as legitimate. Of course, that did not prevent them from pushing their advantage.

_**Ostpolitik**_ led to the serious penetration of the Vatican by Communist secret intelligence agencies, including the Soviet KGB, the East German Stasi, and the Polish SB. That penetration led to Communist moles in Vatican offices and in the Vatican press corps, where they worked against the Church’s interests. For instance, during Vatican II, the Polish SB tried to undercut Cardinal Wyszynski by preparing and circulating to all the Council fathers a memorandum questioning his orthodoxy.

_The Vatican “Ostpolitik” 1958–1978_ does not resolve all debate over the Vatican’s diplomatic approach to the Soviet bloc, but it does make clear the need to look at it on a nation-by-nation basis. It is a great introduction to the study of Vatican diplomacy with the Soviet bloc during this time period, but it is more than that. The detail and new information will make this book an important scholarly reference for years to come.

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Bruce Frohnen and the late George Carey have produced a comprehensive and reflective study of the historical transformation of the American Constitution and its consequent effect on American political culture.

From the limited (and limiting) language of the Framers’ Constitution to the so-called “living constitution” of today, the authors trace the emergence of a document which “commands” (thus shaping society in a specific way) rather than “mediates” (between groups and institutions). This “commanding constitution” is the product of both progressive ideology and particular socio-economic changes that have promoted the notion of government as provider, educator, arbiter, and regulator.

The engineers of this change distinguish between the explicit, written constitution of enumerated powers and the “unwritten constitution,” which has incorporated extratextual sources over time that reflect both the changing character of American society and the aspirations of its most influential leaders. Legal scholar Akhil Reed Amar, for example, cites a number of texts, including the Gettysburg Address, the *Brown v. Board of Education* decision, and Martin Luther King’s “I Have a Dream” speech,
as “privileged sources of meaning, inspiration and guidance,” which should inform constitutional interpretation (4). Such sources are necessary fillers of the “gaps” in the written constitution, according to Amar, which are required to produce “a single constitutional system” (2). The authors note the problematic effect of the implementation of this philosophy: “America’s written and unwritten constitutions no longer fit one another. As a result, the written Constitution no longer means what it says to the people it is supposed to govern and our regime no longer acts according to the rule of law” (2).

The Progressive era of the late nineteenth and early twentieth centuries marks the rise of the administrative state as a response to economic inefficiency, monopolistic industrial practices, and abuse/neglect of workers’ rights. The Progressive reform agenda placed increased regulatory responsibility in the hands of the bureaucracy and effectively elevated the presidency to the premier branch of government, entrusted both with supervision of a growing administrative corps and with the articulation of policy directives on behalf of the people. This change, a substantial departure from the vision of the Founders, was due in part to the example set by occupants of the executive branch (e.g., Theodore Roosevelt’s notion of the president as “steward of the people”), but also to the influence of Progressive theorists on the practice of politics in America.

A number of these theorists are considered in this work, including Woodrow Wilson, Frank Goodnow, Herbert Croly, and Pendleton Herring. Although these authors differ on some points (e.g., the appropriate degree of popular control over the legislative process through the initiative, referendum, and recall), what they share is a frustration with the traditional “separation of powers” concept as impeding the successful implementation of progressive policies. Most believe in the inherent superiority of bureaucratic expertise over the machinations and intrigue of popular legislatures. The need for an administrative science based on public accountability led many to argue for executive control and primary supervision of bureaucratic functions. Wilson adopted Walter Bagehot’s criticism of the American Constitution as lacking “a single center of sovereign authority” (129)—found in England in the cabinet as the union of legislative-executive authority—and located that authority ultimately in the presidency. Of particular interest is the tension between the Progressive desire for popular accountability and a general suspicion “the people” are not capable of sufficient discernment to accept critical progressive reforms (Herring refers to the *vox populi* as “a pleasant fancy and not a present fact”) (147). This tension is resolved in favor of strong executive supervision of an expert bureaucracy. The crisis of the Great Depression provides the opportunity
for the realization of presidential leadership/supremacy and bureaucratic activism in the form of the New Deal.

