

Adrian Vermeule

Mechanisms *of* Democracy

Institutional Design Writ Small



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Mechanisms Of Democracy Institutional Design Writ Small

Heinz-Dieter Meyer



Mechanisms Of Democracy Institutional Design Writ Small:

Mechanisms of Democracy Adrian Vermeule, 2007-07-24 What institutional arrangements should a well functioning constitutional democracy have Most of the relevant literatures in law political science political theory and economics address this question by discussing institutional design writ large In this book Adrian Vermeule moves beyond these debates changing the focus to institutional design writ small In established constitutional polities Vermeule argues that law can and should and to some extent already does provide mechanisms of democracy a repertoire of small scale institutional devices and innovations that can have surprisingly large effects promoting democratic values of impartial accountable and deliberative government Examples include legal rules that promote impartiality by depriving officials of the information they need to act in self interested ways voting rules that create the right kind and amount of accountability for political officials and judges and legislative rules that structure deliberation in part by adjusting the conditions under which deliberation occurs transparently or instead secretly Drawing upon a range of social science tools from economics political science and other disciplines Vermeule carefully describes the mechanisms of democracy and indicates the conditions under which they can succeed

The War Prerogative Rosara Joseph, 2013-09-26 The war prerogative is the power of the Crown exercised by the government to declare war and deploy armed forces overseas This book traces the theory and practice of the war prerogative in England from 1600 to the modern day and considers potential reform of the constitutional arrangements for its exercise

Constitutional Courts and Deliberative Democracy Conrado Mendes, 2013-12 It is often argued that courts are better suited for impartial deliberation than partisan legislatures and that this capacity justifies handing them substantial powers of judicial review This book provides a thorough analysis of those claims introducing the theory of deliberative capacity and its implications for institutional design

An Epistemic Theory of Democracy Robert E. Goodin, Kai Spiekermann, 2018 Democracy has many attractive features Among them is its tendency to track the truth at least under certain idealized assumptions That basic result has been known since 1785 when Condorcet published his famous jury theorem But that theorem has typically been dismissed as little more than a mathematical curiosity with assumptions too restrictive for it to apply to the real world In *An Epistemic Theory of Democracy* Goodin and Spiekermann propose different ways of interpreting voter independence and competence to make jury theorems more generally applicable They go on to assess a wide range of familiar political practices and alternative institutional arrangements to determine what constellation of them might most fully exploit the truth tracking potential of majoritarian democracy The book closes with a discussion of how epistemic democracy might be undermined using as case studies the Trump and Brexit campaigns

The Limits of Constitutional Democracy Jeffrey K. Tulis, Stephen Macedo, 2010-10-18 Constitutional democracy is at once a flourishing idea filled with optimism and promise and an enterprise fraught with limitations Uncovering the reasons for this ambivalence this book looks at the difficulties of constitutional democracy and reexamines fundamental questions What is constitutional

democracy When does it succeed or fail Can constitutional democracies conduct war Can they preserve their values and institutions while addressing new forms of global interdependence The authors gathered here interrogate constitutional democracy's meaning in order to illuminate its future The book examines key themes the issues of constitutional failure the problem of emergency power and whether constitutions should be suspended when emergencies arise the dilemmas faced when constitutions provide and restrict executive power during wartime and whether constitutions can adapt to such globalization challenges as immigration religious resurgence and nuclear arms proliferation In addition to the editors the contributors are Sotirios Barber Joseph Bessette Mark Brandon Daniel Deudney Christopher Eisgruber James Fleming William Harris II Ran Hirschl Gary Jacobsohn Benjamin Kleinerman Jan Werner Müller Kim Scheppele Rogers Smith Adrian Vermeule and Mariah Zeisberg

Perils of Judicial Self-Government in Transitional Societies David Kosař, 2016-04 This book investigates the mechanisms of judicial control to determine an efficient methodology for independence and accountability Using over 800 case studies from the Czech and Slovak disciplinary courts the author creates a theoretical framework that can be applied to future case studies and decrease the frequency of accountability perversions

The Development of Political Institutions Federico Ferrara, 2022-01-18 While the literature on new institutionalism explains the stability of institutional arrangements within countries and the divergence of paths of institutional development between countries Federico Ferrara takes a historical institutionalist approach to theorize dynamic processes of institutional reproduction institutional decay and institutional change in explaining the development of political institutions Ferrara synthesizes power based or power distributional explanations and ideas based legitimation explanations He specifies the psychological microfoundations of processes of institutional development drawing heavily from the findings of experimental psychology to ensure that the explanation is grounded in clear and realistic assumptions regarding human motivation cognition and behavior Aside from being of interest to scholars and graduate students in political science and other social scientific disciplines whose research concentrates on the genesis of political institutions their evolution over time and their impact on the stability of political order and the quality of governance the book will be required reading in graduate courses and seminars in comparative politics where the study of institutions and their development ranks among the subfield's most important subjects

