

## Index

abatement technologies: audience cost problem 51 as demanding investment in carbon-reducing autonomy xv, 149, 151, 193, 194-202, 208, research and development 53, 58, 255 adaptive preferences 8, 13-15, 273 autonomy-based justification for reparation see also irrationality; Sour Grapes 193, 195, 196-7 Adat 124, 126 Azar, Ofer 97, 107, 108n16, 109-10 see also honor; Chechnya aftergrowth of war 193, 199-201 bargaining: akrasia, see weakness of the will vs. arguing and voting, see arguing see also myopia theory 10, 255 Alaska native claims: Barry, Brian 184 as a settlement act 74-5 basis for legitimate expectations 196 see also environmental harm; climate change see also theory of procedural justice Albania 155 beliefs 12n27, 146, 149, 160, 224, 228-9, Alchemies of the Mind 5, 11n20, 118n7, 149n19 234, 275 see also microfoundations of behavior; Jon and cognitive dissonance, see cognitive Elster alternatives to capitalism: dissonance Jon Elster 229-31, 243 and gender 116, 122, 134, 135n75 workers' cooperatives 230 and tipping 101-2, 112-13, 261 Bentham, Jeremy 238-40, 259, 268, 274 workers' control 230 Berry, Albert 212 Blais, Andre 41-3 and voting 24, 26, 253 and tipping 107, 111, 239, 252, 261-2 Brady., Henry E. 41 Brazil 255 see also self-interest American Citizen Participation Study 26 Brennan, Geoffrey 27 American National Election Survey 25 BRIC countries 51, 58 analytical Marxism 223, 240-41 bride kidnapping 125 see also Marxism see also honor; honor killings anarchy 149 Brodsky, David 25 Brown v. The Board of Education 260 arguing: vs. bargaining and voting xii, xiii, 50, 146, Bryce, James 85, 87-90, 93, 258 156, 157, 160, 267 Buchanan, James 9 Bulgaria 152n38, 155, 164 Arrow, Kenneth 66, 228, 240



Business-as-Usual (BAU):	Coleman, Jules 209
as a principle of negotiation 51-2, 54-5, 57-8	collective action
see also collective wage bargaining	and class politics 242
	and climate change 50, 79, 254
Camerer, Colin 27	and voting 37-41
Campbell, Angus 42	see also Mancur Olson
capital:	collective decision making, see arguing;
costs 71	bargaining; voting
destruction of 197n16	collective wage bargaining 9, 274
foreign 212	see also negotiation theory
investments 70, 212	Colombia 199n21, 200, 213–14, 271
social 136	Colombian Constitutional Court 271
	compensation effect 238
stock 57	
capitalism 229–231, 241	compensatory justice 196
see also capital	see also reparations
Caplan, Bryan 253	Conley, Patricia 25
Castanheira, Micael 31	constituent power 85n2, 88, 179
causality 16, 117, 124, 158, 212, 232-34,	see also constitutions; popular sovereignty
236–38, 241, 259, 267, 275	constitutional assemblies, see constitutional
in voting, see voting: pivotality	conventions
see also explanation; mechanisms; rational	constitutional conventions 14, 158, 168-76,
choice theory; functionalism	186, 268–9
Cepl, V. 272	as superior to legislatures for constitution
Charles II 260	making 159, 169
Chechnya 115, 120, 122–7, 130–1	constitutional efficacy, see constitutions
black widows 131	constitutional patriotism 163
revenge as motivation for becoming a black	constitutional sociology 145-6, 161
widow 131, 134, 265	constitutionalism 88, 157
Russia as oppressor 124, 130-1	see also constitutions; precommitment; self
Chile 198–9	binding; political norms; constitutiona
National Truth and Reconciliation	conventions
Commission 199	constitutions:
Pinochet regime 198–9	ancient vs. modern 85-87
China 34, 50–8, 78, 91–2, 94, 98, 255	efficacy of, 259
Chinese constitution 91–2	flexible vs. rigid xiii, 85, 87–89, 91–92, 94.
Chong, Dennis 25	258–259
Cicchetti, Charles 258	functions of 161–2, 164
Circe 150	material vs. formal 90, 95
circularity:	ratification of, 171–8, 179, 185–7
in defining "the people" 170, 181–4	and supermajority rules 87–8, 89n14
Citrin, Jack 25	Verfassung vs. Konstitution 86
Clark, C. 275	see also English constitution; referendum;
climate change:	constitutionalism
and greenhouse emissions 50–1, 60, 62, 67–8,	contributory theory of voting 44–5
70-1, 79, 254	see also Gerry Mackie
and the need for emission reductions 61, 62,	coordination game:
72, 80, 254	as causing reciprocity 108–9
United Nations Convention on 61	as social norm; 106–8
cognitive dissonance, see mechanisms	see also game theory
Cohen, Eli 110	corrective justice 193, 196-7, 199, 272
Cohen, Gerald A.	see also reparations
Cohen, Joshua 5fn6, 241	Council of Europe 153, 158



