failure

Government of the Philippines. (2022). *Open Data Philippines*. Retrieved from http://data.gov .ph

Graber, M. A. (1993). The Nonmajoritarian Difficulty: Legislative Deference to the Judiciary. *Studies in American Political Development*, 7(1), 35–73.

Grant, R. W., & Keohane, R. O. (2005). Accountability and Abuses of Power in World Politics. *American Political Science Review*, *99*(1), 29–43.

Grundholm, A. T. (2020). Taking it Personal? Investigating Regime Personalization as an Autocratic Survival Strategy. *Democratization*, *27*(5), 797–815.

Grzymala-Busse, A. M. (2002). *Redeeming the Communist Past: The Regeneration of Communist Parties in East Central Europe*. Cambridge: Cambridge University Press.

Guriev, S., & Treisman, D. (2019). Informational Autocrats. *Journal of Economic Perspectives*, 33(4), 100–127.

Haber, S. H., Razo, A., & Maurer, N. (2003). *The Politics of Property Rights: Political Instability, Credible Commitments, and Economic Growth in Mexico, 1876 - 1929.* New York, NY: Cambridge University Press.

Hadenius, A., & Teorell, J. (2007). Pathways from Authoritarianism. *Journal of Democracy*, 18(1), 143–157.

Haggard, S., & Kaufman, R. (2021). The Anatomy of Democratic Backsliding. *Journal of Democracy*, *32*(4), 27–41.

Hall, M. G., & Bonneau, C. W. (2006). Does Quality Matter? Challengers in State Supreme Court Elections. *American Journal of Political Science*, *50*(1), 20–33.

Halmai, G. (2017). The Early Retirement Age of the Hungarian Judges. In F. Nicola & B. Davies (Eds.), *EU Law Stories* (pp. 471–488). Cambridge: Cambridge University Press.

Hanusch, M., & Keefer, P. (2013). *Promises, Promises: Vote-Buying and the Electoral Mobilization Strategies of Non-Credible Politicians* (Policy Research Working Paper No. 6653). Retrieved from http://documentsl.worldbank.org/curated/en/175361468152722912/pdf/WPS6653.pdf

Harcup, T., & O'Neill, D. (2001). What Is News? Galtung and Ruge Revisited. *Journalism Studies*, 2(2), 261–280.

Harvey, C. J. (2016). Changes in the Menu of Manipulation: Electoral Fraud, Ballot Stuffing, and Voter Pressure in the 2011 Russian Election. *Electoral Studies*, *41*, 105–117.

Harvey, C. J. (2022). Can Courts in Nondemocracies Deter Election Fraud? De Jure Judicial Independence, Political Competition, and Election Integrity. *American Political Science Review*, 1–15. Advance online publication. https://doi.org/10.1017/S0003055422000090

Haschke, P. (2017). Human Rights in Democracies. London: Routledge.

Hasen, R. L. (2019). Polarization and the Judiciary. *Annual Review of Political Science*, 22(1), 261–276.

Hassel, F. (2018, March 7). Rat der Unqualifizierten [Council of the Unqualified]. *Süddeutsche Zeitung*. Retrieved from https://www.sueddeutsche.de/politik/polen-rat-der -unqualifizierten-1.3896458

Hausegger, L., Riddell, T., & Hennigar, M. (2013). Does Patronage Matter? Connecting Influences on Judicial Appointments with Judicial Decision Making. *Canadian Journal of Political Science*, *46*(3), 665–690.

Hausman, D., & Kronick, D. (2021). *When Police Sabotage Reform by Switching Tactics*. Retrieved from https://ssrn.com/abstract=3192908

Hayo, B., & Voigt, S. (2007). Explaining De Facto Judicial Independence. *International Review of Law and Economics*, 27(3), 269–290.

Hayo, B., & Voigt, S. (2019). The Long-Term Relationship Between De Jure and De Facto Judicial Independence. *Economics Letters*, *183*(33), Article No. 108603.

Heckman, J. J. (1979). Sample Selection Bias as a Specification Error. *Econometrica*, 47(1), 153–161.

Helmke, G. (2002). The Logic of Strategic Defection: Court–Executive Relations in Argentina Under Dictatorship and Democracy. *American Political Science Review*, *96*(2), 291–303.

Helmke, G. (2005). *Courts Under Constraints: Judges, Generals, and Presidents in Argentina*. Cambridge: Cambridge University Press.

Hendley, K. (2009). 'Telephone Law' and the 'Rule of Law': The Russian Case. *Hague Journal on the Rule of Law*, 1(2), 241–262.

Henisz, W. J. (2002). The Institutional Environment for Infrastructure Investment. *Industrial and Corporate Change*, *11*(2), 355–389.

Henschen, B. M., Moog, R., & Davis, S. (1990). Judicial Nominating Commissioners: A National Profile. *Judicature*, *73*(6), 328–334.

Herb, M. (1999). *All in the Family: Absolutism, Revolution, and Democracy in the Middle Eastern Monarchies.* Albany, NY: State University of New York Press.

Hessbruegge, J. A. (2017). *Human Rights and Personal Self-Defense in International Law*. New York, NY: Oxford University Press.

Hincks, J. (2016, November 8). Philippines: Inside Duterte's Killer Drug War. Al Jazeera. Retrieved from http://www.aljazeera.com/indepth/features/2016/09/ philippines-duterte-killer-drug-war-160905094258461.html

Hirschl, R. (2004). *Towards Juristocracy: The Origins and Consequences of the New Constitutionalism*. Cambridge, MA: Harvard University Press.

Hodder, R. (2009). Political Interference in the Philippine Civil Service. *Environment and Planning C: Government and Policy*, *27*(5), 766–782.

Hollyer, J. R., Rosendorff, B. P., & Vreeland, J. R. (2019). Why Do Autocrats Disclose? Economic Transparency and Inter-Elite Politics in the Shadow of Mass Unrest. *Journal of Conflict Resolution*, *63*(6), 1488–1516.

Hollyer, J. R., & Wantchekon, L. (2015). Corruption and Ideology in Autocracies. *Journal of Law, Economics, and Organization*, *31*(3), 499–533.

