

Abstract

There has long been broad agreement on the importance of building—and enhancing access to—“rule of law” systems in developing countries, but efforts to do either of these things have a long and unhappy history. These disappointments, we contend, stem largely from a prevailing theory that overlooks (a) the interdependence of ‘policies’, ‘laws’, and ‘rules systems’, (b) the cultural contexts in which all three are inherently embedded, (c) the political processes by which they acquire their institutional form and legitimacy, and thus (d) the complexities associated with undertaking judicial reform initiatives. We outline an alternative approach which centers on understanding what we call ‘legal inequality traps’, and show how it is informing a new generation of innovative efforts to improve the accessibility, legitimacy and effectiveness of justice systems for the poor.

Keywords: justice sector reform, access to justice, institutional reform, policy reform, social policy

Caroline Sage is Counsel in the Justice Reform Unit of the World Bank’s Legal Department.

Michael Woolcock is Research Director and Professor of Social Science and Development Policy at the Brooks World Poverty Institute, University of Manchester.