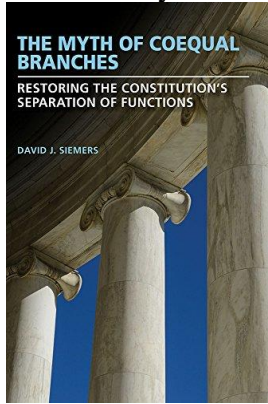


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[The Myth of Coequal Branches: Restoring the Constitution's Separation of Functions](#), David Siemers

Reviewed by Lauren Mattioli



In his new book, David Siemers details the origin and perpetuation of the “coequal branches” myth in American politics, elegantly devastates it, and proposes more authentic alternatives. For Siemers, this is not a purely academic task—a correction for its own sake—but a necessary precursor to effective government.

The book describes the myth of coequal branches as imprecise and volatile—features, as Siemers points out, that allow the myth to serve the goal of the teller. The persistent conceit is that the three branches of the American federal government have, or should have, equal influence over policymaking and, to a lesser extent, that interbranch cooperation is essential for policy creation and execution. The credulous suggest that the Framers of the U.S. Constitution intended coequality and that their “warped vision of constitutional theory has taken hold through repetition and has been used to sell a wide array of political products that have no constitutional validity” (p. 23). These political products are the phenomena that energize the study of American political institutions. Each receives its own chapter: the aggrandizement of the executive, judicial overreach, and a hyperpartisan and stolid Congress.

After demonstrating the inexactitude of the term “coequal,” Siemers offers and justifies an alternative. He argues that the equality the Framers intended, and the term that ought to be employed when referring to the constitutional equivalence of the branches, is equal *legitimacy*, rather than equal power. Rather than representing a separation of powers, the three branches of government represent a separation of *functions*. These rhetorical moves, paired with a number of suggested reforms, would, in the author’s view, create an opportunity for actual governance rather than the mere avoidance of tyranny (which has manifested in legislative lethargy).

By revealing the damaging nature of the myth of coequal branches, as well the suggestions it makes for rectification, this book invites debate. In its advocacy for a reassertion of congressional governance, the book enters into a dialogue with scholars who acknowledge the same failings of Congress but, instead of re-empowering that institution, advocate that the

presidency be further capacitated (see, most notably, William G. Howell and Terry M. Moe's *Relic: How Our Constitution Undermines Effective Government—And Why We Need a More Powerful Presidency*). In another vein, skeptical readers might point out that in the absence of other reforms supplementing those that Siemers suggests, Congress will persist as an undeserving, contorted facsimile of the American public. Those who reject the fulfillment of the Framers' intentions as an independent good may find the motivation for Siemers's suggested reforms to be underwhelming. Finally, those who believe in the coequality of branches, or who believe that the Framers intended interbranch equality, will have to reckon with Siemers's compelling case to the contrary.

This book provides a framework for more authentic, nuanced discussions of American interbranch relations and the notion of coequality. In the words of Bertrand Russell, "Even if the open windows of science at first make us shiver after the cozy indoor warmth of traditional humanizing myths, in the end the fresh air brings vigor, and the great spaces have a splendor of their own" (*What I Believe* [New York: E. P. Dutton, 1927]). *The Myth of Coequal Branches* brings vigor to different strands of social science research and opens a window for scholarly advancement on multiple fronts.