

# A New Constitutionalism: Designing Political Institutions for a Good Society

Elkin

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# New Constitutionalism Designing Political Institutions For A Good Society

**John A. Ferejohn, Jack N.  
Rakove, Jonathan Riley**



## **New Constitutionalism Designing Political Institutions For A Good Society:**

**A New Constitutionalism** Stephen L. Elkin, Karol Edward Soltan, 1993-06-15 In *The New Constitutionalism* seven distinguished scholars develop an innovative perspective on the power of institutions to shape politics and political life. Believing that constitutionalism needs to go beyond the classical goal of limiting the arbitrary exercise of political power, the contributors argue that it should and can be designed to achieve economic efficiency, informed democratic control, and other valued political ends. More broadly, they believe that political and social theory needs to turn away from the negativism of critical theory to consider how a good society should be constituted and to direct the work of designing institutions that can constitute a good polity in both the economic and civic senses. Stephen L. Elkin and Karol Edward Soltan begin with an overview of constitutionalist theory and a discussion of the new constitutionalism within the broader intellectual and historical context of political and social thought. Charles Anderson, James Ceaser, and the editors then offer different interpretations of the central issues regarding institutional design in a constitutionalist social science. Various ways of performing the task and discussing the inadequacy of recent political science to the job it ought to be doing are explored. The book concludes with essays by Ted Lowi, Cass Sunstein, and Edwin Haefele, which apply these themes to the American regime.

**Institutions And Democratic Statecraft** Metin Heper, 2018-10-08 This volume of fifteen original essays examines the role of political institutions in establishing democratic stability around the globe. Leading scholars survey well-established democracies such as the United States, Great Britain, Canada, Australia, and France, and relatively established democracies such as Germany, Italy, India, and Israel, and newly established democracies such as Turkey, Poland, and Spain. The final chapter explores how political institutions may be connected to democracy for the best performance of the political system. **The**

**Other Founders** Saul Cornell, 2012-12-01 Fear of centralized authority is deeply rooted in American history. The struggle over the U.S. Constitution in 1788 pitted the Federalists, supporters of a stronger central government, against the Anti-Federalists, the champions of a more localist vision of politics. But argues Saul Cornell, while the Federalists may have won the battle over ratification, it is the ideas of the Anti-Federalists that continue to define the soul of American politics. While no Anti-Federalist party emerged after ratification, Anti-Federalism continued to help define the limits of legitimate dissent within the American constitutional tradition for decades. Anti-Federalist ideas also exerted an important influence on Jeffersonianism and Jacksonianism. Exploring the full range of Anti-Federalist thought, Cornell illustrates its continuing relevance in the politics of the early Republic. A new look at the Anti-Federalists is particularly timely given the recent revival of interest in this once neglected group. Notes Cornell. Now widely reprinted, Anti-Federalist writings are increasingly quoted by legal scholars and cited in Supreme Court decisions, clear proof that their authors are now counted among the ranks of America's founders.

***Regulating Intimacy*** Jean L. Cohen, 2009-01-10 The regulation of intimate relationships has been a key battleground in the culture wars of the past three decades. In this bold and innovative book, Jean Cohen presents a new

approach to regulating intimacy that promises to defuse the tensions that have long sparked conflict among legislators jurists activists and scholars Disputes have typically arisen over questions that apparently set the demands of personal autonomy justice and responsibility against each other Can law stay out of the bedroom without shielding oppression and abuse Can we protect the pursuit of personal happiness while requiring people to behave responsibly toward others Can regulation acknowledge a variety of intimate relationships without privileging any Must regulating intimacy involve a clash between privacy and equality Cohen argues that these questions have been impossible to resolve because most legislators activists and scholars have drawn on an anachronistic conception of privacy one founded on the idea that privacy involves secrecy and entails a sphere free from legal regulation In response Cohen draws on Habermas and other European thinkers to present a robust constructivist defense of privacy one based on the idea that norms and rights are legally constructed Cohen roots her arguments in debates over three particularly contentious issues reproductive rights sexual orientation and sexual harassment She shows how a new legal framework reflexive law allows us to build on constructivist insights to approach these debates free from the liberal and welfarist paradigms that usually structure our legal thought This new legal paradigm finally allows us to dissolve the tensions among autonomy equality and community that have beset us A synthesis of feminist theory political theory constitutional jurisprudence and cutting edge research in the sociology of law this powerful work will reshape not only legal and political debates but how we think about the intimate relationships at the core of our own lives

