The end of the 20th century was marked by optimism for the stability and effectiveness of the constitutional systems of the nations of Latin America. The authoritarian regimes of the 1970-80’s had been replaced by constitutions based on well-functioning institutions, respect for rights, individual and social, compliance with the rule of law, and a general commitment to the principles of advanced constitutionalism.

However, in the last ten years, matters have taken a very different turn for the worse. The resurgence of political conflict, the growth in violence, widespread disaffection and discontent, authoritarian discourses, and a deep economic crisis have all contributed to the undermining, varying in seriousness from one nation to another, of the established constitutional orders. Constitutional texts are being amended to serve short-term political objectives; respect for rights has declined; and the institutions of government, especially the Executive and the Judiciary, compete for power. To the resulting instability, the resurgence of populist movements adds further cause for concern.

The aim of the proposed workshop is to examine these issues, to assess their causes, and to chart the consequences for the constitutional systems. The participants are drawn from a range of disciplinary backgrounds, including law, sociology, political science, and economics. The workshop will focus on a series of case studies countries such as Argentina, Brazil, Chile, Colombia and Mexico.

The workshop forms part of a wider enquiry into the success and failure of constitutions. Why do some succeed, why do others fail? What are the variables relevant to success or failure.

Case Studies
The aim of each case study is to examine:

- the current constitution and its principal features,
- the historical background,
- the contemporary discontent and challenges
- the causes of such discontent and challenges
- the effects on the constitutional order
- future prospects
Programme

Day 1 - Thursday, 7 December 2017, Haldane Room, Wolfson College

2pm - Opening session

The Success and Failure of Constitutions
D. J. Galligan, Professor of Socio-Legal Studies, University of Oxford

Judicial Empowerment: the case for constitutionalism, interpretation and court activism in Latin America
Fernanda Farina, University of Oxford | Araripe

2:30pm - Session 1

Latin American Constitutionalism: Constitutions with Internal Tensions
Roberto Gargarella, Universidad Torcuatto di Tella

The Judicial Politics of Latin America’s Human Rights Constitutionalism
Ezequiel G. Ocantos, University of Oxford

4:00pm - End of Session 1

6pm - Public Lecture (Leonard Wolfson Auditorium, Wolfson College)

Political Instability and Constitutional Instability in Latin American States
Christopher Thornhill, University of Manchester

Day 2 - Friday, 8th December 2017, Haldane Room, Wolfson College

8:45am - Coffee and Pastries Reception

9am - Opening Remarks
Denis Galligan

9:15am - Session 2

Constitution and Statelessness in Contemporary Brazilian Democracy
Fernando Luis Schüler, Insper

Courts and Political Crisis in Brazil
Conrado H. Mendes, University of São Paulo

10:45 - Coffee Break

11:00 - Session 3

Alun Gibbs, Southampton University

The role of Colombian Courts in Transitional Justice
Jan Boesten, University of Oxford

12:30 - Lunch

1:30pm - Debates and Concluding Remarks

Looking towards the future
D. J. Galligan

3pm - End of workshop