Deliberation and Decision
Economics, Constitutional Theory and
Deliberative Democracy

Edited by
ANNE VAN AAKEN
Max Planck Institute for Comparative Public Law
and International Law, Heidelberg

CHRISTIAN LIST
Department of Government,
London School of Economics

CHRISTOPH LUETGE
Department of Philosophy,
University of Munich

ASHGATE
PART I: DELIBERATION AND CONSTITUTIONAL THEORY

1 Deliberative Institutional Economics, or Does Homo Oeconomicus Argue? A Proposal for Combining New Institutional Economics with Discourse Theory
   Anne van Aaken 3

   Deliberative Institutional Economics: Mind the Gap!
   Comment on Anne van Aaken
   Michael Wohlgemuth 33

   What Do We Learn by Asking Whether Homo Oeconomicus Argues?
   Comment on Anne van Aaken
   Matthias Meyer 42

2 Constitutionalism and its Alternatives
   John S. Dryzek 47

   Democracy, Discourse and Constitutional Economics:
   Comment on John S. Dryzek
   Viktor J. Vanberg 60

   Deliberation as a Discursive Feature of Contemporary Theories of Democracy:
   Comment on John S. Dryzek
   Axel Tschentscher 72

3 Constitutional Economics in Constitutional Jurisprudence
   Axel Tschentscher 81
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Author(s)</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>A Dilemma for Deliberative Democrats</td>
<td><em>Philip Pettit</em></td>
<td>91</td>
</tr>
<tr>
<td></td>
<td>Collective Rationality: A Dilemma for Democrats with a Solution</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>through Deliberation?</td>
<td><em>Natalie Gold</em></td>
<td>108</td>
</tr>
<tr>
<td></td>
<td>Comment on Philip Pettit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Substantive and Meta-Agreement</td>
<td><em>Christian List</em></td>
<td>119</td>
</tr>
<tr>
<td></td>
<td>Economics and the Political Discourse:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Comment on Christian List</td>
<td><em>Rüdiger Waldkirch</em></td>
<td>135</td>
</tr>
<tr>
<td></td>
<td>The Importance of Information – Remarks on the Constitutional</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Economics of Deliberative Theory:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Comment on Christian List</td>
<td><em>Detlef Aufderheide</em></td>
<td>139</td>
</tr>
<tr>
<td>6</td>
<td>Democracy and Argument: Tracking Truth in Complex Social Decisions</td>
<td><em>Luc Bovens and Wlodek Rabinowicz</em></td>
<td>143</td>
</tr>
<tr>
<td></td>
<td>Deliberative Democracy and Collective Truth-Tracking:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Comment on Luc Bovens and Wlodek Rabinowicz</td>
<td><em>Thomas Schmidt</em></td>
<td>158</td>
</tr>
<tr>
<td></td>
<td>Where Can the Insights from the Condorcet Jury Theorem Be Applied?</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Comment on Luc Bovens and Wlodek Rabinowicz</td>
<td><em>Alois Stutzer</em></td>
<td>163</td>
</tr>
</tbody>
</table>
PART III: DELIBERATION AND SOCIAL ORDER

7  What is Meant by Consent?
   Andreas Suchanek 169

     On the Normative Notion of Consent:
     Comment on Andreas Suchanek
     Martin Rechenauer 181

     The Morality and Heuristics of Consent:
     Comment on Andreas Suchanek
     Jurgen De Wispelaere 187

8  The Consequences of Popular Participation in Constitutional Choice –
    Towards a Comparative Analysis
   Stefan Voigt 199

     Is There a Need for a Positive Constitutional Economics?
     Comment on Stefan Voigt
     Michaela Haase 230

     Constitutional Culture and Comparative Analysis:
     Comment on Stefan Voigt
     Horst Hegmann 237

9  Bargaining over Beliefs
   Robert E. Goodin and Geoffrey Brennan 241

Final Remarks: Deliberation and Decision – Perspectives and Limitations
   Christian Kirchner 261