

Symbiosis of Action Research and Deliberative Democracy in the Context of Participatory Constitution-Making

Oğuz N. Babüroğlu, Gülrü Z. Göker
and Emre Koyuncu

Since 2007 there has been increased political and societal pressure concerning the making of a new constitution in Turkey. We, the authors are designing venues for fostering widespread participation in constitution-making. In an attempt to detect and resolve the root causes of Turkey's long-standing political and institutional problems, the members of the Turkey side-EU Joint Consultative Committee, which is composed of seven organizations including union of business chambers, agricultural chambers, and trade union confederations, established the Constitution Platform Initiative Group (CPIG) organized under the secretariat of The Economic Policy Research Foundation of Turkey (TEPAV) in 2007. It was based on the premise that the process of constitution-making is as important as the content of the new constitution.

In the first half of the last decade, Turkey witnessed structural changes driven by the EU harmonization process; certain measures were taken for recovering from the economic crisis in 2001. Several amendments to the constitution were made in this period mostly

based on the conciliation among political parties in the parliament. However, the constitution which was initially made in 1982, after the *coup d'état* in 1980, included elements that required change in parts concerning fundamental rights and liberties and the system of checks and balances. After the presidential election crisis in early 2007 the ruling Justice and Development Party (JDP) sought to overcome the crisis with a parliamentary decision on early elections and by promising to make a new constitution. JDP commissioned a group of scholars to draft it; however, despite widespread support for a new constitution, the attempt became widely polarizing because it did not involve a participatory process. CPIG convened and made joint press releases pointing out the importance of societal conciliation and transparency. CPIG recommended building consensus on common principles of the constitution and encouraged a participatory process. It came to host a citizen platform, the Constitutional Platform to ensure public engagement on the making of the constitution. Two hundred and fifty people representing a

The Constitution Of Deliberative Democracy

Jocelyn Stacey



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

Constitutionalization of Politics in Comparative Perspective Paweł Laidler, Dariusz Stoliczka, 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

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 **What are**

Campaigns For? The Role of Persuasion in Electoral Law and Politics James A Gardner, 2009-06-19 Election campaigns ought to be serious occasions in the life of a democratic polity For citizens of a democracy an election is a time to take stock to reexamine our beliefs to review our understanding of our own interests to ponder the place of those interests in the larger social order and to contemplate and if necessary to revise our understanding of how our commitments are best translated into governmental policy or so we profess to believe Americans however are haunted by the fear that our election campaigns fall far short of the ideal to which we aspire The typical modern American election campaign seems crass shallow and unengaging The arena of our democratic politics seems to lie in an uncomfortable chasm between our political ideals and everyday reality What Are Campaigns For is a multidisciplinary work of legal scholarship that examines the role of legal institutions in constituting the disjunction between political ideal and reality The book explores the contemporary American ideal of democratic citizenship in election campaigns by tracing it to its historical sources documenting its thorough infiltration of legal norms evaluating its feasibility in light of the findings of empirical social science and testing it against the requirements of democratic theory *Reconstituting the Constitution* Caroline Morris, Jonathan Boston, Petra

Butler, 2011-09-01 All nation states whether ancient or newly created must examine their constitutional fundamentals to keep their constitutions relevant and dynamic Constitutional change has greater legitimacy when the questions are debated before the people and accepted by them Who are the peoples in this state What role should they have in relation to the government What rights should they have Who should be Head of State What is our constitutional relationship with other nation states What is the influence of international law on our domestic system What process should constitutional change follow In this volume scholars practitioners politicians public officials and young people explore these questions and others in relation to the New Zealand constitution and provide some thought provoking answers This book is recommended for anyone seeking insight into how a former British colony with bicultural foundations is making the transition to a multicultural society in an increasingly complex and globalised world *The Constitution of the United Kingdom* Peter Leyland, 2016-06-02 This acclaimed book provides a topical and contextual outline of the principles doctrines and institutions that underpin the United

Kingdom constitution The third edition of The Constitution of the United Kingdom has been comprehensively revised and updated to take account of recent constitutional developments and debates This includes the revised framework for devolution following the 2014 referendum in Scotland the constitutional ramifications of the realignment of UK politics reflected in the result of the 2015 general election and the debate over the possible replacement of the Human Rights Act 1998 with a British Bill of Rights The chapters are written in sufficient detail for anyone coming to the subject for the first time to develop a clear and informed view of how the constitution is arranged and how it operates The main themes include discussion of the history sources and conventions of the constitution later chapters deal with constitutional principles the role of the Crown Parliament and the electoral system government and the executive the constitutional role of courts including the protection of human rights the territorial distribution of power between central devolved and local government and the European Union dimension In addition the book offers analysis of the evolution of the uncodified UK constitution its strengths and perceived weaknesses and of reforms aimed at its modernisation

