

Democracy And Distrust A Theory Of Judicial Review Harvard Paperbacks

Americans hate and distrust their government. At the same time, Americans love and trust their government. These contradictory attitudes are resolved by Fletcher's novel interpretation of constitutional history. He argues that we have two constitutions--still living side by side--one that caters to freedom and fear, the other that satisfied our needs for security and social justice. The first constitution came into force in 1789. It stresses freedom, voluntary association, and republican elitism. The second constitution begins with the Gettysburg Address and emphasizes equality, organic nationhood, and popular democracy. These radical differences between our two constitutions explain our ambivalence and self-contradictory attitudes toward government. With September 11 the second constitution--which Fletcher calls the Secret Constitution--has become ascendant. When America is under threat, the nation cultivates its solidarity. It overcomes its fear and looks to government for protection and the pursuit of social justice. Lincoln's messages of a strong government and a nation that must "long endure" have never been more relevant to American politics. "Fletcher's argument has intriguing implications beyond the sweeping subject of this profoundly thought-provoking book."--The Denver Post

"Don't talk to strangers" is the advice long given to children by parents of all classes and races. Today it has blossomed into a fundamental precept of civic education, reflecting interracial distrust, personal and political alienation, and a profound suspicion of others. In this powerful and eloquent essay, Danielle Allen, a 2002 MacArthur Fellow, takes this maxim back to Little Rock, rooting out the seeds of distrust to replace them with "a citizenship of political friendship." Returning to the landmark Brown v. Board of Education decision of 1954 and to the famous photograph of Elizabeth Eckford, one of the Little Rock Nine, being cursed by fellow "citizen" Hazel Bryan, Allen argues that we have yet to complete the transition to political friendship that this moment offered. By combining brief readings of philosophers and political theorists with personal reflections on race politics in Chicago, Allen proposes strikingly practical techniques of citizenship. These tools of political friendship, Allen contends, can help us become more trustworthy to others and overcome the fossilized distrust among us. Sacrifice is the key concept that bridges citizenship and trust, according to Allen. She uncovers the ordinary, daily sacrifices citizens make to keep democracy workingland offers methods for recognizing and reciprocating those sacrifices. Trenchant, incisive, and ultimately hopeful, Talking to Strangers is nothing less than a manifesto for a revitalized democratic citizenry.

Supreme Court Justice Antonin Scalia once remarked that the theory of an evolving, "living" Constitution effectively "rendered the Constitution useless." He wanted a "dead Constitution," he joked, arguing it must be interpreted as the framers originally understood it. In The Living Constitution, leading constitutional scholar David Strauss forcefully argues against the claims of Scalia, Clarence Thomas, Robert Bork, and other "originalists," explaining in clear, jargon-free English how the Constitution can sensibly evolve, without falling into the anything-goes flexibility caricatured by opponents. The living Constitution is not an out-of-touch liberal theory, Strauss further shows, but a mainstream tradition of American jurisprudence--a common-law approach to the Constitution, rooted in the written document but also based on precedent. Each generation has contributed precedents that guide and confine judicial rulings, yet allow us to meet the demands of today, not force us to follow the commands of the long-dead Founders. Strauss explores how judicial decisions adapted the Constitution's text (and contradicted original intent) to produce some of our most profound accomplishments: the end of racial segregation, the expansion of women's rights, and the freedom of speech. By contrast, originalism suffers from fatal flaws: the impossibility of truly divining original intent, the difficulty of adapting eighteenth-century understandings to the modern world, and the pointlessness of chaining ourselves to decisions made centuries ago. David Strauss is one of our leading authorities on Constitutional law--one with practical knowledge as well, having served as Assistant Solicitor General of the United States and argued eighteen cases before the United States Supreme Court. Now he offers a profound new understanding of how the Constitution can remain vital to life in the twenty-first century.