More information

Index 281

counteradaptive preferences 8 145-58, 159-62, 164-5, 168, 170, 186-7, Cox, Gary 23 192-3, 194n7, 198-9, 201-02, 214, criteria for allocation of resources in post-war 223-35, 237-44, 223-35, 237-44 reconstruction: enfranchisement: economic development 192, 213, 215 first- vs. second-order 169-172 of felons 186 entitlements 192-3, 207, 208, 211 present need 192-4 and gender xiv-v, 172, 174-6, 184-6, 270 Croatia 151, 152n38, 155 and property requirements 173, 176-8 Czech Republic 158n69, 164 and race 172-3 and the justifiability and divergence thesis Czechoslovakia 155 (JDT) 179-80, 183, 185 damages, see war damages and the justifiability and sameness thesis (JST) Dangerous Liaisons 262 179, 183 date of convergence 51-2, 55 and the sovereignty and divergence thesis see also focal point (SDT) 179, 182-3 Dean, Howard 31 and the sovereignty and sameness thesis (SST) De Greiff, Pablo 199n21, 214-15 179-182 English Constitution 86, 88-9, 92 Delolme, Jean Louis 86 democracy: English Glorious Revolution 87 Athenian 86, 93 emotions, theory of 5, 9-11 deliberative 15 see also Alchemies of the Mind economics 231 empathy 108, 110-11 and emotion 163 Eisenhower, Dwight D. 260 justification of 16 Ermakoff, I. 265 paradox of 148 European Union 51, 169 and the paradox of nonvoting 21 existence value 63-6, 257-8 support for through voting 35-7 explanation: transition to 193, 198, 208n51 based on mechanisms, see mechanisms viability of 164 causal, see causality see also democratic theory functional, see functionalism democratic theory 168, 184, 187, 239 see also micro-foundations of behavior; Denmark 169, 170 methodological individualism; rational desires xi, 12n27, 134, 146, 224, 264, choice theory Explaining Social Behavior 4n2, 5, 12, 22, 97 despotism 149 Dicey, Albert Venn 89-91, 94 see also Jon Elster Explaining Technical Change 4, 13, 232 dignity 99, 151, 194n7, 215 see also Jon Elster discounting, see time discounting discretionary payments, see tipping disinterestedness 252, 266 FARC 271 division of powers 148, 157 Fehr, Ernst 27 Finkel, Steven E. 41 Dowding, Keith 22 Downs, Anthony 22, 35, 44, 253 Fisher, Anthony 66-7, 71 Durkheim, Emile 132, 234 focal point 51, 58, 255 see also Thomas Schelling Dworkin, Ronald 16 foundations of rational choice theory, see rational choice theory East Timor 197n15, 200-1, 203n32, 205n41, Founding Fathers 88, 93, 148, 150 212n62 efficiency xv, 109, 162, 193-4, 202, 208-14, Fowler, James 26, 31, 43 229, 271-2 France 3, 88n10, 93-5, 238, 259, 266, 275 see also French Revolution; French Third see also Pareto Elster, Jon 3-16, 50, 59, 63-5, 68, 70, 72, 79-80, Republic 85, 90, 97-8, 102-9, 117, 118n7, 134n73, French Third Republic 86

```
Frank, Robert 105
                                                 infinite regress:
                                                    in defininf "the people" 181, 183, 184
Franklin, Mark 31, 40
                                                 inhomogeneity 152
French Revolution 89
Freud, Sigmund 147
                                                  injunctions 62, 74-7, 80,
Frey, Bruno 39
                                                 injunctive relief, see injunctions
Friedman, Milton 7
                                                 institutional design xi, 4, 13, 14, 168, 170, 184,
Fujimori government 211
                                                         230, 239-240
 see also Peru
                                                  Inter-American Court of Human Rights 192n2,
functionalism 6, 13, 21, 109, 147, 232-5,
                                                         195, 199021, 214
      241, 252
                                                      see also American Convention on Human
Funk, Carolyn 25
                                                        Rights
                                                 interest, see self-interest
game theory 103, 224, 227, 232, 241-2, 252
