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978-01-107-07978-6 - Constitutional Courts as Mediators: Armed Conflict, Civil-Military Relations, and the Rule of Law in Latin America

Julio Ríos-Figueroa

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CONSTITUTIONAL COURTS AS MEDIATORS

This book offers a new theoretical framework for understanding the mediator role played by constitutional courts in democratic conflict solving. The book proposes an informational theory of constitutional review in which constitutional courts obtain, process, and transmit information to parties in a way that reduces the uncertainty causing their conflict. The substantive focus of the book is the role of constitutional courts in democracies where the armed forces are fighting internal armed conflicts of different types: Colombia, Peru, and Mexico in Latin America and also Israel, Turkey, and Pakistan. Through detailed analyses of the political context, civil-military relations, and the constitutional jurisprudence on military autonomy and the regulation of the use of force the book shows that constitutional courts can be instrumental in striking a democratically accepted balance between the exercise of civilian authority and the legitimate needs of the military in its pursuit of order and national security.

JULIO RÍOS-FIGUEROA is Associate Professor of Political Science at Centro de Investigación y Docencia Económicas (CIDE), in Mexico City.

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UNIVERSITY PRESS

32 Avenue of the Americas, New York NY 10013

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of
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www.cambridge.org

Information on this title: www.cambridge.org/9781107079786

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First published 2016

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloguing in Publication Data

Names: Ríos-Figueroa, Julio, author.

Title: Constitutional Courts as Mediators. Armed Conflict, Civil-Military
Relations, and the Rule of Law in Latin America / Julio Ríos-Figueroa.

Description: New York: Cambridge University Press, [2016] |

Includes bibliographical references.

Identifiers: LCCN 2015040746 | ISBN 9781107079786

Subjects: LCSH: Constitutional courts – Latin America. | Courts of last
resort – Latin America. | Political questions and judicial power – Latin America. |

Civil-military relations – Latin America. | Military law – Latin America.

Classification: LCC KG501.R56 2016 | DDC 347.8/035–dc23

LC record available at <http://lcn.loc.gov/2015040746>

ISBN 978-1-107-07978-6 Hardback

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To Andrea, Inés, and Eva

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ACKNOWLEDGMENTS

The difference between articles and books, someone said to me, is that when you write an article you know the starting and the end points. But when writing a book, research can take you in many different directions right after departing. I am not sure if the statement regarding articles is right, but in my case the comment about books could not be more accurate. Writing this book has been a long, hard, at many times uncertain, but always enriching journey in which I was privileged to have the support of many generous individuals and institutions in different capacities.

To keep the project moving at critical crossroads, dead-ends, and diversions Andrea Pozas-Loyo, Jeffrey K. Staton, and Rodrigo Uprimny were absolutely crucial. I simply would not have reached this final destination without your help. Thank you. Throughout the drive I was fortunate to get warning signs and alternative route suggestions from insightful friends and colleagues including Javier Angulo, Karina Ansolabehere, Luz Marina Arias, Allyson Benton, Carlos Bravo, Daniel Brinks, José Antonio Caballero, Tom Clark, Henar Criado, Luis de la Calle, Zachary Elkins, Tulia Falletti, Jennifer Gandhi, Tom Ginsburg, Juan González Bertomeu, Ezequiel González Ocantos, Hernán Gullco, Martha Liliana Gutiérrez, Gretchen Helmke, Francisco Herreros, Sandra Hincapié, Ran Hirschl, Christoph Hönnige, Gary Jacobsohn, Claudio López-Guerra, Noam Lupu, Ignacio Marván, Ximena Medellín, Pablo Mijangos, Gabriel Negretto, Roberto Niembro, Maria Popova, Xisca Pou, Sabrina Ragone, Javier Martín Reyes, Alejandra Ríos, María Paula Saffon, Ignacio Sánchez-Cuenca, Raúl Sánchez-Uribarri, Camilo Saavedra, Andreas Schedler, Gilles Serra, Hootan Shambayati, Udi Sommer, and Luis Daniel Vázquez. My heartfelt thanks to all of you.

