

Framing the State in Times of Transition

Case Studies in Constitution Making

Laurel E. Miller, editor



Peacebuilding and the Rule of Law

Praise for

Framing the State in Times of Transition

“Laurel Miller and her colleagues at USIP have produced what will undoubtedly be the definitive study on constitution making in states emerging from conflict. This volume will be an invaluable source to all those interested in how any one of the nineteen constitutions were constructed. It will be of even greater help to those faced with a similar task in the future. The book provides wise guidance as to what approaches to constitution writing have worked in the past, and offers advice to both the international community and local actors in societies emerging from civil strife and governmental collapse on how to approach this task.”

—James Dobbins, Director of the International Security and Defense Policy Center at the RAND Corporation, and lead author of *The Beginner’s Guide to Nation Building*

“New states face both the challenge of dealing with their often violent past and that of constructing a stable democracy for the future. After the path-breaking volumes on transitional justice, the United States Institute of Peace has now produced an equally indispensable volume on the problems and challenges of constitution making. The breadth and depth of the chapters on individual cases ensure that the book will be a vademecum for both country specialists and comparativists. The country studies are framed by theoretical chapters that will also speak to political theorists. Future framers will have much to learn from the analyses of past mistakes proposed in many of the chapters. It is not too much to say that with this book the study of constitution making has come of age.”

—Jon Elster, Columbia University, Robert K. Merton, Professor of Social Science

“Constitution-making in a post-conflict country is fraught with many risks and traps. How can we avoid or find creative solutions to them? In this useful book, scholars and practitioners reflect on the experience of two decades. Framing the State in Times of Transition: Case Studies in Constitution Making demonstrates the critical importance of the process itself in producing a constitution that provides a solid foundation for peace—a lesson anyone interested in technical assistance and peacekeeping should remember.”

—Jean-Marie Guéhenno, U.N. undersecretary-general for peacekeeping operations

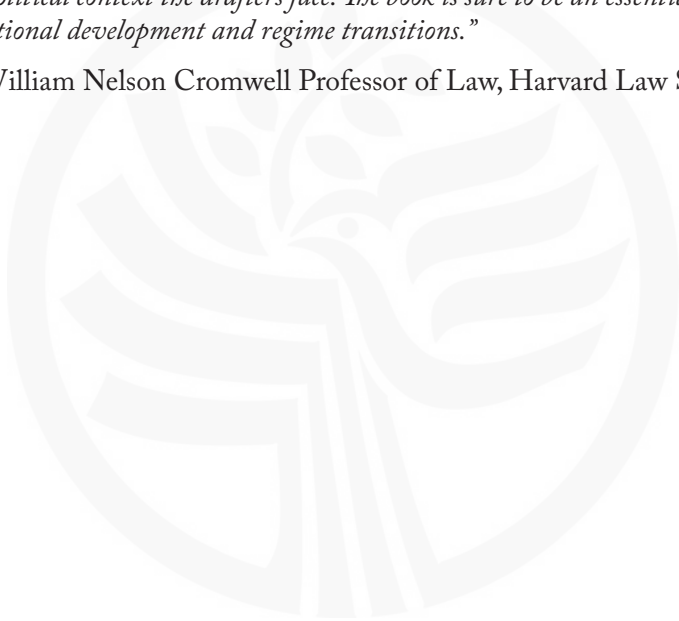
“Framing the State is a rich resource and high quality reference work for academics and practitioners on constitution making. One reason for this is that its nineteen case studies are authored . . . by practitioners who have been close to the constitution making experiences they write about. Framing the State is both a product of, and reflects, the renewed interest in constitutionalism and constitution making. The book’s special contribution is its geographically diverse and comprehensive treatment of the “new” post-conflict constitutions. These constitutions serve as peace agreements and offer opportunities for a reformulation of a national social compact in a divided society. This volume canvasses

important considerations and contemporary lessons on process. It also surveys the expanding subject matter treated by these constitutions, which may embrace issues of identity, national values, or a necessary confrontation with history. This book will certainly be in my library.”

—Nicholas Haysom, UN Director of Political, Peacekeeping, and Humanitarian Affairs,
and former legal counsel for Nelson Mandela

“The enlightening case studies and overview essays in this impressive collection show how modern constitution drafters face common problems and arrive at quite diverse solutions, some successful and others less so, all set in the precise political context the drafters face. The book is sure to be an essential resource for all those interested in constitutional development and regime transitions.”

—Mark Tushnet, William Nelson Cromwell Professor of Law, Harvard Law School



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