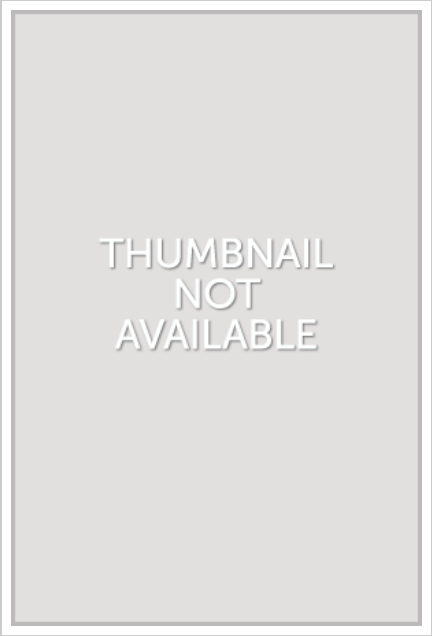


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Tocqueville s Nightmare: The Administrative State Emerges in America, 1900-1940 (Paperback)

By Professor of Law Daniel R Ernst

Oxford University Press Inc, United States, 2016. Paperback. Book Condition: New. 232 x 156 mm. Language: English . Brand New Book. Alexis de Tocqueville once warned that insufferable despotism would prevail if America ever acquired a national administrative state. Today s Tea Partiers evidently believe that Tocqueville s nightmare came true during the New Deal when radicals created vast bureaucracies that continue to trample on individual freedom. In Tocqueville s Nightmare, Daniel R. Ernst destroys this ahistorical and simplistic narrative. He shows that reformers wanted to purge government of corruption rather than create a socialist utopia. Indeed, they built the principles of individual rights, limited government, and due process into the administrative state. Far from following un-American models, they rejected the leading European scheme for constraining government, the Rechtsstaat (a state of rules). They instead equated the rule of law with the rule of courts and counted on judges to review the bases for administrators decisions. But when leading judges realized that strict judicial review shifted to them decisions best left to experts, even they decided that a day in court was unnecessary if individuals had already had a day in commission where the fundamentals of due process prevailed. This...

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