Democratic Design Michael Saward, 2021 Democratic practices and ideals are facing stern tests around the world in the 21st century Democratic Design argues that to respond effectively and creatively democrats will need to work with a new and versatile toolkit of concepts and institutions Existing dominant approaches such as the deliberative democracy model offer forms of silo thinking at a time when systemic and joined up perspectives are at a premium The book builds this new toolkit the democratic design framework through an original blend of design thinking and democratic theory and practice It shows why we need this framework and how its use can renew and enliven democracy's potential across a range of countries and contexts Encompassing a wide range of institutions and practices from the familiar

such as parliamentary procedures to the innovative such as citizens assemblies the book explores and illustrates in detail why we need new and hybrid designs for democracy and how to generate them Emphasising a systemic not merely institutional design b the practical enactment of democratic values such as equality and participation and c the importance of designing for different national and other contexts Democratic Design shows how a comprehensive approach to rethinking the present and future of democratic governance is possible indeed essential Its arguments draw together and move beyond the best of existing theories and models by devising a new framework that is both practical and theoretically robust

University of Chicago Law Review University of Chicago Law Review,2013-06-28 The University of Chicago Law Review s second issue of 2013 features articles and essays from internationally recognized legal and policy scholars Contents include Article Property Lost in Translation by Abraham Bell Gideon Parchomovsky Article Tiers of Scrutiny in Enumerated Powers Jurisprudence by Aziz Z Huq Article State and Federal Models of the Interaction between Statutes and Unwritten Law by Caleb Nelson Article Our Electoral Exceptionalism by Nicholas O Stephanopoulos Essay Reverse Advisory Opinions by Neal Devins Saikrishna B Prakash Review Essay The Inescapability of Constitutional Theory by Erwin Chemerinsky reviewing a new book by Judge J Harvie Wilkinson III Comment Amongst the Waives Whether Sovereign Immunity for Contractual Damages Is Waived under the Public Vessels Act or the Suits in Admiralty Act by Maria A Lanahan The University of Chicago Law Review first appeared in 1933 thirty one years after the Law School offered its first classes Since then the Law Review has continued to serve as a forum for the expression of ideas of leading professors judges and practitioners as well as student authors and as a training ground for University of Chicago Law School students who serve as its editors and contribute original research Principal articles and essays are authored by internationally recognized legal scholars Quality eBook editions feature active Contents linked footnotes and linked URLs in notes

Common Good Constitutionalism Adrian Vermeule,2022-02-08 The way that Americans understand their Constitution and wider legal tradition has been dominated in recent decades by two exhausted approaches the originalism of conservatives and the living constitutionalism of progressives Is it time to look for an alternative Adrian Vermeule argues that the alternative has been there buried in the American legal tradition all along He shows that US law was from the founding subsumed within the broad framework of the classical legal tradition which conceives law as a reasoned ordering to the common good In this view law s purpose is to promote the goods a flourishing political community requires justice peace prosperity and morality He shows how this legacy has been lost despite still being implicit within American public law and convincingly argues for its recovery in the form of common good constitutionalism This erudite and brilliantly original book is a vital intervention in America s most significant contemporary legal debate while also being an enduring account of the true nature of law that will resonate for decades with scholars and students

The Luck of the Draw Peter Stone,2011-04-15 Largely this is because lottery based decisions are not based upon reasons

Law and the Limits of Reason Adrian Vermeule,2012-05-24 Law and the Limits of Reason asks what are the consequences of

recognizing the limits of reason within the legal system In particular what are the consequences for the allocation of lawmaking authority among judges legislators and administrative agencies or executive officials Vermeule examines the conditions under which the limits of reason support a greater or lesser allocation of authority to one institution or another

The Design of the University Heinz-Dieter Meyer, 2016-10-04 What is the reason for the American university's global preeminence How did the American university succeed where the development of the German university from which it took so much stalled In this closely argued book Meyer suggests that the key to the American university's success is its institutional design of self government Where other university systems are dependent on the patronage of state church or market the American university is the first to achieve true autonomy which it attained through an intricate system of engagements with societal actors and institutions that simultaneously act as amplifiers of its impact and as checks on the university's ever present corrosive tendencies Built on a searching analysis of the design thinking of Wilhelm von Humboldt and Adam Smith and closely tracing the learning process by which Americans adapted the German model The Design of the University dismisses efforts to copy superficial features of the American university in order to achieve world class rank Calling attention to the design details of the university and the particulars of its institutional environment this volume identifies the practices and choices that produced the gold standard for today's world class higher education

