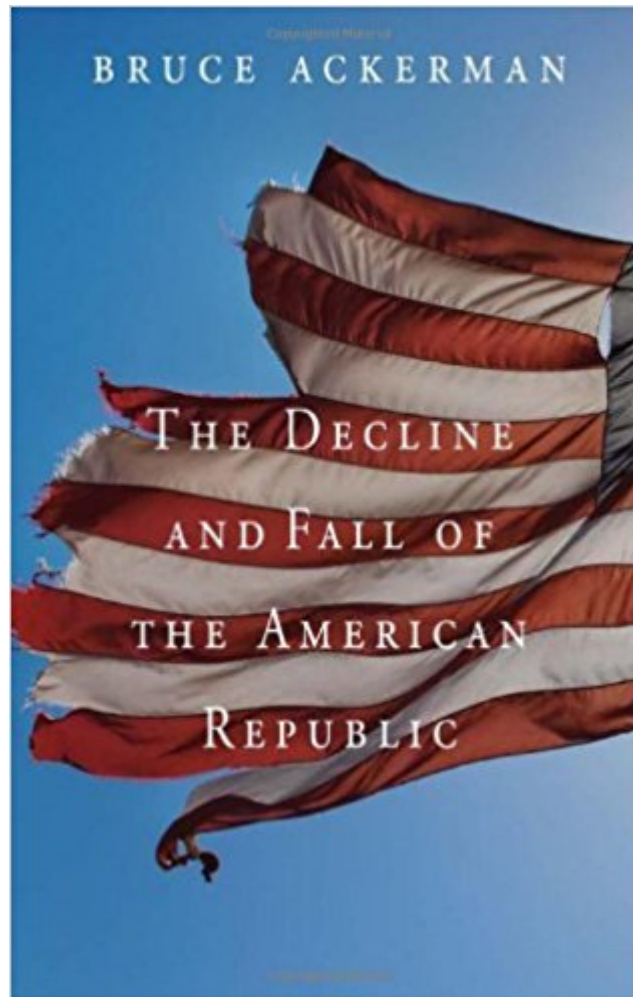


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# The Decline And Fall Of The American Republic (Tanner Lectures On Human Values)



## Synopsis

Constitutional thought is currently dominated by heroic tales of the Founding Fathers " who built an Enlightenment machine that can tick-tock its way into the twenty-first century, with a little fine-tuning by the Supreme Court. However, according to Bruce Ackerman, the modern presidency is far more dangerous today than it was when Arthur Schlesinger published the *Imperial Presidency* in 1973. In this book, he explores how the interaction of changes in the party system, mass communications, the bureaucracy, and the military have made the modern presidency too powerful and a threat to liberal constitutionalism and democracy. Ackerman argues that the principles of constitutional legitimacy have been undermined by both political and legal factors. On the political level, by "government by emergency" and "government by public-opinion poll"; on the legal, by two rising institutions: The Office of Legal Counsel in the Department of Justice and the Office of the Presidential Counsel in the White House. Both institutions came out of the New Deal, but have gained prominence only in the last generation. Lastly, Ackerman kicks off a reform debate that aims to adapt the Founding ideal of checks-and-balances to twenty-first century realities. His aim is not to propose definitive solutions but to provoke a national debate on American democracy in its time of trouble.

## Book Information

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## Customer Reviews

In his book *The Decline and Fall of the American Republic*, Professor Ackerman begins by condemning the triumphalism that surrounds most discussions of the American Constitution. He professes to be (or to have been) a triumphalist himself, since his constitutional theory features a distinctive hero: not the Founders nor the New Deal's success in adapting classical constitutional forms reinforced by the Warren Court, but the ordinary American citizens who have shaped the country's fundamental commitments over the centuries. But he also acknowledges that next to a bright side of American constitutional history stands a dark one. This is represented by the transformation of the presidency into a real and present danger to the American republic, as a result of developments that were not anticipated by the Founders: the rise of political parties, mass media, and massive bureaucratic and military establishments. In view of this one must ask: can the transformation of American constitutional law described in *The Decline and Fall of the American Republic* be viewed in terms of Professor Ackerman's theory of constitutional moments? Furthermore, can his proposals concerning the reform of the presidency be attained by means of this theory? The answers to both questions are, I'm afraid, negative. It appears there are several differences between the theory of constitutional moments and the transformations the American presidency is currently enduring. The theory of constitutional moments makes the best of a characteristic feature of the American system which consists in undercutting the pretensions of any particular branch to serve as the unique spokesman for the people.

The premise of this work is that the Office of the President, and the President himself, have been gaining power since the time the Constitution was written and that the level of power now enjoyed by the President is becoming (or has become) dangerous. The author gives a number of examples of the expansion of power and the problems it can create. He cites Lincoln's abolition of habeas corpus during the Civil War, the packing of the Supreme Court by Roosevelt, Watergate, Iran-Contra and the issue of the torture in the War on Terror during the latest Bush administration as examples of how power has been corrupted. One example of an increase in power is the professional officer corps that the Commander in Chief now commands. The author points to the Founding Fathers and their belief in a citizen army. The officers were men of authority (business and trade leaders) who gave up their civilian job to command the armed forces. Upon the end of the disturbance, they returned to their real profession and went about life. The professional officer in the

military is a fairly recent event, and the author feels the possibility for abuse by the President is enormous. Do the officers follow commands given by the Commander in Chief, even though they may be illegal or do they refuse such orders. The authors belief is that they will follow orders. That could lead to a situation of a President seizing command of the country. That is but one example given by the author to support his theory. He makes a good case for the increase in power and the need to check that power going forward. His ideas for fixing the problem however, seem somewhat simplistic and unworkable in the toxic political environment now present in Washington.

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