

THE JUDICIALIZATION OF POLITICS IN LATIN AMERICA STUDIES OF THE AMERICAS

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The Judicialization Of Politics In Latin America Studies Of The Americas Introduction

The Judicialization of Politics in Latin America

During the last two decades the judiciary has come to play an increasingly important political role in Latin America. Constitutional courts and supreme courts are more active in counterbalancing executive and legislative power than ever before. At the same time, the lack of effective citizenship rights has prompted ordinary people to press their claims and secure their rights through the courts. This collection of essays analyzes the diverse manifestations of the judicialization of politics in contemporary Latin America, assessing their positive and negative consequences for state-society relations, the rule of law, and democratic governance in the region. With individual chapters exploring Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, Peru and Venezuela, it advances a comparative framework for thinking about the nature of the judicialization of politics within contemporary Latin American democracies.

Cultures of Legality

Ideas about law are undergoing dramatic change in Latin America. The consolidation of democracy as the predominant form of government and the proliferation of transnational legal instruments have ushered in an era of new legal conceptions and practices. Law has become a core focus of political movements and policy-making. This volume explores the changing legal ideas and practices that accompany, cause, and are a consequence of the judicialization of politics in Latin America. It is the product of a three-year international research effort, sponsored by the Law and Society Association, the Latin American Studies Association, and the Ford Foundation, that gathered leading and emerging scholars of Latin American courts from across disciplines and across continents.

The Limits of Judicialization

Latin America was one of the earliest and most enthusiastic adopters of what has come to be known as the judicialization of politics - the use of law and legal institutions as tools of social contestation to curb the abuse of power in government, resolve policy disputes, and enforce and expand civil, political, and socio-economic rights. Almost forty years into this experiment, The Limits of Judicialization brings together a cross-disciplinary group of scholars to assess the role that law and courts play in Latin American politics. Featuring studies of hot-button topics including abortion, state violence, judicial corruption, and corruption prosecutions, this volume argues that the institutional and cultural changes that empowered courts, what the editors call the 'judicialization superstructure,' often fall short of the promise of greater accountability and rights protection. Illustrative and expansive, this volume offers a truly interdisciplinary analysis of the limits of judicialized politics.

Courts in Latin America

To what extent do courts in Latin America protect individual rights and limit governments? This volume answers these fundamental questions by bringing together today's leading scholars of judicial politics. Drawing on examples from Argentina, Brazil, Chile, Mexico, Colombia, Costa Rica and Bolivia, the authors demonstrate that there is widespread variation in the performance of Latin America's constitutional courts. In accounting for this variation, the contributors push forward ongoing debates about what motivates judges; whether institutions, partisan politics and public support shape inter-branch relations; and the importance of judicial attitudes and legal culture. The authors deploy a range of methods, including qualitative case studies, paired country comparisons, statistical analysis and game theory.

Representation and Effectiveness in Latin American Democracies

Legislatures, the judiciary and civil society are important actors in representative democracies. In what ways and how well do they represent? And how effectively do they carry out their institutional and social roles? Both questions refer to the key dimensions of democracy analyzed in this book: representativeness and effectiveness, respectively. While they have been developed separately in scholarly work on institutions and regimes, there is little work considering them simultaneously, and on their interaction. Using quantitative and/or qualitative methods, contributions from top scholars in the field of legislatures, the judiciary and civil society examine these two concepts and their relationships in four Latin American countries: Argentina, Brazil, Chile, and Mexico. Designed to guide the reader through the complexities of this debate, each expert engages in a larger set of theoretical debates about different approaches to representation in each sphere. In doing so, they debate how effectively these spheres carry out their roles in each country: whether a congress is institutionalized, its accountability, and its performance as a lawmaker; whether a judicial system is independent, carries out oversight, and protects citizen rights; and the role of civil society in a representative democracy. Representation and Effectiveness in Latin American Democracies is a timely and welcomed contribution to the to the growing debate about the quality of democracy in Latin America, and the developing world more generally.

