

INTRODUCTION

Diego Valadés, as director of the UNAM Legal Research Institute, presented the First Survey of Constitutional Culture in Mexico,¹ in the context of the VII Ibero-American Congress of Constitutional Law, held in Mexico City in February 2003. And later he invited the Presidents of the Constitutional Law Associations that are part of said Ibero-American Institute to do the same in their respective countries.

Personally, I understood the importance of the regional initiative and fortunately, I was able to direct and publish the two Surveys carried out in Argentina, in 2004 and 2014.²

These interdisciplinary experiences, of notable value for the knowledge of the Latin American reality, have been extremely useful for the study and research of our subject, in a subject as relevant as that of constitutional culture and legality.

In this same line of thought, we propose with Valadés to now introduce ourselves to another fundamental issue linked to the previous one, such as that relating to the phenomenon of corruption.

As we will see, this is one of the most serious problems in the region, considering the surveys published for years by Transparency International.

It will already be noted that this is an extremely complex matter, which requires special care in the methodological and conceptual aspects for its study.

Without intending to address the phenomenon in its entirety, in this work we propose a comparative analysis of the issue based on the provisions of the Supreme Laws of the respective countries.

¹ In the book entitled “Cultura de la Constitución en México. Una encuesta nacional de actitudes, percepciones y valores”, with Hugo A. Concha Cantú, Héctor Fix-Fierro y Julia Flores, co-authors.

² The first was published in the book “Encuesta de cultura constitucional. Argentina: una sociedad anómica”, Institute of Legal Research of the UNAM, International IDEA and Argentine Association of Constitutional Law, Coordinators Antonio María Hernández, Daniel Zovatto and Manuel Mora y Araujo, Mexico, 2005, and the second in the book “Segunda Encuesta de cultura constitucional. Argentina una sociedad anómica”, Compilers Antonio María Hernández, Daniel Zovatto and Eduardo Fidanza, Eudeba, Buenos Aires, 2016.

We trust that this initiative will serve to improve knowledge of the reality of the region and to advance in the fulfillment of the preliminary and perennial purposes of the constitutionalism that we profess: to ensure human rights and control, and limit power.

On the other hand, we start from the firm conviction about the convenience and importance of comparative studies, since as Voltaire said: “There is someone so intelligent that he learns from the experience of others”.

The work begins with the reflections of the Director of the Institute of Legal Research of the UNAM, Pedro Salazar, and the President of International Transparency, Delia Ferreira Rubio, followed by a Chapter on “Corruption in Latin America” by me.

And then, the successive chapters of each of the chosen countries in alphabetical order and corresponding to the following co-authors: Argentina, also in my charge; Brazil, Marcelo Figueiredo; Chile, Francisco Zuniga Urbina; Colombia, Julio Cesar Ortiz Gutierrez; Guatemala, Alejandro Maldonado; Mexico, Daniel Márquez Gómez, and Beatriz Camarillo Cruz who also make a comparison with Singapore; Peru, Ernesto Blume Fortini and Venezuela, Allan Brewer Carías.

As it is an Ibero-American Institute, we have also considered it pertinent to incorporate the chapters from Spain, led by Miguel Revenga Sánchez and José Joaquín Fernández Alles, and especially from Italy, due to the need to learn about the process called “Mani Pulite”, led by Luca Mezzetti and Francesca Polacchini.

The work concludes with Diego Valadés’ Theoretical Considerations on Constitutionalism and Corruption.

We especially appreciate the participation of each of the authors convened for their dedication and vocation for the investigation of such a transcendent topic.

Antonio María HERNÁNDEZ