

DOI: <https://doi.org/10.24833/0869-0049-2025-2-133-147>

Research article
UDC: 341
Received 30 July 2024
Approved 20 May 2025

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THE 25TH AMENDMENT AND PRESIDENTIAL SUCCESSION: A CONSTITUTIONAL ANALYSIS IN LIGHT OF RECENT DEBATES

INTRODUCTION. *This comprehensive analysis examines the 25th Amendment of the United States Constitution, focusing on its historical context, current political relevance, and potential implications for American governance. The study explores the amendment's provisions for presidential succession and incapacity against the backdrop of contemporary political debates.*

MATERIAL AND METHODS. *The research employs a multidisciplinary methodology combining historical analysis of presidential incapacity cases, a comprehensive literature review of constitutional law and governance studies, evaluation of ethical implications through democratic theory, and examination of current political discourse surrounding the amendment.*

RESEARCH RESULTS. *The study reveals the complex interplay between the amendment's four sections and their practical applications, highlighting the unprecedented nature of Section 4's potential invocation. Analysis demonstrates significant legal costs associated with its implementation, including institutional strain between branches of government, challenges to democratic legitimacy, and the establishment of potentially problematic precedents for future executive-legislative relations.*

DISCUSSION AND CONCLUSIONS. *The findings underscore that the 25th Amendment represents both a constitutional safeguard and a complex governance challenge, requiring delicate navigation of legal frameworks, political realities, and ethical considerations. The potential invocation of Section 4 carries profound implications for separation of powers, democratic norms, and constitutional interpretation that extend well beyond immediate political considerations. This analysis illuminates the amendment's dual nature as both solution and challenge to the American constitutional system.*

KEYWORDS: *Constitutional Law, Executive Incapacity, Governance Stability, Presidential Disability, Presidential Succession, Political Institutions, Public Trust, United States Constitution*

FOR CITATION: Badawi H. The 25th Amendment and Presidential Succession: a Constitutional Analysis in Light of Recent Debates. – *Moscow Journal of International Law*. 2025. No. 2. P. 133–147. DOI: <https://doi.org/10.24833/0869-0049-2025-2-133-147>

The author declares the absence of conflict of interest.

INTERNATIONAL AND NATIONAL LAW

DOI: <https://doi.org/10.24833/0869-0049-2025-2-133-147>

Исследовательская статья

УДК: 342

Поступила в редакцию: 30.07.2024

Принята к публикации: 20.05.2025

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25-Я ПОПРАВКА И ПРЕЕМСТВЕННОСТЬ ПРЕЗИДЕНТСКОЙ ВЛАСТИ: КОНСТИТУЦИОННЫЙ АНАЛИЗ В СВЕТЕ НЕДАВНИХ ДЕБАТОВ

ВВЕДЕНИЕ. Исследование предлагает всесторонний анализ 25-й поправки к Конституции Соединенных Штатов Америки (США), уделяя особое внимание ее историческому контексту, текущей политической значимости и потенциальным последствиям для американской системы управления. Исследование изучает положения поправки о преемственности и недееспособности президента на фоне современных политических дебатов.

МАТЕРИАЛЫ И МЕТОДЫ. В исследовании используется междисциплинарная методология, объединяющая исторический анализ случаев недееспособности президента, обзор литературы по конституционному праву и государственному управлению, а также оценку этических последствий с применением демократической теории и на основе изучения текущего политического дискурса вокруг поправки.

РЕЗУЛЬТАТЫ ИССЛЕДОВАНИЯ. Исследование раскрывает сложное взаимодействие между четырьмя разделами поправки и их практическим применением, подчеркивая беспрецедентный характер потенциального применения Раздела 4. Анализ демонстрирует значительные юридические издержки, связанные с его реализацией, включая институциональную напряженность между ветвями власти, проблемы демо-

кратической легитимности и создание потенциально опасных прецедентов для отношений между исполнительной и законодательной властью.

ОБСУЖДЕНИЕ И ВЫВОДЫ. Результаты исследования подтверждают, что 25-я поправка представляет собой как механизм конституционной защиты, так и сложную проблему управления, в связи с этим ее возможное применение требует деликатного ориентирования в правовых нормах, современных политических реалиях, соблюдения принципов этики. Потенциальное применение Раздела 4 может иметь значимые последствия для принципа разделения властей, демократических норм и толкования Конституции, выходя далеко за рамки политических соображений. Проведенный анализ проливает свет на двойственную природу поправки – одновременно как решения и вызова для конституционной системы США.

КЛЮЧЕВЫЕ СЛОВА: конституционное право, недееспособность исполнительной власти, стабильность управления, недееспособность президента, преемственность президента, политические институты, общественное доверие, Конституция США

ДЛЯ ЦИТИРОВАНИЯ: Бадави Х. 2025. 25-я поправка и преемственность президентской власти: конституционный анализ в свете недавних дебатов. – *Московский журнал международного права*. № 2. С. 133–147. DOI: <https://doi.org/10.24833/0869-0049-2025-2-133-147>

Автор заявляет об отсутствии конфликта интересов.

1. Introduction

The 25th Amendment to the United States Constitution has been a subject of renewed scholarly interest, particularly considering recent political events and debates surrounding presidential capacity. This literature review examines the key themes and perspectives in the academic discourse on the amendment, its historical context, and its potential contemporary applications.