Holmes, R. D. (2016). The Dark Side of Electoralism: Opinion Polls and Voting in the 2016 Philippine Presidential Election. *Journal of Current Southeast Asian Affairs*, 35(3), 15–38.

Holmstrom, B. (1979). Moral Hazard and Observability. The Bell Journal of Economics, 10(1), 74-91.

Howard, M. M., & Roessler, P. G. (2006). Liberalizing Electoral Outcomes in Competitive Authoritarian Regimes. *American Journal of Political Science*, *50*(2), 365–381.

Howard, R. M., & Carey, H. F. (2004). Is an Independent Judiciary Necessary for Democracy? *Judicature*, 87(6), 284–290.

Howson, N. C. (2010). Judicial Independence and the Company Law in the Shanghai Courts. In R. P. Peerenboom (Ed.), *Judicial Independence in China* (pp. 134–153). Cambridge: Cambridge University Press.

Hu, S., & Conrad, C. R. (2020). Monitoring Via the Courts: Judicial Oversight and Police Violence in India. *International Studies Quarterly*, *64*(3), 699–709.

Human Rights Watch. (1999). Confessions at any Cost: Police Torture in Russia. New York, NY.

Human Rights Watch. (2019). *Philippines: Events of 2018*. Retrieved from https://www.hrw.org/world-report/2019/country-chapters/philippines

Hyde, S. D. (2011). *The Pseudo-Democrat's Dilemma: Why Election Observation Became an International Norm*. Ithaca, NY: Cornell University Press. Ikhilae, E. (2017, October 2). NJC to Probe 15 Judges. *The Nation*. Retrieved from https://thenationonlineng.net/njc-probe-15-judges/amp/

Ilie, S., & Rose, P. (2016). Is Equal Access to Higher Education in South Asia and Sub-Saharan Africa Achievable by 2030? *Higher Education*, *72*(4), 435–455.

Imai, K., & Kim, I. S. (2021). On the Use of Two-Way Fixed Effects Regression Models for Causal Inference with Panel Data. *Political Analysis*, 29(3), 405–415.

Imai, K., Kim, I. S., & Wang, E. (2020). *Matching Methods for Causal Inference with Time-Series Cross-Sectional Data*. Retrieved from http://web.mit.edu/insong/www/pdf/tscs.pdf

International Bar Association. (2016). *The International Bar Association Judicial Integrity Initiative: Judicial Systems and Corruption*. Retrieved from https://www.ibanet.org/Document/Default .aspx?DocumentUid=F856E657-A4FC-4783-806E-6AAC6895D37F

International Commission of Jurists. (2008). *Attacks on Justice: Federal Republic of Nigeria*. Retrieved from https://www.icj.org/wp-content/uploads/2012/04/Nigeria-Attack-on-Justice -5-Publication-2008.pdf

Jackson, J. L., Hall, S. L., & Hill, D. W. (2018). Democracy and Police Violence. *Research & Politics*, 5(1), 1–8.

Jackson, R. H., & Rosberg, C. G. (1984). Personal Rule: Theory and Practice in Africa. *Comparative Politics*, *16*(4), 421–442.

Janis, I. L. (1972). *Victims of Groupthink: A Psychological Study of Foreign-Policy Decision and Fiascoes*. Boston, MA: Houghton Mifflin.

Jimeno, J. F. (1999, October 4-5). *Commission on Appointments is a "Horse-trading Agency"*. Philippine Center for Investigative Journalism. Retrieved from https://web.archive.org/web/20100710163747/https://pcij.org/stories/1999/ca.html

Judicial and Bar Council. (2019a). *Considered Applicants for MTC, La Trinidad, Benguet: Application Period: 9 Februrary 2019 - 26 March 2019.* Retrieved from https://jbc.judiciary.gov.ph/pdffolder/considered/2019/Considered_MTC_R1_7-5-19.pdf

Judicial and Bar Council. (2019b). Considered Applicants for Regional Trial Courts in the NCJR & Region III: Application Period: 9 February 2019 - 26 March 2019. Retrieved from https://jbc.judiciary.gov.ph/pdffolder/considered/2019/Considered_RTC__NCJR&R3_7-5-19.pdf

Kalyvas, S. N. (2004). The Urban Bias in Research on Civil Wars. Security Studies, 13(3), 160–190.

Keith, L. C. (2002). Judicial Independence and Human Rights Protection Around the World. *Judicature*, *85*(4), 194–200.

Keith, L. C. (2012). *Political Repression: Courts and the Law*. Philadelphia, PA: University of Penn-sylvania Press.

Kim, I. S., Rauh, A., Wang, E., & Imai, K. (2021). *PanelMatch*. CRAN. Retrieved from https://cran.r-project.org/package=PanelMatch

Kim, N. K. (2021). Illiberalism of Military Regimes. In A. Sajó, R. Uitz, & S. Holmes (Eds.), *Routledge Handbook of Illiberalism* (pp. 571–581). New York, NY: Routledge.

Kim, N. K., & Sudduth, J. K. (2021). Political Institutions and Coups in Dictatorships. *Comparative Political Studies*, *54*(9), 1597–1628.

King, G., Pan, J., & Roberts, M. E. (2013). How Censorship in China Allows Government Criticism but Silences Collective Expression. *American Political Science Review*, *107*(2), 326–343.

Kirby, P. (2022, March 3). Ukraine Conflict: Who's in Putin's Inner Circle and Running the War? *BBC News*. Retrieved from https://www.bbc.com/news/world-europe-60573261

Klerman, D. M. (2005). The Value of Judicial Independence: Evidence from Eighteenth Century England. *American Law and Economics Review*, 7(1), 1–27.

Kornhauser, L. A. (2002). Is Judicial Independence a Useful Concept? In S. B. Burbank & B. Friedman (Eds.), *Judicial Independence at the Crossroads* (pp. 45–55). Thousand Oaks, CA: SAGE Publications.

Kreuzer, P. (2018). Excessive Use of Deadly Force by Police in the Philippines Before Duterte. *Journal of Contemporary Asia*, 48(4), 671–684.

