

A Badly Flawed Election Debating Bush V Gore The Supreme Court And American Democracy

Does the democratic nation state remain a legitimate regime form in the current age of globalization? This book uses a novel, analytical approach to probe this topical question, drawing on a comparative study of legitimation discourses in the media of four Western democracies (Switzerland, Germany, Britain, and the United States.)

For scholars working on almost any aspect of American thought, The Bloomsbury Encyclopedia to Philosophers in America presents an indispensable reference work. Selecting over 700 figures from the Dictionary of Early American Philosophers and the Dictionary of Modern American Philosophers, this condensed edition includes key contributors to philosophical thought. From 1600 to the present day, entries cover psychology, pedagogy, sociology, anthropology, education, theology and political science, before these disciplines came to be considered distinct from philosophy. Clear and accessible, each entry contains a short biography of the writer, an exposition and analysis of his or her doctrines and ideas, a bibliography of writings and suggestions for further reading. Featuring a new preface by the editor and a comprehensive introduction, The Bloomsbury Encyclopedia to Philosophers in America includes 30 new entries on twenty-first century thinkers including Martha Nussbaum and Patricia Churchland. With in-depth overviews of Waldo Emerson, Margaret Fuller, Noah Porter, Frederick Rauch, Benjamin Franklin, Thomas Paine and Thomas Jefferson, this is an invaluable one-stop research volume to understanding leading figures in American thought and the development of American intellectual history.

In recent years the American public has witnessed several hard-fought battles over nominees to the U.S. Supreme Court. In these heated confirmation fights, candidates' legal and political philosophies have been subject to intense scrutiny and debate. Citizens, Courts, and Confirmations examines one such fight—over the nomination of Samuel Alito—to discover how and why people formed opinions about the nominee, and to determine how the confirmation process shaped perceptions of the Supreme Court's legitimacy. Drawing on a nationally representative survey, James Gibson and Gregory Caldeira use the Alito confirmation fight as a window into public attitudes about the nation's highest court. They find that Americans know far more about the Supreme Court than many realize, that the Court enjoys a great deal of legitimacy among the American people, that attitudes toward the Court as an institution generally do not suffer from partisan or ideological polarization, and that public knowledge enhances the legitimacy accorded the Court. Yet the authors demonstrate that partisan and ideological infighting that treats the Court as just another political institution undermines the considerable public support the institution currently enjoys, and that politicized confirmation battles pose a grave threat to the basic legitimacy of the Supreme Court.

Situated between two different constitutional traditions, those of the United Kingdom and the United States, Canada has maintained a distinctive third way: federal, parliamentary, and flexible. Yet in recent years it seems that Canadian constitutional culture has been moving increasingly in an American direction. Through the protraction crises of 2008 and 2009, its senate reform proposals, and the appointment process for Supreme Court judges, Stephen Harper's Conservative government has repeatedly shown a tendency to push Canada further into the US constitutional orbit. Red, White, and Kind of Blue? is a comparative legal analysis of this creeping Americanization, as well as a probing examination of the costs and benefits that come with it. Comparing British, Canadian, and American constitutional traditions, David Schneiderman offers a critical perspective on the Americanization of Canadian constitutional practice and a timely warning about its unexamined consequences.

Debating Bush V. Gore, the Supreme Court, and American Democracy

Protecting American Democracy

America's 51 Constitutions and the Crisis of Governance

Why Our Election System Is Failing and How to Fix It

Philosophical Foundations of European Union Law

Contested Power in the Era of Constitutional Courts

Electoral Dysfunction

American Constitutional Law provides a comprehensive account of the nation's defining document. Based on the premise that the study of the Constitution and constitutional law is of fundamental importance to understanding the principles, prospects, and problems of America, the volumes in this set put current events in terms of what those who initially drafted and ratified the Constitution sought to accomplish. The authors examine the constitutional thought of the founders, as well as interpretations of the Constitution by the Supreme Court, Congress, the President, lower federal courts, and state judiciaries. Volume I focuses on federal rights and powers, and volume II focuses on individuals' rights and responsibilities. Available individually or as a two-volume set, they are perfect for a one- or two-semester course on constitutional law and civil liberties.