1. *Constitutional Interpretation and Legal Challenges:* The legal intricacies of the 25th Amendment have been extensively analyzed by several scholars. Kalt provides a series of in-depth examinations of the amendment's provisions, particularly focusing on the complexities of Section 4 [Kalt 2012; Kalt 2019; Kalt 2021]. His work is particularly valuable in exploring the potential scenarios and legal challenges that could arise from invoking the amendment. Amar offers a broader constitutional perspective, situating the 25th Amendment within the larger framework of American constitutional history and development [Amar 2005; Amar 2021]. His analysis helps to contextualize the amendment within the evolving understanding of executive power and constitutional governance. Tribe and Matz further contribute to this discourse by examining the 25th Amendment in relation to other constitutional mechanisms for addressing presidential misconduct or incapacity, providing a comprehensive view of the legal landscape surrounding executive accountability [Tribe, Matz 2018].

2. *Historical Context and Development:* The historical development of the 25th Amendment is thoroughly explored in Feerick's comprehensive work, which traces its origins from the aftermath of President Kennedy's assassination to its ratification in 1967 [Feerick 2022]. Feerick's analysis provides crucial insights into the constitutional gaps that the amendment sought to address, particularly regarding presidential succession and incapacity. Gould and Cooper offer valuable historical context through

their examinations of the modern American presidency and Woodrow Wilson's incapacitation, respectively [Gould 2009; Cooper 2009]. These works highlight the evolving nature of executive power and the challenges posed by presidential health crises before the amendment's existence.

3. *International Perspectives and Democratic Norms:* Several scholars situate the 25th Amendment discourse within a broader context of global democratic norms. Diamond and Carothers examine how debates surrounding executive capacity and succession in the U.S. impact perceptions of democratic governance worldwide [Diamond 2020; Carothers 2022].

4. *Medical and ethical considerations:* The intersection of medical assessment and constitutional processes is an emerging area of study. Gilbert and Berger provide important analyses of the challenges in assessing presidential cognitive health and the potential role of medical professionals in 25th Amendment scenarios [Gilbert 2020; Berger 2021]. Annas with Grodin and Lachman contribute valuable perspectives on the ethical considerations surrounding medical assessments of political leaders and the broader implications for public health and governance [Annas, Grodin 2018; Lachman 2012].

5. *Political Implications and Contemporary Relevance:* The contemporary political implications of the 25th Amendment have been a focus of recent scholarship. Levinson and Balkin explore the amendment in the context of broader issues of democratic dysfunction, highlighting the challenges of applying constitutional provisions in a highly polarized political environment [Levinson, Balkin 2019]. Goldstein provides valuable insights into the evolving role of the vice presidency, which is crucial for understanding the potential dynamics of invoking the 25th Amendment [Goldstein 1982; Goldstein 2017]. His work illuminates the complex relationship between the president and vice president in modern governance. Jamieson and Drezner offer perspectives on how recent political events and

media dynamics have shaped public understanding and discourse around presidential capacity and the potential use of the 25th Amendment [Jamieson 2020; Drezner 2020].

This literature on the 25th Amendment reveals a complex interplay of constitutional law, political reality, historical precedent, and contemporary challenges. While there is a robust body of work on the amendment's history and legal framework, emerging scholarship increasingly focuses on its potential application in modern political contexts, the role of medical expertise in governance, and the broader implications for democratic norms and institutions. As political and societal dynamics continue to evolve, further research is needed to fully understand the amendment's role in ensuring stable and capable executive leadership in the 21st century.

The United States Constitution, a living document that has guided the nation for over two centuries, provides crucial mechanisms to ensure the stability and continuity of executive leadership [Amar 2005]. Among these constitutional safeguards, the 25th Amendment, ratified in 1967, has garnered renewed attention in contemporary political discourse [Goldstein 1982]. This amendment, born out of the tragedy of President John F. Kennedy's assassination, addresses the intricate issues of presidential succession and incapacity [Feerick 2022].

The 25th Amendment's provisions have become increasingly relevant in recent years, as debates surrounding presidential fitness and succession have intensified [Kalt 2019]. These discussions reflect not only the amendment's legal implications but also its intersection with political realities, public perception, and the evolving nature of executive power in the modern era [Levinson, Balkin 2019].

This analysis seeks to examine the 25th Amendment's provisions in depth, exploring their historical context, legal framework, and potential applications in contemporary political scenarios. By delving into

the amendment's four sections, we aim to elucidate the complex interplay between constitutional law, political pragmatism, and democratic principles that underpin this crucial aspect of American governance [Neale 2018]. Moreover, this study will contextualize the current debates surrounding the 25th Amendment within broader discussions of presidential power, partisan politics, and the challenges of governance in an increasingly polarized political landscape [Posner, Vermeule 2018]. By doing so, we hope to contribute to a more nuanced understanding of this constitutional provision and its significance in maintaining the stability and integrity of the American political system.

As we navigate these complex issues, it is imperative to approach the topic with academic rigor, historical perspective, and a commitment to constitutional principles. This analysis aims to provide a comprehensive examination of the 25th Amendment, its potential implications, and its role in shaping the future of American democracy.

This study employed a multidisciplinary approach, combining historical analysis, legal interpretation, and political science perspectives. The methodology included:

- Analysis of historical case studies related to presidential incapacity and succession;
- Comprehensive literature review of constitutional law, political history, and contemporary governance studies;
- Evaluation of ethical and governance implications through the lens of democratic theory and institutional analysis;
- Examination of current political debates and public discourse surrounding the 25th Amendment.

This approach allowed for a holistic examination of the 25th Amendment's role in modern American politics and its potential impact on democratic institutions (*Table 1*).