La Porta, R., López-de Silanes, F., Pop-Eleches, C., & Shleifer, A. (2004). Judicial Checks and Balances. *Journal of Political Economy*, *112*(2), 445–470.

Lagacé, C. B., & Gandhi, J. (2015). Authoritarian Institutions. In J. Gandhi (Ed.), *Routledge Handbook of Comparative Political Institutions* (pp. 278–291). London: Routledge.

Landes, W. M., & Posner, R. A. (1975). The Independent Judiciary in an Interest-Group Perspective. *Journal of Law & Economics*, 18(3), 875–901.

Landry, P. F. (2008). Decentralized Authoritarianism in China: The Communist Party's Control of Local Elites in the Post-Mao Era. Cambridge: Cambridge University Press.

Leonhardt, D. (2022, September 17). 'A Crisis Coming': The Twin Threats to American Democracy. *The New York Times*. Retrieved from https://www.nytimes.com/2022/09/17/us/american-democracy-threats.html

Levitsky, S., & Way, L. A. (2002). Elections Without Democracy: The Rise of Competitive Authoritarianism. *Journal of Democracy*, *13*(2), 51–65.

Levitsky, S., & Way, L. A. (2015). The Myth of Democratic Recession. *Journal of Democracy*, *26*(1), 45–58.

Levitsky, S., & Ziblatt, D. (2018). How Democracies Die. London: Penguin Books.

Levy, J. S. (2008). Case Studies: Types, Designs, and Logics of Inference. *Conflict Management and Peace Science*, 25(1), 1–18.

Lewin, K. M. (2009). Access to Education in Sub–Saharan Africa: Patterns, Problems and Possibilities. *Comparative Education*, *45*(2), 151–174.

Lichtman, R. M. (2012). *The Supreme Court and McCarthy-Era Repression: One Hundred Decisions*. Urbana, IL: University of Illinois Press.

Lindberg, S. I. (2006). *Democracy and Elections in Africa: The Power of Elections*. Baltimore, MD: Johns Hopkins University Press.

Lindberg, S. I. (Ed.). (2009). *Democratization by Elections: A New Mode of Transition*. Baltimore, MD: Johns Hopkins University Press.

Linz, J. J. (2000). Totalitarian and Authoritarian Regimes. Boulder, CO: Lynne Rienner Publishers.

Linzer, D. A., & Staton, J. K. (2015). A Global Measure of Judicial Independence, 1948–2012. *Journal of Law and Courts*, *3*(2), 223–256.

Liu, E., Lu, Y., Peng, W., & Wang, S. (2022). Judicial Independence, Local Protectionism, and Economic Integration: Evidence from China (Working Paper No. 2022-120). Retrieved from https://bfi.uchicago.edu/working-paper/judicial-independence-local -protectionism-and-economic-integration-evidence-from-china/

Løken, K. V., Mogstad, M., & Wiswall, M. (2012). What Linear Estimators Miss: The Effects of Family Income on Child Outcomes. *American Economic Journal: Applied Economics*, 4(2), 1–35.

Lorentzen, P. (2014). China's Strategic Censorship. *American Journal of Political Science*, 58(2), 402–414.

Lorentzen, P., & Lu, X. (2018). *Personal Ties, Meritocracy, and China's Anti-Corruption Campaign*. Retrieved from https://ssrn.com/abstract=2835841

Lust-Okar, E. (2005). *Structuring Conflict in the Arab World: Incumbents, Opponents, and Institutions*. Cambridge: Cambridge University Press.

Lust-Okar, E. (2006). Elections Under Authoritarianism: Preliminary Lessons from Jordan. *Democratization*, *13*(3), 456–471.

Lyman, R. (2017, December 8). The Polish Parliament Reshapes Courts, Drawing Criticism. *The New York Times*. Retrieved from https://www.nytimes.com/2017/12/08/world/europe/poland -laws-courts.html

Macaraig, A. (2015, October 12). Strange 2016 Poll Circus Exposes Weak PH Parties. *Rap-pler*. Retrieved from https://www.rappler.com/nation/elections/108898-strange-ph -elections-2016/

Magaloni, B. (2006). *Voting for Autocracy: Hegemonic Party Survival and its Demise in Mexico*. Cambridge: Cambridge University Press.

Magaloni, B. (2008a). Credible Power-Sharing and the Longevity of Authoritarian Rule. *Comparative Political Studies*, *41*(4-5), 715–741.

Magaloni, B. (2008b). Enforcing the Autocratic Political Order and the Role of Courts: The Case of Mexico. In T. Ginsburg & T. Moustafa (Eds.), *Rule by Law.* Cambridge: Cambridge University Press.

Magaloni, B., & Kricheli, R. (2010). Political Order and One-Party Rule. *Annual Review of Political Science*, *13*(1), 123–143.

Maghraoui, A. (2001). Monarchy and Political Reform in Morocco. *Journal of Democracy*, *12*(1), 73–86.

Malesky, E., & Schuler, P. (2010). Nodding or Needling: Analyzing Delegate Responsiveness in an Authoritarian Parliament. *American Political Science Review*, *104*(3), 482–502.

Malesky, E., & Schuler, P. (2011). The Single-Party Dictator's Dilemma: Information in Elections Without Opposition. *Legislative Studies Quarterly*, *36*(4), 491–530.

Manion, M. (2015). *Information for Autocrats: Representation in Chinese Local Congresses*. New York, NY: Cambridge University Press.

Marshall, M. G., & Gurr, T. R. (2020). *Polity5: Political Regime Characteristics and Transitions,* 1800-2018. Retrieved from https://www.systemicpeace.org/

Maru, D. (2018, December 5). CHR Chief: Drug War Deaths Could Be as High as 27,000. *ABS-CBN News*. Retrieved from https://news.abs-cbn.com/focus/12/05/18/chr-chief-drug-war-deaths-could-be-as-high-as-27000

Mayer, A. E. (2002). Conundrums in Constitutionalism: Islamic Monarchies in an Era of Transition. UCLA Journal of Islamic and Near Eastern Law, 1(2), 183–228.

