

----- Creating a Constitution -----

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IM Harris



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Comparative Constitution Making David Landau, Hanna Lerner, 2019 Recent years have witnessed an explosion of new research on constitution making Comparative Constitution Making provides an up to date overview of this rapidly expanding field

Constitutional Ratification without Reason Jeffrey A. Lenowitz, 2022-03-10 This volume focuses on constitutional ratification the procedure in which a draft constitution is submitted by its creators to the people or their representatives in an up or down vote determining implementation Ratification is increasingly common and routinely recommended by experts Nonetheless it is neither neutral nor inevitable Constitutions can be made without it and when it is used it has significant effects This raises the central question of the book should ratification be recommended Put another way is there a reason for treating the procedure as a default for the constitution making process Surprisingly these questions are rarely asked The procedure's worth is assumed not demonstrated while ratification is generally overlooked in the literature In fact this is the first sustained study of ratification To address these oversights this book defines ratification and its types explains the procedure's effects conceptual origins and history and then concentrates on finding reasons for its use Specifically it builds up and analyzes the three most likely normative justifications These urge the implementation of ratification because the procedure enables the constituent power to make its constitution fosters representation during constitution making or helps create a legitimate constitution Ultimately these justifications are found wanting leading to the conclusion that ratification lacks a convincing context independent justification Thus until new arguments are developed experts should not give recommendations for ratification as a matter of course practitioners should not reach for it uncritically and more generally one should avoid the blanket application of concepts from democratic theory to extraordinary contexts such as constitution making

Guidelines on Constitutional Litigation, 1988 **Constitutional Change and Transformation in Latin America** Richard Albert, Carlos Bernal, Julian Zaiden Benvindo, 2019-07-25 Over the past 30 years Latin America has lived through an intense period of constitutional change Some reforms have been limited in their design and impact while others have been far reaching transformations to basic structural features and fundamental rights Scholars interested in the law and politics of constitutional change in Latin America are turning increasingly to comparative methodologies to expose the

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