Table 1. Methodological framework for constitutional analysis of the 25th Amendment

Table 1: Methodological Framework for Constitutional Analysis		
Research Component	Approach	Application to 25th Amendment Study
Historical Analysis	Examination of precedent cases and contextual factors	Analysis of Wilson, Reagan, and post-January 6 cases
Legal Interpretation	Textual and intent-based analysis of constitutional provisions	Detailed examination of all four sections
Political Science Perspective	Analysis of institutional dynamics and partisan factors	Consideration of political feasibility and electoral implications
Ethical Framework	Application of democratic theory and governance principles	Assessment of balance between individual rights and national interests

2. 25th Amendment: An Overview

The 25th Amendment, ratified on February 10, 1967, addresses critical issues of presidential suc-

cession and incapacity that had long been subjects of constitutional ambiguity [Feerick 2022]. This amendment comprises four sections, each addressing specific scenarios related to executive leadership continuity (Table 2).

Table 2. Structural overview of the 25th Amendment's four sections

Table 2: Structural Overview of the 25th Amendment			
Section	Primary Function	Historical Application	Key Provisions
Section 1	Presidential Succession	Codified Tyler precedent	Vice President automatically becomes President upon death, resignation, or removal of President
Section 2	Vice Presidential Vacancy	Invoked twice (1973, 1974)	President nominates new Vice President, confirmed by majority vote of both Houses of Congress
Section 3	Voluntary Transfer of Power	Used for presidential medical procedures	President voluntarily transfers power temporarily to Vice President as Acting President
Section 4	Involuntary Removal	Never fully invoked	Vice President and Cabinet majority can declare President unable to discharge duties; includes provisions for dispute resolution by Congress

Section 1: Presidential Succession

Section 1 of the amendment states, “In case of the removal of the President from office or of his death or resignation, the Vice President shall become President” [U.S. Const. amend. XXV. § 1]. This provision clarifies the automatic nature of succession, resolving historical uncertainties about the Vice President's role in such circumstances [Goldstein 1982]. It codifies the precedent set by John Tyler in 1841, who assumed the full powers of the presidency upon William Henry Harrison's death rather than merely acting as president.

Section 2: Vice Presidential Vacancy

This section provides that “whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress” [U.S. Const. amend. XXV. § 2]. This provision has been invoked twice: in 1973 with the nomination of Gerald Ford following Spiro Agnew's resignation and in 1974 when Ford, as President, nominated Nelson Rockefeller [Neale 2018]. This process ensures continuous leadership in the executive branch and maintains the line of succession [Kalt 2012].

Section 3: Voluntary Transfer of Power

Section 3 allows for a temporary, voluntary transfer of power from the President to the Vice President. It states that when the President transmits a written declaration of inability to discharge powers and duties, “such powers and duties shall be discharged by the Vice President as Acting President” [U.S. Const. amend. XXV. § 3]. This provision has

been used for brief periods during presidential medical procedures, demonstrating its utility in planned scenarios [Kassop 2020].

Section 4: Involuntary Removal

Perhaps the most controversial and least understood section, Section 4, provides a mechanism for removing a president deemed unable to discharge the duties of the office. It requires the Vice President and most of the principal officers of the executive departments (or another body designated by Congress) to declare the President's inability [U.S. Const. amend. XXV. § 4]. This section has never been invoked, leading to significant scholarly debate about its potential application and implications.

The complexity of this provision lies in its potential for political misuse and the challenges of defining presidential inability [Levinson, Balkin 2010]. It raises profound questions about the balance of power within the executive branch and the role of medical expertise in determining fitness for office [Kalt 2019].

3. Current Political Context

The 25th Amendment has recently gained significant attention in public and academic discourse, reflecting the complex interplay between constitutional law, political dynamics, and public perception of executive leadership. This renewed focus stems from several interconnected factors:

Concerns over Presidential Capacity

Recent debates have centered on questions of presidential cognitive capacity and fitness for office,

a topic that has historical precedents but has gained new urgency in the current political climate [Posner, Vermeule 2018]. These discussions often involve:

- *Age-related concerns*: With the increasing age of recent presidents, there has been growing scrutiny of cognitive decline and its potential impact on executive function [Berger 2021];
- *Medical transparency*: Calls for more comprehensive and transparent medical evaluations of presidential candidates and sitting presidents have intensified [McDermott 2007];
- *Public appearances and performances*: Instances of perceived confusion, verbal missteps, or other behaviors during public engagements have fueled speculation about presidential capacity [Jamieson 2020].

Calls for Leadership Change within the Democratic Party

The internal dynamics of the Democratic Party have contributed to discussions about potential leadership transitions:

- *Electoral strategy*: Concerns about electability and the ability to effectively campaign have led some party members to advocate for alternative candidates [Enten 2022];
- *Generational shift*: There is an ongoing debate about the need for younger leadership within the party, reflecting broader demographic and ideological shifts [Azari 2024];
- *Policy direction*: Disagreements over policy priorities and the overall direction of the party have fueled discussions about potential leadership changes.

Speculation about Potential Succession Scenarios

The possibility of invoking the 25th Amendment has led to various speculative scenarios:

- *Impact on governance*: Scholarly examinations of how a potential invocation might affect policy-making, international relations, and public trust in government institutions [Levinson, Balkin 2019];
- *Involuntary removal*: Analysis of the practical and political challenges involved in invoking Section 4, including the role of the Cabinet and Congress [Goldstein 2017];
- *Voluntary invocation*: Discussions about the potential for a president to voluntarily invoke Section 3 for an extended period [Kalt 2019].

These discussions reflect broader concerns about the stability of American democratic institutions and the adaptability of the Constitution to contemporary challenges [Amar 2021]. They also highlight the tension between legal mechanisms and political realities in addressing questions of executive capacity and succession [Tribe, Matz 2018]. It is crucial to note that while these debates are ongoing, they remain largely speculative and theoretical. The 25th Amendment, particularly Section 4, has never been fully invoked, leaving many questions about its practical application unanswered [Neale 2018].

