

Grey Paper against Political Families

(Pt 1)

Brandon Joyce

Wayne J. Lindquist

Petram Austerlitz

Koto Brennan-Smith-Brown

ABSTRACT

This paper recommends a constitutional amendment barring immediate family members—meaning either spouses or those up to the second degree of consanguinity— from occupying the same office in the federal government of the United States, including the Presidency, the Vice-Presidency, the Senate, and the House of Representatives. This amendment is proposed both as a correction to current law and a confrontation with anti-democratic impulses in our greater political culture. It is the view of the authors that patrimonial government is deeply at odds with the ideals of the American democratic system and its foundational documents. This paper examines the conflicts between dynasty and democracy, and limns the necessity and feasibility of the proposed amendment.

INTRODUCTION

This grey, or greyish-white, paper addresses a defect in American political culture: the persistence of dynasties and political families. If there were any remaining doubts of this culture's defectiveness, the recent presidential elections surely dispelled them. After the primaries, the electorate was left with a choice between one of two atavisms: either a managerialist political dynasty on the one hand, or a know-nothing would-be authoritarian, on the other. Had Hillary Clinton won, four out of the last five presidents would have been immediate family with another president— an average on par with 17th century England between King James I and King James II. The United States only avoided this embarrassment by selecting something far worse, a kleptocratic clown-caudillo who after the ballots were counted, displayed an even greater eagerness to mix family and office.

This is more than an embarrassment or blemish. It's symptomatic of a deeper pathology in our political and civic culture. Dynasties— or more generally, political families— are completely incompatible with the ideals of American democracy. The public should only have to read the words "political family" in history books, not in the *New York Times*. The phrase alone indicates a woeful conflation of two modes of power, two distinct kinds of human relation: the *familial* and the *political*. And, in fact, it was during the turmoil of the 17th century that the Englishman John Locke, in his *Two Treatises on Government*, went to such lengths to distinguish the *parental* from the *regal*, the *patriarch* from the *monarch*. This distinction was a pivot in the contemporary paradigms of power, and if the pamphlets are to be believed, a central justification behind the American War of Independence. Thomas Paine, chief theorist and cheerleader of American Independence, divided governments into two primary columns— the *hereditary* and the *representative*— and looked with tremendous pride upon the United States as the first modern experiment in the latter. The American democratic system was to be, first and foremost, a rejection of patrimonial government and, more generally, the political privileges of birth. If Paine could read the headlines today, he'd be spinning in his unmarked grave. That *de facto* hereditary power now moves through a wicket of national elections makes no difference if the results themselves are no different. In fact, it only makes a farce of our democratic procedures— procedures all too easily overridden by the anti-democratic impulses in our civic culture.

The question then becomes: *what do we do now?* Our recommendation is twofold. First, as mentioned, the authors propose a law explicitly against political families in the United States, more specifically, a constitutional amendment barring immediate family members— meaning either spouses or those up to the second degree of consanguinity— from occupying the same office in the federal government, which would include the Presidency, the Vice-Presidency, the Senate, and the House of Representatives. This amendment would go into effect twelve years from the date of its ratification.

Such laws mean far less, however, without an equivalent change in the underlying political culture. Political families are troubling not merely as patrimonialism *per se* but equally as egregious cases or caricatures of overly-concentrated power. However, given that the inheritance of office depends in modern democracies on the consent of the governed, they are also disturbing indications of a public's misguided political instincts and expectations. What relationship does the public want or hope to have with its elected officials? After all, politicians are not our Daddies. They are not our Mommies. They are public servants; they are our employees. Thus, above and beyond any possible legal constraint, it is incumbent upon our civic education to disabuse us of the anti-democratic lapses that permit and even encourage things like dynastic succession. A common-sensically democratic civic culture would make measures such as our proposed amendment thankfully unnecessary.

OUTLINE OF OBJECTIONS TO THE AMENDMENT, WITH REBUTTALS

Few today would champion political families outright, as in previous centuries. Consequently, there will be fewer defenses and considerably more excuses in any debate over their existence. One foreseeable excuse, or objection, is that an amendment of this sort would preclude worthy and capable candidates from assuming office. This is entirely true, but no truer than for all the requirements we've placed upon presidential eligibility: that they must be at least 35 years of age, natural born citizens, residents of the country for at least fourteen years, and— by force of the 22nd Amendment— not already having served two terms as president. These requirements also automatically disqualify countless very talented people. The amendment against dynasty, as formulated above, would exclude the immediate family of all recent officeholders, approximately a hundred people for each office. The requirement of natural born citizenship, on the other hand, excludes millions of citizens, many of whom are among the best and brightest. However, we exclude the foreign-born for good reason: to insure the undivided loyalty of our highest government official. Term limits might likewise bar the most capable, beloved, and by definition most experienced incumbents from staying in office. We maintain these limits, though, because of dangers inherent in the entrenchment of power. We understand that even if an electorate really wants its leaders to overstay, it's generally unhealthy for its democratic institutions. Every eligibility requirement risks losing superior candidates, and objections on these grounds are as much arguments against *any* eligibility requirements whatsoever.