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

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

Accountability in the Contemporary Constitution Nicholas Bamforth, Peter Leyland, 2013-11-14 Accountability is regarded as a central feature of modern constitutionalism. At a general level this prominence is perhaps unsurprising given the long history of the idea. However in many constitutional democracies including the UK and the USA it has acquired a particular resonance in contemporary circumstances with the declining power of social deference, the expanding reach of populist accountability mechanisms and the increasing willingness of citizens to find mechanisms for challenging official decision making. These essays by public law scholars seek to explore how ideas of and mechanisms associated with accountability play a part in the contemporary constitution. While the majority of contributors concentrate on the United Kingdom others provide comparative discussion with particular reference to the United States and aspects of European Union law. The main focus of the volume is the contemporary UK constitution. Chapters are included which analyse the historical context including the role of Dicey, common law constitutionalism, the constitutional role of Parliament, the constitutional role of the courts, judicial accountability, human rights protection under the constitution and the contribution of non-judicial accountability mechanisms. Further chapters explore the public service principle, the impact of new public management on public service delivery and the relationship between accountability and regulation. Finally accountability is discussed in the light of constitutional reform including the challenges posed by the multi-layered government at the supra-national level of EU membership and sub-national national levels of devolution and local government. [Making a 21st Century Constitution](#) Frank Vibert, 2018-06-29 Democratic constitutions are increasingly unfit for purpose with governments facing increased pressures from populists and distrust from citizens. The only way to truly solve these problems is through reform. Within this important book Frank Vibert sets out the key challenges to reform the ways in which constitutions should be revitalised and provides the standards against which reform should be measured. *The Constitution of Belgium* Patricia Popelier, Koen Lemmens, 2015-10-22 The Belgian Constitution once described as a model of consensus democracy has now become an enigma in comparative federalism. On the one hand it demonstrates features which suggest institutional instability as well as elements that enhance the probability of secession. On the other hand Belgium continues to exist as a federal system based upon linguistic bipolarity. This linguistic bipolarity dominates Belgian politics and has shaped the design of Belgium's institutions as well as the Constitution's fundamental organising principles: concepts of federalism, democracy, separation of powers, constitutionalism and the rule of law. In this book the institutional structure and the principles governing the Belgian constitutional system are explained in the light of its historical, demographic and political context. Linguistic bipolarity and its historical evolution explain the establishment of the Belgian State structure as a dual federalism with exclusive powers, instruments for consensus making and obstruction and elements of confederal decision making. It also explains the evolution in the concept of principles of democracy and the rule of law. Besides describing the devolutionary process the book also incorporates two other elements that have shaped the Belgian constitutional landscape: fundamental

rights and Europeanisation **Strong Constitutions** Maxwell A. Cameron, 2015 A bold argument that constitutional states are not weaker because their powers are divided they are often stronger because they solve collective action problems rooted in speech and communication *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

Improving, Bypassing or Overcoming Representation? Jean-Benoit Pilet, Camille Bedock, Pierre-Etienne Vandamme, 2021-12-30 *The Constitution of the Environmental Emergency* Jocelyn Stacey, 2018-04-19 This book argues for a reframing of environmental law It starts from the premise that all environmental issues confront lawmakers as emergencies Environmental issues pose a fundamental challenge to law because it is impossible to reliably predict which issues contain the possibility of an emergency and what to do in response to such an unforeseen event These features undermine the conventional understanding of the rule of law This book argues that approaching environmental issues from the emergency perspective leads us to an understanding of the rule of law that requires public justification This requirement recentres the debates in environmental law around the question of why governance under the rule of law is something worth having in the environmental context It elaborates what the rule of law requires of decision makers in light of our ever present vulnerability to catastrophic environmental harm Controversial compelling and above all timely this book presents an important new perspective on environmental law

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

Sourcebook on Rhetoric James Jasinski, 2001-07-19 Please update SAGE UK and SAGE INDIA addresses on imprint page

The Politics of Referendum Use in European Democracies Saskia Hollander, 2019-04-02 This book demonstrates that the generally assumed dichotomy between referendums and representative democracy does not do justice to the great diversity of referendum types and of how referendums are used in European democracies Although in all referendums citizens vote directly on issues rather than letting their political representatives do this for them some referendums are more direct than others Rather than reflecting the direct power of the People most referendums in EU countries are held by and serve the interests of the political elites most notably the executive The book shows that these interests rarely match the justifications given in the public debate Instead of being driven by the need to compensate for the deficiency of political parties decision makers use referendums primarily to protect the position of their party In unravelling the strategic role played by national referendums in decision making this book makes an unconventional contribution to the debate on the impact of referendums on democracy

Democratic Professionalism Albert W. Dzur, 2008 Proposes an approach called democratic professionalism to build bridges between specialists in domains like law medicine and journalism and the lay public in such a way as to enable and enhance broader public engagement with and deliberation about major social issues

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

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