

THE JUDICIALIZATION OF POLITICS IN LATIN AMERICA

Edited by
Rachel Sieder, Line Schjolden,
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Judicialization Of Politics In Latin America

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Gargarella, Sebastián Guidi**



Judicialization Of Politics In Latin America:

The Judicialization of Politics in Latin America Rachel Sieder, L. Schjolden, A. Angell, 2016-04-30 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 Javier Couso, Alexandra Huneus, Rachel Sieder, 2010-04-30 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 Routledge Handbook of Law and Society in Latin America Rachel Sieder, Karina Ansolabehere, Tatiana Alfonso, 2019-05-20 An understanding of law and its efficacy in Latin America demands concepts distinct from the hegemonic notions of rule of law which have dominated debates on law politics and society and that recognize the diversity of situations and contexts characterizing the region The Routledge Handbook of Law and Society in Latin America presents cutting edge analysis of the central theoretical and applied areas of enquiry in socio legal studies in the region by leading figures in the study of law and society from Latin America North America and Europe Contributors argue that scholarship about Latin America has made vital contributions to longstanding and emerging theoretical and methodological debates on the relationship between law and society Key topics examined include The gap between law on the books and law in action The implications of legal pluralism and legal globalization The legacies of experiences of transitional justice Emerging forms of socio legal and political mobilization Debates concerning the relationship between the legal and the illegal The Routledge Handbook of Law and Society in Latin America sets out new research agendas for cross disciplinary socio legal studies and will be of interest to those studying law sociology of law comparative Latin American politics legal anthropology and development studies Comparative Public Policy in Latin America Jordi Diez, Susan Franceschet, 2012-11-23 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 Limits of Judicialization](#) Sandra Botero, Daniel M. Brinks, Ezequiel A. Gonzalez-Ocantos, 2022-08-25 Utilizing case studies of seven Latin American countries this book reassesses the role of legal institutions in the politics of the region [The Oxford Handbook of Constitutional Law in Latin America](#) Conrado Hübner Mendes, Roberto Gargarella, Sebastián Guidi, 2022 This Oxford Handbook details the constitutions and constitutional history of Latin America providing comparative analysis of the prevailing institutional models and major themes in the region s constitutionalism **Law and Society in Latin America** Cesar Garavito, 2014-09-04 Over the past two decades legal thought and practice in Latin America have changed dramatically new constitutions or constitutional reforms have consolidated democratic rule fundamental innovations have been introduced in state institutions social movements have turned to law to advance their causes and processes of globalization have had profound effects on legal norms and practices Law and Society in Latin America A New Map offers the first systematic assessment by leading Latin American socio legal scholars of the momentous transformations in the region Through an interdisciplinary and comparative lens contributors analyze the central advances and dilemmas of contemporary Latin American law Among them are pioneering jurisprudence and legal mobilization for the fulfillment of socioeconomic rights in a highly unequal region the rise of multicultural constitutionalism and legal struggles around identity politics the globalization of legal education and practice tensions between developmental policies and environmental justice and the emergence of a regional human rights system 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 and defy conventional accounts of Latin American law inherited from law and development studies 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 students of comparative law legal mobilization and Latin American politics [The Oxford Handbook of Latin American Social Movements](#) Federico M. Rossi, 2023

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Movements in Latin America and the Changing Socio Political Matrix 5 Relational Approaches to Social Movements in and beyond Latin America 6 Network Approaches to Latin America Social Movements 7 Feminist and Queer Perspectives on Latin American Social Movements 8 Decolonizing Approaches to Latin American Social Movements Part II Main Processes and Dynamics 9 Protest Waves in Latin America Facilitating Conditions and Outcomes 10 Social Movements and Nationalism in Latin America 11 Social Movements and Revolutions in Latin America A Complex Relationship 12 Social Movements under Authoritarian Regimes in Latin America 13 Social Movements and Democratization Processes in Latin America 14 Social Movements and Capitalist Models of Development in Latin America 15 Social Movements and Globalization in Latin America 16 Movements and Territorial Conflicts in Latin America 17 Demobilization Processes in Latin America Part III Main Social Movements 18 Transformations of Workers Mobilization in Latin America 19 Peasant Movements in Recent Latin American History 20 Women s Movements in Latin America From Elite Organizing to Intersectional Mass Mobilization 21 Indigenous Movements in Latin America Characteristics and Contributions 22 Afro Social Movements and the Struggle for Racial Equality in Latin America **Regime Transition and the Judicialization of Politics in Latin America** Mishella Salome Romo,2017 *Law and Politics of Constitutional Courts* Stefanus Hendrianto,2018-04-17 This book critically evaluates different models of judicial leadership in Indonesia to examine the impact that individual chief justices can have on the development of constitutional courts It explores the importance of this leadership as a factor explaining the dynamic of judicial power Drawing on an Aristotelean model of heroism and the established idea of judicial heroes to explore the types of leadership that judges can exercise it illustrates how Indonesia s recent experience offers a stark contrast between the different models First a prudential minimalist heroic chief justice who knows how to enhance the Court s authority while fortifying the Court s status by playing a minimalist role in policy areas Second a bold and aggressive heroic chief justice employing an ambitious constitutional interpretation The third model is a soldier type chief justice who portrays himself as a subordinate of the Executive and Legislature Contrary perhaps to expectations the book s findings show a more cautious initial approach to be the most effective The experience of Indonesia clearly illustrates the importance of heroic judicial leadership and how the approach chosen by a court can have serious consequences for its success This book will be a valuable resource for those interested in the law and politics of Indonesia comparative constitutional law and comparative judicial politics *Courts in Latin America* Gretchen Helmke,Julio Rios-Figueroa,2011-01-17 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 High Courts and Economic Governance in Argentina and Brazil Diana Kapiszewski,2012-09-24 This study analyzes how elected leaders and high courts in Argentina and Brazil interact over economic governance

