

Transcendence: Conservative Wealth and Intergenerational Succession

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ABSTRACT

This Article investigates a hitherto unexplored connection between money and politics. It posits a psychological explanation for why certain extremely wealthy and powerful tycoons back ultraconservative causes and oppose social spending, even on education, though these measures would benefit the economy as a whole. Employing the concept of transcendence, it shows how wealthy parents are often disappointed in their offspring's free-spending ways and weak work ethic. Unconsciously seeking to assure continuity after they are gone, the elderly rich shift focus to assure that their class, at least, will continue to rule after their own demise.

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INTRODUCTION

In *The Long, Hot Summer*,¹ Paul Newman plays a tanned, physically fit drifter, Ben Quick, who shows up at the country spread of Will Varner, a wealthy Southern patriarch (Orson Welles), looking for work. A member of the household tries to brush him off, but Ben persists and the patriarch eventually intervenes. Ben's direct style and obvious willingness to work strike a chord with the elderly gent—Ben reminds Will of himself in his own youth when, as a hungry young man out to make his mark, he took control of a small business and expanded it into the large empire he now runs.²

When Ben does well on his first assignment—digging post holes for a fence—Will gives him increasingly challenging work. In time, the two become friends. When the rough-hewn Quick also shows a good mind for business, the patriarch takes him, first, into his confidence, then into his household, which includes the patriarch's wife, his slack-jawed son, Jody (Anthony Franciosa), and beautiful, strong-willed daughter, Clara (Joanne Woodward).³

With three young adults all around the same age, family dynamics soon heat up in predictable fashion. Clara becomes intrigued with Ben, with his rugged good looks and keen business sense. Jody takes an instant dislike of him, realizing that his father has long been disgusted with the son's idle ways and lack of character.⁴ Jody suspects that Will is thinking of grooming Quick as his successor, cutting him out of his plans. The movie follows the twists and turns of the power struggle among the three men and the smoldering, slow-developing romance between Ben and Clara. Based on a tale by William Faulkner, *The Hamlet*,⁵ the film earned critical praise at the 1958 Cannes Film Festival, where Newman won the best actor award.⁶

History is littered with similar tales.⁷ Wealthy, powerful individuals, usually men, want successors who will carry on the family line, rule the kingdom after

1. THE LONG, HOT SUMMER (Twentieth Century Fox 1958).

2. *Id.*

3. Joanne Woodward was Paul Newman's wife in real life.

4. The over-civilized upper-class male (Jody) is a common figure in Southern fiction. See, for example, TENNESSEE WILLIAMS, CAT ON A HOT TIN ROOF (1955), depicting the main character, Brick, in similar fashion.

5. WILLIAM FAULKNER, THE HAMLET (Random House 1940).

6. FESTIVAL DE CANNES, <http://www.festival-cannes.com/en/archives/ficheFilm/id/3469/1958.html> (last visited Sept. 6, 2011).

7. See, e.g., SAMUEL BUTLER, THE WAY OF ALL FLESH (Random House 1950) (1903) (describing a son's efforts to free himself from his parents' influence when they want to control his life and career); WILLIAM SHAKESPEARE, KING LEAR (1606) (depicting the struggle over succession in

the king is gone, or take over the family business when Dad is no longer capable of managing it.⁸ When the wife proves incapable of producing an heir, or Junior arrives but later disappoints, caring more for a life of leisure pursuits than expansion of the family empire, the plot thickens.

Social scientists call the desire to see oneself in the next generation “transcendence” and consider it a very common human motive, lying behind much art, literature (the books and articles will live on after us), and architecture (think: Christopher Wren).⁹ It, of course, lies behind our desire for progeny who will carry on our family name and, if possible, work.

In contemporary times, one finds evidence of a similar impulse underlying the vigorous opposition to social redistribution on the part of the country’s very rich.¹⁰ By “very rich” I do not mean those moderately wealthy individuals whom readers of this Article are likely to know, with total wealth in the low millions of dollars and enough money to get through life comfortably, take vacations, hire a servant or two, own nice homes and cars, and send their children to good colleges.¹¹

one royal household). The narrative of the upward striver is a mainstay in Western mythology and fiction. See, e.g., HORATIO ALGER, RAGGED DICK AND MARK, THE MATCH BOY (TWO NOVELS) (Crowell-Collier Pub. Co. 1962) (1869); ALAN HOWARD, DICK WHITTINGTON AND HIS CAT (1948) (recounting the story of a poor farm boy from Gloucestershire who walks to London to seek his fortune and eventually becomes Lord Mayor of that city).

