

WHAT IS CONSTITUTIONAL DEMOCRACY?



Constitutional Democracy

Tom Ginsburg, Aziz Z. Huq



Constitutional Democracy:

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 Constitutional Democracy Walter F. Murphy, 2007 Publisher Description

Constitutional Democracy in Crisis? Mark A. Graber, Sanford Levinson, Mark Tushnet, 2018-08-23 To what extent is the world including the United States facing a serious threat to the protection of constitutional democracies This collection brings together leading scholars to engage critically with the crises facing constitutional democracies today The book is organized in four parts background and how the present situation arose a selection of specific country studies global themes and worldwide forces and conclusions from the above and hypotheses about the future The Making of Constitutional Democracy Paolo Sandro, 2022-01-27 This open access book addresses a palpable yet widely neglected tension in legal discourse In our everyday legal practices whether taking place in a courtroom classroom law firm or elsewhere we routinely and unproblematically talk of the activities of creating and applying the law However when legal scholars have analysed this distinction in their theories rather than simply assuming it many have undermined it if not dismissed it as untenable The book considers the relevance of distinguishing between law creation and law application and how this transcends the boundaries of jurisprudential enquiry It argues that such a distinction is also a crucial component of political theory For if there is no possibility of applying a legal rule that was created by a different institution at a previous moment in time then our current constitutional democratic frameworks are effectively empty vessels that conceal a power relationship between public authorities and citizens that is very different from the one on which constitutional democracy is grounded After problematising the most relevant objections in the literature the book presents a comprehensive defence of the distinction between creation and application of law within the structure of constitutional democracy It does so through an integrated jurisprudential methodology which combines insights from different disciplines including history anthropology political

science philosophy of language and philosophy of action while also casting new light on long standing issues in public law such as the role of legal discretion in the law making process and the scope of the separation of powers doctrine The ebook editions of this book are available open access under a CC BY NC ND 4 0 licence on bloomsburycollections com

Constitutional Democracy Dennis C. Mueller,1996-03-28 This volume systematically examines how the basic constitutional structure of governments affects what they can accomplish At a time when Americans are more and more disillusioned about government s fundamental ability to reach solutions for domestic problems and when countries in the former Soviet block and around the world are rewriting their constitutions the relationship between government and constitution is especially important Political economist Dennis Mueller illuminates the links between the structure of democratic government and its outcomes by drawing comparisons between the American system and other systems around the world Working from the public choice perspective in political science the book analyzes electoral rules voting rules federalism citizenship and separation of powers making it a valuable resource for anyone curious about the world s political environment

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How to Save a Constitutional Democracy Tom Ginsburg,Aziz Z. Huq,2018-10-05 Democracies are in danger Around the world a rising wave of populist leaders threatens to erode the core structures of democratic self rule In the United States the tenure of Donald Trump has seemed decisive turning point for many What kind of president intimidates jurors calls the news media the enemy of the American people and seeks foreign assistance investigating domestic political rivals Whatever one thinks of President Trump many think the Constitution will safeguard us from lasting damage But is that assumption justified How to Save a Constitutional Democracy mounts an urgent argument that we can no longer afford to be complacent Drawing on a rich array of other countries experiences with democratic backsliding Tom Ginsburg and Aziz Z Huq show how constitutional rules can both hinder and hasten the decline of democratic institutions The checks and balances of the federal government a robust civil society and media and individual rights such as those enshrined in the First Amendment often fail as bulwarks against democratic decline The sobering reality for the United States Ginsburg and Huq contend is that the Constitution s design makes democratic erosion more not less

likely Its structural rigidity has had unforeseen consequence leaving the presidency weakly regulated and empowering the Supreme Court conjure up doctrines that ultimately facilitate rather than inhibit rights violations Even the bright spots in the Constitution the First Amendment for example may have perverse consequences in the hands of a deft communicator who can degrade the public sphere by wielding hateful language banned in many other democracies We and the rest of the world can do better The authors conclude by laying out practical steps for how laws and constitutional design can play a more positive role in managing the risk of democratic decline

Constitutionalism and Democracy Jon Elster,Rune Slagstad,1988 The eleven essays in this volume supplemented by an editorial introduction centre around three overlapping problems First why would a society want to limit its own sovereign power by imposing constitutional constraints on democratic decision making Second what are the contributions of democracy and constitutions to efficient government Third what are the relations among democracy constitutionalism and private property This comprehensive discussion of the problems inherent in constitutional democracy will be of interest to students in a variety of social sciences It illuminates particularly the current efforts of many countries especially in Latin America to establish stable democratic regimes

