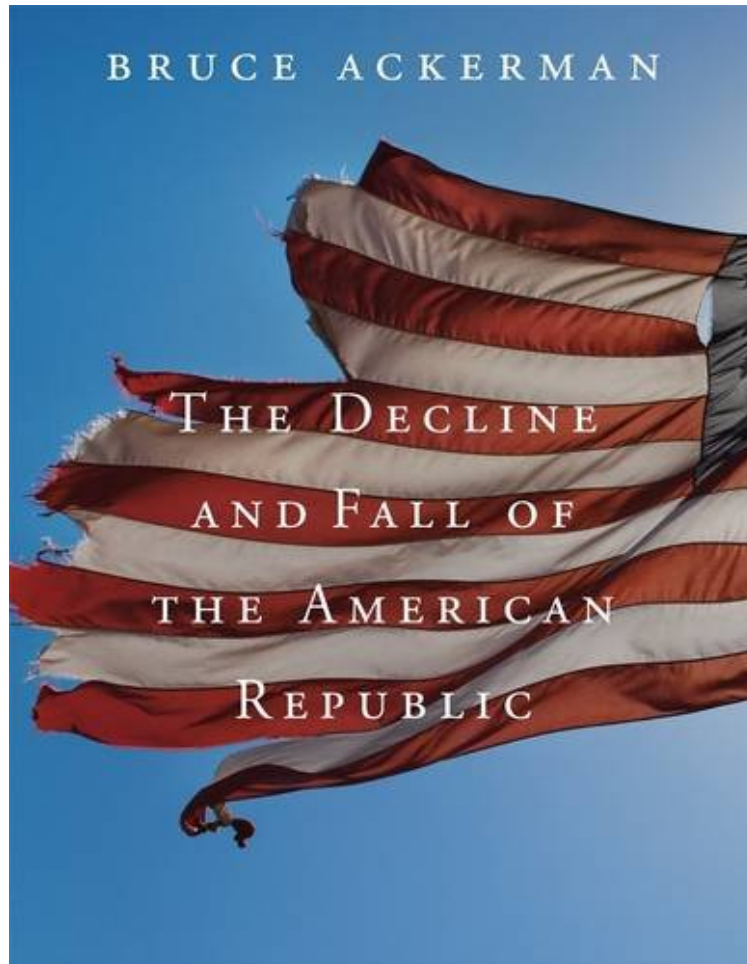


The Decline and Fall of the American Republic (The Tanner Lectures on Human Values)

Bruce Ackerman

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Bruce Ackerman : The Decline and Fall of the American Republic (The Tanner Lectures on Human Values) before purchasing it in order to gage whether or not it would be worth my time, and all praised The Decline and Fall of the American Republic (The Tanner Lectures on Human Values):

26 of 30 people found the following review helpful. Thought Provoking Thesis, But Solutions Seem UnrealisticBy Frederick S. GoethelThe 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 author's 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. To his credit, the author makes the point that his ideas are not a finishing point in the discussion, but a starting point. The book is well written and the author presents a compelling case for changes in the current system. I would recommend this to those readers who are concerned about the Federal government and the power it yields.

31 of 37 people found the following review helpful. An Epitaph to Constitutional Moments By Luis Nogueira Brito 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. This means that a constitutional moment cannot really occur in a moment; it takes a lot of time before a political movement can obtain the popular support required to speak for the people. This is arguably what happened at the Founding, after the Civil War and with the New Deal. But the strengthening of the presidency is not the result of a constitutional moment. This is because we are now confronted with real "moments" in time and precisely for that reason they are scarcely "constitutional". The president claims to be the only spokesman for the people with the exclusion of any other branch, not least because he pretends to act in response to an emergency situation (even if this situation will never end), and this claim makes obsolete the very distinction between constitutional and normal politics. Furthermore, this distinction is also made obsolete by a new feature of presidential politics, that is, government by the polls. The pessimism persists if we turn to the question whether Professor Ackerman's proposals concerning the reform of the presidency - such as Deliberation Day, a National Endowment for Journalism, a new Canon of Military Ethics, the Popular Sovereignty to revise the Electoral College and the Supreme Executive Tribunal - can be attained by means of his theory of constitutional moments. In theory that would surely be possible, even desirable, since a "constitutional moment" is often triggered on by a "transformative president" who wants to inscribe a new constitutional vision into statute law and judicial precedents. However, in the final pages of *The Decline and Fall of the American Republic*, Professor Ackerman makes clear his opinion that President Obama is not up to the job of a "transformative president". But even if he were, one must ask: how transformative can one expect a president to be, if it's his own powers that are at stake? It seems that the internal logic of the theory of constitutional moments has been pushed to its limit. So *The Decline and Fall of the American Republic* is really about the sinking of republican values as a basic pattern of the past two centuries of American constitutional history, a pattern so forcefully and brilliantly put up by Professor Ackerman in his past books. Professor Ackerman thinks, however, that the death of the republic does not necessarily mean the end of democracy. Even if the American constitutional tradition is overwhelmed by presidential power he maintains that the presidency may well remain an elective office. I think this is part of an effort to save his theory of American constitutional history. But can we maintain a democracy without keeping it republican?