McCoy, A. W. (2009). Preface: The Philippine Oligarchy at the Turn of the Twenty-First Century. In A. W. McCoy (Ed.), *An Anarchy of Families* (pp. xi–xxx). Madison, WI: University of Wisconsin Press.

McCubbins, M. D., & Schwartz, T. (1984). Congressional Oversight Overlooked: Police Patrols Versus Fire Alarms. *American Journal of Political Science*, *28*(1), 165–179.

Melton, J., & Ginsburg, T. (2014). Does De Jure Judicial Independence Really Matter? *Journal of Law and Courts*, 2(2), 187–217.

Menaldo, V. (2012). The Middle East and North Africa's Resilient Monarchs. *The Journal of Politics*, 74(3), 707–722.

Meyer, P. (2021). Promoted Media Coverage of Court Decisions: Media Gatekeeping of Court Press Releases and the Role of News Values. *Journalism Studies*, *22*(6), 723–740.

Miller, A. L. (2008). Institutionalization and the Changing Dynamics of Chinese Leadership Politics. In C. Li (Ed.), *China's Changing Political Landscape* (pp. 61–79). Washington, D.C.: Brookings Institution Press.

Miller, G. J. (2005). The Political Evolution of Principal-Agent Models. *Annual Review of Political Science*, 8(1), 203–225.

Miller, M. K. (2020). The Strategic Origins of Electoral Authoritarianism. *British Journal of Political Science*, *50*(1), 17–44.

Mitchell, N. J. (2004). *Agents of Atrocity: Leaders, Followers, and the Violation of Human Rights in Civil War*. New York, NY: Palgrave Macmillan.

Mitchell, N. J. (2012). *Democracy's Blameless Leaders: From Dresden to Abu Ghraib, How Leaders Evade Accountability for Abuse, Atrocity, and Killing.* New York, NY: New York University Press.

Mitchell, N. J., Carey, S. C., & Butler, C. K. (2014). The Impact of Pro-Government Militias on Human Rights Violations. *International Interactions*, *40*(5), 812–836.

Mogato, M., & Baldwin, C. (2017, April 18). Special Report: Police Describe Kill Rewards, Staged Crime Scenes in Duterte's Drug War. *Reuters*. Retrieved from https://www.reuters.com/article/us-philippines-duterte-police-specialrep/ special-report-police-describe-kill-rewards-staged-crime-scenes-in-dutertes -drug-war-idUSKBN17K1F4

Monsod, T. C. (2015). *Political Intervention in the Philippine Bureaucracy*, *1987 to 2010: How, Where and to What Effect* (UPSE Discussion Paper No. 2015-17). Retrieved from https://www.econstor.eu/bitstream/10419/162626/1/851741401.pdf

Morgenbesser, L. (2018). Misclassification on the Mekong: The Origins of Hun Sen's Personalist Dictatorship. *Democratization*, 25(2), 191–208.

Morgenbesser, L. (2020). The Menu of Autocratic Innovation. Democratization, 27(6), 1053-1072.

Moscovici, S. (1980). Toward A Theory of Conversion Behavior. In L. Berkowitz (Ed.), *Advances in Experimental Social Psychology: Volume 13* (pp. 209–239). New York, NY: Academic Press.

Moustafa, T. (2007). The Struggle for Constitutional Power: Law, Politics, and Economic Development in Egypt. Cambridge: Cambridge University Press.

Moustafa, T. (2008). Law and Resistance in Authoritarian States: The Judicialization of Politics in Egypt. In T. Ginsburg & T. Moustafa (Eds.), *Rule by Law* (pp. 132–155). Cambridge: Cambridge University Press.

Moustafa, T. (2014). Law and Courts in Authoritarian Regimes. *Annual Review of Law and Social Science*, 10(1), 281–299.

Moustafa, T., & Ginsburg, T. (2008). Introduction: The Functions of Courts in Authoritarian Politics. In T. Ginsburg & T. Moustafa (Eds.), *Rule by Law* (pp. 1–22). Cambridge: Cambridge University Press.

Müller, I. (1987). Furchtbare Juristen: Die Unbewältigte Vergangenheit unserer Justiz [Hitler's Justice: The Courts of the Third Reich]. Munich: Kindler.

Novak, B., & Kingsley, P. (2018, December 12). Hungary Creates New Court System, Cementing Leader's Control of Judiciary. *The New York Times*. Retrieved from https://www.nytimes.com/2018/12/12/world/europe/hungary-courts.html

O'Brien, K. J., & Deng, Y. (2015). Repression Backfires: Tactical Radicalization and Protest Spectacle in Rural China. *Journal of Contemporary China*, *24*(93), 457–470.

O'Brien, K. J., & Li, L. (2004). Suing the Local State: Administrative Litigation in Rural China. *The China Journal*, *51*, 75–96.

Office of the High Commissioner. (2018, June 1). Judicial Independence in Philippines is Under Threat, Says UN Human Rights Expert. Retrieved from https://www.ohchr.org/en/ press-releases/2018/06/judicial-independence-philippines-under-threat-says -un-human-rights-expert

Oko, O. (2005). Seeking Justice in Transitional Societies: An Analysis of the Problems and Failures of the Judiciary in Nigeria. *Brooklyn Journal of International Law*, *31*(1), 9–82.

Organisation for Economic Co-operation and Development. (2017). Development Assistance Committee (DAC) List of Official Development Assistance (ODA) Recipients: DAC List of ODA Recipients Used for 2014-2017 Flows. Retrieved from http://www.oecd.org/ dac/financing-sustainable-development/development-finance-standards/ DAC_List_ODA_Recipients2014to2017_flows_En.pdf

Otteh, J. C. (2004, April 13). Nigeria: Restoring the Nigerian Judiciary to Its Pride of Place. *This Day*. Retrieved from https://allafrica.com/stories/200404130225.html

Pan, J., & Chen, K. (2018). Concealing Corruption: How Chinese Officials Distort Upward Reporting of Online Grievances. *American Political Science Review*, *112*(3), 602–620.

Pangalangan, R. C. (2015). The Philippines' Post-Marcos Judiciary: The Institutional Turn and the Populist Backlash. In J. Yeh & W.-C. Chang (Eds.), *Asian Courts in Context* (pp. 356–374). Cambridge: Cambridge University Press.

