
THE MODERN THEORY
OF PRESIDENTIAL
POWER

Alexander Hamilton
and the
Corwin Thesis

RICHARD LOSS

The Modern Theory Of Presidential Power Alexander Hamilton And The Corwin Thesis

Donald L. Gelpi



The Modern Theory Of Presidential Power Alexander Hamilton And The Corwin Thesis:

The Modern Theory of Presidential Power Richard Loss, 1990-06-27 This book takes a critical look at Edward S Corwin's Hamilton thesis which names Alexander Hamilton as the primary contributor to the modern theory of presidential power. It examines the theoretical and practical articulation of the presidency by Hamilton and George Washington, the development of the modern theory through the administrations of Lincoln, Theodore Roosevelt, Wilson, and FDR, and the theories of other presidential scholars. An epilogue discusses the direction of the presidency after Ronald Reagan. This is an important book for students of the American Presidency. It should also be read by anyone interested in American political thought. Dr. Loss marshalls an impressive amount of erudition in support of his position. Francis H. Heller, University of Kansas. Richard Loss attempts to appraise Edward S. Corwin's thesis that Alexander Hamilton was the primary contributor to the modern theory of presidential power. Suggesting that the teachings of Hamilton and George Washington set the tone for the American presidency, the author explains the differences between these teachings and the interpretations of the modern presidents who aggrandized the power of the office. The book assesses the works of scholars who added to the modern theory of presidential power: Edward S. Corwin, Clinton Rossiter, and Richard E. Neustadt. The book has two main sections. The first part shows how Hamilton and Washington understood the moral ends of the American political community and the constitutional means of presidential power. The second part studies the discarding of Hamilton's teachings by four statesmen who helped shape the modern theory of presidential power: Abraham Lincoln, Theodore Roosevelt, Woodrow Wilson, and Franklin D. Roosevelt, and by scholars who molded public expectations of the presidency. An epilogue discusses the possible direction of the presidency by examining Ronald Reagan's understanding of the office. Loss concludes that Corwin's Hamilton thesis is more persuasive as an admonition to revive sound constitutional theory than as an historical account of the relation between Hamilton's teachings and modernity. Corwin's mature reflections imply that a return to moderation in stating what the Constitution permits in presidential power and discretion is an important task for constitutional scholarship today. This study will be an important supplement for courses in American government, the American presidency, and public law, as well as a valuable addition to both public and academic libraries.

Rethinking Presidential Constructions of Constitutional Regimes Richard Alexander Izquierdo, 2011 ABSTRACT This dissertation assesses the design and incentive structures that link the presidency to constitutional maintenance and renewal when extraordinary times occur and posits that institutional power and historical context were priced into the presidency since its creation. This finding has robust implications for understanding the presidency's role in constitutional change and, in particular, the construction of constitutional regimes. Presidents are naturally drawn to the lure of constructing a constitutional regime by the nature of the office, as presidents want to constitutionalize their priorities from rival political interests in order to secure their legacy. Some fortunate presidents, aided by historical context, actually get the opportunity to do so. After providing a theory of the presidency's role

within the constitutional order and its incentive structures the study then builds upon these insights to construct a coherent model that assesses the dynamics between presidential leadership and historical context in the construction of constitutional regimes The research finds that there exists an inverse relationship between the degree of constitutional change and the president's role in initiating it The reason for this inverse dynamic is that extraordinary historical events crowd out the space typically reserved for executive leadership whenever they come to the fore Conversely the less extensive the degree of constitutional change the greater that presidential leadership plays a role in the process Reconstructive presidents are actually reactive at the level of constitutional politics despite the high praise political commentators offer to this most select group of presidents Their presidencies' collective effects on constitutional change have been greatly aided perhaps overwhelmingly destined for success at the constitutional level due to exogenous factors beyond their control The coalitional political shifts in electoral support seen during these transformative periods are just a by-product of massive historical events Presidential leadership is important but not in the actual initiation of the constitutional construction despite the institutional inclination of presidents to chart new paths A reconstructive president chooses a set of principles ideology or commitments with which to define the content of the new regime in place but his autonomy here is limited to providing a substantive constitutional vision not the sort of initial decisive action typically associated with leadership efforts If the analysis of presidents was confined to nameless faceless institutional actors engaged in the quest for constitutional regime construction the greatest difference between the efforts of similarly situated presidents would be in the substantive content that each provided to his historic opportunity Presidential greatness at the constitutional level would not be determined by unusual skill in turning a normal opportunity into a transformative one or in providing a constitutional opening where none was to be found While the constitutional space opened by historical events crowds out the space for autonomous action by reconstructive presidents the reverse is true for presidents with a more limited constitutional opening Presidents constrained by contextual factors must exercise more extensive leadership skills in attempting any efforts to influence constitutional meaning Since non-reconstructive presidents' openings are smaller their efforts have to be much more exacting and tactical even though their payoffs are irredeemably smaller than those of reconstructive presidents Therefore non-reconstructive presidents provide the elegance to the model of constitutional construction in that they show how presidential forays into constitutional politics exist within a continuum Presidential leadership is more institutionally creative and by necessity more entrepreneurial at the narrowest openings of constitutional space while it is least in display because less necessary at the level of reconstructive politics where the constitutional space is broadest The theoretical insight of this research therefore concludes that there exists an inverse relationship between presidential leadership and historical context in the construction of constitutional regimes

