

EDITED BY KEITH G. BANTING
AND RICHARD SIMEON

REDESIGNING THE STATE

THE POLITICS OF
CONSTITUTIONAL CHANGE
IN INDUSTRIAL NATIONS

REDESIGNING THE STATE: THE POLITICS OF
CONSTITUTIONAL CHANGE IN INDUSTRIAL NATIONS
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CONCORD

Redesigning The State The Politics Of Constitutional Change

Nathalie Behnke, Sabine Kropp



Redesigning The State The Politics Of Constitutional Change:

Redesigning the State Keith G. Banting, Simeon, 1985 *The Politics of Constitutional Change in Industrial Nations* Richard Simeon, 1985-06-24 During the last two decades serious attempts to alter basic constitutional structures have taken place in many industrial nations even in those often thought to have highly stable political institutions In some cases such as Belgium and Spain far reaching constitutional changes have been put in place in others advocates of reform have achieved only partial victories or have been entirely frustrated In all cases controversy over the constitution has been intense involving basic conceptions of legitimacy representation sovereignty and the purposes of the state Constitutional politics often reveals much about political life of modern societies that is obscured in day to day events The results of constitutional changes can significantly affect the distribution of power the ability to manage conflict and the outcomes of policy debates This book explores the dynamics of constitutional politics through case studies of Spain Belgium Canada the United Kingdom the United States West Germany and Eastern Europe including Poland prepared by leading students of these countries Other chapters draw out the more general patterns of constitutional politics highlighting the pressures which lead to change and the formidable obstacles confronting them **The Politics of Constitutional Reform in North America** Rainer-Olaf Schultze, 2013-06-29 In October 1999 some fifteen academic experts and government practitioners from Germany and North America gathered for two days at the University of Augsburg to discuss the topic of Constitutional Reform and Constitutional Jurisprudence in Canada and the United States The present volume documents the results of that conference a collaborative effort of the Department of Political Science University of Erlangen Nuremberg and the Institute for Canadian Studies University of Augsburg In organizing this workshop we were guided by two basic sets of ideas and assumptions First all established democracies are regularly confronted with the need to adjust their constitutional order to changes in their environment lest democratic stability be transformed into rigidity in many western nations including Canada and the United States developments such as the crisis of the Keynesian welfare state or the emergence of increasingly heterogeneous postmodern societies have ushered in an era of heightened yet not always successful constitutional reform activity Secondly however there is no unique path towards or model of an optimal constitutional order however defined rather constitutional reform processes their underlying normative principles and their outcomes are strongly path and context dependent Therefore the participants of the workshop and authors of this volume were asked to examine the specific preconditions context nature and impact of recent constitutional reform processes in the United States and Canada Ten Years of Federalism Reform in Germany Nathalie Behnke, Sabine Kropp, 2018-12-07 This book investigates the politics of federalism reform in Germany which has spanned over more than a decade Different from reform attempts in other federal countries the German reform was split up in three distinct steps an adjustment of legislative powers between the federal and the state level followed by the introduction of the debt brake and finally the reform of fiscal equalization Against the background of

this sequential reform this book not only discusses the effects of single reform steps but also examines the results and inconsistencies of the overall reform process and reconsiders its cumulated effects The contributions collected in this volume cover a broad range of reform aspects among them historical aspects the role of party politics changes in the legislative process and the resurgence of joint decision making All chapters contribute to the theoretical framework which sheds a fresh view on the dynamics of federalism reforms The chapters originally published in a special issue of *Regional and Federal Studies*

German Federalism in Transition Carolyn Rowe, Wade Jacoby, 2013-10-18 Federalism in Germany has come to be viewed as the root cause of the country's current economic and social malaise The federal political system which contributed enormously to the economic success and political stability of West Germany is now said to be outdated overburdened and unworkable German federalism is now widely seen as being synonymous with Reformstau reform blockage and Stillstand inertia Critics argue that the system urgently needs to change if Germany is to continue to compete in the global system This major new text offers a unique scholarly evaluation of the major recent attempts to overhaul Germany's federal political architecture It brings together thematic chapters by leading authorities on German federalism to provide a comprehensive assessment of the reform processes to date their inception scope objectives and outputs The contributions provide new insights into the dynamics of reform in key policy areas such as economic policy Europe and the tax equalisation system as well as in the institutional frameworks for decision making It will be essential reading for students of Germany its politics law and economics This book was published as a special issue of the *German Politics*