A brilliant new approach to the Constitution and courts of the United States by Supreme Court Justice Stephen Breyer.For Justice Breyer, the Constitution's primary role is to preserve and encourage what he calls ¶active liberty¶: citizen participation in shaping government and its laws. As this book argues, promoting active liberty requires judicial modesty and deference to Congress; it also means recognizing the changing needs and demands of the populace. Indeed, the Constitution's lasting brilliance is that its principles may be adapted to cope with unanticipated situations, and Breyer makes a powerful case against treating it as a static guide intended for a world that is dead and gone. Using contemporary examples from federalism to privacy to affirmative action, this is a vital contribution to the ongoing debate over the role and power of our courts.

Civic Education in a Multicultural Democracy
Politics, Collective Intelligence, and the Rule of the Many
Encyclopedia Of First Amendment Set
Law and Disagreement
How Democracies Die
Southern Law Quarterly
Talking to Strangers

What underlies this development? In this concise and highly engaging work, Federal Appeals Court Judge and noted author (From Brown to Bakke) J. Harvie Wilkinson argues that America's most brilliant legal minds have launched a set of cosmic constitutional theories that, for all their value, are undermining self-governance.

Originally published in 1978, this book argues that the nature of political distrust is misunderstood.

This book examines how the judicialization of politics, and the politicization of courts, affect representative democracy, rule of law, and separation of powers. This volume critically assesses the phenomena of judicialization of politics and politicization of the judiciary. It explores the rising impact of courts on key constitutional principles, such as federalism, which is paralleled by increasing criticism of this influence from both liberal and illiberal perspectives. The book also addresses the challenges to rule of law as a principle, preconditioned on independent and powerful courts, which are triggered by both democratic backsliding and the mushrooming of populist constitutionalism and illiberal conservatism. Through a range of case studies, the book will be a valuable resource for students and academics in constitutional law and political science seeking to understand the increasingly complex relationships between the judiciary, executive and legislature.

It's a commonplace that citizens in Western democracies are disaffected with their political leaders and traditional democratic institutions. But in Democratic Legitimacy, Pierre Rosanvallon, one of today's leading political thinkers, argues that this crisis of confidence is partly a crisis of understanding. He makes the case that the sources of our discontent have multiplied over the past thirty years and that we need to comprehend and make better use of these new sources of legitimacy in order to strengthen our political self-belief and commitment to democracy. Drawing on examples from France and the United States, Rosanvallon notes that there has been a major expansion of independent civil society and watchdogs in recent decades. At the same time, constitutional courts have become more willing and able to challenge legislatures. These institutional developments, which serve the democratic values of impartiality and reflexivity, have been accompanied by a new attentiveness to what Rosanvallon calls the value of proximity, as governing bodies become more attentive to minorities, the particular, and the local. To improve our democracies, we need to use these new sources of legitimacy more effectively and we need to incorporate them into our accounts of democratic government. An original contribution to the vigorous international debate about democratic authority and legitimacy, this promises to be one of the most important books of the year.

America in Search of a Public Philosophy
After Public Law
On Constitutional Ground
Democratic Reason
Democratic Political Theory
Great Cases in Constitutional Law
A Theory of Judicial Review

This book represents the first comprehensive study of how technocracy currently challenges representative democracy and asks how technocratic politics undermines democratic legitimacy. How strong is its challenge to democratic institutions? The book offers a solid theory and conceptualization of technocratic politics and the technocratic challenge is analyzed empirically at all levels of the national and supra-national institutions and actors, such as cabinets, parties, the EU, independent bodies, central banks and direct democratic campaigns in a comparative and policy perspective. It takes an in-depth analysis addressing elitism, meritocracy, de-politicization, efficiency, neutrality, reliance on science and distrust toward party politics and ideologies, and their impact when pitched against democratic responsiveness, accountability, citizens' input and pluralist competition. In the current crisis of democracy, this book assesses the effects of the technocratic critique against representative institutions, which are perceived to be unable to deal with complex and global problems. It analyzes demands for competent and responsible policy making in combination with the simultaneous populist resistance to experts. The book will be of key interest to scholars and students of comparative politics, political theory, policy analysis, multi-level governance as well as practitioners working in bureaucracies, media, think-tanks and policy making.

