To what extent do courts in Latin America protect individual rights and limit governments? This book answers these fundamental questions by bringing together today's leading scholars of judicial politics. Drawing on examples from Argentina, Brazil, Chile, Mexico, Colombia, Costa Rica, and Bolivia, the authors demonstrate that there is widespread variation in the performance of Latin America's constitutional courts. In accounting for this variation, the contributors push forward ongoing debates about what motivates judges; whether institutions, partisan politics, and public support shape interbranch relations; and the importance of judicial attitudes and legal culture. The authors deploy a range of methods, including qualitative case studies, paired country comparisons, statistical analysis, and game theory.

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Courts in Latin America

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During the conference, the Mexican Supreme Court hosted a welcome dinner for the participants of the conference in the magnificent patio de murales, a space in the Supreme Court building surrounded by the murals that Mexican artist José Clemente Orozco (1883–1949) painted between 1940 and 1941. The cover of this book shows an image from one of those murals, entitled The Struggle of the Workers (La lucha de los trabajadores). The mural shows an open door – the main door of the Supreme Court – that separates two groups of workers fighting for their rights: some are inside the Court and some outside. If one looks closely, it is possible to distinguish on the left-hand side of the door the face of a shouting worker who is half in and half out of the Court. Compared with Orozco’s other murals in the Supreme Court building, where his representations of the goddess of Justice and the Courts of Law are clearly more skeptical and even contemptuous, La lucha de los trabajadores presents a more complex picture: it implies that the workers’ struggle is conducted not only in the streets but also in the courtrooms. Why did only some workers decide to cross the door? Did they do so when they expected their rights to be defended by the law? And, to what extent was the law responsive? These are just some of the questions that this book addresses.