



Constitutional Failure (Constitutional Thinking)

Sotirios Barber

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Americans err in thinking that while their politics may be ailing, their Constitution is fine. Sick politics is a sure sign of constitutional failure. This is Sotirios Barber's message in *Constitutional Failure*. Public attitudes fostered by a consumer culture, constitution worship, the lack of a trusted leadership community, and academic historicism and value skepticism—these, this book tells us in clear and bracing terms, are at the root of our political dysfunction.

Barber characterizes the Constitution as a plan of government—a set of means to public purposes like national security and prosperity. He argues that if the government is failing, it's fair to conclude that the plan is failing and that laws that are supposed to serve as means can't in reason continue to bind when they no longer work. He argues further that constitutional success depends ultimately on a stratum of diverse and self-critical citizens, who see each other as moral equals and parts of one national community. These citizens, with the politicians among them, would be good-faith contestants regarding the meaning of the common good and the most effective means to secure it. In this way—showing how the success of a constitutional democracy is more a matter of political attitudes than of institutional performance—Barber's book upends the conventional understanding of constitutional failure. In Barber's analysis, the apparent stability of formal constitutional institutions—usually interpreted as evidence of constitutional health—may actually indicate the defining element of constitutional failure: a mentally inert citizenry no longer capable of constitutional reflection and reform.

At once concise and thorough in its analysis of the concept of constitutional failure and its accounts of a "healthy politics," the corrosive impact of Madisonian checks and balances (as a substitute for trust-worthy leadership), and the outlook for meaningful reform, this book offers a carefully reasoned and provocative assessment of the viability of constitutional governance in the United States.

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