The Unfinished Transition to Democracy in Latin America

This book examines the political evolution of the judiciary – a usually overlooked political actor – and its capacity to contribute to the process of democratic consolidation in Latin America during the 1990s. Calleros analyzes twelve countries in order to assess the independence, impartiality, political strength and efficiency of the judicial branch. The picture that emerges – with the one exception of Costa Rica – is the persistence of weak judicial systems, unable in practice to check other branches of government, including the executive and the military, while not quite effective in fully protecting human rights or in implementing due process of law guarantees. Aggravating issues, such as corruption, heavy case backlogs, overcrowding of prisons, circumvention of laws and personal vulnerability of judges, make the judiciary the least evolved of the three branches of government in the Latin American transitions to democracy.

Regime Transition and the Judicialization of Politics in Latin America

An in-depth study of processes of judicial transformation that enabled the success of human rights trials in Latin America.

Shifting Legal Visions

Democracy cannot exist, proclaims Ungar (political science, City U. of New York-Brooklyn College) without the rule of law, which he defines as comprising an independent effective judiciary, state accountability to the law, and citizen accessibility to conflict-resolution mechanisms. He looks to Latin American countries to illustrate how stable democracies are undermined by executive power and judicial disarray that prevent the rule of law from taking hold. Annotation copyrighted by Book News, Inc., Portland, OR.

Elusive Reform

\''This splendid collection by two of our leading political sociologists pioneers new directions in the study of social justice in Latin America. What Justice? Whose Justice? is impassioned scholarship at its best. It brings together detailed studies of rights and institutions, inequality and struggle, citizenship and indigenous politics, war and peace. This book is essential reading for anyone interested in what the so-called triumph of democracy over dictatorship in the region really means today in the lives of the still dispossessed.\''—Matthew C. Gutmann, author of The Romance of Democracy: Compliant Defiance in Contemporary Mexico

\''This book offers a stimulating interdisciplinary analysis of the gripping problems of justice, inequality, and citizenship, and of citizen responses to these issues in contemporary Latin America. It is essential reading on these interrelated themes.\''—Scott Mainwaring, co-editor of Presidentialism and Democracy in Latin America

\''First-rate contributors address the quality of democracy in several Latin American countries in these readable and provocative essays. The volume focuses particularly on the relation between democracy and the law, on the importance of the past, and on informal politics and indigenous political movements. A must-read for all those who are tracking the course of democracy in the region and who are concerned about its political future.\''—Jane S. Jaquette, co-editor of Women and Democracy: Latin America and Central and Eastern Europe

\''For anyone who still assumes that markets plus elections suffice to resolve the problems of injustice that are the political, social, and economic patrimony of Latin America, this book will be a firm wake-up call. At the same time, the excellent case studies in this book make it clear that the current global neoliberal regime is no more effective at suppressing local struggles for justice than the more traditional forms of domination that came before it. It is valuable and provocative reading for anyone interested in understanding the contemporary political dynamics of justice and injustice.\''—Peter Evans, editor of Livable Cities?

What Justice? Whose Justice?

