

# **Public Law & Economics II: Constitutional Economics**

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12. John Rawls
13. James Buchanan

# References

## Required reading marked “\*”

A good overview over the **prolegomena** is:

- \*Voigt, S. (1997); "Positive Constitutional Economics - A Survey", *Public Choice*, 90: 11-53.

And a good overview over the rest is:

- \*Voigt, S. (2011); "Positive Constitutional Economics II—A Survey of Recent Developments", *Public Choice* 146(1-2):205-256.

One of the **foundations** of Positive Constitutional Economics is:

- Buchanan, J. and Tullock, G. (1962). *The Calculus of Consent* - Logical Foundations of Constitutional Democracy. Ann Arbor:University of Michigan Press (of which chapter 6 is \*)

The possible functions of constitutions in **autocratic regimes** are nicely discussed in

- \*Elkins, Z., Ginsburg, T. & Melton, J (2014). The Content of Authoritarian Constitutions, In: Ginsburg, T., & Simpser, A. (Eds.). *Constitutions in authoritarian regimes*. Cambridge University Press, pp. 141-164.

# References (2)

An important contribution to **Positive Constitutional Economy** is:

- Persson, T., & Tabellini, G. (2003). *The Economic Effects of Constitutions*. Cambridge, MA: The MIT Press.

For the chapters on **electoral rules** and **forms of government**:

- \*Persson, T. and G. Tabellini (2004); Constitutions and Economic Policy, *Journal of Economic Perspectives*, 18(1):75-98.

And

- \*Blume, L., Müller, J., Voigt, S., & Wolf, C. (2009). The Economic Effects of Constitutions: Replicating – and Extending – Persson and Tabellini, *Public Choice* 139:197-225.

The Economic Effects of **Human Rights** are analyzed in:

- \*Blume, L and S. Voigt (2007); “The Economic Effects of Human Rights”, *Kyklos* 60(4):509-38.

The following two papers deal with the economic consequences of **federalism**:

- Blume, L and S. Voigt (2011); “Federalism and Decentralization – A Critical Survey of Frequently Used Indicators”, *Constitutional Political Economy* 22(3):238-264;

available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1263995](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1263995).

- Blume, L. and S. Voigt (2012); “The Economic Effects of Federalism – A Cross-Country Assessment. *Public Choice* 151:229-254.

available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1307169](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1307169).

# References (3)

This is the first paper that assesses the economic consequences of **direct democracy** on a cross-country basis:

- \*Blume, L, J. Müller and S. Voigt (2009); “The Economic Effects of Direct Democracy – A First Global Assessment”, *Public Choice* 140:431-61 (2009).

And here is an excellent „3rd generation“ paper:

- Funk, P., & Gathmann, C. (2011). Does direct democracy reduce the size of government? New evidence from historical data, 1890–2000. *The Economic Journal*, 121(557), 1252-1280.

A „gap“ in the implementation of constitutional text is discussed by

- \*Chilton, A. S., & Versteeg, M. (2015). Do Constitutional Rights Make a Difference?. *American Journal of Political Science*.

A fantastic paper on whether the way in which constitutions are produced really matters is

- \*Ginsburg, T., Z. Elkins and J. Blount (2009). Does the Process of Constitution-Making Matter? *Am. Rev. of Law and Soc Science* 201-23.

One of the few papers trying to **endogenize** constitutional rules is this:

- Hayo, B. and S. Voigt (2012); “Endogenous Constitutions: Politics and Politicians Matter, Economic Outcomes Don’t.” *Journal of Economic Behavior and Organization*

Two “**classics**” from Rawls and Buchanan are:

- Rawls, J. (1971). *A Theory of Justice*. Cambridge: Harvard University Press.
- Buchanan, J. (1975). *The Limits of Liberty - Between Anarchy and Leviathan*. Chicago: University of Chicago Press.