The Politics of Regime Structure Reform in Democracies Gideon Rahat, 2009-01-08 Analyzes initiatives aimed at reforming the electoral and government systems of Israel in comparison to other established democracies

Constitutional Policy in Multilevel Government Arthur Benz, 2016-07-22 The search for a robust balance of power is a continuous challenge for multilevel political system Institutions like parliaments or courts can protect the existing order However necessary adjustments to economic social or international challenges or policies determined to improve ineffective structures or to prevent disintegration require constitutional amendments Whereas constitutional policy appears as essential to maintain balance changing a constitution is rather difficult in multilevel governments Due to the veto power of many actors pursuing divergent interests policies aiming to redistribute power or fiscal resources risk to end in the joint decision trap Hence multilevel government is confronted by a fundamental dilemma Constitutional Policy in Multilevel Government compares processes of constitutional reform in federal and regionalized states Based on a theoretical framework emphasizing the relevance of negotiations in parliamentary intergovernmental and societal arenas it identifies conditions for successful reforms and explains the consequences of failed reforms Moreover it highlights the interplay of reform processes and constitutional evolution as essential to maintaining a robust balance of power The book demonstrates that an appropriate arrangement of multiple arenas of negotiation including executives members of parliament and civil society organizations and sequential

order of reform processes proves fundamental to prevent federal or regionalized governments from becoming either instable or ending with rigid constitutions Transformations in Governance is a major new academic book series from Oxford University Press It is designed to accommodate the impressive growth of research in comparative politics international relations public policy federalism environmental and urban studies concerned with the dispersion of authority from central states up to supranational institutions down to subnational governments and side ways to public private networks It brings together work that significantly advances our understanding of the organization causes and consequences of multilevel and complex governance The series is selective containing annually a small number of books of exceptionally high quality by leading and emerging scholars The series targets mainly single authored or co authored work but it is pluralistic in terms of disciplinary specialization research design method and geographical scope Case studies as well as comparative studies historical as well as contemporary studies and studies with a national regional or international focus are all central to its aims Authors use qualitative quantitative formal modeling or mixed methods A trade mark of the books is that they combine scholarly rigour with readable prose and an attractive production style The series is edited by Liesbet Hooghe and Gary Marks of the University of North Carolina Chapel Hill and the VU Amsterdam and Walter Mattli of the University of Oxford

The Global Promise of Federalism Grace Skogstad, David R. Cameron, Martin Papillon, Keith Banting, 2013-12-31 The Global Promise of Federalism honours the life and work of Richard Simeon one of Canada's foremost experts on federalism It features a group of distinguished scholars of federalism from Canada and abroad who take up some of the fundamental questions at the heart of both Simeon's work and contemporary debates Does federalism foster democracy Can it help bring together divided societies How do federations evolve and adapt to changing circumstances In the course of answering these questions the chapters in this collection offer a comparative perspective on the challenges and opportunities facing well established federations such as Canada and Australia as well as new federal and quasi federal systems in Europe Africa and Asia They examine the interplay between federal values such as trust and mutual recognition and institutional design the challenges facing post conflict federations and the adaptability of federal systems in the face of changing social economic and cultural contexts

Understanding State Constitutions G. Alan Tarr, 2018-06-05 For many Americans the word constitution means just one thing the national Constitution According to a recent survey almost half do not know that individual states also have constitutions Scholars have also paid little attention to state constitutions favoring the apparently more dynamic and significant federal scene G Alan Tarr seeks to change that in this landmark book A leading authority on state legal issues he combines history law and political science to present a thorough and long needed account of the distinct and important role of state constitutions in American life Tarr shows that state constitutional politics are dominated by three crucial issues with little salience at the national level the distribution of power among groups and regions within states the scope of state and local governmental authority and the relation of the state to economic activity He explains how state constitutions differ

from the national Constitution in treating not only matters of high principle but also such mundane subjects as ski trails and motor vehicle revenues He also explores why state constitutions unlike their federal counterpart have been so frequently amended and replaced Tarr concludes that the United States not only has a system of dual constitutionalism but also has dual constitutional cultures Powerfully argued and meticulously researched the book fills an important gap in political and legal studies and finally gives state constitutions the scholarly attention they richly deserve