8. See, e.g., Tim Arango, *Scandal Poses Defining Test for a Murdoch Son*, N.Y. TIMES, July 9, 2011, at A1 (describing a “tainted son who mismanaged one of the greatest crises the family business has faced”); Maureen Dowd, *From Gallipoli to Singapore*, N.Y. TIMES, July 20, 2011, at A25 (noting that “[t]he late Keith Murdoch, the grandson of two Scottish ministers, was a media baron in Australia who wielded the power to make and break prime ministers, just as his son later would”); see also *infra* notes 25–31 and accompanying text (discussing additional examples of powerful figures with offspring who succeeded them, often with mixed results). The successor need not be a biological heir. As with Paul Newman’s character in *The Long, Hot Summer*, *supra* note 1, he may be someone who shares the patriarch’s values and reminds him of his own youth. The key is succession—seeing oneself in the new generation carrying on one’s life work.
9. See, e.g., Howard M. Bahr & Kathleen Slauch Bahr, *A Paradigm of Family Transcendence*, 58 J. MARRIAGE & FAM. 541 (1996). On the larger urge to find meaning beyond ourselves, see Victor E. Frankl, *Self-Transcendence as a Human Phenomenon*, 6 J. HUMANISTIC PSYCHOL. 97 (1966). Consider, as well, the practice of naming campus buildings or chaired professorships for wealthy patrons.
10. On this opposition in conservative movements, see MANUEL G. GONZALEZ & RICHARD DELGADO, THE POLITICS OF FEAR: HOW REPUBLICANS USE MONEY, RACE, AND THE MEDIA TO WIN (2006); JEAN STEFANCIC & RICHARD DELGADO, NO MERCY: HOW CONSERVATIVE THINK TANKS AND FOUNDATIONS CHANGED AMERICA’S SOCIAL AGENDA (1996). For an earlier treatment of the psychological issue of transcendence, see Richard Delgado, *Conservative Money and Generational Succession*, in VULNERABLE POPULATIONS AND TRANSFORMATIVE LAW TEACHING: A CRITICAL READER 21 (Soc’y of Am. Law Teachers & Golden Gate Univ. Sch. of Law eds., 2010).
11. For studies of the rich and the very rich, see, for example, KEVIN PHILLIPS, WEALTH AND DEMOCRACY: A POLITICAL HISTORY OF THE AMERICAN RICH (2002); Jeffrey Madrick, *The*

I am talking, instead, about the very rich, the top thousand or so of America's citizens, people with a net wealth of half a billion dollars or more.¹² These are individuals with great power and more money than anyone could easily spend in a lifetime. They either inherited large fortunes and had the good sense not to dissipate them, or else excelled in business and built up corporate empires by dint of genius, hard work, or, sometimes, simple luck.¹³

Many—not all—of these people back conservative think tanks and foundations such as the Heritage Foundation or Pioneer Fund¹⁴ and strenuously oppose social redistribution.¹⁵ Even though it cannot possibly endanger their security or net worth, the super rich do not want the United States to move even slightly in the direction of Europe's managed economies with amply funded schools, universal health insurance, long paid vacations and parental leaves for workers, and early, adequately funded retirement for those at the end of their working years.¹⁶

Why not? Economists agree that a relatively modest investment in human capital—prenatal care, health insurance, public education, and housing for

Power of the Super-Rich, N.Y. REV. BOOKS, July 18, 2002, at 25. On the recent movement to eliminate the estate tax and thereby assure that a wealthy individual's estate passes intact to his heirs, see generally MICHAEL J. GRAETZ & IAN SHAPIRO, DEATH BY A THOUSAND CUTS: THE FIGHT OVER TAXING INHERITED WEALTH (2005); *Spending Millions to Save Billions: The Campaign of the Super Wealthy to Kill the Estate Tax*, PUB. CITIZEN, Apr. 2006, <http://www.citizen.org/documents/EstateTaxFinal.pdf>.

12. See Frank Ahrens, *The Super-Rich Get Richer: Forbes 400 Are All Billionaires*, WASH. POST, Sept. 22, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/09/21/AR2006092101310.html> (describing recent trend toward concentration of wealth); *supra* note 11. For a recent compilation of the wealthiest Americans, see *Forbes 400: The Richest People in America*, FORBES, Oct. 11, 2010, at 17, available at <http://www.forbes.com/wealth/forbes-400> [hereinafter *Forbes 400*].
13. See Ahrens, *supra* note 12 (describing this small group); *Forbes 400*, *supra* note 12 (listing them by name and source of their wealth). As much as 80 percent of America's wealth is inherited, not earned. See Laurence J. Kotlikoff & Lawrence H. Summers, *The Role of Intergenerational Transfer in Aggregate Capital Accumulation*, 89 J. POL. ECON. 706 (1981).
14. See STEFANCIC & DELGADO, *supra* note 10, at 24–25, 34–44 (describing the Pioneer Fund and its support for studies of human betterment and eugenics), 18, 22, 26, 53–57, 61, 66, 85–92, 112–16 (describing the activities of the Heritage Foundation); see also GONZALEZ & DELGADO, *supra* note 10 (describing the work of these and similar groups in maintaining power relations).
15. For an account of the recent effort by well-heeled conservatives to repeal the one-hundred-year-old estate tax, see generally GRAETZ & SHAPIRO, *supra* note 11. For a few wealthy individuals who are exceptions to this generalization, see *infra* note 19.
16. See GONZALEZ & DELGADO, *supra* note 10, at 65–69, 106–13 (discussing conservative support for a host of free-market causes including shredding the social welfare safety net); GRAETZ & SHAPIRO, *supra* note 15 (discussing a conservative-backed campaign to reduce taxation of inherited wealth); STEFANCIC & DELGADO, *supra* note 10, at 21, 82–109; see also Grover Norquist, Op-Ed, *Read My Lips: No New Taxes*, N.Y. TIMES, July 22, 2011, at A19 (explaining why low taxes and even lower social spending are in order).

