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Rachel Sieder, Line Schjolden and Alan Angell (eds.), *The Judicialization of Politics in Latin America* (Basingstoke: Palgrave Macmillan, 2006), pp. viii + 305, \$69.95, hb.

During the last two decades judicial activism has been a significant feature in Latin America, leading to an important 'judicialisation' of politics. This judicialisation is a complex phenomenon that has affected different countries in diverse manners, in terms both of the extent of the process and the forms of its development, its logic and impacts. In some countries, such as Argentina, Colombia or Costa Rica, judicialisation has been very important, while in others, such as Chile, Mexico or Ecuador, it has been relatively weak or even non-existent.

The form of judicialisation has been far from uniform. In some cases, such as Colombia, it has, to a large extent, been an expression of the autonomy and activism of one specific court; the Constitutional Court. By contrast, in other countries, such as Brazil, judicialisation has been effected by many judges dispersed throughout the judicial system, whilst in others, such as Argentina, it has been strongly linked to mass litigation by ordinary citizens.

Nor have the factors driving judicialisation been the same throughout the region. In some cases the adoption of broad rights-protecting constitutions and judicial mechanisms for the protection and defence of those rights – as occurred in Colombia and Brazil – has had a decisive impact. However, in other areas, such as the judicialisation of protection from domestic violence, other factors have predominated. In some aspects, such as the fight against impunity for gross violations of human rights, certain transnational actors, such as human rights NGOs, have had an important impact.

Any evaluation of the impact of judicialisation raises a series of questions. In some instances it has managed to protect vulnerable sectors, as is the case for people living with aids in a number of countries. Judicialisation has also increased the accountability of governments and has strengthened a rights-respecting culture, all important for democratic consolidation in the region. Nonetheless, the effects of judicialisation have not always been positive. Sometimes, as in Venezuela, the judicialisation of politics has appeared to go hand in hand with a problematic politicisation of the judiciary that could undermine the rule of law. On some occasions, judicialisation has also threatened to overburden the judicial system, making it unlikely that it can resolve demands in a satisfactory fashion. In other cases, as in Colombia or Brazil, the protagonism of certain judges in rights protection coexists with the poor performance of the judicial system overall.

In short, the judicialisation of politics in Latin America is a complex and important phenomenon. Yet until now there have been no systematic studies which have attempted to evaluate what judicialisation in the region has consisted of, what factors have driven it and whether it has had a positive or negative impact on the process of democratisation.

The book, edited by Rachel Sieder, Line Schjolden and Alan Angell, to a large extent fills this gap, combining theoretical reflections with comparative assessments of the judicialisation of politics in Latin America. It includes eight national case studies: (i) Pilar Domingo's analysis of the changing role of the Mexican judicial system, linked to the constitutional reforms of 1994 and 1996; (ii) Bruce Wilson's study of the considerable impact of the Constitutional Chamber in Costa Rica, created in 1989, on rights protection and political dynamics in that country;

(iii) Manuel José Cepeda's analysis of constitutional justice in Colombia, particularly since the promulgation of the 1991 Constitution, which has permitted vigorous activism on the part of the Constitutional Court; (iv) Javier Couso's assessment of the relatively modest role played by the Chilean judicial system in political dynamics in that country; (v) Rogelio Pérez Perdomo's study of the complex relationship between the change in the political regime in Venezuela associated with *Chavismo* and the transformation of the composition and dynamics of the Supreme Court; (vi) Catalina Smulovitz's analysis of the impact of mass litigation in Argentina; (vii) Julio Faúndez's study of a peculiar form of judicialisation, which he denominates 'soft judicialisation' but which some authors would call 'de-judicialisation', namely community justice practices in Peru, and finally; (viii) the study by Rogelio Arantes of the institutional factors in Brazil, closely linked to the 1988 Constitution – and the judicial culture which have resulted in a combination of widespread judicial activism and a highly inefficient judicial system.