Even before the terrorist attacks of September 11, 2001, political scientists were assessing changes and continuities in the principles and practices of American democracy. Recent events, including the passage of the U.S. Patriot Act and the current debates about civil liberties versus homeland security, intensify the need to examine the long-term viability of democracy. In this book, fifteen major scholars assess the current state of American democracy, offering a spirited dialogue on the future of democratic politics. Contributors focus on three principles fundamental to democracy—equality, liberty, and participation. They

examine these principles within the context of the basic institutions of American democracy: Congress and the state legislatures, the president, political parties, interest groups, and the Supreme Court. They raise questions regarding the checks and balances among formal governmental institutions (with the contributors sharing concern over the fading power of the legislature and the increased power of the executive and judiciary) as well as the role of political parties and interest groups. Topics discussed include: the incomplete mobilization of the electorate, the debates over campaign finance reform and term limits, the Supreme Court's activist role in the Florida recount, the dangers of teleocracy and state initiatives, the separation of political participation from residential location, 'identity politics,' the clash of "negative" and "positive" liberty, and the prospects for personal freedom in an era of terrorist threats.

This timely collection covers the issues relevant to the future of American democracy today not only for lawmakers, students, and historians, but for any concerned citizen.

Ronald Dworkin is widely accepted as the most important and most controversial Anglo-American jurist of the past forty years. And this same-named volume on his work has become a minor classic in the field, offering the most complete analysis and integration of Dworkin's work to date. This third edition offers a substantial revision of earlier texts and, most importantly, incorporates discussion of Dworkin's recent masterwork Justice for Hedgehogs. Accessibly written for a wide readership, this book captures the complexity and depth of thought of Ronald Dworkin. Displaying a long-standing commitment to Dworkin's work, Stephen Guest clearly highlights the scholar's key theories to illustrate a guiding principle over the course of Dworkin's work: that there are right answers to questions of moral value. In assessing this principle, Guest also expands his analysis of contemporary critiques of Dworkin. The third edition includes an updated and complete bibliography of Dworkin's work.

The majority of our vice presidents have been people of extraordinarily high aspiration, ability and achievement. For some, the vice presidency was the deftating end of a political career; for others, the office was a stepping-stone to the presidency.

Liberalism and the Limits of Power

Third Edition

Positivity Theory and the Judgments of the American People

2-VOLUME SET

Fragile Democracies

Principles and Practices

Judging Equality from Baker V. Carr to Bush V. Gore

A bracingly provocative challenge to one of our most cherished ideas and institutions Most people believe democracy is a uniquely just form of government. They believe people have the right to an equal share of political power. And they believe that political participation is good for us—it empowers us, helps us get what we want, and tends to make us smarter, more virtuous, and more caring for one another. These are some of our most cherished ideas about democracy. But Jason Brennan says they are all wrong. In this trenchant book, Brennan argues that democracy should be judged by its results—and the results are not good enough. Just as defendants have a right to a fair trial, citizens have a right to competent government. But democracy is the rule of the ignorant and the irrational, and it all too often falls short. Furthermore, no one has a fundamental right to any share of political power, and exercising political power does most of us little good. On the contrary, a wide range of social science research shows that political participation and democratic deliberation actually tend to make people worse—more irrational, biased, and mean. Given this grim picture, Brennan argues that a new system of government—epistocracy, the rule of the knowledgeable—may be better than democracy, and that it's time to experiment and find out. A challenging critique of democracy and the first sustained defense of the rule of the knowledgeable. Against Democracy is essential reading for scholars and students of politics across the disciplines. Featuring a new preface that situates the book within the current political climate and discusses other alternatives beyond epistocracy, Against Democracy is a challenging critique of democracy and the first sustained defense of the rule of the knowledgeable.

