

# Latin American Constitutionalism 1810 2010

## The Engine Room Of The Constitution

*Latin American Constitutionalism, 1810-2010* **Latin American Constitutionalism, 1810-2010**  
*Comparative Matters Law and Policy in Latin America The North American Idea* **Expériences démocratiques et droit constitutionnel en Amérique latine** **Bourgeoisie, State and Democracy** The Sacred Is the Profane **El derecho como una conversación entre iguales**  
Castigar al prójimo **The Biopolitics of Embryos and Alphabets** **La sala de máquinas de la Constitución** Community, Scale, and Regional Governance **Reappraising Political Theory** The Eyes of the People **The Inclusionary Turn in Latin American Democracies** Divine Democracy  
**The Politics of Presidential Term Limits** **The Morality of Private War** *The Death of the Irreparable Injury Rule* **The Global South and Comparative Constitutional Law** **The Constitution After Scott Machiavelli's Prince** *The First Amendment in the Trump Era*  
**Democracy When the People Are Thinking** P National Colors **How to Save a Constitutional Democracy** Political Theology for a Plural Age *Markets in Vice, Markets in Virtue* **The Executive in the Constitution** *Eternity Clauses in Democratic Constitutionalism* **Practical Authority** *National Security, Leaks and Freedom of the Press* Transformative Constitutionalism in Latin America **The Scepter of Reason** **Populist Challenges to Constitutional Interpretation in Europe and Beyond** Re-Imagining Community and Civil Society in Latin America and the Caribbean **Economic and Social Rights after the Global Financial Crisis** **Constitutional Democracy in Crisis?**  
*Politics Latin America*

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It is your utterly own get older to appear in reviewing habit. accompanied by guides you could enjoy now is **Latin American Constitutionalism 1810 2010 The Engine Room Of The Constitution** below.

**El derecho como una conversación entre iguales** Feb 22 2022 Muchas democracias aparecen recorridas por un temible fantasma: el hastío o la fatiga. La ciudadanía se muestra harta de sus instituciones, exhausta de sus representantes. Se habla de democracias que ya no "mueren" como antes, de un golpe de Estado, sino de muerte lenta, y a partir de un paulatino desmantelamiento que llevan a cabo, por medio de pasos legales, quienes han llegado a apropiarse del poder. Ante este diagnóstico desalentador, Roberto Gargarella plantea explícitamente la gran pregunta leninista: ¿Qué hacer? Y argumenta en dos direcciones absolutamente originales. No se trata de emparchar el sistema de frenos y contrapesos entre los tres poderes del Estado, o de mejorar el control judicial, o de depurar el sistema político de funcionarios corruptos o incapaces. El problema no está en la Constitución ni en las personas aisladas. El problema es que nuestras instituciones tienen doscientos años y están a años luz de las demandas y necesidades sociales. Fueron pensadas para preservar el poder de las minorías en épocas de guerra entre facciones y para mantener a raya a las mayorías, que solo pueden participar formalmente a través del voto. Frente a esto, hay que empezar todo de nuevo, con el norte de un ideal que no es utópico ni ilusorio: la conversación entre iguales. Así, a contrapelo de la inercia de los poderes constituidos, este libro apuesta por un sistema institucional

más abierto y sensible a las discusiones, capaz de responder al principal drama de nuestro tiempo, las desigualdades. Un sistema que atienda las movilizaciones populares y organice espacios de deliberación inclusiva en vez de conciliábulos de expertos. Nada de esto es abstracto: sucedió en 2018 en la Argentina con la ley de interrupción voluntaria del embarazo; en Chile con el inicio de un proceso constituyente impensable hace unos años; en Irlanda con el debate sobre matrimonio igualitario y aborto; en Islandia con el proceso de reforma constitucional; y en Canadá con el sistema electoral. Después de tres décadas de pensar los pilares del constitucionalismo, Roberto Gargarella ha escrito una obra conmovedora por su compromiso intelectual y su voluntad de intervención fuerte en pos de una democracia que dé -por fin- la voz a las mayorías.

**Populist Challenges to Constitutional Interpretation in Europe and Beyond** Oct 28 2019 This book explores the relationship between populism or populist regimes and constitutional interpretation used in those regimes. The volume discusses the question of whether contemporary populist governments and movements have developed, or encouraged new and specific constitutional theories, doctrines and methods of interpretation, or whether their constitutional and other high courts continue to use the old, traditional interpretative tools in constitutional adjudication. The book is divided into four parts. Part I contains three chapters elaborating the theoretical basis for the discussion. Part II examines the topic from a comparative perspective, representing those European countries where populism is most prevalent, including Austria, Croatia, the Czech Republic, Greece, Hungary, Italy, Poland, Romania, Spain, and the United Kingdom. Part III extends the focus to the United States, reflecting how American jurisprudence and academia have produced the most important contributions to the theory of constitutional interpretation, and how recent political developments in that country might challenge the traditional understanding of judicial review. This section also includes a general overview on Latin America, where there are also some populist governments and strong populist movements. Finally, the editors' closing study analyses the outcomes of the comparative research, summarizing the conclusions of the book. Written by renowned national constitutional scholars, the book will be essential reading for students, academics and researchers working in Constitutional Law and Politics.

