

MAKING CONSTITUTIONS

PRESIDENTS, PARTIES, AND INSTITUTIONAL
CHOICE IN LATIN AMERICA



GABRIEL L. NEGRETTO

Making Constitutions Presidents Parties And Institutional Choice In Latin America

Tom Ginsburg, Alberto Simpser



Making Constitutions Presidents Parties And Institutional Choice In Latin America:

Making Constitutions Gabriel L. Negretto, 2013-06-17 Negretto provides the first systematic explanation of the origins of constitutional designs from an analytical historical and comparative perspective Based on analysis of constitutional change in Latin America from 1900 to 2008 and four detailed case studies Negretto shows the main determinants of constitutional choice are the past performance of constitutions in providing effective and legitimate instruments of government and the strategic interests of the actors who have influence over institutional selection The book explains how governance problems shape the general guidelines for reform while strategic calculations and power resources affect the selection of specific alternatives of design It emphasizes the importance of events that trigger reform and the designers level of electoral uncertainty for understanding the relative impact of short term partisan interests on constitution writing Negretto s study challenges predominant theories of institutional choice and paves the way for the development of a new research agenda on institutional change

New Constitutionalism in Latin America Almut Schilling-Vacaflor, 2016-04-29 Latin America has a long tradition of constitutional reform Since the democratic transitions of the 1980s most countries have amended their constitutions at least once and some have even undergone constitutional reform several times The global phenomenon of a new constitutionalism with enhanced rights provisions finds expression in the region but the new constitutions such as those of Bolivia Colombia Ecuador and Venezuela also have some peculiar characteristics which are discussed in this important book Authors from a number of different disciplines offer a general overview of constitutional reforms in Latin America since 1990 They explore the historical philosophical and doctrinal differences between traditional and new constitutionalism in Latin America and examine sources of inspiration The book also covers sociopolitical settings which factors and actors are relevant for the reform process and analyzes the constitutional practices after reform including the question of whether the recent constitutional reforms created new post liberal democracies with an enhanced human and social rights record or whether they primarily serve the ambitions of new political leaders

Constitutional Change and Transformation in Latin America Richard Albert, Carlos Bernal, Julian Zaiden Benvindo, 2019-07-25 Over the past 30 years Latin America has lived through an intense period of constitutional change Some reforms have been limited in their design and impact while others have been far reaching transformations to basic structural features and fundamental rights Scholars interested in the law and politics of constitutional change in Latin America are turning increasingly to comparative methodologies to expose the nature and scope of these changes to uncover the motivations of political actors to theorise how better to execute the procedures of constitutional reform and to assess whether there should be any limitations on the power of constitutional amendment In this collection leading and emerging voices in Latin American constitutionalism explore the complexity of the vast topography of constitutional developments experiments and perspectives in the region This volume offers a deep understanding of modern constitutional change in Latin America and evaluates its implications for constitutionalism

democracy human rights and the rule of law **Redrafting Constitutions in Democratic Regimes** Gabriel L. Negretto, 2020-09-17 This book analyzes how replacing democratic constitutions may contribute to the improvement or erosion of democratic principles and practices *Transformative Constitutionalism in Latin America* Armin von Bogdandy, Eduardo Ferrer Mac-Gregor, Mariela Morales Antoniazzi, Flávia Piovesan, Ximena Soley, 2017-07-21 This groundbreaking collection of essays outlines and explains the unique development of Latin American jurisprudence It introduces the idea of the *Ius Constitutionale Commune en Am rica Latina* ICCAL an original Latin American path of transformative constitutionalism to an Anglophone audience for the first time It charts the key developments that have transformed the region and assesses the success of the constitutional projects that followed a period of authoritarian regimes in Latin America Coined by scholars who have been documenting conceptualizing and comparing the development of Latin American public law for more than a decade the term ICCAL encompasses themes that cross national borders and legal fields taking in constitutional law administrative law general public international law regional integration law human rights and investment law Not only does this volume map the legal landscape it also suggests measures to improve society via due legal process and a rights based supranational and regionally rooted constitutionalism The editors contend that with the strengthening of democracy the rule of law and human rights common problems such as the exclusion of wide sectors of the population from having a say in government as well as corruption hyper presidentialism and the weak normativity of the law can be combatted more effectively in future Latin American Constitutionalism M. C. Mirow, 2015-09-15 *Latin American Constitutions* provides a comprehensive historical study of constitutionalism in Latin America from the independence period to the present focusing on the Constitution of C diz a foundational document in Latin American constitutionalism Although drafted in Spain it was applied in many regions of Latin America and deputies from America formed a significant part of the drafting body The politicization of constitutionalism reflected in Latin America s first moments proved to be a lasting legacy evident in the legal and constitutional world of the region today many of Latin America s present challenges to establishing effective constitutionalism can be traced to the debates ideas structures and assumptions of this text This book explores the region s attempts to create effective constitutional texts and regimes in light of an established practice of linking constitutions to political goals and places important constitutional thinkers and regional constitutions such as the Mexican Constitution of 1917 into their legal and historical context Social Rights and the Constitutional Moment Koldo Casla, Magdalena Sepúlveda, Vicente Silva, Valentina Contreras, 2022-06-02 Chile s constitutional moment began as a popular demand in late 2019 This collection seizes the opportunity of this unique moment to unpack the context difficulties opportunities and merits to enhance the status of environmental and social rights health housing education and social security in a country s constitution Learning from Chilean and international experiences from the Global South and North and drawing on the analysis of both academics and practitioners the book provides rigorous answers to the fundamental

