Index

adversary system 180
agency problem 69–70
aid 283–7, 290
AIDS 288
air pollution 122, 131
Algeria 19
American Constitution 96
anger and shame 49, 50, 51
associations 152–4
autocracy 278–81, 290
and economic growth 10
bargains, mutually beneficial 74
Bentham Jeremy 37, 62–76
on cheapness in government 72
on law as coercion 73–4
on paper money 75
on self-regard and sympathy 66
on social life and happiness 65–6
on sympathy 76
(The Constitutional Code) 4, 62–3, 67, 68, 69, 71
bicameral system
and status quo 135
bicameralism in government 124–7, 130, 136, 137, 307
Blackstone, Sir William 178, 181, 182
Brazil 12, 27–9, 351–60
Britain’s common law 178
capitalist firm 148
Chernobyl 133
China 277–8
competition 27–8
population and growth 29–30
choice for voters 88
citizens 153, 158
cooperatives 110–14, 116
participation 171
preferences and rights 84, 85, 96
sovereignty 101–20
voluntary consent 114
citizenship 7
behavior, and legitimacy 166, 167, 168
democracy and 156–73
civic values, weakening of 24
civil law 7–8, 73
versus common law 177–92
civil liberties 2, 26, 32
civilization and well-being 43
class merging 20, 21, 22
Clean Air Act, United States 131
closed lists of candidates 18, 23
colony government 88–90, 95, 320–21, 337, 341
Code Civil, France 182, 183
collective action 54–7
collective decision-making 148
combined representation 87–91
common law 7–8
versus civil law 177–92
competition
divided government and 125
from emerging countries 27–31
global 29
relocation and 30
competitive market and Bentham 68–9
condominiums 152–4
Condorcet’s jury theorem 207, 208
conjectural interests 108, 112, 118
‘conspiratorial’ theory 123
constitution 87
constitutional economics 101–20
constitutional rules 92, 113–17
constructivism 304–5
consumption 22, 24
production and 21
taxation on 309
contract, hypothetical 108
contract law 177, 183–7
contractarianism 40–42, 105–9, 304–5
contracts 148, 149, 150, 151
corruption 278, 280–83
income distribution and 281, 282
costs to firms 122

cultural differences 353, 354, 357

Dalrymple, Theodore (Our Culture, What’s Left of It) 22
damage claims 188, 191
debt forgiveness 289–90
decision making in European Union 220–34

Declaration of Independence, US 65
democracies, parliamentary 81–99
democracy 143–5, 169, 170, 171
  20th century 255–76
  bourgeoisie and 20
  corruption and 281–2
  firms and 145–52
  in Islamic world 26
  non-governmental institutions and 6
  pure representative (PRD) for EU 96–8
  system of government 110–4
  threats to 1–2, 15–33
  two-party (TPD) 82, 85–94, 96–8
democratic control by citizens 165–6
democratic model 142–55
democratic redistribution 38–40
Democratic Unionist Party (DUP), Northern Ireland 10, 240
demography, common policy 30
development success and failure 277–9
dictatorships 143, 145, 255
  benevolent 72
disease in Amazon basin 352
divided government 125, 127
drug problems 32
econometrics 331–4
economics and law 178, 179
education 285–7
efficiency in market exchange 105, 106
elections and tax increases 128, 316
electorate 9, 17
  competition 206, 207
  districts 84, 85, 88
  influence, inequality in 244–49
  see also voters and voting
emigration 283, 286
emotion in politics 3, 22, 47–9, 50, 57
  and taxation 57
  emotional incontinence 22

entitlements from government 53–4
environmental groups, power of 135
environmental legislation 121, 123
  industrialised countries 130–33
  United States 133
environmental policies 5, 6, 121–38
  benefits and costs 122–4
environmental protection agencies (EPAs) 123, 124
equality issues in Northern Ireland 250
Europe, continental, and tort law 189
European Commission 228–33
European Council of Ministers 228–33
European Court of Justice, and referenda 98
European Parliament 97, 98, 228–33
European Public Choice Society 1
European Union 81–99
  business interests and globalization 30
  Constitution 96–8
  decision making 220–34
  parliamentary democracy and 4, 5
  policy-making 9
  procedural rules and 220–34
  two chambers 94
exchange transactions 105
executive and legislative functions of government 94, 95
expenditure, government 52–4
families 152–4
  property rights 154
  ‘federal principle’ 128, 129
first-past-the-post voting (FPTP) 128, 129
fiscal choices 301, 304–10
fiscal economy 297–315
fortitude 22
France
  environmental legislation 133
  tort law in 189
  free trade policy 29
freedom of contract 184, 185–7
freedom of establishment of factories 189
frontier wars, US 359

