

Courts under Constraints

JUDGES, GENERALS, AND PRESIDENTS IN ARGENTINA



GRETCHEN HELMKE

CAMBRIDGE

Courts Under Constraints

Kriangsak Kittichaisaree



Courts Under Constraints:

Courts Under Constraints Gretchen Helmke, 2012-07-19 This book is a study of how institutional instability affects judicial behavior under dictatorship and democracy *Courts and Social Transformation in New Democracies* Roberto Gargarella, Theunis Roux, 2017-03-02 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 Politico-Legal Dynamics of Judicial Review** Theunis Roux, 2018-09-06 Provides a comparative analysis of the ideational dimension of judicial review and its potential contribution to democratic governance Putting Courts Under Pressure Philipp A. Schroeder, 2025-08-07 Focusing on the German Federal Constitutional Court GFCC one of the most influential courts globally the book examines how lawmakers repeatedly pressured the GFCC to loosen constitutional constraints on policies **Comparative Matters** Ran Hirschl, 2014 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 *The Struggle for Constitutional Power* Tamir Moustafa, 2007-06-11 For nearly three decades scholars and policymakers have placed considerable stock in judicial reform as a panacea for the political and economic turmoil plaguing developing countries Courts are charged with spurring economic development safeguarding human rights and even facilitating transitions to democracy How realistic are these expectations and in what political contexts can judicial reforms deliver their expected benefits This book addresses these issues through an examination of the politics of the Egyptian Supreme Constitutional Court the most important experiment in constitutionalism in the Arab world The Egyptian regime established a surprisingly independent constitutional court to address a series of economic and administrative pathologies that lie at the heart of authoritarian political systems Although the Court helped the regime to institutionalize state functions and attract investment it simultaneously opened new avenues through which rights advocates and opposition parties could challenge the regime The book challenges conventional wisdom and provides insights into perennial questions concerning the barriers to institutional development economic growth and democracy in the developing world **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 *Constitutionalism in Context* David S. Law, 2022-02-17 A broad ranging interdisciplinary and context rich exploration of the fields of constitutional studies and comparative constitutional law for research and teaching *The Legal Protection of Human Rights* Tom Campbell, Keith D. Ewing, Adam Tomkins, 2011 The value and legitimacy of using courts to limit the powers of governments in the domain of human rights is a significant ongoing debate This book provides a critical review that explores the alternative means for protecting and promoting human rights This group of twenty four leading human rights scholars from around the world

present a variety of perspectives on the disappointing human rights outcomes of recent institutional developments and consider the prospects of reviving the moral force and political implications of human rights values Politics and Foreign Direct Investment Nathan Jensen, 2012-09-18 Michigan Studies in International Political Economy **Judicial**

Responsibility and Coups d'État Kriangsak Kittichaisaree, 2023-02-10 This book examines the responsibility of judges of domestic courts following unconstitutional usurpation of power of government coups d'état. It explores judges' liability for failing to discharge their judicial duty independently and impartially and the criminality of usurpers and their accomplices and collaborators for their violation of fundamental rights and freedoms or commission of crimes of international concern. Written by a highly regarded non-Western author, the book is coherent and meticulously researched, covering an approach to coups in an insightful and fascinating fashion. It includes a sophisticated and thorough analysis of the relevant comparative jurisprudence of domestic and international courts with concrete examples of the best practices among decisions of domestic courts in countries that have experienced coups d'état. With an increasing global interest in the phenomenon of coups, democratic backsliding, and the place and role of the judiciary as the only hope to rein in acts of unconstitutional usurpation of power, the book will be essential reading for members of the legal profession, those cherishing democracy, as well as students and researchers in constitutional law, law and political science, public international law, international human rights law, international criminal law, regime changes, transitional justice, and international organizations. The Oxford Handbook of Law and Politics Keith E. Whittington, R. Daniel Kelemen, Gregory A. Caldeira, 2010-06-11 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 Behavior of Federal Judges** Lee Epstein, William M. Landes, Richard A. Posner, 2013-01-07 Federal judges are not just robots or politicians in robes; yet their behavior is not well understood even among themselves. Using statistical methods, a political scientist, an economist, and a judge construct a unified theory of judicial decision making to dispel the mystery of how decisions from district courts to the Supreme Court are made.

