

Constitutional Democracy and Judicial Supremacy: John Rawls and the Transformation of American Politics

Jerome C Foss

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"The best books on politics offer us fresh insight into the way things are, and powerful arguments about how things ought to be. Jerome Foss's superb book accomplishes both of these ends, rescuing John Rawls's work from the dusty corners of overly abstract theorizing by emphasizing Rawls's dedication to a very practical reinvention of the American political experiment. This approach has the virtue not only of according with Rawls's mature interpretation of his work, but also of setting up a lively contrast between the constitutional republicanism of the framers and Rawls's constitutional democracy. This book is a trustworthy guide to the American constitutional tradition as well as Rawls's innovative alternative, offering a respectful treatment of the latter while providing an engaging and persuasive defense of the former." -Micah J. Watson, William Spoelhof Teacher-Scholar Chair in Political Science, Calvin College

"Foss's careful study of the transformative intention of Rawls's political theory brings extraordinary insights to our academic debates, and to the real causes of our polarized, dysfunctional politics. The analysis of Rawls's pragmatism reveals its breathtaking goal to elevate progressive-liberal judges as epitomes of public reason, seeking to construct a rationalist, egalitarian-minded democracy to replace the framers' complex republicanism. Rawls has partially succeeded; we increasingly are ruled by living judicialism rather than the rule of law, under novel power wielded by federal courts, law professors, and lawyers. Foss gives Rawls a fair hearing, but insists we confront the arbitrary and utopian bases of this radical project, and the costs of elevating equality and constructed theory at the expense of liberty, self-government, and natural rights. Those who care about the fate of constitutional self-government, and whether utopian theories produce sustainable polities or political-social disorder, must confront this book." -Paul Carrese, Professor of Political Science, U.S. Air Force Academy



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