                                                 internally displaced persons (IDPs) 198,
Garcia-Monet, Patricia 25
                                                         199121, 200-2, 212-14
Gaulle, Charles de 260
                                                 International Copenhagen Conference:
Germany 93, 95, 150
                                                    as remedy for greenhouse emissions 50
Glass, Mathew 255
                                                    as setting an emissions schedule 50
Glover, Jonathan 33
                                                 International Monetary Fund 153
Goldman, Alvin 30
                                                 Ird 123-24
Goodin, Robert 195
                                                    see also honor
Guttman, Joel 36
                                                 irrationality 6, 8, 149, 252, 273
growth factors:
                                                    hot (motivated) and cold (unmotivated) 252,
  as involving relative growth factors 52
                                                    of voting 22, 24, 28, 30, 33-34, 37, 41:
Habermas, Jürgen 147, 228, n15
                                                      in contributing to the common good
Hardin, Russell 186
                                                        37-41
Hamilton, Alexander 93
                                                      due to redundancy 28-30
Hamlin, Alan 27
                                                      due to imperceptibility 30-35
Hart, H. L. A. 29
                                                      standard theory, see paradox of nonvoting
Hilger, Naftali 36
                                                    see also rationality; rational choice theory
historical materialism 6, 241
                                                 irreversibility 60-74, 76-80, 157
Hoar, Roger Sherman 175, 184
                                                    irreversibility premium 63, 68
Hobbes, Thomas 93
                                                    strong vs. weak form of 60-1, 68
honor killings 123
                                                 irreversible harm, see irreversibility
honor:
                                                 Israel 86, 93, 127-9, 131, 134
  as element of culture 123-4
                                                 Italian Constitutional Courts 94
  and fertility 125-7
                                                 Jackson, Andrew 259
  and marital status 125-7
  as sexual purity 123-4
                                                 Jameson, John Alexander 173
Honoré, Tony 29
                                                 Jankowski, Richard 26
Horn, Gyula 154
                                                 Japan 93, 95, 113, 154
humanitarian principle:
                                                 Jospin, Lionel 253
  as proposed by Locke 204
                                                 Jowitt, Ken, 153
Hume, David 260
                                                 judicial review 94, 251, 259-60
Hungary 153, 155, 164
                                                 jury trials 240
Hungarian Constitutional Court 272
                                                 justice:
Hylland, Aanund 227, 244
                                                    distributive 8, 15, 78, 193, 196n11, 208, 227,
impartiality 146, 156, 158n69, 169
                                                    local 3, 12, 16, 227, 274
incentives 27, 33 41, 58, 116, 210
                                                    transitional xi, xii, xv, 145, 152-3, 164, 170,
 public insurance mechanism 210
                                                        191, 193-4, 207-9, 214-15, 251,
incommensurability 72-73, 75, 257-8
                                                         270-271, 274
India 68, 78, 130
                                                    see also reparations
```