4. Constitutional Mechanisms and Political Realities

The 25th Amendment provides constitutional mechanisms for addressing presidential inability or vacancy, but these provisions intersect with complex political realities. This section examines the interplay between legal frameworks and practical considerations (*Table 3*).

Table 3. Key stakeholder groups in 25th Amendment deliberations

Table 3: Stakeholders in 25th Amendment Deliberations		
Stakeholder Group	Primary Role	Key Considerations
Vice President	Central figure in both voluntary and involuntary processes	Political loyalty vs. constitutional duty
Cabinet Members	Required for Section 4 invocation	Professional obligations vs. political appointments
Congress	Confirmation (Section 2) and dispute resolution (Section 4)	Partisan dynamics and constitutional responsibilities
Medical Professionals	Assessment of presidential capacity	Ethical obligations and definitional challenges
Media	Information dissemination	Balance between public interest and responsible reporting
Public	Democratic legitimacy	Trust in institutions and understanding of constitutional processes

Voluntary Resignation [Section 3]

Section 3 of the 25th Amendment allows for a temporary or permanent transfer of power initiated by the President [U.S. Const. amend. XXV. § 3].

1. Temporary Transfer of Power:

- Enables the President to transfer power voluntarily and temporarily to the Vice President [Goldstein 1982];

- Has been used for short periods during planned medical procedures, demonstrating its utility in controlled scenarios [Neale 2018];

2. Preservation of Presidential Dignity:

- Allows the President to maintain agency in the decision-making process [Kalt 2019];

- Potentially mitigates political fallout by framing the transfer as a responsible act of leadership [Levinson, Balkin 2019].

However, the voluntary nature of this provision may limit its applicability in situations where a president is unwilling or unable to recognize their own incapacity [Posner, Vermeule 2018].

Involuntary Removal [Section 4]

Section 4 provides a mechanism for involuntary removal of the president, a process fraught with legal and political complexities.

1. Procedural Requirements:

- Requires a declaration by the Vice President and a majority of either the principal officers of the executive departments or another body as Congress may by law provide [U.S. Const. amend. XXV. § 4];

- Involves a potential four-day waiting period if the President contests the declaration, followed by a Congressional decision process [Feerick 2022].

2. Challenges and Controversies:

- Raises questions about the definition of “*inability*” and who is best positioned to make such determinations [Kalt 2012];

- Potential for political misuse or perception thereof, potentially undermining public trust [Tribe, Matz 2018].

The complexity and gravity of this process make its invocation highly unlikely except in the most extreme circumstances [Amar 2005].

Political Considerations

The potential use of the 25th Amendment is inextricably linked to broader political considerations.

1. Party Unity and Electoral Strategies:

- Any discussion of presidential succession inevitably impacts party cohesion and electoral prospects [Azari 2024];

- The timing of such discussions relative to election cycles can significantly influence political calculations [Enten 2022];

2. Public Perception and Democratic Legitimacy:

- The invocation of the 25th Amendment, particularly Section 4, could be perceived as subverting the will of the electorate [Levinson, Balkin 2019];

- Media coverage and public understanding of the amendment's provisions play crucial roles in shaping public opinion [Jamieson 2020].

2. Precedent-Setting Nature:

- The first full invocation of Section 4 would set significant legal and political precedents, potentially influencing future applications [Goldstein 2017];

- Concerns about lowering the bar for future removals may deter its use in all but the most clear-cut cases.

3. International Implications:

- Presidential succession discussions can impact international relations and perceptions of U.S. stability [McDermott 2007];

- The geopolitical context may influence decision-making regarding the amendment's invocation [Berger 2021].

Overall, while the 25th Amendment provides constitutional mechanisms for addressing presidential inability, their application is deeply intertwined with complex political realities. The tension between legal provisions and practical considerations underscores the challenges of navigating presidential succession in the modern political landscape. As debates continue, scholars and policymakers must grapple with balancing constitutional fidelity, political pragmatism, and the preservation of democratic norms.

Historical Precedents and Comparisons

While the 25th Amendment has never been fully invoked for extended periods, historical examples provide crucial context for understanding its potential application and the challenges of addressing presidential incapacity. These precedents illuminate the evolution of constitutional thought and political practice regarding executive leadership continuity (Table 4).

Table 4. Timeline of major events related to presidential succession and the 25th Amendment

Table 4: Timeline of Key Events Related to Presidential Succession and the 25th Amendment.		
Year	Event	Significance
1841	Death of President William Henry Harrison	John Tyler established precedent by assuming full presidential powers rather than merely acting as president
1919	President Woodrow Wilson's stroke	Exposed constitutional ambiguity regarding presidential incapacity; First Lady Edith Wilson and advisors effectively ran executive branch
1955	President Eisenhower's heart attack	Led to informal agreements about power transfer, influencing later constitutional discussions
1963	Assassination of President John F. Kennedy	Directly contributed to the creation of the 25th Amendment
1967	Ratification of the 25th Amendment	Established formal procedures for presidential succession and incapacity
1973	Resignation of Vice President Spiro Agnew	First invocation of Section 2; President Nixon nominated Gerald Ford as Vice President
1974	Resignation of President Nixon	Gerald Ford became the first president to take office under the 25th Amendment's provisions
1974	Nomination for Nelson Rockefeller	Second invocation of Section 2; President Ford nominated Rockefeller as Vice President
1980s	Concerns about President Reagan's cognitive health	Raised questions about gradual cognitive decline in a sitting president
2021	January 6 Capitol events	Prompted renewed interest in and calls for invoking the 25th Amendment

A comparative analysis of presidential incapacity cases is presented in table 5, which examines different constitutional frameworks and their management approaches (Table 5).