Democracy is established as a generally uncontested ideal, while regimes inspired by this form of government fall under constant criticism. Hence, the steady erosion of confidence in representatives that has become one of the major political issues of our time. Amidst these challenges, the paradox remains that while citizens are less likely to make the trip to the ballot box, the world is far from entering a phase of general political apathy. Demonstrations and activism abound in the streets, in cities across the globe and on the internet. Pierre Rosanvallon analyses the mechanisms used to register a citizen's expression of confidence or distrust, and then focuses on the role that distrust plays in democracy from both a historical and theoretical perspective. This radical shift in perspective uncovers a series of practices - surveillance, prevention, and judgement - through which society corrects and exerts pressure. In the first work of its kind, this new and exciting two-volume reference comprehensively examines all the freedoms in the First Amendment, including free speech, press, assembly, petition, and religion. Encyclopedia of the First Amendment covers the political, historical, and cultural significance of the First Amendment. It provides exclusive, singular focus on what most people consider the essential elements of the Bill of Rights and the basic liberties that Americans enjoy.

Explores the implications for democracy of declining trust in government and between individuals.

The Erosion of Political Support in Advanced Industrial Democracies
Securing the Liberty and Sovereignty of We the People

Democracy and Trust
Hans Kelsen's Pure Theory of Law
Structure and Relationship in Constitutional Law
Anxieties of Citizenship since Brown v. Board of Education
National Populism

John Hart Ely is a leading contemporary writer on political theory from the standpoint of American constitutional law. This collection covers a full range of topics of constitutional interpretation: federalism, separation of powers, freedom of expression, religious freedom, criminal procedure, racial discrimination, "substantive due process," and honesty in government. Organized under these heads and linked by the author's witty explanatory and autobiographical remarks, the essays and other documents--many previously unpublished in any forum--range chronologically over the past three decades, from memoranda he wrote as a student working with lead counsel Abe Fortas on the landmark case of Gideon v. Wainwright to a comment on the constitutional implications of the O. J. Simpson verdict. Before beginning his academic career, Ely was the junior member of the Warren Commission's sixteen-lawyer staff, Chief Justice Earl Warren's law clerk, and a public defender in San Diego; and during the Ford Administration he took time off to serve as the third-ranking official of the U.S. Department of Transportation. This book reflects his various experience. It comments on many of the past quarter century's "hot button" issues--including abortion, affirmative action, anti-Communist legislation, busing, flag burning, governmental display of nativity scenes, the Nixon impeachment, "trial by newspaper," the Clarence Thomas-Anita Hill contretemps, congressionally unauthorized war in the Persian Gulf and Bosnia, and whether the Warren Commission Report should be officially reexamined.

Judge Bork shares a personal account of the Senate Judiciary Committee's hearing on his nomination as well as his view on politics versus the law. In The Tempting of America, one of our most distinguished legal minds offers a brilliant argument for the wisdom and necessity of interpreting the Constitution according to the "original understanding" of the Framers and the people for whom it was written. Widely hailed as the most important critique of the nation's intellectual climate since The Closing of the American Mind, The Tempting of America illuminates the history of the Supreme Court and the underlying meaning of constitutional controversy. Essential to understanding the relationship between values and the law, it concludes with a personal account of Judge Bork's chillingly emblematic experiences during the Senate Judiciary Committee's hearing on his Supreme Court nomination.

Twenty years after the signing of the Paris Accords, the constitutional ambiguities of American involvement in the Vietnam War remain unresolved. John Hart Ely examines the overall constitutionality of America's role in Vietnam; and shows that Congress authorized each new phase of American involvement without committing itself to the stated aims of intervention.

