

Judging the Judiciary: Understanding Public Confidence in Latin American Courts

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ABSTRACT

Although there is a substantial literature examining public confidence in the judiciary in developed nations, scholars have paid scant attention to analyzing judicial confidence in developing countries. Building on extant work regarding developed nations and introducing original hypotheses in the context of developing nations, this research explains influences on public confidence in Latin American judiciaries by developing a theory that focuses on the potential influences of institutional quality, experiences, and individual attitudes. The hypotheses are empirically tested with the rich individual-level data compiled by the Latin American Public Opinion Project 2006 survey. The results indicate that a variety of factors influence public confidence in Latin American courts; the role of context explains points of consistency and divergence with research on developed nations.

Meaningful attempts to institute and consolidate democratic governance in Latin America have been pursued in varying degrees throughout the region for at least 20 years. While significant progress has been made on several fronts, other important steps along the path to democracy have fallen woefully short. Prillaman (2000) highlights a critical feature of democratic government that has failed to achieve the necessary institutional and popular support to sustain representative government in Latin America: the rule of law.

Although many institutions affect the extent to which the rule of law exists in a polity, the judicial system of a country clearly ranks among the most important institutions for achieving and maintaining this condition (Buscaglia and Domingo 1997). Latin American judiciaries do not compare well to their developed counterparts and are considered to be “among the most inefficient, ineffective, and corrupt in the world” (Staats et al. 2005, 78). Though many problems probably coincide with the absence of the rule of law and the presence of incompetent judiciaries, a clear and troubling correlate for proponents of democracy would certainly be the erosion of public confidence in the judicial branch and perhaps in the democratic system as a whole (Benesh 2006). When judiciaries do enjoy public support, they build reservoirs of legitimacy and allow for the consolidation

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