**The Politics of Presidential Term Limits** May 16 2021 Presidential term limits are one of the most important institutions in presidentialism. They are at the center of contemporary and historical debates and political battles between incumbent presidents seeking additional terms and their political opponents warning against democratic backsliding and the dangers of personalism. Bringing the team of country experts, comparativists, theorists, constitutional lawyers, and policy practitioners together, *The Politics of Presidential Term Limits* is a book that aims to provide a one-stop source for the comprehensive study of this topic. It includes theory and survey chapters that explain presidential term limits as an idea, constitutional norm, and an institution; country and comparative chapters including historical, intra-regime, and comparative regional studies, chapters that examine the effects of term limits as well as studies from the perspective of on-the-ground international constitutional builders and that ask what difference do term limits make.--Provided by publisher

**Democracy When the People Are Thinking P** Oct 09 2020 Democracy requires a connection to the 'will of the people'. What does that mean in a world of 'fake news', relentless advocacy, dialogue mostly among the like-minded, and massive spending to manipulate public opinion? What kind of opinion can the public have under such conditions? What would democracy be like if the people were really thinking in depth about the policies they must live with? If they really 'deliberated' with good information about their political choices? This book argues that 'deliberative democracy' is not utopian. It is a practical solution to many of democracy's ills. It can supplement existing institutions with practical reforms. It can apply at all levels of government and for many different kinds of policy choices. This volume speaks to a recurring dilemma: listen to the people and get the angry voices of populism or rely on widely distrusted elites and get policies that seem out of touch with the public's concerns. Instead, there are methods for getting a representative and thoughtful public voice that is really worth listening to. Democracy is under siege in most countries, where democratic institutions

have low approval and face a resurgent threat from authoritarian regimes. Deliberative democracy can provide an antidote and can reinvigorate our democratic politics. This book draws on the author's research with many collaborators on 'Deliberative Polling'-a process conducted in 27 countries on six continents. It contributes both to political theory and to the empirical study of public opinion and participation. It should interest anyone concerned about the future of democracy and how it can be revitalized.

**The Executive in the Constitution** May 04 2020 Highlighting major recent changes in the way government organises itself and controls the action of its departments this book shows how the executive government's place in our constitution is changing.

**How to Save a Constitutional Democracy** Aug 07 2020 Democracies are in danger. Around the world, a rising wave of populist leaders threatens to erode the core structures of democratic self rule. In the United States, the election of Donald Trump marked a decisive turning point for many. What kind of president calls the news media the "enemy of the American people," or sees a moral equivalence between violent neo-Nazi protesters in paramilitary formation and residents of a college town defending the racial and ethnic diversity of their homes? Yet, whatever our concerns about the current president, we can be assured that the Constitution offers safeguards to protect against lasting damage—or can we? How to Save a Constitutional Democracy mounts an urgent argument that we can no longer afford to be complacent. Drawing on a rich array of other countries' experiences with democratic backsliding, Tom Ginsburg and Aziz Z. Huq show how constitutional rules can either hinder or hasten the decline of democratic institutions. The checks and balances of the federal government, a robust civil society and media, and individual rights—such as those enshrined in the First Amendment—do not necessarily succeed as bulwarks against democratic decline. Rather, Ginsburg and Huq contend, the sobering reality for the United States is that, to a much greater extent than is commonly realized, the Constitution's design makes democratic erosion more, not less, likely. Its structural rigidity has had the unforeseen consequence of empowering the Supreme Court to fill in some details—often with doctrines that ultimately facilitate rather than inhibit the infringement of rights. Even the bright spots in the Constitution—the First Amendment, for example—may have perverse consequences in the hands of a deft communicator, who can degrade the public sphere by wielding hateful language that would be banned in many other democracies. But we—and the rest of the world—can do better. The authors conclude by laying out practical steps for how laws and constitutional design can play a more positive role in managing the risk of democratic decline.

*Markets in Vice, Markets in Virtue* Jun 04 2020 This sweeping, comparative study of taxation in the United States and Australia shows that even as governments in the Western world have become increasingly sophisticated tax collectors, a competitive and ruthless market in advice on tax avoidance has developed. The same competitive forces in the late twentieth century which have driven down prices and sparked efficiencies in the production of fast food or computer parts have helped stimulate the markets for bads like tax shelters and problem gambling. Braithwaite draws the surprising conclusion that effective regulation could actually flip markets in vice to markets of virtue. Essential reading for anyone involved in policy, governance, and regulation, *Markets in Vice, Markets in Virtue* provides a blueprint for restoring the equity of Western tax systems and a breakthrough theory of how regulators can support markets in virtue and curtail markets in vice.