George Washington and the Origins of the American Presidency William D. Pederson, Mark J. Rozell, Frank J. Williams, 2000-07-30 This essay collection is a retrospective analysis of the Washington administration's

importance to the understanding of the modern presidency Contemporary presidential scholarship gives little attention to the enormous impact that Washington's actions had on establishing the presidency Most contemporary literature starts with 1933 and although FDR's impact on the development of the modern institution of the presidency is undeniable Washington's actions in office also established standards for practices that continue to this day This analysis of the Washington presidency begins with an examination of Washington's leadership and its relevance to the modern presidency The second group of essays looks at different aspects of presidential powers and the precedents established by the Washington administration The third section examines Washington's press coverage looking at the origins of Washington's image and the various myths in the press as well as the president's difficult relations with his contemporary press A thoughtful and important corrective that will be of interest to scholars students and researchers involved with the American presidency and its history

The Presidential Republic Gary L. Gregg, 1997 For two centuries American presidents have considered themselves to be representatives of the American people In this detailed study of presidential representation Gary Gregg explores the theory history and consequences of presidents acting as representatives in the American political system Gregg explores questions such as what it means to be a representative how the Founding Fathers understood the place of the presidency in the Republic established by the Constitution and the effects a representational presidency has on deliberative democracy This important examination of the presidency's place in our political system is essential reading for those interested in American political theory constitutional studies and American history

Theodore Roosevelt and the American Political Tradition Jean M. Yarbrough, 2014-01-31 Rough Rider hunter trust buster president and Bull Moose candidate Biographers have long fastened on TR as man of action while largely ignoring his political thought Now in time for the centennial of his Progressive run for the presidency Jean Yarbrough provides a searching examination of TR's political thought especially in relation to the ideas of Washington Hamilton and Lincoln the statesmen TR claimed most to admire Yarbrough sets out not only to explore Roosevelt's vision for America but also to consider what his political ideas have meant for republican self government She praises TR for his fighting spirit his love of country and efforts to promote republican greatness but faults him for departing from the political principles of the more nationalistic Founders he esteemed With the benefit of hindsight she argues that the progressive policies he came to embrace have over time undermined the very qualities Roosevelt regarded as essential to civic life In particular the social welfare policies he championed have eroded industry and self reliance the expansion of the regulatory state has multiplied the special interests seeking access to political power and the bureaucratic experts in whom he reposed such confidence have all too often turned out to be neither disinterested nor effective Yarbrough argues that TR's early historical studies inspired by Darwinian biology and Hegelian political thought treated westward expansion from an evolutionary and developmental perspective that placed race and conquest at the center of the narrative while relegating individual rights and consent of the governed to the sidelines Although his early career

showed him to be a moderate Republican reformer Yarbrough argues that even then he did not share Hamilton's enthusiasm for the commercial republic and substituted an appeal to abstract duty for The Federalist's reliance on self interest As New York governor and first term president TR attempted to strike a just balance between democratic and oligarchic interests but by the end of his presidency he had tipped the balance in favor of progressive policies From the New Nationalism until his death in 1919 Roosevelt continued to claim the mantle of Washington and Lincoln even as he moved further from their political principles Through careful examination of TR's political thought Yarbrough's book sheds new light on his place in the American political tradition while enhancing our understanding of the roots of progressivism and its transformation of the founders Constitution