Ely criticizes the two prevailing legal approaches to the Constitution and sets forth a proposal for determining the role of the Supreme Court today based on the view that the Court should assure majority governance while protecting minority rights

Active Liberty
Diversity and Distrust
Judicialization of Politics and Politicization of the Judiciary
The Living Constitution
The Tempting of America
Deference in International Courts and Tribunals
Standard of Review and Margin of Appreciation

Most democratic citizens today are distrustful of politicians, political parties, and political institutions. Where once democracies expected an allegiant public, citizens now question the very pillars of representative democracy. Democratic Challenges, Democratic Choices documents the erosion of political support in virtually all advanced industrial democracies. Assembling an unprecedented array of cross-national public opinion data, this study traces the current challenges to democracy primary to changing citizen values and rising expectations. These critical citizens are concentrated among the young, the better educated, and the politically sophisticated. At the same time, the evidence debunks claims that such trends are a function of scandals, poor performance, and other government failures. Changing public are born from the successful social modernization of these nations. A creedal passion for democracy is sweeping across the Western democracies, and people now expect more of their governments. This study concludes by examining the consequences of these changing images of government. The author finds that these expectations are making governing more difficult, but also fueling demands for political reform. The choices that democracies make in response to these challenges may lead to a further expansion of the democratic process and a new relationship between citizens and their government

Vols. 1-3 include section "Condensed reports of selected cases in Louisiana Courts of Appeal."

Democracy and DistrustA Theory of Judicial ReviewHarvard University Press

Public law has been conceived in many different ways, sometimes overlapping, often conflicting. However in recent years a common theme running through the discussions of public law is one of loss. What function and future can public law have in this rapidly transforming landscape, where globalized states and supranational institutions have ever-increasing importance? The contributions to this volume take stock of the idea, concepts, and values of public law as it has developed alongside the growth of the modern state, and assess its continued usefulness as a distinct area of legal inquiry and normativity in light of various historical trends and contemporary pressures affecting the global configuration of law in general. Divided into three parts, the first provides a conceptual, philosophical, and historical understanding of the nature of public law, the nature of private law and the relationship between the public, the private, and the concept of law. The second part focuses on the domains, values, and functions of public law in contemporary (state) legal practice, as seen, in part, through its relationship with private domains, values, and functions. The final part engages with the new legal scholarship on global transformation, analysing the changes in public law at the national level, including the new forms of interpenetration of public and private in the market state, as well as exploring the ubiquitous use of public law values and concepts beyond the state.

Impartiality, Reflexivity, Proximity
Our Republican Constitution
Legality and Legitimacy
Constitutional Lessons of Vietnam and Its Aftermath
Our Secret Constitution
The Revolt Against Liberal Democracy
How America Lost Its Mind

NEW YORK TIMES BESTSELLER • “Comprehensive, enlightening, and terrifyingly timely.”—The New York Times Book Review (Editors' Choice) WINNER OF THE GOLDSMITH BOOK PRIZE • SHORTLISTED FOR THE LIONEL GELBER PRIZE • NAMED ONE OF THE BEST BOOKS OF THE YEAR BY The Washington Post • Time • Foreign Affairs • WBUR •