those who cannot afford it—pays dividends far exceeding its cost.¹⁷ A modern nation needs a well-trained, healthy workforce and citizenry. It does not need the crime, disease, and poverty that accompany the neglect of large numbers of its members.¹⁸

If a welfare safety net benefits the economy as a whole, why do some super rich, almost all of them immersed in corporate or business life, oppose it? Not all do, to be sure.¹⁹ But the many who do are in a position to subsidize organizations and causes that can stop redistributive measures in their tracks.

Large corporations, the Chamber of Commerce, and many similar organizations with a free-market orientation support public education, affirmative action, and similar measures essential to upward mobility for all, including children, immigrants, and the poor.²⁰ The nation needs everyone's talents, and these organizations know it.²¹

But many of the super rich throw their weight in the opposite direction, opposing income, corporate, and estate taxation (even though they can easily afford to pay them), aid to education, unemployment insurance, national health insurance, and a host of similar measures.²²

In doing so, they are not expressing class interest—indeed, the interest of their class, the corporate–business sector, as mentioned, cuts in the opposite direction.²³ My thesis is that their opposition is both irrational and deeply personal, and that to understand their motivation one needs to consider their

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17. *E.g.*, PAUL KRUGMAN, *THE CONSCIENCE OF A LIBERAL* 242–43, 248–51 (2007) (defending public-assistance programs that improve human capital); NATIONAL URBAN LEAGUE, *THE STATE OF BLACK AMERICA* (2010 ed.) (urging greater attention to social needs); *see also Nobel Economist Joseph Stiglitz: Assault on Social Spending, Pro-Rich Tax Cuts Turning U.S. Into Nation "of the 1 Percent, by the 1 Percent, for the 1 Percent,"* DEMOCRACY NOW!, Apr. 7, 2011, http://www.democracynow.org/2011/4/7/nobel_economist_joseph_stiglitz_assault_on [hereinafter *Assault!*] (including a transcript of an interview by Amy Goodman with Joseph Stiglitz).
 18. *See generally* KRUGMAN, *supra* note 17; JOSEPH E. STIGLITZ, *FREEFALL: AMERICA, FREE MARKETS, AND THE SINKING OF THE WORLD ECONOMY* (2010) (explaining the connection between an educated citizenry, progressive social policies, and a strong economy); *Assault, supra* note 17.
 19. Notable exceptions include Bill and Melinda Gates and George Soros. *See, e.g.*, Matthew Bishop & Michael Green, *Billionaires Learn Giving Is Only a Start*, N.Y. TIMES, Nov. 12, 2009, at F15.
 20. *See, e.g.*, *Grutter v. Bollinger*, 539 U.S. 306, 330–31 (2003) (upholding affirmative action program at University of Michigan Law School); Ronald Dworkin, *The Court and the University*, N.Y. REV. BOOKS, May 15, 2003, at 8 (noting support for affirmative action from the business and military community); Goodwin Liu, Brown, Bollinger, and Beyond, 47 HOW. L.J. 705, 743–44 (2004) (same).
 21. *See* U.S. CHAMBER OF COMMERCE, <http://www.uschamber.com> (last visited Aug. 20, 2011) (citing the organization's support of affirmative action for disabled workers); *supra* note 20.
 22. *See supra* notes 16–21.
 23. *See supra* notes 16–22 and accompanying text.

children and the interplay between the wealthy parents and the next generation—in short, the interest of the very rich in transcendence.²⁴

As with *The Long Hot Summer*, one needs to understand the kind of society the very wealthy want to leave behind after they have gone.

I. TRANSCENDENCE AND THE CHILDREN OF THE VERY RICH

And that kind of society, I posit, is one that they could—if they were able to return from the grave—recognize, identify with, and like. They or people very much like them, would be in charge. The new caretakers would understand their values and traditions and work hard to carry them on. And those values are conservative—they don't contemplate change, at least not fast.