More information

Index 283 Kant, I. 243, 266, see also adaptive preferences; Kelsen, Hans 89-90, 93 microfoundations of behavior; nuts and Kiewiet, Roderick 25 holts Kinder, Donald 25 Meier, Stephan 39 Kutz, Christopher 205n41, 215 mental mechanism approach 132 see also motivations for terrorism labor theory 6 methodological individualism 12, 233-7, 239, left libertarian theories 207 252, 273 legitimacy 154, 155, 163, 186-7, 201, see also analytical Marxism; September 205141, 269 Group methodological pluralism 232 Levine, Andrew 235 Levmore, Saul 21 micro-motives: libertarian theories, see libertarianism for tipping 98 see also property rights; reparations; Robert see also micro-foundations of behavior Nozick micro-foundations of behavior 13, 117, 235, libertarianism 201-3, 207 241-42 "life plan" doctrine 195, 214 Mill, John Stuart 168, 243 Lipton, Michael 212 Miller, Dale 27 Loayza-Tamayo v. Peru case 195 minority rights, see rights Lockean theory of property 194, 203-4, 207 Minow, Martha 214 mixed government 89 Logic and Society 4 see also Jon Elster see also English constitution Mockus, Antanas 271 Lycurgus 154 Lynn, Michael 104, 109 Montaigne 12fn26, 251 motivations: macro-explanations 234, 236, 275 interest vs. passion vs. reason 146-7, 160, Machiavelli 163 238-9, 273 Mackie, Gerry 253-4 for terrorism: 115-16, 119-22, 132-6 Making Sense of Marx 4, 5, 235, 241 see also self-interest; suicide bombings see also Karl Marx; Jon Elster Mozambique 197n16, 200 Mao Tse-Tung 34 Muller, Edward N. 41 market efficiency 208-11 myopia 79 exclusive rights 208 transaction costs 209 National Election Survey Pilot Study 26 see also reparations National Environmental Policy Act (NEPA) martyrdom 119, 122, 128, 135-6 61-2, 66, 74-7 see also climate change martyrdom: as triggered by self-redemption 117-27, 122, natural law theories 202-3 Nebraska: 127-31, 135-7, 263 as triggered by transmutation 118-19, 127, and second-order enfranchisement 168, 130n61 174-176, 183 Marx, Karl 3-5, 12, 241 Necessary Element of a Sufficient Set (NESS) see also Marxism; labor theory; historical 29-30 materialism negotiation theory 10 Marxism 4-6, 21, 223, 240-3, 252 Nineteenth Amendment see also analytical Marxism; Marx normative political theory 274-5 McIlwain, C. H. 85 norms: mechanisms: political xiii, 85, 89-90, 94, 95, 259 defined 12, 151, 237-8 social xii, 9-11, 14, 66, 85n1, 107, 111, 118, 122, 136, 234, reduction of cognitive dissonance 8, 116, 118-19, 127, 136, 263-5 261-2, 271 and self-deception 160, 226, 233, 263, 265, see also constitutions