Paste Donald Trump’s presidency has raised a question that many of us never thought we’d be asking: Is our democracy in danger? Harvard professors Steven Levitsky and Daniel Ziblatt have spent more than twenty years studying the breakdown of democracies in Europe and Latin America, and they believe the answer is yes. Democracy no longer ends with a bang—in a revolution or military coup—but with a whimper: the slow, steady weakening of critical institutions, such as the judiciary and the press, and the gradual erosion of long-standing political norms. The good news is that there are several exit ramps on the road to authoritarianism. The bad news is that, by electing Trump, we have already passed the first one. Drawing on decades of research and a wide range of historical and global examples, from 1930s Europe to contemporary Hungary, Turkey, and Venezuela, to the American South during Jim Crow, Levitsky and Ziblatt show how democracies die—and how ours can be saved. Praise for How Democracies Die “What we desperately need is a sober, dispassionate look at the current state of affairs. Steven Levitsky and Daniel Ziblatt, two of the most respected scholars in the field of democracy studies, offer just that.”—The Washington Post “Where Levitsky and Ziblatt make their mark is in weaving together political science and historical analysis of both domestic and international democratic crises; in doing so, they expand the conversation beyond Trump and before him, to other countries and to the deep structure of American democracy and politics.”—Ezra Klein, Vox “If you only read one book for the rest of the year, read How Democracies Die. . . . This is not a book for just Democrats or Republicans. It is a book for all Americans. It is nonpartisan. It is fact based. It is deeply rooted in history. . . . The best commentary on our politics, no contest.”—Michael Morrell, former Acting Director of the Central Intelligence Agency (via Twitter) “A smart and deeply informed book about the ways in which democracy is being undermined in dozens of countries around the world, and in ways that are perfectly legal.”—Fareed Zakaria, CNN

Americans are losing touch with reality. On a virtually every issue, from climate change to immigration, tens of millions of Americans have opinions and beliefs wildly at odds with fact, rendering them unable to think sensibly about politics. In How America Lost Its Mind, Thomas E. Patterson explains the rise of a world of “alternative facts” and the slow-motion cultural and political calamity unfolding around us. We don’t have to search far for the forces that are misleading us and tearing us apart: politicians for whom division is a strategy; talk show hosts who have made an industry of outrage; news outlets that wield conflict as a marketing tool; and partisan organizations and foreign agents who spew disinformation to advance a cause, make a buck, or simply amuse themselves. The consequences are severe. How America Lost Its Mind maps a political landscape convulsed with distrust, gridlock, brinksmanship, petty feuding, and deceptive messaging. As dire as this picture is, and as unlikely as immediate relief might be, Patterson sees a way forward and underscores its urgency. A call to action, his book encourages us to wrest institutional power from ideologues and disruptors and entrust it to sensible citizens and leaders, to restore our commitment to mutual tolerance and restraint, to cleanse the Internet of fake news and disinformation, and to demand a steady supply of trustworthy and relevant information from our news sources. As philosopher Hannah Arendt wrote decades ago, the rise of demagogues is abetted by “people for whom the distinction between fact and fiction, true and false, no longer exists.” In How America Lost Its Mind, Thomas E. Patterson makes a passionate case for fully and fiercely engaging on the side of truth and mutual respect in our present arms race between fact and fake, unity and division, civility and incivility.

Debates over hate speech, pornography, and other sorts of controversial speech raise issues that go to the core of the First Amendment. Supporters of regulation argue that these forms of expression cause serious injury to individuals and groups, assaultin

Originalism and living constitutionalism, often seen as opposing views, are not in conflict. So argues Jack Balkin, a leading constitutional scholar, in this long-awaited book. Step by step, Balkin shows how both liberals and conservatives play important roles in constitutional construction, and offers a way past the angry polemics of our era.

Political Distrust in Britain and America

Courts, Politics and Constitutional Law

Living Originalism

Theory of the Constitution

News Literacy and Democracy

Politics in an Age of Distrust

The Assault on Reason That's Crippling Our Democracy

Here, Philip Bobbitt studies the basis for the legitimacy of judicial review by examining six types of constitutional argument--historical, textual, structural, prudential doctrinal, and ethical--through the unusual method of contrasting sketches of prominent legal figures responding to the constitutional crises of their day.