**Economic and Social Rights after the Global Financial Crisis** Aug 26 2019 The global financial and economic crises have had a devastating impact on economic and social rights. These rights were ignored by economic policy makers prior to the crises and continue to be disregarded in the current 'age of austerity'. This is the first book to focus squarely on the interrelationship between contemporary and historic economic and financial crises, the responses thereto, and the resulting impact upon economic and social rights. Chapters examine the obligations imposed by such rights in terms of domestic and supranational crisis-related policy and law, and argue for a response to the crises that integrates these human rights considerations. The expert international contributors, both academics and practitioners, are drawn from a range of disciplines including law, economics,

development and political science. The collection is thus uniquely placed to address debates and developments from a range of disciplinary, geographical and professional perspectives.

**Bourgeoisie, State and Democracy** Apr 26 2022 One of the key questions in social science is the role of the bourgeoisie in creating a democracy. An important issue in contemporary international politics is the trajectory of the current Russian political system. This book brings these questions together by exploring the role played by the bourgeoisie in shaping political outcomes in five countries: contemporary Russia, and industrial revolution Britain, France, Germany and the USA. Its main focus is the way the different new business classes have been integrated into the political system, and the implications this had for the political trajectories of the respective countries. The contemporary Russian experience is thrown into relief by comparison with the national experiences of the other four countries, enabling conclusions to be drawn about both the general question of the historic role of this class in democratisation and the more specific question of its role in Russia today.

**Practical Authority** Mar 02 2020 This book looks at what actors in complex policy environments actually do to get new institutions off the ground. The story told has a multiplicity of protagonists, many of whom are normally invisible in political studies, such as the state officials and university professors who struggled to move water reform forward. The book explores the interaction between their efforts to influence the design and passage of new legislation and the hard labor of creating the new water management organizations the laws called for.

Transformative Constitutionalism in Latin America Dec 31 2019 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 América 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, 1810-2010* Nov 02 2022 Latin America possesses an enormously rich constitutional history, one that has only recently become the subject of scholarly inquiry. As noted legal theorist Roberto Gargarella contends, contemporary constitutional and political theory has a great deal to learn from this history, as Latin American constitutionalism has endured unique challenges that have not appeared in other regions. Such challenges include the emergence of egalitarian constitutions in inegalitarian contexts; deliberation over the value of "importing" foreign legal instruments; a long-standing exercise of socio-economic rights; issues of multiculturalism and indigenous rights; and substantial experience with "unbalanced" versions of the system of "checks and balances." Moreover, Latin American nations have endured numerous and frequent constitutional changes over the past two centuries. In this landmark book, Gargarella provides a broadly comparative history of Latin American constitutionalism, informed by constitutional theory. He organizes the book across four major historical periods of Latin American legal history, infusing this history with a discussion of the ideas of thinkers including Juan Bautista Alberdi, Francisco Bilbao, Simón Bolívar; Juan Egaña, José González Vigil, Victorino Lastarria, Juan Carlos Mariátegui, Juan Montalvo, José María Mora, Mariano Otero, Manuel Murillo Toro, José María Samper and Domingo Sarmiento. Written by one of the leading scholars in the field, this book is truly a milestone

in the study of Latin American constitutionalism.

**The Global South and Comparative Constitutional Law** Feb 10 2021 This volume makes a timely intervention into a field which is marked by a shift from unipolar to multipolar order and a pluralization of constitutional law. It addresses the theoretical and epistemic foundations of Southern constitutionalism and discusses its distinctive themes, such as transformative constitutionalism, inequality, access to justice, and authoritarian legality. This title has three goals. First, to pluralize the conversation around constitutional law. While most scholarship focuses on liberal forms of Western constitutions, this book attempts to take comparative law's promise to cover all major legal systems of the world seriously; second, to reflect critically on the epistemic framework and the distribution of epistemic powers in the scholarly community of comparative constitutional law; third, to reflect on - and where necessary, test - the notion of the Global South in comparative constitutional law. This book breaks down the theories, themes, and global picture of comparative constitutionalism in the Global South. What emerges is a rich tapestry of constitutional experiences that pluralizes comparative constitutional law as both a discipline and a field of knowledge.

