



# **Rule of Law in Latin America:**

## **The International Promotion of Judicial Reform**

edited by  
**Pilar Domingo**  
and **Rachel Sieder**

# Rule Of Law In Latin America The International Promotion Of Judicial Reform

**Pilar Domingo, Rachel Sieder**



## **Rule Of Law In Latin America The International Promotion Of Judicial Reform:**

Rule of Law in Latin America Pilar Domingo, Rachel Sieder, 2001 The authors examine the way in which international organizations rationalize and prioritize their reform proposals and agenda in Latin America how reform agendas are implemented and followed up or not how international donor organizations relate to national governments and civil society and to

**The (un)rule of Law and the Underprivileged in Latin America** Juan E. Méndez, Guillermo A. O'Donnell, Paulo Sérgio de Moraes Sarmento Pinheiro, 1999 This study describes a Latin American legal system which punishes only the poor and a democratic state which fails to control its own agents arbitrary practices The contributors argue that judicial reform cannot be separated from human rights and that justice must be made available to the poor

**The State of State Reform** Eduardo Lora, 2007 This book reviews state reforms in Latin America since the mid 1980s

**Promoting the Rule of Law Abroad** Thomas Carothers, 2006 Over the past decade Carothers has established himself as the leading U S expert on democracy promotion He is a powerful critic not only of the nuts and bolts of democracy assistance but also of U S grand strategy overall SAIS Review Promoting the rule of law has become a major part of Western efforts to spread democracy and market economics around the world Yet although programs to foster the rule of law abroad have mushroomed well grounded knowledge about what factors ensure success and why remains scarce In Promoting the Rule of Law Abroad leading practitioners and policy oriented scholars draw on years of experience in Russia China Latin America Central and Eastern Europe the Middle East and Africa to critically assess the rationale methods and goals of rule of law policies These incisive accessible essays offer vivid portrayals and penetrating analyses of the challenges that define this vital but surprisingly little understood field Contributors include Rachel Belton Truman National Security Project Lisa Bhansali World Bank Christina Biebesheimer World Bank Thomas Carothers Carnegie Endowment Wade Channell Stephen Golub and David Mednicoff University of Massachusetts Amherst Laure H l ne Piron Overseas Development Institute Matthew Spence Yale Law School Matthew Stephenson Harvard Law School and Frank Upham NYU School of Law

**Promoting the Rule of Law Abroad** Thomas Carothers, 2010-03-01 Over the past decade Carothers has established himself as the leading U S expert on democracy promotion He is a powerful critic not only of the nuts and bolts of democracy assistance but also of U S grand strategy overall SAIS Review Promoting the rule of law has become a major part of Western efforts to spread democracy and market economics around the world Yet although programs to foster the rule of law abroad have mushroomed well grounded knowledge about what factors ensure success and why remains scarce In Promoting the Rule of Law Abroad leading practitioners and policy oriented scholars draw on years of experience in Russia China Latin America Central and Eastern Europe the Middle East and Africa to critically assess the rationale methods and goals of rule of law policies These incisive accessible essays offer vivid portrayals and penetrating analyses of the challenges that define this vital but surprisingly little understood field Contributors include Rachel Belton Truman National Security Project Lisa Bhansali World Bank Christina