Table 5. Comparative analysis of presidential incapacity cases across different constitutional frameworks

Table 5: Comparative Analysis of Presidential Incapacity Cases			
Case	Constitutional Framework	Management Approach	Long-term Impact
Wilson's Incapacitation (1919)	Pre-25th Amendment ambiguity	De facto governance by First Lady and small circle of advisors	Later discussions influenced on presidential succession
Reagan's Cognitive Health	25th Amendment in place but not invoked	Internal management within administration	Led to retrospective assessments and debate about cognitive fitness standards
January 6, 2021, Discussions	Full 25th Amendment framework	Political feasibility challenges prevented invocation	Prompted scholarly examinations of amendment's applicability to misconduct vs. medical incapacity

Woodrow Wilson's Incapacitation [Pre-25th Amendment]

President Woodrow Wilson's stroke in October 1919 represents a significant case study in presidential incapacity before the 25th Amendment's ratification:

- Constitutional Ambiguity: Wilson's incapacitation exposed the lack of clear constitutional provisions for handling presidential inability [Gould 2009];
- De Facto Governance: First Lady Edith Wilson and a small circle of advisors effectively ran the executive branch, raising questions about democratic legitimacy and transparency [Cooper 2009];
- Long-term Impact: This episode significantly influenced later discussions on presidential succession and incapacity, contributing to the eventual formulation of the 25th Amendment [Feerick 2022].

Discussions Surrounding Ronald Reagan's Cognitive Health

Concerns about President Ronald Reagan's cognitive health during his second term have become a subject of historical analysis and debate:

- Constitutional Implications: This case highlights the challenges of assessing gradual cognitive decline in a sitting president, a scenario not explicitly addressed by the 25th Amendment [Gilbert 2020];
- Political Considerations: The handling of Reagan's potential cognitive issues demonstrates the complex interplay between medical privacy, public interest, and political loyalty [Cannon 2008];
- Retrospective Assessments: Post-presidency revelations about Reagan's Alzheimer's diagnosis have led scholars to reexamine their later years in office [Abrams 1994].

Debates Following January 6, 2021, Capitol Events

The aftermath of January 6, 2021, the Capitol insurrection sparked renewed interest in the 25th Amendment:

- **Constitutional Analysis:** This period prompted scholarly examinations of the amendment's applicability in cases of alleged presidential misconduct rather than medical incapacity [Kalt 2021];
- **Immediate Discussions:** In the wake of the events, there were calls from some political figures and scholars to invoke the 25th Amendment [Bowman 2021];
- **Political Feasibility:** The ultimate decision not to invoke the amendment highlighted the practical and political challenges of its application, even in extreme circumstances [Tribe, Matz 2018].

Other Relevant Historical Contexts

1. **Eisenhower's Health Crises:** President Dwight D. Eisenhower's heart attack in 1955 and subsequent health issues led to informal agreements about power transfer, influencing later constitutional discussions [Conklin 2016].
2. **Kennedy Assassination:** The tragic death of President John F. Kennedy in 1963 exposed gaps in succession planning and directly contributed to the 25th Amendment's creation [Neale 2018].
3. **Nixon's Resignation:** While not related to incapacity, President Richard Nixon's resignation in

1974 evaluated related aspects of executive succession, with Gerald Ford becoming the first president to take office under the 25th Amendment's provisions [Kassop 2020].

These historical precedents underscore the complex interplay between constitutional theory and political reality in addressing presidential incapacity or succession. They demonstrate that while the 25th Amendment provides a framework for managing such situations, its application remains subject to political, ethical, and practical considerations.

The evolution of these cases over time reflects changing attitudes towards presidential health, the role of medical expertise in governance, and the balance between transparency and privacy in executive leadership. As contemporary debates continue, these historical examples provide valuable insights into the challenges and nuances of interpreting and applying constitutional provisions in real-world scenarios.

Ethical and Governance Implications

The ongoing debate surrounding the potential invocation of the 25th Amendment raises profound ethical and governance questions that extend beyond mere constitutional interpretation. These issues touch upon fundamental principles of democracy, individual rights, and the nature of executive power in the modern era (Table 6).

Table 6. Ethical dimensions of presidential capacity assessment

Table 6: Ethical Dimensions of Presidential Capacity Assessment		
Dimension	Core Tension	Related Constitutional Value
Privacy vs. Public Interest	President's medical privacy vs. public's right to information	Transparency in democratic governance
Individual Rights vs. National Interests	Personal autonomy vs. effective leadership	Constitutional duty and public service
Medical Assessment Standards	Objective measures vs. contextual judgment	Equal application of constitutional standards
Democratic Will vs. Constitutional Safeguards	Electoral mandate vs. fitness requirements	Balance of powers and constitutional limitations
Institutional Integrity	Separation of powers vs. inter-branch cooperation	Constitutional checks and balances

Balance Between Individual Rights and National Interests

1. **Privacy vs. Public Interest:**
 - The tension between a president's right to medical privacy and the public's right to know about their leader's health status [Annas, Grodin 2018];
 - Ethical considerations in disclosing medical information of elected officials [Berger 2021].
2. **Personal Autonomy vs. Constitutional Duty:**

- The ethical dilemma of removing a democratically elected leader against their will [Levinson, Balkin 2019];

- Balancing respect for individual agency with the constitutional imperative of effective governance [Posner, Vermeule 2018].

