



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

By Professor of Law Daniel R Ernst

Oxford University Press Inc, United States, 2014. Hardback. Book Condition: New. 239 x 163 mm. Language: English . Brand New Book. In the 1830s, the French aristocrat Alexis de Tocqueville wrote that insufferable despotism would prevail if America ever acquired a national administrative state. Today s Tea Partiers evidently believe that, after a great wrong turn in the early twentieth century, Tocqueville s nightmare has come true. In those years, it seems, a group of radicals, seduced by alien ideologies, created vast bureaucracies that continue to trample on individual freedom. Tocqueville s Nightmare, shows, to the contrary, that the nation s best corporate lawyers were among the creators of commission government, that supporters were more interested in purging government of corruption than creating a socialist utopia, and that the principles of individual rights, limited government, and due process were designed into the administrative state. Far from following un-American models, American statebuilders rejected the leading European scheme for constraining government, the Rechtsstaat, a state of rules. Instead, they looked to an Anglo-American tradition that equated the rule of law with the rule of courts and counted on judges to review the bases for administrators decisions aggressively. Soon, however, even judges realized...



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