



Unfit for Democracy: The Roberts Court and the Breakdown of American Politics

Stephen E. Gottlieb

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Asked if the country was governed by a republic or a monarchy, Benjamin Franklin replied, “A republic, if you can keep it.”

Since its founding, Americans have worked hard to nurture and protect their hard-won democracy. And yet few consider the role of constitutional law in America’s survival. In *Unfit for Democracy*, Stephen Gottlieb argues that constitutional law without a focus on the future of democratic government is incoherent—illogical and contradictory. Approaching the decisions of the Roberts Court from political science, historical, comparative, and legal perspectives, Gottlieb highlights the dangers the court presents by neglecting to interpret the law with an eye towards preserving democracy.

A senior scholar of constitutional law, Gottlieb brings a pioneering will to his theoretical and comparative criticism of the Roberts Court. The Roberts Court decisions are not examined in a vacuum but instead viewed in light of constitutional politics in India, South Africa, emerging Eastern European nations, and others. While constitutional decisions abroad have contributed to both the breakdown and strengthening of democratic politics, decisions in the Roberts Court have aggravated the potential destabilizing factors in democratic governments. Ultimately, *Unfit for Democracy* calls for an interpretation of the Constitution that takes the future of democracy seriously. Gottlieb warns that the Roberts Court’s decisions have hurt ordinary Americans economically, politically, and in the criminal process. They have damaged the historic American melting pot, increased the risk of anti-democratic paramilitaries, and clouded the democratic future.

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