Wisconsin Discussion Group on Constitutionalism  
(a/k/a the Con Law Schmooze)  
November 13-14, 2015

Topic: The New Separation of Powers—Revisited

In his turn-of-the-21st century article in the Harvard Law Review, Bruce Ackerman described what he termed “the new separation of powers.” Focusing on three “legitimating ideals” – democracy, professional competence and fundamental rights – Ackerman distinguished the classic U.S. tripartite system of checks and balances with a model of “constrained parliamentarianism,” in which the power of the executive and legislature are checked by the creation of various independent institutions, including constitutional courts, independent electoral commissions, auditor-generals, ombudspersons, reserve banks, etc. Since Ackerman’s essay, there have been a number of interventions seeking to unpack the idea of constitutional government and distinguish the American model from both the continental and commonwealth models, all of which include different forms of the separation of powers. This year’s Wisconsin Discussion Group on Constitutionalism—more popularly known as the Con Law Schmooze—seeks to explore these different notions of the separation of powers in both their historical and comparative dimensions.

We invite you to join us in a wide-ranging discussion of these questions surrounding separation of powers and its role in the sustaining of constitutional government.