Pellegrina, L. D., Escresa, L., & Garoupa, N. (2014). Measuring Judicial Ideal Points in New Democracies: The Case of the Philippines. *Asian Journal of Law and Society*, *1*(1), 125–164.

Pemstein, D., Marquardt, K. L., Tzelgov, E., Wang, Y.-t., Medzihorsky, J., Krusell, J., ... von Römer, J. (2021). *The V-Dem Measurement Model: Latent Variable Analysis for Cross-National and Cross-Temporal Expert-Coded Data* (V-Dem Working Paper No. 21). Retrieved from https://ssrn.com/abstract=3799967

Pereira, A. W. (2008). Of Judges and Generals: Security Courts Under Authoritarian Regimes in Argentina, Brazil, and Chile. In T. Ginsburg & T. Moustafa (Eds.), *Rule by Law* (pp. 23–57). Cambridge: Cambridge University Press.

Pérez-González, F. (2006). Inherited Control and Firm Performance. *American Economic Review*, 96(5), 1559–1588.

Peterson, S. (1979). Foreign News Gatekeepers and Criteria of Newsworthiness. *Journalism Quarterly*, *56*(1), 116–125.

Pettersson, T., Davies, S., Deniz, A., Engström, G., Hawach, N., Högbladh, S., & Öberg, M. S. M. (2021). Organized Violence 1989–2020, With a Special Emphasis on Syria. *Journal of Peace Research*, *58*(4), 809–825.

Philippine Commission on Elections. (2016). *Certified List of Elected City/Municipal Candidates* with Alias, Party Affiliation and Votes Obtained: May 9, 2016 National and Local Elections.

Philippine Statistics Authority. (2016). Population and Annual Growth Rates for the Philippines: Total Population, 1 August 2015.

Phillips, T. R. (2009). The Merits of Merit Selection. Harvard Journal of Law & Public, 32(1), 67–96.

Pierskalla, J. H., & Sacks, A. (2020). Personnel Politics: Elections, Clientelistic Competition and Teacher Hiring in Indonesia. *British Journal of Political Science*, *50*(4), 1283–1305.

Popova, M. (2010). Political Competition as an Obstacle to Judicial Independence: Evidence From Russia and Ukraine. *Comparative Political Studies*, *43*(10), 1202–1229.

Posner, E. A., & Vermeule, A. (2007). *Terror in the Balance: Security, Liberty, and the Courts*. New York, NY: Oxford University Press.

Rachlinski, J. J., & Wistrich, A. J. (2017). Judging the Judiciary by the Numbers: Empirical Research on Judges. *Annual Review of Law and Social Science*, *13*(1), 203–229.

Radtke, M. T. (2020). Why Kill Deposed Leaders? Regime Types and Post-Tenure Fates. *Foreign Policy Analysis*, *16*(3), 332–352.

Rajah, J. (2012). *Authoritarian Rule of Law: Legislation, Discourse, and Legitimacy in Singapore.* Cambridge: Cambridge University Press.

Raleigh, C., Linke, A., Hegre, H., & Karlsen, J. (2010). Introducing ACLED – Armed Conflict Location and Event Data. *Journal of Peace Research*, *47*(5), 651–660.

Rampedi, P., Ngoepe, K., & Afrika, M. W. (2019, August 25). WATCH: SA Judiciary a Hotbed of Corruption, Says Attorney. *The Sunday Independent*. Retrieved from https://www.iol.co.za/sundayindependent/news/watch-sa-judiciary-a-hotbed -of-corruption-says-attorney-31264761

Ramseyer, J. M. (1994). The Puzzling (In)Dependence of Courts: A Comparative Approach. *The Journal of Legal Studies*, *23*(2), 721–747.

Randazzo, K. A., Gibler, D. M., & Reid, R. (2016). Examining the Development of Judicial Independence. *Political Research Quarterly*, *69*(3), 583–593.

Ravanilla, N., Sexton, R., & Haim, D. (2022). Deadly Populism: How Local Political Outsiders Drive Duterte's War on Drugs in the Philippines. *The Journal of Politics*, *84*(2), 1035–1056.

Reif, J. (2010). STRGROUP: Stata Module to Match Strings Based on Their Levenshtein Edit Distance. Boston College Department of Economics. Retrieved from https://EconPapers.repec.org/ RePEc:boc:bocode:s457151

Rejali, D. M. (2007). Torture and Democracy. Princeton, NJ: Princeton University Press.

Reporters Sans Frontières. (2022). *The World Press Freedom Index: Philippines*. Retrieved from https://rsf.org/en/country/philippines

Reuter, O. J., & Remington, T. F. (2009). Dominant Party Regimes and the Commitment Problem. *Comparative Political Studies*, *42*(4), 501–526.

Reuter, O. J., & Robertson, G. B. (2012). Subnational Appointments in Authoritarian Regimes: Evidence from Russian Gubernatorial Appointments. *The Journal of Politics*, *74*(4), 1023–1037.

Rhodes-Purdy, M., & Madrid, R. L. (2020). The Perils of Personalism. *Democratization*, 27(2), 321–339.

Riaz, A. (2021). The Pathway of Democratic Backsliding in Bangladesh. *Democratization*, 28(1), 179–197.

Riddell, T., Hausegger, L., & Hennigar, M. (2008). Federal Judicial Appointments: A Look at Patronage in Federal Appointments Since 1988. *The University of Toronto Law Journal*, 58(1), 39–74.

Rigby, T. H. (1988). Staffing USSR Incorporated: The Origins of the Nomenklatura System. *Soviet Studies*, *40*(4), 523–537.

Ríos-Figueroa, J., & Aguilar, P. (2018). Justice Institutions in Autocracies: A Framework for Analysis. *Democratization*, *25*(1), 1–18.

Ríos-Figueroa, J., & Staton, J. K. (2014). An Evaluation of Cross-National Measures of Judicial Independence. *The Journal of Law, Economics, and Organization*, *30*(1), 104–137.