This book brings together, for the first time, philosophers of pragmatism and economists interested in methodological questions. The main theoretical thrust of Dewey is to unite inquiry with behavior and this book's contributions assess this insight in the light of developments in modern American philosophy, social and legal theories, and the theoretical orientation of economics. This unique book contains impressive contributions from a range of different perspectives and its unique nature will make it required reading for academics involved with philosophy and economics.

Imagine a country where the right to vote is not guaranteed by the Constitution, where the candidate with the most votes loses, and where paperwork requirements and bureaucratic bungling disenfranchise millions. You're living in it. If the consequences weren't so serious, it would be funny. An eye-opening, fact-filled companion to the forthcoming PBS documentary starring political satirist and commentator Mo Rocca, Electoral Dysfunction illuminates a broad array of issues, including the Founding Fathers' decision to omit the right to vote from the Constitution—and the legal system's patchwork response to this omission; the battle over voter ID, voter impersonation, and voter fraud; the foul-ups that plague Election Day, from ballot design to contested recounts; the role of partisan officials in running elections; and the anti-democratic origins and impact of the Electoral College. The book concludes with a prescription for a healthy voting system by Heather Smith, president of Rock the Vote. Published in the run-up to the 2012 election, Electoral Dysfunction is for readers across the political spectrum who want their votes to count.

The supranational law of the European Union represents a uniquely powerful, far-reaching, and controversial instance of the growth of international legal governance, one that has forever altered the political and legal landscape of its Member States. The EU has attracted significant attention from political scientists, economists, and lawyers who have analysed its polity and constructed theoretical models of the integration process. Yet it has been almost entirely neglected by analytic philosophers, and the philosophical tools that have been developed to analyse and evaluate the Union are still in their infancy. This book brings together legal philosophers, political philosophers, and EU legal academics in the service of developing the philosophical analysis of EU law. In a series of original and complementary essays they bring their varied disciplinary expertise and theoretical perspectives to bear on central issues facing the Union and its law. Combining both abstract thought in legal and political philosophy and more tangible theoretical work on specific legal issues, the essays in this volume make a significant contribution to developing work on the philosophical foundations of EU law, and will engender further debate between philosophers, political philosophers, and EU legal academics. They will be of interest to all those engaged in understanding the nature and purpose of this unique legal entity.

Law, Pragmatism, and Democracy

Dictionary Of Modern American Philosophers

Justice as Integrity

New Preface

Dewey, Pragmatism and Economic Methodology

The Conservatives and the Americanization of Canadian Constitutional Culture

The Future of American Democratic Politics

The Dictionary of Modern American Philosophers includes both academic and non-academic philosophers, and a large number of female and minority thinkers whose work has been neglected. It includes those intellectuals involved in the development of psychology, pedagogy, sociology, anthropology, education, theology, political science, and several other fields, before these disciplines came to be considered distinct from philosophy in the late nineteenth century. Each entry contains a short biography of the writer, an exposition and analysis of his or her doctrines and ideas, a bibliography of writings, and suggestions for further reading. While all the major post-Civil War philosophers are present, the most valuable feature of this dictionary is its coverage of a huge range of less well-known writers, including hundreds of presently obscure thinkers. In many cases, the Dictionary of Modern American Philosophers offers the first scholarly treatment of the life and work of certain writers. This book will be an indispensable reference work for scholars working on almost any aspect of modern American thought.

A key source for anyone seeking to understand the dynamics of the early years of George W. Bush's administration, including his unconventional transition into power.

During the 2016 presidential election, America's election infrastructure was targeted by actors sponsored by the Russian government. Securing the Vote: Protecting American Democracy examines the challenges arising out of the 2016 federal election, assesses current technology and standards for voting, and recommends steps that the federal government, state and local governments, election administrators, and vendors of voting technology should take to improve the security of election infrastructure. In doing so, the report provides a vision of voting that is more secure, accessible, reliable, and verifiable.

