

Dædalus


Journal of the American Academy of Arts & Sciences

Fall 2025



How Has War Shaped American Democracy?

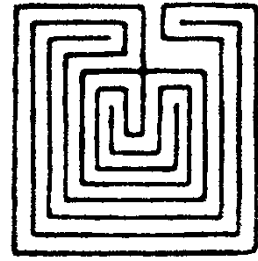
edited by Neta C. Crawford &
Matthew Evangelista



*Representing the intellectual community in its breadth
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knowledge and issues of public importance.*

On the cover: A soldier prepares for the \$30 million military parade in Washington, D.C., ordered by President Donald Trump to celebrate the U.S. Army's two hundred and fiftieth anniversary on June 14, 2025 (Trump's seventy-ninth birthday). Photo © 2025 by Andrew Harnik/Getty Images.

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Journal of the American Academy of Arts & Sciences

“How Has War Shaped American Democracy?”

Volume 154, Number 4; Fall 2025

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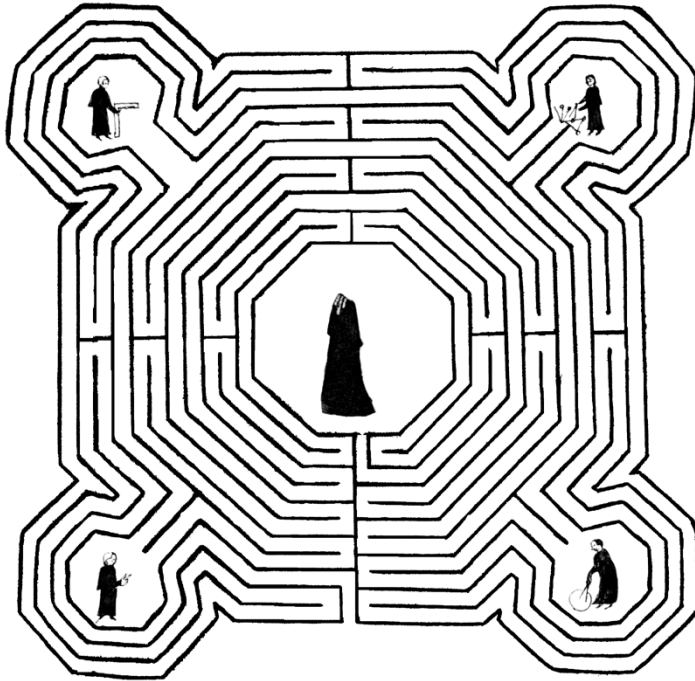
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Journal of the American Academy of Arts & Sciences



The pavement labyrinth once in the nave of Reims Cathedral (1240), in a drawing, with figures of the architects, by Jacques Cellier (c. 1550–1620)

Dædalus was founded in 1955 and established as a quarterly in 1958. Its namesake was renowned in ancient Greece as an inventor, scientist, and unriddler of riddles. The journal's emblem, a labyrinth seen from above, symbolizes the aspiration of its founders to "lift each of us above his cell in the labyrinth of learning in order that he may see the entire structure as if from above, where each separate part loses its comfortable separateness."

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Introduction

How Has War Shaped American Democracy?

Matthew Evangelista & Neta C. Crawford

How does war and the continuous mobilization for it affect democratic institutions, norms, and practices? What has been the effect of decades of war on the United States? For some years, concerns about the health of U.S. democracy have been reflected in scholarship addressing the decline of democratic norms and institutions and elucidating the concept of democratic “backsliding,” usually in comparative perspective.¹ Annual ratings from numerous domestic and international sources coded the United States as a “deficient” or “flawed democracy” even before the Trump administration’s second term began.² The decline in the quality of U.S. democracy coincided with more than twenty years of war that followed in the wake of the terrorist attacks of September 11, 2001. Political scientists have noted several factors associated with democratic backsliding: increasing economic inequality, political polarization, a narrowing of the definition of the political community (often reflected in nativist and racist policies), and aggrandizement of executive authority.³ We wondered if war also played a role in the decline of democratic norms and practices.

This project began in late 2023 with a meeting at the American Academy of Arts and Sciences that asked these questions comparatively and with a long historical view.⁴ The United States was still a democracy, however deficient or flawed. We intended this volume to be a more focused assessment of the effects of the two decades of the war on terror on U.S. democracy. But events since that meeting led us to ask as well how much the post-9/11 wars weakened or altered democratic norms and practices – and set the stage for the current crisis of democracy. In the months following the second inauguration of Donald Trump, his administration launched an obvious and thorough assault on the democratic institutions, norms, and practices of U.S. democracy. The administration centralized power, ignored or defied the constitutional authority that resides in Congress and the judiciary, and used its sweeping power to arrest, detain, and deport people (including law-

ful residents) without due process because, the administration claimed, they were foreign terrorists or otherwise inimical to U.S. national security. Further, the administration has attempted to suppress free speech by attacking journalism, the legal profession, and higher education. The Trump administration has also dismantled or hobbled elements of the federal government – even those that were authorized by Congress – as part of an agenda both to stifle the administrative state’s power to regulate business and to purge the government of “waste” and employees perceived as disloyal.⁵ The only elements of the administrative state that seemed immune from attack were those tasked with security: the Departments of Defense (which Trump renamed the Department of War by executive order in September 2025) and Homeland Security, and particularly the latter’s Immigration and Customs Enforcement (ICE).

War and military mobilization are on the rise across the globe. After a period of comparative peace in the 1990s, war is increasing in frequency and intensity. Estimates of the death toll in Ethiopia’s war against the Tigray People’s Liberation Front go as high as six hundred thousand, when accounting for starvation and lost access to health care. Even Europe, beneficiary of the so-called Long Peace of the Cold War, has hosted the most destructive conflict since World War II, which began with the Russian intervention in the Donbas and annexation of Crimea in 2014 and escalated to Russia’s full-scale invasion of Ukraine in February 2022. The Uppsala Conflict Data Program reported that in 2022, driven mainly by the Ethiopian and Russian wars, “fatalities from organized violence increased by a staggering 97%, compared to the previous year, from 120,000 in 2021 to 237,000 in 2022, making 2022 the deadliest since the Rwandan genocide in 1994.”⁶ The following year, in response to the Hamas attacks, murders, and kidnappings of October 7, 2023, Israel launched a war against Gaza that has killed at least 67,000 people, displaced hundreds of thousands, and brought nearly the entire population to the brink of starvation, with the greatest risks for children.⁷ A number of states, international bodies, and human rights organizations have argued that by deliberately destroying hospitals, schools, and apartment dwellings, and by attacking refugee camps, humanitarian convoys, and aid distribution sites, the Israeli armed forces were inflicting conditions of life calculated to bring about the population’s physical destruction – part of the definition of the crime of genocide.⁸ On September 16, 2025, the United Nations Human Rights Council concluded that “the State of Israel bears responsibility for the failure to prevent genocide, the commission of genocide and the failure to punish genocide against the Palestinians in the Gaza Strip.”⁹

The wars in Ukraine and Gaza, plus the deteriorating security situation in East Asia, have prompted many countries, such as China, Japan, and India, to raise their military budgets and for military industries to increase their production of weap-

ons for export and domestic purchase. Indeed, every region of the world has experienced an increase in war spending. In response to Russian aggression in Ukraine and doubts about U.S. support of its allies in the North Atlantic Treaty Organization (NATO), European states have embarked on a major program of rearmament. From 2014 to 2024, world military spending increased year over year, reaching more than \$2.6 trillion in 2024, an increase of 9 percent in real terms from 2023, according to the Stockholm International Peace Research Institute.¹⁰

The United States spends more each year on armed forces and war than any other country in the world. In 2024, U.S. military spending was more than twice the combined spending of its main rivals, Russia and China.¹¹ U.S. military forces are deployed on six continents. During the last years of the presidential administration of Joseph Biden, U.S. forces conducted counterterrorism operations in seventy-eight countries, engaged in ground combat in at least eight countries (Afghanistan, Iraq, Kenya, Mali, Somalia, Syria, United Arab Emirates, and Yemen), carried out air and drone strikes in at least five (Afghanistan, Iraq, Somalia, Syria, and Yemen), and continued to run a military prison at Guantánamo Bay, Cuba.¹² In the first five months of Donald Trump's second presidency, U.S. forces conducted nearly as many air strikes (529) as during the entire four-year term of his predecessor (555), continuing attacks against the countries the Biden administration had targeted and adding Iran and its nuclear facilities.¹³

How does widespread use – and preparation for use – of armed force influence the quality of democratic institutions and norms at home and the political freedoms that sustain them? Many U.S. leaders, from the founding of the republic on, have believed that war exerts pernicious effects on democracy. In 1795, James Madison warned that “of all the enemies of true liberty, war is, perhaps, the most to be dreaded, because it comprises and develops the germ of every other. . . . No nation can preserve its freedom in the midst of continual warfare.”¹⁴ George Washington, in his 1796 farewell address, urged Americans to protect their union and “avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty.”¹⁵ Dwight D. Eisenhower, who had warned in his own farewell address upon leaving the presidency of the dangers of a military-industrial complex, continued in retirement to warn of an excessive emphasis on war and war preparation. As he wrote in *The Saturday Evening Post*: “There is no way in which a country can satisfy the craving for absolute security – but it easily can bankrupt itself, morally and economically, in attempting to reach that illusory goal through arms alone.”¹⁶

Scholars have long explored these questions. In 1941, political scientist Harold Lasswell articulated the “possibility that we are moving toward a world of ‘garrison states’ – a world in which the specialists on violence are the most powerful group in society.”¹⁷ Specialists on violence would, Lasswell argued, permeate the

civilian sphere, increasingly acquire the skills associated with civilian functions, mobilize the citizenry for military production and military service, and, most perniciously, decrease civil liberties and sideline democratic processes. He warned that “decisions will be more dictatorial than democratic, and institutional practices long connected with modern democracy will disappear.”¹⁸ In a garrison state, the symbols of democracy would remain, but legislatures and voting would “go out of use.”¹⁹ Lasswell cautioned against the concentration of power that accompanies military mobilization: “To militarize is to governmentalize. It is also to centralize. To centralize is to enhance the effective control of the executive over decisions, and thereby to reduce the control exercised by courts and legislatures. To centralize is to enhance the role of military in the allocation of national resources.”²⁰

Political scientists Elizabeth Kier and Ronald Krebs have pointed out, in a qualification of Lasswell’s dire predictions, that “war’s effects on liberal-democratic institutions and processes are diverse, contradictory, and not always negative.”²¹ Sometimes they have given rise to social movements and contributed to the expansion of civil and political rights.²² “Some wars have triggered waves of democratization,” as sociologist Paul Starr has maintained.²³ Long or costly wars can fracture authoritarian states and cause legitimization crises that create openings for promoting democracy. War can create opportunities for inclusion, as when women achieved the vote in return for their support during World War I. The necessity for mobilization, as during and after both World Wars, can nurture, or at least allow, the expansion of citizenship and the civil rights of minorities, workers, and women.

Political scientist Aaron Friedberg has argued that liberal democracy protects against the garrison state and that despite predictions that Cold War mobilization would lead to increased militarization of the economy and a decline in civil liberties, the United States did not in fact become a garrison state.²⁴ According to Friedberg, the reasons were America’s distinct ideology – valorizing free enterprise, private industry, and low taxes – and the decision to rely on a military strategy of nuclear deterrence that avoided a massive mobilization of conventional forces. Absent the requirement of a highly centralized, militarized economy, argued Friedberg, the United States was spared the fate of a garrison state. By contrast, the Soviet Union did become a garrison state – “one that sapped the nation’s economy, militarized its society and led it ultimately to the brink of collapse and disintegration” – a fact that, for Friedberg, explains the outcome of the Cold War.²⁵

For this volume, we assembled a multidisciplinary group of specialists to examine the influence of constant war and war preparedness on aspects of U.S. politics, economics, and society. The authors explore the relationship between war and the administrative state, judicial and legislative oversight of military policy, the concentration of executive power, popular culture and public opinion, civil-military relations, the effects of military spending on economic

inequality, the influence of military practices on policing and the carceral system, and the gendered and racial consequences of “forever war.” First drafts arrived before the U.S. presidential election of November 2024 and were revised in the early months of 2025 to account for the further deterioration of U.S. democratic norms, practices, and institutions.

The first part of the volume addresses the impact of war on democracy and democratization. In his essay “The State, War-Making & Democratization in the United States: A Historical Overview,” political scientist Robert C. Lieberman considers the impact of the president’s war powers on domestic politics. He argues that “the course of democratization and de-democratization in the United States has long been closely entwined with the American state’s war-making capacity.” He points out that “although the framers of the Constitution were understandably wary of standing armies and military government, the Constitution itself provides for domestic military intervention by the federal government to ensure order and compliance with national law.”²⁶ It empowers Congress to form and deploy militia forces to suppress insurrections and repel invasions, and it gives the president, as commander in chief, the authority to direct the militia when it is called to protect the states against both invasion and domestic violence. But according to Lieberman, the use of armed force domestically has served the cause of democracy only during two periods: in the wake of the Civil War and in the period following World War II, when the federal government deployed the military to enforce civil rights. These periods are what he calls the “two Reconstructions, when the central government pursued a democratizing agenda aimed at overcoming systematic political exclusion from full citizenship” of Black Americans and “military force proved to be a critical and necessary tool to push this agenda forward.” More often, though, “military force has played a decidedly antidemocratic role, whether actively engaging in undermining the key pillars of democracy or more passively failing to stem the progress of backsliding.”²⁷ His examples include multiple interventions in labor disputes on the side of the bosses and suppression of antiwar activism.

In “War & the Administrative State, 1776–1900,” political scientist Stephen J. Rockwell provides a historical overview of the relationship between U.S. wars and the growth of the administrative state, from the founding of the republic to the turn of the twentieth century. The administrative state – often castigated as the “deep state” by conservatives – has become the focus of much of the destructive animus of Donald Trump’s second administration, aided initially by Elon Musk. In Rockwell’s understanding, the administrative state dates to the beginning of the republic and has expanded over time, particularly during U.S. wars. Yet he finds Madison’s warning of 1795 unwarranted. Rockwell points out that the United States was in a state of continual warfare during the “long nineteenth century,” from U.S. military action against Indigenous peoples in colonial expansion in the Ohio Valley to the suppression of rebellion in the Philippines. He finds that

these wars were “prosecuted effectively through the delegation of discretionary authority to unelected officials.” And although keeping such unelected officials accountable to democratically elected leadership has been a challenge since the country’s founding, he argues that “the active participation of unelected officials in decision-making helped maintain and even expand freedom amid continual war.”²⁸ Thus, “the American administrative state effectively extracted resources, coerced populations, and exerted control over its territory, all while avoiding the fatal blows to liberty that Madison had predicted for a nation at continual war.”²⁹ This perspective is rather contrarian even for the long nineteenth century, and certainly different from the other essays in this volume.

