

Rational Choice and Constitutional Design

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Spring-Summer 2005

Take Home Exam

The purpose of the take home exam is to induce a bit of thought about some of the main themes of the course. It attempts to determine whether you understand the key concepts and tools used during the course, and also whether you can use the tools to go a bit beyond the lectures.

You have one week to complete the exam. It is due by the end of class on July 12. Grades will be based on the accuracy and depth of understanding demonstrated in your answers. It will take a few hours to answer the exam questions completely, but it should not take longer than that. Your entire exam should be about four A4 pages in length.

Questions

I. *What is a Constitution? (15 points, two paragraphs)*

In one or two paragraphs explain what a constitution is. Your explanation should demonstrate from Germany's constitution includes rules that are not "constitutional" as well as examples of "constitutional" laws that are not included in Germany's formal constitutional documents.

II. *The Logic of Collective Action: the Productive State (15 points, three game matrices)*

Use game matrices to illustrate (i) the Hobbesian Jungle or the "Den of Thieves Dilemma," (ii) the free rider problem of the provision of public goods, and (iii) the tragedy of the commons. Briefly explain the logic of each of these dilemmas.

III. *The Enlightenment and Modern Theories of Constitutions as Social Contracts (20 points, three paragraphs)*

(i) Hobbes, Locke, and Rousseau invented and refined the theory of the social contract. Briefly summarize the similarities and differences in their theories of the social contract. (A good answer will include quotes from each philosopher.)

(ii) Modern contractarians such as Rawls and Buchanan have focused more attention on the process of agreement and also on the process of governance than the Enlightenment philosopher's did. How did this affect the usefulness of social contract theory as a normative tool for evaluating the relative merits of constitutions?

IV. *Origins of Government (20 points, three paragraphs)*

There are two contemporary economic theories of the origins of the state. (i) Summarize these theories and (ii) compare these new theories with those of Plato and Aristotle. (iii) Is anything missing from the modern theories that is included in the classical theories? Have the new theories of the origins of government improved upon the classical theories? In what way?

V. *Elements of Constitutional Design (30 points, four or five paragraphs)*

(i) Montesquieu suggests that governments can be designed to advance particular purposes, such as liberty. Discuss briefly his case for the division of power and for federalism.

(ii) Modern rational choice models suggest that constitutional designs may protect personal freedom and increase material welfare through the use of competitive elections, "takings" provision, constitutional review, and federalism. Briefly summarize the rational-choice based analyses of these institutions.