**The Biopolitics of Embryos and Alphabets** Dec 23 2021 Biopolitics and posthumanism have been passé theories in the academy for a while now, standing on the unfashionable side of the fault line between biology and liberal thought. These days, if people invoke them, they do so a bit apologetically. But, as Ruth Miller argues, we should not be so quick to relegate these terms to the scholarly dustbin. This is because they can help to explain an increasingly important (and contested) influence in modern democratic politics-that of nostalgia. Nostalgia is another somewhat embarrassing concept for the academy. It is that wistful sense of longing for an imaginary and unitary past that leads to an impossible future. And, moreover for this book, it is ordinarily considered "bad" for democracy. But, again, Miller says, not so fast. As she argues in this book, nostalgia is the mode of engagement with the world that allows thought and life to coexist, productively, within democratic politics. Miller demonstrates her theory by looking at nostalgia as a nonhuman mode of "thought" embedded in biopolitical reproduction. To put this another way, she looks at mass democracy as a classically nonhuman affair and nostalgic, nonhuman reproduction as the political activity that makes this democracy happen. To illustrate, Miller draws on the politics surrounding embryos and the modernization of the Turkish alphabet. Situating this argument in feminist theories of biopolitics, this unusual and erudite book demonstrates that nostalgia is not as detrimental to democratic engagement as scholars have claimed.

**The Inclusionary Turn in Latin American Democracies** Jul 18 2021 Latin American states took dramatic steps toward greater inclusion during the late twentieth and early twenty-first Centuries. Bringing together an accomplished group of scholars, this volume examines this shift by introducing three dimensions of inclusion: official recognition of historically excluded groups, access to policymaking, and resource redistribution. Tracing the movement along these dimensions since the 1990s, the editors argue that the endurance of democratic politics, combined with longstanding social inequalities, create the impetus for inclusionary reforms. Diverse chapters explore how factors such as the role of partisanship and electoral clientelism, constitutional design, state capacity, social protest, populism, commodity rents, international diffusion, and historical legacies encouraged or inhibited inclusionary reform during the late 1990s and early 2000s. Featuring original empirical evidence and a strong theoretical framework, the book considers cross-national variation, delves into the surprising paradoxes of inclusion, and identifies the obstacles hindering further fundamental change.

*The First Amendment in the Trump Era* Nov 09 2020 Regardless of how the presidency of Donald J. Trump ultimately concludes, a significant part of its legacy will relate to the First Amendment. The president has publicly attacked the institutional press and individual reporters, calling them the "enemy of the people." He has proposed that flag burners be jailed and denaturalized, blocked critics from his Twitter page, communicated hateful and derogatory ideas, and defended the speech of white nationalists. More than any other modern president, Trump has openly challenged

fundamental First Amendment norms and principles relating to free speech and free press. These challenges have come at a time when the institutional press faces economic and other pressures that negatively affect their functions and legitimacy; political and other forms of polarization are on the rise; and protesters face diminished space and opportunities for exercising free speech rights. This book catalogues and analyzes the various First Amendment conflicts that have occurred during the Trump presidency. It places these conflicts in historical context--as part of our current digitized and polarized era but also as part of a broader narrative concerning attacks on free speech and the press. We must understand both what is familiar in terms of the First Amendment concerns of the present era, but also what is distinctive about these concerns. The Trump Era has once again reminded us of the need for a free and independent press, the need to protect robust and sometimes caustic criticism of public officials, and the importance of protest and dissent to effective self-government.

**Constitutional Democracy in Crisis?** Jul 26 2019 Is the world facing a serious threat to the protection of constitutional democracy? There is a genuine debate about the meaning of the various political events that have, for many scholars and observers, generated a feeling of deep foreboding about our collective futures all over the world. Do these events represent simply the normal ebb and flow of political possibilities, or do they instead portend a more permanent move away from constitutional democracy that had been thought triumphant after the demise of the Soviet Union in 1989? *Constitutional Democracy in Crisis?* addresses these questions head-on: Are the forces weakening constitutional democracy around the world general or nation-specific? Why have some major democracies seemingly not experienced these problems? How can we as scholars and citizens think clearly about the ideas of "constitutional crisis" or "constitutional degeneration"? What are the impacts of forces such as globalization, immigration, income inequality, populism, nationalism, religious sectarianism? Bringing together leading scholars to engage critically with the crises facing constitutional democracies in the 21st century, these essays diagnose the causes of the present afflictions in regimes, regions, and across the globe, believing at this stage that diagnosis is of central importance - as Abraham Lincoln said in his "House Divided" speech, "If we could first know where we are, and whither we are tending, we could then better judge what to do, and how to do it."

*Re-Imagining Community and Civil Society in Latin America and the Caribbean* Sep 27 2019 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.

**The Constitution After Scott** Jan 12 2021 The Scott Report was the most important constitutional event of the long Conservative period in office. This book offers a full analysis of what the Report means for the future of constitutional government, and for constitutional reform, in Britain. Issues of lying to Parliament and ministerial responsibility; of the control of the civil service; and of freedom of information are all reappraised in the light of the malaise which Scott uncovered. Central questions of secret intelligence and the troublesome "public interest immunity certificates" are also considered, as are (for the first time in Britain) the American aspects of the story. This book is essential reading for all students of the British constitution or of British Government.