questions raised by the construction of a new constitutional bill of rights that embraces climate and social justice With an international and comparative perspective chapters look at issues such as political economy the judicial enforceability of social rights implications of the privatisation of public services and the importance of active participation of most vulnerable groups in a constitutional drafting process Ahead of the referendum on a new constitution for Chile in the second half of 2022 this collection is timely and relevant and will have direct impact on how best to legislate effectively for social rights in Chile and beyond *Democracies and Dictatorships in Latin America* Scott Mainwaring, Aníbal Pérez-Liñán, 2014-01-31 This book presents a new theory for why political regimes emerge and why they subsequently survive or break down It then analyzes the emergence survival and fall of democracies and dictatorships in Latin America since 1900 Scott Mainwaring and Anibal P rez Li n argue for a theoretical approach situated between long term structural and cultural explanations and short term explanations that look at the decisions of specific leaders They focus on the political preferences of powerful actors the degree to which they embrace democracy as an intrinsically desirable end and their policy radicalism to explain regime outcomes They also demonstrate that transnational forces and influences are crucial to understand regional waves of democratization Based on extensive research into the political histories of all twenty Latin American countries this book offers the first extended analysis of regime emergence survival and failure for all of Latin America over a long period of time

Contested, Violated but Persistent Charlotte Heyl, Mariana Llanos, 2022-12-26 Presidential term limits have been a crucial institutional feature of the third wave of democratization They are meant to safeguard democracy by promoting alternation in office and preventing the personalization of power However since the 1990s term limits have been subject to frequent contestation by incumbents Such contestation process has often been considered a sign of autocratization particularly when it involves the weakening of other constitutional constraints such as courts and legislatures Term limit contestations have attracted the attention of scholars working with a global perspective as well as with a regional or country specific one too Latin America and sub Saharan Africa are focal points of these trends despite their different histories of presidentialism and diverging types of term limit rules This book generates new empirical and theoretical insights by bringing together the scholarship on Latin America and sub Saharan Africa providing context bound intraregional research as well as long term perspectives for the study of term limit change The chapters advance novel findings on institutionalization the power of precedence incumbent centred strategies and approaches to protect presidential term limits This volume will be of great use to students and researchers interested in Latin American and African studies comparative politics as well as political leadership The chapters in this book were originally published as a special issue of *Democratization* [The Chain of Representation](#) Brian F. Crisp, Santiago Olivella, Guillermo Rosas, 2020-03-19 How do formal institutions affect the extent to which democracies adopt policies that reflect the preferences of their citizens Based on a chain of representation model in which electoral rules and policy making powers link citizens politicians and policies this book reveals the conditions under

which citizen preferences and implemented policies diverge Comparative quantitative analyses encompassing eighteen Latin American countries show that presidential democracies vary greatly in the degree to which they demonstrate responsiveness to their electorates Often individual presidents with strong legislative powers have prompted policy changes that are unrepresentative of voter preferences Other times their interactions with legislatures result in more representative policies Grounded in clear theory and thorough empirics this study shows how rules can introduce dissonance between voters and politicians but also how they can potentially reduce it This is an excellent resource for scholars and graduate students interested in comparative politics institutional design economic policy and Latin American studies **Neoliberal**

