

# distrusting democrats

outcomes of participatory constitution making

devra c. moehler

# Distrusting Democrats Outcomes Of Participatory Constitution Making

**David Stasavage**



## **Distrusting Democrats Outcomes Of Participatory Constitution Making:**

*Distrusting Democrats* Devra C. Moehler, 2008 Publisher Description      **Constitutional Processes and Democratic Commitment** Donald L. Horowitz, 2021-08-03 From one of our leading scholars of comparative constitutionalism advice for everyone involved in the surprisingly common practice of constitution writing Enhancing prospects for democracy is an important objective in the process of creating a new constitution Donald L Horowitz argues that constitutional processes ought to be geared to securing commitment to democracy by those who participate in them Using evidence from numerous constitutional processes he makes a strong case for a process intended to increase the likelihood of a democratic outcome He also assesses tradeoffs among various process attributes and identifies some that might impede democratic outcomes This book provides a fresh perspective on constitutional processes that will interest students and scholars It also offers sound advice for everyone involved in the surprisingly common practice of constitution writing      *Practical Considerations for Public Participation in Constitution-Building What, When, How and Why?* Erin C. Houlihan and Sumit Bisarya, 2021-07-26 Public participation has become a core element of modern constitution building Robust participation is credited with a range of benefits from improving individual behaviours and attitudes to democracy to shaping elite bargaining dynamics improving constitutional content and strengthening outcomes for democracy and peace Yet it is not well understood whether and how public participation can achieve these ends Much of what we think we know about participatory constitution building remains theoretical No two processes are alike and there is no agreed definition of what constitutes a participatory process Yet national decision makers must contend with the key question What does a robust participation process look like for a particular country at a particular time in a particular context What considerations and principles can be derived from comparative experience to guide decisions This Policy Paper unpacks the forms and functions of public participation across different stages of the constitution building process and considers the ways in which public engagement can influence the dynamics of the process including political negotiations      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

*Public Participation in African Constitutionalism* Tania Abbiate, Markus Böckenförde, Veronica Federico, 2017-11-22 During the last decade of the 20th century Africa has been marked by a constitutional wind which has blown across the continent giving impetus to constitutional reforms designed to introduce constitutionalism and good governance One of the main features of these processes has been the promotion of public participation encouraged by both civil society and the international community This book aims to provide a systematic overview of participation forms and mechanisms across Africa and a critical understanding of the impact of public participation in constitution making processes digging beneath the rhetoric of public participation as being at the heart of any successful transition towards democracy and constitutionalism Using case studies from Central African Republic Egypt Kenya Libya Malawi Morocco Senegal Somalia South Africa South Sudan Tanzania Tunisia Zambia and Zimbabwe the book investigates various aspects of participatory constitution making from conception to processes and specific contents that trigger ambivalent dynamics in such processes The abstract glorification of public participation is questioned as theoretical and empirical perspectives are used to explain what public participation does in concrete terms and to identify what lessons might be drawn from those experiences This is a valuable resource for academics researchers and students with an interest in politics and constitution building in Africa as well as experts working in national offices international organizations or in national and international NGOs

*Informed Distrusting Democrats* Devra Coren Moehler, 2003

**Distrusting Democrats** Devra C. Moehler, 2008 Publisher Description

*Comparative Constitutional Law in Africa* Rosalind Dixon, Tom Ginsburg, Adem Abebe, 2022-12-06 This timely book is a crucial resource on the rich diversity of African constitutional law making a significant contribution to the increasingly important field of comparative constitutional law from a historically understudied region Offering an examination of substantive topics from multiple jurisdictions it emphasises issues of local importance while also providing varied perspectives on common challenges across the continent

*Democratic Renewal in Africa* S. Adejumobi, 2015-01-08 Since the 1980s democratic struggles have triggered constitutional reforms elections and other forms of political progress This comprehensive volume offers refreshing perspectives on Africa s democratic renewal and will open up dialogue on the trends and trajectory of Africa s democratic future

**The Constitution of Freedom** András Sajó, Renáta Uitz, 2017 Informed by a life lived under the oppressions of communism ECtHR Judge Andr s Saj examines the fundamentals of constitutional systems of government protection from

tyranny and promotion of freedom in this timely and important book Symposium ,2008 *Political Science Quarterly* ,2008 **L'Afrique orientale annuaire 2005** ,2007-02-01 Cet annuaire de l'Afrique orientale revient sur les moments clés qui ont marqué l'année 2005 en Afrique de l'Est. L'actualité politique s'est caractérisée par des événements qui mettent en lumière les processus de transition démocratique complexes dans lesquels sont engagés les trois pays d'Afrique de l'Est : le Kenya, la République tanzanienne et l'introduction du multipartisme en Ouganda. Un ensemble d'informations sur la vie politique et sociale de ces pays **Current Publications in Legal and Related Fields** ,2009

Constructing Democracy in Transitioning Societies of Africa Susanna D. Wing, 2008-04-15 Forty one different African states have adopted over fifty seven new constitutions since 1989 yet few of these have become foundations for democracy. Failed transitions, subsequent instability and violent conflict make it clear that democracy cannot simply be constructed by holding elections and implementing new constitutions. Unlike other attempts to explain both the frequent failures and the success stories of African constitutionalism by focusing on constitutional outcomes, Wing's study examines the process by which constitutions and democratic institutions are constructed. Based on extensive field work in Mali, this book explores how innovative constitutional dialogues involving participation, negotiation and recognition of groups previously excluded from political decision making may be the key to a legitimate constitution. Winner of the 2009 Best Book Award from the African Politics Conference Group **"Can You Hear Me Now?"** Peter G. Mwesige, 2004 **Democracy and Primary School Attendance** David Stasavage, 2005 *Ghana's Transition to Constitutional Rule* Kwame Akon Ninsin, F. K. Drah, 1991 *Constitution Drafting in Post-conflict States Symposium* ,2008 Review of Constitutional Studies ,1996

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