Supermajorities in Constitutional Courts Mauro Arturo Rivera León, 2024-04-05 Constitutional adjudication is a subject of fascination for scholars Judges may annul the will of a democratically elected Parliament in counter majoritarian fashion Although conceived as a remedy against majoritarianism judges also decide cases by voting Whether they do so through simple majorities or supermajorities is not trivial The debate around supermajorities has awakened anew amidst theories of judicial limitation and new conceptions of judicial review This book advances our knowledge of systems employing supermajorities in constitutional adjudication by performing a comparative analysis of ten jurisdictions and twelve supermajority models It introduces a typology of the main models of institutional design the reasons leading policymakers to establish them and the impact supermajorities have on courts It explores the question of whether supermajorities grant deference and foster consensus or if they disable constitutional courts from exercising judicial review By analyzing the history practice and effects of supermajority rules in courts this book contributes to an ongoing conversation on the democratic implications of voting protocols in constitutional courts It will be a valuable resource for policy makers scholars and researchers working in the areas of comparative constitutional law and constitutional politics The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution CC BY 4.0 license

New Waves in Ethics T. Brooks, 2011-04-28 Bringing together the leading future figures in ethics broadly construed with essays ranging from metaethics and normative ethics to applied ethics and political philosophy topics include new work on experimental philosophy feminism and global justice incorporating perspectives informed from historical and

contemporary approaches alike

Is This Any Way to Run a Democratic Election? Stephen J. Wayne, 2013-07-05 The 2012 election is over but the debate over the fairness and accuracy of our electoral system continues The courts are dealing with the alleged discriminatory impact of voter ID requirements on minority voters privacy and vote manipulation are concerns as political campaigns utilize new technology to target voters the news media are contending with harsh public criticism of their elections coverage the campaign finance floodgates were opened with vast resources spent on negative advertising and the Electoral College continues to undermine a national democratic electoral system Is this any way to run a democratic election This fully updated fifth edition of *Is This Any Way to Run a Democratic Election* by Stephen J Wayne answers that important question by looking at both recent events and recent scholarship focused on the democratic electoral process including new data and timely illustrations from the 2012 elections

The Principles of Constitutionalism N. W. Barber, 2018-07-19 In this follow up volume to the critically acclaimed *The Constitutional State* N W Barber explores how the principles of constitutionalism structure and influence successful states Constitutionalism is not exclusively a mechanism to limit state powers An attractive and satisfying account of constitutionalism and by derivation of the state can only be reached if the principles of constitutionalism are seen as interlocking parts of a broader doctrine This holistic study of the relationship between the constitutional state and its central principles sovereignty the separation of powers the rule of law subsidiarity democracy and civil society casts light on long standing debates over the meaning and implications of constitutionalism The book provides a concise introduction to constitutionalism and a detailed account of the nature and implications of each of the principles in question It concludes with an examination of the importance of constitutional principles to the work of judges legislators and others involved in the operation and creation of the constitution The book is essential reading for those seeking a definitive account of constitutionalism and its benefits

Social Choice and Democratic Values Eerik Lagerspetz, 2015-11-26 This book offers a comprehensive overview and critique of the most important political and philosophical interpretations of the basic results of social choice assessing their plausibility and seeking to identify the links between the theory of social choice and the more traditional issues of political theory and philosophy In this regard the author eschews a strong methodological commitment or technical formalism the approach is instead based on the presentation of political facts and illustrated via numerous real life examples This allows the reader to get acquainted with the philosophical and political dispute surrounding voting and collective decision making and its links to social choice theory

In Our Name Eric Beerbohm, 2015-12-29 When a government in a democracy acts in our name are we as citizens responsible for those acts What if the government commits a moral crime The protestor's slogan Not in our name testifies to the need to separate ourselves from the wrongs of our leaders Yet the idea that individual citizens might bear a special responsibility for political wrongdoing is deeply puzzling for ordinary morality and leading theories of democracy *In Our Name* explains how citizens may be morally exposed to the failures of their representatives and state institutions and how

complicity is the professional hazard of democratic citizenship Confronting the ethical challenges that citizens are faced with in a self governing democracy Eric Beerbohm proposes institutional remedies for dealing with them Beerbohm questions prevailing theories of democracy for failing to account for our dual position as both citizens and subjects Showing that the obligation to participate in the democratic process is even greater when we risk serving as accomplices to wrongdoing Beerbohm argues for a distinctive division of labor between citizens and their representatives that charges lawmakers with the responsibility of incorporating their constituents moral principles into their reasoning about policy Grappling with the practical issues of democratic decision making In Our Name engages with political science law and psychology to envision mechanisms for citizens seeking to avoid democratic complicity

Good Governing Daniel B. Rodriguez, 2024-10-17 Good Governing The Police Power in the American States is a deep historical and legal analysis of state police power examining its origins in the founding period of the American public through the 20th century The book reveals how American police power was intended to be a broad but not unlimited charter of regulatory governance designed to implement key constitutional objectives and advance the general welfare It explores police power s promise as a mechanism for implementing successful regulatory governance and tackling societal ills while considering key structural issues like separation of powers and individual rights This insightful book will shape understanding of the neglected state police power a key part of constitutional governance in the U S This title is also available as Open Access on Cambridge Core

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