American constitutional law has undergone a transformation. Issues once left to the people have increasingly become the province of the courts. Subjects as diverse as abortion rights and firearms regulations, health care reform and counterterrorism efforts, not to mention a millennial presidential election, are more and more the domain of judges. What sparked this development? In this engaging volume, Judge J. Harvie Wilkinson argues that America's most brilliant legal minds have launched a set of cosmic constitutional theories that, for all their value, are undermining self-governance. Thinkers as diverse as Justices William Brennan and Antonin Scalia, Professor John Hart Ely, Judges Robert Bork and Richard Posner, have all produced seminal interpretations of our Founding document, but ones that promise to imbue courts with unprecedented powers. While crediting the theorists for the sparkling quality of their thoughts, Judge Wilkinson argues they will slowly erode the role of representative institutions in America and leave our children bereft of democratic liberty. The loser in all the theoretical fireworks is the old and honorable tradition of judicial restraint. The judicial modesty once practiced by Learned Hand, John Harlan, and Oliver Wendell Holmes has given way to competing schools of liberal and conservative activism seeking sanctuary in Living Constitutionalism, Originalism, Process Theory, or the supposedly anti-theoretical creed of Pragmatism. Each of these seemingly disparate theories promises their followers an intellectually respectable route to congenial political outcomes from the bench. Judge Wilkinson calls for a plainer, simpler, self-disciplined commitment to judicial restraint and democratic governance, a course that alas may be impossible so long as the cosmic constitutionalists so dominate contemporary legal thought.

Slavery, segregation, abortion, workers' rights, the power of the courts. These issues have been at the heart of the greatest constitutional controversies in American history. And in this concise and thought-provoking volume, some of today's most distinguished legal scholars and commentators explain for a general audience how five landmark Supreme Court cases centered on those controversies shaped the country's destiny and continue to affect us even now. The book is a profound exploration of the Supreme Court's importance to America's social and political life. It is also, as many of the contributors show, an intriguing reflection of what some have seen as an important trend in legal scholarship away from an uncritical belief in the essentially benign nature of judicial power. Robert George opens with an illuminating survey of the themes that unite and divide the five cases. Other contributors then examine each case in detail through a lively commentary-and-response format. Mark Tushnet and Jeremy Waldron exchange views on Marbury v. Madison, the pivotal 1803 case that established the power of the courts to invalidate legislation. Cass Sunstein and James McPherson discuss Dred Scott v. Sandford (1857), the notorious case that confirmed the rights of slaveowners, declared that black people could not be American citizens, and is often seen as a cause of the Civil War. Hadley Arkes and Donald Drakeman explore the legacy of Lochner v. New York (1905), a case that ushered in decades of judicial hostility to social welfare laws. Earl Maltz and Walter Murphy assess Brown v. Topeka Board of Education (1954), the famous case that ended racial segregation in public schools. Finally, Jean Bethke Elshtain and George Will tackle Roe v. Wade (1973), still a flashpoint a quarter of a century later in the debate over abortion. While some of the contributors show sympathy for strong judicial interventions on social issues, many across the ideological spectrum are sharply critical of judicial activism. A compelling introduction to the greatest cases in U.S. constitutional law, this is also an enlightening glimpse of the state of the art in American legal scholarship.

Sunstein (jurisprudence, political science, U. of Chicago) asserts that, as it is currently interpreted, the Constitution is biased. He points to two contemporary mistakes: that Constitutional law posits the status quo as neutral and just (which, he argues, is not the case); and that the meaning of the Constitution is increasingly solely within the purview of the Supreme Court (which, he argues, is not what the founders intended.) Annotation copyright by Book News, Inc., Portland, OR

Democracy and Distrust

Distrust and Democracy

The Technocratic Challenge to Democracy

Counter-Democracy

Democracy's Discontent

Why Americans Are Losing Their Inalienable Right to Self-Governance

Extending the ideas of John Rawls, Macedo defends a "civic liberalism" in culturally diverse democracies that supports the legitimacy of reasonable efforts to inculcate shared political virtues while leaving many larger questions of meaning and value to private communities.

