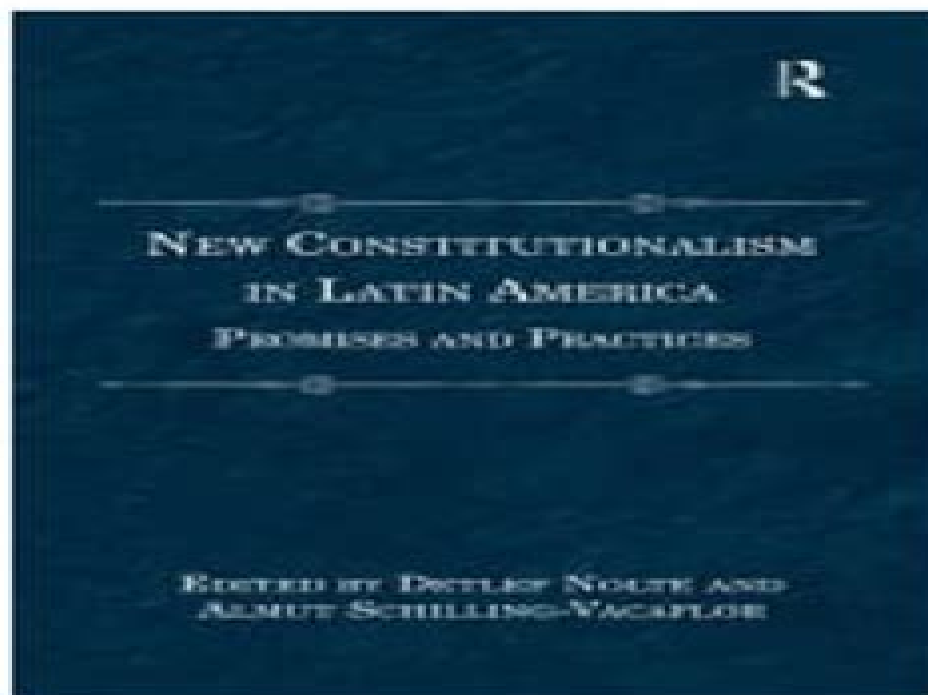


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New Constitutionalism in Latin America Detlef Nolte, Almut Schilling-Vacaflor, 2012

Transformative Constitutionalism in Latin America Armin von Bogdandy, Eduardo Ferrer Mac-Gregor, Mariela Morales Antoniazzi, Flávia Piovesan, Ximena Soley, 2017-06-16 This ground-breaking 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 the future.

The Oxford Handbook of Constitutional Law in Latin America Conrado Hübner Mendes, Roberto Gargarella, Sebastián Guidi, 2022 This Oxford Handbook details the constitutions and constitutional history of Latin America, providing comparative analysis of the prevailing institutional models and major themes in the region's constitutionalism.

Constitutional Reasoning in Latin America and the Caribbean Johanna Fröhlich, 2024-09-05 This book examines the reasoning practice of 15 constitutional courts and supreme courts, including the Caribbean.

Commonwealth and the Inter American Court of Human Rights Enriched by empirical data with which it strives to contribute to a constructive and well informed debate the volume analyses how Latin American courts justify their decisions Based on original data and a region specific methodology the book provides a systematic analysis utilising more than 600 leading cases It shows which interpretive methods and concepts are most favoured by Latin American courts and which courts were the most prolific in their reasoning activities The volume traces the features of judicial dialogue on a regional and sub regional level and enables the evaluation and comparison of each country s reasoning culture in different epochs The collection includes several graphs to visualise the changes and tendencies of the reasoning practices throughout time in the region based on information gathered from the dataset To better understand the current functioning and the future tendencies of courts in Latin America and the Caribbean the volume illuminates how constitutional and supreme courts have actually been making their decisions in the selected landmark cases which could also contribute to future successful litigation strategies for both national constitutional courts and the Inter American Court for Human Rights This project was made possible due to the collaboration and funding provided by the Rule of Law Programme for Latin America of the Konrad Adenauer Foundation and the Law School of the University of San Francisco de Quito

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

Eternity Clauses in Democratic Constitutionalism Silvia Suteu, 2021 Comparative constitutional law has a long and distinguished history in intellectual thought and in the construction at public law Political actors and the people who create or modify their constitutional orders often wish to learn from the experience and learning of others This cross fertilization and mutual interaction has only accelerated with the onset of globalization which has transformed the world into an interconnected web that facilitates dialogue and linkages across international and regional structures Oxford Comparative Constitutionalism seeks to publish scholarship of the highest quality in constitutional law that deepens our knowledge of local national regional and global phenomena through the lens of comparative public law

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Rice, Gordana Yovanovich, 2016-07-15 Latin American and Caribbean communities and civil societies are undergoing a rapid process of transformation. Instead of pervasive social atomization, political apathy and hollowed-out democracies which have become the norm in some parts of the world, this region is witnessing an emerging collaboration between community, civil society and government that is revitalizing democracy. This book argues that a key explanation lies in the powerful and positive relationship between community and civil society that exists in the region. The ideas of community and civil society tend to be studied separately as analytically distinct concepts; however, this volume seeks to explore their potential to work together. A unique contribution of the work is the space for dialogue it creates between the social sciences and the humanities. Many of the studies included in the volume are based on primary fieldwork and place-based case studies. Others relate literature, music and film to important theoretical works, providing a new direction in interdisciplinary studies and highlighting the role that the arts play in community revival and broader processes of social change. A truly multi-disciplinary book bridging established notions of civil society and community through an authentically interdisciplinary approach to the topic.