This is where transcendence enters the picture. It is also where frustration sets in. For the children of the very rich, like Jody—the weak, effete son of the Southern patriarch in *The Long, Hot Summer*—very often disappoint.²⁵ They are not as hard working as Dad, not as driven.²⁶ Their parents have been in a position to buy them expensive clothes, European travel and vacations, fancy toys, and cars, and to pay for private education.²⁷ Unsurprisingly, the children have decided they like these creature comforts. Starting at the bottom of some business is unattractive. They would like comfortable jobs near the top right away—or, better yet, not to work at all.²⁸

Not only are they inclined, since childhood, to like luxury, they may be, compared to Dad, a little dim. Social scientists call this “regression toward the mean.”²⁹ The children of exceptional parents tend to be good at things, but not

24. See *supra* notes 8–9 (explaining the term).

25. See, e.g., Paul Sullivan, *Teaching Work Values to Children of Wealth*, N.Y. TIMES, May 29, 2010, at B1; see *JFK, Jr. Takes Bar Exam for Third Time*, L.A. TIMES, July 24, 1990, at P2 [hereinafter *Flunks*]; see also DAVID BROOKS, *BOBOS IN PARADISE: THE NEW UPPER CLASS AND HOW THEY GOT THERE* 28–29 (2000) (noting that many of the great families that made their fortunes during the industrial era were into the “third genteel generation” and exhibiting decline and a loss of vigor); Press Release, U.S. Trust, U.S. Trust Insights on Wealth and Worth Survey Finds Baby Boomers Mixed on Wealth Transfer to Next Generation (Apr. 19, 2011), http://www.ustrust.com/publish/ust_072210/USTSurvey/pdfs/PressRelease.pdf (reporting a 2011 Bank of America survey showing that wealthy parents feared that their grown children would lack the maturity or discipline to handle a large inheritance wisely).

26. See Sullivan, *supra* note 25 (noting that the children of wealth often require tutoring in the value of money and skills such as meeting commitments and keeping a schedule).

27. *Id.*

28. *Id.* (noting that many of these children have never held a job or learned to get up at a regular time in the morning, and stating that “[w]hen the new Range Rover pulls up into the driveway, there’s no concept of how many hours of hard work went into owning that vehicle”).

29. See *Regression Towards the Mean*, INTERNET GLOSSARY OF STATISTICAL TERMS, <http://www.animatedsoftware.com/statglos/sgregmea.htm> (last visited Aug. 20, 2011).

as good as Mom or Dad. By the same token, the children of very tall parents tend to be taller than average but not so towering as their parents. And the same holds true with IQ, musical talent, or any other gene-linked trait or ability. The children do not quite measure up to their parents.³⁰

This is worrisome for the plantation owner or tycoon, who realizes that a son like Jody has, perhaps, just enough ability to make it through a good college—with the aid of a legacy admission purchased by a hefty check to Dad's alma mater³¹—and then step into Dad's shoes in the company or firm. But the elder citizen knows that Junior, who makes clear his aversion to hard work, is apt to run the company into the ground in a few years. Nothing will be left—no transcendence.³²

To make matters worse, Junior may, in later years, write an exposé of life in Dad's and Mom's household.³³ Many children of famous families have done so, and publishers seem eager to print books baring the personal foibles of famous and well-heeled parents. Many of the offspring, as authors, come across as distinctly ungrateful, depicting their parents in highly unflattering terms. Dad emerges as cold and distant, and Mom as more interested in clothing and

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30. *Id.* See *Flunks*, *supra* note 25, for a recent example of a son from a famous family who did not exhibit the same native brilliance as his illustrious forebears.
31. On legacy admissions, see Debra Thomas & Terry Shepard, *Legacy Admissions Are Defensible, Because the Process Can't Be 'Fair,'* CHRON. HIGHER EDUC., Mar. 14, 2003, at B15 (defending alumni preferences in college and university admissions). *But see* JEROME KARABEL, *THE CHOSEN: THE HISTORY OF ADMISSION AND EXCLUSION AT HARVARD, YALE, AND PRINCETON* (2005) (criticizing elitism and alumni preferences at exclusive universities).
32. See Arango, *supra* note 8; *Flunks*, *supra* note 25 (describing recent examples of intergenerational decline in famous families); *see also* Raphael Satter & Cassandra Vinograd, *James Murdoch Under Fire as Scandal Spreads*, SEATTLE TIMES, July 23, 2011, at A3 (noting that a recent scandal “raises new questions about [James Murdoch's] succession to the helm of the media empire” run by his father).
33. For exposés of squabbles, intrigue, cruelty, neglect, and greed in well-known families, *see*, for example, PATTI DAVIS, *THE WAY I SEE IT: AN AUTOBIOGRAPHY* (1992) (detailing her growing-up years with parents Ronald and Nancy Reagan); CHRISTOPHER BUCKLEY, *MUM AND PUP AND ME* (2009) (including unflattering portrayals of his famous parents, Pat and William F. Buckley). *See also* ROBERT F. DALZELL, JR. & LEE BALDWIN DALZELL, *THE HOUSE THE ROCKEFELLERS BUILT: A TALE OF MONEY, TASTE, AND POWER IN TWENTIETH-CENTURY AMERICA* (2007); LANCE MORROW, *THE CHIEF: A MEMOIR OF FATHERS AND SONS* (1984); BOB ORTEGA, *IN SAM WE TRUST: THE UNTOLD STORY OF SAM WALTON AND HOW WAL-MART IS DEVOURING AMERICA* 20 (1998); *see also* LEVI JOHNSTON, *DEER IN THE HEADLIGHTS: MY LIFE IN SARAH PALIN'S CROSSHAIRS* (2011) (detailing a youth's frustrations with his girlfriend's celebrity mother); *MOMMY DEAREST* (Paramount Pictures 1981) (detailing the tribulations of a daughter in the household of a famous Hollywood actress). One thinks, as well, of the Biblical story of Ham and his exposé of his father, Noah.