Resilience Aldo Madariaga, 2020-09-01 An exploration of the factors behind neoliberalism's resilience in developing economies and what this could mean for democracy's future Since the 1980s neoliberalism has withstood repeated economic shocks and financial crises to become the hegemonic economic policy worldwide Why has neoliberalism remained so resilient What is the relationship between this resiliency and the backsliding of Western democracy Can democracy survive an increasingly authoritarian neoliberal capitalism Neoliberal Resilience answers these questions by bringing the developing world's recent history to the forefront of our thinking about democratic capitalism's future Looking at four decades of change in four countries once considered to be leading examples of effective neoliberal policy in Latin America and Eastern Europe Argentina Chile Estonia and Poland Aldo Madariaga examines the domestic actors and institutions responsible for defending neoliberalism Delving into neoliberalism's political power Madariaga demonstrates that it is strongest in countries where traditional democratic principles have been slowly and purposefully weakened He identifies three mechanisms through which coalitions of political institutional and financial forces have propagated neoliberalism's success the privatization of state companies to create a supporting business class the use of political institutions to block the representation of alternatives in congress and the constitutionalization of key economic policies to shield them from partisan influence Madariaga reflects on today's most pressing issues including the influence of increasing austerity measures and the rise of populism A comparative exploration of political economics at the peripheries of global capitalism Neoliberal Resilience investigates the tensions between neoliberalism's longevity and democracy's gradual decline **The National Versus the Foreigner in South**

America Diego Acosta, Diego Acosta Arcarazo, 2018-05-24 A historical and comparative analysis investigating two hundred years of migration and citizenship laws in South America **A Companion to Latin American Legal History**, 2023-12-04 This comprehensive volume offers fresh insights on Latin American and Caribbean law before European contact during the colonial and early republican eras and up to the present It considers the history of legal education the legal profession Indigenous legal history and the legal history concerning Africans and African Americans other enslaved peoples women immigrants peasants and workers This book also examines the various legal frameworks concerning land and other property commerce and business labor crime marriage family and domestic conflicts the church the welfare state constitutional law

and rights and legal pluralism It serves as a current introduction for those new to the field and provides in depth interpretations discussions and bibliographies for those already familiar with the region s legal history Contributors are Diego Acosta Alejandro Ag ero Sarah C Chambers Robert J Cottrol Oscar Cruz Barney Mariana Dias Paes Tamar Herzog Marta Lorente Sari ena M C Mirow Jerome G Offner Brian Owensby Juan Manuel Palacio Agust n Parise Rogelio Prez Perdomo Heikki Pihlajam ki Susan Elizabeth Ramirez Timo H Schaefer William Suarez Potts Victor M Uribe Uran Cristin Villalonga Alex Wisnoski and Eduardo Zimmermann *Fixing Democracy* Javier Corrales, 2018-05-29 In a comprehensive reviews of constitutional change in Latin America *Fixing Democracy* argues that the strongest predictor of whether a new constitution will expand or restrict presidential powers is power asymmetry or more specifically the distance between Incumbent and Opposition forces at the negotiating table **The Fates of Political Parties** Jennifer Cyr, 2017-06-09 This book shows how political parties in Latin America can survive and even revive after electoral crises *Redefining Comparative Constitutional Law*, 2024-11-25 Over the past two decades the field of comparative constitutional law has emerged as a major domain of scholarly inquiry It has also been a notable feature in judicial practice Many of the world s leading courts are now composed of at least some members who engage with comparative materials and thinking comparatively has developed into one of the most significant ways of engaging in constitutional analyses *Redefining Comparative Constitutional Law Essays for Mark Tushnet* reflects upon the field of comparative constitutional law Among the most prominent figures in the development of the field in its ongoing renaissance has been Mark Tushnet This book uses the occasion of Professor Tushnet s recent retirement from Harvard Law School to think critically about the field Each essay takes up one of Professor Tushnet s major recent themes which focuses on variations within liberal constitutionalism and the possibility of other forms of constitutionalism that find articulation under other political regimes In this book leading scholars contribute to the debate over the nature of the field including the role of empiricism and language discussions of democracy and entrenchment analyses of rights and courts consideration of constitutional design and explorations of the extent to which there are varieties of constitutionalism At a moment of renewed stress and political debate over the relationship between democracy and constitutionalism *Redefining Comparative Constitutional Law Essays for Mark Tushnet* offers timely insights into comparative analyses of constitutional rights Academics and students alike will benefit from the essays that range across both methodological questions and substantive analysis in the development of constitutions throughout the globe

