



**The Judiciary and American Democracy:
Alexander Bickel, the Countermajoritarian
Difficulty, and Contemporary Constitutional
Theory (SUNY series in American
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Examines recent debates in constitutional theory in light of the work of Alexander Bickel.

The role courts should play in American democracy has long been contested, fueling debates among citizens who take an active interest in politics. Alexander Bickel made a significant contribution to these debates with his seminal publication, *The Least Dangerous Branch*, which framed the problem of defending legitimate judicial authority. This book addresses whether or not the countermajoritarian difficulty outlined in Bickel's work continues to have significance for constitutional theory almost a half-century later. The contributors illustrate how the countermajoritarian difficulty and Bickel's response to it engage prominent theories: the proceduralisms of John Hart Ely and Jeremy Waldron; the republicanisms of Bruce Ackerman and Cass Sunstein; and the originalisms of Raoul Berger, Robert Bork, and Keith Whittington. In so doing, this book provides a useful introduction to recent debates in constitutional theory and also contributes to the broader discussion about the proper role of the courts.

At Texas State University at San Marcos, Kenneth D. Ward is Associate Professor and Cecilia R. Castillo is Assistant Professor in the Department of Political Science. Castillo is the coeditor (with Kenneth L. Grasso) of *Liberty Under Law: American Constitutionalism, Yesterday, Today, and Tomorrow*.

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