parties than the precious psyches of her own children.³⁴ Both of them drank too much and paid too little attention to the children's struggles. How cruel! How sad the fate of a child of the super rich!

II. SOCIAL DISTRIBUTION

Consider, now, where social distribution enters the picture of such a family. In the back of the patriarch's mind is the realization that the country is full of Paul Newmans: young, strong, ambitious, eager to work and move up in the world, just biding their time and awaiting an opportunity—but, unlike Newman's character Ben Quick, Latino or black. Maybe Appalachian white, but at any rate, of a radically different stripe from his own slack-jawed kids. The specter of a million or more such youth, moving up the ladder, hungrier than the patriarch's own offspring and prepared to work eighteen hours a day, if necessary to surpass them, troubles the aging tycoon. Such a newcomer could easily eclipse a spoiled child with his soft ways and gentleman's C's.³⁵ And, if so, the face of America in the near future could look quite different, with brown and black people, and maybe Appalachian whites from the lower classes, too, running the show.

That alarming development can be averted by keeping as much of America's wealth as possible for Junior and his class and making sure that as little as possible reaches Gonzalo, Rashon, Billy Boy, and Lakeysha while they are growing up. This includes making sure the latter do not get into a top-flight college with the aid of affirmative action.³⁶ It includes assuring that their parents' household or neighborhood library lacks the books and computers

34. See *supra* note 33. The tale of the uncaring rich parent who neglects his or her children is as common as Cinderella.

35. On the "gentleman's C," see James Carney, *George W's Love-Hate Affair With Yale*, TIME, May 23, 2001 (explaining a custom among the upper class of not wanting to seem to be trying very hard). On upper-class languor and the rule against displaying too much effort, see, for example, F. SCOTT FITZGERALD, *THE GREAT GATSBY* (Scribner 1996) (1925).

36. See STEFANCIC & DELGADO, *supra* note 10, at 45–67 (discussing the rise of conservative opposition to affirmative action). On current attitudes toward affirmative action, see Jeffrey Rosen, Op-Ed, *Affirmative Action and Public Opinion*, N.Y. TIMES, May 23, 2011, <http://www.nytimes.com/roomfordebate/2011/05/22/is-anti-white-bias-a-problem/affirmative-action-and-public-opinion> (noting that attitudes are split along race and class lines). For an intriguing argument against affirmative action, see Richard Sander, *A Systemic Analysis of Affirmative Action at American Law Schools*, 57 STAN. L. REV. 367 (2004) (arguing that it hurts blacks). Transcendence anxiety and intergenerational regression to the mean can haunt wealthy liberal families as well as those of their conservative counterparts. See THOMAS MAIER, *THE KENNEDYS: AMERICA'S EMERALD KINGS* (2003) (tracing five generations of Kennedys beginning with patriarch Joseph Kennedy); *Flunks*, *supra* note 25.

that could enable a child raised there to rise very high or even imagine himself in a top office or position when he grows up.³⁷ It includes defunding a host of other social supports like the ones mentioned earlier that can help poor children rise and compete against the well-born.

III. ASSURING TRANSCENDENCE THROUGH SOCIAL ACTION

So far, I have made a case, based on the psychology of transcendence and a few observations about the child-raising experiences of the very rich, for some determined opposition from that sector to social redistribution. Now consider a few developments that suggest that the opposition I describe is not merely hypothetical but has actually set in—indeed, it has had a distinct impact on the nation’s recent history.

