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lead to "Living  
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Constitution Using  
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Introduction . The  
Inter-American  
Court of Human  
Rights has

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itutionalism  
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established itself  
as a prominent  
legal voice. In more  
than three decades  
of existence, its  
case law is widely  
cited—both in the  
Americas as well as  
in other areas of ...

Inter-American  
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This chapter  
discusses the

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itutionalism  
emergence of Inter-  
American  
constitutionalism

And Judicial  
Backlash  
by addressing two  
related questions.

First, how has the  
Inter-American

Court, despite its  
significant

institutional

constraints, come

to be perceived as

an entity that is

forging a new

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itutionalism  
constitutional order  
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by reshaping the  
content and  
practice of  
constitutional law  
in the region?

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limits of Inter-  
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and

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domestic judicial  
systems are  
legitimizing and  
revitalizing their  
role and, thereby,  
that of the rule of  
law as a core  
value. I.

International  
Standards and  
Domestic Law A  
central element of  
the American  
Convention on

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Court and  
Constitutionalism  
in Latin ...

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and  
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Constitutionalism on  
Human Rights is  
the The Inter-  
American Court  
and

Constitutionalism  
in Latin ... rights  
rests.7

Traditionally, the  
inter-American  
human rights  
system was ...

Inter American

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Constitutionalism

And Judicial  
Backlash

The Inter-American  
Juridical Committee  
(CJI) is one of the  
principal organs of  
the Organization of  
American States  
(OAS). The

Committee serves  
the Organization as  
an advisory body  
on juridical matters

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itutionalism  
And Judicial  
Backlash

to promote the  
progressive  
development and  
codification of  
international law  
and to study the  
possibility of  
standardizing  
legislation across  
the countries of the  
Hemisphere.

OAS :: Inter-  
American Juridical

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itutionalism (IAJC) ::

Home

And Judicial  
Backlash

Transformative  
Constitutionalism,  
Right to Free, Prior  
and Informed Con-  
sent (fPiC),

Indigenous

Peoples, Afro-

Descendants,

Constitutional

Court of Colombia,

Inter-American

Court of Human



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Rights, Judicial  
Dialogue.

RESUMEN En esta  
investigación se  
expone un ejemplo  
de diálogo judicial  
y transformador

Judicial Dialogue  
and Transformative  
Constitutionalism  
in ...

Constitutionalism  
and human rights

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at the International  
Criminal Court /  
Anita Ušacka -- 14.

The judicial  
dialogue between  
international and  
national courts in  
the Inter-American  
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Judges as  
guardians of

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America through  
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American Judicial  
Constitutionalism.

# Get Free Inter American Const itutionalism On the Constitutional Rank And Judicial Backlash of Human Rights Treaties in Latin America through National and Inter- American Adjudication"

Manuel Góngora-  
Mera: "Inter-  
American Judicial ...  
This chapter  
explains how the

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itutionalism:  
the  
doctrine of  
conventionality  
control by the Inter-  
American Court of  
Human Rights, and  
the  
internationalization  
of constitutional  
law in Latin  
America, have  
contributed to the  
greater  
effectiveness of the

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inter-American  
corpus iuris at the  
state level, and to  
the existence of  
judicial dialogue in  
the inter-American  
system of human  
rights. In this ...

Oxford  
Constitutional Law:  
Part III The Inter  
Constitution, the  
judges ought to be

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governed by the  
latter rather than  
the former." It is  
the constitution  
that is supreme:  
"whenever a  
particular statute  
contravenes the  
Constitution, it will  
be the duty of the  
judicial tribunals to  
adhere to the latter  
and disregard the  
former." e.