The rise in judicialization research recognizes the influence of politics on the judicial branch. Judicialization is the acceptance and trial of traditional political quandaries by national courts that result in landmark cases and leads to the creation of new legislation. A rise in the number of landmark cases signals a fundamental alteration and understanding of the power and purpose of the judiciary. This thesis substantiates the claims of rising contentious political issues reaching national courts for adjudication. It addresses the causes for judicial empowerment via constitutionalization and determines the effects judicialization has on the process of democratization in Latin America using Brazil and Uruguay as case studies.This compilation includes a reproduction of the 2019 Worldwide Threat Assessment of the U.S. Intelligence Community.I. Introduction * A. Significance * B. Defining Judicialization * C. A New Definition * D. Literature Review * E. Framework * F. Thesis Overview * G. Potential Explanations And Hypotheses * * II. American Constitutions * A. Constitutionalism in America * 1. Historic Constitutionalism in the Americas * 2. Timeline and Revisions Chart of Constitutions * B. Judicial Powers * 1. Docket Control * 2. Judge Outlook * 3. Landmark Cases * C. Constitutionalization Theories * 1. Constitutional Politics * 2. Evolutionist * 3. Systemic, Needs-Based * 4. Microlevel Rational Choice * 5. Hegemonic Preservation * D. Impact of Judicialization Theories on the Arenas of Democratic Consolidation * E. Summary * III. Case Study of Judicialization: Brazil * A. Historical Background of Judicial Power * B. Cases Affecting Democracy * C. Consequences * IV. Case Study of Judicialization: Uruguay * A. Historical Background of Judicial Power * B. Cases Affecting Democracy * C. Consequences * V. Analysis, Conclusion, and Recommendations * A. Analysis * B. Conclusion * C. RecommendationsJudicialization of politics is a global trend that identifies a rising importance of court determinations in the policy-making of modern democracies. Judicialization involves topics typically addressed outside the judicial branch, most commonly in the executive and legislative branches. Since national courts produce permanent legal precedents that affect the demos as a whole, a rise in cases signals, according to some scholars, a fundamental alteration and understanding of the power and purpose of the judiciary. Research in the field of judicialization predominantly centers on the United States with a few case studies available on other regions and in more than one country. Examining location, causes, and consequences of judicialization, I attempt to contribute to the current body of knowledge in hope of bringing further understanding to a topic growing in importance and popularity.

Judicialization in the Americas - Case Studies of Brazil and Uruguay, Causes for Judicial Empowerment Via Constitutionalization, Contentious Political Issues Reaching National Courts for Adjudication

Prillaman argues that a sound judiciary is critical for building popular support for democracy and laying the foundations for sustainable economic development, but that most Latin American governments have made virtually no progress toward building a more effective judiciary. He shows that the traditional approach to judicial reform is flawed on several levels. Reformers are wrong to focus on a single aspect of the judiciary on the assumption that one reform naturally leads to another. In fact, all aspects of the courts are so closely related that failure to reform one aspect creates a negative synergy that ultimately undermines the reformed areas. Instead, a successful reform strategy must simultaneously tackle independence, accountability, access, and efficiency; otherwise, it is virtually assured of failure. As Prillaman points out, judicial reform is not merely a technical process that can be isolated from broader economic and political forces. Rather, it is an inherently political process that will be opposed by forces ranging from politicians accustomed to stocking the courts to judges and court personnel reluctant to accept greater oversight and professional norms. Based on four case studies, Prillaman concludes that failed judicial reforms have led to growing support for mob lynching and vigilante justice that promises to fill the void created by ineffectual courts—ultimately challenging the quality and sustainability of democracy. An invaluable survey for political scientists, students, and researchers involved with democratic consolidation, institution building, and comparative judicial politics in Latin America specifically and the developing world in general.

The Judiciary and Democratic Decay in Latin America

\''Professional analysis of essential elements of judicial reform, as provided in any country-specific review by the World Bank. As political and economic development continue, greater attention needs to be given to judicial reform. Basic elements of judicial reform include: guaranteeing judicial independence through changes in judicial budgeting, judicial appointment, and disciplinary systems; adopting procedural reforms; enhancing public access to justice; incorporating gender issues in the reform process; and redefining/expanding legal education and training\''--Handbook of Latin American Studies, v. 57.

The Judicial Sector in Latin America and the Caribbean

Challenges the distorted hegemonic accounts of Latin American law and reveals their geopolitical and economic consequences in the world today.

The Fictions of Latin American Law and their Strategic Uses

Traditionally relegated because of political pressure and public expectations, courts in Latin America are increasingly asserting a stronger role in public and political discussions. This casebook takes account of this phenomenon, by offering a rigorous and up-to-date discussion of constitutional adjudication in Latin America in recent decades. Bringing to the forefront the development of constitutional law by Latin American courts in various subject matters, the volume aims to highlight a host of creative arguments and solutions that judges in the region have offered. The authors review and discuss innovative case law in light of the countries' social, political and legal context. Each chapter is devoted to a discussion of a particular area of judicial review, from freedom of expression to social and economic rights, from the internalization of human rights law to judicial checks on the economy, from gender and reproductive rights to transitional justice. The book thus provides a very useful tool to scholars, students and litigants alike.

