

Laurence H. Tribe

Constitutional Choices

Constitutional Choices

Dieter Schmidtchen, Robert Cooter



Constitutional Choices:

Constitutional Mythologies Alain Marciano, 2011-08-02 Our societies obviously rest on common beliefs. These myths are tools that help us to develop and build common identities; they form the structure around which societies function. This does not imply that these beliefs are true in the sense that they would be supported by empirical facts. In social matters, myths have undoubtedly important functions to play even if no empirical facts support them. On the other hand, and precisely because they are not discussed, myths may be problematic; they may create illusions, conserve structures that are inefficient and unable to improve the situation of citizens. This is particularly true with constitutions. Constitutions are very important for societies; a constitution is a document even in societies based on unwritten constitutions which binds citizens together, creating unity among them and which forms the framework within which our activities take place. As Nobel Prize laureate James Buchanan used to say, constitutions contain the rules of the social game we play in our everyday life. However, constitutions are not frequently debated by citizens. This is why we end up with common beliefs about these constitutions; they are above our heads around us. We take them, their role, function, and nature as given. The purpose of this volume is to investigate and challenge common constitutional myths. Featuring contributions from prominent economists, political scientists, and legal scholars, the chapters in this volume address such myths as: constitutions are binding social contracts; constitutions are economic documents and constitutions are legal documents. Illustrating their analyses with historical and contemporary examples from the United States, Canada, and Europe, the authors build a multi-layered approach to understanding constitutions and their implications for social and political influence. Constitutional Democracy Dennis C. Mueller, Professor of Economics, University of Vienna, 1996-02-22 Constitutional Democracy systematically examines how the basic constitutional structure of governments affects what they can accomplish. This relationship is especially important at a time when Americans are increasingly 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. Political economist Mueller illuminates the links between the structure of democratic government and the outcomes it achieves by drawing comparisons between the American system and other government systems around the world. Working from the public choice perspective in political science, the book analyzes electoral rules, voting rules, federalism, bicameralism, citizenship, and separation of powers. It will be of great interest to students and scholars of political economy. **Rules, Choice and Strategy** Ram Mudambi, Pietro Navarra, Giuseppe Sobbrío, 2001-01-01 This topical book analyses the change of electoral rules in Italy from proportional representation toward plurality. While Italy is used as the illustrative case, the analysis has far-ranging theoretical and practical implications and will therefore be of interest to academics and researchers of political economy, constitutionalism, and public choice. **Constitutional Sentiments** András Sajó, 2011-01-01 constitutional meaning. Sajó has extended to the realm of law the emerging trend that recognizes the fallibility of rational

behavior **The Constitution of Markets** Viktor J Vanberg, 2001-06-28 This book examines the institutional dimension of markets and the rules and institutions that condition the operation of market economies *Comparative Constitutional Law* Tom Ginsburg, Rosalind Dixon, 2011-01-01 This landmark volume of specially commissioned original contributions by top international scholars organizes the issues and controversies of the rich and rapidly maturing field of comparative constitutional law Divided into sections on constitutional design and redesign identity structure individual rights and state duties courts and constitutional interpretation this comprehensive volume covers over 100 countries as well as a range of approaches to the boundaries of constitutional law While some chapters reference the text of legal instruments expressly labeled constitutional others focus on the idea of entrenchment or take a more functional approach Challenging the current boundaries of the field the contributors offer diverse perspectives cultural historical and institutional as well as suggestions for future research A unique and enlightening volume *Comparative Constitutional Law* is an essential resource for students and scholars of the subject **Handbook of Social Choice and Welfare** Amartya Sen, Kotaro Suzumura, 2007

Constitutional Bargaining in Russia, 1990-93 Edward Morgan-Jones, 2010-02-25 The years 1990-93 were a critical moment in Russia's political development This book provides a systematic explanation of outcomes of constitutional bargaining processes in Russia which radically reshaped the institutions of the Russian state removing Russia from constitutional subordination to the Soviet Union in 1990 creating a presidency and a constitutional court in 1991 and restructuring the relationship between the central state and its component federal units with the passage of three Federal Treaties in 1992 The book explores the reasons for these outcomes and identifies why there were consistent delays to the passage of a new Russian constitution as well as why negotiations eventually broke down The book assesses the plausibility of different theoretical approaches to constitutional choice and argues that the role of uncertainty and politician's strategic responses to uncertainty in shaping constitutional outcomes has been under explored by rational choices approaches to constitutional bargaining Using a rich set of source materials including roll call votes parliamentary records unpublished parliamentary and constitution commission documents Russian newspapers the book provides a detailed study of Russian politician's decision making about constitutional choices It is a valuable resource to those interested in Russia and post communist politics the origins of political institutions comparative government democratisation and development studies

The Next Twenty-five Years of Public Choice Charles Rowley, Friedrich Schneider, Robert D. Tollison, 1993-09-30 *The Next 25 Years of Public Choice* brings together the perspectives of many of the world's leading scholars of public choice on the present state of knowledge and the likely future course of scholarship on public choice and constitutional economy This book presents material in a manner accessible to a wide educated readership and will be influential in guiding future research in this important field It is directed at professional scholars of public choice economics and political science government officials graduate students and anyone seriously interested in public policy A distinguished group of internationally well

known scholars offer their own often far reaching views on strengths and weaknesses in the current literature and pinpoint important avenues of research amenable to future research **The Encyclopedia of Public Choice** Charles

