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THE CONSTITUTION OF RISK

The Constitution of Risk is the first book to combine constitutional theory with the theory of risk regulation. The book argues that constitutional rulemaking is best understood as a means of managing political risks. Constitutional law structures and regulates the risks that arise in and from political life, such as an executive coup or military putsch, political abuse of ideological or ethnic minorities, corrupt self-dealing by officials, or pathological regulatory decision making by experts. The book claims that the best way to manage political risks is an approach it calls “optimizing constitutionalism” – in contrast to the worst-case thinking that underpins “precautionary constitutionalism,” a mainstay of liberal constitutional theory. Drawing on a broad range of disciplines such as decision theory, game theory, welfare economics, political science, and psychology, this book advocates constitutional rulemaking undertaken in a spirit of welfare maximization and offers a corrective to the pervasive and frequently irrational attitude of distrust of official power that is prominent in American constitutional history, theory, and public discourse.

Adrian Vermeule is John H. Watson Professor of Law at Harvard Law School. He is the author or coauthor of seven previous books, most recently *The System of the Constitution* (2011). He was formerly Bernard D. Meltzer Professor of Law at the University of Chicago, and he was elected to the American Academy of Arts and Sciences in 2012.

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“One of the chief advantages derived by the present generation from the improvement and diffusion of philosophy, is deliverance from unnecessary terrours, and exemption from false alarms.... The advancement of political knowledge may be expected to produce, in time, the like effects. Causeless discontent, and seditious violence, will grow less frequent and less formidable, as the science of government is better ascertained, by a diligent study of the theory of man.”

Samuel Johnson, “The False Alarm,” 1770