The Latin American Casebook

Crowning a decade of innovative efforts in the historical study of law and legal phenomena in the region, Crime and Punishment in Latin America offers a collection of essays that deal with the multiple aspects of the relationship between ordinary people and the law. Building on a variety of methodological and theoretical trends—cultural history, subaltern studies, new political history, and others—the contributors share the conviction that law and legal phenomena are crucial elements in the formation and functioning of modern Latin American societies and, as such, need to be brought to the forefront of scholarly debates about the region's past and present. While disassociating law from a strictly legalist approach, the volume showcases a number of highly original studies on topics such as the role of law in processes of state formation and social and political conflict, the resonance between legal and cultural phenomena, and the contested nature of law-enforcing discourses and practices. Treating law as an ambiguous and malleable arena of struggle, the contributors to this volume—scholars from North and Latin America who represent the new wave in legal history that has emerged in recent years-- demonstrate that law not only produces and reformulates culture, but also shapes and is shaped by larger processes of political, social, economic, and cultural change. In addition, they offer valuable insights about the ways in which legal systems and cultures in Latin America compare to those in England, Western Europe, and the United States. This volume will appeal to scholars in Latin American studies and to those interested in the social, cultural, and comparative history of law and legal phenomena. Contributors. Carlos Aguirre, Dain Borges, Lila Caimari, Arlene J. Dfaz, Luis A. Gonzalez, Donna J. Guy, Douglas Hay, Gilbert M. Joseph, Juan Manuel Palacio, Diana Paton, Pablo Piccato, Cristina Rivera Garza, Kristin Ruggiero, Ricardo D. Salvatore, Charles F. Walker

Crime and Punishment in Latin America

This book provides unique insights into the practice of democratic constitutionalism in one of the world's most legally and politically significant regions. It combines contributions from leading Latin American and global scholars to provide 'bottom up' and 'top down' insights about the lessons to be drawn from the distinctive constitutional experiences of countries in Latin America. In doing so, it also draws on a rich array of legal and interdisciplinary perspectives. Ultimately, it shows both the promise of democratic constitutions as a vehicle for social, economic and political change, and the variation in the actual constitutional experiences of different countries on the ground – or the limits to constitutions as a locus for broader social change.

Comparative Constitutional Law in Latin America

A compelling account of how civic and media-based initiatives have successfully fought for greater governmental accountability in the emerging democracies of Latin America.

Law and Development in Latin America

The authors examine the way in which international organizations rationalize and prioritize their reform proposals and agenda in Latin America; how reform agendas are implemented and followed up (or not); how international donor organizations relate to national governments and civil society, and to

Enforcing the Rule of Law

Beyond High Courts: The Justice Complex in Latin America is a much-needed volume that will make a significant contribution to the growing fields of comparative law and politics and Latin American legal institutions. The book moves these research agendas beyond the study of high courts by offering theoretically and conceptually rich empirical analyses of a set of critical supranational, national, and subnational justice sector institutions that are generally neglected in the literature. The chapters examine the region's large federal systems (Argentina, Brazil, and Mexico), courts in Chile and Venezuela, and the main supranational tribunal in the region, the Inter-American Court of Human Rights. Aimed at students of comparative legal institutions while simultaneously offering lessons for practitioners charged with designing such institutions, the volume advances our understanding of the design of justice institutions, how their form and function change over time, what causes those changes, and what consequences they have. The volume also pays close attention to how justice institutions function as a system, exploring institutional interactions across branches and among levels of government (subnational, national, supranational) and analyzing how they help to shape, and are shaped by, politics and law. Incorporating the institutions examined in the volume into the literature on comparative legal institutions deepens our understanding of justice systems and how their component institutions can both bolster and compromise democracy and the rule of law. Contributors: Matthew C. Ingram, Diana Kapiszewski, Azul A. Aguiar-Aguilar, Ernani Carvalho, Natália Leitão, Catalina Smulovitz, John Seth Alexander, Robert Nyenhuis, Sidia Maria Porto Lima, José Mário Wanderley Gomes Neto, Danilo Pacheco Fernandes, Louis Dantas de Andrade, Mary L. Volcansek, and Martin Shapiro.