Rowley, Friedrich Schneider, 2008-01-25 The Encyclopedia provides a detailed and comprehensive account of the subject known as public choice However the title would not convey sufficiently the breadth of the Encyclopedia's contents which can be summarized better as the fruitful interchange of economics political science and moral philosophy on the basis of an image of man as a purposive and responsible actor who pursues his own objectives as efficiently as possible This fruitful interchange between the fields outlined above existed during the late eighteenth century during the brief period of the Scottish Enlightenment when such great scholars as David Hume Adam Ferguson and Adam Smith contributed to all these fields and more However as intellectual specialization gradually replaced broad based scholarship from the nineteenth century onwards it became increasingly rare to find a scholar making major contributions to more than one Once Alfred Marshall defined economics in neoclassical terms as a narrow positive discipline the link between economics political science and moral philosophy was all but severed and economists redefined their role into that of the humble dentist providing technical economic information as inputs to improve the performance of impartial benevolent and omniscient governments in their attempts to promote the public interest This indeed was the dominant view within an economics profession that had become besotted by the economics of John Maynard Keynes and Paul Samuelson immediately following the end of the Second World War *Constitutional Politics in Central and Eastern Europe* Anna Fruhstorfer, Michael Hein, 2016-10-12 The

contributions to this edited volume discuss constitutional politics in 20 Central and Eastern European countries The country chapters describe all constitutional amendments and new constitutions after the first post communist constitution making all failed amendment attempts and the political discourses about constitutional politics Framed by a broad comparative chapter the country studies are embedded in the established literature on constitutional politics The book thus provides a better understanding of constitutional politics in the region and beyond Constitutional Law and Economics of the European

Union Dieter Schmidtchen, Robert Cooter, 1997-01-01 Most papers are followed by remarks from two commentators which provide a useful summary of the issues at stake Keith Tribe The Economic Journal With its constitutional law and economics approach to European integration this book is both interesting and useful for academics policymakers and students of the EU Nina Grager Journal of Peace Research The process of European integration is at a crossroads As the Union becomes larger in terms of members the institutional structures and decision making procedures will have to change in order for it to make policy initiatives To meet these challenges the Union will need an effective institutional and constitutional structure which must be both democratic and acceptable to its citizens SEC Docket United States. Securities and Exchange

Commission, 1988 **Public Choice and the Challenges of Democracy** Jos% Casas Pardo, Pedro Schwartz, 2007-01-01

This timely and important volume addresses the serious challenges faced by democracy in contemporary society With

contributions from some of the world's most prestigious scholars of public choice and political science this comprehensive collection p

The Oxford Handbook of the Australian Constitution Cheryl Saunders, Adrienne Stone, 2018 Providing an interdisciplinary overview of Australian constitutional law and practice this Handbook situates the development of the constitutional system in its proper context It also examines recurrent themes and tensions in Australian constitutional law and points the way for future developments

Supreme Court Confirmation Hearings and Constitutional Change Paul M. Collins, Lori A. Ringhand, 2013-06-24 This book demonstrates that the hearings to confirm Supreme Court nominees are in fact a democratic forum for the discussion and ratification of constitutional change

Social Democracy and Rational Choice Henry Milner, 2002-09-11 Is it possible in this post socialist world for equity and efficiency to be reconciled Or is a productive welfare state a contradiction in terms This book addresses these questions in theory and in practice using the Nordic countries as its case study Social Democracy and Rational Choice will appeal to readers interested in comparative institutional and policy analysis and in particular to those concerned with the future of the welfare state and the latest developments in the Nordic countries

The Politics of Presidential Term Limits Alexander Baturo, Robert Elgie, 2019 This book examines the politics of presidential term limits It looks at the theory and practice of term limits the experience of term limit avoidance worldwide and the consequences of presidential term limits in all forms of regimes

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

Constitution, Public Finance, and Transition Ringa Raudla, 2010 This book explores the role of constitutions in public finance with a special focus on transitional context in Central and Eastern Europe The main questions addressed are How do formal constitutional provisions that matter for public finance come about How do constitutions shape policy choices in public finance Part I of the book puts forth an analytical framework for analysing how fiscal constitutional provisions come about and tests the conjectures with the case of constitution making in Estonia in 1991 1992 Part II summarises synthesises and criticises the emerging orthodoxy in positive constitutional public finance and examines whether it can explain the commitment to fiscal discipline in Estonia between 1992 and 2007 Part III examines theoretically and empirically how constitutions can shape public finance laws via constitutional review auto limitation and constitutional deliberations

This book delves into Constitutional Choices. Constitutional Choices is a vital topic that must be grasped by everyone, from students and scholars to the general public. This book will furnish comprehensive and in-depth insights into Constitutional Choices, encompassing both the fundamentals and more intricate discussions.

1. The book is structured into several chapters, namely:

- Chapter 1: Introduction to Constitutional Choices
- Chapter 2: Essential Elements of Constitutional Choices
- Chapter 3: Constitutional Choices in Everyday Life
- Chapter 4: Constitutional Choices in Specific Contexts
- Chapter 5: Conclusion

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5. In chapter 4, this book will scrutinize the relevance of Constitutional Choices in specific contexts. This chapter will explore how Constitutional Choices is applied in specialized fields, such as education, business, and technology.
6. In chapter 5, this book will draw a conclusion about Constitutional Choices. This chapter will summarize the key points that have been discussed throughout the book.

This book is crafted in an easy-to-understand language and is complemented by engaging illustrations. This book is highly recommended for anyone seeking to gain a comprehensive understanding of Constitutional Choices.

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