Transformative Constitutionalism and Kenya Gautam Bhatia, 2025-06-10 A key book about rights, separation of powers and the State which assesses a decade and a half of transformative constitutionalism in Kenya through the lens of landmark constitutional judgments, discussing their international import and suggesting new pathways towards democratic constitutionalism. In 2010, after more than two decades of struggle, Kenya's new Constitution was born. Widely accepted to be transformative in nature, in the decade and a half since it was enacted, the Constitution has been at the centre of national discourse. And in that time, the country's courts have been confronted with crucial and high-stakes constitutional disputes which are both distinctively Kenyan in nature but also are disputes that have long been common to constitutional democracies around the world. They include issues around constitutional change, federalism, imperial presidencies, the role of the legislature, election disputes, land rights and horizontality among others. Drawing comparisons with constitutional jurisdictions globally which often rely upon precedent from each other's jurisdictions, this book examines transformative constitutionalism under the 2010 Constitution and shows that while Kenyan courts have been informed by and been in conversation with global precedent, they have crafted unique and particular solutions. The book excavates the engagement of Kenyan Courts with the 2010 Kenyan Constitution to highlight the unique and innovative contributions that Kenyan courts have made to global constitutional problems and to suggest pathways for the future. Showcasing the jurisprudence of the courts in action, this book discusses how and when the power to amend a constitution can be limited or constrained and how constitutional change can be insulated from political interference. It examines issues of parliamentarianism and devolution in the context of the national controversy around constituency development funds and reveals how Kenya provides a model for understanding constitutional separation of powers. It looks at the process for challenging presidential elections and details how the Supreme Court has aimed to set out clear legal and evidentiary standards for how a court ought to deal with a pure

political dispute something with which judiciaries around the world have struggled It explores the evolution of socio economic rights including the right to housing non discrimination and equality before the law as well as the question of how transformative constitutionalism interrogates private power Placing contemporary Kenyan constitutionalism at its heart this work of comparative constitutional law asks what the ongoing global constitutional conversation can learn from the Kenyan experience under its new order risdictions globally which often rely upon precedent from each other s jurisdictions this book examines transformative constitutionalism under the 2010 Constitution and shows that while Kenyan courts have been informed by and been in conversation with global precedent they have crafted unique and particular solutions The book excavates the engagement of Kenyan Courts with the 2010 Kenyan Constitution to highlight the unique and innovative contributions that Kenyan courts have made to global constitutional problems and to suggest pathways for the future Showcasing the jurisprudence of the courts in action this book discusses how and when the power to amend a constitution can be limited or constrained and how constitutional change can be insulated from political interference It examines issues of parliamentarianism and devolution in the context of the national controversy around constituency development funds and reveals how Kenya provides a model for understanding constitutional separation of powers It looks at the process for challenging presidential elections and details how the Supreme Court has aimed to set out clear legal and evidentiary standards for how a court ought to deal with a pure political dispute something with which judiciaries around the world have struggled It explores the evolution of socio economic rights including the right to housing non discrimination and equality before the law as well as the question of how transformative constitutionalism interrogates private power Placing contemporary Kenyan constitutionalism at its heart this work of comparative constitutional law asks what the ongoing global constitutional conversation can learn from the Kenyan experience under its new order s It looks at the process for challenging presidential elections and details how the Supreme Court has aimed to set out clear legal and evidentiary standards for how a court ought to deal with a pure political dispute something with which judiciaries around the world have struggled It explores the evolution of socio economic rights including the right to housing non discrimination and equality before the law as well as the question of how transformative constitutionalism interrogates private power Placing contemporary Kenyan constitutionalism at its heart this work of comparative constitutional law asks what the ongoing global constitutional conversation can learn from the Kenyan experience under its new order risdictions globally which often rely upon precedent from each other s jurisdictions this book examines transformative constitutionalism under the 2010 Constitution and shows that while Kenyan courts have been informed by and been in conversation with global precedent they have crafted unique and particular solutions The book excavates the engagement of Kenyan Courts with the 2010 Kenyan Constitution to highlight the unique and innovative contributions that Kenyan courts have made to global constitutional problems and to suggest pathways for the future Showcasing the jurisprudence of the courts in action this book discusses

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