In his essay “Concentration of Power in the Executive,” for example, legal scholar Harold Hongju Koh points to “the constant sense of threat that has pervaded much of the twenty-first century” and that has enhanced the role of the executive and undermined the system of constitutional checks and balances that provide the foundation for U.S. democracy. Koh focuses mainly on the implications of executive concentration for the conduct of foreign affairs, and he apporitions blame not only to presidents but to the legislative and judicial branches. Emphasis on security threats, in his view, “has given weak and strong presidents alike more reason to monopolize the foreign policy response, a polarized Congress greater incentives to acquiesce, and the courts continuing reason to defer or rubberstamp.”³⁰

The growth of the national security institutions of the administrative state led to an emphasis on foreign-policy instruments resistant to democratic control. Koh observes that during one of his periods in government, working in Barack Obama’s administration, “military action was usually executed with such tools as special operations, artificial intelligence, and cyberweapons, which can be deployed by the executive alone, virtually without congressional oversight.” Keeping with his theme of shared responsibility for the decline of checks and balances, Koh writes that during the subsequent first Trump administration, Congress and the courts “rarely checked, but instead enabled, far-fetched claims of national security emergency to justify unilateral executive action in such traditional areas of congressional authority as immigration, declaring war, international trade, and regulation of cross-border investments.” In Joseph Biden’s administration, as well, “the president operated almost entirely by executive order or national security directive and rarely proposed national security legislation unless it involved appropriations.”³¹

The second section of the volume follows from Koh’s claim that “all three branches have contributed to the concentration and persistent unilateral exercise of foreign affairs power by the executive” and helped set the stage for the second Trump administration’s assault on democracy. Economist Linda J.

Bilmes examines the role of congressional oversight of military spending. The title of her essay – “The Ghost Budget: U.S. War Spending & Fiscal Transparency” – suggests that the executive and legislative branches share responsibility for keeping the impact and purposes of military spending hidden from public accountability. She analyzes the budgets that funded military operations in the wake of the 9/11 attacks and identifies the means by which Congress and the executive hindered transparency and thus accountability. Putting budget requests in the category of “emergency” spending was a common strategy. “Labeling nonurgent spending as emergencies,” writes Bilmes, “had several political advantages. It enabled lawmakers to circumvent congressional political and budgetary dysfunction that may have delayed regular budget appropriations. It also enabled the [George W.] Bush, Obama, Trump, and Biden administrations to avoid spending caps, to minimize future deficit projections, and to maintain the illusion that funding was temporary.” Yet emergency spending “decreases transparency and increases overall spending,” owing to “the vagueness of the category and lack of defined reporting requirements.” The combination of reduced transparency and diminished oversight, according to Bilmes, results in “low public engagement, increased potential for corruption, and poor government accountability.” Could the dearth of oversight and engagement with the “emergency” war funding during the Bush and Obama administrations have paved the way for the extraordinary executive discretion over spending that Donald Trump has claimed, including “impounding” funds appropriated by Congress and refusing to spend them?³²

The Supreme Court should also provide a check on executive power. Legal scholar Shirin Sinnar’s essay “The Supreme Court & the Unaccountable Racialized Security State” finds that hope unfounded. Twenty years ago, one might have drawn a different conclusion about the role of the Supreme Court. Starting in 2004, in the midst of U.S. wars in Afghanistan and Iraq, the Court began “doing something that it had rarely done at the height of past wars: rejecting the executive branch’s broad invocations of national security powers, despite the wartime context.” In the wake of revelations about extrajudicial kidnapping and torture of detainees, the Court “ruled that a U.S. citizen detained as an enemy combatant had due process rights to challenge his detention and that noncitizen detainees at Guantánamo could file habeas corpus petitions in federal court.” It then opposed “Congress’ attempts to strip habeas rights, culminating in the 2008 *Boumediene v. Bush* decision holding that Guantánamo inmates had a constitutional right to challenge the lawfulness of their detentions.”³³ The Court claimed that liberty need not be sacrificed to security, but that the two could be reconciled under the law.

Many commentators reacted to the Court’s rulings by declaring “a watershed moment in both the war on terror and with respect to the Court’s willingness to intervene in wartime.” Contrary to its historical deference to the executive branch

in its conduct of foreign and military policy, the “Court was rejecting sharp distinctions between domestic and foreign affairs in determining the judicial role.” As Sinnar points out, however, the Court seems to have reached its limit or even decided that it had gone too far. The degree of deference it has expressed toward the policies of Donald Trump – to whom three of the justices owe their seats – goes well beyond the realm of national security. Trump has been able to pursue a racist, anti-immigrant agenda by expanding the definition of what constitutes a threat to national security, from college students protesting Israel’s war in Gaza to Venezuelan refugees with tattoos. In that respect, his policies – and the Supreme Court’s deference to them – affect not only U.S. foreign policy but fundamental elements of U.S. democracy, such as freedom of speech and the right to due process and habeas corpus.³⁴

The executive, with the backing of the Court, has normalized use of a national security rationale for domestic actions. The Trump administration has been able to pursue its campaign promise of mass deportations by designating drug cartels and gangs as foreign terrorist organizations and claiming that certain tattoos represented membership. It arrested many residents and sent them to prisons in El Salvador and to Guantánamo, sometimes in defiance of explicit court rulings. To justify expulsions of Venezuelans to El Salvador, the administration invoked the Alien Enemies Act of 1798, claiming an “invasion” across the Southern border. The administration has targeted foreign students who expressed criticisms of Israel’s war in Gaza and support for Palestinian rights, revoking their visas and expelling them from the country. Sinnar notes that these policies “radically expanded a ‘global war on terror’ that had never ended.” But even aside from the war on terror, “and prior to Donald Trump’s return to power,” previous administrations had already been militarizing the border and treating “migrants fleeing poverty or gangs as security threats.” She identifies “a broader pattern in which the Court has diminished accountability for immigration and law enforcement agencies” and its “decisions provide little restraint or recourse for individuals or communities ‘otherized’ as threats.”³⁵

In September 2025, the Trump administration went a step further in evoking war to carry out its policies – in this case, attacking boats in the Caribbean Sea and killing the civilian crew members it suspected of smuggling drugs. The administration sent Congress a confidential notice, leaked by *The New York Times*, revealing that it had declared an “armed conflict” against drug cartels, whose members it deemed “unlawful combatants,” subject to armed attack by U.S. military forces.³⁶ Such a blatant usurpation of the congressional war power understandably garnered attention. Less remarked on was that the Obama administration had set a precedent for such attacks in 2009, when it targeted some fifty suspected drug traffickers in Afghanistan on suspicion that they were helping to fund the Taliban insurgency.³⁷ The Obama administration also provided a legal precedent for

Trump's claim that attacks could continue without the congressional authorization required by the 1973 War Powers Resolution because they did not rise to the level of "hostilities." Rejecting the views of top lawyers in the Defense and Justice Departments, Obama maintained that prolonged U.S. military engagement in Libya in 2011 did not constitute "hostilities" and could therefore continue without congressional approval. The White House counsel and the State Department's legal adviser provided the rationale that as long as U.S. service members remained out of harm's way, their attacks against others should not be defined as hostilities. Although the Trump administration did not cite the 2011 Libya precedent, it provides "the closest historical analogue," according to *The New York Times*.³⁸

These earlier cases support Sinnar's contention that U.S. wars, and particularly the "global war on terror," go some way toward explaining the Supreme Court's reluctance to intervene in the Trump administration's assault on due process, freedom of speech, and congressional prerogatives. But restoring U.S. democratic norms and practices requires more than judicial intervention. Broader public engagement is necessary.

The U.S. commitment to high military spending and a militarized foreign policy bears a complicated relationship with public opinion and popular attitudes, the topic of the third section of our volume. Foreign policy in general does not typically play a key role in electoral politics, especially compared, for example, with pocketbook economic issues. Public knowledge about U.S. military engagements, moreover, tends to be low. For instance, many Americans, including members of Congress, were surprised to find out that U.S. forces were operating in Niger when, in October 2017, three soldiers were killed in an ambush there.³⁹ Does public opinion serve as a constraint on U.S. military policy and resort to war? From the other direction, do U.S. policies and the broader culture serve to enhance public support for a militarized foreign policy and the restrictions on freedom at home that often accompany it? One wonders, for example, to what extent the normalization of torture in popular television programs has made the practice more acceptable to the public during the war on terror, or whether Hollywood's collaboration with the Pentagon in its blockbuster movies rendered the public more enthusiastic about, or at least less critical of, the use of armed force.⁴⁰

Political scientist Sarah Maxey's contribution, "Public Beliefs about the Role of Military Force," examines U.S. public opinion during the period following the 9/11 attacks and finds that support for U.S. military interventions – along with the attendant restrictions on civil liberties – was initially high but declined over time. Particularly noteworthy is her observation that even as public support for U.S. wars diminished, the institutions and practices established to carry them out remained. The 2001 Authorization for Use of Military Force (AUMF), for example, enabled such practices as the imprisonment of captives at Guantánamo without

due process, warrantless wiretaps by the National Security Agency, and numerous military actions unrelated to the original 9/11 attacks. Maxey observes that “public support does not have to change permanently to enable significant and enduring institutional shifts in the scope of executive authority.” Although the public grew weary of forever war, she found it still favored U.S. engagement in world affairs (what she terms “internationalism”) and would support U.S. military action under certain conditions. Public support for humanitarian justifications for military action, in particular, proved resilient, despite the Bush administration’s abuse of such “justifications for U.S. military action in Iraq – especially after weapons of mass destruction were not found.” Maxey argues that “the challenge for American democracy moving forward is not public opinion in and of itself, but how elites strategically misuse or bypass public consent.” She also expresses concern about the gap in public confidence in civilian leaders relative to military leaders, even though trust in both has declined over time. “By increasing the gap in public esteem for civilian leaders and the military,” she argues, the post-9/11 wars “laid the foundation for the growing politicization of military actors, which can threaten democratic norms of civilian control.”⁴¹

In “Paranoid Empire: Forever Wars in Popular Culture,” historian Penny M. Von Eschen examines the role of popular culture – television, movies, and video games – in shaping beliefs about U.S. military policy. Her findings are somewhat counterintuitive. She argues that “popular culture worked figuratively and literally to conscript Americans into support of military intervention,” while discrediting alternative approaches to security, such as diplomacy and international institutions. Yet even as TV producers relied on substantial support from the Pentagon in depicting realistic military operations and equipment, their shows bolstered an enduring “feature of American culture that signals deep suspicion of institutions and glorifies vigilante ‘justice.’” Popular culture reinforced the “standing of America as the indispensable, unipolar global power” in a dangerous world. By valorizing snipers, special operations forces, and mentally unstable double agents, however, the programs suggest a necessity to “go outside of political and military institutional structures to deliver true justice and security.” The viewer is led to believe that “a thorough disregard for institutions, national and international, along with a strong dose of utter insanity, offers the sure road to a restoration of American power.” It is not a hopeful conclusion for U.S. foreign policy or democracy.⁴²

Political scientist Neta C. Crawford and anthropologist Catherine Lutz, in their contribution “Long War & the Erosion of Democratic Culture,” highlight the role of fear and insecurity in U.S. society and their effects on foreign-policy decision-making and domestic politics. “The fact that the United States was in a permanent condition of war and mobilization from September 2001 to September 2021,” they argue, “depended on and deepened fears of ‘others’ – both exter-

nal others and the racial and often immigrant others within.” War and war preparation “erode democratic culture,” in part “by inducing fear of military threat from elsewhere, through the corresponding decline in empathic and respectful response to others, and through the permissions that fear gives the government to exercise increasingly centralized power.” Gender plays an important role in their analysis, as it does in the contributions of several authors. They claim that “belligerent, nonempathetic masculinity” is one consequence of the fearmongering and “othering” – the association of racial and ethnic difference with threats – and that it helps “explain the rise of authoritarianism and the growth of acceptance of violence in domestic politics.”⁴³

The late psychiatrist Robert Jay Lifton’s contribution comes in the form of a wide-ranging interview by the editors. He touches on themes of fear and humiliation as motivations for violence at home and abroad. His notion of the consequences of a “lost war” expands the time frame of the volume’s inquiry, not only back to the U.S. war in Vietnam, when his treatment of veterans led to the creation of the diagnosis of posttraumatic stress disorder (PTSD), but to the U.S. Civil War. He revisits some of the concepts he introduced from his work with victims of the U.S. atomic bombings of Japan, such as “psychic numbing,” a consequence of trauma that results in an inability to feel. He offers his views on notions others have developed, such as “groupthink” (Irving Janis) or the “garrison state” (Harold Laswell), also addressed by Crawford and Lutz. He explores the relationship between individual trauma and pain and collective societal responses. Uniquely among our contributors, he discusses not only the actual wars in which the United States has engaged but also the ever-present risk of nuclear war and the limits of nuclear deterrence as a means to security.⁴⁴

The United States’ commitment to war-preparedness, continuous through more than eight decades since the U.S. entry into World War II, is bound to have had effects on the U.S. economy, on society at large, and on civil-military relations in particular. The fourth section of the volume treats each of these issues. Because of the enormous size of its economy, the United States has been able to fund its military activities by contributing a smaller proportion of its gross domestic product to the military budget than do many other countries, such as some of the Gulf States and those in the midst of an ongoing war, like Ukraine, Russia, and Israel. Paradoxically, then, the United States has pursued a foreign policy that heavily emphasizes the worldwide deployment and use of military forces, but without sacrificing civilian consumption. Moreover, the expense of wars is effectively hidden from the American people by the government’s reluctance to raise taxes directly to fund the wars it wages, financing the wars through public debt instead.⁴⁵ There are, however, costs to maintaining a high level of fear and security consciousness to justify war budgets. Concern about the public debt,

for example, poses political constraints on how much money Congress is willing to spend to deal with pressing issues such as climate change, poverty, health, education, and deteriorating infrastructure. Rarely is it acknowledged how much the costs of U.S. wars, and military spending more generally, contribute to the debt.⁴⁶

Unlike in centrally planned economies like the former Soviet Union, U.S. military spending does not entail direct trade-offs with civilian production, because, as with any government spending, it contributes to economic growth. Moreover, advocates of military spending have highlighted its ability to spur technological innovation. Many artifacts of modern technology stem from research funded by the Pentagon, most notably through the Defense Advanced Research Projects Agency (DARPA). *The Economist* grants DARPA “at least partial credit” for the development of “weather satellites, GPS, drones, stealth technology, voice interfaces, the personal computer and the internet,” as well as Moderna’s COVID-19 vaccine.⁴⁷ One might argue that government funding directed specifically at enhancing civilian welfare and targeting issues such as public health, the demand for renewable energy, and environmental degradation might have more efficiently produced technologies than those “spun off” from military research. Nevertheless, the relationship between military spending and economic well-being is undoubtedly more complicated than what President Eisenhower – whose administration created DARPA – once so eloquently described: “Every gun that is made, every warship launched, every rocket fired signifies in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed.”⁴⁸ It bears closer examination.