Politics in the Republic of Ireland John Coakley, Michael Gallagher, Eoin O'Malley, Theresa Reidy, 2023-08-31 Building on the success of previous editions Politics in the Republic of Ireland continues to provide an authoritative introduction to all aspects of government and politics in this seventh edition Written by some of the foremost experts on Irish politics it explains analyses and interprets the background to Irish government and contemporary political processes It devotes chapters to every aspect of contemporary Irish government and politics including the political parties and elections the constitution deliberative democracy referendums the Taoiseach and the governmental system women and politics the position of the Dail and Ireland's place within the European Union Bringing readers up to date with the very latest developments especially with the upheaval in the Irish party system and the implications of recent liberalising referendums the seventh edition combines substance with a highly readable style providing an accessible book that meets the needs of all those who are interested in knowing how politics and government operate in Ireland

Do Institutions Matter? R. Kent Weaver, Bert A. Rockman, 2010-12-01 As a stunning tide of democratization sweeps across much of the world countries must cope with increasing problems of economic development political and social integration and greater public demand of scarce resources That ability to respond effectively to these issues depends largely on the institutional choices of each of these newly democratizing countries With critics of national political institutions in the United States arguing that the American separation of powers system promotes ineffectiveness and policy deadlock many question whether these countries should emulate American institutions or choose parliamentary institutions instead The essays in this book fully examine whether parliamentary government is superior to the separation of powers system through a direct comparison of the two In addressing specific policy areas such as innovation and implementation of energy policies after the oil shocks of 1970 management of societal cleavages setting of government priorities in budgeting representation of diffuse interest in environmental policy and management of defense forces the authors define capabilities that allow governments to respond to policy problems Do Institutions Matter includes case studies that bear important evidence on when and how institutions influence government effectiveness The authors discover a widespread variation among parliamentary systems both in institutional arrangements and in governmental capabilities and find that many of the failings of policy performance commonly attributed to American political institutions are in fact widely shared among western industrial countries Moreover they show how American political institutions inhibit some government capabilities while enhancing others Changing American institutions to improve some aspects of governmental performance

could hurt other widely valued capabilities The authors draw important guidelines for institutional reformers while emphasizing that institutions do have predictable risks and opportunities They caution that a balance between such risks and opportunities must first be reached before policy reformers try to change political institutions **Spain After Franco**

Richard Gunther,Giacomo Sani,Goldie Shabad,2023-11-15 Rivals for Power: Ottawa and the Provinces Ed

Whitcomb,2017-05-01 *Rivals for Power* Ottawa and the Provinces tells the story of the politicians who continually contend over the division of power and money between Ottawa and the provinces The heroes and villains of this story include many of the leading lights of Canadian history from John A Macdonald Wilfred Laurier and Maurice Duplessis to Pierre Trudeau Joe Clark Bill Davis Peter Lougheed and Jean Chretien The unique feature of this book is its focus no matter what their policies Canadian politicians over the years have engaged in an ongoing push and pull over power with both successes and failures As Whitcomb sees it the success of the provinces at preventing Ottawa from becoming the overwhelming power in Canadian life has been the key to the country's stability and its cultural cohesion But the failure of the provinces to achieve an equal measure of power and the growing gap between the have and have not provinces stands as an ongoing challenge and threat to the country's unity **Research Handbook on the Politics of Constitutional Law** Mark Tushnet,Dimitry

Kochenov,2023-11-03 This *Research Handbook* deals with the politics of constitutional law around the world using both comparative and political analysis delivering global treatment of the politics of constitutional law across issues regions and legal systems Offering an innovative critical approach to an array of key concepts and topics this book will be a key resource for legal scholars and political science scholars Students with interests in law and politics constitutions legal theory and public policy will also find this a beneficial companion *Social and Political Foundations of Constitutions* Denis J.