Constitutional Democracy in America Charles W. Dunn,1987

Crafting Constitutional Democracies Edward Schneider,2006-05-12 By examining the institutions of government through the lens of constitution making Crafting Constitutional Democracies provides a broad and insightful introduction to comparative politics Drawn from a series of lectures given in Jakarta Indonesia on the drafting of the U S constitution the book illustrates the problems faced by generations of founders through numerous historic and contemporary examples Both Indonesia in 1999 and the United States in 1789 faced the same basic issue how to construct a central government for a large and diverse nation that allowed the majority of the people to govern themselves without intruding on the rights of minorities What kinds of institutions make for good government What factors need to be considered in designing a government Author Edward Schneider explores these questions through a rich variety of examples from both recent and historic transitions to democracy Drawing frequently upon the arguments of the American Federalist Papers and more contemporary theories of democratization Crafting Constitutional Democracies lucidly explores the key questions of how and why democracies succeed and fail A concluding chapter on constitutional change and decline raises provocative and important questions about the lessons that citizens of the world s older democracies might take from the struggles of the new

Constitutional Democracy Elise Collier,2017-12-15 What does it mean to be part of a constitutional democracy In this educational text readers will learn about the founding principles of democracy why and how political authority is limited and how institutions operate and interact in this form of government Instilling young readers with a greater understanding of the structures powers and limits of government that affect their daily lives as Americans this text covers key elementary social studies concepts

Fidelity to Our Imperfect Constitution James E. Fleming,2015 James E Fleming argues that fidelity in interpreting the US Constitution as written requires a moral reading or philosophic approach and that fidelity commits to

honouring aspirational principles not following the relatively specific original meanings or original expected applications of the founders

Indian Constitution Bidyut Chakrabarty, 2025-07-21 The book deals with the making and unfolding of the Constitution of India framed by the Constituent Assembly between 1946 and 1949 Superseding the conventional legalistic approach it focuses on the politico ideological priorities of the members of Assembly who played a critical role in preparing the provisions of the Constitution With its appeal cutting across academic specializations this book stands out as a significant document by making readers aware of their constitutional rights and duties and the ways to utilize the constitutional directions for human and national betterment Written in lucid language this book is a great asset for those seeking to understand the complex ideas implicit in legally articulated provisions Tailored to the academic requirements of a global readership this volume would be useful to students researchers and teachers working in the fields of Politics Law public administration and public policy It would also be an invaluable resource for legal experts and policymakers

Human Rights, Legitimacy, and the Use of Force Allen Buchanan, 2010-01-13 This volume collects Allen Buchanan's previously published articles with a focus on ethics and international law specifically with regard to human rights the legitimacy of international institutions and the ethics of force across borders The work fits together tightly in its systematic interconnections and collectively it makes the case for a holistic and systematic approach to issues that are at the forefront of current discussions in political and legal philosophy issues that have traditionally been seen as separate

The Identity of the Constitutional Subject Michel Rosenfeld, 2009-10-16 The last fifty years has seen a worldwide trend toward constitutional democracy But can constitutionalism become truly global Relying on historical examples of successfully implanted constitutional regimes ranging from the older experiences in the United States and France to the relatively recent ones in Germany Spain and South Africa Michel Rosenfeld sheds light on the range of conditions necessary for the emergence continuity and adaptability of a viable constitutional identity citizenship nationalism multiculturalism and human rights being important elements The Identity of the Constitutional Subject is the first systematic analysis of the concept drawing on philosophy psychoanalysis political theory and law from a comparative perspective to explore the relationship between the ideal of constitutionalism and the need to construct a common constitutional identity that is distinct from national cultural ethnic or religious identity The Identity of the Constitutional Subject will be of interest to students and scholars in law legal and political philosophy political science multicultural studies international relations and US politics

The Calculus of Consent James M. Buchanan, Gordon Tullock, 1965 A scientific study of the political and economic factors influencing democratic decision making

A Constitutional Democracy Edward Delon, 2015-11-07 Readers will gain knowledge of fundamental democratic principles the purpose and functions of government and an understanding of America's history By integrating ethics politics economics and history readers will be able to smartly use their critical thinking skills when considering controversial political issues from public policy to political candidates

The Supreme Court and

Constitutional Theory, 1953-1993 Ronald Kahn, 1994 Combining theoretical sophistication with a fundamental comprehension of the political institutions of the USA this study aims to demystify the workings of the United States Supreme Court and its place in democracy Proceedings of the ... Annual Session of the Association ,1912 *Debates in the Massachusetts Constitutional Convention, 1917-1918: Chapters I to XV* Massachusetts. Constitutional Convention, 1919

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