Biebesheimer World Bank Thomas Carothers Carnegie Endowment Wade Channell Stephen Golub and David Mednicoff University of Massachusetts Amherst Laure H l ne Piron Overseas Development Institute Matthew Spence Yale Law School Matthew Stephenson Harvard Law School and Frank Upham NYU School of Law Routledge Handbook of Law and Society in Latin America Rachel Sieder, Karina Ansolabehere, Tatiana Alfonso, 2019-05-20 An understanding of law and its efficacy in Latin America demands concepts distinct from the hegemonic notions of rule of law which have dominated debates on law politics and society and that recognize the diversity of situations and contexts characterizing the region The Routledge Handbook of Law and Society in Latin America presents cutting edge analysis of the central theoretical and applied areas of enquiry in socio legal studies in the region by leading figures in the study of law and society from Latin America North America and Europe Contributors argue that scholarship about Latin America has made vital contributions to longstanding and emerging theoretical and methodological debates on the relationship between law and society Key topics examined include The gap between law on the books and law in action The implications of legal pluralism and legal globalization The legacies of experiences of transitional justice Emerging forms of socio legal and political mobilization Debates concerning the relationship between the legal and the illegal The Routledge Handbook of Law and Society in Latin America sets out new research agendas for cross disciplinary socio legal studies and will be of interest to those studying law sociology of law comparative Latin American politics legal anthropology and development studies *The Judicialization of Politics in Latin America* Rachel Sieder, L. Schjolden, A. Angell, 2016-04-30 During the last two decades the judiciary has come to play an increasingly important political role in Latin America Constitutional courts and supreme courts are more active in counterbalancing executive and legislative power than ever before At the same time the lack of effective citizenship rights has prompted ordinary people to press their claims and secure their rights through the courts This collection of essays analyzes the diverse manifestations of the judicialization of politics in contemporary Latin America assessing their positive and negative consequences for state society relations the rule of law and democratic governance in the region With individual chapters exploring Argentina Brazil Chile Colombia Costa Rica Mexico Peru and Venezuela it advances a comparative framework for thinking about the nature of the judicialization of politics within contemporary Latin American democracies **The State of State Reforms in Latin America** Eduardo Lora, 2006-10-23 Latin America suffered a profound state crisis in the 1980s which prompted not only the wave of macroeconomic and deregulation reforms known as the Washington Consensus but also a wide variety of institutional or second generation reforms The State of State Reform in Latin America reviews and assesses the outcomes of these less studied institutional reforms This book examines four major areas of institutional reform a political institutions and the state organization b fiscal institutions such as budget tax and decentralization institutions c public institutions in charge of sectoral economic policies financial industrial and infrastructure and d social sector institutions pensions social protection and education In each of these areas the authors

summarize the reform objectives describe and measure their scope assess the main outcomes and identify the obstacles for implementation especially those of an institutional nature

### **The Unfinished Transition to Democracy in Latin**

**America** Juan Carlos Calleros-Alarcón, 2008-11-20 This book examines the political evolution of the judiciary a usually overlooked political actor and its capacity to contribute to the process of democratic consolidation in Latin America during the 1990s Calleros analyzes twelve countries in order to assess the independence impartiality political strength and efficiency of the judicial branch The picture that emerges with the one exception of Costa Rica is the persistence of weak judicial systems unable in practice to check other branches of government including the executive and the military while not quite effective in fully protecting human rights or in implementing due process of law guarantees Aggravating issues such as corruption heavy case backlogs overcrowding of prisons circumvention of laws and personal vulnerability of judges make the judiciary the least evolved of the three branches of government in the Latin American transitions to democracy

Assessing Judicial Reforms in Developing Countries Juan Carlos Oyanedel, 2019-04-23 This book examines how judicial reform can be effectively assessed through a procedural justice approach It provides a practical framework for assessment of judicial reform examining a successful reform in Chile through large scale surveys and longitudinal research Judicial reform is a key element to democratization and modernization processes in the developing world Practitioners have struggled with ways to analyze the effects of judicial reform and to define success Procedural justice theorists propose that people will obey the law if they consider it fair this affects willingness to collaborate with the police and the courts and the general approach that the public has towards social regulations Judicial reforms such as criminal procedure reforms which explicitly guarantee the development of a fairer judicial process represent a scenario that puts these theoretical assumptions to the test With policy recommendations and applications for international judicial reform this book tests the real conditions of a procedural justice approach with empirical assessment and analysis With implications for Latin America and countries undergoing judicial or political reforms worldwide this book will be an important resource for researchers policy makers and all those interested in the analysis of judicial reforms democratization processes and the psychology of justice

### Judicial Reform in Latin America

Edgardo Buscaglia, Maria Dakolias, William E. Ratliff, 1995 An essay on the need for a well functioning judiciary system in

Latin America The DNA of Constitutional Justice in Latin America Daniel M. Brinks, Abby Blass, 2018-04-19 Analyzes the political roots of the systems of constitutional justice in Latin America tracing their development over the last 40 years