When people disagree about justice and about individual rights, how should political decisions be made among them? How should they decide about issues like tax policy, welfare provision, criminal procedure, discrimination law, hate speech, pornography, political dissent and the limits of religious toleration? The most familiar answer is that these decisions should be made democratically, by majority voting among the people or their representatives. Often, however, this answer is qualified by adding ' providing that the majority decision does not violate individual rights.' In this book Jeremy Waldron has revisited and thoroughly revised thirteen of his most recent essays. He argues that the familiar answer is correct, but that the qualification about individual rights is incoherent. If rights are the very things we disagree about, then we are quarrelling precisely about what that qualification should amount to. At best, what it means is that disagreements about rights should be resolved by some other procedure, for example, by majority voting, not among the people or their representatives, but among judges in a court. This proposal - although initially attractive - seems much less agreeable when we consider that the judges too disagree about rights, and they disagree about them along exactly the same lines as the citizens. This book offers a comprehensive critique of the idea of the judicial review of legislation. The author argues that a belief in rights is not the same as a commitment to a Bill of Rights. He shows the flaws and difficulties in many common defences of the 'democratic' character of judicial review. And he argues for an alternative approach to the problem of disagreement: when disagreements about rights arise, the respectful way to resolve them is by decision-making among the right-holders on a basis that reflects an equal respect for them as the holders of views about rights. This respect for ordinary right-holders, he argues, has been sadly lacking in the theories of justice, rights, and constitutionalism put forward in recent years by philosophers such as John Rawls and Donald Dworkin. But the book is not only about judicial review. The first tranche of essays is devoted to a theory of legislation, a theory which highlights the size, the scale and the diversity of modern legislative assemblies. Although legislation is often denigrated as a source of law, Waldron seeks to restore its tattered dignity. He deprecates the tendency to disparage legislatures and argues that such disparagement is often a way of bolstering the legitimacy of the courts, as if we had to transform our parliaments into something like the American Congress to justify importing American-style judicial reviews. Law and Disagreement redresses the balances in modern jurisprudence. It presents legislation by a representative assembly as a form of law making which is especially apt for a society whose members disagree with one another about fundamental issues of principle, for it is a form of law making that does not attempt to conceal the fact that our decisions are made and claim their authority in the midst of, not in spite of, our political and moral disagreements. This timely rights-based defence of majoritarian legislation will be welcomed by scholars of legal and political philosophy throughout the world.

A concise history of the long struggle between two fundamentally opposing constitutional traditions, from one of the nation's leading constitutional scholars—a manifesto for renewing our constitutional republic. The Constitution of the United States begins with the words: “We the People.” But from the earliest days of the American republic, there have been two competing notions of “the People,” which lead to two very different visions of the Constitution. Those who view “We the People” collectively think popular sovereignty resides in the people as a group, which leads them to favor a “democratic” constitution that allows the “will of the people” to be expressed by majority rule. In contrast, those who think popular sovereignty resides in the people as individuals contend that a “republican” constitution is needed to secure the pre-existing inalienable rights of “We the People,” each and every one, against abuses by the majority. In Our Republican Constitution, renowned legal scholar Randy E. Barnett tells the fascinating story of how this debate arose shortly after the Revolution, leading to the adoption of a new and innovative “republican” constitution; and how the struggle over slavery led to its completion by a newly formed Republican Party. Yet soon thereafter, progressive academics and activists urged the courts to remake our Republican Constitution into a democratic one by ignoring key passes of its text. Eventually, the courts complied. Drawing from his deep knowledge of constitutional law and history, as well as his experience litigating on behalf of medical marijuana and against Obamacare, Barnett explains why “We the People” would greatly benefit from the renewal of our Republican Constitution, and how this can be accomplished in the courts and the political arena.

