

W2: Limits of Government

Constitution

- Usually expressed single document
- Sometimes unwritten/weak (expressed via multiple/overlapping laws – some contradictory)
- Colomer 2 types:
 - **Rules regulate allocation functions/powers/duties**
 - **Rules define relationship between the state + public**
 - i.e. elections

Liberal Democratic Tradition

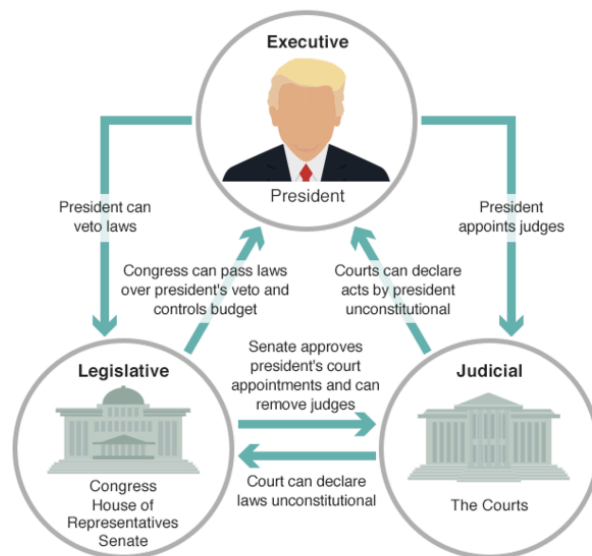
- **Separation of powers**
- **Democratic accountability**
- **Minimal set of rules**

Separation of Powers

- Accountability
- Prevent autocracy

Power	Function	Example (Australia)
Legislative	Makes laws	Senate, House of Reprs, and the Queen (represented by Gov. Gen)
Executive	Implement laws	Prime Minister and cabinet <ul style="list-style-type: none"> • How to implement • Give orders to bodies to implement • UK: decriminalised marijuana - at executive not legislative
Judiciary	Scrutinizes laws	High court and federal courts

Checks and balances on the US government



Supreme Court

- Ruling = final, binding, generalized (barr any change to constitution)
- Constitutions subject interpretation → crucial role judiciary (usually)
- **Originalism vs. pragmatism**
 - Originalism = **original** intentions constitution
 - Pragmatism = “**living**” element of constitution
 -

Change constitution

- **Constitutions = ‘law of laws’**
- Subject **additional restricts change**
 - Higher majority may be required both Houses
 - Some require ratification by plebiscite
- Reasons for additional restrictions
 - Malaysia
- If constitution based popular sovereignty and the ‘general will’ changes → how should constitution respond?

W3: Power/Authority

Power

- **Lukes: 3 faces of power**
 1. “A has power over B to the extent he can get B to do **something B would not otherwise do**”
 - a. What kind of power? Realistic choice?
 - b. Who has power?
 - i. **Diffuse** power liberal democracies = **pluralists**
 - ii. **Elitists** = power concentrated
 - c. Problems:
 - i. How to measure?
 - ii. Dahl: Power distributed (pluralist)
 - iii. Need to know **what A wants/what B wants**
 - iv. Counterfactual – what would otherwise happen
 - v. Assumptions interests
 2. **Form of non-decisions/ agenda setting**
 - a. What is/isn't discussed
 - b. Power from individuals → *invisible places* (civil servants, legislative rules)
 - c. Indirect
 3. **Shaping interests**
 - a. Power outside conflicts
 - b. **Antonio Gramsci's hegemony**
 - i. Marxist
 - ii. Ruling class try inculcate ideas/beliefs support them
 - iii. E.g. Caste system India
 - c. **Interests shaped via ideological means**
 - d. Subtlety
 - e. Assume possibility
 - i. *Cannot prove internalized ideological* messages – may behave as compliant
 - f. Assumes fixed/identifiable interests

Power: Liberal Democracy

- **Pluralist**
 - Separation of power
 - How pluralist in reality?
 - Formal pluralist structures → same people/networks in all centres power (e.g. higher power dominated by route private school → Oxbridge → power); same social environment → how pluralist
- Radical: allocate positions by lottery
- What **sort** of power should the **state** have?
 - **Limited power**, focus **Harm Principle**
 - **Coerce prevent harm to others**
- **Education**
 - Liberal theorists: importance for educated citizenry
 - Marxists/Lukesians: “*third face of power*”
Power in Liberal Democracy