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Constitutionalism &  
Judicial Review  
(Outline)

The second criticism is that the Inter-American Court's assertion of conventionality control fails to consider adequately the existence of different



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stitutionalism  
arrangements (e.g.,  
diffuse,  
concentrated, and  
mixed models of  
judicial review), by  
aiming to give all  
domestic judges  
the power to  
disregard  
legislation in  
conflict with both  
the ACHR and the  
Inter-American

# Get Free Inter American Const itutionalism And Judicial Backlash

Court's  
interpretations of  
the convention  
(whether or not  
those domestic  
judges otherwise  
have such power  
under their ...

final word?  
Constitutional  
dialogue and the  
Inter-American ...  
The only original

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itutionalism of Latin  
American  
And Judicial  
Backlash  
constitutionalism is  
that the

constitution be a  
living one. The  
openness of the  
ICCAL facilitates  
integration of the  
legal and moral  
principles of the  
national courts and  
the Inter-American  
System of Human

# Get Free Inter American Const Rights.

## And Judicial Backlash

Common-Good  
Constitutionalism  
and the “Ius  
Constitutionale ...

This research  
presents an  
example of  
transformative  
case law from the  
Inter- American  
Court of Human  
Rights and the

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Constitutional  
Court of Colombia.  
And Judicial  
Backlash

Due to the fact that these Courts had seriously contemplated the right to free, prior and informed consultation of indigenous peoples and afro-descendants, this study explains the standards and

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statistics produced  
for 25 years on the  
topic.

Judicial Dialogue  
and Transformative  
Constitutionalism  
in ...

A bold doctrine, it  
aims at giving all  
judges in the  
Americas—now  
called “inter-  
American judges,”

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itutionalism by  
current Inter-  
American Court  
judge Eduardo  
Ferrer Mac-  
Gregor—the power  
to impugn  
legislation in  
tension with the  
ACHR and,  
moreover, with the  
Inter-American  
Court's own  
interpretation of

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the Convention's  
provisions.

## And Judicial

## Backlash

final word?

Constitutional  
dialogue and the  
Inter-American ...  
To the surprise of  
all, a Court that  
had been a close  
ally and an  
enthusiastic  
enforcer of Inter-  
American



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stitutionalism was now  
stating that  
"repeal" was  
impossible, talking  
of a "sphere of  
sovereignty  
reservation", and  
proclaiming its  
status as supreme  
judicial body in the  
country.

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Working with  
Backlash  
progressive  
conceptual  
categories relating  
to indigenous  
property, cultural  
identity, the right  
to an adequate  
standard of living  
and healthcare, the  
Inter-American  
Court of Human

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Rights continues to build a justiciability to determine the social rights of marginalised individuals and groups in the Americas. In a context of interpretative tensions of the social rights as political goals and direct effects

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American Const  
provisions, Isaac de  
Paz González  
And Judicial  
Backlash**

unveils the  
abilities, and the  
practices of the  
Inter-American  
Court's  
contribution to the  
human rights  
practice in the  
Global South.

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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

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itutionalism  
And Judicial  
Backlash

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

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itutionalism.

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

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the limits to  
constitutions as a  
locus for broader  
social change.

This book provides a reference guide to the case law of the Inter-American Court of Human Rights. Structured in two parts, it covers the case law on jurisdiction and



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itutionalism  
And Judicial  
Backlash

procedure before  
the Court and the  
case law on the  
scope of particular  
rights, drawing  
comparisons with  
the case law of the  
European Court of  
Human Rights.

This ground-  
breaking collection  
of essays outlines  
and explains the

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unique development of Latin American jurisprudence. It introduces the idea of the *Ius Constitutionale Commune en América Latina* (ICCAL), an original Latin American path of transformative constitutionalism,

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itutionalism  
And Judicial  
Backlash  
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

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itutionalism  
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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,

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tutionalism

And Judicial  
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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

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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

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internationalism  
And Judicial  
Backlash

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  
combated more  
effectively in  
future.