Role of Medical Assessments in Determining Fitness for Office

1. **Standardization of Presidential Health Evaluations:**

- Debates over implementing comprehensive, standardized health assessments for presidents and candidates [McDermott 2007];

- Challenges in defining and measuring cognitive fitness for high-office roles [Gilbert 2020].

2. Medical Expertise in Constitutional Processes:

- The potential role of medical professionals in 25th Amendment deliberations [Kalt 2019];

- Ethical considerations for physicians involved in assessing presidential capacity [Lachman 2012].

Transparency in Executive Branch Operations

1. Public Trust and Democratic Accountability:

- The impact of perceived secrecy on public trust in government institutions [Hetherington, Rudolph 2015];

- Balancing national security concerns with the need for transparency in executive function [Levi, Stoker 2000].

2. Media's Role in Informing the Public:

- The responsibility and challenges of the press in reporting on presidential health and capacity [Jamieson 2020];

- Ethical journalism in the age of rapid information dissemination and misinformation [Tumber, Zelizer 2019].

Potential Impact on Global Perception of U.S. Leadership

1. International Relations and Diplomatic Stability:

- The effect of perceived instability in U.S. leadership on global diplomatic relations [Drezner 2020];

- Historical precedents of how presidential health crises have affected international perceptions [Abrams 1994].

2. Democratic Norms and Global Influence:

- The symbolic importance of U.S. democratic processes on the global stage [Diamond 2020];

- Potential implications for democracy promotion efforts worldwide [Carothers 2022].

Institutional Integrity and Separation of Powers

1. Inter-branch Dynamics:

- The role of Congress and the judiciary in potential 25th Amendment scenarios [Tribe, Matz 2018];

- Implications for the balance of power among the three branches of government [Ackerman 2010].

2. Long-term Constitutional Implications:

- The precedent-setting nature of invoking the 25th Amendment and its impact on future governance [Goldstein 2017];

- Potential for constitutional amendments or legislative clarifications considering contemporary challenges [Amar 2021].

In sum, the ethical and governance implications of the current debate surrounding the 25th Amendment are far-reaching and multifaceted. They challenge us to reconsider fundamental aspects of democratic governance, individual rights, and the evolving nature of executive power in the 21st century. As scholars, policymakers, and citizens grapple with these issues, it is crucial to approach them with a nuanced understanding of the complex interplay between constitutional principles, political realities, and ethical considerations.

5. Constitutional Precedent and Legal Costs: The Institutional Implications of Invoking the 25th Amendment

The potential invocation of the 25th Amendment, particularly its never-utilized Section 4, represents not merely a constitutional mechanism but a profound legal watershed with far-reaching institutional consequences. While previous sections have explored the ethical and governance dimensions of presidential succession, this analysis would be incomplete without a thorough examination of the substantial legal costs that would be incurred by both legislative and executive branches should this constitutional provision be activated. These considerations are not merely theoretical but represent tangible institutional challenges that would fundamentally reshape inter-branch dynamics in the American system.

1. *Bureaucratic Disruption and Executive Function:* The practical implementation of Section 4 would generate significant disruption within the executive branch bureaucracy, creating substantial legal costs related to administrative continuity. Goldstein highlights that "presidential transitions, even planned ones, create inevitably disjointed policy implementation" [Goldstein 1982]. An involuntary and contested transition would magnify these challenges exponentially, potentially leaving agencies without clear leadership during a period of already heightened instability. This bureaucratic disruption extends to questions of authority over the

military, foreign affairs, and emergency powers—areas where legal clarity is paramount. As McDermott observes, “The constitutional chain of command becomes critically important during national security emergencies”, yet Section 4’s implementation would potentially create precisely the kind of command ambiguity that national security frameworks are designed to prevent [McDermott 2007]. This functional disruption represents a tangible legal cost that would reverberate throughout the executive branch.

2. *Constitutional Ambiguity and Interpretive Challenges:* The 25th Amendment’s Section 4 contains notable ambiguities that would generate substantial legal costs upon implementation. Chief among these is the definition of “inability” itself. Kalt highlights that “the amendment deliberately leaves ‘inability’ undefined, creating an interpretive vacuum that would likely be filled in the heat of a political crisis – precisely when dispassionate legal reasoning is most difficult” [Kalt 2012]. This ambiguity creates significant legal uncertainty that would need to be resolved through potentially contentious processes. The amendment’s procedural specifications likewise present interpretive challenges. As Tribe and Matz note, “The four-day waiting period specified in Section 4 raises complex questions about who exercises presidential authority during that interim – questions with no clear textual resolution” [Tribe, Matz 2018]. These procedural ambiguities would require resolution in real-time, either through hasty political compromise or through judicial intervention, neither of which represents an ideal approach to constitutional interpretation.

3. *Democratic Legitimacy and Constitutional Authority:* Perhaps the most profound legal cost of invoking Section 4 lies in its potential impact on the democratic legitimacy of the presidency itself. As Levinson and Balkin observe, “Constitutional mechanisms that allow for the removal of a democratically elected leader without the explicit involvement of the electorate inevitably raise questions about democratic legitimacy” [Levinson, Balkin 2019]. This legitimacy question represents a fundamental legal cost, as it potentially undermines public confidence in constitutional governance. The tension between democratic selection and constitutional restriction presents a particularly challenging legal dilemma. Amar notes that “the amendment attempts to reconcile two competing values: democratic selection of the president and ensuring capable executive leadership” [Amar 2005]. When these values conflict, the resulting legal resolution inevitably imposes costs on one principle or the other. This balancing act rep-

resents perhaps the most consequential legal cost of invoking Section 4 – the potential erosion of either democratic legitimacy or constitutional authority at a moment of national vulnerability.