Roberts, T. L. (2015). The Durability of Presidential and Parliament-Based Dictatorships. *Comparative Political Studies*, 48(7), 915–948. Robinson, J. A., & Verdier, T. (2013). The Political Economy of Clientelism. *The Scandinavian Journal of Economics*, 115(2), 260–291.

Rodong Sinmun. (2019, March 13). Report on Results of Election of Deputies to SPA Issued. *Rodong Sinmun*. Retrieved from http://www.rodong.rep.kp/en/index.php?strPageID=SF01_02_01&newsID=2019-03-13-0005

Roessler, P. G. (2011). The Enemy Within: Personal Rule, Coups, and Civil War in Africa. *World Politics*, *63*(2), 300–346.

Root, H. L., & May, K. (2008). Judicial Systems and Economic Development. In T. Ginsburg & T. Moustafa (Eds.), *Rule by Law* (pp. 304–325). Cambridge: Cambridge University Press.

Rosberg, J. H. (1995). *The Emergence of an Independent Judiciary in Contemporary Egypt* (Doctoral dissertation). Retrieved from https://dspace.mit.edu/bitstream/handle/1721.1/11370/33215423-MIT.pdf

Rosenn, K. S. (1987). The Protection of Judicial Independence in Latin America. *The University of Miami Inter-American Law Review*, *19*(1), 1–35.

Rubin, J. (2018, April 12). Democracy's Retreat in Europe: Opinion. *The Washington Post.* Retrieved from https://www.washingtonpost.com/blogs/right-turn/wp/2018/04/ 12/democracys-retreat-in-europe/

Rukare, D. (2016). Constitutional Implementation 20 Years Later: The Uganda Report Card. In C. M. Fombad (Ed.), *The Implementation of Modern African Constitutions: Challenges and Prospects* (pp. 108–131). Pretoria, ZA: Pretoria University Law Press.

Russell, P. H. (2001). Toward a General Theory of Judicial Independence. In P. H. Russell (Ed.), *Judicial Independence in the Age of Democracy* (pp. 1–24). Charlottesville, VA: University Press of Virginia.

Russell, P. H., & Ziegel, J. S. (1991). Federal Judicial Appointments: An Appraisal of the First Mulroney Government's Appointments and the New Judicial Advisory Committees. *The University of Toronto Law Journal*, *41*(1), 4–37.

Sahara Reporters. (2020, May 7). How Serving And Retired Nigerian Judges Illegally Inserted Names Of Their Children, Relatives In List Of Judges To Be Appointed Into Judiciary. *Sahara Reporters*. Retrieved from http://saharareporters.com/2020/05/07/how-serving-and -retired-nigerian-judges-illegally-inserted-names-their-children-relatives

Sartori, A. E. (2003). An Estimator for Some Binary-Outcome Selection Models Without Exclusion Restrictions. *Political Analysis*, *11*(2), 111–138.

Savitz, L. (1970). The Dimensions of Police Loyalty. American Behavioral Scientist, 13(5-6), 693–704.

Scharpf, A. (2018). Ideology and State Terror: How Officer Beliefs Shaped Repression During Argentina's 'Dirty War'. *Journal of Peace Research*, 55(2), 206–221.

Scharpf, A., & Gläßel, C. (2020). Why Underachievers Dominate Secret Police Organizations: Evidence from Autocratic Argentina. *American Journal of Political Science*, *64*(4), 791–806.

Scharpf, A., & Gläßel, C. (2022). Career Pressures and Organizational Evil: A Novel Perspective on the Study of Organized Violence. *International Studies Review*, *24*(3), Article No. viac009.

Schedler, A. (2002). The Menu of Manipulation. Journal of Democracy, 13(2), 36-50.

Schedler, A. (2006). The Logic of Electoral Authoritarianism. In A. Schedler (Ed.), *Electoral Authoritarianism* (pp. 1–26). Boulder, CO: Lynne Rienner Publishers.

Scheppele, K. L. (2004). Law in a Time of Emergency: States of Exception and the Temptations of 9/11. *University of Pennsylvania Journal of Constitutional Law*, 6(5), 1001–1083.

Scheppele, K. L. (2012, March 10). First, Let's Pick All the Judges: The Opinion Pages. *The New York Times*. Retrieved from https://archive.nytimes.com/krugman.blogs.nytimes.com/2012/03/10/first-lets-pick-all-the-judges/#more-29591

Scoppa, V. (2009). Intergenerational Transfers of Public Sector Jobs: A Shred of Evidence on Nepotism. *Public Choice*, *141*(1-2), 167–188.

Shambaugh, D. (2009). China's Communist Party. Berkeley, CA: University of California Press.

Shapiro, M. (1981). *Courts: A Comparative and Political Analysis*. Chicago, IL: University of Chicago Press.

Sheen, G. C.-H., Tung, H. H., & Wu, W.-C. (2022). Power Sharing and Media Freedom in Dictatorships. *Political Communication*, *39*(2), 202–221.

Shi, M., & Svensson, J. (2006). Political Budget Cycles: Do They Differ Across Countries and Why? *Journal of Public Economics*, *90*(8-9), 1367–1389.

Shvets, J. (2016). Presidential Control of the Judiciary Via the Appointment Power: Evidence from Russia. *Journal of Law, Economics, and Organization, 32*(3), 478–507.

Sievert, J. M. (2018). The Case for Courts: Resolving Information Problems in Authoritarian Regimes. *Journal of Peace Research*, 55(6), 774–786.

Sigman, R. (2022). Which Jobs for Which Boys? Party Finance and the Politics of State Job Distribution in Africa. *Comparative Political Studies*, *55*(3), 351–385.

Silva, J. M. C. S., & Tenreyro, S. (2006). The Log of Gravity. *Review of Economics and Statistics*, 88(4), 641–658.

Silverstein, G. (2008). Singapore: The Exception that Proves Rules Matter. In T. Ginsburg & T. Moustafa (Eds.), *Rule by Law* (pp. 73–101). Cambridge: Cambridge University Press.

Simpser, A. (2008). Unintended Consequences of Election Monitoring. In R. M. Alvarez, S. D. Hyde, & T. E. Hall (Eds.), *Election Fraud* (pp. 216–234). Washington, D.C.: Brookings Institution Press.