This is an argument that some opponents are nevertheless be prepared to make. They argue that, whether permitting a third or fourth term, or a dynastic legacy, whatsoever is done by the “will of the people” is by definition democratic. This is entirely untrue— or true only if you have exceedingly impoverished conception of democracy. For one, anything done through democratic means is not inherently toward democratic ends. It is perfectly possible for a nation or a community to democratically dismantle its own democracy. Here in the United States, citizens could call a Constitutional Convention and decide, after vigorous debate, universal civic participation, and fair ballot, that their nation is now an absolute autocracy, whose citizens live only to delight Their Glorious Leader. Just because it would have been accomplished democratically— and in a wholly robust, participatory sense— does not magically transmute the resulting autocracy into a democracy.

However, rather than democracy in a robust, participatory sense, some critics will insist that anything done *electorally* is sufficiently democratic, reducing the full genius of democracy to

one of its favorite mechanisms. This reductiveness, usually referred to as “electoralism,” is akin to reducing the game to the score, or an education to the grades. Elections are nothing more than snapshots of the democratic process. They are small components within the clockwork of the whole— necessary but in no way sufficient. In addition to free and fair elections, democracy requires an entire society's worth of mechanisms, institutions, and attitudes. Democracy requires, for example, the maintenance of a public sphere that enables broad participation; that gives space and resources for dialogue, testing ideas, encountering and considering opposing viewpoints, formulating the equitable distribution of power— all long prior to elections and far outside houses of parliament. Democracy requires the avoidance of steep social hierarchies and cultural stratifications, and toxically anti-democratic arrangements in our economic order as well as religious and educational institutions, a relative egalitarianism of the sort De Toqueville described in the early 19th century. Democracy requires peace and relative security to counter the antidemocratic nature of martialized societies and leaders, as well as the ugly forces released in times of panic. Democracy requires experience with practical autonomy, as the American colonies enjoyed under the “salutary neglect” of its distant mother country. As historians like James Kloppenberg emphasize, it also requires an “ethic of reciprocity” that channels our social energies toward public good rather than private satisfaction and aggrandizement, toward wiser, sustainable interests and away from dumber, rasher instincts and appetites. Democracy, à propos of our amendment, requires non-deferential attitudes towards officials and officeholders— expecting, in Whitman’s words, “*the President's taking off his hat to them, not they to him*”— rather than the paradigmatic alignment of god, father, and statesman found in kingdoms of yore and modern totalitarian states.

The most intrinsic requirement of democracy stems from the etymology of “*demokratia*” itself, which means of course “rule by the people.” In any democracy worthy of this name, they— we— “the People”— must assume the full responsibilities of leadership; it is as much an exercise of public reason as public will. Leadership is obviously far more than simply showing up or doing whatever one wants. Caligula was a leader who just did what he wanted, and was rightly deposed as a tyrant and a lunatic. Popular sovereignty is no different, and equally capable of tyranny and lunacy— or of just shirking its duties. Judging by the 2016 elections, never has the American people been so eager to abdicate. Both candidates reflected a public desire to relinquish responsibility, to hand keys over to either to an unhinged strongman or back to mom and dad in Clintonite form. And while the latter would have been a far better choice, it would only have meant a lapse into a medieval rather than a prehistoric political instinct— hardly a point of pride. Dynasty appeals to the craven part of our political being that would rather be ruled than rule itself. And so, even if achieved through a ballot box or in accordance with popular will, it is inimically anti-democratic by definition.

Disappointingly, this has not seemed to have penetrated the popular imagination, whose yearnings for Camelot endow political family members with an aura of natural leadership. Members of political families must appear, to the public, born to rule. As obnoxious as the political privileges of birth supposedly are to the American mentality, things have changed too little from the time when kings could justify their right to rule by familial possession of the crown: power has a strangely convincing self-evidence. The children of Senators are their “natural” successors just as cobblers naturally beget cobblers; bakers, bakers; and shepherds, shepherds. Here, in their political expression as dynasty, the forces and habitus of social reproduction are no less compelling, conservative, and inexplicable as they are in any other facet of life.

It certainly doesn't help that major media organs like the *Washington Post* unctuously groom the family of statesmen for future office, nagging Chelsea Clinton or Ivanka Trump à propos of nothing, about undisclosed plans for office, or cheekily suggesting that “*Democrats would roll out the red carpet for Michelle.*” These are citizens with no ostensible plans or political experience being hounded, prepped, and promoted into public service by the press, for no other reason than their familial bond with a famous candidate or politician— as if power and influence needed any assistance staying within closed circles and patrimonial lines. Therefore, in addition to any spontaneous popular demand for dynasty, our rebuke extends to media complicity in constructing the narratives that make dynasty appear acceptable, entertaining, and inevitable. This is driven as much by demand for the *familiar* as for the specifically *familial*, and while it is neither possible or advised to formulate laws against candidates running purely on the basis of their celebrity, the authors hope that one day our civic culture will outgrow this childish reflex as well. Likeability and charisma both have a place in political leadership, certainly, but not in the apolitical terms in which celebrity so often enters electoral politics.