A new edition of the best known book critiquing the U.S. electoral college. In this third edition of the definitive book on the unique system by which Americans choose a president—and why that system should be changed—George Edwards includes a new chapter focusing on the 2016 election. "As the U.S. hurtles toward yet another election in which the popular vote loser may become president, Edwards' book is essential reading. It clearly and methodically punctures myths about the Electoral College's benefits."—Richard L. Hasen, author of The Voting Wars "Supported by both history and data, George Edwards convincingly argues the Electoral College is anti democratic, anti equality, and anti common sense. We should dismantle it, and soon."—Kent Greenfield, author of Corporations Are People Too (And They Should Act Like It)

The Rehnquist Court

The Bush Transition, 2000-2003

Democracy 's Deep Roots

The Constitution in Wartime

From 1600 to the Present

A Reference Handbook

Vice Presidents

How do communities survive catastrophe? Using classical Athens as its case study, this book argues that if a democratic community is to survive over time, its people must choose to go on together. That choice often entails hardship and hard bargains. In good times, going on together presents few difficulties. But in the face of loss, disruption, and civil war, it requires tragic sacrifices and agonizing compromises. Athenian Legacies demonstrates with flair and verve how the people of one influential political community rebuilt their democratic government, revove their social fabric, and, through thick and thin, went on together. The book's essays address amnesty, civic education, and institutional innovation in early Athens, a city that built and lost an empire while experiencing plague, war, economic trauma, and civil conflict. As Ober vividly demonstrates, Athenians became adept at collective survival. They conjoined a cultural commitment to government by the people with new institutions that captured the social and technical knowledge of a diverse population to recover from revolution, foreign occupation, and the ravages of war. Ober provides insight into notorious instances of Athenian injustice, explaining why slaves, women, and foreign residents willingly risked their lives to support a regime in which they were systematically mistreated. He answers the question of why Socrates never left a city he said was badly governed. At a time when social scientists debate the cultural grounding necessary to foster democracy, Athenian Legacies advances new arguments about the role of diversity and the relevance of shared understanding of the past in creating democracies that flourish when the going gets rough.

Judging the Supreme Court: Constructions of Motives in Bush v. Gore examines how the U.S. Supreme Court, its defenders, and its critics explained what the majority justices were doing in this case. The decision, which was split 5-4 along conservative-liberal ideological lines, was widely criticized for using weak legal arguments to support ending the recounts of presidential ballots in the state of Florida and, thereby, handing the 2000 U.S. Presidential election to Republican Texas Governor George W. Bush. In the first comprehensive study of election law since the Supreme Court decided Bush v. Gore, Richard L. Hasen rethinks the Court's role in regulating elections. Drawing on the case files of the Warren, Burger, and Rehnquist courts, Hasen roots the Court's intervention in political process cases to the landmark 1962 case, Baker v. Carr. The case opened the courts to a variety of election law disputes, to the point that the courts now control and direct major aspects of the American electoral process. The Supreme Court now has a crucial role to play in protecting a socially constructed "core" of political equality principles, contends Hasen, but it should leave contested questions of political equality to the political process itself. Under this standard, many of the Court's most important election law cases from Baker to Bush have been wrongly decided.

Dworkin and His Critics provides an in-depth, analytical discussion of Ronald Dworkin's ethical, legal and political philosophical writings, and it includes substantial replies from Dworkin himself. Includes substantial replies by Ronald Dworkin, a comprehensive bibliography of his work, and suggestions for further reading. Contributors include Richard Arneson, G. A. Cohen, Frances Kamm, Will Kymlicka, Philippe van Parijs, Eric Rakowski, Joseph Raz and Jeremy Waldron. Makes an important contribution to many on-going debates over abortion, euthanasia, the rule of law, distributive justice, group rights, political obligation, and genetics.

Why the Nation State Remains Legitimate

Judging the Supreme Court

The Nature of Supreme Court Power

Dictionary of Twentieth-Century British Philosophers

With Replies by Dworkin

Campaign and Election Reform

The Bloomsbury Encyclopedia of Philosophers in America

Essays by legal scholars examine the historical, political, and ethical ramifications of the Supreme Court's decision in the case of Bush v. Gore.