Norway 193, 259, 265-6

273

284 Index

Nozick, Robert 203 postmodernism 13 Nussbaum, Martha 243 precautionary principle: as Catastrophic Harm Precautionary Ochoa-Espero, Paulina 184 Principle 70 Olson, Mancur 24, 33, 37-8, 41 precommitment xiv, 13, 77, 79-80, 145, Opp, Karl Dieter 41 147-51, 165, 227 optimal delay 77 see also constitutionalism; self-binding; option theory 60n2, 65 Ulysses and the Sirens option value: preferences, see theory of preference; adaptive as call option 65 preferences; counteradaptive as existence value 63-4, 257-8 preferences; mechanisms as rainbow options 65 property rights, see rights see also option theory psychoanalysis 21 Ordeshook, Peter 22, 43 public choice theory 9, 27 see also James Buchanan; Kenneth Arrow other-regarding: motivations 98, 101, 111 public goods 24, 34-5, 40, 192, 242 reasons 106, 108-12 danger of free-riding 242 see also motivations logic of collective action 24, 33, 37 ownership: prisoners' dilemma 242 and cooperatives 230 see also Mancur Olson public interest 23, 27-32, 43, 267 of land 65, 201, 212 private, see property rights see also self-ownership Quattrone, G. 253 Palestine 120, 122, 124-9, 131, 135 rational choice theory: paradox of democracy, see democracy abuse of 252 paradox of nonvoting 22-4 foundations of 223-4, 234, 241-2 see also irrationality: of voting; Gerry Mackie; and homo economicus 6, 25 and instrumental rationality, see rationality rational choice paradox of omnipotence 148 and voting, see paradox of nonvoting Pareto improvement, see Pareto: optimality see also rationality Pareto, Vilferdo 147 rationality 4-16, 24, 31, 38, 59, 101-2, 150, Pareto optimality 27, 209-11, 213 165, 223-6, 234, 240, 243-4, 251-2, see also efficiency 273 paternalism 150, 270 imperfect 224, 226 patriotism, see constitutional patriotism instrumental conception of 7, 11, 31 Pears, David 273 and self-interest 252 Pellikaan, Huib 37, 38 subversion of, see irrationality Persson, Johannes 237-8 thin vs. thick 24, 38, 224-6 Peru 195, 199n21, 205-7, 211, 213n66 of tipping, see tipping land restitution in 205-7 and uncertainty 9-10, 57, 62, 65-68, 70-71, philosophy of social science 223, 231-3, 237 197, 211, 251-2, 254-5, 257-8 plebiscite, see referendum and voting, see irrationality Pocock, John 86 see also irrationality; mechanisms; rational Pogge, Thomas 169 choice theory; self-interest Poland 95, 132n38, 155, 158, 164, 266 referendum 154, 168-172, 178, 186, 187, 200, Political Liberalism 196n13 260, 268, 270 see also John Rawls as opposed to plebiscite 171-2 political norms, see norms reparations: after World War II 193, 198 popular sovereignty 175, 179-84, 187 see also circularity: in defining "the people" post-war reconstruction 192-4, 198, 202n31, Posner, Richard 67, 71, 257 205, 212, 215