*Comparative Matters* Aug 31 2022 Comparative study has emerged as the new frontier of constitutional law scholarship as well as an important aspect of constitutional adjudication. Increasingly, jurists, scholars, and constitution drafters worldwide are accepting that 'we are all comparativists now'. And yet, despite this tremendous renaissance, the 'comparative' aspect of the enterprise, as a method and a project, remains under-theorized and blurry. Fundamental questions concerning the very meaning and purpose of comparative constitutional inquiry, and how it is to be undertaken, are seldom asked, let alone answered. In this path-breaking book, Ran Hirschl addresses this gap by charting the intellectual history and analytical underpinnings of comparative constitutional inquiry, probing the various types, aims, and methodologies of engagement with the constitutive laws of others through the ages, and exploring how and why comparative constitutional inquiry has been and ought to be pursued by academics and jurists worldwide. Through an extensive exploration of comparative constitutional endeavours past and present, near and far, Hirschl shows how attitudes towards engagement with the constitutive laws of others reflect tensions between particularism and universalism as well as competing visions of who 'we' are as a political community. Drawing on insights from social theory, religion, history, political science, and public law, Hirschl argues for an interdisciplinary approach to comparative constitutionalism that is methodologically and substantively preferable to merely doctrinal accounts. The future of comparative constitutional studies, he contends, lies in relaxing the sharp divide between constitutional law and the social sciences. *Comparative Matters* makes a unique and welcome contribution to the comparative study of constitutions and constitutionalism, sharpening our understanding of the historical development, political parameters, epistemology, and methodologies of one of the most intellectually vibrant areas in contemporary legal scholarship.

*Castigar al prójimo* Jan 24 2022 Mientras que las sociedades son cada vez más multiculturales, la población de las cárceles continúa siendo notoriamente homogénea. ¿Cómo entender este desajuste? Más que atribuirlo a una supuesta tendencia natural al delito entre los sectores más vulnerables, cabe pensar que la ley penal aplica un sesgo sistemático y discriminatorio y que, al hacerlo, protege un orden injusto. Como lo que está en juego aquí es el uso del aparato coercitivo estatal, que implica la imposición deliberada de dolor, el castigo no puede considerarse de manera superficial, sobre todo en contextos de marcada desigualdad. Para dejar atrás las trampas más frecuentes que perpetúan la brutalidad del sistema, Roberto Gargarella se propone repensar el derecho penal desde los cimientos, recuperando sus lazos con una democracia que apueste a la inclusión y a la deliberación colectiva. Así, discute con el populismo penal y sus políticas de mano dura contra el crimen, amparadas en la voluntad de un pueblo al que nunca se consulta pero al que se atribuye el reclamo de penas más severas, que los medios y las encuestas de opinión amplifican. Y polemiza también con quienes, desde posiciones más progresistas, proponen la aplicación mínima del derecho penal como un mal menor al que habría que resignarse. Unos y otros, en definitiva, alimentan el elitismo de la justicia penal, un ámbito refractario a la discusión abierta. En diálogo controvertido e incisivo con autores como Carlos Nino, Eugenio Raúl Zaffaroni, Luigi Ferrajoli y Antony Duff, entre otros, Gargarella postula y defiende una visión alternativa, que alienta la participación ciudadana en la justicia (por la vía de mediaciones, conferencias o jurados) y experiencias innovadoras de reproche estatal. Obra de uno de los especialistas más brillantes en el campo del derecho, que conjuga la contundencia conceptual con la voluntad de intervenir en el debate público, *Castigar al prójimo* abre el camino para revincular la justicia penal con la democracia.

*Politics Latin America* Jun 24 2019 "This is a volume which will become invaluable to those attempting to guide the neophyte through the maze of politics in Latin America" - Journal of Latin American Studies *Politics Latin America* examines the role of Latin America in the world and its importance to the study of politics with particular emphasis on the institutions and processes that exist to guarantee democracy and the forces that threaten to compromise it. Now in its second edition and fully revised to reflect recent developments in the region, *Politics Latin America* provides students and teachers with an accessible overview of the region's unique political and economic landscape, covering every aspect of governance in its 21 countries. The book examines the

international relations of Latin American states as they seek to carve out a role in an increasingly globalised world and will be an ideal introduction for undergraduate courses in Latin American politics and comparative politics.

**The Scepter of Reason** Nov 29 2019 This book explores the origins of Anglo-American Constitutionalism, from both a philosophical and a historical perspective. It attempts to show that the institutional mechanisms incorporated into the American Constitution were modeled under a strong bias against collective discussion. The book also examines the alternative institutional system then proposed by a different and more radical tradition of thought, and evaluates this alternative from the ideal of a deliberate democracy. The Scepter of Reason challenges much of the current academic literature on the philosophical foundations of modern constitutionalism, and advances suggestions for a different approach. It will be particularly attractive for legal scholars, political scientists, and graduate and undergraduate students interested in Constitutional Theory, Anglo-American History, and Democratic Theory.