Rule of Law in Latin America

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 America 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.

Beyond High Courts

Using case studies drawn from Latin America, Africa, India and Eastern Europe, this volume examines the role of courts as a channel for social transformation for excluded sectors of society in contemporary democracies. With a focus on social rights litigation in post-authoritarian regimes or in the context of fragile state control, the authors assess the role of judicial processes in altering (or perpetuating) social and economic inequalities and power relations in society. Drawing on interdisciplinary expertise in the fields of law, political theory, and political science, the chapters address theoretical debates and present empirical case studies to examine recent trends in social rights litigation.

The Latin American Casebook

The relevance of lawyers and jurists in the process of state-building in nineteenth-century Latin America has been widely acknowledged. This collection of essays assembles a series of studies dealing with the interaction between the legal world and the wider political, economic, social and cultural processes in which the transition from colonial status to independent nationhood took place. Rather than viewing this transition as a radical transformation of judicial institutions and practices, emphasis has been put upon the continuities between those two phases. The chapters range from general overviews of both colonial and republican Spanish America to more detailed case studies of Mexico, Brazil and Argentina. contributors include: Linda Arnold, Virginia Tech; Osvaldo Barreneche, Universidad Nacional de la Plata, Argentina; Charles R. Cutter, Purdue University; Thomas H. Holloway, Cornell University; Victor M. Uribe, Florida International University.

Transformative Constitutionalism in Latin America

This book aims to evaluate the contribution of Latin America to the development of international law at the International Court of Justice (ICJ). This contemporary approach to international adjudication includes the historical contribution of the region to the development of international law through the emergence of international jurisdictions, as well as the procedural and material contribution of the cases submitted by or against Latin American states to the ICJ to the development of international law. The project then conceives international jurisdictions from a multifunctional perspective, which encompasses the Court as both an instrument of the parties and an organ of a value-based international community. This shows how Latin American states have become increasingly committed to the peaceful settlement of disputes and to the promotion of international law through adjudication. It culminates with an expansion of the traditional understanding of the function of the ICJ by Latin American states, including an analysis of existing challenges in the region. The book will be of interest to all those interested in international dispute resolution, including academic libraries, the judiciary, practitioners in international law, government institutions, academics, and students alike.

Courts and Social Transformation in New Democracies

Over the past two decades, legal thought and practice in Latin America has changed dramatically: new constitutions or constitutional reforms have marked a widespread transition to democracy, fundamental institutional innovations have been introduced, and processes of globalization have had profound impacts on Latin American law. Law and Society in Latin America offers the first systematic assessment by leading Latin American legal scholars of the momentous legal and political transformations in the region. Together with the liberalization of national economies, there has been an intensive importation of legal ideas and institutions - from the commercial and financial regulations promoted by the World Bank and World Trade Organization, to the adversarial criminal justice system inspired by the United States. Meanwhile, the globalization of human rights has had a fundamental impact - as demonstrated by the multiplication of laws, institutions, and public debates about the rights of groups that historically faced discrimination, and about the punishment of serious human rights violations committed by past or present authoritarian governments. These and other processes have not only radically altered the institutional landscape of the region, but also produced academic and practical innovations that are of global interest. Painting a portrait of the new Latin American legal thought for an international audience, Law and Society in Latin America: A New Map will be of particular interest to those studying law and Latin American studies.