A. Shredding the Welfare Net

Beginning in the 1980s, wealthy Republicans began attacking welfare in a concerted fashion.³⁸ Even before this time, culture-of-poverty notions³⁹ and conservative books and position papers had advocated reducing welfare for the poor on the ground that it encouraged dependency, single motherhood, and excess childbirth.⁴⁰ These efforts came to fruition during the Clinton presidency

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37. On the financial troubles of public libraries, see Elsa Brenner, *Serving More Cardholders, but Dealing With Smaller Budgets*, N.Y. TIMES, Mar. 15, 2009, at 6; see also Ellis Cose, *The Race Gap in the Economic Recovery*, NEWSWEEK, June 18, 2010 (noting that the black-white wealth gap had quadrupled in one generation). If poor minority kids grow up with images of rap stars and athletes as models of wealth and success, they may quite naturally aspire to be like them rather than a lawyer, anthropologist, or classical musician. See Richard Delgado, *Affirmative Action as a Majoritarian Device: Or, Do You Really Want to Be a Role Model?*, 89 MICH. L. REV. 1222 (1991) (warning against unrealistic faith in role modeling by successful minorities); HOOP DREAMS (Front Line Features 1994).
38. E.g., STEFANCIC & DELGADO, *supra* note 10, at 82–95 (discussing the rise of conservative opposition to welfare). For a sampling of current opposition from the same sector, see *Marriage and Social Welfare*, THE HERITAGE FOUND., <http://www.heritage.org/issues/welfare/marriage-and-social-welfare> (last visited Aug. 20, 2011).
39. Culture of poverty is a term some social scientists use to describe a group that is trapped by a collection of self-defeating habits and customs that prevent its advance. See, e.g., OSCAR LEWIS, *FIVE FAMILIES: MEXICAN CASE STUDIES IN THE CULTURE OF POVERTY* (1959) (describing how fatalism, lack of initiative, and lack of faith in education hold back poor Mexican families); CHARLES MURRAY, *LOSING GROUND: AMERICAN SOCIAL POLICY, 1950–1980* (1984); U.S. DEPT. OF LAB., OFF. OF POLY PLAN. & RES., *THE NEGRO FAMILY: A CASE FOR NATIONAL ACTION* (1965) (ascribing black poverty to cultural traits stemming from a history of slavery and the breakup of families); see RICHARD VALENCIA, *THE EVOLUTION OF DEFICIT THINKING* (1993) (describing how the educational establishment blames the poor for their predicament).
40. See, e.g., STEFANCIC & DELGADO, *supra* note 10, at 82 (discussing the origins of the attack on welfare).

when welfare payments gave way to “workfare” and temporal limits on public assistance.⁴¹ With reduced support for public education,⁴² HeadStart, and similar programs,⁴³ the path to upward mobility for poor youth now became longer and rockier. The pool of competitors from the lower classes and minorities capable of competing with a wealthy person’s children now is considerably smaller than before. Wealthy conservatives, of course, were behind much of the effort to eliminate welfare.⁴⁴

B. Unlimited Corporate Political Contributions and the Demoralized Left

The richest one thousand Americans, predominantly conservative, command, among them, a great deal of wealth. But the Left in the United States is not without resources. The entertainment industry, especially Hollywood, has a good deal of money and is reliably liberal,⁴⁵ as is academia.⁴⁶ A half-million academics, each with a modest estate, are capable of turning out quite a bit of support for causes they hold dear, such as scholarships for poor kids or programs such as the Peace Corps. Hollywood is even richer. Both sectors could, potentially, take up the slack from cutbacks in state spending.

A series of federal court decisions ensuring that wealthy and well-heeled donors are able to contribute virtually unlimited amounts to political campaigns⁴⁷ did much to quell progressive energy and giving. After all, why should a liberal academic family making, perhaps, one hundred thousand dollars a year and with an estate totaling a million dollars stretch hard to make a one thousand dollar donation to the Obama campaign, Negro College Fund, or

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41. See Bill Clinton, Op-Ed, *How We Ended Welfare, Together*, N.Y. TIMES, Aug. 22, 2006, at A19.
 42. On the plight of the public schools, see, for example, Nicholas Confessore, *Legislators Seek to Outmaneuver Paterson by Offering a Budget of Their Own*, N.Y. TIMES, June 27, 2010, at A20.
 43. See Richard Delgado, *The Myth of Upward Mobility*, 68 U. PITT. L. REV. 879, 900–07 (2007) (discussing reductions in federal and state support for early education and subsidized healthcare and proposals for even more of the same).
 44. E.g., STEFANCIC & DELGADO, *supra* note 10, at 82–95 (discussing the role of conservative money and scholarship in these efforts). Consider, as well, the Koch-brothers-funded attack on unionization and collective bargaining, traditional avenues of working-class mobility. See Eric Lipton, *Billionaire Brothers’ Money Plays Role in Wisconsin Budget Dispute*, N.Y. TIMES, Feb. 22, 2011, at A16. Unions, of course, are not a form of welfare but a means by which working people see to their own economic security and well-being.
 45. On the liberal cast of the entertainment industry, see, for example, Terry Moran, *Why Is Hollywood So Liberal*, ABC NEWS, Feb. 22, 2007, http://blogs.abcnews.com/terrymoran/2007/02/why_is_hollywoo_1.html.
 46. On the left-leaning politics of academia, see, for example, Patricia Cohen, *Professor Is a Label That Leans to the Left*, N.Y. TIMES, Jan. 18, 2010, at C1.
 47. See *Citizens United v. Fed. Election Comm’n*, 558 U.S. 50 (2010) (liberalizing rules for political contributions); *Buckley v. Valeo*, 424 U.S. 1 (1976).