Simpser, A. (2014). Why Governments and Parties Manipulate Elections: Theory, Practice, and Implications. New York, NY: Cambridge University Press.

Simpser, A., & Donno, D. (2012). Can International Election Monitoring Harm Governance? *The Journal of Politics*, *74*(2), 501–513.

Sjoberg, F. M. (2014). Autocratic Adaptation: The Strategic Use of Transparency and the Persistence of Election Fraud. *Electoral Studies*, *33*, 233–245.

Sjoberg, F. M. (2016). Bring the Party Back in: Institutional Design for 'Smart Election Fraud'. *Electoral Studies*, *44*, 307–318.

Skolnick, J. (2002). Corruption and the Blue Code of Silence. *Police Practice and Research*, 3(1), 7–19.

Slater, D. (2003). Iron Cage in an Iron Fist: Authoritarian Institutions and the Personalization of Power in Malaysia. *Comparative Politics*, *36*(1), 81.

Smithey, S. I., & Ishiyama, J. (2002). Judicial Activism in Post-Communist Politics. *Law & Society Review*, *36*(4), 719.

Social Weather Stations. (2006). *Diagnostic Study of the Judiciary*. Retrieved from https://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20151217162759

Solatorio, A. V. (2016). *pilipinaselectionresults2016-scraper*. Retrieved from https://github.com/ avsolatorio/pilipinaselectionresults2016-scraper

Solomon, P. H., Jr. (1987). The Case of the Vanishing Acquittal: Informal Norms and the Practice of Soviet Criminal Justice. *Soviet Studies*, *39*(4), 531–555.

Solomon, P. H., Jr. (1992). Soviet Politicians and Criminal Prosecutions: The Logic of Party Interventions. In J. R. Millar (Ed.), *Cracks in the Monolith* (pp. 3–32). Armonk, NY: Sharpe.

Stan Development Team. (2022). *RStan: The R interface to Stan: R Package Version 2.21.7.* Retrieved from https://mc-stan.org/

Steinert, C. V. (2022). The Impact of Domestic Surveillance on Political Imprisonment: Evidence from the German Democratic Republic. *Journal of Conflict Resolution*. Advance online publication. https://doi.org/10.1177/00220027221109797

Steinert, C. V., & Dworschak, C. (2022). Political Imprisonment and Protest Mobilization: Evidence From the GDR: Evidence from the GDR. *Journal of Conflict Resolution*. Advance online publication. https://doi.org/10.1177/00220027221124247

Stephenson, M. C. (2003). "When the Devil Turns ... ": The Political Foundations of Independent Judicial Review. *The Journal of Legal Studies*, *32*(1), 59–89.

Sundell, A. (2013). *Nepotism in the Swedish Central Public Administration 1790-1925*. Paper Prepared for the 2013 American Political Science Association Annual Meeting, Chicago, IL. Retrieved from https://ssrn.com/abstract=2303435

Sunstein, C. R. (2006). *Are Judges Political? An Empirical Analysis of the Federal Judiciary*. Washington, D.C.: Brookings Institution Press.

Supreme Court of the Philippines. (2002). *Guidelines on the Selection and Designation of Executive Judges and Defining their Powers, Prerogatives and Duties: A.M. No. 03-8-02-SC.* Retrieved from http://oca.judiciary.gov.ph/wp-content/uploads/2014/04/A.-M.-No.-03-8-02 -SC.pdf

Supreme Court of the Philippines. (2018). *The Judiciary Annual Report 2017*. Retrieved from https://sc.judiciary.gov.ph/files/annual-reports/SC_Annual_17.pdf

Svolik, M. W. (2009). Power Sharing and Leadership Dynamics in Authoritarian Regimes. *American Journal of Political Science*, *53*(2), 477–494.

Svolik, M. W. (2012). The Politics of Authoritarian Rule. Cambridge: Cambridge University Press.

Tannenberg, M. (2022). The Autocratic Bias: Self-Censorship of Regime Support. *Democratization*, *29*(4), 591–610.

Tate, C. N., & Keith, L. C. (2006). *Conceptualizing and Operationalizing Judicial Independence Globally.* Paper Prepared for the 2007 Annual Meeting of the American Political Science Association, Chicago, IL. Retrieved from https://nanopdf.com/download/jud-ind-the-university-of -texas-at-dallas_pdf

Taubman, W. (2003). Khrushchev: The Man and His Era. New York, NY: Norton.

Tezcür, G. M. (2009). Judicial Activism in Perilous Times: The Turkish Case. Law & Society Review, 43(2), 305–336.

The Guardian. (2016, June 5). Kill Drug Dealers and I'll Give You a Medal, Says Philippines President. *The Guardian*. Retrieved from https://www.theguardian.com/world/2016/jun/05/ kill-drug-dealers-medal-philippines-president-rodrigo-duterte

Tiede, L. B. (2006). Judicial Independence: Often Cited, Rarely Understood. *Journal of Contemporary Legal issues*, *15*, 129–161.

Toharia, J. J. (1975). Judicial Independence in an Authoritarian Regime: The Case of Contemporary Spain. *Law & Society Review*, *9*(3), 475–496.

Tripp, A. M. (2010). *Museveni's Uganda: Paradoxes of Power in a Hybrid Regime*. Boulder, CO: Lynne Rienner Publishers.

Truex, R. (2016). *Making Autocracy Work: Representation and Responsiveness in Modern China*. Cambridge: Cambridge University Press.

Tyler, T. R. (2001). A Psychological Perspective on the Legitimacy of Institutions and Authorities. In J. T. Jost & B. Major (Eds.), *The Psychology of Legitimacy* (pp. 416–436). Cambridge: Cambridge University Press.