10 of 13 people found the following review helpful. good read By Kris Kaupalolo Ackerman's arguments presents an interesting perspective on the American political system with emphasis on the role of the executive. It's a good read and pretty accessible to students. His writing system will get you excited about his arguments, allow you to critically consider this points, and formulate questions of your own. If one agrees or disagrees with his point is irrelevant, rather it's the discourse that the book can provide that made me glad I read it.

Bruce Ackerman considers how institutional dynamics have transformed the U.S. presidency into a potential platform for political extremism lawlessness.

From Publishers Weekly
Ackerman (*The Failure of the Founding Fathers*) makes an academic yet mostly accessible argument against the "triumphalist" (a "Johnny-come-lately to the legal scene") attitude of American constitutionalists on both sides of the political divide and suggests that this signals a dangerous complacency. Ackerman, a triumphalist himself, elaborates on themes developed by Arthur Schlesinger in *The Imperial Presidency* to warn, "The triumphs of the presidency in the past have prepared the way for a grim future," citing "the decisive triumph of the presidential primacy and caucus system (1972)" for opening the door "for extremists candidates to win major party nominations." Ackerman also tackles more commonly accepted criticisms, like the use of sound bites and polls, and the presidential reliance on signing statements to nullify laws, and sees the de facto inclusion of the military as part of civilian government, as well as the enhanced role of White House staffers (including the National Security Advisor, a position not ratified by the Senate) as symptoms of a government in desperate need of reform. As part of Harvard's "Tanner Lectures on Human Values," Ackerman's effort will appeal most to serious scholars of constitutional law. (Oct.) (c) Copyright PWxyz, LLC. All rights reserved. Ackerman makes a powerful case that the Executive's reach has expanded by leaps and bounds over the last half century, due to factors internal and external to the presidency itself...The questions he raises regarding the threat of the American Executive to the republic are daunting. This fascinating book does an admirable job of laying them out.--Bezael Stern "The Rumpus" (10/19/2010)
Bruce Ackerman's "The Decline and Fall of the American Republic" is a profoundly important constitutional wake-up call. It presents a powerful, multi-layered, yet highly accessible argument that the body politic faces the serious and unprecedented structural risk of presidential extremism and lawlessness--and a series of new checks and balances that offer the rare combination of pragmatism and originality. One hopes that the book will receive its just deserts by provoking a vigorous new constitutional debate not only among fellow academics but also, more importantly, among We the People.--Stephen Gardbaum "Balkinization blog" (10/16/2010)
In his extraordinary new book, "The Decline and Fall of the American Republic", Bruce Ackerman begins, quite literally, by condemning the "triumphalism" that surrounds most discussion of the Constitution...I certainly agree that he has identified a genuine problem with our polity, and I admire him, not for the first time, in having the willingness to speak in tones that many of his more moderate and "reasonable" colleagues in the legal academy will undoubtedly dismiss as overwrought.--Sandy Levinson "Balkinization blog" (10/17/2010)
Ackerman's central contention is right on target--our constitutional system is in grave difficulty. He points to the right evidence, a recurrent series of crises linked to the exercise of presidential power: Watergate, Iran-contra, and the illegalities of the Bush II administration. These crises must be taken seriously as objects of analysis as they are central to a proper understanding of where we stand. Ackerman is also right to claim that the constitutional triumphalism so pervasive in our political culture has gone stale.--Stephen Griffin "Balkinization blog" (10/16/2010)
The persuasiveness of [Ackerman's] individual points varies, but the overall view is rather compelling.--Matthew Yglesias "American Prospect" (01/01/0001)
The nature of the power embodied in the U.S. presidency has evolved over the years, and if Bruce Ackerman's "The Decline and Fall of the American Republic" is right, the results of that evolution are unfortunate. The contemporary view that tends to see the president as the center of our country's government and the locus of its political power is something new and quite different from what was intended by the founders. Ackerman, a professor of law and political science at Yale who has written more than a dozen books on American politics, makes clear that his fear is not that the nation is in imminent danger of ceasing to exist as a country. What seems more likely is that its distinctively republican form of government could be lost, crushed under the weight of an unbalanced political structure. In particular, Ackerman worries that the office of the presidency will continue to grow in political influence in the coming years, opening possibilities for abuse of power if not outright despotism.--Troy Jollimore "Boston Globe" (11/14/2010)
About the Author
Bruce Ackerman is Sterling Professor of Law and Political Science at Yale University.