*Foundations of Public Service* Douglas F Morgan, Douglas F. Green, Richard T Green, Craig W Shinn, Robert K Robinson, 2015-07-17 Designed to serve as a basic text for an introductory course in Public Administration this innovative work provides students with an understanding of the basic management functions that are covered in all standard textbooks with two important differences First it is written to address the needs of both the experienced practitioner and the entry level public servant Case examples bridge the content rich environment of practitioners with the basic principles of public administration sought by pre service students Second the discussion of basic management practices is grounded in the political and ethical tensions inherent in the American constitutional form of governance This reflects the authors belief that public administration operates as an integral part of the country s political traditions and thereby helps define the political culture The book provides a framework for understanding American political traditions and how they inform public administration as a political practice Key Changes in the Second Edition include A new introductory chapter that explains what the authors mean by a constitutional approach and why that is important An expanded discussion of the role of civil society in promoting the common good A new section in chapter 5 on New Public Governance Updated exhibits that incorporate up to date census data and revenue figures chapter 10 A new section in chapter 14 that recognises the importance of maintaining accountability in contract and networked systems of governance Significantly rewritten chapters to add emphasis on the relevance of the chapter material to nonprofit organisations A significantly revised bibliography

which incorporates new bodies of research that have appeared since the first edition      *Human Rights Of, By, and For the People* Keri Iyall Smith, Louis Edgar Esparza, Judith Blau, 2017-02-03 Together the US Constitution and the Bill of Rights comprise the constitutional foundation of the United States These the oldest governing documents still in use in the world urgently need an update just as the constitutions of other countries have been updated and revised Human Rights Of By and For the People brings together lawyers and sociologists to show how globalization and climate change offer an opportunity to revisit the founding documents Each proposes specific changes that would more closely align US law with international law The chapters also illustrate how constitutions are embedded in society and shaped by culture The constitution itself sets up contentious relationships among the three branches of government and between the federal government and each state government while the Bill of Rights and subsequent amendments begrudgingly recognize the civil and political rights of citizens These rights are described by legal scholars as negative rights specifically as freedoms from infringements rather than as positive rights that affirm personhood and human dignity The contributors to this volume offer positive rights instead The Universal Declaration of Human Rights UDHR written in the middle of the last century inspires these updates Nearly every other constitution in the world has adopted language from the UDHR The contributors use intersectionality critical race theory and contemporary critiques of runaway economic inequality to ground their interventions in sociological argument      Democracy's Values Ian Shapiro, Casiano Hacker-Cordón, 1999-08-19 Democracy has been a flawed hegemony since the fall of communism Its flexibility its commitment to equality of representation and its recognition of the legitimacy of opposition politics are all positive features for political institutions But democracy has many deficiencies it is all too easily held hostage by powerful interests it often fails to advance social justice and it does not cope well with a number of features of the political landscape such as political identities boundary disputes and environmental crises Although democracy is valuable it fits uneasily with other political values and is in many respects less than equal to the demands it confronts In this volume and its companion Democracy's Edges prominent political theorists and social scientists present original discussions of such central issues Democracy's Values deals with the nature and value of democracy particularly the tensions between it and such goods as justice equality efficiency and freedom      Civic Republicanism and Civic Education A. Peterson, 2011-04-12 This book critically explores civic republicanism in light of contemporary republican political theory and the influence of republican models of citizenship in recent developments in civic education across a number of Western nations      **Compound Democracies** Sergio Fabbrini, 2010-08-19 A major and broad ranging new comparison of the American and European political systems that argues provocatively that they are growing increasingly similar and offers a compelling new model for understanding them      *Constitutional Culture and Democratic Rule* John A. Ferejohn, Jack N. Rakove, Jonathan Riley, 2001-10-08 This volume investigates the nature of constitutional democratic government in the United States and elsewhere It provides comprehensive tools for analyzing and comparing different forms of constitutional

democracy The collection will be of interest to students and readers in political science law history and political philosophy