4. *Institutional Strain and Separation of Powers:* The invocation of Section 4 would generate unprecedented institutional tension between the executive and legislative branches, potentially destabilizing the delicate balance of powers established by the Constitution. As Posner and Vermeule [Posner, Vermeule 2018] argue, “Constitutional crises often emerge not from clear violations of legal norms but from the friction generated when different institutional actors exercise competing legitimate authorities.” The 25th Amendment creates precisely such a friction point, as it positions the Vice President and Cabinet in potential opposition to the President within the executive branch itself, while simultaneously drawing Congress into what might otherwise be an internal executive matter. The potential for institutional paralysis is substantial. Kalt notes [Kalt 2019] that “the Amendment’s procedures create a legal limbo during which the identity of the legitimate wielder of executive power remains contested”, a situation that could profoundly undermine governmental effectiveness during periods of national vulnerability. This institutional strain extends beyond mere administrative inefficiency; it threatens the fundamental legitimacy of executive action during a period when decisive leadership may be most critical.

5. *Judicial Entanglement and Constitutional Review:* The invocation of Section 4 would inevitably draw the judicial branch into what is textually designed as a political process. As Amar [Amar 2021] argues, “While the amendment itself provides no explicit role for the courts, judicial review is implicit in our constitutional system when fundamental questions of governmental power arise.” This judicial dimension adds another layer of legal complexity and cost, raising questions about justiciability, standing, and the appropriate standard of review. The potential for judicial intervention creates additional uncertainty about the amendment’s implementation. Posner suggests that “courts would likely be extremely reluctant to intervene in what appears to be a purely political question, yet equally reluctant to avoid a genuine constitutional crisis” [Posner, Vermeule 2018]. This judicial uncertainty represents a significant legal cost, as it introduces the possibility of conflicting authorities and competing claims to legitimacy during a period of already heightened institutional stress.

6. *Precedential Impact on Executive Authority*: Perhaps the most significant legal cost of invoking Section 4 lies in its precedent-setting nature. As Goldstein observes, “Constitutional innovations, once introduced, rarely remain confined to their original contexts”. [Goldstein 2017] The first-ever invocation of this mechanism would establish parameters for its future use that could permanently alter the nature of presidential power. This precedential dimension raises profound questions about the threshold for determining presidential “inability” in future scenarios. The danger, as articulated by Levinson and Balkin, is that “once normalized, constitutional emergency powers tend to become available for increasingly less emergency-like situations” [Levinson, Balkin 2019]. What begins as an extraordinary remedy for clear incapacity might, through precedential evolution, transform into a more routinely available check on presidential authority. This slippery slope concern represents a significant legal cost, as it potentially introduces a new dynamic of vulnerability to the presidency that the farmers of the amendment may not have intended.

Accordingly, the potential legal costs of invoking the 25th Amendment, particularly Section 4, are substantial and multifaceted. From institutional strain and precedential impacts to interpretive challenges and democratic legitimacy concerns, these costs would fundamentally reshape inter-branch dynamics in ways that extend far beyond the immediate question of presidential succession. As Kalt concludes, “The amendment represents both a constitutional safeguard and a profound challenge to our system – a solution that itself creates new constitutional problems” [Kalt 2021].

Understanding these legal costs is essential not merely for academic purposes but for pragmatic evaluation of the amendment's utility. As debates about presidential capacity continue to evolve, a clear-eyed assessment of these potential institutional costs must inform the political and constitutional calculus surrounding any consideration of the 25th Amendment's invocation. Only through such careful analysis can we ensure that this constitutional safeguard fulfills its intended purpose without undermining the very system of governance it was designed to protect.

6. Discussion

The 25th Amendment stands as a pivotal constitutional safeguard, meticulously crafted to ensure the continuity of capable leadership within the ex-

ecutive branch. As contemporary debates surrounding its potential application intensify, it becomes increasingly imperative to approach this topic with a nuanced understanding of its multifaceted implications. The amendment, born out of historical necessity, now finds itself at the intersection of modern political realities, evolving medical understanding, and changing public expectations of leadership. This convergence necessitates a delicate balance between adhering to constitutional principles and adapting to the complexities of 21st-century governance. The 25th Amendment is not merely a procedural mechanism; it reflects the enduring tension between stability and democratic responsiveness in the American political system.

The potential application of the 25th Amendment, whether through voluntary action or formal invocation, carries profound implications for the fabric of American democracy. It challenges our understanding of executive power, raises questions about the nature of leadership capacity, and assesses the resilience of our constitutional framework. These considerations extend beyond mere legal interpretation, touching upon fundamental aspects of democratic legitimacy, public trust, and institutional stability. The amendment's provisions, particularly Section 4, which has never been invoked, remain a subject of intense scholarly debate and public speculation. The very existence of such a mechanism underscores the farmers' foresight in anticipating scenarios where the executive branch might face incapacitation or dysfunction. Yet, the practical application of these provisions is fraught with complexities, as it requires navigating the intricate interplay between constitutional law, political pragmatism, and ethical considerations.

As these uncharted waters are navigated, it is incumbent upon a diverse array of stakeholders – political leaders, constitutional scholars, medical professionals, and an engaged citizenry – to participate in a thoughtful, non-partisan dialogue. This discourse must transcend immediate political considerations, focusing instead on the long-term health of democratic institutions and the principles they uphold. The 25th Amendment is not a tool for political expediency; it is a solemn constitutional responsibility that demands judicious application. The amendment's invocation, particularly in cases of involuntary removal, raises profound questions about the balance of power within the executive branch and the role of medical expertise in determining fitness for office. The definition of “inability” remains deliberately ambiguous, allowing for flexibility in in-

terpretation but also creating potential for misuse or political manipulation [Kalt 2019].