Leading scholars and legal practitioners explore constitutional, legal, and philosophical topics. In Constitutionalism, Executive Power, and the Spirit of Moderation, contributors ranging from scholars to practitioners in the federal executive and judicial branches blend philosophical and political modes of analysis to examine a variety of constitutional, legal, and philosophical topics. Part 1, "The Role of Courts in Constitutional Democracy," analyzes the proper functions and limits of the judiciary and judicial decision making in constitutional government. Part 2, "Law and Executive Authority," reflects on the tensions between constitutionalism and presidential leadership in both domestic and international arenas. Part 3, "Liberal Education, Constitutionalism, and Philsophic Moderation," shifts the focus to the relationship between constitutionalism and political philosophy, and especially to the modern modes of philosophy that most directly influenced the American Founders. A valuable resource for specialists, the book also will be of use in political science and law school classes.

In his widely acclaimed volume Our Undemocratic Constitution, Sanford Levinson boldly argued that our Constitution should not be treated with "sanctimonious reverence," but as a badly flawed document deserving revision. Now Levinson takes us deeper, asking what were the original assumptions underlying our institutions, and whether we accept those assumptions 225 years later. In Framed, Levinson challenges our belief that the most important features of our constitutions concern what rights they protect. Instead, he focuses on the fundamental procedures of governance such as congressional bicameralism; the selection of the President by the electoral college, or the dimensions of the President's veto power—not to mention the near impossibility of amending the United States Constitution. These seemingly "settled" and "hardwired" structures contribute to the now almost universally recognized "dysfunctionality" of American politics. Levinson argues that we should stop treating the United States Constitution as uniquely exemplifying the American constitutional tradition. We should be aware of the 50 state constitutions, often interestingly different—and perhaps better—than the national model. Many states have updated their constitutions by frequent amendment or by complete replacement via state constitutional conventions. California's ungovernable condition has prompted serious calls for a constitutional convention. This constant churn indicates that basic law often reaches the point where it fails and becomes obsolete. Given the experience of so many states, he writes, surely it is reasonable to believe that the U.S. Constitution merits its own updating. Whether we are concerned about making America more genuinely democratic or only about creating a system of government that can more effectively respond to contemporary challenges, we must confront the ways our constitutions, especially the United States Constitution, must be changed in fundamental ways.

Based on author's thesis (doctoral - University of Bristol, 2017) issued under title: How should English law relate to Islam?

Essays on the Politics of Going On Together

British Islam and English Law

Dworkin and His Critics

Health Care Ethics and the Law

Why the Electoral College Is Bad for America

A Biographical Dictionary

The Democracy Index

The first book to challenge the conventional wisdom that Sandra Day O'Connor was an influential member of the Rehnquist Court simply by default of her centrist views. Shows that her impact and influence went far beyond the swing vote, and that it truly was O'Connor's Court more so than Rehnquist's.

Using data and examples from the 2008 election, and laced with previews of 2012, this text offers an overview of the presidential election process from the earliest straw polls and fundraisers to final voter turnout and exit interviews. The coverage includes campaign strategy, the sequence of electoral events, and the issues, all from the perspective of the various actors in the election process voters, interest groups, political parties, the media, and the candidates themselves.

Few institutions in the world are credited with initiating and confounding political change on the scale of the United States Supreme Court. The Court is uniquely positioned to enhance or inhibit political reform, enshrine or dismantle social inequalities, and expand or suppress individual rights. Yet despite claims of victory from judicial activists and complaints of undemocratic lawmaking from the Court's critics, numerous studies of the Court assert that it wields little real power. This book examines the nature of Supreme Court power by identifying conditions under which the Court is successful at altering the behavior of state and private actors. Employing a series of longitudinal studies that use quantitative measures of behavior outcomes across a wide range of issue areas, it develops and supports a new theory of Supreme Court power.

This handbook provides a sweeping overview of U.S. campaign and election reform efforts, past and present. In a compelling and provocative narrative, Burns reveals how the Supreme Court has served as a reactionary force in American politics at critical moments throughout the nation's history, and concludes with a bold proposal to rein in the court's power.