*International Economic Regulation* Jane Kelsey, 2018-01-18 This title was first published in 2002 Debates about the desirability feasibility and appropriate form of international economic regulation are now a heavily contested domain This selection of recently published essays reflects the diversity of perspectives that are shaping the scope and direction of the debates from legal formalism and law and economics to Third World legal theories and other critical perspectives

**Reflections on Global Law** Shavana Musa, Eefje de Volder, 2013-11-21 *Reflections on Global Law* provides an interesting and vital look into the newly emerging field of global law It allows the possibility for readers to discover global law from the perspective of various academic experts who stem from a whole range of different legal disciplines In a globalised world it is important that one is able to look beyond the local given that there are now a whole host of different types of jurisdictions at work This book touches upon the interdisciplinary character and complexities of global law and demonstrates the further need within academia to delve into this newly emerging field of law

*Republicanism* Philip Pettit, 1997-04-11 This is the first full length presentation of a republican alternative to the liberal and communitarian theories that have dominated political philosophy in recent years Professor Pettit's eloquent compelling account opens with an examination of the traditional republican conception of freedom as non domination contrasting this with established negative and positive views of liberty The first part traces the rise and decline of this conception displays its many attractions and makes a case for why it should still be regarded as a central political ideal The second part looks at what the implementation of the ideal would imply for substantive policy making constitutional and democratic design regulatory control and the relation between state and civil society Prominent in this account is a novel concept of democracy under which government is exposed to systematic contestation and a vision of relations between state and society founded upon civility and trust Professor Pettit's powerful and insightful new work offers not only a unified theoretical overview of the many strands of republican ideas it also provides a new and sophisticated perspective on studies in related fields including the history of ideas jurisprudence and criminology

**Election Law and Democratic Theory** David Schultz, 2016-04-29

While numerous books and articles examine various aspects either of democratic theory or of specific topics in election law there is no comprehensive book that provides a detailed and scholarly discussion of the political and democratic theory underpinnings of election law *Election Law and Democratic Theory* fills this important gap as author David Schultz offers a scholarly analysis of the political principles and democratic values underlying election law and the regulation of political campaigns and participants in the United States The book provides the first full length examination of the political theories that form the basis for many of the current debates in election law that structure both Supreme Court and scholarly considerations of topics ranging from campaign finance reform voting rights reapportionment and ballot access to the rights of political parties the media and other players in the system It challenges much of the current debate in election law and

argues for more discussion and development of a democratic political theory to support and guide election law jurisprudence

*Impact Assessment in EU Lawmaking* Anne C.M. Meuwese, 2008-04-18 Recent constitutional thinking has directed its attention to the profound impact of soft norms on the way legislation is made This book identifies the European Union's impact assessment regime as a source of these norms In 2002 the European Commission later followed by the European Parliament and the Council of Ministers committed to performing rigorous assessment of the economic social and environmental impacts of policy options before adopting legislative proposals Applying a constitutional lens to this regulatory topic Anne Meuwese examines both the details and the framework of IA in EU lawmaking to date drawing attention to its strengths its contradictions and its power to enhance the deliberative quality of legislative debates Integrating the perspectives of political scientists and economists with the concerns of legal scholars and practitioners Dr Meuwese describes and interrelates such aspects of the subject as the following the potential role of impact assessment as a catalyst of legal principles by emphasising or overriding norms that govern both the procedural and the substantive aspects of the EU legislative process the constitutional tasks of impact assessment as applied to European legislative proposals especially relating to subsidiarity proportionality and the precautionary principle the formal and informal extension of the scope of impact assessment beyond the co decision procedure the question whether impact assessment crosses the line between informing the legislator and fettering legislative discretion In the course of her analysis Dr Meuwese develops models for possible usages of IA in EU lawmaking analyses the implementation of impact assessment processes in the European Commission the European Parliament and the Council as well as the roles of relevant co actors and offers results of empirical research in the forms of a survey of EU legislative practice and in depth case studies of four EU legislative dossiers **The**