The ongoing deliberations surrounding the 25th Amendment serve as a crucible for examining broader questions of governance in a complex, rapidly changing world. They prompt a reevaluation of the delicate balance between individual rights and collective interests, the role of expertise in democratic decision-making, and the mechanisms for ensuring accountability at the highest levels of government. The amendments' provisions, particularly Section 3, which allows for a voluntary transfer of power, demonstrate the farmers' recognition of the need for flexibility in addressing temporary incapacitation. However, the voluntary nature of this provision may limit its applicability in situations where a president is unwilling or unable to recognize their own incapacity [Posner, Vermeule 2018]. This tension between voluntary and involuntary mechanisms highlights the inherent challenges of designing constitutional safeguards that are both effective and resistant to abuse.

As this situation continues to evolve, it is paramount to prioritize the nation's enduring interests over short-term political expediency. This entails a commitment to upholding constitutional integrity, fostering transparency in governance, and nurturing public trust in democratic institutions. It requires a willingness to engage with puzzling questions and to consider perspectives that may challenge preconceptions. The 25th Amendment is not merely a legal text; it is a living framework that must adapt to the realities of modern governance. The amendment's provisions, crafted in response to historical contingencies, now find themselves at the forefront of contemporary debates on executive power, democratic norms, and the very nature of leadership in our republic. Moreover, these discussions must be situated within a global context. The United States' approach to questions of executive capacity and succession reverberates far beyond its borders, influencing perceptions of democratic governance worldwide. As Diamond argues, the symbolic importance of U.S. constitutional processes on the global stage cannot be overstated [Diamond 2020]. The way these challenges are addressed carries implications not just for American democracy but for the broader landscape of global political thought. The 25th Amendment, as a constitutional safeguard, serves as a model for other nations grappling with similar issues of leadership continuity and incapacity. However, its application must be guided by a profound respect for constitutional processes, a commitment to the rule of law,

and an unwavering dedication to the principles of democratic governance.

Accordingly, the current debate surrounding the 25th Amendment presents both a challenge and an opportunity. It challenges a rigorous examination of the constitutional framework and its applicability to contemporary realities. Simultaneously, it offers an opportunity to reaffirm a commitment to democratic principles, engage in meaningful civic dialogue, and strengthen the foundations of governance structures. The amendment's provisions must be viewed not as political tools but as solemn constitutional responsibilities to be exercised with the utmost care and consideration. As Levinson and Balkin note, the first full invocation of Section 4 would set significant legal and political precedents, potentially influencing future applications. The stakes are high, and the implications are far-reaching [Levinson, Balkin 2019].

Moving forward, it is essential to approach these issues with intellectual rigor, ethical consideration, and a steadfast commitment to the democratic ideals that have long guided the nation. By doing so, the response to these constitutional questions will not only address immediate concerns but also reinforce the resilience and adaptability of American democracy for generations to come.

7. Conclusion

The 25th Amendment stands as a testament to the foresight of the Constitution's framers and the adaptability of the U.S. governing framework. In the context of modern governance, this amendment functions not only as a procedural safeguard but also as a reflection of the United States' institutional commitment to stable and capable leadership. Discussions surrounding the 25th Amendment underscore the dynamic nature of the U.S. Constitution – a document that evolves in interpretation and application when confronted with new challenges. The amendment's provisions, crafted in response to historical contingencies, now occupy a central position in contemporary debates about executive power, democratic norms, and the nature of leadership in the American political system.

The potential invocation of the 25th Amendment necessitates careful consideration of the delicate balance it embodies. While it provides a critical mechanism for ensuring governance continuity during crises or presidential incapacity, its application requires judiciousness to avoid perceptions of undermining electoral mandates. This tension reflects

the core principles of the U.S. constitutional system, which prioritizes both institutional stability and democratic accountability.

Scholarly and public discourse in the 25th Amendment plays a vital role in democratic practice. Such discourse facilitates reexamination of constitutional principles, scrutiny of executive power boundaries, and assessment of evolving expectations for the presidency. This engagement perpetuates the longstanding tradition of constitutional interpretation that has sustained the republic. Any evaluation of the 25th Amendment must be grounded in respect for constitutional processes, adherence to the rule of law, and dedication to democratic govern-

ance principles. The amendment's provisions should be regarded as constitutional obligations requiring rigorous, nonpartisan deliberation rather than instruments of political expediency.

In summary, the 25th Amendment exemplifies the Constitution's enduring role as a living framework shaping U.S. governance. It underscores the necessity of maintaining leadership standards, preserving institutional integrity, and ensuring governmental responsiveness to public will. Addressing these constitutional questions demands rigorous analysis, historical perspective, and sustained commitment to the democratic foundations of the United States.

APPENDICES

Appendix A

Glossary of Key Terms

Term	Definition	Relevance to Study
Presidential Succession	The process by which leadership transfers upon vacancy in the presidency	Core focus of 25th Amendment Sections 1 and 2
Presidential Incapacity	Inability of a president to discharge powers and duties of office	Addressed by Sections 3 and 4 of the Amendment
Acting President	Vice President temporarily assuming presidential powers	Status during temporary transfers under Sections 3 and 4
Constitutional Ambiguity	Lack of clear textual guidance on constitutional questions	Pre-25th Amendment condition regarding presidential incapacity
Transfer of Power	Process of shifting executive authority between officials	Central mechanism of the Amendment's practical application
Democratic Legitimacy	Authority derived from adherence to democratic processes	Key consideration in debates about involuntary removal
Executive Branch Continuity	Maintenance of stable leadership within administration	Primary purpose of the Amendment's provisions

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