This text engages students with the ethical decisions faced by health care professionals every day. Based on principles and applications in health care ethics and the law, this text extends beyond areas that are often included in discussions of political philosophy and the principles of justice.

Athenian Legacies

Citizens, Courts, and Confirmations

Packing the Court

Constitutionalism in Islamic Countries: Between Upheaval and Continuity

American Constitutional Law 8E, 2-VOL SET

Strategies and Structures of American Politics

Constitutionalism, Executive Power, and the Spirit of Moderation

How should a judge's moral convictions bear on his judgments about what the law is? Lawyers, sociologists, philosophers, politicians, and judges all have answers to that question: these range from Nothing to Everything. In Justice in Robes, Ronald Dworkin argues that the question is much more complex than it has often been taken to be and charts a variety of dimensions semantic, jurisprudential, and doctrinal in which law and morals are undoubtedly interwoven. He restates and summarizes his own widely discussed account of these connections, which emphasizes the sovereign importance of moral principle in legal and constitutional interpretation, and then reviews and criticizes the most influential rival theories to his own. He argues that pragmatism is empty as a theory of law, that value pluralism misunderstands the nature of moral concepts, that constitutional originalism reflects an impoverished view of the role of a constitution in a democratic society, and that contemporary legal positivism is based on a mistaken semantic theory and an erroneous account of the nature of authority. In the course of that critical study he discusses the work of many of the most influential lawyers and philosophers of the era, including Isaiah Berlin, Richard Posner, Cass Sunstein, Antonin Scalia, and Joseph Raz. Dworkin's new collection of essays and original chapters is a model of lucid, logical, and impassioned reasoning that will advance the crucially important debate about the roles of justice in law.

This book provides the first critical assessment of important recent developments in Anglo-American liberal theorizing about limited government. Following a comparative study of canonical liberal philosophers Hayek and Rawls, the book reveals a new direction for conceptualizing limited government in the twenty-first century, highlighting the central role that democratic politics - rather than philosophical principles - should play in determining the uses and limits of state power in a liberal regime. Williams draws on recent scholarship in the field of democratic theory and cultural studies in arguing for a shift in the ways liberals approach the study of politics.

Highlights: - Provides an analysis of the major conservative changes in U.S. constitutional law during the Rehnquist Court- Analyzes the Rehnquist Court's voting record and the lasting impacts of those votes

In this lucid and lively book, Gerken diagnoses what is wrong with the American election process and proposes a radically new and simple solution: a democracy index that would rate the performance of state and local election systems.

The Supreme Court and Election Law

Against Democracy

Justices, Rulings, and Legacy

Red, White, and Kind of Blue?

Framed

Constructions of Motives in Bush V. Gore

Murray P. Dry and the Nexus of Liberal Education and Politics

Constitutionalism in Islamic Countries: Between Upheaval and Continuity examines the question of whether something similar to an "Islamic constitutionalism" has emerged out of the political and constitutional upheaval witnessed in many parts of North Africa, the Middle East, and Central and Southern Asia. In order to identify its defining features and to assess the challenges that Islamic constitutionalism poses to established concepts of constitutionalism, this book offers an integrated analysis of the complex frameworks in Islamic countries, drawing on the methods and insights of comparative constitutional law. Islamic law, international law and legal history. European and North American experiences are used as points of reference against which the peculiar challenges, and the specific answers given to those challenges in the countries surveyed, can be assessed. The book also examines ways in which the key concepts of constitutionalism, including fundamental rights, separation of powers, democracy and rule of law, may be adapted to an Islamic context, thus providing valuable new insights on the prospects for a genuine renaissance of constitutionalism in the Islamic world in the wake of the "Arab Spring."

DIVEssays by leading constitutional scholars on the relationship between war powers and the Constitution in general and in the aftermath of September 11th/div

No Marketing Blurb

A Survival Manual for American Voters

Securing the Vote

Becoming President

A Badly Flawed Election