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A thoroughly revised second edition that incorporates the major changes made in the procedures and practice of the Inter-American Court. Jo M. Pasqualucci analyzes all aspects of the



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Court's advisory jurisdiction, contentious jurisdiction and provisional measures orders through 2011. She also compares the practice and procedure of the Inter-American Court with that of the European Court of Human Rights,

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the Permanent  
Court of Justice and  
the United Nations  
Human Rights  
Committee. She  
evaluates changes  
in the Rules of  
Procedure of the  
Inter-American  
Court that entered  
into force on  
January 1, 2010,  
and which  
substantially

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change the role of  
the Inter-American  
Commission in  
contentious cases  
before the Court.

She also evaluates  
the challenges and  
means of State  
compliance with  
the Court's  
innovative

reparations orders.  
Featuring revisions  
to every chapter to

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address the major  
changes, this book  
will provide an  
important and  
updated resource  
for scholars,  
practitioners and  
students of  
international  
human rights law.

There are many  
challenges that  
national and

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stitutionalism  
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supranational  
judges have to face  
when fulfilling their  
roles as guardians  
of constitutionalism  
and human rights.  
This book brings  
together  
academics and  
judges from  
different  
jurisdictions in an  
endeavour to  
uncover the

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intricacies of the  
judicial function.  
The contributors  
discuss several  
points that each  
represent  
contemporary  
challenges to  
judging: analysis of  
judicial balancing  
of conflicting  
considerations; the  
nature of courts'  
legitimacy and its

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alleged  
dependence on  
public support; the  
role of judges in  
upholding  
constitutional  
values in the times  
of transition to  
democracy,  
surveillance and  
the fight against  
terrorism; and the  
role of international  
judges in

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institutionalism  
And Judicial  
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guaranteeing  
globally recognized  
fundamental rights  
and freedoms. This  
book will be of  
interest to human  
rights scholars  
focusing on the  
issues of judicial  
oversight, as well  
as constitutional  
law scholars  
interested in  
comparative



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perspectives on the  
role of judges in  
different contexts.

It will also be useful  
to national  
constitutional court  
judges, and law  
clerks aiming to  
familiarise  
themselves with  
judicial practices  
within other  
jurisdictions.

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At the time of the  
adoption of the  
American  
Declaration on the  
Rights and Duties  
of Man in 1948,  
there was little  
indication that the  
Declaration would  
ultimately yield a  
highly  
institutionalized  
system comprised  
of a quasi-judicial

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itutionalism  
Commission and an  
And Judicial  
Backlash  
authoritative Inter-  
American Court of  
Human Rights.

Today, however,  
the Inter-American  
Human Rights  
System (IAHRS)  
has emerged as a  
central actor in the  
global human  
rights regime. This  
comprehensive

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itutionalism  
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volume explores the institutional changes and transformations that the IAHRs has undergone since its creation, offering contributions and insights from a variety of disciplines including history, law, and political science. The book

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stitutionalism  
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shows how  
institutional change  
has affected and  
been affected by  
the System's  
normative  
leanings, rules of  
procedure and  
institutional design,  
as well as by the  
position of the  
IAHRS within the  
broader landscape  
of the Americas.

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The authors  
examine  
institutional change  
from a variety of  
angles, including  
the process of  
change in historical  
context, normative  
and legal  
developments, and  
the dynamic  
relationship  
between the IAHRs  
and other regional

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and international  
human rights  
institutions. This  
book was originally  
published as a  
special issue of The  
International  
Journal of Human  
Rights.

Over the past two  
decades, legal  
thought and  
practice in Latin

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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



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stitutionalism  
to advance their  
causes, and  
And Judicial  
Backlash  
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

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And Judicial  
Backlash

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

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itutionalism  
pioneering  
jurisprudence and  
And Judicial  
legal mobilization  
Backlash  
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

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institutionalism,  
practice, tensions  
between  
developmental  
policies and  
environmental  
justice, and the  
emergence of a  
regional human  
rights system.

And Judicial  
Backlash

These and other  
processes have not  
only radically  
altered the  
institutional

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institutionalism  
And Judicial  
Backlash

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

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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.

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