Routledge Handbook of Latin American Politics Peter Kingstone, Deborah J. Yashar, 2013-03-05 The Routledge Handbook of Latin American Politics brings together the leading figures in the study of Latin America to present extensive empirical coverage and a cutting-edge examination of the central areas of inquiry in the region. **Democratic**

Consolidation and Constitutional Endurance in Asia and Africa Tom Gerald Daly, Dinesha Samararatne, 2024-01-23

What factors drive constitutional change and sustain positive transformation How are democratic values recognised restored and preserved through constitutional change Democratic Consolidation and Constitutional Endurance in Asia and Africa is a well articulated response to the growing scholarly conversation on democratic backsliding and resilience Bringing together leading and emerging voices in constitutional law this groundbreaking new collection considers recent democratising events in Ethiopia The Gambia Malaysia Maldives Myanmar Sri Lanka and Thailand Across seven thematic chapters and seven case studies the volume provides analytical insight into central topics arising from these events including the role of political parties which depart from Western frameworks the often marginalised place of courts the centrality of civil military relations the explanatory power of constitutional culture and the impact of the COVID 19 pandemic Offering a decolonising approach to constitutional law and democratisation studies this book will be of keen interest to scholars practitioners and policymakers alike It is essential reading for anyone seeking to understand the relationship between democratic decay and institutional endurance and how such a relationship plays out in conditions of ongoing constitutional development

The Oxford Handbook of Public Choice Roger D. Congleton, Bernard Grofman, Stefan Voigt, 2019 The Oxford Handbook of Public Choice provides a comprehensive overview of the research in economics political science law and sociology that has generated considerable insight into the politics of democratic and authoritarian systems as well as the influence of different institutional frameworks on incentives and outcomes The result is an improved understanding of public policy public finance industrial organization and macroeconomics as the combination of political and economic analysis shed light on how various interests compete both within a given rules of the games and at times to change the rules These volumes include analytical surveys syntheses and general overviews of the many subfields of public choice focusing on interesting important and at times contentious issues Throughout the focus is on enhancing understanding how political and economic systems act and interact and how they might be improved Both volumes combine methodological analysis with substantive overviews of key topics This second volume examines constitutional political economy and also various applications including public policy international relations and the study of history as well as methodological and measurement issues Throughout both volumes important analytical concepts and tools are discussed including their application to substantive topics Readers will gain increased understanding of rational choice and its implications for collective action various explanations of voting including economic and expressive the role of taxation and finance in government dynamics how trust and persuasion influence political outcomes and how revolution coups and authoritarianism can be explained by the same set of analytical tools as enhance understanding of the various forms of democracy

Researching Public Law in Common Law Systems Paul Daly, Joe Tomlinson, 2023-09-06 This original book fills a significant gap in legal literature by providing an exploration of research methodologies in public law a field of research in which research methods are becoming increasingly prominent and sophisticated Featuring thoughtful chapters written by leading scholars in the field this book provides a thorough explanation

of the key features characteristics and challenges of distinct methodological approaches to public law research

The Oxford Handbook of Comparative Judicial Behaviour, 2024-10-18 These are momentous times for the comparative analysis of judicial behaviour Once the sole province of U S scholars and mostly political scientists at that now researchers throughout the world drawing on history economics law and psychology are illuminating how and why judges make the choices they do and what effect those choices have on society Bringing together leading scholars in the field The Oxford Handbook of Comparative Judicial Behaviour consists of ten sections each devoted to important subfields fundamentals providing overviews designed to identify common trends in courts worldwide approaches to judging data methods and technologies staffing the courts advocacy litigation and appellate review opinions relations within between and among courts judicial independence court and society and frontiers of comparative judicial behaviour dedicated to expanding on opportunities for advancement Rather than focusing on particular courts countries or regions the organization of the individual chapters is topical Each chapter explores an important topic critically evaluating the state of that topic and identifying opportunities for future work While the forty two chapters share a common interest in explaining the causes and effects of judicial choices the range of approaches to comparative research is wide inclusive and interdisciplinary from contrasts and similarities to sophisticated research agendas reflecting the emerging field of judicial behaviour around the world

Research Handbook on Law and Courts Susan M. Sterett, Lee Demetrius Walker, 2019 The Research Handbook on Law and Courts provides a systematic analysis of new work on courts as governing institutions Authors consider how courts have taken on regulating fundamental categories of inclusion and exclusion including citizenship rights Courts centrality to governance is addressed in sections on judicial processes sub national courts and political accountability all analyzed in multiple legal political systems Other chapters turn to analyzing the worldwide push for diversity in staffing courts Finally the digitization of records changes both court processes and studying courts Authors included in the Handbook discuss theoretical empirical and methodological approaches to studying courts as governing institutions They also identify promising areas of future research

Constitutional Origin and Norm Creation in Colombia Jan Boesten, 2022-04-27 This book explains the growing empowerment of the Colombian Constitutional Court in the early years of the 21st century and develops the concept of the deliberative judge Taking the case of the Colombian Constitutional Court and drawing on neoinstitutional theory to explain the relationship between political crisis and institutional reforms the book challenges the notion of rational choice institutionalism that agents act strategically It indicates the limits of path dependence and argues instead that discursive institutionalism is the most appropriate method for analyzing processes of institutional learning Combining theoretical and empirical research it builds the argument that judicial independence promotes the case for deliberative democracy over rational choice or strategic action approaches Finally the book suggests that by introducing communicative and cognitive variables in our understanding of key actors and processes we are more capable of bridging

institutional origin and legacy The work will be a valuable resource for academics researchers and policy makers in
Constitutional Law Constitutional Politics and Constitutional History

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