Judicial Institutions in Nineteenth-century Latin America

This study describes a Latin American legal system which punishes only the poor and a democratic state which fails to control its own agents' arbitrary practices. The contributors argue that judicial reform cannot be separated from human rights and that justice must be made available to the poor.

Latin America and the International Court of Justice

This present book examines some of the key features of the interplay between legal history, authoritarian rule and political transitions in Brazil and other countries from the end of 20th Century until today. This book casts light on these aspects of the role of law and legal actors/institutions. In the context of transition from authoritarian rule to democratic state, Brazil has produced a significant literature on the challenges and shortcomings of the transition, but little attention has been given to the role of law and legal actors/institutions. Different approaches focus on the legal mechanisms, discourses and practices used by the military regime and by the players involved in the political transition process in Brazil. A comparative perspective that takes into account different political transitions – and their legal consequences – in Europe and Latin America complements the analysis. Part 1 (4 essays) discusses some of the central issues of political transition and legal history in contemporary Brazil, focusing on the time of the transition (and its effects on transitional justice) with different perspectives, from racial and gender issues to constitutional reform and police repression. Part 2 (3 essays) brings the comparative studies on South American experiences. Part 3 (4 essays) analyses different cases of transition to democracy in Chile, Portugal, Spain and Italy. Part 4 (3 essays) proposes a historiographical and methodological approach, considering the politics of time involved in the interplay between political transitions and legal history.

Law and Society in Latin America

Constitutional law in Latin America embodies a mosaic of national histories, political experiments, and institutional transitions. No matter how distinctive these histories and transitions might be, there are still commonalities that transcend the mere geographical contiguity of these countries. This Handbook depicts the constitutional landscape of Latin America by shedding light on its most important differences and affinities, qualities and drawbacks, and by assessing its overall standing in the global enterprise of democratic constitutionalism. It engages with substantive and methodological conundrums of comparative constitutional law in the region, drawing meaningful comparisons between constitutional traditions. The volume is divided into two main parts. Part I focuses on exploring the constitutions for seventeen jurisdictions, offering a comprehensive country-by-country critique of the historical foundations, institutional architecture, and rights-based substantive identity of each constitution. Part II presents comparative analyses on the most controversial constitutional topics of the region, exploring central concepts in institutions and rights. The Oxford Handbook of Constitutional Law in Latin America is an essential resource for scholars and students of comparative constitutional law, and Latin American politics and history. Written by leading experts, it comprehensively examines constitutions, controversies, institutions, and constitutional rights in Latin America.

The (un)rule of Law and the Underprivileged in Latin America

How has Latin America pioneered the field of transitional justice (TJ)? Do approaches vary across the region? This Element describes Latin American innovations in trials and truth commissions, and evaluates two influential models that explain variation in TJ outcomes: the Huntingtonian and Justice Cascade approaches. It argues that scholars should complement these approaches with one that recognizes the importance of state capacity building and institutional change. To translate domestic/international political pressure and human rights norms into outcomes, states must develop 'TJ capabilities'. Not only should states be willing to pursue these highly complex policies, they must also develop competent bureaucracies.

Comparing Transitions to Democracy. Law and Justice in South America and Europe

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.

The Oxford Handbook of Constitutional Law in Latin America

This book explains how the rule of law emerges and how it survives in nascent democracies. The question of how nascent democracies construct and fortify the rule of law is fundamentally about power. By focusing on judicial autonomy, a key component of the rule of law, this book demonstrates that the fragmentation of political power is a necessary condition for the rule of law. In particular, it shows how party competition sets the stage for independent courts. Using case studies of Argentina at the national level and of two neighboring Argentine provinces, San Luis and Mendoza, this book also addresses patterns of power in the economic and societal realms. The distribution of economic resources among members of a divided elite fosters competitive politics and is therefore one path to the requisite political fragmentation. Where institutional power and economic power converge, a reform coalition of civil society actors can overcome monopolies in the political realm.

The Politics of Transitional Justice in Latin America

This study analyzes how elected leaders and high courts in Argentina and Brazil interact over economic governance.

