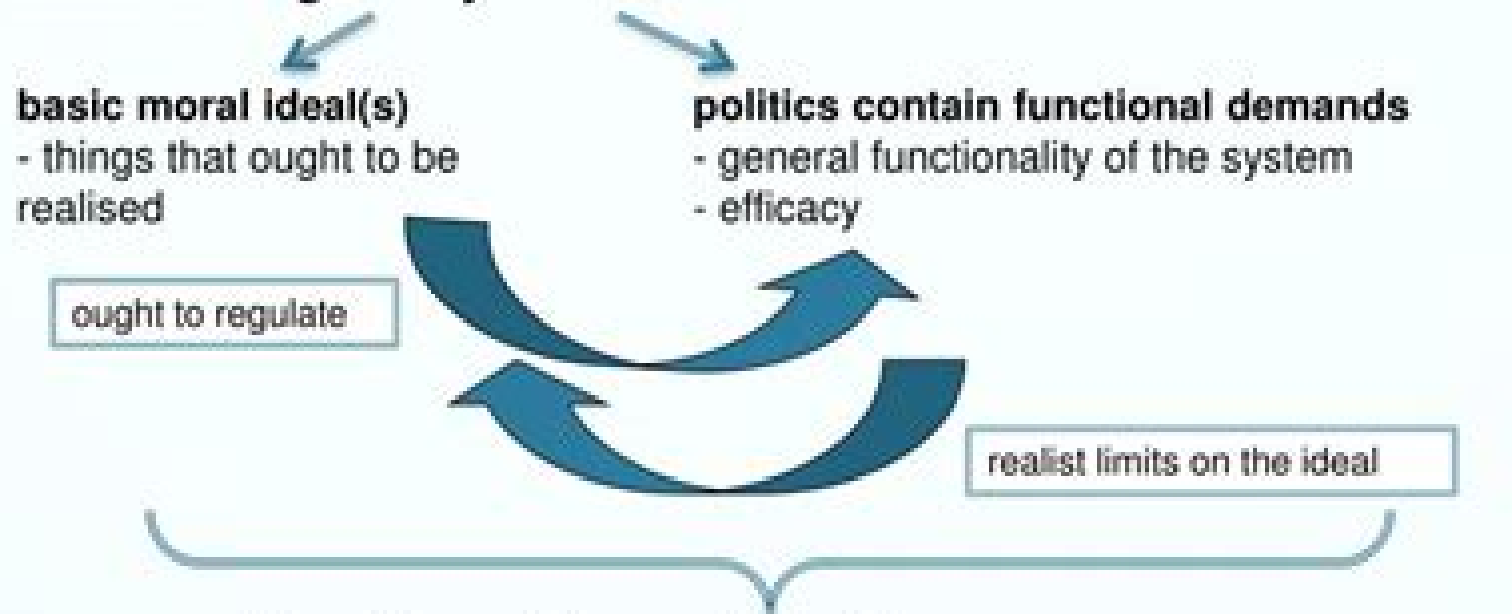


Deliberative democracy aims to solve the problem of *democratic legitimacy*



the problem of democratic legitimacy

- non-ideal model (accepts the impossibility of fully bridging the gap)
- a two-way problem

criteria of democratic legitimacy:

- the moral ideal(s) can be justifiably claimed to be embodied in politics
- the politics generated in deliberative processes justifiably have an effect on things, and is not reducible to the status of an ineffective ideal

The Constitution Of Deliberative Democracy

Lin Li



The Constitution Of Deliberative Democracy:

The Constitution of Deliberative Democracy Carlos Santiago Nino, 1996-01-01 In this important and wide ranging book a leading political theorist and activist considers the question What justifies democracy Carlos Santiago Nino critically examines answers others have given and then develops his own distinctive theory of democracy emphasizing its deliberative character In Nino s view democracy resembles a moral conversation and is valued because of its capacity to generate an impartial perspective one that takes into account the interests of all citizens Nino s conception of deliberative democracy bears on the way power is organized under a constitution Drawing on a variety of constitutional traditions he criticizes the presidential system and calls for citizens to participate more directly in the political life of their country He also envisions a revitalized role for political parties Nino shows how deliberative democracy can be combined with and supported by other constitutional practices such as the specific wording of the text and the protection of individual rights The complex constitution that emerges from his analysis consists of a historical constitution an ideal constitution of rights and an ideal constitution of power Nino s goal is to explain how these three dimensions of constitutionalism can reinforce rather than conflict with each other In a final chapter he argues that the deliberative conception of democracy requires a more limited role for judicial review than is usually contemplated

Building the Rule of Law in China Lin Li, 2017-03-21 Building the Rule of Law in China explores the idea that China needs a more globalized and diversified vision for the science of law presenting the need to think differently from the two major western mainstream legal cultures the Anglo American and the continental systems Other globalized universalized and diversified models and experiences in the rule of law from diverse civilizations have much to offer China Through learning from the strengths exhibited by systems in countries with a very developed and well organized rule of law and absorbing essential aspects from different countries China might be well positioned to promote the development of the rule of law in a robust and comprehensive manner This book explores the topic from several perspectives giving the reader an up to date resource on the ever evolving vision for the science of law in China Explores the situation of rule of law in China as it currently stands Presents a case that China must look beyond the two western systems of law for a more globalized vision Gives analysis on the contemporary situation and insight into the near future Presents a particular perspective on the rule of law in China by a scholar closely involved with its actual development Translates into English providing a new and valuable perspective to an English speaking readership

Deliberative Democracy in America Ethan J. Leib, 2010-11-01 We are taught in civics class that the Constitution provides for three basic branches of government executive judicial and legislative While the President and Congress as elected by popular vote are representative can they really reflect accurately the will and sentiment of the populace Or do money and power dominate everyday politics to the detriment of true self governance Is there a way to put We the people back into government Ethan Leib thinks there is and offers this blueprint for a fourth branch of government as a way of giving the people a voice of their

own While drawing on the rich theoretical literature about deliberative democracy Leib concentrates on designing an institutional scheme for embedding deliberation in the practice of American democratic government At the heart of his scheme is a process for the adjudication of issues of public policy by assemblies of randomly selected citizens convened to debate and vote on the issues resulting in the enactment of laws subject both to judicial review and to possible veto by the executive and legislative branches The popular branch would fulfill a purpose similar to the ballot initiative and referendum but avoid the shortcomings associated with those forms of direct democracy Leib takes special pains to show how this new branch would be integrated with the already existing governmental and political institutions of our society including administrative agencies and political parties and would thus complement rather than supplant them Constitutionalization of Politics in Comparative Perspective Paweł Laidler,Dariusz Stolicki,Łukasz Jakubiak,Jacek Sokołowski,2024-11-25 Scholars from political science and law examine the latest research on the constitutionalization of politics in comparative perspective The scope includes both inter country and intra country perspectives institutional and systemic analyses common and civil law systems focusing on historical and contemporary case studies There are chapters limited to a concrete legal and political system analyzing the tools and processes guarding constitutionalization of politics in such countries as the United States Germany France Italy Poland Finland and Bulgaria as well as studies offering comparative analysis of various institutions representing different countries and different legal and political systems Taken together this book uncovers a wide variety of legal and political cultures systems of governments and forms of territorial organization Once uncovered this approach makes it easier to determine repetitive patterns which may be observed in constitutional review and constitutional interpretation or significant differences occurring in the models of constitutionalization of politics around the world Constitutionalization of Politics in Comparative Perspective tackles important debates among academics interested in the theoretical and practical aspects of constitutions and constitutionalism and will appeal to social scientists including sociologists philosophers security studies and international relations experts but also cultural studies scholars *Handbook of Democratic Innovation and Governance* Stephen Elstub,Oliver Escobar,2019-12-27 Democratic innovations are proliferating in politics governance policy and public administration These new processes of public participation are reimagining the relationship between citizens and institutions This Handbook advances understanding of democratic innovations in theory and practice by critically reviewing their importance throughout the world The overarching themes are a focus on citizens and their relationship to these innovations and the resulting effects on political equality The Handbook therefore offers a definitive overview of existing research on democratic innovations while also setting the agenda for future research and practice Legal Republicanism Samantha Besson,José Luis Martí,2009-03-26 Interest in republicanism as a political theory has burgeoned in recent years but its implications for the understanding of law have remained largely unexplored Legal Republicanism is the first book to offer a comprehensive critical survey of the potential for creating

