



The Legal Foundations of Inequality: Constitutionalism in the Americas, 1776-1860 (Cambridge Studies in the Theory of Democracy)

By Roberto Gargarella



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The long revolutionary movements that gave birth to constitutional democracies in the Americas were founded on egalitarian constitutional ideals. They claimed that all men were created equal and with similar capacities and also that the community should become self-governing. Following the first constitutional debates that took place in the region, these promising egalitarian claims, which gave legitimacy to the revolutions, soon fell out of favor. Advocates of a conservative order challenged both ideals and favored constitutions that established religion and created an exclusionary political structure. Liberals proposed constitutions that protected individual autonomy and rights but established severe restrictions on the principle of majority rule. Radicals favored an openly majoritarian constitutional organization that, according to many, directly threatened the protection of individual rights. This book examines the influence of these opposite views during the "founding period" of constitutionalism in countries including the United States, Argentina, Colombia, Chile, Ecuador, Mexico, Peru, and Venezuela and explores their legacy to our time.



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Review

"Most notable for its broad comparative approach is Roberto Gargarella's excellent study of evolving tensions between competing political projects in the nineteenth century and their impact on institutional arrangements that would affect inequality in later years...he presents a provocative and nuanced understanding of the evolution of inequality, showing that there were moments in which the institutional arrangements underpinning inequality came under challenge or were in flux in Latin America. In this, his book provides a welcome alternative to the widespread notion that inequality in the region is simply a persistent legacy of colonial times" -Roberto Patricio Korzeniewicz, University of Maryland, Latin American Research Review

About the Author

Roberto Gargarella is a Professor of Constitutional Theory and Political Philosophy at the Law School of the Universidad de Buenos Aires and the Universidad Di Tella and a researcher for CONICET in Buenos Aires and the Christian Michelsen Institute in Norway. He has also been a Visiting Fellow at Columbia, New York University, and Harvard and Visiting Professor at universities in Europe, Latin America, and the United States. He received a John Simon Guggenheim grant in 2000 and a Harry Frank Guggenheim grant in 2002-3 and has published on issues of legal and political philosophy, as well as on US and Latin American constitutionalism.

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