



The Judiciary and Democratic Decay in Latin America: Declining Confidence in the Rule of Law

William Prillaman

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Prillaman argues that a sound judiciary is critical for building popular support for democracy and laying the foundations for sustainable economic development, but that most Latin American governments have made virtually no progress toward building a more effective judiciary. He shows that the traditional approach to judicial reform is flawed on several levels. Reformers are wrong to focus on a single aspect of the judiciary on the assumption that one reform naturally leads to another. In fact, all aspects of the courts are so closely related that failure to reform one aspect creates a negative synergy that ultimately undermines the reformed areas. Instead, a successful reform strategy must simultaneously tackle independence, accountability, access, and efficiency; otherwise, it is virtually assured of failure.

As Prillaman points out, judicial reform is not merely a technical process that can be isolated from broader economic and political forces. Rather, it is an inherently political process that will be opposed by forces ranging from politicians accustomed to stocking the courts to judges and court personnel reluctant to accept greater oversight and professional norms. Based on four case studies, Prillaman concludes that failed judicial reforms have led to growing support for mob lynching and vigilante justice that promises to fill the void created by ineffectual courts?ultimately challenging the quality and sustainability of democracy. An invaluable survey for political scientists, students, and researchers involved with democratic consolidation, institution building, and comparative judicial politics in Latin America specifically and the developing world in general.

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