Political Theology for a Plural Age Jul 06 2020 New challenges that emerged in the postwar era have given rise to ongoing debate about the place of religion in public life, in the United States and in other established democracies, and this debate has dramatically reshaped the way scholars, policymakers, and religious leaders think about political theology. Political Theology for a Plural Age examines historic and contemporary understandings of political engagement in Christianity, Judaism, and Islam, engaging political theologies not merely as a set of theoretical concepts but as religious beliefs and principles that motivate specific political action. The essays in this volume, written by leading thinkers and practitioners within each tradition and their secular counterparts, examine a number of core issues at the intersection of religion and politics. They contest the definition of political theology, establish a common discourse across the three Abrahamic traditions, and closely examine how globalization, secularization, and pluralism affect the construction and plausibility of political theologies. Finally, they offer insight into how political theologies might adapt to the shared global challenges of the twenty-first century.

The Eyes of the People Aug 19 2021 For centuries it has been assumed that democracy must refer to the empowerment of the People's voice. In this book, Green argues that it is both possible and desirable to understand democracy in terms of what the People gets to see instead of the traditional focus on what it gets to say.

*National Security, Leaks and Freedom of the Press* Jan 30 2020 Written by a group of the nation's leading constitutional scholars, a deeply informed, thoughtful, and often surprising examination of who has First Amendment rights to disclose, to obtain, or to publish classified information relating to the national security of the United States. One of the most vexing and perennial questions facing any democracy is how to balance the government's legitimate need to conduct its operations-especially those related to protecting the national security-in secret, with the public's right and responsibility to know what its government is doing. There is no easy answer to this issue, and different nations embrace different solutions. In the United States, at the constitutional level, the answer begins exactly half a century ago with the Supreme Court's landmark 1971 decision in the Pentagon Papers case. The final decision, though, left many important questions unresolved. Moreover, the issue of leaks and secrecy has cropped up repeatedly since, most recently in the Edward Snowden and Chelsea Manning cases. In *National Security, Leaks and Freedom of the Press*, two of America's leading First Amendment scholars, Lee C. Bollinger and Geoffrey R. Stone, have gathered a group of the nation's leading constitutional scholars-including John Brennan, Eric Holder, Cass R. Sunstein, and Michael Morell, among many others-to delve into important dimensions of the current system, to explain how we should think about them, and to offer as many solutions as possible.

**Latin American Constitutionalism, 1810-2010** Oct 01 2022 This study of 200 years of Latin American constitutionalism (1810-2010) both presents a description and a critical analysis of what Latin Americans did with their Constitutions during those years.

The Sacred Is the Profane Mar 26 2022 The Sacred is the Profane collects nine essays by William Arnal and Russell McCutcheon that advance current scholarly debates on secularism-debates. The

essays return, again and again, to the question of what "religion"—word and concept—accomplishes, now, for those who employ it, whether at the popular, political, or scholarly level. The focus here is on the efficacy, costs, and the tactical work carried out by dividing the world between religious and political, church and state, sacred and profane.

*The North American Idea* Jun 28 2022 In its first seven years, the North American Free Trade Agreement (NAFTA) tripled trade and quintupled foreign investment among the U.S., Mexico, and Canada, increasing its share of the world economy. In 2001, however, North America peaked. Since then, trade has slowed among the three, manufacturing has shrunk, and illegal migration and drug-related violence have soared. At the same time, Europe caught up, and China leaped ahead. In *The North American Idea*, eminent scholar and policymaker Robert A. Pastor explains that NAFTA's mandate was too limited to address the new North American agenda. Instead of offering bold initiatives like a customs union to expand trade, leaders of the three nations thought small. Interest groups stalemated the small ideas while inhibiting the bolder proposals, and the governments accomplished almost nothing. To overcome this resistance and reinvigorate the continent, the leaders need to start with an idea based on a principle of interdependence. Pastor shows how this idea—once woven into the national consciousness of the three countries—could mobilize public support for continental solutions to problems like infrastructure and immigration that have confounded each nation working on its own. Providing essential historical context and challenging readers to view the continent in a new way, *The North American Idea* combines an expansive vision with a detailed blueprint for a more integrated, dynamic, and equitable North America.

*The Death of the Irreparable Injury Rule* Mar 14 2021 The irreparable injury rule says that courts will not grant an equitable remedy to prevent harm if it would be adequate to let the harm happen and grant the legal remedy of money damages. After surveying more than 1400 cases, Laycock concludes that this ancient rule is dead—that it almost never affects the results of cases. When a court denies equitable relief, its real reasons are derived from the interests of defendants or the legal system, and not from the adequacy of the plaintiff's legal remedy. Laycock seeks to complete the assimilation of equity, showing that the law-equity distinction survives only as a proxy for other, more functional distinctions. Analyzing the real rules for choosing remedies in terms of these functional distinctions, he clarifies the entire law of remedies, from grand theory down to the practical details of specific cases. He shows that there is no positive law support for the most important applications of the legal-economic theory of efficient breach of contract. Included are extensive notes and a detailed table of cases arranged by jurisdiction.