In her essay “The Relationship between Military Spending & Inequality: A Review,” economist Heidi Peltier investigates the impact of military spending on one of the key elements associated with the decline of democracy: economic inequality. In a thorough review of the relevant literature, she examines whether military spending widens inequality, diminishes inequality, or exhibits no discernable effect. She finds that “the preponderance of both theory and evidence supports the inequality-widening hypothesis: that higher levels of military spending lead to larger gaps in income, wealth, and skills, and that increased military spending may therefore weaken democracy.” One important factor is the type of jobs military budgets create:

In recent years, military spending has become increasingly capital-intensive, as investments and production of digital and information technology products have become a focus of “modern” war. Products such as unmanned spacecraft, artificial intelligence, and other cyber technologies require a highly skilled, highly trained workforce, unlike the low-skilled, labor-intensive occupations and industries that might provide opportunities to reduce inequality. The increasing shift toward information technology in the military further exacerbates inequality.⁴⁹

Peltier also examines the effect of military service on veterans' job prospects. As she points out, "military spending – and military service – can also lead to worsening inequality if the types of skills gained through different occupations in the military are not equally transferrable." Inequality results "if different demographics have different types of jobs within the military (occupational sorting), and if there are different returns to those jobs when they enter or reenter the civilian labor force (occupational returns)." Her analysis suggests that "rather than offering a pathway out of poverty, the military likely reinforces and exacerbates differences in gender, race, and socioeconomic status," thereby worsening inequality.⁵⁰

Aside from the effects of military service on economic inequality, there are political effects relevant to the health of U.S. democracy. The elimination of universal male military service in the wake of the U.S. war in Vietnam has led to an uneven geographical distribution of volunteer service membership and participation in U.S. wars, with the highest per capita figures in the South and Southwest – South Carolina, Florida, Georgia, and Colorado are among the top six, along with Hawaii and Alaska.⁵¹ The abolition of the draft also contributes to the phenomenon of "intergenerational military service," whereby some "80% of new recruits come from families with at least one parent, grandparent, aunt or uncle, sibling or cousin who has also served in the military" and "more than 25% have a parent who is a service member or veteran."⁵²

Military service seems to influence partisanship in that a greater proportion of veterans identify as Republican than among the general population (even though the Democratic Party has been more active in promoting veterans' benefits).⁵³ Unrepresentative service in U.S. wars appears to have a direct impact on political attitudes as well. Scholars have found, for example, that poorer communities disproportionately account for casualties in U.S. armed conflicts, and that among the consequences in those communities is disillusionment with political leaders and government in general.⁵⁴ Alarming, the U.S. military has increasingly become a home for white nationalists and other extremists.⁵⁵ A 2022 poll demonstrated a decline in the public's trust and confidence in the military as an institution – a product, evidently, of perceived politicization of the armed services. The percentage of the public expressing confidence in the military dropped from 70 percent in November 2018, to 63 percent in October 2019, to 56 percent in February 2021, to 45 percent in November 2021 (presumably related to the botched withdrawal from Afghanistan), and back up to 48 percent in November 2022.⁵⁶ This is one of the topics Maxey addresses in her contribution to the volume, although she emphasizes not only the decline of trust in the military, but the gap created by the even greater lack of trust in civilian leaders.⁵⁷

The involvement of military symbols and military officers in partisan political campaigns appears to have contributed to public distrust of an institution that is supposed to be above politics. Even as trust in the military has declined,

some Americans (elected leaders among them) continue to see the armed forces as a check on unconstitutional or dangerous behavior by the commander in chief – a concern that came to the fore during Donald Trump’s first presidency, when the long-standing presidential authority to launch nuclear weapons without congressional authorization became an acute worry.⁵⁸ In her essay “Politicization of the Military: Causes, Consequences & Conclusions,” Heidi A. Urben, a professor of security studies, echoes Maxey’s concerns about the politicization of the U.S. armed forces. “While politicization is not a new phenomenon,” she writes, “it has accelerated in recent years and occurs within the larger context of democratic backsliding in American politics.” The implications of partisan polarization of the armed forces “are unique in that the military is the state’s legitimate instrument of violence. When this instrument becomes politicized or is perceived to be politicized, it undermines the very foundation of democratic governance.” Among Urben’s concerns are the “retired general and flag officers who engage in partisan campaign endorsements and public, partisan commentary” who undermine “the military’s norm of nonpartisanship given their stature and following.”⁵⁹

Urben reports that “more than two-thirds of U.S. presidents have served in the U.S. military, and roughly one-quarter of them have been general officers. In fact, in 1852, General Winfield Scott ran for president while still in uniform.” One may wonder, then, how retired generals can refrain from commenting on partisan politics – Urben’s norm of military nonpartisanship – and also run for president. Her answer speaks to the core issue of democratic accountability. “Veterans who run for elected office or serve as political appointees in the executive branch” have “unambiguously cross[ed] into a partisan role.” Having done so, they “therefore face the full scrutiny of the electorate, either directly or indirectly.” But those retired officers who do not run for office or openly serve an elected president, she suggests, “try to straddle both worlds, acting as if their former military status somehow places them above the political fray while engaging in the very activity the norms of their profession once proscribed.” She also notes, using the examples of former White House Chief of Staff John Kelly and former Secretary of Defense James Mattis (both retired Marine four-star generals), that “when retired senior officers who served as high-level political appointees invoke the military’s norm of nonpartisanship as the reason why they refrain from commenting on politics, it weakens the norm and further confuses the American public in the process.” Urben offers a number of innovative solutions to bolster the norm of nonpartisanship, including instilling the norm within the ranks by taking advantage of the hierarchical nature of the military institution. She also proposes that “well-known actors who have starred in war movies should undertake a campaign of public service announcements to educate the public about the importance of civilian control of the military and its associated norm of nonpartisanship.”⁶⁰

Rosa Brooks, a law professor with experience in the U.S. Departments of State and Defense, also addresses the question of civil-military relations. In her essay “Understanding Current Threats to Democracy: The Limits of the Civil-Military Relations Paradigm,” she acknowledges that observers have noted “a range of potentially worrisome trends: a military that has grown too central to U.S. foreign policy, with military leaders gaining excessive influence relative to civilian decision-makers; increased politicization of the military; and a growing divide between the military community and civilian society – or, alternatively, a troubling militarization of civilian culture and institutions.” She finds a more nuanced picture, however, arguing that “civil-military relations in the post-9/11 period have been complex and sometimes contradictory, rather than unidirectional” for the worse. Her main concern is a different one. “Most scholarship on civil-military relations,” she writes, “is animated by the presumption that the military is the sole institution in possession of the tools of mass coercion, making healthy civil-military relations uniquely important to managing coercion in a democratically accountable manner.” Here we recognize the issue that Urben engages, although her reference is to the military as the state’s *legitimate* instrument of violence, not the only one. For Brooks, the “technological and social changes that have marked the post-9/11 period,” including “global interconnectedness and increasing dependence on networked computers,” have led to the creation of “stunning new vulnerabilities.” Among the “new kinds of security threats and new means of mass coercion” that have emerged in recent decades, she includes “artificial intelligence, disinformation, financial market manipulation, and bioengineered weapons,” wielded by state and nonstate actors alike.⁶¹ “In fundamental ways,” she argues, “these changes challenge our ability to articulate clearly what counts as ‘war’ and even what counts as ‘force.’ They undermine long-standing assumptions about the unique role of the military, blur the boundaries between the military and civilian spheres, and make traditional understandings of civil-military relations and civilian control of the military less analytically useful than in the past.”⁶²

Brooks acknowledges that some traditional concerns of students of civil-military relations will remain relevant if, for example, “President Trump follows through on his threats to use the military to suppress domestic political protest” (as he did in June 2025, when he ordered the deployment of some seventeen hundred National Guard soldiers and seven hundred Marines to Los Angeles to counter protests against ICE raids and deportations of suspected undocumented immigrants).⁶³ Yet if Trump wanted to use his power, say, to secure his reelection to a third, illegal term, or to guarantee the dominance of the Republican Party, deployment of the military might not even be necessary. “The threat or use of conventional military force can disrupt or halt elections,” explains Brooks, “but if AI-generated tools wielded by individuals or organizations can achieve the same effects far more cheaply and easily, military force, and the military itself, may become al-

most superfluous.” In light of how Elon Musk and his acolytes took control of multiple government agencies – by installing themselves as the “*sysadmins*, the systems administrators who manage the entire network, including its security” – Brooks’s insight bears emphasis.⁶⁴ The “technological and social changes of recent decades mean that healthy civil-military relations no longer suffice to protect democracy from raw power,” given the other means of mass coercion she has described.⁶⁵

One understanding of the U.S. armed forces is that, by reflecting the diversity of American society and serving as a pathway to full citizenship, they protect democracy. An important milestone in this narrative is President Harry S. Truman’s 1948 executive order desegregating the U.S. military. As the essay on the National Archives website (not yet removed as of this writing) introducing the document points out, “during World War II, the army had become the nation’s largest minority employer.” Truman’s predecessor Franklin Roosevelt had issued an earlier executive order in June 1941 forbidding discrimination against Black Americans by military contractors, directing that they be accepted into job-training programs in military plants, and establishing a Fair Employment Practices Commission (FEPC). Truman was unable to prevent racist members of Congress from terminating the FEPC, but he established in its place the President’s Commission on Civil Rights. When Southern senators threatened a filibuster to prevent its recommendations from being enacted into law, Truman issued executive orders in response, including the one desegregating the armed forces.⁶⁶

The “progress narrative” points to the army’s welcoming of Black soldiers as the first step toward expanding opportunities that would eventually include women, gay, and transgender service members. Military service has also provided a “fast track” to citizenship for immigrants, although other motives – such as the desire to escape from poverty – have had a greater influence on enlistment.⁶⁷ As Katharine M. Millar points out in her contribution “Gender, Sexuality, War-fighting & the Making of American Citizenship Post-9/11,” the post-9/11 wars are often understood as having continued that progress. “At first glance,” she writes, “the wars in Afghanistan and Iraq appear to be accompanied by gains in formal equality for women alongside people of diverse sexual orientations and gender identities and expressions.” In 2011, “the Don’t Ask, Don’t Tell policy prohibiting lesbian, gay, and bisexual people from openly serving in the U.S. military had been repealed.”⁶⁸ In 2013, the army announced it would confer equal benefits to same-sex spouses, two years before the Supreme Court legalized same-sex marriage.⁶⁹

Millar argues that “given the centrality of military service to historical struggles for citizenship rights, recognition, and dignity in the United States, most notably in the long struggle against anti-Black racism, the increased participation of people previously excluded from, or marginalized within, the U.S. military has sociopolitical significance beyond the institution.” Yet her main claim is that “moves toward formal equality and institutional inclusion did not challenge

prevailing masculinized, heterosexual ideals of normative citizenship and military service.” Her essay focuses on “three paradigmatic events – the graduation of the first women from U.S. Army Ranger School, the repeal of Don’t Ask, Don’t Tell, and the antiwar protests of peace activist Cindy Sheehan – to illustrate the intertwining of formal inclusion with the reification of heteropatriarchal, martial citizenship.” She argues that “the global war on terror has reinforced the existing U.S. heteropatriarchal sex-gender order, promoting civilian deference to the military and undermining democratic oversight of the armed forces.”⁷⁰ Her essay concludes with a brief discussion of the changes undertaken by the Trump administration to expel transgender service members and to “cancel” diversity, equity, and inclusion (DEI) policies, even to the point of removing photos of minority soldiers from Defense Department websites.⁷¹

Even before the second Trump administration took office, there was reason to question the progress narrative that associated war, war preparation, and military service with racial equality. The two essays in the fifth section of the volume address the politics of race, among other topics, by focusing on the militarization of police forces and the relationship between the military-industrial complex and the prison-industrial complex.

The essay on the militarization of the police, “Colonialism Turned Inward: Importing U.S. Militarism into Local Police Departments,” is authored by Azadeh N. Shahshahani and Sofía Verónica Montez, legal and advocacy director and legal fellow, respectively, at Project South, an Atlanta-based organization that provides legal support for grassroots activists opposing anti-Black and anti-Muslim discrimination, among other causes. Drawing on the insights of Martinican poet and political leader Aimé Césaire regarding the “boomerang” effect on the homeland of the practices of European colonial forces, Shahshahani and Montez claim that “from their inception as slave patrols, U.S. police have fundamentally served to enforce a domestic colonial order and white supremacy.” They describe how “since the 1990s, U.S. military resources developed for combat and police tactics imported from abroad have been deployed by local law enforcement agencies.” They find that “most heavily militarized policing, charges of domestic terrorism, and surveillance have been deployed against the Black Lives Matter movement, people who have supported Palestinians, and protestors against the militarization of police.”⁷²

Shahshahani and Montez focus their analysis on the legislation that has encouraged the Department of Defense to provide surplus equipment to local police agencies and on institutions such as the Georgia International Law Enforcement Exchange. The latter “hosts partnerships with foreign states in the Americas, North Africa, and various regions of Asia, Europe, and Australia, but its first and by far most meaningful partner has historically been Israel.” The authors trace the influence of Israeli practices on U.S. programs. For example, the proposed Atlanta

Public Safety Training Center, colloquially known as “Cop City,” and similar centers elsewhere in the United States resemble the Urban Warfare Training Center in the Negev Desert, dubbed by its Israeli trainees as *Mini Gaza*.⁷³

Although Shahshahani and Montez make a persuasive argument about the role of militarization of police forces, and especially the influence of Cop City, it is worth considering the perspective that Brooks offers in her essay about variation among police departments: “In the United States,” she writes, “policing is highly decentralized and the professionalism of policing varies greatly from region to region.” She argues that “the impact of what might be seen as police ‘militarization’ has been negative in some departments and neutral or positive in others (some studies have found, for instance, that officers who are military veterans are *less* likely to use excessive force than nonveterans).” She adds that neither is “the military” monolithic: “an infantry or special operations veteran with a decade of combat experience may bring different assumptions and skills to civilian policing than a veteran whose military occupational specialty was mechanical engineering or logistics, or a veteran who never deployed.” Moreover, “some civilian law enforcement agencies relied on military surplus programs to acquire armored vehicles and weapons, while others used such programs to obtain office furniture.”⁷⁴ Nevertheless, it is striking that despite the attention to police violence that resulted from the murder of George Floyd and the rise of Black Lives Matter, the number of police killings has continued to increase.⁷⁵ Further, while the police response to peaceful Black Lives Matter protests has become more heavily militarized, so, too, has the response to public protests of U.S. wars and immigration enforcement actions.