Courts and Politics in Southeast Asia Bjoern Dressel,2024-04-04 Courts around the globe have become central players in governance those in Southeast Asia have been no exception This Element analyses the historical foundations patterns and drivers of judicialization of politics by mapping critical junctures that have shaped the emergence of modern courts in the region and providing a basic typology of courts and politics that extends the analysis to the contemporary situation It also offers a new relational theory that helps explain the dynamics of judicial recruitment decision making court performance and ultimately perceptions of judicial legitimacy In a region where power is often concentrated among oligarchs and clientelist political dynamics persist it posits that courts are best comprehended as institutional hybrids These hybrids seamlessly blend formal and informal practices with profound implications for how Southeast Asian courts are molding both the rule of law and political governance

Legal Culture, Sociopolitical Origins and Professional Careers of Judges in Mexico Azul A. Aguiar Aguilar,2024-04-08 This book explores the careers professional trajectories and legal cultures of judges in the federal judiciary in Mexico So far there has been limited research on internal factors contributing to the understanding of judicial power dynamics in Mexico and other Latin American countries at large this Work fills an important gap in the literature through its empirical investigation of internal legal cultures and judicial norms offering new data measurement strategies and insights into the interactions between law politics norms legal culture s as well as judicial behavior Utilising an original survey the chapters analyse judicial conceptualizations of role norms legal cultures proclivities for judicial activism and judicial behavior In so doing this book contributes to understanding of underlying key internal factors of judicial activism or restraint in turn moving forward the debate that seeks to explain judicial behavior reliant on internal and ideational perspectives Complementing limited but existing studies of judicial politics in Mexico through its analysis of judges beyond those that sit at the Supreme Court this book will be of particular interest to Latin American judicial politics scholars due to its focus on the judicial power from internal perspectives as well as sub national judges filling a void in the literature vis vis the study of courts in Latin America This Work was originally written in Spanish and the translation was done with the help of artificial intelligence A subsequent human revision was done primarily in terms of content

Politics of Desecularization Sadia Saeed,2017-01-19 The movement away from secularist practices and toward political Islam is a prominent trend across Muslim polities Yet this shift remains under theorized Why do modern Muslim polities adopt policies that explicitly cater to religious sensibilities How are these encoded in law and with what effects Sadia Saeed addresses these questions through examining shifts in Pakistan s official state policies toward the rights of religious minorities in particular the controversial Ahmadiyya community Looking closely at the Ahmadi question Saeed develops a

framework for conceptualizing and explaining modern desecularization processes that emphasizes the critical role of nation state formation political majoritarianism and struggles between secularist and religious ideologues in evolving political and legal fields The book demonstrates that desecularization entails instituting new understandings of religion through processes and justifications that are quintessentially modern *Representation and Effectiveness in Latin American Democracies*

Moir B. MacKinnon, Ludovico Feoli, 2014-03-14 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 *Good Governance in Asia*

Linda Chelan Li, 2016-03-22 The international aid community has advocated governance reforms as a necessary complement to economic aid to developing countries The resultant Good Governance Agenda has been criticised for its ahistorical bias The empirical case studies reported in this book further illustrate the limitations by showing the complex logics of governance reforms and their relations with development in the Asian context The analysis highlights the importance of taking full notice of the Asian reform experiences in the ongoing reflection over the global institutional and development agenda The message is not to deny the need for governance reforms or the utility of international learning and sharing of experiences Global development will benefit however from a better understanding of the linkages between governance reforms and the diverse historical conditions they are embedded in both developing or the advanced economies This book was published as a special issue of Journal of Contemporary Asia **Research Handbook on Law and**

Utilitarianism Guillaume Tusseau, 2024-10-03 The Research Handbook on Law and Utilitarianism sheds light on contemporary legal culture and the ways in which it interacts with theories of justice Guillaume Tusseau brings together an interdisciplinary range of scholars to analyse the utilitarian standpoint on legal disciplines and legal governance as well as the contribution of utilitarian arguments to current legal debates *Routledge Handbook of Brazilian Politics* Barry

Ames,2018-10-25 With contributions from leading international scholars this Handbook offers the most rigorous and up to date analyses of virtually every aspect of Brazilian politics including inequality environmental politics foreign policy economic policy making social policy and human rights The Handbook is divided into three major sections Part 1 focuses on mass behavior while Part 2 moves to representation and Part 3 treats political economy and policy The Handbook proffers five chapters on mass politics focusing on corruption participation gender race and religion three chapters on civil society assessing social movements grass roots participation and lobbying seven chapters focusing on money and campaigns federalism retrospective voting partisanship ideology the political right and negative partisanship five chapters on coalitional presidentialism participatory institutions judicial politics and the political character of the bureaucracy and eight chapters on inequality the environment foreign policy economic and industrial policy social programs and human rights This Handbook is an essential resource for students researchers and all those looking to understand contemporary Brazilian politics

Studies in Law, Politics, and Society Austin Sarat,2020-05-04 This volume of Studies in Law Politics and Society brings together an international and interdisciplinary array of scholars to explore issues on the cutting edge of socio legal research

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