United Nations Conference on Trade and Development. (2022). UNCTADstat: Foreign Direct Investment: Inward and Outward Flows and Stock, Annual. Retrieved from https://unctadstat.unctad.org/EN/Index.html

United Nations Development Programme. (2022). *Human Development Index: 1990-2019.* Retrieved from https://hdr.undp.org/data-center/human-development-index#/indicies/ HDI

United Nations Office on Drugs and Crime. (2019). *Corruption in Nigeria: Patterns and Trends: Second Survey on Corruption as Experienced by the Population*. Retrieved from https://www.unodc.org/documents/data-and-analysis/statistics/corruption/ nigeria/Corruption_in_Nigeria_2019_standard_res_11MB.pdf

U.S. Agency for International Development. (2018). *Judicial Strengthening Program*. Retrieved from https://www.usaid.gov/kyrgyz-republic/fact-sheets/judicial-strengthening -program

Valderama, T. C. (2010, July 19). *Illicit list? Arroyo's 977 'Midnight' Appointees*. Philippine Center for Investigative Journalism. Retrieved from https://old.pcij.org/stories/illicit-list -arroyo%E2%80%99s-977-%E2%80%98midnight%E2%80%99-appointees/

van Aaken, A., Feld, L. P., & Voigt, S. (2010). Do Independent Prosecutors Deter Political Corruption? An Empirical Evaluation Across Seventy-Eight Countries. *American Law and Economics Review*, *12*(1), 204–244.

Vanberg, G. (2005). *The Politics of Constitutional Review in Germany*. New York, NY: Cambridge University Press.

Venice Commission. (2019). Opinion on the Law on Administrative Courts and on the Law on the Entry Into Force of the Law on Administrative Courts and Certain Transitional Rules (Opinion No. 943/2018).

Venice Commission. (2021). Opinion on the Amendments to the Act on the Organisation and Administration of the Courts and the Act on the Legal Status and Remuneration of Judges Adopted by the Hungarian Parliament in December 2020 (Opinion No. 1050/2021).

Verdugo, S. (2021). How Judges Can Challenge Dictators and Get Away With It: Advancing Democracy While Preserving Judicial Independence. *Columbia Journal of Transnational Law*, *59*(3), 554–607.

Villamor, F. (2017, August 17). Philippine Drug War Logs Deadliest Week Yet: 58 Killed in 3 Days. *The New York Times*. Retrieved from https://www.nytimes.com/2017/08/17/world/asia/philippines-duterte-drug-war.html

Voigt, S., Gutmann, J., & Feld, L. P. (2015). Economic Growth and Judicial Independence, a Dozen Years On: Cross-Country Evidence Using an Updated Set of Indicators. *European Journal of Political Economy*, *38*, 197–211.

Wang, Y. (2022). Blood is Thicker Than Water: Elite Kinship Networks and State Building in Imperial China. *American Political Science Review*, *116*(3), 896–910.

Wasi, N., & Flaaen, A. (2015). Record Linkage Using Stata: Preprocessing, Linking, and Reviewing Utilities. *The Stata Journal*, *15*(3), 672–697.

Watson, R. A., & Downing, R. G. (1969). *The Politics of the Bench and the Bar: Judicial Selection Under the Missouri Nonpartisan Court Plan.* New York, NY: Wiley.

Weeks, J. L. (2012). Strongmen and Straw Men: Authoritarian Regimes and the Initiation of International Conflict. *American Political Science Review*, *106*(2), 326–347.

Weeks, J. L. (2014). Dictators at War and Peace. Ithaca, NY: Cornell University Press.

Weidmann, N. B. (2015). On the Accuracy of Media-Based Conflict Event Data. *Journal of Conflict Resolution*, 59(6), 1129–1149.

Weingrod, A. (1968). Patrons, Patronage, and Political Parties. *Comparative Studies in Society and History*, *10*(4), 377–400.

Weiss, M. L. (2020). Patronage Politics and Parties in the Philippines: Insights from the 2016 Elections. In P. D. Hutchcroft (Ed.), *Strong Patronage, Weak Parties* (pp. 133–148). Mandaluyong City: Anvil Publishing.

Westley, W. A. (1951). *The Police: A Sociological Study of Law, Custom, and Morality* (Doctoral dissertation). University of Chicago, Chicago, IL.

Westley, W. A. (1956). Secrecy and the Police. Social Forces, 34(3), 254-257.

Whaley, F. (2015, July 31). Philippines' President Endorses Mar Roxas as Successor. *The New York Times*. Retrieved from https://www.nytimes.com/2015/08/01/world/asia/01philippines -mar-roxas-aquino.html

Whiting, S. H. (2017). Authoritarian "Rule of Law" and Regime Legitimacy. *Comparative Political Studies*, *50*(14), 1907–1940.

Whittington, K. E. (2005). "Interpose Your Friendly Hand": Political Supports for the Exercise of Judicial Review by the United States Supreme Court. *American Political Science Review*, *99*(4), 583–596.

Williamson, S. (2021). Elections, Legitimacy, and Compliance in Authoritarian Regimes: Evidence from the Arab World. *Democratization*, *28*(8), 1483–1504.

Wilson, M. C., & Wright, J. G. (2017). Autocratic Legislatures and Expropriation Risk. *British Journal of Political Science*, 47(1), 1–17.

Wintrobe, R. (1998). The Political Economy of Dictatorship. Cambridge: Cambridge University Press.

Woo, A. S., & Conrad, C. R. (2019). The Differential Effects of "Democratic" Institutions on Dissent in Dictatorships. *The Journal of Politics*, *81*(2), 456–470.

Wooldridge, J. M. (2010). *Econometric Analysis of Cross Section and Panel Data* (2. ed.). Cambridge, MA: MIT Press.

Wright, J. G. (2008). Do Authoritarian Institutions Constrain? How Legislatures Affect Economic Growth and Investment. *American Journal of Political Science*, *52*(2), 322–343.

Wright, J. G. (2021). The Latent Characteristics that Structure Autocratic Rule. *Political Science Research and Methods*, 9(1), 1–19.

Xu, G. (2018). The Costs of Patronage: Evidence from the British Empire. *American Economic Review*, *108*(11), 3170–3198.

Zakaria, F. (1997). The Rise of Illiberal Democracy. Foreign Affairs, 76(6), 22-43.

Zakharov, A. V. (2016). The Loyalty-Competence Trade-Off in Dictatorships and Outside Options for Subordinates. *The Journal of Politics*, *78*(2), 457–466.