gains-from-trade 103, 105, 118
  game metaphor 110
Gastil index 274–6
geographical conquest 355
Germany
  environmental legislation 132
  general elections 29
  global governance 169–70
  globalization 2, 15, 24
  challenge of 28–31
good manners 22
government
  budgets 306–7
  coercion 106
  divided 121–38
  expenditure and emotion 57
Grand Transition 258, 260, 271
Greek city-states and random
  mechanisms 162
Green parties 122, 129, 132, 133
gross domestic product (GDP) 255,
  257, 258, 260
Hand formula, tort law 179–80
happiness 64–5, 70, 74
Hayek, Friedrich von 110
  and common law 178–9
health care 288
hedonism 21, 22, 24
Hobbes, Thomas
  leviathan 278, 279, 280
  on taxation 48, 49
Homestead Act, US 359
hostages, poor 284, 290
human behaviour 47, 67, 101
hysteria 22
Iberian versus Anglo-Saxon culture
  354
ideology 19
  in Spanish elections 326
immigration 24
  control 30
  illegal 31
  large-scale 31–3
  Spain 31–2
incentives for citizens 167
India, competition and population
  27–29
Industrial Revolution, England 353
industrialization 177, 187, 188, 190,
  191
interest groups 123, 206
interests
  concentrated 121–38
  popular and diffuse 121–38
international organizations 7, 156–73
democracy deficit 171
  participation rights 169
Internet and globalization 29
Islamic fundamentalism 24–7
Italian mercantile republics 182
Italy and environmental legislation
  132
Japan, environmental legislation 130
jihad 25–7
joint commitment 117
judicial precedent 180, 181
jurists and Roman law 181, 182
jury theorem 8–9, 211, 213
justice and injustice 39, 43
labour market regulation 186
labour relations 186–7
land value improvements, taxes 344
law
  civil 73
  economic development and 177–92
  political economy and 72
  punishment and 63
legislation 124, 129, 135
legitimacy and citizenship behavior 166
liability rule 188, 189
liberty 143–5
litigiousness 21
low-income countries 277–93
majority rule 86, 90–91, 95, 154,
  207–17
majority voting 38
market economies 105, 177, 304–10
market failure 118, 187
markets and civil law 183
mass media bias and influence 19, 22–3
mass migration 2
mass protests 45
’maximin’ 41
Mexico 27–9
middle classes, traditional 20
migration and immigration 15
military functionary 70
Mill, John Stuart 63, 64
  on Bentham’s democratic despotism 75
  on liberty 66
  moral hazard 52, 54, 58
  moral sentiments 54
  morality in social life 66
  multicultural society 2, 15, 24
  and immigration 31–3
  multimember districts 89
  multinational firms 29
Muslim countries and Islam 24–7, 256, 257, 259, 261, 272
mutual gains 106, 117

national list system of election 87–8
national security 32
Netherlands, environmental legislation 132
Nietzsche, Friedrich Wilhelm, theories 10–11
Nietzschean hierarchy 282, 283, 284, 290
non-congruence 127, 128
non-governmental organizations 142–5
normative individualism 101, 102, 103
Northern Ireland Assembly elections 9, 10, 235–51
nuclear energy programme, France 133

obligations and rights 21, 37
oil 10, 280
  crisis in Germany 132
  export 256, 257, 259, 271
operating rules 113, 114, 117
opinion formation 18–19, 82, 97

parliamentary systems 4, 221–8
philosopher, Egyptian, Qutb 25, 26
physical image of political candidates 23, 22, 23
Pigou, Arthur, utilitarian 37
pleasure and pain 4, 64
politeness 22
political costs of taxation 318–21
political discussion in EU 97
political regimes 16, 255
politicians, professional 17, 167
politics, local, Spain 323–4
Polity index 10, 255–76
poll tax in UK 49
pollution in Japan 130, 131
population, Brazil 351–2
populist candidates 17
power groups of politicians 18
presidential system, American-style 95
private law 177, 187
production and consumption 21
profit-sharing 150
property rights 143–5
  in associations and condominiums 153–4
property tax
  increases 335, 337, 339, 340, 342
  in Spain 316–45
proportional representation (PR) 91, 128, 129, 250
public choice 1, 3, 69–70
public finance 298, 302
public opinion on environmental issues 131, 134
Public Opinion Tribunal, Bentham 70, 72
rational differences 353
racism 32
railways and accidents 190
random mechanisms
  in politics, past applications 161–5
random selection 164–5
Rawls, John (Theory of Justice) 54, 107
  ‘justice as fairness’ 41
redistribution of wealth 38, 39, 43
redress by social justice 36
referenda, beneficial role 91, 92
religion and rationalism 25
relocation to emerging countries 28
rent-seeking legislation 123, 124
rents of office 278, 279
representation
  citizens, in EU 93, 94
  responsibility and 89
states in EU 94
representative democracy, pure (PRD) 82–94
Republicans and Democrats and votes in US 201–04
res publica 21, 22, 23
retrospective voting 134
Index