In and on Colombia, Peru, and Mexico I benefited from the knowledgeable and generous advice of César Bazán Seminario, Yahayra Bernal, Camilo Castillo, José Ramón Cossío, Eduardo Dargent, Mauricio García Villegas, Pablo Kalmanotivz, Lilia Mónica López Benitez, David Lovatón Palacios, Gina Cabarcas Maciá, Manuel José Cepeda, Jaime Córdoba

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Triviño, César Landa Arroyo, Alejandro Madrazo, Raúl Mejía, Aldo Ponce, César Rodríguez Garavito, Juan Carlos Rodríguez Raga, Edgar Saavedra Rojas, and the military and judicial officials who are mentioned in the respective chapters. A big thank you to several research assistants who participated at different stages of the project: Nancy Camacho Díaz, Camilo Castillo, Sicabí Cruz, Berta Díaz, María Fernanda Gómez Abán, Ana María Montoya, María Fernanda Nieto, Jimena Salazar, César Valderrama, and Javier Zúñiga Ramiro. Susan Thomae gracefully corrected the grammar and spelling of the manuscript.

I gratefully acknowledge the generous and continuous institutional support of my academic home, Centro de Investigación y Docencia Económicas (CIDE) and its División de Estudios Políticos, as well as to authorities who encouraged me and supported the project: Javier Aparicio, David Arellano, Enrique Cabrero, Guillermo Cejudo, Sergio López Ayllón, Andreas Schedler, and Ignacio Marván. I spent the academic year 2012–13 working on this project at the stimulating Instituto Juan March, now IC₃JM, partaking of the generosity of its director Ignacio Sánchez-Cuenca and its wonderful community. DeJusticia and the Universidad de los Andes in Colombia, and the Instituto de Defensa Legal/Justicia Viva and the Pontificia Universidad Católica in Peru, were hospitable and unsparing. I presented different versions and parts of the book at meetings, seminars, and conferences hosted by many institutions and organizations including the American Political Science Association, the Latin American Studies Association, the European Consortium for Political Research, the University of Chicago, the University of Houston, La Trobe University in Melbourne, the División de Estudios Políticos and the División de Estudios Jurídicos at CIDE, CIDE-Aguascalientes, the political science seminar at the Instituto Tecnológico Autónomo de México, the Universidad Diego Portales, the Fundação Getulio Vargas, GIGA-Hamburg, the Instituto de Investigaciones Jurídicas at the Universidad Nacional Autónoma de México, FLACSO-México, the Consejo Superior de Investigaciones Científicas and the Centro de Estudios Políticos y Constitucionales in Madrid, the Universidad de Salamanca, the Universidad de San Andrés in Buenos Aires, the Universidad de los Andes in Bogotá, the Pontificia Universidad Católica del Perú, the Center of Constitutional Studies at the Mexican Supreme Court, and the University of Oxford. A terrific book workshop organized by the series editors on Comparative Constitutional Law and Policy and hosted by the Department of Government at the University of Texas–Austin gave me the final push in the right direction

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ACKNOWLEDGMENTS

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to bring this book to what readers have in their hands. Thank you to the participants in these events.

Whatever this book is and is not has been influenced in direct and indirect ways by my professors at New York University: John Ferejohn, Barry Friedman, Stephen Holmes, Bernard Manin, Pasquale Pasquino, and Adam Przeworski. I have had the privilege to learn from them much more than what they formally teach in classes, seminars, talks, discussions, papers, and books, which already is an invaluable lot. Their intellectual curiosity, scholarly craftsmanship, and passionate commitment are examples that will be with me for the rest of my life.

In what has been a longer, at times harder and more uncertain, and yet more fulfilling journey my family and many dear friends with whom I have shared these years of life are the fuel that keeps the wheels moving. A special thank you to my parents, Amparo and Julio; and to my brother and his wife, Jorge and Mariví. Thank you also to my dear in-laws, Aurora, Ricardo, Julia, and Fernando. The book is dedicated to my life accomplice, Andrea, and our two new little passengers Inés and Eva in the hopes that our voyage is much longer and full of discoveries.