Southern Poverty Law Fund? A conservative organization or corporation can trump them by a donation to a conservative cause that is many times larger.

If money is speech, why contribute to national discourse if the voices on the other side are able to speak more loudly and persistently?⁴⁸ A demoralized Left is apt to speak much less insistently and forcefully than one that believes it is playing on a level field.

C. Financial Shocks and the Shrinking Liberal Wallet

Another means by which conservatives have demoralized their liberal counterparts is to trigger a series of dramatic downturns in the nation's economy—followed by equally sudden rises.⁴⁹ With an average liberal's modest retirement portfolio under threat—indeed, it may have dropped, at one time, close to 50 percent⁵⁰—how could one consider giving a large contribution to a liberal organization? The times are different, and harder. Perhaps it is time to tend to one's own garden. As I write, the stock market stands close to where it stood shortly before the latest big crash. But everyone in my circle of friends (I am a liberal academic) is insecure. Giving to nonprofit organizations and philanthropies is lower than it has been in some time.⁵¹ Since these are the groups working to provide college scholarships, early childhood healthcare, and other social supports, the children of the working class will suffer a broad withdrawal of support. Young people of real talent, who might have posed competition for wealthy children like Jody, will be less likely to develop into serious rivals.

48. See David D. Kirkpatrick, *Lobbyists Get Potent Weapon in Campaign Ruling*, N.Y. TIMES, Jan. 21, 2010, <http://www.nytimes.com/2010/01/22/us/politics/22donate.html> (making a similar point).

49. See, e.g., Editorial, *The Party That Can't Say Yes*, N.Y. TIMES, July 23, 2011, at A18 (noting that “[o]nce again, Republicans walk away from an overly generous debt-limit offer,” thereby shaking financial markets); Kevin G. Hall, *Debt-Limit Showdown Threatens Our Savings*, SEATTLE TIMES, July 22, 2011, at A1 (noting that conservative recalcitrance is threatening middle-class savings). For examples of other conservative policies that have caused economic shocks or seesawing, see Paul Krugman, Op-Ed, *Dubya's Double Dip*, N.Y. TIMES, Aug. 2, 2002, at A21; Paul Krugman, Op-Ed, *That Hissing Sound*, N.Y. TIMES, Aug. 8, 2005, at A15 (describing the role of Wall Street operatives and bankers in creating the housing bubble); Peter Wallsten & Sudeep Reddy, *Fresh Attack on Fed Move*, WALL ST. J., Nov. 15, 2010, <http://online.wsj.com/article/SB10001424052748704327704575614853274246916.html> (noting that conservative economists, coordinating with Republican lawmakers, called on Federal Reserve chairman Ben Bernanke to drop a plan to buy \$600 billion in additional U.S. treasury bonds in an effort to stabilize the economy on the ground that such a measure is “not a substitute for tax relief” for the wealthy business class). Traditionally, the Federal Reserve has been nonpartisan, a position that most pressure groups have respected.

50. See, e.g., Julie Hirschfeld Davis, *Retirement Accounts Have Lost \$2 Trillion*, ASSOCIATED PRESS, Oct. 7, 2009 (describing impact of recent stock market fluctuations on many citizens' retirement plans).

51. See Stephanie Strom, *More Evidence of Drop in Donations*, N.Y. TIMES, June 19, 2010, at A16.

D. Why Now?

If transcendence anxiety seems to be gripping the nation's wealthy and powerful more tightly today than it did in the days of King Lear or even Will Varner, we might ask why this might be so. A number of reasons come to mind. *Brown v. Board of Education*⁵² and the civil rights movement⁵³ enabled many black students to move up the educational ladder in previously segregated public schools. Within a few years, they would soon be knocking at the doors of the nation's colleges and universities.⁵⁴ When these institutions introduced affirmative action programs and courts upheld them,⁵⁵ it would have been even plainer that the days of plutocratic, wealth-based succession were numbered. The Jody's of the world would now have serious competition.