A crucial new guide to one of the most important and most dangerous phenomena of our time: the rise of populism in the West Across the West, there is a rising tide of people who feel excluded, alienated from mainstream politics, and increasingly hostile towards minorities, immigrants and neo-liberal economics. Many of these voters are turning to national populist movements, which pose the most serious threat to the Western liberal democratic system, and its values, since the Second World War. From the United States to France, Austria to the UK, the national populist challenge to mainstream politics is all around us. But what is behind this exclusionary turn? Who supports these movements and why? What does their rise tell us about the health of liberal democratic politics in the West? And what, if anything, should we do to respond to these challenges? Written by two of the foremost experts on fascism and the rise of the populist right, National Populism is a lucid and deeply-researched guide to the radical transformations of today's political landscape, revealing why liberal democracies across the West are being challenged-and what those who support them can do to help stem the tide.

The Partial Constitution

Book Review

Democratic Challenges, Democratic Choices

Cosmic Constitutional Theory

War and Responsibility

Free Speech and Human Dignity

Democracy and Distrust, a Theory of Judicial Review, by John Hart Ely

Professor Pennock launches an encyclopedic study that evaluates and ultimately synthesizes a variety of democratic theories. After defining democracy and examining the basic tensions both within and between liberty and equality, and individualism and collectivism, the author sets forth two typologies of operational democratic theories, one related to power, the other related to motivation. In succeeding chapters, he analyzes a series of problems with which any operating democracy must contend, and then measures—on the basis of empirical work done in this area—the adequacy of the various theories in dealing with these problems. Originally published in 1979. The Princeton Legacy Library uses the latest print-on-demand technology to again make available previously out-of-print books from the distinguished backlist of Princeton University Press. These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions. The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905.

International courts use two key methodologies to determine the degree of deference granted to states in their implementation of international obligations: the standard of review and margin of appreciation. This book investigates how these doctrines are applied in

international courts, analysing where their approaches converge and diverge.

Individual decision making can often be wrong due to misinformation, impulses, or biases. Collective decision making, on the other hand, can be surprisingly accurate. In Democratic Reason, Hélène Landemore demonstrates that the very factors behind the superiority of collective decision making add up to a strong case for democracy. She shows that the processes and procedures of democratic decision making form a cognitive system that ensures that decisions taken by the many are more likely to be right than decisions taken by the few. Democracy as a form of government is therefore valuable not only because it is legitimate and just, but also because it is smart. Landemore considers how the argument plays out with respect to two main mechanisms of democratic politics: inclusive deliberation and majority rule. In deliberative settings, the truth-tracking properties of deliberation are enhanced more by inclusiveness than by individual competence. Landemore explores this idea in the contexts of representative democracy and the selection of representatives. She also discusses several models for the “wisdom of crowds” channeled by majority rule, examining the trade-offs between inclusiveness and individual competence in voting. When inclusive deliberation and majority rule are combined, they beat less inclusive methods, in which one person or a small group decide. Democratic Reason thus establishes the superiority of democracy as a way of making decisions for the common good.

News Literacy and Democracy invites readers to go beyond surface-level fact checking and to examine the structures, institutions, practices, and routines that comprise news media systems. This introductory text underscores the importance of news literacy to democratic life and advances an argument that critical contexts regarding news media structures and institutions should be central to news literacy education. Under the larger umbrella of media literacy, a critical approach to news literacy seeks to examine the mediated construction of the social world and the processes and influences that allow some news messages to spread while others get left out. Drawing on research from a range of disciplines, including media studies, political economy, and social psychology, this book aims to inform and empower the citizens who rely on news media so they may more fully participate in democratic and civic life. The book is an essential read for undergraduate students of journalism and news literacy and will be of interest to scholars teaching and studying media literacy, political

economy, media sociology, and political psychology.

Interpreting Our Democratic Constitution

The Theory of the State

Constitutional Fate

How Lincoln Redefined American Democracy

Democratic Legitimacy

On American democracy

By showing how Kelsen's theory of law works alongside his political philosophy, the book shows the Pure Theory to be part of a wider attempt to understand how political power can be legitimately exercised in pluralist societies.