In their contribution entitled “From the Battlefield to Behind Bars: Rethinking the Relationship between the Military- & Prison-Industrial Complexes,” political scientists Jacob Swanson and Mary Fainsod Katzenstein describe the relationship between what President Eisenhower first dubbed the “military-industrial complex” and what they and others call the “prison-industrial complex.” They introduce two valuable concepts. The first is cross-institutional “seeding,” the process by which the military and the prison system “each transmit resources, practices, and personnel” from one to the other. The second is what they term a “mimetic” relationship “in which both institutions develop processes and practices in parallel, with each likely gaining legitimacy from comparable developments in the adjoining institution.”⁷⁶

They begin by reporting several elements of the “seeding” process. In the wake of the U.S. war in Vietnam, for example, “the closure and repurposing of military infrastructure, specifically military bases, into sites for prison construction” helped inaugurate the age of mass incarceration. “In the next three decades,” they write, “over 40 percent of federal prisons came to be located on former military installations. By the mid-1990s, approximately eighty-six thousand incarcerated individuals were housed within seventy-nine federal institutions, thirty-four of

which were located on current or former military installations.” One-third of the total Bureau of Prison’s population was housed on former military bases. State prisons were also constructed on decommissioned military sites. The authors observe that the “interinstitutional seeding was framed as a ‘win-win’ with the ebbing of the Cold War and the prospect of base closures resulting in large employee layoffs.” On the topic of employment, their analysis also includes discussion of the hiring of military veterans as prison guards as well as the military’s practice, in times of low enlistment, of accepting recruits with criminal records. Other examples of seeding include the use of low-paid prison labor for production of Defense Department goods (clothing, furniture, and electronics) and a general “convergence of international military and domestic carceral practices” when, for example, corrections officers from Virginia and Pennsylvania served as army reservists and perpetrated atrocities in Iraq’s Abu Ghraib prison.⁷⁷

Perhaps the most original of the essay’s findings is the “mimetic” practice of private-equity (PE) funding of both military production and prisons. The authors report that private-equity firms accounted for one-quarter of the 3,700 weapons contracts negotiated between 2000 and 2021 and that “PE-controlled firms have acquired over five hundred U.S. arms companies since the early 2000s.” Because private firms are held to lower standards of transparency than publicly held ones, the practice has resulted in “a decline in democratic accountability.” In the carceral system, profit-driven private-equity investors have fueled abuses in the “management of the prison phone industry and digital transactions, commissary sales,” and health care, exacerbated by “irregular and inadequate public scrutiny and reporting.” The economic fragility of the private-equity sector makes incarcerated populations vulnerable to, for example, health providers that might suddenly go bankrupt. In sum, the authors argue, “the striking mimetic (or parallel) development of private equity in military and carceral institutions has accentuated antidemocratic developments.”⁷⁸

The second half of the essay takes up the theme, addressed elsewhere in the volume, of “the dominant narrative about the military and veterans” as “one of improvement, especially for Black Americans and other veterans of color.” The authors compare indicators of economic stability, such as homeownership, of Black military veterans and nonveterans and find, on balance, that “military service provides a clear socioeconomic benefit to Black individuals on average while reversing, to some degree, certain racial inequalities.” They suggest, however, that the story of racial progress is “informed by paternalist assumptions, if not fully racist practices,” which they illustrate with an examination of Project 100,000, an initiative launched by U.S. Secretary of Defense Robert McNamara in 1966 intended simultaneously to “increase enlistment numbers” for the war in Vietnam and to provide “domestic social benefits.” Using evidence of racial disparities in incarceration rates of veterans, they conclude that the “separate but mimetic pro-

cesses developing in parallel within carceral and military institutions complicate the narrative that the military's impact on American society is primarily one of racial progress."⁷⁹

The effects of war on democracy are complex, but broadly the essays in this volume show that more than twenty years of war and war preparation have contributed to democratic backsliding in the United States. The Trump administration's assault on democratic institutions and practices could be read as independent from the longer-term erosion of democratic institutions. Our inclination, however, is to link them, as Matthew Evangelista does in the concluding essay, "It Can Happen Here."⁸⁰

ABOUT THE AUTHORS

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The State, War-Making & Democratization in the United States: A Historical Overview

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The process of American democratization and de-democratization has often involved organized violence, whether perpetrated by the federal government, against the government, or with the government on the sidelines. But we know little about the relationship between the state's war-making capacity and the prospects for democracy's advances and retreats over the course of American history. In this essay, I first briefly describe the long-run path of democracy in the United States and identify some of the key threats that have periodically undermined the prospects for successful and durable democratization. I then survey some of the entangled history of state violence and democratization in the United States and suggest how the U.S. government's military capacity has often tended to inflame threats to democracy and undermine critical pillars of democratic governance. The main exceptions to this pattern have come during the two Reconstructions, when federal military force was deployed as an instrument of democratization.

The United States was not born as a full-fledged democracy. When the Constitution was adopted, more than one in six people living in the country were enslaved and entirely without political rights, although three-fifths of their number were counted toward state representation in the House of Representatives and the Electoral College, boosting the electoral power of their enslavers. Women could not vote, nor could most Indigenous people. Over time, however, democratic rights were extended to increasingly large portions of the American people. Most states dropped property qualifications for voting in the early nineteenth century, effectively establishing universal white male suffrage. After the Civil War, the Fifteenth Amendment banned race as a qualification for voting rights, although Southern states employed literacy tests, poll taxes, and other voting requirements to effectively disenfranchise Black voters for the next century. Women nationwide gained the vote in 1920 through the Nineteenth Amendment. In fact, it was not until the civil rights advances of the 1960s, which overcame Southern authoritarianism, that the country could be said to be fully democratic.¹

But the common story that Americans tell themselves – that our history is a story of gradual, progressive expansion of democracy as our long-suppressed founding ideals flourished – is false. The story of American democratization has been one of conflict, reversals, and halting progress. Early nineteenth-century suffrage expansion was often coupled with disenfranchisement of free Black men in the North.² Black voting rights were adopted only after a bloody and destructive civil war and were then rolled back after decades of concerted and violent challenge by Southern whites, one of the only times in human history voting rights were taken away from such a large group after being granted. Today, once again, democratic rights are in peril as the hard-won protections of the mid-late twentieth century are at risk of being reversed.³

The process of American democratization and de-democratization, moreover, has often involved organized violence, sometimes perpetrated or sponsored by the federal government, sometimes against the government, and sometimes with the government on the sidelines. But we know little about the relationship between the state's war-making capacity and the prospects for democracy's advances and retreats over the course of American history. To frame such an exploration, I first briefly describe the long-run path of democracy in the United States and identify some of the key threats that have periodically undermined the prospects for successful and durable democratization in American history. I then survey some of the entangled history of state violence and democratization in the United States and suggest how the U.S. government's military capacity has often tended to inflame threats to democracy and undermine critical pillars of democratic governance. The main exceptions to this pattern have come during the two Reconstruction eras – the First Reconstruction after the Civil War and the Second Reconstruction of the Civil Rights Movement – when federal military force was deployed as an instrument of democratization.

Political scientist Adam Przeworski defines democracy succinctly as “a system in which parties lose elections.”⁴ The implications of this spare but useful definition are that democracies enable citizens to hold those in power accountable, primarily through regular competitive elections, and give representatives incentives to engage in collective and cooperative decision-making.⁵ Political scientist Guillermo O'Donnell argued that thriving democratic regimes feature mechanisms of both vertical accountability, means by which voters can discipline leaders, and horizontal accountability, institutional structures that enable different parts of the government to limit each other's power and prevent excessive concentrations of power.⁶

Successful democracies are marked by at least four characteristics.⁷ First, they hold free and fair elections whose outcomes are not predetermined or dependent on the whims or preferences of those already in power. Some theorists, notably

Joseph Schumpeter, define democracy narrowly and simply as systems in which rulers are chosen by elections.⁸ Elections may be necessary to classify a system as democratic, but they are not sufficient. Many nations hold elections that confer power but are not freely contested. Political scientists Steven Levitsky and Lucan Way categorize such regimes as “competitive authoritarianism,” a hybrid form of governance in which some of the forms of democracy are preserved but other conditions create an uneven playing field that advantages incumbents over challengers. In these systems, elections do not provide vertical accountability.⁹

The second characteristic of successful democracies is the rule of law: the principle that laws apply equally to rulers and citizens alike and that power is to be exercised according to laws rather than rulers’ personal whims. Protection of the rule of law is essential to democratic accountability. Third, successful democracies also uphold the principle of a legitimate opposition, the idea that rivals for power are within their rights to challenge the government; they are not merely opponents to be vanquished. Finally, these democracies maintain the integrity of rights for their citizens, particularly the civil rights and liberties that are necessary for political contestation on equal terms.¹⁰

These four pillars of democracy provide a set of indicators of the health of a democratic regime at any given time. They also allow us to assess whether a regime is democratizing, moving toward becoming a more fully realized democracy, or moving away from democratic principles. Especially given the apparent rise in antidemocratic political violence in the United States in recent years – from the Unite the Right rally in Charlottesville, Virginia, in 2017 to the insurrectionary assault on the U.S. Capitol on January 6, 2021 – it is an understandably common view that such violence poses a grave threat to American democracy today.¹¹ But democratic decline need not happen suddenly or violently, as in a *coup d’état*. Rather, democracies often degrade slowly, through a process known as “democratic backsliding,” in which those in power aim to lock in their power by a variety of often-legal means, such as stacking the government with loyalists, strategically manipulating elections, and otherwise stretching the rules of political competition without breaking them outright.¹² The United States has not been immune from this kind of electoral decline. American history has seen repeated democratic crises and reversals, moments when progress toward more complete democracy was stalled, or even went in reverse: from the new republic’s first decade in the 1790s, to the Civil War and the mass disenfranchisement of Black Americans after Reconstruction, through the precarity of liberal democracy in the 1930s and the Watergate debacle of the 1970s, up to the authoritarian rumblings of the current century.¹³

These crises of democracy have not occurred randomly. Rather, they have developed in the presence of one or more of the following specific threats: political polarization, conflict over who belongs in the political community, high and growing economic inequality, and the accretion of excessive and unchecked executive

power. From the comparative study of democratization (and de-democratization), we know these four threats can undermine the pillars of democracy. When these conditions are absent, democracy tends to flourish. When one or more of them are present, it tends to decay.

Some heterogeneity of attitudes and interests in a society is healthy for democracy, and not all instances of ideological divergence amount to dangerous political polarization. Democracy works well when citizens' political opinions, interests, and group affiliations intersect in different ways, as when we associate with people of different political views in neighborhoods, workplaces and schools, places of worship, and civic organizations. These kinds of crosscutting affiliations help to induce the sense that democracy is a common enterprise despite disagreements. But when citizens sort themselves so that, instead of having multiple crosscutting ties to others, their social and political identities overlap and reinforce one another, the polarization gap widens, creating a sense of deep antagonism and distrust across the partisan gulf.¹⁴ That is when politics becomes a battle of "us" against "them," in which each side comes to believe that if the other wins, the consequences will be shattering for the nation. If polarized parties are determined to win at all costs, democracy can suffer.

Conflict over who belongs as full members of the political community intensifies political battles. For political scientist Dankwart A. Rustow, societal consensus on the boundaries of the political community was the single most important precondition for democratization.¹⁵ But when a country displays deep divisions along lines such as race, gender, religion, or ethnicity, some citizens may favor excluding certain groups or granting them subordinate status. When these divisions emanate from rifts that predate the country's founding, they can prove particularly persistent as divisive political forces.¹⁶ In the United States, certain divisions have long characterized national politics, notably over race but also over immigration and religion – which is to say, between those who seek greater equality for all and those who aim to either preserve or restore older ethnonational hierarchies. When these disagreements map onto the party divide, polarization amplifies and results in extremely volatile and dangerous politics.¹⁷

Democratic fragility can also result from high rates of economic inequality, which threaten to undermine the institutions and practices of existing democracies. In countries where inequality is on the rise, democracy is more likely to be distorted, limited, and potentially destabilized.¹⁸ High and rising economic inequality proves dangerous because the rich fear that if the poor and middle classes gain power, the rich will face higher taxes, and they may be willing to sacrifice democracy if it protects their material interests. Economic inequality in the United States has increased since the 1970s to levels not seen since before the Great Depression, making the United States among the most unequal of nations, with the affluent possessing disproportionate political organization and influence.¹⁹

Executive aggrandizement (the gradual concentration of power in the hands of the chief executive) provides leaders who claim the mantle of popular authority with the means to disable the horizontal accountability that comes from constitutional checks and balances and the means to override democratic principles in pursuit of their own political or personal goals. Although nineteenth-century presidents already exercised ample power, the power of the American presidency in the twentieth century grew dramatically, heightening the opportunity for ambitious presidents to exploit power and erode horizontal accountability.²⁰

These threats have appeared in different combinations at various moments of democratic fragility in American history.²¹ When even one was present, democracy teetered. In the republic's earliest decades, intense polarization between Alexander Hamilton's Federalists and Thomas Jefferson's Democratic-Republicans nearly brought the American democratic experiment crashing down, as the new nation lurched from crisis to crisis: the Whiskey Rebellion, the Alien and Sedition Acts, and ultimately the election of 1800, which ended peacefully, although not without the threat of violent conflict.

Twice in the nineteenth century, during the 1850s and the 1890s, three threats combined: polarization, racial conflict, and economic inequality. The 1850s saw the culmination of a decades-long conflict over slavery, ultimately ending in secession and civil war after the South refused to accept Abraham Lincoln's victory in the election of 1860. In the 1890s, Southern white supremacists rose up to violently overthrow democratically elected multiracial governments and eventually to disenfranchise African Americans, who had gained citizenship after the Civil War. Four million Black men were stripped of voting rights and political power in this reversal, paving the way for the rise of the Jim Crow era and the persistence of white supremacy and authoritarian rule in the South for more than six decades.

In the twentieth century, as the problems government was expected to solve grew more complex and the federal government expanded to meet them, executive power began to grow as well. During the Great Depression, when many Americans despaired about the future of liberal democracy and looked admiringly across the Atlantic to authoritarian responses in Europe, President Franklin D. Roosevelt was willing and even eager to embrace greater executive power to address first the economic crisis and then the global totalitarian threat.²² During the Watergate scandal of the 1970s, President Richard Nixon tried to use tools of executive power that were first developed in the Roosevelt era as weapons to punish his enemies and ensure his own reelection, creating a constitutional crisis and undermining citizens' confidence in core democratic institutions.

Today, for the first time, we face all four threats simultaneously. It is this unprecedented confluence, more than the rise to power of a single leader, that lies behind the contemporary crisis of American democracy. Each threat has been

rising for decades and all have grown deeply entrenched while dangerously combining with each other. Donald Trump's polarizing first term (2017–2021) did little to assuage these conditions as he persistently stoked white supremacy, did the bidding of the wealthy, used the powers of the presidency to further his own personal and political aims, and unleashed violent forces of nihilism and chaos that resulted in seditious insurrection. All with the approbation of his partisan enablers.

An additional thread that runs through these episodes is violence, often organized and frequently engaging the military apparatus of the state. In some instances, external wars have provoked democratizing reforms. Political scientists Philip A. Klinkner and Rogers M. Smith argue that substantial progress toward racial equality and inclusion in American politics has come only after large-scale wars that entailed extensive national mobilization that included Black Americans and invoked a contrast between a racist enemy and the United States' own inclusive, egalitarian, and democratic ideals.²³ These conditions apply in particular to the Civil War and World War II, which were followed by what historian C. Vann Woodward called the "two reconstructions": the First Reconstruction after the Civil War, which sought, ultimately unsuccessfully, to remake the South as a democracy, and the Second Reconstruction of the mid-twentieth century, which characterized the civil rights revolution that brought about the demise of Jim Crow and culminated in the Civil Rights and Voting Rights Acts of 1964 and 1965.²⁴ After World War II, the Cold War also pushed the country toward democratization. Not only did the country's treatment of racial minorities provide fodder for Soviet propaganda about liberal democracy's deficiencies, but it also complicated American foreign policy efforts, especially in the developing world, even though the Red Scare of McCarthyism and the postwar Lavender Scare represented contrary, antidemocratic impulses.²⁵

More routinely, however, violence at home has punctuated moments of democratic crisis in American history and these episodes have often involved the state's war-making capabilities, ranging from state militias and the National Guard to the regular army, rooted in authority that is as old as the republic itself. These episodes have not, on the whole, been democracy-friendly.