*Community, Scale, and Regional Governance* Oct 21 2021 This is the second of five volumes theorizing the structure of governance above and below the central state. This book is written for those interested in the character, causes, and consequences of governance within the state. The book argues that jurisdictional design is shaped by functional and communal pressures. Functional pressures arise from the character of the public goods provided by government: their scale economies, externalities, and informational asymmetries. However, to explain demands for self-rule one needs to understand how people think and act in relation to the communities they conceive themselves belonging. The authors demonstrate: the scale and community explain basic features of governance, including the growth of multiple tiers over the past six decades; how jurisdictions are designed; why governance within the state has become differentiated; and the extent to which regions exert authority. -- book jacket.

*National Colors* Sep 07 2020 The era of official color-blindness in Latin America has come to an end. For the first time in decades, nearly every state in Latin America now asks their citizens to identify their race or ethnicity on the national census. Most observers approvingly highlight the historic novelty of these reforms, but *National Colors* shows that official racial classification of citizens has a long history in Latin America. Through a comprehensive analysis of the politics and practice of official ethnoracial classification in the censuses of nineteen Latin American states across nearly two centuries, this book explains why most Latin American states classified their citizens by race on early national censuses, why they stopped the practice of official racial classification around mid-

twentieth century, and why they reintroduced ethnoracial classification on national censuses at the dawn of the twenty-first century. Beyond domestic political struggles, the analysis reveals that the ways that Latin American states classified their populations from the mid-nineteenth century onward responded to changes in international criteria for how to construct a modern nation and promote national development. As prevailing international understandings of what made a political and cultural community a modern nation changed, so too did the ways that Latin American census officials depicted diversity within national populations. The way census officials described populations in official statistics, in turn, shaped how policymakers viewed national populations and informed their prescriptions for national development--with consequences that still reverberate in contemporary political struggles for recognition, rights, and redress for ethnoracially marginalized populations in today's Latin America.

*Law and Policy in Latin America* Jul 30 2022 This book offers a comprehensive introduction to law and policy responses to contemporary problems in Latin America, such as human rights violations, regulatory dilemmas, economic inequality, and access to knowledge and medicine. It includes 19 chapters written by sociologists, lawyers, and political scientists on the transformations of courts, institutions and rights protection in Latin America, all of which stem from presentations at conferences in Oxford and UCL organised by the editors. The contributors present original analyses based on rigorous research, innovative case-studies, and interdisciplinary perspectives, all written in an accessible style. Topics include the Inter-American Court of Human Rights, institutional design, financial regulation, competition, discrimination, gender quotas, police violence, orphan works, healthcare, and environmental protection, among others. The book will be of interest to students and scholars interested in policymaking, public law, and development.

**Machiavelli's Prince** Dec 11 2020 This book gives a radical, new, chapter-by-chapter reading of Machiavelli's *The Prince*, arguing that it is an ironic masterpiece with a moral purpose. It outlines Machiavelli's most important ironic techniques: a normatively coded use of language.

**The Morality of Private War** Apr 14 2021 The private military industry has been growing rapidly since the end of the Cold War. This work uses normative political theory to assess the leading moral arguments for and against the use of private military and security companies.

Divine Democracy Jun 16 2021 "The 'return of religion' in the public sphere and the emergence of post-secular societies have propelled the discourse of political theology into the centre of contemporary democratic theory. This situation calls forth the question addressed in this book: Is a democratic political theology possible? Carl Schmitt first developed the idea of the Christian theological foundations of modern legal and political concepts in order to criticize the secular basis of liberal democracy. He employed political theology to argue for the continued legitimacy of the absolute sovereignty of the state against the claims raised by pluralist and globalized civil society. This book shows how, after Schmitt, some of the main political theorists of the 20th century, from Jacques Maritain to Jürgen Habermas, sought to establish an affirmative connection between Christian political theology, popular sovereignty and the legitimacy of democratic government. In so doing, the political representation of God in the world was no longer placed in the hands of hierarchical and sovereign lieutenants (Church, Empire, Nation), but in a series of democratic institutions, practices and conceptions like direct representation, constitutionalism, universal human rights, and public reason that reject the primacy of sovereignty"--

**Reappraising Political Theory** Sep 19 2021 In this lively and entertaining book, Terence Ball maintains that 'classic' works in political theory continue to speak to us only if they are periodically re-read and reinterpreted from alternative perspectives. That, the author contends, is how these works became classics, and why they are regarded as such. Ball suggests a way of reading that is both 'pluralist' and 'problem-driven'--pluralist in that there is no one right way to read a text, and problem-driven in that the reinterpretation is motivated by problems that emerge while reading these texts. In addition, the subsequent readings and interpretations become more and more suffused with the interpretations of others. This tour de force, always entertaining and eclectic, focuses on the core problems surrounding many of the major thinkers. Was Machiavelli really

amoral? Why did language matter so much to Hobbes--and why should it matter to us? Are the roots of the totalitarian state to be found in Rousseau? Were the utilitarians sexist in their view of the franchise? The author's aim is to show how a pluralist and problem-centered approach can shed new light on old and recent works in political theory, and on the controversies that continue over their meaning and significance. Written in a lively and accessible style, the book will provoke debate among students and scholars alike.

