Prof. Aseem Prakash and collaborator Nives Dolšak write about the American democracy and how the judiciary branch is starting to have more influence in policy creation, instead of just interpreting the law. Their key point was that asking the judiciary to mandate climate policies might have the unintended effect of concentrating policy making power in the judiciary, thereby affecting the long-term health of the US democracy. Examples of such situation is the ongoing issue between the Environmental Protection Agency (EPA) and the California regulators concerning emissions in cars. The EPA wants to withdraw California's Clean Air Act Preemption Waiver, which would mostly likely involve litigation before it can be done, therefore involving the judiciary branch of government on what policy is right and is not, which mostly is the responsibility of the congress. Therefore, an alternative option to such climate policies according to the authors is for the people to directly vote on the policies, just like the 17th Amendment that provided for the direct elections to the US Senate or the Voting Rights Act that created a more representative democracy.

Please link here for the full article.

People Involved:  Aseem Prakash

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