Galligan,Mila Versteeg,2013-10-14 This volume analyses the social and political forces that influence constitutions and the process of constitution making It combines theoretical perspectives on the social and political foundations of constitutions with a range of detailed case studies from nineteen countries In the first part leading scholars analyse and develop a range of theoretical perspectives including constitutions as coordination devices mission statements contracts products of domestic power play transnational documents and as reflection of the will of the people In the second part these theories are examined through in depth case studies of the social and political foundations of constitutions in countries such as Egypt Nigeria Japan Romania Bulgaria New Zealand Israel Argentina and others The result is a multidimensional study of constitutions as social phenomena and their interaction with other social phenomena **The Oxford Handbook of Comparative Constitutional**

Law Michel Rosenfeld,András Sajó,2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown

exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be compared to a presidential one A federal republic to a unitary one Moreover what about differences in ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends

The Politics of Law David Kairys, 2010-11-05 The Politics of Law is the most widely read critique of the nature and role of the law in American society This revised edition continues the book's concrete focus on the major subjects and fields of law New essays on emerging fields and the latest trends and cases have been added to updated versions of the now classic essays from earlier editions A unique assortment of leading scholars and practitioners in law and related disciplines political science economics sociology criminology history and literature raise basic questions about law challenging long held ideals like the separation of law from politics economics religion and culture They address such issues contextually and with a keen historical perspective as they explain and critique the law in a broad range of areas This third edition contains essays on all of the subjects covered in the first year of law school while continuing the book's tradition of accessibility to non law trained readers Insightful and powerful The Politics of Law makes sense of the debates about judicial restraint and the range of legal controversies so central to American public life and culture

The House of Lords 1911-2011 Chris Ballinger, 2014-08-07 House of Lords reform is often characterised as unfinished business a riddle that has been left unanswered since 1911 But rarely can an unanswered riddle have had so many answers offered even though few have been accepted indeed when Viscount Cave was invited in the mid 1920s to lead a Cabinet committee on Lords reform he complained of finding the ground covered by an embarrassing mass of proposals That embarrassing mass increased throughout the twentieth century Much ink has been spilled on what should be done with the upper House of Parliament much less ink has been expended on why reform has been so difficult to achieve This book analyses in detail the principal attempts to reform the House of Lords Starting with the Parliament Act of 1911 the book examines the century of

non reform that followed drawing upon substantial archival sources many of which have been under utilised until now These sources challenge many of the existing understandings of the history of House of Lords reform and the reasons for success or failure of reform attempts The book begins by arguing against the popular idea that the 1911 Act was intended by its supporters to be a temporary measure No one peers included should be allowed to pronounce about the future of the House of Lords without reading Chris Ballinger s authoritative shrewd and readable account about reform attempts over the past century He punctures several widely held myths and claims in the current debate Rt Hon Peter Riddell CBE Director Institute for Government and former Hansard Society chair This is at once an impeccably researched academic study and a thoroughly readable account loaded with lessons for today s would be Lords reformers Lord David Lipsey

Constitutionalising Secession David Haljan,2014-11-01 Constitutionalising Secession proceeds from the question What if anything does the law have to say about a secession crisis But rather than approaching secession through the optic of political or nationalist institutional accommodation this book focuses on the underpinnings to a constitutional order as a law making community underpinnings laid bare by secession pressures Relying on the corrosive effects of secession it explores the deep structure of a constitutional order and the motive forces creating and sustaining that order A core idea is that the normativity of law is best understood through a constitutional optic as an integrative associative force Constitutionalising Secession critically analyses conceptions of constitutional order implicit in the leading models of secession and takes as a leading case study the judicial and legislative response to secession in Canada The book therefore develops a concept of constitutionalism and law making associative constitutionalism to describe their deep structure as a continuing integrative process of association This model of a dynamic process of value formation can address both the association and the disassociation of constitutional systems

The Constitution of a Federal Commonwealth Nicholas Aroney,2009-02-19 This book describes how ideas about federalism influenced those who drafted the Australian Constitution

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Redesigning The State The Politics Of Constitutional Change Introduction

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