rich-to-poor transfer 37, 38, 43
rights and obligations 21, 65
riots in Paris suburbs 45
risk 54, 55
Roman law 181, 182
rules, mutually beneficial 109, 113
Russia, competition 27–9

Sarcozy, Nicolas, France 27
school failure 24
Schumpeter, Joseph, on emotions in political behavior 55
science, applied 102
second chamber, use and value of 93–4
security 2, 26, 27, 70
self-interest 62, 63, 67
self-restraint 22
Seveso accident, Italy 132
shareholders 146, 147, 148, 150
‘shocks’ and aid 284
simulation of elections 207–8
Singapore, economic development 277, 278, 290, 292
single-member districts 89
single transferable vote (STV) 9, 10, 235–51
Sinn Féin (SF), Ireland 10, 240
Smith, Adam 38
social justice and 35–44
on taxation 48, 49, 297–8
(The Theory of Moral Sentiments) 3, 36, 46–7, 54, 66
(The Wealth of Nations) 11, 46
social contract 40, 41, 314, 277
Social Democratic Labour Party (SDLP) 240
social justice and injustice 2, 3, 25, 35–44
social security system, European 28
social unrest 28, 29
social welfare 11, 104, 105, 300
sovereignty by the citizens 81–4
Spain
local property taxes 316–45
and Portugal, empires 354
tort law in 189
Spanish civil law 183–4, 186
Spanish elections and terrorism 27

Spinoza, Benedict de (Tractatus Politicus) 3, 47

stability of legislation 125, 126, 127
strikes and social conflicts 31
sub-Saharan Africa, development failure 278
suicide bombing 3, 45
Supreme Legislature, Bentham 70
Switzerland, Council of the States (Ständerat) 93
tax evasion 49
tax increases 318–21, 338
and elections 316
political context 320–21
timing of 319
taxation 11, 52, 57, 297–315
local, Spain 322–3
regulation and 48–52
taxes and government 307
technologies 24, 122
and globalization 29
and innovation 25, 30
terrorism 2, 3, 15, 24–7
socio-political impact 45
thrift 22
Tocqueville, Alexis de, on emotions in political behavior 55
tort adjudication 8
tort law 177, 187–91
totalitarian systems 143, 145
trade, gains from 110
transaction costs 303
tropical climates 352
trustees
direct participation 166, 167
of international organizations 157–9
two-party government 88

Ulster Unionist Party (UUP) 10, 240
unemployment
in European Union 27, 28, 30–31
United Kingdom, environmental legislation 130
United Nations 288–9
United States
Brazil and 12
contractual freedom 185–7
environmental legislation 130
Senate 93
tort law in 188
universities 30, 152

José Casas Pardo and Pedro Schwartz - 9781847200648
Downloaded from Elgar Online at 12/12/2018 06:25:26AM
via free access
University of Maryland, USA
utilitarianism 4, 37, 62–76
utility function 118

value judgments 102, 103
‘veto players’ 124
veto power 130
violence 22
voluntariness 74, 105–6, 115, 116, 117
vote changing 17
vote share and taxation, Spain 324
vote-transfer system of election 87
voters and voting 2, 3, 9, 10, 92, 197–204
across European Union 94
behavior 8, 55
ignorance 208, 213, 214, 215
information 209
international organizations 159, 160
low participation in 23
Northern Ireland 235–51
public policies 216–17
and results 134, 135

rights 146
strategic 90
taxation and 11
by veto 163

wage contract 149
wage earners’ claims 149, 150, 151
water management 133
water pollution, Netherlands 132
wealth, redistribution of 38–40
welfare economics 103, 104, 110
welfare services, cutting down 28
welfare state 24, 31, 37, 65, 73, 108
Bentham on 68
financial crisis 15, 27–9
free riding 2, 3, 4
Westminster system, and UK voters 86, 89, 99
Wicksell, Knut, fiscal choices 302
wildlife conservation 121
worker participation 146–50, 152
working class 42

Zimbabwe and white farmers 287–8