for wrongful damages 192	sober 266, 273
see also restitution	and tipping 101–9, 261–2
respect 119, 180, 182	and voting 23, 25, 27, 40,
see also self-esteem	self-ownership 202, 271
responsibility 30, 86, 123, 125–7, 129, 134,	self-redemption hypothesis 117–21, 130–31,
177, 202, 256, 259	127
restitutio ad integrum 199	see also martyrdom; transmutation
see also reparations	self-respect, see self-esteem
restitution 193-5, 202-3, 204n39, 205-7,	Sen, Amartya 8n14, 15, 210, 243
208n51, 213, 272	September Group 5
Rawls, John 16, 27, 196, 210, 228	shame:
theory of procedural justice 196	as motive for terrorism 122, 127-30, 133
rights:	Shining Path 205–6
of citizens 86, 91, 93-4, 157, 192, 239	Abimael Guzman 206
corrective 196–7, 202, 202n31, 208	Shabman, Leonard 25
emission 254-5	Sieyes 85
human or fundamental xv, 85, 153, 158, 191	signaling 92, 94, 98, 105, 133, 165
of minorities 153	effect 212–13, 253
property xv, 56, 91, 152-3, 162, 193,	self- 263-4
201-203	Solon 154
socio-economic xv, 158, 161	Solovenia 151
violations of xv, 192, 194-5, 197, 202, 214	Smirnov, Oleg 31
Riker, William 22,43	socialism 3, 5, 145, 155n57, 208
Rio Declaration of 1992 61	social welfare theory 223
see also climate change	Solomonic Judgements 4, 9
risk aversion 273	see also Jon Elster
Robespierre 269	Sour Grapes 4, 8, 225n4,
Roemer, John 57, 242, 254–6, 257	see also Jon Elster
Romania 152n38, 155, 158, 164	sovereign power, see sovereignty
Rome 93	sovereignty 93, 154, 178, 256
Roundtable Talks 154–55, 266	popular 175, 179–85
Rousseau, J. J. 243	see also democracy
rule of law 90–91, 152, 154, 162, 209	spillover effect 58, 238
Russia 255	Sri Lanka 115, 120, 122–4, 126–7, 130, 134
0.66	Tamil Liberation Tigers (LTTE) 125, 130
Saffon, Maria Paula 271	Starbuck, Mark 97, 103, 108, 110
Sakti:	state-backed right to work 231
as female power 124-5	status quo <i>ante bellum</i> 198
in Sri Lanka 124	Stephenson, Kurt 25
satiation effect 238	Stern, Nicholas 50, 254
Schlarman, Vay Lohman, v.	sufficiency condition:
Schlozman, Kay Lehman, 41 Schwartz, Zvi 110	as proposed by Locke 204-5, 207
Shachmurove, Yochanan 36	as enough and as good 204, 207 Sufism, <i>see</i> Chechnya
self-binding 14, 145, 147–50, 165–6, 252	suicide bombings:
self-esteem:	by females 115–22, 127–31, 135–37
and breach of reputation 119, 132	Hamas 115–16, 128–9
and stigma 119–20, 123, 130, 131, 133	Israel 127–9, 131, 134
self-interest 11, 169, 224, 240, 256, 261–2,	by males 116, 122, 133n72, 136-7
266, 274	Palestinian Liberation Organization 116
enlightened 239	Yasser Arafat 115, 127
institutional 158n69, 159	sunk costs 68, 70–1, 80

```
sympathy:
                                                  United States xiii, xv, 34, 40, 41, 50-3, 55-6,
  as altruism 107, 111, 261
                                                         58, 92, 93, 97, 103, 110, 172, 174, 183,
  as fairness 110-11
                                                         255, 261
  see also empathy
                                                    Supreme Court 74, 75, 94, 259
                                                  U.S invasion of Iraq 198
Tennessee:
  and second-order enfranchisement 172-3,
                                                  Vaillant, George 117
                                                  Van der Veen, Robert J. 37, 38
       174, 269
theory of preference 225, 258 see also
                                                  Van Parijs, Philippe 5fn6
      endogenous change of preference
                                                  veil of ignorance 156, 160
theory of social choice:
                                                  Verba, Sidney 41
  on local justice 16, 227, 274
                                                  Vermeule, Adrian 215
  on scheme of preference aggregation 229
                                                  victimized poor 207
                                                     see also non-victimized poor
  on social preference ranking 228-9
theory of the actor 223, 238-9
                                                  Virginia:
Thompson, Edward 25
                                                    and second-order enfranchisement 176-8
Thompson Dennis 169, 180-183
                                                  voter turnout 21, 22, 26, 31, 35, 40-5
time discounting 273
                                                  voting:
tipping:
                                                    to advance public goods 35-41
                                                    contributory theory of 44-46
  and fairness 110-112
  non-tipping equilibrium 99-100
                                                    as a duty 22, 24, 37, 41-3
  and rationality 101, 102, 104
                                                    expressive theory of 23, 36, 39, 44
  and reciprocity 108-110
                                                    mandate value of 30-3, 253
                                                    and pivotality 22-23, 30-31, 41, 45
  and self-interest 101-106
  and social conventions 106-108
                                                    strategic 42, 44, 45, 160, 175
  tipping equilibrium 99, 101, 107
                                                    vs. bargaining and arguing, see arguing
Tocqueville, Alexis de 12, 233, 238-9
                                                    winning value of 28, 30
tragedy of the commons 209
                                                    see also enfranchisement, paradox of
transitional justice, see justice
                                                         nonvoting; voter turnout
transitional land law (TLL) 201
                                                  voting rights, see enfranchisement
  see also East Timor
Tuck, Richard 30
                                                  war damages 191-3, 197, 199, 201, 204-8,
                                                         210-11, 214
turnout, see voter turnout
Tversky, Amos 10, 253, 273
                                                  Warsaw Pact 151
                                                  weakness of the will 7112, 79, 150, 273
Udhen, Lars 273
                                                  Weimar 159, 163
Ulysses 7, 8n13, 16, 79, 145, 150, 226,
                                                  Weitzman, M. 257
                                                  wide reflective equilibrium 228
       252, 266
Ulysses and the Sirens 4, 7, 224, 226, 252, 273,
                                                    see also John Rawls
  see also adaptive preferences; Sour Grapes;
                                                  Wilde, Louis 258
      Jon Elster
                                                  wishful thinking 146
uncertainty, see rationality
                                                  Weber, Max 147, 159, 163, 233
United Nations General Assembly 191-2, 271
                                                  Worcester v. Georgia 259
                                                  World War II 40, 94
UNICEF 46
                                                  Wright, Richard 29
```