Corwin on the Constitution Edward S. Corwin, 2019-06-30 Edward S Corwin is the twentieth century's most eminent commentator on the Constitution Unfortunately he died before he could write the single definitive work on the Constitution he had planned In three volumes of which this is the first Richard Loss has edited and introduced major essays by Corwin that best delineate his argument in political thought and constitutional law The essays in Volume One examine the foundations of American political and constitutional thought the powers of Congress and the President's power of removal Corwin addresses topics that vary from The Worship of the Constitution to The Constitution as Instrument and Symbol He discusses the lessons of the Constitutional Convention of 1787 takes up the relationship of the Constitution to New Deal democracy and examines democratic dogma and political science A fascinating essay treating the theory of evolution shows how this idea replaced the idea of natural law in American constitutional tradition Loss's introduction provides a biographical sketch of Corwin elaborates and appraises his argument and characterizes Corwin's legacy to the present generation of scholars Loss shows that far from ending debate Corwin's essays on political thought and the removal power establish an intellectual agenda for further inquiry into the tenets of constitutional law In an epilogue Loss deals with Corwin's understanding of Alexander Hamilton's position on the President's removal power an important topic involving not only presidential prerogative but the comparative rank of Hamilton's Federalist papers on the presidency and Hamilton's Pacificus letters Corwin on the Constitution will be of particular interest to judges historians law teachers political scientists students of constitutional law and American political thought

Origins of Legislative Sovereignty and the Legislative State A. London Fell, 2004-07-30 This first book of the sixth volume centers on the Revolutionary and Constitutional eras in early American history while also carrying the story ahead into the early 19th century How did the American founders adapt and utilize European thought in their political and legal ideas on sovereignty state and legislation Because of the seismic impact of European thought and classical traditions on America's foremost founders it should come as no surprise that some of the most basic documents in the emergent new Republic were significantly influenced by European writings Subsequent studies will take up the same basic themes in American thought and events from the mid 19th century to the present period The common denominator of legislation is seen to underlie their concepts of sovereignty and the state across a diverse range of

isms such as utilitarianism positivism idealism socialism and nationalism in the 19th century and in related neo and anti neo forms in the 20th century The organization and classification of these and other issues is on the whole novel and comprehensive As various reviewers have indicated nothing of this magnitude on the subjects at hand has ever before been attempted George Washington and American Constitutionalism Glenn A. Phelps,1993-01-08 Known as the Father of His Country George Washington is viewed as a demigod for what he was and did not what he thought In addition to being a popular icon for the forces of American nationalism he served as commander in chief of the victorious Continental Army That he played a key role in securing the adoption of the Constitution is well known but few credit him with a political philosophy that actively shaped the constitutional tradition In this revisionist study Glenn Phelps argues that Washington s political thought influenced the principles informing the federal government then and now Disinclined to enter the debates by which the framers hammered out a consensus Washington instead sought to promote his way of thinking through private correspondence and the example of his public life From these sources Phelps draws out his political ideas and demonstrates that Washington developed a coherent and consistent view of a republican government on a continental scale long before Madison Hamilton and other nationalists a view grounded in classically conservative republicanism and continentally minded commercialism That he was only partially successful in building the constitutional system that he intended does not undercut his theoretical contribution Even his failures affected the way our constitutional tradition developed Phelps examines Washington s political ideas not as they were perceived by his contemporaries but in his own words that is he shows what Washington believed not what others thought he believed He shows how Washington s political values remained consistent over time regardless of who his counselors or ghost writers were Using letters Washington wrote to friends and family written free from the constraints of public politics Phelps reveals a man with a passionate commitment to a fully developed idea of a constitutional republic on a continental scale In recent years scholarship about Washington has seemed to focus on mythmaking For readers interested in the founding period the framing of what Hamilton called the frail fabric and constitutionalism Phelps explores the substance behind the myth **The Discretionary President** Benjamin A. Kleinerman,2009 Examines both the peril and the promise of presidential power to clarify that what can destroy our Constitution can if the threat is dire also save it An unusually balanced study that argues for a middle path whereby presidents choose consciously to act temporarily outside or even against the laws in serving the nation s best interest

Varieties of Transcendental Experience Donald L. Gelpi,2007-08-15 This study traces the critique of Enlightenment modernism that began with Ralph Waldo Emerson and culminated in the thought of Charles Sanders Peirce and the mature Josiah Royce Varieties of Transcendental Experience argues that these thinkers provide a constructive alternative to deconstructionist postmodernism that is compatible with the Christian faith

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