In the 1790s, despite the founding generation's notional antipathy to political parties, the country quickly polarized into two antagonistic groups, Federalists and Democratic-Republicans, who espoused competing visions of the country's future and viewed each other as a threat to the republic's very existence.²⁶ Violence often broke out between these groups, in the streets and even in the halls of Congress.²⁷ In 1794, what had begun as a tax revolt in southwestern Pennsylvania against a federal excise tax on whiskey escalated into armed insurrection. President George Washington federalized several regional militias, authorized a draft

to expand their ranks, and personally led the assembled troops in what turned out to be a bloodless operation – the only time a sitting U.S. president has led troops in the field against American citizens. During the hotly contested 1800 presidential election between Federalist John Adams and Democratic-Republican Thomas Jefferson, which was ultimately decided by the House of Representatives, both sides had assembled militias ready to contest the outcome before Alexander Hamilton's energetic and savvy politicking helped engineer a settlement.

Again in the 1850s, the nation's military forces were implicated in the run-up to the Civil War. In the episode known as "Bleeding Kansas," recurring and escalating political violence between pro- and antislavery militias in the Kansas Territory necessitated the mobilization of the army several times to quell a conflict that foreshadowed the sectional war that would come in the next decade. Federal military force was also a key cog in the enforcement machinery of the Fugitive Slave Act of 1850, especially after U.S. Attorney General Caleb Cushing's ruling that federal marshals (the federal government's earliest armed law enforcement body) could deputize regular army officers into the pursuit of alleged fugitives.²⁸ Most famously, in 1859, a detachment of U.S. marines was sent to recapture the federal armory in Harper's Ferry, Virginia (now West Virginia), which had been seized by John Brown and his abolitionist band. (The operation was commanded by Colonel Robert E. Lee and his young aide, Lieutenant J. E. B. Stuart.)

After the horrific violence of the Civil War, violence once again characterized the period after the First Reconstruction. This time it was the *absence* of federal military force that was telling. Even before the U.S. Army's occupation of much of the South ended in 1877, paramilitary violence in the region had been rising, perpetrated by groups such as the Ku Klux Klan, the Knights of the White Camelia, and the White League, as well as more informal localized militias. White supremacist violence continued to rise as a challenge to Black political empowerment throughout the South, culminating in episodes such as the violent overthrow of the legitimately elected biracial Republican-Populist government of Wilmington, North Carolina, in November 1898 in what can only be described as a homegrown *coup d'état*. Despite pleas from North Carolina Republicans, President William McKinley declined to intervene.²⁹

One generation later, as the Great Depression reached its trough, a ragtag group of World War I veterans converged on Washington, D.C., determined to accelerate the payment of promised wartime service pensions. Despite their orderly encampment in the city and their peaceful assembly and march toward the Capitol, President Herbert Hoover mobilized the army to confront them after the Washington police shot two protesters, who later died. Under the command of Army Chief of Staff General Douglas MacArthur and his aide, Major Dwight Eisenhower, several army units dispersed the marchers and torched their shanties. The operation included a cavalry regiment, commanded by Major George Patton,

that rode through the streets brandishing sabers, marking the last time the United States Cavalry went into combat on horseback.

The Watergate scandal of the 1970s did not directly involve the use of federal military force, although it occurred as an outgrowth of an era that saw repeated violent clashes between citizens protesting racial inequality and American involvement in Vietnam and state and local authorities: Birmingham in 1963, Chicago in 1968, Kent State in 1970, among others. Moreover, at the center of the Watergate episode was the president's eagerness to use some of the advanced surveillance and tactical capacity that the federal government had developed since the Roosevelt administration, particularly during World War II and the Cold War.³⁰ Incensed by the leak of the Pentagon Papers to *The New York Times* in 1971 and anxious about rising antiwar sentiment that could jeopardize his reelection, President Nixon set in motion a series of plans to use the tools of the new national security state to suppress dissent, damage his political enemies, and prevent leaks (hence the White House Special Operations Unit's informal name: the Plumbers). Some of the unit's more outlandish schemes were scrapped before they were put in motion. For example, firebombing the Brookings Institution in Washington to destroy classified material that was allegedly being kept there, or kidnapping antiwar movement leaders and spiriting them to Mexico to prevent them from disrupting the 1972 Republican National Convention. But other plans went ahead, most notably breaking into the Democratic National Committee's headquarters in the Watergate office complex to plant listening devices and then, once the FBI began to connect the White House to the Watergate burglary, instructing the CIA to call off the FBI's investigation on the grounds of "national security."

The recurring entanglement of military capacity and force with democratic crises highlights a broader connection between the state's war-making apparatus and the conflicted course of democratization and backsliding in the United States. Although the framers of the Constitution were understandably wary of standing armies and military government, the Constitution itself provides for domestic military intervention by the federal government to ensure order and compliance with national law. Article 1, Section 8 empowers Congress to organize, arm, and fund the militia and to deploy the militia when needed "to execute the Laws of the United States, suppress Insurrections and repel invasions." The president, as commander in chief, directs the militia when it is called into national service. The federal government is directed to protect the states against both invasion and "domestic Violence." Based on these provisions, Congress passed the Militia Acts of 1792, which authorized the president to call forth the militia when needed. The Alien Enemies Act of 1798, the lone component of the Alien and Sedition Acts that remains in force, empowered the president to detain and deport noncitizens *in wartime* (an important qualifier that is at the center of an

ongoing legal dispute over President Trump's invocation of the act in 2025 to hasten the deportation of certain immigrants). In 1807, following a bizarre episode in which former Vice President Aaron Burr was suspected of conspiring to form an independent country in part of the recently acquired Louisiana Territory, Congress passed the Insurrection Act, which allowed the president to deploy the regular army as well as the militia for domestic and international purposes.³¹

As Stephen J. Rockwell points out in his essay in this issue of *Dædalus*, the United States has operated on a war footing with continuous military engagement much more than is commonly recognized.³²

The Insurrection Act, in turn, has provided the legal and political basis for most of the instances of domestic military intervention in American history – nearly one hundred in all – which have repeatedly shaped the course of democratization and de-democratization in the United States. I focus here on a subset of eighty-six cases of domestic military deployment between the Civil War era and the 1960s.³³ These actions responded to a wide range of triggering circumstances, as Table 1 shows.

By far, the most common reason for the military to be deployed domestically was to intervene in labor disputes, beginning in 1877 with the Great Railroad Strike that started in West Virginia (and soon spilled over into Maryland and Pennsylvania), and continuing through a strike by Philadelphia transit workers in 1944. The majority of these interventions occurred between 1894 and 1910, mostly in mining industries in the Mountain West and the Appalachian coal region. In almost every case, the army stepped in on behalf of employers and was instrumental in repeated efforts to break strikes, acting as a key agent of labor repression.

Intervention in disputes around racial conflict constitutes the second largest category of domestic military deployment. Although fewer in number than labor disputes, these instances cover a longer time span than the labor cases: from the enforcement of the Fugitive Slave Act in the 1850s to operations in support of integration in the 1950s and 1960s. Over time, these disputes have also fallen on both sides of the democratic ledger. In some cases, the military came down on the side of perpetuating racial oppression, as in the case of the Fugitive Slave Act or several instances of urban racial violence, particularly during and after the world wars of the twentieth century. At other times, the military has intervened significantly to protect Black Americans (and occasionally other racial and ethnic minorities) and to advance a national commitment to racial equality, particularly over the objection of recalcitrant state and local governments.³⁴ Instances of this kind of intervention include President Ulysses S. Grant's attempts to curb white supremacist paramilitary violence in the 1870s; the sending of federal troops to Little Rock, Arkansas, in 1957, and Oxford, Mississippi, in 1962, to enforce court-ordered integration; as well as several deployments in Alabama to enforce school integration and protect participants in the Selma-to-Montgomery march for voting rights in

Table 1
Categories of Domestic Military Intervention, 1854 – 1992

Category	# of Interventions
Labor	36
Race	26
Draft Resistance	14
Territorial Land Disputes	6
Election Disputes	3
Economic Unrest	1

Source: The U.S. Army's three-volume official history of the military's domestic role that covers the years 1789–1992. See Robert W. Coakley, *The Role of Federal Military Forces in Domestic Disorders, 1789–1878* (United States Army, Center of Military History, 1988); Clayton D. Laurie and Ronald M. Cole, *The Role of Federal Military Forces in Domestic Disorders, 1877–1945* (United States Army, Center of Military History, 1997); and Paul J. Scheips, *The Role of Federal Military Forces in Domestic Disorders, 1945–1992* (United States Army, Center of Military History, 2012).

1965.³⁵ During the Civil War, the army was also called in to confront resistance to the draft in ten different states, most famously in New York City in 1863, where murderous violence was directed at Black New Yorkers by white mobs who resented conscription policies that favored the wealthy.³⁶

These data, moreover, do not include the most extensive and dramatic episode of federal military intervention on behalf of racial equality: the military occupation of much of the South after the Civil War, beginning with the more than one hundred thousand troops who remained behind in the field after the surrender of the Confederacy at Appomattox, Virginia, in 1865 (although the numbers dwindled steadily over the 1860s and 1870s). The army proved to be critical to the enforcement of Reconstruction policy, particularly restructuring labor contracts, developing and building schools for formerly enslaved people, and above all enforcing rights for Black men.³⁷ In addition to being a key weapon against domestic terrorist groups such as the Klan, the army was also called on in several cases to intervene in Southern elections in order to uphold the integrity of the democratic process in Southern states (these are the cases noted as “Election Disputes” in Table 1).

The remaining cases in Table 1 are a mixed bag. Several incidents involve violence stemming from land disputes in Western territories during the period of rapid and often confrontational territorial expansion that transpired between the

1850s and 1880s. And finally, the “Economic Unrest” category refers to the operation against the Bonus Army in 1932, when World War I veterans converged on Washington, D.C., to demand the immediate payment of promised wartime service pensions.

As of October 2025, the most recent invocation of the Insurrection Act that resulted in a domestic military deployment was in 1992, when President George H. W. Bush mobilized the army to help manage unrest in Los Angeles after the acquittal of four white police officers in the beating of Rodney King. There are, however, other ways in which we might consider the post-World War II military to have contributed to democratizing trends in American society, from President Harry S. Truman’s 1948 order integrating the military itself, to the military’s longstanding embrace of diversity as a compelling institutional interest, the 2011 repeal of the “Don’t Ask, Don’t Tell” policy toward LBGTQ+ service members, and the opening of combat roles to women during American actions in Afghanistan and Iraq in the twenty-first century.

Much of this activity has been, on balance, harmful to the critical pillars of democracy. Intervention in labor disputes in the late nineteenth and early twentieth centuries, for example, typically occurred on the side of management and effectively challenged workers’ attempts to organize and act collectively. They also tended to sidestep, if not weaken, the rule of law by using the state’s coercive authority to act on behalf of one interest and against another, and to undermine workers’ claims to be seen as a legitimate political opposition group. This wave of violent labor intervention also coincided in broad terms with an era in which at least three of the four threats to democracy – namely, polarization, conflict over membership, and economic inequality – were at historically high levels. Federal military intervention in urban racial unrest often had a similar character. Typically – as in a series of actions during the “Red Summer” of 1919 or in Detroit in 1943 – these instances came only after unchecked violence had already resulted in extensive property damage and often the death of Black residents. In some cases, as documented in a Department of Labor report, retired or discharged white soldiers participated in organized violence against white communities that federal intervention failed to prevent.³⁸ A later wave of similar deployments came in Detroit in 1967 and in Washington, Baltimore, and Chicago in 1968 after the assassination of Martin Luther King Jr.

But these data about military intervention also tell a revealing story about the role of forceful state action on behalf of democratization. During the two concentrated periods of democratization in American history, when the state worked to advance racial equality and political inclusion, military intervention was a key ingredient of the federal government’s effort to establish and enforce policies of inclusion against persistent violent reaction that was often tolerated, and in some

cases encouraged, by sympathetic state governments.³⁹ During Reconstruction, the valence of national military force shifted dramatically, from largely upholding white supremacy to combating it, however intermittently and often ineffectually.⁴⁰ Most of the cases of prodemocracy military intervention are concentrated during the period between the middle of the Civil War and the 1880s. Aside from the broad military occupation, interventions to enforce conscription into the Union Army during the war and to counter racial violence around Southern elections in the 1870s fall into this category. President Grant was particularly determined to suppress violence by the Klan and other terrorist groups. Between 1871 and 1874, he sent military detachments to several Southern states to counter racial violence, including a long engagement in South Carolina in 1871 and 1872, and racial massacres in Colfax, Louisiana, and Vicksburg, Mississippi. On several occasions, he also ordered federal troops to reinstate (not always successfully) legitimately elected candidates who had been ousted by white-supremacist militias. The contrast between these actions and the federal government's indifference after the Wilmington coup a quarter-century later is instructive. It is also important to note that intervention on this side of the democracy ledger was not restricted to the South; in two instances, the army was called on to counter anti-Chinese violence in the Pacific Northwest in the 1880s.

Once again in the post-World War II civil rights era, military force underwrote the emerging national commitment to racial democratization. Yet the tide had truly begun to turn during the war. In 1944, the federal Fair Employment Practice Committee, a largely ineffectual body that President Roosevelt had established three years earlier, instructed Philadelphia's transit agency to train and employ several Black streetcar operators, a job that had previously been reserved for whites. White transit workers responded by striking in protest. The transit strike disrupted the production of war matériel in Philadelphia because workers could not get to work, and the president ordered the army to take control of the agency under the Smith-Connally Act, a 1943 law that allowed the federal takeover of critical industries in case of labor disputes in wartime. The army backed the Black workers, arrested several of the strikers, and restored a functioning transit system - with Black motormen. The Philadelphia transit strike marked a moment of transition toward the mobilization of federal power on behalf of racial equality and democratization. Although Roosevelt's intervention in Philadelphia was ostensibly a war production measure, and we know that Roosevelt's commitment to racial equality was spotty at best, under the circumstances, the action did bring the national military into the dispute on the side of civil rights.

In 1957, President Eisenhower reluctantly sent troops to oversee the integration of Central High School in Little Rock, Arkansas, over the vocal objections of the state's governor, Orval Faubus. The operation was hastily planned and somewhat jury-rigged, and only moderately successful: nine Black students enrolled in

the school under the army's protection, but the incident was a precursor to ongoing legal and political pushback by the state's white political establishment. Having learned from Little Rock the value of careful planning and swift execution, the army intervened again during President John F. Kennedy's administration to back a federal court order supporting James Meredith's attempt to integrate the University of Mississippi in 1962. By the time army units arrived in Oxford, Mississippi, a riot was underway, provoked by Governor Ross Barnett's vocal defiance and the organizing and publicity efforts of retired army general and right-wing provocateur Edwin Walker (who was allegedly the model for the deranged General Jack D. Ripper in Stanley Kubrick's 1964 film *Dr. Strangelove*). The U.S. Marshals Service also played a key role in the federal coercive apparatus in civil rights showdowns in the 1960s, on the front lines protecting the Freedom Riders in the 1960s and at the Universities of Mississippi and Alabama in 1962 and 1963, respectively.

