

Cambridge University Press
0521676827 - The Least Examined Branch: The Role of Legislatures in the Constitutional State
Edited by Richard W. Bauman and Tsvi Kahana
Table of Contents
More information

## **Contents**

For	eword: Legislatures in the Constitutional State by Amy Gutmann	page ix
Coı	ntributors	XV
	w Ways of Looking at Old Institutions hard W. Bauman and Tsvi Kahana	1
PAI	RT ONE. LEGISLATURES AND DEMOCRATIC THEORY	
1	Principles of Legislation Jeremy Waldron	15
2	An Exact Epitome of the People Russell Hardin	33
3	Political Accountability, Proxy Accountability, and the Democratic Legitimacy of Legislatures Jane S. Schacter	45
4	Constitutionalism, Trade Legislation, and "Democracy" Chantal Thomas	76
	RT TWO. LEGISLATING AND DELIBERATING IN THE MOCRATIC LEGISLATURE	
5	Legislative Judgment and the Enlarged Mentality: Taking Religious Perspectives Jennifer Nedelsky	93
6	Should We Value Legislative Integrity?  Andrei Marmor	125
7	Nondelegation Principles Cass R. Sunstein	139
8	Vox Populi: Populism, the Legislative Process, and the Canadian Constitution Harry Arthurs	155

v



Cambridge University Press
0521676827 - The Least Examined Branch: The Role of Legislatures in the Constitutional State
Edited by Richard W. Bauman and Tsvi Kahana
Table of Contents
More information

vi	(	contents	
	RT THREE. CONSTITUTION MAKING BY LEGISLATURES: E EXPLICIT VERSION		
9	Legislatures as Constituent Assemblies  Jon Elster	181	
10	$\label{lem:components} \textbf{Legislatures and the Phases and Components of Constitutionalism} \ \textit{Ruth Gavison}$	198	
11	Legislatures and Constitutional Agnosticism Patricia Hughes	214	
12	Constitutional Amendments and the Constitutional Common Law Adrian Vermeule	229	
PART FOUR. CONSTITUTION MAKING BY LEGISLATURES: THE IMPLICIT VERSION			
13	What Do Constitutions Do That Statutes Don't (Legally Speaking)? Frank I. Michelman	273	
14	Conditions for Framework Legislation  Elizabeth Garrett	294	
15	Super-Statutes: The New American Constitutionalism William N. Eskridge, Jr., and John Ferejohn	320	
PART FIVE. CONSTITUTIONAL INTERPRETATION AND APPLICATION BY THE LEGISLATURE			
16	Interpretation in Legislatures and Courts: Incentives and Institutional Design Mark Tushnet	355	
17	Constitutional Engagement "Outside the Courts" (and "Inside the Legislature"): Reflections on Professional Expertise and the Ability to Engage in Constitutional Interpretation  Sanford Levinson	378	
18	Legislatures as Constitutional Interpretation: Another Dialogue Andrée Lajoie, Cécile Bergada, and Éric Gélineau	385	
19	The Constitution and Congressional Committees: 1971–2000 Keith E. Whittington, Neal Devins, and Hutch Hicken	396	
PART SIX. IS LEGISLATIVE CONSTITUTIONALISM POSSIBLE?			
20	Democratic Decision Making as the First Principle of Contemporary Constitutionalism  Jeremy Webber	411	



Cambridge University Press
0521676827 - The Least Examined Branch: The Role of Legislatures in the Constitutional State
Edited by Richard W. Bauman and Tsvi Kahana
Table of Contents
More information

Contents		vii
21	Legislative Constitutionalism in a System of Judicial Supremacy Daniel A. Farber	431
22	Between Supremacy and Exclusivity Owen Fiss	452
23	Legislatures as Rule-Followers Frederick Schauer	468
24	Popular Revolution or Popular Constitutionalism? Reflections on the Constitutional Politics of Quebec Secession Sujit Choudhry	480
	RT SEVEN. THE LEGISLATURE IN DIALOGUE: DOMESTIC D INTERNATIONAL CONTEXTS	
25	Disobeying Parliament? Privative Clauses and the Rule of Law David Dyzenhaus	499
26	Look Who's Talking Now: Dialogue Theory and the Return to Democracy Andrew Petter	519
27	An International Community of Legislatures?  Daphne Barak-Erez	532
28	Legislatures in Dialogue with One Another: Dissent, Decisions, and the Global Polity  Heather K. Gerken	547
Ind	Index	