The new constitutional morality is characterized, not by restraint and deliberative circumspection, but by decisive action from the highest levels to implement bold solutions for the good of the people. The problem, according to the authors, is fundamentally a constitutional one: “To the extent that our laws are no longer formulated and promulgated according to the processes laid down in the actual text and corresponding morality of our Constitution, the Constitution is no longer operative and our governors are no longer bound by the rule of law” (183).

The authors apply the term *quasi-law* (a term, by their admission, not coined by them) to the increased practice of passing or implementing rules “that have the impact of law—they alter the rights of people in our society—yet lack essential elements of law” (185). These essential elements (identified by Lon Fuller in his *Morality of Law*) include generality, clarity, constancy over time, and consistency between rules as declared and rules as administered (186). In the area of the presidency, quasi-law takes the form of *executive orders* (which are rarely overturned by judicial review) and *signing statements* through which presidents can circumvent the legislative process by signing bills (even those they believe to be unconstitutional) while imposing their own understanding of the bill in its implementation.

Although the authors contend that all three branches of government have lost sight of their own constitutional responsibilities, they regard the expansion in power and scope of the executive branch as the most serious deviation from the sense of the Framers’ Constitution. Congress has increasingly abdicated its own regulatory responsibility by signing “enabling” legislation to create executive agencies with greater rule-making authority. Congress has also been willing to grant to the executive branch significant discretionary authority in the form of *waivers* from enacted legislation (HHS awarded more than twelve hundred waivers to the Affordable Care Act as of early 2012) and *consent decrees*, which allow agencies to bargain with regulated industries concerning enforcement of regulations. The effect of these innovations has been a sharp decline in the incidence of universally applied legislation, which has long been seen as an essential hallmark of the rule of law.

The authors do not believe the current state of affairs can be improved by specific policy initiatives but rather by a recovery of a certain attitude towards law and policy making including (perhaps most importantly) an awareness of the *limits of law* in solving political problems and shaping society. America’s history of vibrant associations could play a role in this
regard, as responsibility for these solutions would move from the constitutional/political realm to the arena of the group and the locality. A healthy recovery of the “separation of powers” doctrine and a greater accepting of responsibility on the part of all branches (but, perhaps most of all, Congress) would undoubtedly form an essential part of the solution.

In the wake of a presidency that made extensive use of executive orders for policy implementation and at the dawn of another that sees similar utility in using presidential quasi-law to reshape national policy, Frohnen and Carey’s work is a timely and appropriate warning of the dangers of sacrificing the rule of law for the effective pursuit of political solutions.

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Catholics have long occupied an awkward position in American politics. They were often the subject of discrimination and suspicion by the Protestant majority, but eventually found a political home in the Democratic Party, particularly as part of the urban political machines that exchanged government jobs and services for votes. For many twentieth-century American Catholics, voting for the Democratic Party was almost as much an article of faith as weekly Mass attendance.

All that changed, however, in the wake of the 1973 Supreme Court decision in Roe v. Wade. Lay and clerical Catholic leaders had supported the civil rights movement and the nation’s anticommunist foreign policy—both key elements of the Democratic Party platform since the late 1940s—but Roe’s definition of abortion as a right drove a wedge between Democratic Party leaders and American Catholics. Other issues would lead Catholics to vote for Republicans with greater frequency, but it is not too much to suggest that abortion helped to drive Catholics into the arms of the Republican Party.

Abortion has been a central issue in American Catholic politics for over forty years now, and James Hitchcock has provided an insightful review of those decades. He does not provide a comprehensive history of Catholic politics in this period, although it touches on major political developments affecting American Catholics, but it particularly focuses on disputes among American Catholics over the issue of abortion. Hitch-