The course of democratization and de-democratization in the United States has long been closely entwined with the American state's war-making capacity. During the two Reconstructions, when the central government pursued a democratizing agenda aimed at overcoming systematic political exclusion from full citizenship, military force proved to be a critical and necessary tool to push this agenda forward. But these moments have been far from the norm in American political development. At other times, military force has played a decidedly antidemocratic role, whether actively engaging in undermining the key pillars of democracy or more passively failing to stem the progress of backsliding. This pattern suggests, perhaps paradoxically, that the stark choice that Malcolm X famously posed in 1964 – the ballot or the bullet – oversimplifies the matter. “I speak,” Malcolm said, “as a victim of America's so-called democracy. You and I have never seen democracy – all we've seen is hypocrisy.”⁴¹ Four years later, at the height of the Vietnam War, social theorist Barrington Moore observed that the “moderate and responsible” forces of the American establishment, who preached for calm at home while perpetrating violence abroad, were perhaps doing more damage to American democracy than the militant voices of the antiwar and civil rights movements who were forcefully demanding change. “The real responsibility for the failures and shortcomings of democracy,” he wrote, “rests upon those who support and benefit from the policies under attack, hardly upon those who are intemperate and on occasion even violent in their efforts to dramatize the situation.”⁴² As we reckon with a world in which the entanglements of violence, war-making, and democracy are once again on the surface of our politics, and when multiple threats to democracy have converged and real prospects of democratic backsliding and political violence loom in the United States, mapping the intricacies of this relationship remains an urgent priority.

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War & the Administrative State, 1776–1900

Stephen J. Rockwell

The American administrative state existed in real and influential form from the earliest days of the republic. As in many countries, war contributed to the development of the administrative state. This essay surveys the extensive warfare actions of the United States in the long nineteenth century, from conflicts with Indigenous peoples in the Ohio Valley through U.S. engagement in the Philippines. The essay also examines developments in the administrative state that simultaneously complemented warfare and fighting during this era: namely, preparation (including recruitment, inspection, discipline, planning, logistics, and taxation) and postconflict management (including institutional reform, nation-building and governance, and pension and benefits programs). The essay pays particular attention to questions of bureaucratic autonomy and democratic accountability within the American administrative state prior to the twentieth century.

The American administrative state operated in myriad contexts in the nineteenth century, affording the federal government a broad scope of influence that belies a national mythology of small, unobtrusive, laissez-faire governance. National administration and regulation in the long nineteenth century touched the fur trade, Native American affairs, land acquisition, land distribution, settlement patterns, infrastructure development, workplace safety and health, health care and quarantine, the tariff, a slave economy and the return by government of runaway enslaved workers, exploration and scientific research, education, religious exercise, environmental protection and conservation, steamboat boiler regulation, railroad regulation, alcohol and weapons regulations and trade restrictions, licensing programs and passports, customs enforcement and the collection of duties, the continental expansion of the federal judicial system, territorial governance, indemnification programs covering losses on the frontier, disaster relief, foreign policy, diplomacy, and war-making.

Governing structures for designing and implementing this vast array of federal activity in the nineteenth century easily meet the classic definition of the administrative state offered by political scientist Dwight Waldo, contextualized here by public administration scholar John Rohr:

Its hallmark is the expert agency tasked with important governing functions through loosely drawn statutes that empower unelected officials to undertake such important matters as preventing “unfair competition,” granting licenses “as the public interest, convenience or necessity” will indicate, maintaining “a fair and orderly market,” and so forth.

The administrative state is not confined to regulating industry. Its writ runs to defense contracting and procurement, military and diplomatic policy, and the institutions of mass justice that manage problems in public assistance, public housing, public education, public health, disability benefits, food stamps, and so forth.¹

So understood, the administrative state’s builders, and its critics, did not emerge solely during the New Deal or even in the Progressive Era. The American administrative state was born with the new republic, as suggested by the vast suite of policy areas in the eighteenth and nineteenth centuries subject to the blended authority of federal elected officials and unelected agents and experts, and explained in a now-massive literature stretching across academic disciplines including history, political science, public administration, and subject area research.²

The specific context of war is one of many examples that center the administrative state within the history and traditions of the nation’s founding. The administrative state of the long nineteenth century engaged in front-end preparation for the potential fighting of wars, in matters like recruitment, training, discipline, provisioning, inspections, and construction of roads and facilities; in parallel tracks like diplomacy and economic aid to limit the need to fight; and in back-end efforts like provisions for veterans’ benefits, pensions, widows’ and survivors’ benefits, medical care, and hospital systems, as well as the requirements of occupation and integration. The administrative mechanisms built to manage all of this were designed to be flexible and effective while also pursuing democratic accountability and fairness. Importantly, from the republic’s earliest days, complex and often popular front-end and back-end administrative measures ran concurrently with fighting itself: the nation fought wars even as it prepared for future wars and tended to the ramifications of earlier conflicts.

This all suggests that James Madison may have been wrong when he wrote that “No nation can preserve its freedom in the midst of continual warfare.”³ The United States did not pursue its war goals through arms alone, though: it supplemented the use of arms with careful democratic planning, preparation, and management. Warfare across the continent and across the globe demonstrated the constant expansion of the administrative state’s footprint, even as elected representatives and unelected civilian administrators and military personnel worked to integrate public will and principles of democratic accountability into the preparations, fighting, and postconflict management necessary for sustaining continual warfare. Democratic processes and participation encouraged ongoing assessment

of the state's role amid constant debate about the meanings of "public will" and "democratic accountability."

This essay makes four arguments on these subjects. First, the United States was in a state of continual war from its founding to its involvement in the Philippines. Second, those wars and their associated front- and back-end activities were prosecuted effectively through the delegation of discretionary authority to unelected officials. Third, keeping those unelected officials accountable to democratically elected leadership has been challenging since the dawn of the republic. Finally, the active participation of unelected officials in decision-making helped maintain and even expand freedom amid continual war. Dialogue and argument within the military, and also between military officials, civilian administrators, and elected representatives – bargaining from within – created a constant churn of analysis that assessed means and ends in the context of the nation's democratic values.

The United States remained in a condition of continual war from the beginning of the American Revolution in the eighteenth century through its involvement in the Philippines at the turn of the twentieth century.⁴ The United States had an active and deployed military, coordinating with militias and private entities, that fought and influenced affairs constantly from the Revolution forward.⁵ Such actions included extended wars declared by Congress, extended wars not declared by Congress, policing actions, limited armed conflict, protective actions, displays of military force aimed at intimidating or impressing others, sustained efforts against an array of pirates and slavers, and internal actions against Americans that either used or threatened to use military force.

The Revolution itself was a massive undertaking by the new, developing American government, and when the Revolution ended in 1783, the United States maintained its War Department through the period of the Articles of Confederation and into the new government under the U.S. Constitution. The United States remained in military conflict, or close to it, with Native American nations in New York and especially in the Old Northwest from the 1780s through the 1810s. These included forays and skirmishes in the 1780s and General Arthur St. Clair's disastrous defeat at the hands of a Native confederacy in 1791, leading to major reforms of the U.S. military and its relationship with state militias, local militias, and volunteer forces. The regular military and a variety of militia forces would work together to put down Shays's Rebellion in 1786–1787 and the Whiskey Rebellion in 1791–1794. The Quasi-War with France of 1798–1800 would see U.S. forces engage with French naval vessels and privateers in the Caribbean and on land in the Dominican Republic.⁶

Naval battles and land invasions in the period that followed include the First Barbary War in 1801–1805; the Zebulon Pike Expedition, which invaded Spanish territory in 1806 and was captured and jailed in Mexico in 1807; and the American

gunboat engagement with Spanish and French privateers in the Gulf of Mexico from 1806 to 1810. The military engaged in West Florida in 1810 and battled for territory and control in the years that followed. U.S. forces occupied Amelia Island, controlled by Spain off the coast of Florida, in 1812; fought on Nuku Hiva in the Marquesas Islands, and built the first U.S. naval base in the Pacific there, in 1813–1814; drove British forces from Florida in 1814; fought pirates in the Caribbean throughout the era; and fought the Second Barbary War in 1815, with Captain Stephen Decatur's forces attacking Algiers and then posturing at Tunis and Tripoli to secure indemnities. U.S. forces fought Britain from 1812 to 1815 with significant action on the East Coast, in the South and West, and on the Great Lakes; engaged in the Creek War in 1813–1814; destroyed the Negro Fort in Spanish Florida in 1816; fought the First Seminole War from 1816 to 1818; landed on Amelia Island again in 1817; and deployed troops in Oregon in 1818. Engagements with Native Americans continued, including the U.S. military's effort to drive resisting Kickapoos out of Illinois country in 1819, a conflict that would persist into the Black Hawk War of 1832.

The 1820s saw naval engagements with slavers and pirates off Africa and in the Caribbean; landings at Cuba, Puerto Rico, and Greece; armed conflict with Native Americans, including the Arikara War in 1823 and conflicts with Winnebagoes near the Illinois-Wisconsin border in 1826–1827. These years also saw repeated engagements with American citizens when the military removed them from unceded Native lands, a process repeated throughout the nineteenth century. In the 1830s, U.S. armed forces engaged in the Falkland Islands, Indonesia, Argentina, and Peru, while also waging sustained conflicts against Seminoles and others in Florida, with white squatters on Creek lands in 1831, during the Black Hawk War of 1832, and through the decades-long forced exiles of Native Americans from their homelands across North America. During the largely nonviolent Aroostook War over the disputed boundaries separating Maine from the British colony of New Brunswick in 1838–1839, Maine authorized the draft of ten thousand militiamen and Congress authorized the president to raise fifty thousand troops.⁷

During the 1840s, the United States entered armed conflicts in the Fiji Islands and other island areas in the Pacific, in Mexico and California, in China, in Africa, and in Turkey – all occurring around the declared war between the United States and Mexico. Engagements with Comanches, Kiowas, Navajos, and Pueblos dotted the Southwest in the 1840s, while the Cayuse War of 1847–1850 occupied Washington Territory and the Third Seminole War occupied Florida from 1855 to 1858. Operations continued abroad into the Ottoman Empire, East Africa, Argentina, Nicaragua, Japan, China, the Fiji Islands, Uruguay, Panama, and Mexico in the 1850s, to which we can add the U.S. show of force against Mormons in Utah in 1857–1858 and conflicts with Native Americans, including the Yuma and Mojave Uprising in Arizona and California (1851); the Yakima War in Washington (1855–

1856) and the Coeur d'Alene War in Washington and Idaho (1858); and the Rogue River War in Oregon (1855–1856).

War hit home hard in the 1860s, of course, but beyond the Civil War itself, U.S. military forces engaged Native Americans in the Paiute War in Nevada, the Apache Uprising in 1861–1863, the 1862 Minnesota Uprising, the Shoshone War in Utah and Idaho (including the Bear River Massacre of 1863, likely the deadliest single action by U.S.-led forces against Native Americans), the Navajo War in New Mexico and Arizona (1863–1866), the Cheyenne-Arapaho War in Colorado and Kansas (1864–1865), Red Cloud's War (1866–1868), and the "Snake War" against Northern Paiute, Bannock, and Western Shoshone bands living along the Snake River, with fighting taking place in Oregon, Nevada, California, and Idaho (1866–1868). Add campaigns against Southern Cheyennes, Southern Arapahos, and Sioux allies on the Central Plains (1867), General Philip H. Sheridan's campaigns on the Southern Plains (1868–1869), and continued conflict with Comanches and Kiowas. Add other armed conflicts in Angola, Colombia, Nicaragua, Japan, Mexico, China, Formosa, and Uruguay.

Reconstruction saw the U.S. military engaged throughout the South. Conflicts with Native Americans in the 1870s included the Apache Wars (1871–1876), the Modoc War (1872–1873), the Red River War (1874–1875), the Black Hills War (1876–1877), the Nez Perce War (1877), the Bannock War (1878), the Sheepstealer War (1879), and the Ute War (1879). Other military actions involved Colombia, Mexico, Hawaii, and a vicious 1871 engagement in Korea. Landings and displays of force to protect American interests dot the 1880s in Egypt, Panama, Korea, Haiti, Samoa, and Hawaii, and include the ongoing Indian Wars of the West, particularly Geronimo's resistance (1881–1886). U.S. forces in the 1890s engaged in Argentina, Haiti, Chile, Hawaii, Nicaragua, China, Korea, Colombia, Samoa, and Wounded Knee in South Dakota. The Pullman strike in 1894 is one of the most famous of numerous late-nineteenth-century domestic military deployments to control labor actions (Robert C. Lieberman discusses other such deployments in his contribution to this volume).⁸ In 1898, the United States waged war in Spanish-controlled Cuba and Puerto Rico, and in 1899 began the long war and occupation in the Philippines.

While some of these conflicts did not see actual fighting, many did, and to understand the scope and continuous activities of the administrative state, it is difficult to untangle engagements that involved battle from those that did not. The idea of a stable core organization with established processes, leadership, and legitimacy – that could grow in numbers if necessary to respond to insurrection or invasion – unifies our understanding of the state's activation of complicated and diverse arrays of regular, irregular, militia, ad hoc, privateer, and other available forces. Supply, training, inspections, pension programs, claims adjudication, hospital services, and other aspects of regular administration continued whether the forces fought or not. Preparations were required in advance of knowing the out-

comes: the 1871 foray into Korea was not expected to descend so rapidly into a major armed conflict, but it did; the action against the Mormons in Utah was widely expected to end in sustained violence, but it did not. The United States prepared for, fought, won, and managed the consequences of four major wars by 1865, one every twenty to thirty years, even as American forces on the frontier and around the globe engaged regularly in other fighting and constantly in preparation, diplomacy, and occupation into the twentieth century.⁹

Wars endured. The Northwest Indian Wars lasted twenty-eight years, from Josiah Harmer's actions in the Ohio region in 1785 to the death of Tecumseh in 1813. The Seminole Wars lasted forty-one years, from 1817 to 1858, while wars with the Sioux lasted thirty-six years, from 1854 to 1890. Participants' experiences with these conflicts were continuous, as the United States engaged in North America but also regularly in Asia, the Caribbean, South America, Central America, and the Pacific. People's lives and careers overlapped specific conflicts, tying together what sometimes can look like discrete, isolated events: John Wool fought as a young man in the War of 1812, supervised aspects of Cherokee and Creek removal as a colonel in the 1830s, led at the Battle of Buena Vista in the Mexican War, oversaw the Rogue River War in Oregon (while trying to stop William Walker's Mexican filibusters from his posting in California in the 1850s), and commanded at Fortress Monroe and in New York City during the Civil War. Future presidents James Monroe, William Henry Harrison, Andrew Jackson, and endless other prominent American leaders in politics and the military served long careers fired in armed conflict with Indigenous peoples and with European, Central American, or other nations. Abraham Lincoln served in the Black Hawk War before he became a wartime president, and even though he derided his participation as fighting with mosquitoes, he was deployed along with seven thousand other regular, militia, and allied Native forces. Ulysses S. Grant fought in the Mexican War, served on the West Coast in the 1850s, and then led Union forces in the Civil War before becoming president and overseeing military action during Reconstruction and on the frontier. Nelson A. Miles fought in the Civil War, featured prominently in the Indian Wars, commanded the military occupation of Chicago during labor unrest in 1894, and then led the American invasion force into Puerto Rico in 1898.

