

Ideologization of Justice

¿Or of debate?



— *Álvaro Castellanos Howell*



We generally hear people talking about the judicialization of politics and the politization of justice.

But, given the recent statements against the amendment of Article 209 of the Constitution, related with the current “Council on Judicial Administration”, it is important to briefly analyze if it is possible to speak about an ideologization of justice.

Those who are against the amendment state that the bill in question would take us to a scenario like Venezuela. In other words, a scenario where there is no judicial independency from other branches of government.

Perhaps, it is relevant to start this analysis by explaining the meaning of “politization” of justice, and then describing what “ideologization” of justice is.

If judges, in the reasons for their decisions, do not use the objective methods of legal rationalization but subjective methods of politic rationalization, then we can speak about politization of justice. And I believe we would then experience a potential “ideologization” as well, because politic subjective criteria would be determined by a specific ideology, ranging from extreme right to extreme left.

I honestly do not understand fairly well how the opponents reach to the conclusion that the proposed Article 209 take us to an imminent “venezuelization”.

The article proposed today (May 4th) about the Council on Judicial Administration itself would not directly result in the scenario fervently anticipated. To separate administrative from judicial powers at the judiciary is an undeferrable task.

In any case, for being in such a fearsome situation such as a “judicial dictatorship”, whether under the Constitution in force or its amendments, if approved, there should be no separation of powers.

This generally happens with a dictatorial executive branch. In other words, there should be a rightist or leftist dictator exerting forceful submission or coopting other bodies of government. And for exerting forceful submission, it should have such force: military, economic or both. Nobody wants these dictatorships. Here there is certainly an ideologization of justice.

This debate made me think that we must be sure that any effort of constitutional amendment guarantees an authentic separation of powers.

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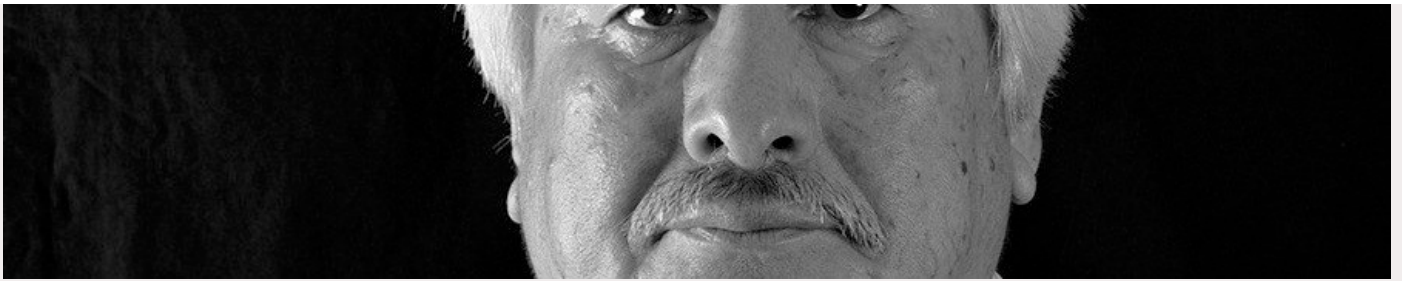
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