**Ethical Dimensions of School Leadership** P.T. Begley, Olof Johansson, 2006-04-11 Among the many significant features of this volume is the dedication to the late Don Willower Professor of Education at Pennsylvania State University It is significant in light of Willower's long record of major contributions to the empirical literature in Educational Administration and his mentorship of many students steeped in the tradition of the so called science of administration These include scholars like Wayne Hoy and Peter Cistone who readily acknowledge their personal and intellectual debt to Willower How is it then that Willower a colleague of the giants of Educational Administration in the 60s and 70s people such as Dan Griffiths Jack Culbertson and Roald Campbell to name just a few came to associate himself with this relatively upstart group of academics and practitioners interested in values of all things As an inheritor of the mantle thrown down by Getzels and Guba all those years ago it might seem strange to see Willower consorting with people who argue about the distinction between fact and value It is true of course that Willower majored in philosophy at the State University of New York at Buffalo as an undergraduate So the language and the ways of thinking among many of those interested in values and ethics were not all that foreign to him He could certainly hold his own in debate with his friend Chris Hodgkinson the foremost philosopher of

Educational Administration in the field today and a contributor to this volume      *Bureaucracy and Self-Government* Brian J. Cook, 2014-12-15 A thorough update to this well regarded political history of American public administration In this new edition of his provocative book *Bureaucracy and Self Government* Brian J Cook reconsiders his thesis regarding the inescapable tension between the ideal of self government and the reality of administratively centered governance Revisiting his historical exploration of competing conceptions of politics government and public administration Cook offers a novel way of thinking constitutionally about public administration that transcends debates about big government Cook enriches his historical analysis with new scholarship and extends that analysis to the present taking account of significant developments since the mid 1990s Each chapter has been updated and two new chapters sharpen Cook s argument for recognizing a constitutive dimension in normative theorizing about public administration The second edition also includes reviews of Jeffersonian impacts on administrative theory and practice and Jacksonian developments in national administrative structures and functions a look at the administrative theorizing that presaged progressive reforms in civil service and insight into the confounding complexities that characterize public thinking about administration in a postmodern political order

*More than a Historian* Clyde Barrow, 2018-04-17 Charles A Beard 1874 1948 was one of America s most influential historians and political scientists He played a major role in founding the disciplines of history and political science helped shape the teaching of social studies in the nation s public schools and was one the nation s most popular public intellectuals Yet in the second half of the twentieth century Beard s reputation has been eroded by relentless criticism Clyde W Barrow argues that Beard s work has renewed relevance in light of recent theoretical debates about the new institutionalism the crisis of the welfare state and American foreign policy messianism Barrow s takes Beard seriously as a political theorist while challenging many misconceptions For example Beard s method of economic interpretation has been dismissed as Marxist but Barrow carefully reconstructs the sources of Beard s thinking to demonstrate that his method owes more to historical and institutional economics and that his concept of state society relations was in fact derived from Madison s Tenth Federalist Barrow reconstructs Beard s theory of American political development using his concept of realistic dialectics which viewed the clash between democracy Jeffersonianism and capitalism Hamiltonianism as the engine of American political development During the 1930s Beard suggested that the United States was making the transition to a higher form of social and industrial democracy that would supersede the contradiction of American political development Notably Beard was a critic of the New Deal and the liberal welfare state because they failed to reconstruct the economic relations that reproduce inequalities of income status and power Beard went on to voice his concern that at crucial junctures in American history class struggle is diverted into international conflicts as popular leaders back down from a direct confrontation with the dominant capitalist elite He analyzes American foreign policy as an extension of domestic economic policy and in particular a result of the failures of domestic economic policy Beard s conception of American history plays itself out in a tragic cycle of

imperialism and diversion that left him a disenchanted realist This incisive study will be of interest to those intrested in the evolution of historical thinking      **New Public Governance** Douglas Morgan,Brian Cook,2015-01-28 Written by scholars who have been at the forefront of the NPG debate as well as by scholar practitioners this book provides lessons learned from experience on how networked contract based and partnership centered approaches to government can be undertaken in ways that preserve the values at the center of the American constitutional and political system      New Public Governance Douglas F. Morgan,Brian J. Cook,2014-05-20 Written by scholars who have been at the forefront of the NPG debate as well as by scholar practitioners this book provides lessons learned from experience on how networked contract based and partnership centered approaches to government can be undertaken in ways that preserve the values at the center of the American constitutional and political system

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