Military families also help link events into the context of continual war. Joshua Humphreys, the "Father of the American Navy," served the government in the 1790s; his son Samuel served as chief naval constructor of the United States under President John Quincy Adams, and his grandson Andrew served as a military engineer in the Civil War and became part of President Grant's Isthmian Canal Commission. Arthur MacArthur Jr. fought for the Union at Chattanooga in 1863 as an eighteen-year-old lieutenant. He would spend forty years in the army, including time as commander of American forces in the Philippines beginning in May 1900. MacArthur's eldest son Arthur MacArthur III would serve many years

in the Navy, becoming a captain and being awarded a Navy Cross during World War I; his youngest son Douglas, born on an army post in Arkansas in 1880, would enter West Point with Ulysses S. Grant III in 1899 and ultimately achieve the rank of General of the Army, serving in top positions during World War II and the Korean War. Thousands of American soldiers and members of military families saw service in the Indian Wars and then in Puerto Rico or the Philippines. In an earlier day, thousands fought in the Civil War after serving in armed conflicts with British, Mexican, or Native forces.¹⁰

Importantly, only a handful of these conflicts were ever formally declared wars by Congress, even as the state regularly raised and maintained troops, approved appropriations, and deferred to executive decision-making within the War Department and other agencies. It was more than a century of constant warfare and administration.

This state of continual war was prosecuted effectively by an administrative state built on bureaucratic autonomy and discretionary authority. Agencies have autonomy when they can plan and implement policies independently, especially when those plans and policies are opposed by elected leaders. Autonomy comes from expertise and often from networking across agencies and government departments. From the beginning, the War Department not only planned but also implemented policies, as seen in Secretary of War Henry Knox's reports and recommendations, which shaped early policy in the Old Northwest and the South after the Revolution. Throughout the nineteenth century, the War Department and its specialized experts influenced policy through initiative, expertise, and networking, with Congress regularly requesting and deferring to the information and analysis put forward by the agency's leaders and operatives.¹¹

Discretionary authority in the field characterized the military's actions throughout this period. Field commanders exercised discretion, of course, in choosing battlefields, directing troops, and securing provisions and logistics.¹² But efforts that ran parallel to fighting necessitated the exercise of vast discretionary authority, too. Diplomacy and other measures sought to avoid violence, but administering such efforts was a complicated and ever-changing endeavor that often saw federal, state, and private agents working or competing with military officers.¹³ Occupation policies were often forged on the ground. During the U.S. occupation of Mexico, for example, John Wool crafted policies to tax Mexican citizens, restrict dances and horse racing, and essentially run regional areas based on his own, sometimes disputed, interpretations of War Department policies.¹⁴ U.S. forces in the Reconstruction-era South constantly faced choices about how to handle immediate crises and ease ongoing tension. Managing the Indian reservation system perpetuated discretionary authority in administration as the army and civilian reservation superintendents tried to control occupation and ongo-

ing conflict in dozens of unique contexts. Civilian governor William Howard Taft worked to marginalize MacArthur and the military in the Philippines and replace war with sweeping, creative nation-building.

The state took on numerous other tasks related to preparing a fighting force and keeping it busy in the absence of conflict. Recruiting and supply efforts throughout the long nineteenth century were collaborative works of improvisational art.¹⁵ When not fighting, post commanders and subordinate officers such as commissary officers, doctors, and cooks made innumerable decisions without strict oversight. Historian Michael Tate and political scientists David Ericson and William Adler have documented the extensive administrative discretion involved in the military's contributions to economic development, education, health care, and infrastructure projects. Tate documents, for example, military personnel involved in geographic exploration, science, and artistic work; providing aid to emigrants; promoting transportation and commerce; serving as frontier lawmen; running a vast and broadly dispersed contracting and supply system; serving as agriculturalists, meteorologists, doctors, religious figures, teachers, librarians, and journalists for frontier communities; engaging in crisis relief; advocating for the rights of Indigenous people and freedmen; and engaging as local entrepreneurs and investors after leaving the military.¹⁶

These actions necessitated discretionary decision-making on a daily, even hourly basis. Tate writes, for example, that *posse comitatus* services (the use of the military for civilian law enforcement) "were carried out at the discretion of local commanders who apparently did not need to secure presidential or War Department authorization."¹⁷ Historian Roger Bailey notes that naval officers addressed filibusters through many tactics, including shows of force, media messaging, and negotiation exercised with broad discretion: "Between the struggles of long-distance communication and the political benefits of offloading responsibility for controversial decisions," he writes, "it was simply more desirable for the administration to leave decision-making primarily in the hands of its agents."¹⁸ Primary sources like Richard Irving Dodge's journals of the Powder River Expedition of 1876–1877 reveal particular examples of these kinds of decisions, as do close historical studies such as Florette Henri's classic examination of Indian affairs negotiator Benjamin Hawkins and William Goetzmann's seminal works on the Army Corps of Topographical Engineers.¹⁹

Back-end support services like hospitals, asylums, medical systems, pension programs, and land bounty programs were also run by administrators with broad discretion over how to apply generalized rules to specific circumstances. This was true even when Congress took an active role, as in the adjudication of pension claims, a constantly evolving kaleidoscope of laws and agency rules that, while generally driven by generous efforts to allow pension benefits to flow, often witnessed contentious relations among applicants, members of Congress, judges,

and officials at the War and Treasury Departments. Pensions and appeals from different wars and for diverse populations, arriving amid evolving discussions of citizenship and community, made the general goal of taking care of veterans a swiftly moving target as politics and situations developed.²⁰

Context after context illustrates critically important decisions made by unelected administrators, sometimes in concert with elected officials in Congress but oftentimes operating without careful congressional oversight and in open defiance of congressional will. And how could it have been otherwise, given the scope of the nineteenth-century American state? Military inspection systems needed to be designed, implemented, and adjusted, often on the fly and covering a variety of unique contexts in different regions and eras. Construction materials, equipment, and designs filled the gaps in loosely written legislation with unique and site-specific solutions, while provisioning and logistics varied by region and economy. The military needed to obtain powder, weapons, ammunition, horses, feed, food, tents, spurs, blankets, medicines, and uniforms, sometimes for regular soldiers or militiamen, other times for Indigenous populations being forced West or for new settler communities dealing with outbreaks of infectious disease. Federal military officers had the ability to stop and arrest trespassers, remove people traveling without passports, and seize goods. They worked in law enforcement capacities, often in coordination with civilian officials, to serve the needs of frontier populations. They protected timber stands, policed routes of travel and trade, responded to environmental crises, and inhibited or prohibited filibusters – including stopping ships from leaving port and seizing ships and matériel. Wartime battles needed to be won, and occupations needed to be effective.

Discretionary leeway for field agents to accomplish these things was a hallmark of American administration in the nineteenth century. Bound by shared missions, field officers and subordinate personnel enjoyed great freedom to make their own decisions about how to achieve public ends, in what turned out to be a terrifically effective scheme.

It is important to note that the “administrative state” encompasses more than just the bureaucracy. The definition offered at the beginning of this essay presumes a legislative power and democratically elected officials as core components of the American administrative state, in which the bureaucracy and its unelected agents interact with elected representatives on a regular basis. Public will is pursued through the actions of elected representatives, on the one hand, and through unelected agents, on the other, who wield delegated power while remaining accountable to democratic will. Properly understood, the American administrative state also includes elected and unelected officials and agents at state and local levels, at least to the extent that the design and distribution of benefits and services, and the pursuit of national aims, have often been blended through-

out the complex system of American federalism. Debates over the meanings of “public will” and “democratic accountability” have created tensions within the administrative state from the beginning.²¹

James Madison warned about the pernicious effects of continual war in 1795. Less than twenty years later, as president, he lamented the challenges that war and the administrative state posed to democratic accountability. In an 1814 letter to Secretary of War John Armstrong, Madison complained of out-of-control discretionary actions at the War Department and tried to clarify how the system was designed to work:

I find that I owe it to my own responsibility, as well as to other considerations, to make some remarks on the relations in which the Head of the Department stands to the President, and to lay down some rules for conducting the business of the Department, which are dictated by the nature of those relations. In general the Secretary of War, like the Heads of the other Depts. as well by express statute as by the structure of the constitution, acts under the authority & subject to the decisions & instructions of the President; with the exception of cases where the law may vest special & independent powers in the head of the Department.²²

Madison then tried to identify which activities needed the president’s involvement and which did not:

From the great number & variety of subjects, however, embraced by that Department and the subordinate & routine character of a great portion of them, it cannot be either necessary or convenient that proceedings relative to every subject should receive a previous & positive sanction of the Executive. In cases of that minor sort it is requisite only that they be subsequently communicated as far and as soon as a knowledge of them can be useful or satisfactory.

In cases of a higher character and importance, involving necessarily, and in the public understanding, a just responsibility of the President, the acts of the Department ought to be either prescribed by him, or preceded by his sanction.

It is not easy to define in theory the cases falling within these different classes, or in practice to discriminate them with uniform exactness. But substantial observance of the distinction is not difficult, and will be facilitated by the confidence between the Executive & the Head of the Department.

Madison went on to convey his dissatisfaction with how Armstrong had been distinguishing between routine administrative tasks and matters of a higher character that required presidential involvement:

This distinction has not been sufficiently kept in view.

I need not repeat the notice heretofore taken of the measure consolidating certain regiments; a measure highly important under more than one aspect; and which was adopted & executed without the knowledge or sanction of the President; nor was it subsequently made known to him otherwise than through the publication of the act in the newspapers.

The like may be said of certain rules & regulations, particularly a Body of them for the Hospital & Medical Depts. of which the law expressly required the approbation of the President, and which comprise a rule to be observed by the P. himself in future appointments. The first knowledge of these latter regulations was derived from the newspapers.

Madison followed these examples with others, calling attention to instructions about plans and operations, responses to messages meant for the president, and an order prohibiting duels and specifying dismissal from the service for violators, which Madison noted, “pledged an exercise of one of the most responsible of the Executive functions, that of summarily dismissing from military offices without the intervention of the Military Tribunal provided by law.” Madison ended the letter by attempting to clarify what must be communicated to the president, including orders establishing general or permanent regulations, changes in the boundaries of military districts, orders for Courts Martial, dismissals, acceptances of resignations, requisitions and receptions of militia into the service and pay of the United States, and instructions relating to treaties with Native Americans.

Even so, Madison’s letter closes with an acknowledgment of the impossibility of clarifying all of this: “These rules may omit cases falling within, and embrace cases not entirely within, the reason of them. Experience, therefore, may improve the rules.” Madison’s effort to restore presidential control over administration at the War Department came at the height of the War of 1812. British forces burned Washington, D.C., eight days after he wrote to Armstrong, and Armstrong resigned four days after that.

Madison’s complaints were just the tip of the iceberg. Complaints and challenges to administrative policymaking and decisions by the military in the nineteenth century flowed through a porous administrative state at every turn, a great sieve of participatory democracy, wherein individuals and collective interests seized upon innumerable avenues to seek redress of their grievances from elected officials and from unelected administrators. Opportunities included direct lobbying and cooperation; the use of state or tribal officials to counterbalance, challenge, or influence administrative action; application of rules and hearings; formal appeals; litigation to alter policy or challenge decisions; litigation to hold government personnel personally accountable, especially prior to widespread civil service protections; and efforts at policy reform at the bureaucratic level or through the elected branches of government. Participation in these avenues included

groups and individual interests even among Native populations, Filipino populations, and semi-sovereign entities like tribal nations. Nobody had to sit back and take whatever military officers and administrators did; formal and informal challenges were characteristic of the administrative state from its earliest days.²³

Institutions also refused to cede final authority to the executive in a century-long battle of constitutional checks and balances. Following St. Clair's disastrous defeat during the Northwest Indian War in 1791, Congress quickly grew into its oversight responsibilities with a full-blown investigation. In later institutional battles, Congress challenged executive branch control and investigated deployments, purchasing patterns, and battlefield decisions: the use of dogs in the Seminole Wars, Custer's defeat by combined Native forces in 1876, and the use of torture and waterboarding in the Philippines, to name a few examples. Congressional investigations sometimes led to cooperative interbranch efforts in reform, such as evolution in the makeup of the military after St. Clair's defeat. Executive branch activity was subject to judicial oversight, as well, especially as the nineteenth century progressed. Courts oversaw administration and policy decisions in a long series of litigation efforts designed to either reign in, expand, or resolve disputes about administrative power. Such efforts include the Cherokee cases at the Supreme Court and numerous land dispute cases heard by lower federal and state courts, along with questions surrounding military regulations and the Constitution's application in faraway lands.²⁴

In the end, however, administration remained primarily an executive function. Congressional legislation, judicial decisions, and private action could constrain, check, and balance executive action in many instances – but even these instances represent a small fraction of the thousands of decisions made every day in the nineteenth century by administrators and field agents exercising spontaneous discretion in unique circumstances. Those officers always had the real ability to abide by, dismiss, or adjust what laws, judicial decisions, higher regulations, local rules, or their peers demanded of them. Field officers would decide for themselves whether a local child could enroll in a post school, whether an expectant mother would receive medical attention from army doctors (and if she would need to pay for those services), whether a local incident required the incarceration of an individual or a more serious action against a community, or whether an ambush demanded an immediate counterattack.²⁵ Moreover, institutional challenges sparked institutional pushback to protect executive authority. President George Washington developed the concept of executive privilege to check Congress's St. Clair investigation, and administrators like Henry Knox, John Armstrong, and a long run of secretaries of war sought to maintain effective autonomy over military actions through internal regulations. President Andrew Jackson effectively undercut the Supreme Court's landmark decision in favor of Native sovereignty, *Worcester v. Georgia* (1832). President Ulysses S. Grant and later presidents responded to Congress's 1871 measure

formally ending treaty-making with Native nations by continuing to control most U.S.-Indian negotiations through new executive measures, such as reservations through executive order.²⁶

In his influential 1982 book *Building a New American State*, political scientist Stephen Skowronek wrote of the nineteenth century, “The President had never risen far above the status of a clerk during the heyday of party competition.” He also argued that “the path that had been traveled in the development of early American government did not anticipate the need for a strong national administrative arm.” Skowronek continued, “The success of the early American state came to depend on the working rules of behavior provided by courts and parties [which] coordinated action from the bottom to the top of this radically deconcentrated governmental scheme.” This framework of a “state of courts and parties” in the nineteenth century is widely accepted but profoundly misleading. It relegates the independent executive authority of the nineteenth-century American administrative state to the sidelines when, for more than a century, the nation’s military service members and its civilian public administrators were designing and implementing policies, establishing rules for behavior, making adaptations and adjustments, and deciding for themselves how (and whether) to apply congressional laws and judicial rulings in specific, contested, real-world circumstances.²⁷

With vast discretionary authority exercised by the administrative state’s officials, and despite steep challenges to holding unelected administrators democratically accountable, the American administrative state effectively extracted resources, coerced populations, and exerted control over its territory, all while avoiding the fatal blows to liberty that Madison had predicted for a nation at continual war. But how?

