GV101
Introduction to Political Science
Week 16: Independent Institutions

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Reading Overview and Contemporary Example

- Thatcher and Stone Sweet introduce the Principal-Agent (P-A) framework as a way to understand non-majoritarian institutions (NMIs), note its limitations as a causal theory, and outline the associated ideas of agency loss (policy drift) and a 'zone of discretion'. Provide an overview of the criticisms of the P-A approach levelled in the journal volume that their article appears in, and the responses that attempt to address those problems from alternative perspectives. Argue that NMIs have often become more powerful than their initial 'zones of discretion' suggest, that they have empowered groups that might lose through politics, and have impacted on important policy areas (e.g. competition, EU integration, economic liberalisation, individual rights, government secrecy, inflation). Finally, note that the legitimacy of NMIs has been questioned.

- Choi, Gulati, and Posner analyse data on the decisions of judges in the highest courts in each U.S. state between 1998 and 2000, considering the manner in which they are selected. Find that elected judges write more legal opinions than do appointed judges, but have fewer citations per opinion. Further, contrary to the prevailing view (that appointed judges are better than elected judges), find that there is no clear relationship between selection method and judicial independence (measured by how frequently they dissent against judges from the same party). Finally, find that judges in small states perform better than those in large states.

- A contemporary example of an 'independent' institution: DRC Electoral Commission.