

Increasingly, judges have been equating 'democracy' with the Rule of Law and as encompassing specific content such as an independent judiciary and the separation of powers. Constitutional litigation in the Commonwealth Caribbean, not necessarily confined to the immediate post-independence period, has often foundered because of a variety of problems peculiar to the Bill of Rights, such as special savings law clauses, unenforceable opening sections and opaque redress provisions. Since some allusion to a democratic state or respect for democracy appears in many of these very constitutions outside of the Bill of the Rights, expansive understandings of what a democracy entails is surely significant. This paper focuses on one such element of 'democracy' identified by the Privy Council, that of judicial independence, and argues that these developments hold tremendous promise for constitutional interpretation and, by extension, governance in general – particularly for those territories polarized by race or class.