The authors anticipate many self-described political realists dismissing this as the “nature” of electoral politics. Political family members will— *naturally*— always be with us; family connections, name recognition, and the aura of natural leadership give them a competitive advantage that campaign strategists and exploratory committees will rarely fail to exploit. This, however, is actually one of the best, most pragmatic arguments in favor of our proposed amendment. Never will there be an unimportant presidential election, nor for that matter, an unimportant congressional race. And rather than pure machination on the part of the political class, political families will inevitably emerge from the understandable difficulty of relinquishing any advantage whatsoever in the heat of an election cycle. Our proposed amendment removes this possibility and this temptation altogether, allowing parties to bilaterally disarm.

This comparative advantage relates to another common defense of political families: that women have often used familial connections to attain high office; that in the political arena, dynasty acts as an equalizer among the sexes. This is not to say that stateswomen did not possess the qualities or qualifications for high office, merely that familial connections may have helped them overcome biases that otherwise would have hindered their political rise; that the advantages only helped nullify handicaps. Historically, this seems to be the case. However, as a general defense of dynasty, it makes zero sense. If we learned that, historically, women had always assumed political power through the *purchase* of office— or rather, through the ritual sacrifice of infants— this wouldn't in any way justify those practices, or make them morally palatable. Why would dynasty be any different? Patrimonial succession is all the more troubling as an “equalizer” when we consider which women selectively stand to benefit from this hands-up: those from affluent, well-connected, and unmissably Caucasian family backgrounds. Dynasty has an effect identical to “legacies” in the university admissions process, as a class and race filter, and the authors remain astonished that it doesn't evoke similar resentment in social and racial justice circles. Whatever service dynasty may render for certain women in politics, it more than reverses for the representation of minorities, and middle and lower classes.

Lastly, some public hesitation would arise less from principled opposition than from skepticism, even among supporters, that the amendment could feasibly pass. This skepticism is well-founded. By design, constitutional amendments are the most difficult laws to pass, requiring first two-thirds approval of the House and Senate, and then three-fourths affirmation from the States. That being said, the authors have their sources of optimism, and believe the current historical moment is opportune for the attempt.

Contrary to common expectations about constitutional amendments, the problems they address are not necessarily the nation's most pressing or dire. The latest amendment, the 27th, delays alterations in Congressional salaries from going into effect until the next term, and came into being largely from a letter-writing campaign by Gregory Watson, an undergraduate at the University of Texas at Austin. The 25th provides procedures for filling a vice-presidential vacancy. These amendments do not avert the end of Western civilization; this is not a requirement. They need only make an improvement to the constitution, and since our suggested improvement concerns presidential and congressional eligibility, we have no other legal recourse but through amending our nation's founding document.

Moreover, the timing is relatively good. When Franklin Roosevelt broke with the “unwritten constitution” and sought a third and fourth term, it was excused— even by his ardent supporters— as an emergency measure in a time of looming war. However, everyone understood it as a lapse in our civic culture, a break with an estimable tradition inaugurated by

George Washington. Immediately after the war, during the Truman administration, an amendment setting term limits was passed with the push of a Republican congress, the consent of the public, and scant resistance from congressional Democrats. Today, we might garner bipartisan support both from a Republican distaste for Clintonism and a Democratic wariness of Trump family ambitions, and being a problem shared across party lines helps anti-dynastic measures from becoming “politicized” or “politically motivated” in the sense of party agenda. Dynasty makes us all— both politicians and public alike— look bad.

This is particularly true on the world stage. In this historical moment, with democracy under threat in many parts of the globe, dynasties in our highest office gravely undermine our authority and credibility in the global community. Even if our problem with political families were purely symbolic, it would nevertheless cause substantial damage, both to our diplomatic standing and to the democratic hopes of other peoples, given its appearance to the populations of Russia, China, Afghanistan, Turkey, or the Philippines. We can picture: the United States, self-proclaimed standard-bearer of democracy, lecturing nations about free press or fair elections, as we— quite apparently— transfer power along bloodlines as openly as Saudi royalty. Our hypocrisy is a gift to autocrats the world over, who might use it to soften our influence or blur the lines with their own iniquities. The United States does not have to be above reproach, and certainly never has been. That being said, having been the first modern nation to cast off the ancient absurdity of hereditary power, the authors would imagine— and hope— its citizens would be eager to defend this as a civic ideal.