**Expériences démocratiques et droit constitutionnel en Amérique latine** May 28 2022 Les trois dernières décennies ont été marquées par une profonde transformation du droit constitutionnel latino-américain qui s'est traduite par l'adoption de nouvelles constitutions ou par de profondes réformes constitutionnelles, soit pour mieux asseoir la démocratie libérale, soit au contraire pour s'éloigner du modèle capitaliste. Les présentes études qui s'appuient sur les expériences chiliennes et brésiliennes, confirment qu'au-delà des modèles théoriques, l'efficacité des systèmes institutionnels dépend des particularités de la culture politique, de l'histoire et des spécificités des sociétés concernés.

**La sala de máquinas de la Constitución** Nov 21 2021 A pesar de las muchas reformas constitucionales realizadas en América Latina en las últimas décadas, las constituciones latinoamericanas han sido desatendidas por el pensamiento académico y político, que tampoco mostró mayor interés por la riquísima tradición constitucional que, a lo largo de doscientos años, se fue conformando en la región. En esta obra, Roberto Gargarella, uno de los más prestigiosos constitucionalistas de la actualidad, cubre ampliamente ese vacío con un minucioso estudio de la evolución de los textos fundamentales de las naciones latinoamericanas, estableciendo continuidades y rupturas, semejanzas y diferencias, influencias cruzadas y contradictorias. Pero la lectura del corpus constitucional latinoamericano y de las mutaciones que sufrió durante dos siglos no es, bajo la mirada escrutadora del autor, puramente descriptiva, sino que parte de una constatación incómoda: la obstinada atención que se ha ofrecido a las cuestiones de derechos en desmedro de la organización del poder, lo que impide registrar la incompatibilidad básica entre la democratización y el robustecimiento social que se quieren promover a través de cambios en las secciones de derechos, y la concentración de poder y el centralismo autoritario que se preserva en la sección relativa a la organización política. 'La sala de máquinas de la Constitución' es, a un tiempo, una obra analítica y crítica, una obra de historia constitucional y de teoría política, que muestra de qué modo al mantener cerrada la "sala de máquinas", es decir, al no llevar a cabo las reformas políticas necesarias, el poder permanece concentrado y entra fácil y previsiblemente en tensión con las demandas sociales por más derechos, de modo que "una parte de la Constitución comienza a trabajar en contra de la otra". "Un impresionante panorama de doscientos años de constitucionalismo latinoamericano. El argumento central -que la implementación de los derechos sociales se ve impedida por la falta de reformas políticas- dará lugar sin duda a amplios debates aun más allá de América Latina." Adam Przeworski, New York University "Un maravilloso, abarcador y sólidamente argumentado libro sobre el constitucionalismo latinoamericano [...] que comprende la filosofía, la ciencia política, la historia y el derecho constitucional y brinda un fascinante análisis." Joshua Cohen, Stanford University

*Eternity Clauses in Democratic Constitutionalism* Apr 02 2020 This book analyses unamendability in democratic constitutionalism and engages critically and systematically with its perils, offering a much-needed corrective to existing understandings of this phenomenon. Whether formalized in the constitutional text or developed as part of judicial doctrines of implicit unamendability, eternity clauses raise fundamental questions about the core democratic commitments underpinning any given constitution. The book takes seriously the democratic challenge eternity clauses pose and argues that this goes beyond the old tension between constitutionalism and democracy. Instead, eternity clauses reveal themselves to be a far more ambivalent constitutional mechanism, one with greater and more insidious potential for abuse than has been recognized. The 'dark side' of unamendability includes its propensity to insulate majoritarian, exclusionary, and internally incoherent values, as well as its sometimes purely pragmatic role in elite bargaining. The book

adopts a contextual approach and brings to the fore a variety of case studies from non-traditional jurisdictions. These insights from the periphery illuminate the prospects of unamendability fulfilling its intended aims - protecting constitutional democracy foremost among them. With its promise most appealing in transitional, post-conflict, and fragile democracies, unamendability reveals itself, counterintuitively, to be both less potent and potentially more dangerous in precisely these contexts. The book also places the rise of eternity clauses in the context of other significant trends in recent constitutional practice: the transnational embeddedness of constitution-making and of constitutional adjudication; the rise of popular participation in constitutional reform processes; and the ongoing crisis of democratic backsliding in liberal democracies.