



The Fallacies of States' Rights

By Sotirios A. Barber

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Barber shows how arguments for states' rights from John C. Calhoun to the present offend common sense, logic, and bedrock constitutional principles. The Constitution is a charter of positive benefits, not a contract among separate sovereigns whose function is to protect people from the central government, when there are greater dangers to confront.

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Editorial Review

Review

States' rights arguments have been used throughout American history, from the opposition to the abolition of slavery, to the challenges to the Affordable Care Act. In a brilliant book, Barber shows that protecting states' rights neither has a constitutional foundation nor a basis in sound social policy. (Erwin Chemerinsky, University of California, Irvine)

The Fallacies of States' Rights is the work of a major constitutional theorist at the top of his game. The exposition is clear, its logic razor-sharp, and its thesis powerful. Thinking with Barber as he advances his positive, ends-oriented constitutional theory, is consistently stimulating and satisfying. This is a first-rate study of American federalism. (Ken I. Kersch, Boston College)

All too often, discussions of American federalism are anchored in nostalgic platitudes about a nonexistent past or simplistic models of public choice. In this rigorously argued book, Barber shows that our federalism has always been based upon a strong national government, and that current popular accounts of states' rights, if looked at closely, are incorrect and incoherent. (Malcolm Feeley, University of California, Berkeley)

About the Author

Sotirios A. Barber is Professor of Political Science at the University of Notre Dame.

Users Review

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Richard Swisher:

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