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Book Review: The Executive Unbound: After the Madisonian Republic, by Eric A. Posner and Adrian Vermeule

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Posner, Eric A. **The executive unbound: after the Madisonian republic**, by Eric A. Posner and Adrian Vermeule. Oxford, 2011 (c2010). 249p ISBN 9780199765331, \$29.95.

Since 9/11, a debate over the scope and limits of presidential power has raged. The first blast was fired by John Yoo, member of the Bush administration's Office of Legal Counsel and author of the infamous "torture memo," who argued that the president possesses vast powers that are largely unchecked. At the other end of the spectrum is Harold Koh, former dean of Yale Law School, who argued that the Constitution and separation of powers limit the scope of presidential power. Posner (Univ. of Chicago Law School) and Vermeule (Harvard Law School) offer a different interpretation. They argue (with Koh) that the framers suffered from something called "tyrannophobia" (an excessive fear of executive tyranny) and thus established a Madisonian system that checks and balances the powers of the president. However, this "historical curiosity" has been eclipsed by the demands of US superpower status. They argue with Yoo that in an age of terrorism, the president must be strong and largely unchecked. The US must, they argue, abandon the old Madisonian system in favor of a more robust presidency. Powerfully argued, this book is an important part of the debate over presidential power in the present world.

—M. A. Genovese, *Loyola Marymount University*

Summing Up: Highly recommended. Lower-division undergraduates through researchers.