

Democratic Constitution

Robert A. Dahl



Democratic Constitution:

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Constitution Making Vivien Hart, 2003 **How Democratic Is the American Constitution?** Robert A. Dahl, 2003-11-10 In this provocative book one of our most eminent political scientists questions the extent to which the American Constitution furthers democratic goals Robert Dahl reveals the Constitution s potentially antidemocratic elements and explains why they are there compares the American constitutional system to other democratic systems and explores how we might alter our political system to achieve greater equality among citizens In a new chapter for this second edition he shows how increasing differences in state populations revealed by the Census of 2000 have further increased the veto power over constitutional amendments held by a tiny minority of Americans He then explores the prospects for changing some important political practices that are not prescribed by the written Constitution though most Americans may assume them to be so

Constitutions and Political Theory Jan-Erik Lane, 1996 Jan Erik Lane begins by examining the origins and history of constitutionalism the doctrine that the state must be regulated by means of a set of institutions that guarantee citizen rights and procedural accountability He then examines the structure of the state in order to identify the essential elements that constitutional institutions regulate Lane asks why constitutions exist and how they matter for society Finally he seeks out the requirements for a fair and democratic constitution by referring to three key concepts in political theory justice equality and the rule of law The book also offers a comparative survey of formal constitutional arrangements in different countries and an analysis of how constitutions develop in practice through the implementation of constitutional and administrative law in a country s courts [Asian Comparative Constitutional Law, Volume 1](#) Ngoc Son Bui, Mara Malagodi, 2023-05-18 This is the first in a 4 volume set that provides the definitive account of the major issues of comparative constitutional law in 19 Asian jurisdictions Volume 1 explores the process and contents in the making of a new constitution The book provides answers to questions on the causes processes substance and implantation involved in making new constitutions such as What are the

political social and economic factors that drive the constitution making How are constitutions made and who makes them What are the substantive contents of constitution making What kinds of legislation are enacted to implement constitutions How do courts enforce constitutions The book considers the impact of decolonisation globalisation and social political dynamics which have led to the enactment of numerous independent constitutions in Asia including Vietnam 2013 Nepal 2015 and Thailand 2017 The jurisdictions covered include Bangladesh Cambodia China Hong Kong India Indonesia Japan Malaysia Mongolia Myanmar Nepal North Korea the Philippines Singapore South Korea Sri Lanka Taiwan Thailand and Vietnam An essential reference for those interested in Asian constitutional law

The Democratic Constitution Brian E. Butler, 2017-08-21 The Supreme Court is seen today as the ultimate arbiter of the Constitution Once the Court has spoken it is the duty of the citizens and their elected officials to abide by its decisions But the conception of the Supreme Court as the final interpreter of constitutional law took hold only relatively recently Drawing on the pragmatic ideals characterized by Charles Sanders Peirce John Dewey Charles Sabel and Richard Posner Brian E Butler shows how this conception is inherently problematic for a healthy democracy Butler offers an alternative democratic conception of constitutional law democratic experimentalism and applies it in a thorough reconstruction of Supreme Court cases across the centuries such as *Brown v Board of Education* *Citizens United v Federal Election Commission* *Lucas v South Carolina Coastal Council* and *Lochner v New York* In contrast to the traditional tools and conceptions of legal analysis that see the law as a formally unique and separate type of practice democratic experimentalism combines democratic aims and experimental practice Butler also suggests other directions jurisprudential roles could take for example adjudication could be performed by primary stakeholders with better information Ultimately Butler argues persuasively for a move away from the current absolute centrality of courts toward a system of justice that emphasizes local rule and democratic choice

Developing a Constitution for Europe Erik Oddvar Eriksen, John Erik Fossum, Agustín Menéndez, 2004-08-02 The European Union is currently in the midst of a comprehensive process of reform and the aim of this book is to address the challenge of forging a legitimate Constitution for the EU These authors clarify the constitutional status of the EU to take stock of the European Charter of Fundamental Rights and Convention of the Future of Europe as vehicles to foster and create a European constitution

Sovereignty, Civic Participation, and Constitutional Law Brecht Deseure, Raf Geenens, Stefan Sottiaux, 2021-04-13 This book brings recent insights about sovereignty and citizen participation in the Belgian Constitution to scholars in the fields of law philosophy history and politics Throughout the Western world there are increasing calls for greater citizen participation Referendums citizen councils and other forms of direct democracy are considered necessary antidotes to a growing hostility towards traditional party politics This book focuses on the Belgian debate where the introduction of participatory politics has stalled because of an ambiguity in the Constitution Scholars and judges generally claim that the Belgian Constitution gives ultimate power to the nation which can only speak through representation in

parliament In light of this direct democracy would be an unconstitutional power grab by the current generation of citizens This book critically investigates this received interpretation of the Constitution and by reaching back to the debates among Belgium's 1831 founding fathers concludes that it is untenable The spirit if not the text of the Belgian Constitution allows for more popular participation than present day jurisprudence admits This book is the first to make recent debates in this field accessible to international scholars It provides a rare source of information on Belgium's 1831 Constitution which was in its time seen as modern constitutionalism's greatest triumph and which became a model for countless other constitutions Yet the questions it asks reverberate far beyond Belgium Combining new insights from law philosophy history and politics this book is a showcase for continental constitutional theory It will be a valuable resource for academics and researchers in constitutional law political and legal philosophy and legal history

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Indonesian Constitutional Reform, 1999-2002 Denny Indrayana, 2008 *Democracy and Civil Society in a Global*

Era Scott Nicholas Romaniuk, Marguerite Marlin, 2016-03-31 *Democracy and Civil Society in a Global Era* addresses challenges to the strengthening of active citizenship In this highly structured work the themes presented are linked to fostering a culture of peace and non violence the lessening of fear and insecurity in political economic social and cultural terms inherently detached from the conceptualization of political delineations and physical boundaries and the ability to live dignified lives The various regions that are represented in the case studies include the Indian sub continent Malaysia Indonesia Turkey Iran China the Middle East Nigeria and the EU The commonality and universality of the topics allows readers from any region of the world to relate to them This book presents a dynamic combination of theory and field research and is an iconoclastic tour de force of studies in democracy Policy makers think tanks and development practitioners may be particularly be interested in this book because it is about action rather than mere ideas and processes It demonstrates how social movements can introduce and strengthen equality inclusion accountability and the free flow of information These elements in turn can contribute to the acculturation of freedom and social justice in the developed world just as much as in the developing world

The Democratic Constitution, 2nd Edition Neal Devins, Louis Fisher, 2015-10-01

Constitutional law is clearly shaped by judicial actors But who else contributes Scholars in the past have recognized that the legislative branch plays a significant role in determining structural issues such as separation of powers and federalism but stopped there claiming that only courts had the independence and expertise to safeguard individual and minority rights In this readable and engaging narrative the authors identify the nuts and bolts of the national dialogue and relate succinct examples of how elected officials and the general public often dominate the Supreme Court in defining the Constitution's meaning

Making use of case studies on race privacy federalism war powers speech and religion Devins and Fisher demonstrate how elected officials uphold individual rights in such areas as religious liberty and free speech as well as and often better than the courts This fascinating debunking of judicial supremacy argues that nonjudicial contributions to constitutional interpretation make the Constitution more stable more consistent with constitutional principles and more protective of individual and minority rights

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