Constitutional Change and Transformation in Latin America

Karen Alter's work on the European Court of Justice heralded a new level of sophistication in the political analysis of the controversial institution, through its combination of legal understanding and active engagement with theoretical questions. The European Court's Political Power assembles the most important of Alter's articles written over a fourteen year span, adding an original new introduction and a conclusion that takes an overview of the Court's development and current concerns. Together the articles provide insight into the historical and political contours of the ECJ's influence on European politics, explaining how and why the impact of an institution can vary so greatly over time and access different issues. The book starts with the European Coal and Steel Community, where the ECJ was largely unable to facilitate greater member state respect for ECSC rules. Alter then shows how legal actors orchestrated an activist transformation of the European legal system, with the critical aid of jurist advocacy movements, and via the co-optation of national courts. The transformation of the European legal system wrested control from member states over the meaning of European law, but the ECJ continues to have varying influence across different issues. Alter explains that the differing influence of the ECJ comes from the varied extent to which sub- and supra-national actors turn to it to achieve political objectives. Looking beyond the European experience, the book includes four chapters that put the ECJ into a comparative perspective, examining the extent to which the ECJ experience is a unique harbinger of the future role international courts may play in international and comparative politics.

The Rule of Law in Nascent Democracies

This book examines the 1990s backlash against illegal immigrants. Wroe explains why many Americans turned against immigration, looking at the origins of California's Proposition 187 and its wider political implications.

High Courts and Economic Governance in Argentina and Brazil

The study of law and politics is one of the foundation stones of the discipline of political science, and it has been one of the most productive areas of cross-fertilization between the various subfields of political science and between political science and other cognate disciplines. This Handbook provides a comprehensive survey of the field of law and politics in all its diversity, ranging from such traditional subjects as theories of jurisprudence, constitutionalism, judicial politics and law-and-society to such re-emerging subjects as comparative judicial politics, international law, and democratization. The Oxford Handbook of Law and Politics gathers together leading scholars in the field to assess key literatures shaping the discipline today and to help set the direction of research in the decade ahead.

The European Court's Political Power

This pioneering collection offers a comprehensive investigation into how to study public policy in Latin America. While this region exhibits many similarities with the North American and European countries that have traditionally served as sources for generating public policy knowledge, Latin American countries are also different in many fundamental ways. As such, existing policy concepts and frameworks may not always be the most effective tools of analysis for this unique region. To fill this gap, Comparative Public Policy in Latin America offers guidelines for refining current theories to suit Latin America's contemporary institutional and socio-economic realities. The contributors accomplish this task by identifying the features of the region that shape public policy, including informal norms and practices, social inequality, and weak institutions. This book promises to become the definitive work on contemporary public policy in Latin America, essential for those who study the area as well as comparative public policy more broadly.

The Republican Party and Immigration Politics

Machine generated contents note: 1. Societally penetrated judiciaries and the democratic rule of law; 2. The evolution of judicial regimes; 3. Costa Rica: a liberal judicial regime; 4. Government control regimes in Central America versus the rule of law; 5. Clandestine control in Guatemala; 6. Partisan systems; Conclusion

The Oxford Handbook of Law and Politics

Traditionally relegated because of political pressure and public expectations, courts in Latin America are increasingly asserting a stronger role in public and political discussions. This casebook takes account of this phenomenon, by offering a rigorous and up-to-date discussion of constitutional adjudication in Latin America in recent decades. Bringing to the forefront the development of constitutional law by Latin American courts in various subject matters, the volume aims to highlight a host of creative arguments and solutions that judges in the region have offered. The authors review and discuss innovative case law in light of the countries' social, political and legal context. Each chapter is devoted to a discussion of a particular area of judicial review, from freedom of expression to social and economic rights, from the internalization of human rights law to judicial checks on the economy, from gender and reproductive rights to transitional justice. The book thus provides a very useful tool to scholars, students and litigants alike.

Comparative Public Policy in Latin America

The Achilles Heel of Democracy
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