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Matthew C. Ingram

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### CRAFTING COURTS IN NEW DEMOCRACIES

The role of Latin American courts in facilitating democracy and economic liberalization is considerable. But while national “high courts” have been closely studied, the form, function, and empowerment of local courts are still not well understood.

In *Crafting Courts in New Democracies* Matthew C. Ingram fills this gap by examining the varying strength of local judicial institutions in Brazil and Mexico since the 1980s. Combining statistical analysis and in-depth qualitative research, Ingram offers a rich account of the politics that shape subnational court reform in the region’s two largest democracies. In contrast to previous studies, theoretical emphasis is given to the influence of political ideas over the traditional focus on objective, material incentives. Exhaustively researched and rigorously presented, *Crafting Courts in New Democracies* will appeal to scholars and policymakers interested in the judiciary, institutional change, Latin America, the causal role of ideas, justice reform, and the rule of law.

Matthew C. Ingram (JD, PhD, University of New Mexico) is an assistant professor of political science at the University at Albany, State University of New York. His research has been funded by the National Science Foundation, the Social Science Research Council, and the Fulbright Program. Before entering academia, Professor Ingram worked in law enforcement in California.

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# Crafting Courts in New Democracies

THE POLITICS OF SUBNATIONAL JUDICIAL  
REFORM IN BRAZIL AND MEXICO

**MATTHEW C. INGRAM**

University at Albany, State University of New York



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*To my mother*

*Katharine Goodridge Ingram*

*for encouraging intellectual curiosity, playfulness, and creativity*

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## Preface

This book examines the sources of institutional change in the judiciary. That is, what explains court reform (or counterreform)? Why do some courts improve over time while others do not? Why do courts in one place perform well while courts elsewhere remain dysfunctional? In this regard, the book falls squarely within a broader field of research aimed at understanding the sources of strong democratic institutions. The book's theoretical emphasis is on the causal role of ideas. How and why do particular ideas exert influence on the shape of institutions? How do we know that ideas matter, rather than other external, material constraints or incentives? Lastly, the book is also about Latin American politics, particularly subnational politics in the region's two largest democracies, Brazil and Mexico. The focus on local courts is a significant departure from the vast majority of literature in the field of comparative public law and judicial politics that examines high courts and other national, apex justice institutions. While a small number of scholars have studied local courts within individual countries, this is the first book to examine local courts across more than one country. What does subnational variation in judicial strength and capacity look like within these two countries? How can we better understand the sources of this variation? The argument of the book draws on the aforementioned substantive, theoretical, and regional concerns to posit that – across different local political conditions within these two countries – ideas emerge as meaningful determinants of court strength.

The research design combines a subnational level of analysis across two countries with both quantitative and qualitative techniques. Brazil and Mexico are Latin America's two largest democracies, markets, and federal systems, consisting of twenty-seven and thirty-two subnational units, respectively, and accounting for more than half of the region's population and economic output. Given the book's concern with the ideational origins of institutional change, a

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subnational, multi-method design across these two countries maximizes analytic leverage in several ways. First, subnational, comparative research designs within a single country enhance analytic leverage by controlling for alternative explanations at the national level (e.g., national culture, macroeconomic conditions, and political institutions). Second, most subnational research focuses on a single country, but subnational designs across more than one country are particularly useful analytically. In this regard, these two countries experienced forms of authoritarianism and transitions to democracy, yet political conditions across Brazil and Mexico varied in different ways, including the nature of authoritarian pasts (military vs. single dominant party), the centralization of party systems (fragmented vs. centralized), the programmaticness of politicians and political parties (non-programmatic vs. programmatic), and the ideology of the dominant actors at the national level before and after the transition to democracy (right-to-center-to-left in Brazil vs. center-to-right in Mexico). Thus, if inferences regarding the causal role of ideas hold at the subnational level within each country, and these inferences also hold across the two countries despite their many differences, then we can be quite confident in the overall conclusion. Third, the multi-method research design sequences large-N regression analyses with small-N, textured, in-depth case studies in three states in each country (total of six case studies). Beyond the methodological gains of subnational analysis across two countries, triangulating among disparate data and methods in this way further enhances the validity of conclusions.

In sum, the substantive focus on subnational courts complements a burgeoning literature on comparative law and courts; the theoretical emphasis on the causal role of ideas speaks to a growing body of research on ideational forces in politics; and the combination of a subnational level of analysis in more than one country with both quantitative and qualitative methods intersects with a growing literature on territorial politics, multilevel politics, and mixed-methods research designs. My hope is that the book is appealing to a wide range of audiences: specialists in public law, political ideas, subnational politics, or multi-method research; policy audiences interested in factors that help or hinder legal reform; and more general audiences interested in Latin American politics, justice reform, democracy, and development. The consistent goal throughout this project has been to develop a better understanding of the political process of building democratic institutions. In this sense, the politics of court reform in the Brazilian and Mexican states have many lessons to offer those interested in the quality of democracy and democratization. This book aims to capture some of these lessons.

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aftermath of the neoliberal era in Latin America – and his willingness to share his thoughts on this work – also helped focus my argument about the relevance of ideas in the region. He continues to be a role model as teacher, mentor, and scholar.

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