Moreover, a few years later, Latino immigration began to pick up.⁵⁶ During the 1990s, it became a flood, with the new immigrants settling in regions of the country, such as the South, the Midwest, and New England, that formerly contained only small numbers of them. With an appetite for hard work, these newcomers, too, had the potential to create worries for the wealthy parents of indolent sons and daughters.⁵⁷

As though that were not troublesome enough, beginning a few years ago, liberal and libertarian writers began calling for affirmative action based on class.⁵⁸ This approach would have given special consideration to Appalachian whites, recent Eastern European immigrants, and others with strong academic credentials but insufficient family wealth to afford a top school.⁵⁹

During the same period, colleges and universities began competing to see who could cater most successfully to leisure-loving students, building elaborate recreation centers (replete with climbing walls), student unions, and dormitories

52. 347 U.S. 483 (1954).

53. See, e.g., JUAN PEREA ET AL., RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA 168–72 (2d ed. 2007) (describing this period).

54. See Richard Delgado, *Liberal McCarthyism and the Origins of Critical Race Theory*, 94 IOWA L. REV. 1504, 1514–17 (2009) (describing this progression).

55. See *Grutter v. Bollinger*, 539 U.S. 306 (2003) (upholding affirmative action at the University of Michigan Law School).

56. See, e.g., RICHARD DELGADO ET AL., LATINOS AND THE LAW: CASES AND MATERIALS 406–42 (2008) (describing the history of Latino immigration); Richard Delgado, *Rodrigo's Portent: California and the Coming Neocolonial Order*, 87 WASH. U. L. REV. 1293, 1320–21 (2010) (same).

57. DELGADO ET AL., *supra* note 56, at 406–42; Delgado, *supra* note 56, at 1330–31.

58. See RICHARD KAHLENBERG, THE REMEDY: CLASS, RACE, AND AFFIRMATIVE ACTION (1996) (proposing such an approach).

59. *Id.*

with amenities such as kitchenettes and computer terminals in each room.⁶⁰ New self-designed curricula permitted students to devise courses of study unfocused enough that they must have given some successful and hard-driving parents nightmares.⁶¹ Meanwhile, Asian, Latino, black, and working-class white students were living in the old dorm on the other side of campus and taking no-nonsense courses in computer science, business, classics, or accounting.

To compound matters, Dad himself may well be feeling less appreciated than before. While society today continues to venerate the wealthy, self-made man, wealth alone is no longer enough. Our role models today are no longer automatically members of the Forbes list of the world's wealthiest individuals, but those, like Bill Gates or George Soros, who put their money to work solving world hunger or endowing museums in the inner city.⁶² For all these reasons, the very wealthy today may easily feel less appreciated than in the past by society at large and more concerned over their children's prospects in light of both the new competition and the less rigorous training a student like Jody is apt to receive at a good college.

CONCLUSION

I have suggested looking at recent events through the prism of transcendence, the desire to shape events after one is gone. With very rich conservatives, transcendence meets a stumbling block when their own children, as many do, show little interest in the hard work that led to their parents' success. Many wealthy families try to compensate by buying their children educational opportunities at first-class schools.

But the children may still disappoint, raising the prospect that they could be overtaken by a hungry, hard-driving minority or poor white child. Even though human capital, upward mobility, and merit selection are good for democracy

60. See Richard Arum & Josipa Roksa, *Your So-Called Education*, N.Y. TIMES, May 15, 2011, at WK10 (“[M]any schools are investing in deluxe dormitory rooms, elaborate student centers and expensive gyms. Simply put: academic investments are a lower priority.”); Scott Carlson, *New Student Union a “Playground” at University of Wisconsin at Madison*, CHRON. HIGHER EDUC., Apr. 7, 2011, <http://chronicle.com/blogs/buildings/new-student-union-a-playground-at-u-of-wisconsin-at-madison/29345>; Leo Reisberg, *Colleges Replace Drab Gyms With Sleek, Playful Facilities*, CHRON. HIGHER EDUC., Feb. 9, 2011, <http://chronicle.com/article/Colleges-Replace-Drab-Gyms/4727> (describing colleges' rush to compete for the most lavish array of recreational amenities).

61. See Susan Dodge, *Self-Defined Majors: At the Cutting Edge*, CHRON. HIGHER EDUC., Mar. 25, 1992, at A31; Ilana Kowarski, *Newly Customized Majors Suit Students With Passions All Their Own*, CHRON. HIGHER EDUC., Sept. 10, 2010, at A18.

62. See, e.g., Bishop & Green, *supra* note 19 (describing the plans of a group of super rich to devote much of their wealth toward solving world problems).

and the economy—and, indeed, receive support from many thoughtful members of the business class—they are not good for the Jody's of the world. Based on recent developments and the psychology of transcendence, I posit that this is what lies behind the stubborn resistance, on the part of some of the country's richest citizens, to public education, higher taxes, and other forms of social redistribution.