The book also includes two more thematic chapters, which refer less to specific countries and more to certain forms and dynamics of judicialisation in the region. Fiona Macaulay studies the evolution of judicial protection against domestic violence, focusing in part on the Brazilian experience but also referring to more regional dynamics. Kathryn Sikkink focuses on the fight against impunity and the possible transnational factors which, by generating opportunity structures, promote judicialisation across the region. All the chapters are written by experts in the field and are of high quality, combining a precise analysis of each specific case with reflection on the factors driving judicialisation, its potential and the risks it presents for democracy. Finally, the book includes two theoretical contributions that seek to draw wider lessons from the case studies. The editors' introduction sets out a conceptual framework for interpreting these diverse tendencies. They propose a typology of forms of judicialisation, distinguishing between judicialisations from above (such as Colombia), from below (such as Argentina) and from outside (such as the fight against impunity for gross violations of human rights). At the same time they propose a classification of the different factors driving or underpinning judicialisation, including the institutional design of the justice system and the type of legal culture. Lastly the editors discuss the democratising potential of the judicialisation of politics, but also reflect on its risks and limitations.

In a concluding chapter, Guillermo O'Donnell provides some brief but rich reflections on the theme. He signals a paradoxical dynamic – while a judicialisation of certain conflicts has undoubtedly occurred in Latin America, other aspects have been, in effect, de-judicialised due to the deregulation of certain areas of social life and the promotion of alternative dispute resolution mechanisms across the region. O'Donnell also proposes a classification of good and bad types of judicialisation, according to the extent to which they do (or do not) contribute to the consolidation of the rule of law and democracy in the region.

This volume opens important avenues for a rigorous analysis of judicialisation in Latin America and covers a broad range of themes and countries. The only criticism which could be made derives, in part, from the very richness of the collective endeavour. The national cases and topics are very diverse and the authors sometimes resort to very different analytical and interpretative frameworks. This makes cross-country comparison difficult, given that the authors are not always asking the same questions. For this reason it is difficult to arrive at solid conclusions through comparative analysis, despite the fact that the editors propose a series of hypotheses in

their introduction which I would tend to endorse. Such difficulties were probably inevitable given that the very newness of the topic makes it almost impossible to effect comparative analyses according to a shared analytical framework which would allow for more definitive conclusions. That will be a task for other future studies. But the very diversity of approaches and topics addressed can be seen as a great strength of this book, as the reader will encounter diverse perspectives which can enrich their understanding of the complex issue of judicialisation of politics in Latin America. Such a plurality of approaches should stimulate the development of new research on the topic.

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Alfred P. Montero, *Brazilian Politics: Reforming a Democratic State in a Changing World* (Cambridge: Polity Press, 2006), pp. viii + 167, £50.00, £16.99 pb; \$59.95, \$26.95 pb.

North American political scientist Alfred Montero has written a very timely and succinct analysis of Brazil's 'New Republic' (1985 to the present). His firm grasp of the literature on contemporary Brazilian politics, both in English and Portuguese, and his detailed knowledge of key events in the country are what one would hope for from such a survey. But Montero also knows how to write for the intelligent non-specialist, using an effective combination of descriptive prose, historical data (and minimal statistics), 'boxed' summaries at the beginning of each chapter and concluding summaries at the end, and no footnotes ... and all in less than 150 pages.

Montero introduces his book with a description of President Lula's controversial participation in 2001 in back-to-back meetings at the World Economic Forum in Davos, Switzerland and the World Social Forum in Porto Alegre, Brazil. In doing so, he finds the perfect metaphor for the dilemma of contemporary Brazilian politics: balancing the dictates of capitalist development and financial (inter)dependence, on the one hand, with increasingly insistent demands of greater social justice and democratic 'quality', on the other. Montero fleshes out this dilemma and organises his analysis around five 'thematic areas' that contain the principal challenges to the country's ongoing efforts at economic and democratic development: the state and state formation/reform, institutions of representation in an oligarchical society, the socio-economic context of uneven development and social inequality, the emergence of a democratic civil society, and the search for a coherent and effective foreign policy. Following a very brief historical overview of Brazilian history prior to the New Republic, each of these themes takes up a full chapter of Montero's book. He finishes with a chapter dedicated to evaluating the first two years of President Lula's presidency within his five-part framework.

Montero understands Brazil's political history to be constructed around extreme inequalities of class, ethnicity, gender and region. Over the last century, a succession of political regimes and institutions has only tended to reproduce and reinforce such inequalities: 'clientelism, state corporatism, and, finally, bureaucratic-authoritarianism limited the extent to which most Brazilians would benefit from the fruits of industrial growth and modernization' (p. 25). Political 'exclusion' continues today