*The Limits of Judicialization* Sandra Botero, Daniel M. Brinks, Ezequiel A. Gonzalez-Ocantos, 2022-08-25 Latin America was one of the earliest and most enthusiastic adopters of what has come to be known as the judicialization of politics the use of law and legal institutions as tools of social contestation to curb the abuse of power in government resolve policy disputes and enforce and expand civil political and socio economic rights Almost forty years into this experiment The Limits of Judicialization brings together a cross disciplinary group of scholars to assess the role that law and courts play in Latin

American politics Featuring studies of hot button topics including abortion state violence judicial corruption and corruption prosecutions this volume argues that the institutional and cultural changes that empowered courts what the editors call the judicialization superstructure often fall short of the promise of greater accountability and rights protection Illustrative and expansive this volume offers a truly interdisciplinary analysis of the limits of judicialized politics *Handbook on the Rule of Law* Christopher May,Adam Winchester,2018-08-31 The discussion of the norm of the rule of law has broken out of the confines of jurisprudence and is of growing interest to many non legal researchers A range of issues are explored in this volume that will help non specialists with an interest in the rule of law develop a nuanced understanding of its character and political implications It is explicitly aimed at those who know the rule of law is important and while having little legal background would like to know more about the norm *Latin American Lawyers* Rogelio Pérez-Perdomo,2006-01-06 This book is the first comprehensive history of the intellectual training and social placement of lawyers in Latin America P rez Perdomo examines the Roman legal roots of the Latin American tradition and traces the development of legal education and practice in Latin America from the 16th century to the present The main themes in the book are the relationship between lawyers and power the place of lawyers in social stratification the role of law and lawyers in building nations and maintaining elite power the role of law schools and the main intellectual trends in legal thought *The Metamorphosis of Criminal Justice* Jacqueline S. Hodgson,2020-03-16 In *The Metamorphosis of Criminal Justice* Jacqueline S Hodgson focuses on the potentially radical and fundamental changes taking place within criminal justice in Britain and in France and the ways that these are driven by wider domestic European or international concerns This metamorphosis away from established values and practices is eroding what were once regarded as core rights and freedoms in the name of efficiency security and justice to victims Beginning with a comparative analysis of adversarial and inquisitorial procedural values and traditions and an examination of broad trends in domestic and European criminal justice Hodgson then discusses how the roles of prosecution and defense have been re shaped in different ways in both jurisdictions both in the text of the law and in their practices The final section considers how systems within different procedural traditions adapt to address or provide a remedy for systemic flaws that produce wrongful convictions and in particular the role of the defense in these procedures By adopting an empirical and comparative approach this book explores the nature and reach of these trends and the ways that they challenge and disrupt criminal processes and values *Globalizing Justice* Donald W. Jackson,Michael C. Tolley,Mary L. Volcansek,2010-04-07 Essays assessing the impact of globalization on law and court systems across the world *Lawyers and the Rule of Law in an Era of Globalization* Yves Dezalay,Bryant Garth,2011-01-30 First published in 2011 Routledge is an imprint of Taylor Francis an informa company *Transitional Justice in Latin America* Elin Skaar,Jemima Garcia-Godos,Cath Collins,2016-10-27 This book addresses current developments in transitional justice in Latin America effectively the first region to undergo concentrated transitional justice experiences in modern times Using a comparative approach it examines

trajectories in truth justice reparations and amnesties in countries emerging from periods of massive violations of human rights and humanitarian law The book examines the cases of Argentina Brazil Chile Colombia Guatemala El Salvador Paraguay Peru and Uruguay developing and applying a common analytical framework to provide a systematic qualitative and comparative analysis of their transitional justice experiences More specifically the book investigates to what extent there has been a shift from impunity towards accountability for past human rights violations in Latin America Using thick but structured narratives which allow patterns to emerge rather than being imposed the book assesses how the quality timing and sequencing of transitional justice mechanisms along with the context in which they appear have mattered for the nature and impact of transitional justice processes in the region Offering a new approach to assessing transitional justice and challenging many assumptions in the established literature this book will be of enormous benefit to scholars and others working in this area

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