

Contents

<i>List of Figures</i>	<i>page xi</i>
<i>List of Tables</i>	<i>xii</i>
<i>Acknowledgments</i>	<i>xiii</i>
1 Introduction	1
1.1 The Public Face of Constitution-Making	1
1.2 Why Is a Study of Participation Important?	3
1.3 What This Book Does	6
1.4 Outline of the Book	8
2 Theoretical Foundations of Participatory Drafting	12
2.1 Introduction	12
2.2 Party-Mediated Political Participation	12
2.3 Constitution-Making and Political Parties	14
2.4 Questions of Legitimacy and Efficacy	27
2.5 The Theory Revisited	36
3 South Africa: Party Domination	39
3.1 Introduction	39
3.2 Historical Background	41
3.3 Drafting the Final Constitution	49
3.4 Analysis of the Drafting Process	59
3.5 In the Words of the Drafters	65
3.6 The Constitutional Principles as a Limiting Factor	75
3.7 Conclusion	77
4 Brazil: Citizen Entrepreneurs	79
4.1 Introduction	79
4.2 Historical Background	81
4.3 The National Constituent Assembly	84

4.4	Popular Participation – Individuals	87
4.5	Popular Participation – Groups	97
4.6	Polling Data	103
4.7	In the Words of the Drafters	105
4.8	A Natural Experiment in Brazil: The Afonso Arinos Draft	108
4.9	Conclusion	111
5	Iceland: Citizen Drafters	113
5.1	Introduction	113
5.2	Impetus for Reform: Economic Crisis	114
5.3	The Drafting Process in Iceland	115
5.4	Measuring Participation	120
5.5	Data and Methods	120
5.6	Assessing the Impact of Participation	122
5.7	Statistical Analysis	127
5.8	Why Did the Drafters Give Effect to Proposals from the Public?	132
5.9	A Failed Constitutional Revolution?	134
5.10	Conclusion	136
6	Cross-National Analysis	138
6.1	Introduction	138
6.2	Comprehensive Cross-National Analysis	139
6.3	Qualitative Assessment of Selected Cases	145
6.4	Conclusion	174
7	Public Participation in Constitution-Making Reconsidered	175
7.1	Introduction	175
7.2	Reviewing the Evidence	176
7.3	Broader Implications	178
7.4	Guidance for Constitution Makers	186
	<i>Appendices</i>	189
	<i>Bibliography</i>	198
	<i>Index</i>	219