Design of Constitutions

Edited, by

Stefan Voigt

Director, Institute of Law and Economics University of Hamburg, Germany

ECONOMIC APPROACHES TO LAW

An Elgar Research Collection

Cheltenham, UK • Northampton, MA, USA

Contents

Acknowled Introductio		ix xi
PART I	GETTING STARTED: STATE OF THEART AND CONCEPTUAL	
	ISSUES	
	1. Dennis C. Mueller (2005), 'Constitutional Political Economy in the European Union', <i>Public Choice</i> , 124 (112), July, 57-73	3
	2. Donald L. Horowitz (2002), 'Constitutional Design: Proposals	
	Versus Processes', in Andrew Reynolds (ed.), The Architecture of Democracy: Constitutional Design, Conflict Management, and	
	Democracy, Chapter 1, Oxford, UK and New York, NY: Oxford University Press, 15-36, references	20
	3. Arend Lijphart (2002), 'The Wave of Power-Sharing Democracy', in Andrew Reynolds (ed.), <i>The Architecture of Democracy:</i>	20
	Constitutional Design, Conflict Management, and Democracy, Chapter 2, Oxford, 'UK and New York, NY: Oxford University	
	Press, 37-54, references	44
PART II	THE RELEVANCE OF PROCEDURE FOR	
	4. Jon Elster (1995), 'Forces and Mechanisms in the Constitution-	
	Making Process', <i>Duke Law Journal</i> , 45 (2), November, 364-96 5. Stefan Voigt (2004), 'The Consequences of Popular Participation in	67
	Constitutional Choice - Towards a Comparative Analysis', in Anne	
	van Aaken, Christian List and Christoph Luetge (eds), Deliberation and Decision: Economics, Constitutional Theory and Deliberative	
	<i>Democracy</i> , Chapter 8, Aldershot, UK and Burlington, VT: Ashgate Publishing Ltd, 199-229	100
	6. John M. Carey (2009), 'Does It Matter How a Constitution is Created?', in Zoltan Barany and Robert G. Moser (eds), <i>Is</i>	
	Democracy Exportable?, Chapter 7, Cambridge, UK and New	
	York, NY: Cambridge University Press, 155-77, references	131
	7. Tom Ginsburg, Zachary Elkins and Justin Blount (2009), 'Does the Process of Constitution-Making Matter?', <i>Annual Review of Law</i>	
	and Social Science, 5 (5), December, 201-23	156
PART III	BASIC RIGHTS	
	8. Lorenz Blume and Stefan Voigt (2007), 'The Economic Effects of Human Rights', <i>Kyklos</i> , 60 (4), November, 509-38	181

Design of Constitutions

	9.	Avi Ben-Bassat and Momi Dahan (2008), 'Social Rights in the Constitution and in Practice', <i>Journal of Comparative Economics</i> , 36 (1), March, 103-19	211
PART IV	STA	TE ORGANIZATION	
	A	Electoral Systems	
	10.	Torsten Persson, Gerard Roland and Guido Tabellini (2007), 'Electoral Rules and Government Spending in Parliamentary Democracies', <i>Quarterly Journal of Political Science</i> , 2 (2), 155-88	233
	11.	Davide Ticchi and Andrea Vindigni (2010),.'Endogenous Constitutions', <i>Economic Journal</i> , 120 (543), March, 1-39	267
	В	Form of Government	
	12.	Torsten Persson, Gerard Roland and Guido Tabellini (1997), 'Separation of Powers and Political Accountability', <i>Quarterly Journal of Economics</i> , 112 (4), November, 1163-202	309
	13.	Philippe Aghion, Alberto Alesina and Francesco Trebbi (2004), 'Endogenous Political Institutions', <i>Quarterly Journal of Economics</i> , 119 (2), May, 565-611	349
	C	The Structure of the Legislature: Bicameralism	
	14.	Roger D. Congleton (2006), 'On the Merits of Bicameral Legislatures: Intragovernmental Bargaining and Policy Stability', in Roger D. Congleton and Brigitta Swedenborg (eds), Democratic Constitutional Design and Public Policy: Analysis and Evidence,	200
	15.	Chapter 6, Cambridge, MA: MIT Press, 163-88 Cecilia Testa (2010), 'Bicameralism and Corruption', <i>European Economic Review</i> , 54 (2), February, 181-98	399 425
	D	Federalism	
	16.	Rui J.P. de Figueiredo, Jr and Barry R. Weingast (2005), 'Self-Enforcing Federalism', <i>Journal of Law, Economics, and</i>	445
	17.	Organization, 21 (1), 103-35 Robert P. Inman and Daniel L. Rubinfeld (2005), 'Federalism and the Democratic Transition: Lessons from South Africa', <i>American Economic Review</i> , 95 (2), May, 39-43	445 478

E Direct Democracy

	18.	, ,,					
		Designing a Living Constitution', in Roger D. Congleton and					
		Brigitta Swedenborg (eds), Democratic Constitutional Design and					
		Public Policy: Analysis and Evidence, Chapter 2, Cambridge, MA:					
		MIT Press, 39-80	485				
	19.	Lorenz Blume, Jens Miiller and Stefan Voigt (2009), 'The					
		Economic Effects of Direct Democracy – A First Global					
		Assessment', Public Choice, 140 (3), September, 431-61	527				
PART V	W BEYOND CONVENTIONAL PERSPECTIVES						
	20.	Bruce Ackerman (2000), 'The New Separation of Powers', Harvard					
		Law Review, 113 (3), January, 633-729	561				
	21.	Stefan Voigt and Eli M. Salzberger (2002), 'Choosing Not to					
		Choose: When Politicians Choose to Delegate Powers', <i>Kyklos</i> , 55					
		(2), May, 289-310	658				
	22.	Tom Ginsburg (2006), Locking in Democracy: Constitutions,					
		Commitment, and International Law', New York University Journal					
		of International Law and Politics, 38 (4), 707-59	680				
	23.	• • • • • • • • • • • • • • • • • • • •	000				
	23.						
		'Improving Credibility by Delegating Judicial Competence – the					
		Case of the Judicial Committee of the Privy Council', <i>Journal of</i>	500				
		Development Economics, 82 (2), March, 348-73	733				