Creating a Constitution Federica Carugati, 2019-08-20 A comprehensive account of how the Athenian constitution was created with lessons for contemporary constitution building We live in an era of constitution making More than half of the world s constitutions have been drafted in the past half century Yet one question still eludes theorists and practitioners alike how do stable growth enhancing constitutional structures emerge and endure In *Creating a Constitution* Federica Carugati argues that ancient Athens offers a unique laboratory for exploring this question Because the city state was reasonably well

documented smaller than most modern nations and simpler in its institutional makeup the case of Athens reveals key factors of successful constitution making that are hard to flesh out in more complex settings Carugati demonstrates that the institutional changes Athens undertook in the late fifth century BCE after a period of war and internal strife amounted to a de facto constitution The constitution restored stability and allowed the democracy to flourish anew The analysis of Athens s case reveals the importance of three factors for creating a successful constitution first a consensus on a set of shared values capable of commanding long term support second a self enforcing institutional structure that reflects those values and third regulatory mechanisms for policymaking that enable tradeoffs of inclusion to foster growth without jeopardizing stability Uniquely combining institutional analysis political economy and history Creating a Constitution is a compelling account of how political and economic goals that we normally associate with Western developed countries were once achieved through different institutional arrangements **Comparative Election Law** Gardner, James A.,2022-04-21 This timely research handbook offers a systematic and comprehensive examination of the election laws of democratic nations Through a study of a range of different regimes of election law it illuminates the disparate choices that societies have made concerning the benefits they wish their democratic institutions to provide the means by which such benefits are to be delivered and the underlying values commitments and conceptions of democratic self rule that inform these choices Political Inequality in an Age of Democracy Joshua Dubrow,2014-07-11 The world has witnessed the creation of new democracies and the maturing of old ones Yet everywhere there is democracy there is also political inequality Voices of everyday folk struggle to be heard often they keep silent Governments respond mostly to the influential and the already privileged Our age of democracy then is the old age of inequality This book builds on U S scholarship on the topic of political inequality to understand its forms causes and consequences around the world Comprised of nine theoretical methodological and empirical chapters this path creating edited collection contains original works by both established and young up and coming social scientists including those from Latin America Eastern Europe Greece and the U S Political Inequality in an Age of Democracy addresses the present and future of the concept of political inequality from multi disciplinary and cross national perspectives

Constitutions in Authoritarian Regimes Tom Ginsburg,Alberto Simpser,2014 This volume explores the form and function of constitutions in countries without the fully articulated institutions of limited government

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Table of Contents Making Constitutions Presidents Parties And Institutional Choice In Latin America

1. Understanding the eBook Making Constitutions Presidents Parties And Institutional Choice In Latin America
 - The Rise of Digital Reading Making Constitutions Presidents Parties And Institutional Choice In Latin America
 - Advantages of eBooks Over Traditional Books
2. Identifying Making Constitutions Presidents Parties And Institutional Choice In Latin America
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Making Constitutions Presidents Parties And Institutional Choice In Latin America
 - User-Friendly Interface
4. Exploring eBook Recommendations from Making Constitutions Presidents Parties And Institutional Choice In Latin America
 - Personalized Recommendations
 - Making Constitutions Presidents Parties And Institutional Choice In Latin America User Reviews and Ratings
 - Making Constitutions Presidents Parties And Institutional Choice In Latin America and Bestseller Lists
5. Accessing Making Constitutions Presidents Parties And Institutional Choice In Latin America Free and Paid eBooks
 - Making Constitutions Presidents Parties And Institutional Choice In Latin America Public Domain eBooks
 - Making Constitutions Presidents Parties And Institutional Choice In Latin America eBook Subscription Services

- Making Constitutions Presidents Parties And Institutional Choice In Latin America Budget-Friendly Options
- 6. Navigating Making Constitutions Presidents Parties And Institutional Choice In Latin America eBook Formats
 - ePub, PDF, MOBI, and More
 - Making Constitutions Presidents Parties And Institutional Choice In Latin America Compatibility with Devices
 - Making Constitutions Presidents Parties And Institutional Choice In Latin America Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Making Constitutions Presidents Parties And Institutional Choice In Latin America
 - Highlighting and Note-Taking Making Constitutions Presidents Parties And Institutional Choice In Latin America
 - Interactive Elements Making Constitutions Presidents Parties And Institutional Choice In Latin America
- 8. Staying Engaged with Making Constitutions Presidents Parties And Institutional Choice In Latin America
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Making Constitutions Presidents Parties And Institutional Choice In Latin America
- 9. Balancing eBooks and Physical Books Making Constitutions Presidents Parties And Institutional Choice In Latin America
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Making Constitutions Presidents Parties And Institutional Choice In Latin America
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Making Constitutions Presidents Parties And Institutional Choice In Latin America
 - Setting Reading Goals Making Constitutions Presidents Parties And Institutional Choice In Latin America
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Making Constitutions Presidents Parties And Institutional Choice In Latin America
 - Fact-Checking eBook Content of Making Constitutions Presidents Parties And Institutional Choice In Latin America

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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