republican accounts of fundamental issues in law and legal theory Bringing together contributors with backgrounds in political and legal philosophy the essays in the volume assess republicanism s historical traditions conceptual coherence and normative proposals The collection offers a valuable insight into new debates taking place in republican political and legal theory It also analyses potential republican approaches to concrete issues arising in areas of law such as criminal constitutional and international law Finally the book includes comparisons between republican legal traditions and how they react to contemporary challenges The book will be of value to political and democratic theorists to legal philosophers and constitutional theorists and all those interested in the legitimacy of decision making in national and international settings

Law, Liberty, and the Rule of Law Imer B. Flores, Kenneth E. Himma, 2012-09-28 In recent years there has been a substantial increase in concern for the rule of law Not only have there been a multitude of articles and books on the essence nature scope and limitation of the law but citizens elected officials law enforcement officers and the judiciary have all been actively engaged in this debate Thus the concept of the rule of law is as multifaceted and contested as it s ever been and this book explores the essence of that concept including its core principles its rules and the necessity of defining or even redefining the basic concept Law Liberty and the Rule of Law offers timely and unique insights on numerous themes relevant to the rule of law It discusses in detail the proper scope and limitations of adjudication and legislation including the challenges not only of limiting legislative and executive power via judicial review but also of restraining active judicial lawmaking while simultaneously guaranteeing an independent judiciary interested in maintaining a balance of power It also addresses the relationship not only between the rule of law human rights and separation of powers but also the rule of law constitutionalism and democracy

Legitimation by Constitution Alessandro Ferrara, Frank I. Michelman, 2021 Legitimation by constitution is a phrase coined by Michelman and Ferrara to represent an idea in Rawlsian political liberalism of reliance on a dualist democracy ground level laws are subject to the constraints of a legal constitution that all citizens across the political spectrum can accept as a framework for their collective politics

Democratic Decision-making David Lewis Schaefer, 2012-01-01 Democratic Decision Making Historical and Contemporary Perspectives contains eight essays by political scientists all but one of them previously unpublished addressing various aspects of the democratic decision making process The book consists of four parts each consisting of two essays devoted to a common theme democratic statesmanship the extent to which limitations of the democratic principle of majority rule are desirable the contemporary academic theory of deliberative democracy and informal modes of democratic decision making

The Oxford Handbook of Constitutional Law in Latin America Conrado Hübner Mendes, Roberto Gargarella, Sebastián Guidi, 2021-12-25 Constitutional law in Latin America embodies a mosaic of national histories political experiments and institutional transitions No matter how distinctive these histories and transitions might be there are still commonalities that transcend the mere geographical contiguity of these countries This Handbook depicts the constitutional landscape of Latin America by shedding light on its most important

differences and affinities qualities and drawbacks and by assessing its overall standing in the global enterprise of democratic constitutionalism It engages with substantive and methodological conundrums of comparative constitutional law in the region drawing meaningful comparisons between constitutional traditions The volume is divided into two main parts Part I focuses on exploring the constitutions for seventeen jurisdictions offering a comprehensive country by country critique of the historical foundations institutional architecture and rights based substantive identity of each constitution Part II presents comparative analyses on the most controversial constitutional topics of the region exploring central concepts in institutions and rights The Oxford Handbook of Constitutional Law in Latin America is an essential resource for scholars and students of comparative constitutional law and Latin American politics and history Written by leading experts it comprehensively examines constitutions controversies institutions and constitutional rights in Latin America

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