In his *Political Observations*, Madison, whose warning presaged later academic analysis of the relationship of war to the state, wrote that continual war represented a threat to free societies because it was the foundation of many other dangerous forces:

Of all the enemies to public liberty war is, perhaps, the most to be dreaded, because it comprises and develops the germ of every other. War is the parent of armies; from these proceed debts and taxes; and armies, and debts, and taxes are the known instruments for bringing the many under the domination of the few. In war, too, the discretionary power of the Executive is extended; its influence in dealing out offices, honors, and emoluments is multiplied; and all the means of seducing the minds, are added to those of subduing the force, of the people.²⁸

Charles Tilly and other social scientists later expanded on how “war makes states,” while scholars like Ira Katznelson and Max Edling have documented the vast taxing authority of the United States and the connection of effective resource

extraction to the pursuit of U.S. wars.²⁹ In works on nineteenth-century governance, Brian Balogh and Gautham Rao have observed how the American state worked purposefully to reduce its visibility and minimize its intrusiveness so as to facilitate the effective extraction of resources and imposition of its control.³⁰ Meanwhile, Yuval Feinstein and Andreas Wimmer have examined how bargaining between the state and its members influences a state's ability to extract resources, and scholars like Paul Starr have explored relationships between war, democratic values, and legitimacy.³¹ Scholars focused on the imperial presidency and executive power have worried, like Madison, about the implications of continual warfare on a system designed to separate and share powers.³²

Feinstein and Wimmer note that “to understand state-building beyond the war mechanism, other factors highlighted in the historical literature need to be taken into account, such as the nature of bureaucratic organizations on which state builders can rely or the political coalitions that support them.”³³ Heeding that suggestion, one lynchpin that can help us understand war and the American administrative state in the nineteenth century is the idea of the administrator as representative citizen. Public administration scholars H. George Frederickson and Ralph Clark Chandler write, “The public administrator’s task is to take unapologetic leadership in making American public institutions more reflective of the communal values of justice and equity that are our heritage.”³⁴ This as much as anything helps us understand how a nation in continual war was able to avoid Madison’s dire prediction. A simple and easily understood mission often channeled the decisions of soldiers and administrators in the field and focused contested decision-making on shared purposes. Achieving independence, establishing and expanding control over territory, defeating or removing Native populations, acquiring land, protecting and promoting commerce, interdicting slave smuggling, subduing the Confederacy, and expanding westward all unified personnel behind easily understood strategic goals.

At the same time, U.S. military personnel often reflected a broad and complicated vision of democratic values and freedom. Robert C. Lieberman’s essay in this issue of *Dædalus* highlights the post-Civil War Reconstruction era as an extended period during which the military promoted the expansion of liberal democracy; similar actions are peppered throughout other eras in which the military is too often seen as simply a repressive force.³⁵ Even as the military expropriated Indigenous peoples, supported slavery, and cracked down on labor actions, it was simultaneously a leading force in protecting the rights of Native Americans, enslaved people, people of color, workers, and immigrant populations. It was often detailed to protect these populations against mistreatment, and field officers frequently made decisions to protect those populations within their discretionary authority. The military worked to protect Native populations from exploitation by private contractors and timber thieves; police treaty boundaries and remove

encroaching whites from Native lands; protect Chinese populations from the anger of nearby white populations; and help dispense health care to West Coast immigrant populations. Through the Navy, it also interdicted slave ships and supported the development of repatriation projects for freeborn people of color and emancipated slaves to African countries such as Liberia. These actions often incurred the wrath of white populations, creating the kinds of friction that put military officers and administrators at risk of private litigation or other retribution. Simultaneous to the military's contributions to empire and settlement, it was an engine of expanding liberal values and rights for individuals and groups.³⁶

American administration is democracy in action. Administrators checked and balanced each other amid debate about missions, values, and implementation. Civilian leaders and military personnel clashed regularly and openly over the purpose of their missions and over which course of action would best serve the mission, resulting in ongoing debate informing specific choices. Generals Charles Scott and James Wilkinson questioned St. Clair's leadership, concerned about his preference for carefully targeted retaliation against specific Native forces instead of more indiscriminate violence. Colonel George Croghan of the Inspector General's Office criticized Colonel Josiah Snelling for having soldiers process hay and collect firewood instead of undergoing more military training. Colonel John Wool bristled at having his proposals to use force during Cherokee Removal challenged by Acting Secretary of War Carey Harris; but later, in California, Wool resisted the demands of territorial governor Isaac Stevens for direct military action in support of violent aggression by volunteers in the Washington Territory against Native communities. Colonel William S. Harney's unexpectedly nonpartisan stance in Bleeding Kansas emboldened free-state forces and irritated proslavery President James Buchanan and Secretary of War John Floyd. Disagreement and debate filtered through the military's myriad operations: medical personnel sometimes vaccinated Native populations to facilitate removal, but they also vaccinated Native populations to protect them from the horrors of smallpox. Army surgeon Walter Reed worked to improve sanitary conditions, enhance rations, and provide effective services to Native American prisoners in places like Mount Vernon, Alabama – where he was in constant discussion with superiors who could be sympathetic, like Mount Vernon's commander Major William Sinclair, and others who could be uncaring or openly hostile to these measures, such as some leaders at the War Department. Army Colonel Ethan Allen Hitchcock, Navy Purser Levi Slamm, and Navy Commander Thomas Dornin debated how best to deal with suppressing filibusters, and they argued with Customs Collector Richard Hammond and U.S. Attorney Samuel Inge about whether to deal with filibusters at all. Soldiers like Sergeant John Galloway and Captain W. H. Jackson argued about waterboarding, torture, and interactions with Filipino populations. Underlings challenged superiors, while superiors strove to control inferior officers. Members of different

units contended for both action and reward and challenged each other over the interpretation of rules governing enlistments, promotions, discipline, food rations, applications of force and restraint, and everything else.³⁷

These examples demonstrate the effectiveness of Madison's suggestion in *Federalist* No. 51 that expanding administration would provide a check on itself:

This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other that the private interest of every individual may be a sentinel over the public rights.³⁸

Actions by military personnel enacted participatory democracy, as department heads and executive leaders argued with Congress and elected officials and as field officers endlessly evaluated and calibrated understandings of national mission, values, goals, and specific situations. In these battles, military and administrative personnel worked out the contours of the state's expansion.

In their call for public administrators to take the lead in making American institutions into engines of justice and equity, Frederickson and Chandler explained why it had to be these administrators: "The factionalized and fractional political system cannot do it. The judicial branch has carved out another role for itself. Private institutions and their managers have a totally different agenda. Such an energetic view of bureaucracy is in the spirit of Hamiltonian public administration."³⁹ The United States' long nineteenth century of continual war was executed effectively by a uniquely American administrative state that included unelected administrators, officers, agents, and bureaucrats who played key and constant roles. They executed policy even as they identified and parried threats to liberty posed by the administrative state. They also worked to define and realize the national community's democratic values, bargaining from within the administrative state over what that state's wars, war preparations, and postwar management would accomplish.

We know that the great debates between Hamilton and Jefferson, Lincoln and Stevens, and Taft and Roosevelt helped sharpen and define American values and how they would be pursued through policy. Similar debates took place between Wool and Harris, Hitchcock and Inge, and innumerable soldiers in the field and sailors on the seas. These discussions, which drove exercises of discretionary authority every day, were primary forces working out the meanings and compromises of continual war and liberal democracy in the long nineteenth century.

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ENDNOTES

- ¹ John A. Rohr, *To Run a Constitution: The Legitimacy of the Administrative State* (University Press of Kansas, 1986), xi (internal reference omitted). Rohr and Dwight Waldo identified the administrative state with the New Deal.
- ² See, for example, Gautham Rao, “The New Historiography of the Early Federal Government: Institutions, Contexts, and the Imperial State,” *William and Mary Quarterly* 77 (1) (2020): 97–128, <https://doi.org/10.5309/willmaryquar.77.1.0097>; and R. M. Bates, “Government by Improvisation? Towards a New History of the Nineteenth-Century American State,” *Journal of Policy History* 33 (3) (2021): 287–316, <https://doi.org/10.1017/S0898030621000117>.
- ³ James Madison, *Political Observations*, reprinted in *Letters and Other Writings of James Madison*, vol. IV (J. B. Lippincott & Co., 1865), 491–492.
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Concentration of Power in the Executive

Harold Hongju Koh

Concentration of power in the executive branch has fostered an American democracy increasingly prone to waging forever wars. Growing executive concentration and resulting executive unilateralism have been driven by a historical blend of personalities, domestic structure, changes in international regimes, and increasingly extreme legal theories. These theories of unilateral executive authority, espoused most aggressively during Donald Trump's presidencies, cannot be squared with the Constitution's vision that checks and balances do not stop at the water's edge. The tumultuous start of Trump's second term reveals that executive unilateralism has reached crisis proportions. A rule of law response will entail both short-term strategies of resistance and resilience and longer-term efforts at structural reform.

In the twenty-first century, American democracy has fostered a disturbing state of forever war.¹ Since September 11, 2001, the United States has been at war for nearly a quarter of a century: a decade-and-a-half longer than the Revolutionary War, and nearly two decades longer than the Civil War or World War II. The historic rise of executive power and initiative – especially in warmaking – has surely spurred this state of affairs.² The federal budget now stands at \$6.7 trillion annually.³ Prior to the cuts made in the second Trump administration, the federal workforce consistently grew, adding more than 140,000 employees between 2019 and 2023 alone. The executive branch now employs more than 4 million people, including almost 1.4 million in the uniformed military alone.⁴ A generation of today's young adults has never known a world without war.

Congress's passion to fund military and intelligence activities has given those agencies resources that increasingly dwarf the State Department's, so there are now "about as many members of the armed forces marching bands as there are American diplomats."⁵ As a matter of law, it has perversely become far easier for the president to commit U.S. troops abroad than to make a binding international treaty with the advice and consent of the Senate. Small wonder then that one consequence has been less formal diplomacy and more military interventions.

What causal forces – domestic and international, legal and political – have driven this dramatic concentration of power in the executive? The simplest domestic explanation, offered decades ago by law professor Charles

Black, is that the structure of the U.S. Constitution naturally concentrates power and initiative in the executive when it comes to foreign affairs.⁶ Article I of the Constitution, Black noted, gives Congress almost all of the enumerated powers over foreign affairs, while Article II gives the president almost none of them. But Congress is poorly structured for initiative and leadership, because of “its dispersed territoriality of power-bases and . . . its bicamerality.” The presidency, by contrast, is ideally structured for the receipt and exercise of power. Black reasoned:

What very naturally has happened is simply that power textually assigned to and at any time resumable by the body structurally unsuited to its exercise, has flowed, through the inactions, acquiescence, and delegations of that body, toward an office ideally structured for the exercise of initiative and for vigor in administration. . . . The result has been a flow of power from Congress to the presidency.⁷

Since the nation’s founding, political advocates of executive power have argued that the presidency is institutionally best suited to initiate government action. In *Federalist* No. 70, Alexander Hamilton famously asserted that “energy in the executive is a leading character in the definition of good government.”⁸ In exercising that power over the centuries, the president has gained a singular ability to initiate and sustain international action.

These structural considerations help explain why, despite the framers’ clear textual preference for congressional leadership, successive presidents have seized the preeminent role in foreign affairs. To execute its functional duties, over time, the executive has gathered massive resources: numerous staff; a treasury drawing upon a nationwide tax base; a wealth of information and classified intelligence; and multiple sources of both hard power – including weapons and troops – and soft power – such as a bully pulpit, convening power, public visibility, and moral standing. These resources empower the president to energize and direct policy in ways that could not be done either by Congress or the bureaucracy acting alone.⁹ As the president has become increasingly “plebiscitary,” he has become uniquely visible and accountable only to the electorate.¹⁰ He is the only individual capable of centralizing and coordinating the foreign policy decision-making process. His decision-making processes now take on degrees of speed, secrecy, flexibility, and efficiency that no other governmental institution can match.

But structure and resources alone are not enough. To gain legal freedom to use these tools, successive presidents, through lawyers and the courts, have constructed an overarching constitutional theory to justify increasing executive unilateralism in foreign affairs. Justice George Sutherland’s 1936 opinion, *United States v. Curtiss-Wright Export Corporation*, declared:

The President . . . manages our concerns with foreign nations and must necessarily be most competent to determine when, how, and upon what subjects negotiation may be

urged with the greatest prospect of success. . . . The nature of transactions with foreign nations, moreover, requires caution and unity of design, and their success frequently depends on secrecy and dispatch.¹¹

But Justice Sutherland's much-criticized dicta in that case went further, proffering the overbroad constitutional claim that the "plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations . . . does not require as a basis for its exercise an act of Congress."¹² This "sole organ" language posits such a sweeping, unsupported assertion of executive power that executive-branch lawyers long ago dubbed it, tongue-in-cheek, the "*Curtiss-Wright*, so I'm right, cite."¹³

Sixteen years later, during the Korean War, the Supreme Court pushed back, invoking by a vote of six-to-three a constitutional counter-theory to invalidate President Harry Truman's attempt to seize the steel mills. In *Youngstown Sheet & Tube Co. v. Sawyer (Steel Seizure)*, Justice William O. Douglas acknowledged that "all executive power – from the reign of ancient kings to the rule of modern dictators – has the outward appearance of efficiency. Legislative power, by contrast, is . . . cumbersome, time-consuming, and apparently inefficient."¹⁴ But Justice Robert Jackson's landmark concurrence famously proclaimed that, under the Constitution, "presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress," with the legality of executive action remaining reviewable by the courts.¹⁵

I have argued elsewhere that *Youngstown's* vision of shared power better expresses the policy vision to which foreign relations decision-making should aspire.¹⁶ Balanced institutional participation in foreign policymaking is not only more faithful to the Constitution's core principles of checks and balances and separation of powers, but better supports democracy, avoids authoritarian capture, and lowers the risks of catastrophic outcomes and militarism caused by executive unilateralism. By contrast, history chronicles, the unilateralist *Curtiss-Wright* paradigm gives too much power, responsibility, and freedom to the president, while letting Congress and the courts too easily avoid constructive participation in important foreign policy decisions. Yet, particularly in the twenty-first century, repeated interactions among the federal branches increasingly combine executive initiative with congressional acquiescence and extreme judicial tolerance. The synergy among these tripartite institutional incentives, not the motives of any single branch, best explains the growing pattern of executive concentration and unilateralism in American foreign affairs decision-making.¹⁷

From the founding to the present, the competing *Curtiss-Wright* and *Youngstown* visions have battled for dominance of U.S. foreign policy.¹⁸ The impulse toward executive dominance of foreign policy was present at the creation.¹⁹

Espoused by Hamilton, and both exercised and moderated by George Washington, the rise of executive power began during America's infancy and adolescence (1789–1850), accelerated over the turn of the century as America rose to become a dominant regional power (1850–1933), and became entrenched as the United States emerged as the world's hegemon after the two twentieth-century world wars (1933–1947).²⁰ Franklin Delano Roosevelt's personalization and institutionalization of the presidency initiated an extrovert phase in American foreign policy in which the president led the creation of the entire postwar multilateral political and economic order. A generation of American policymakers grew up and came to power believing in the wisdom of the muscular presidential leadership of foreign policy.²¹ Starting with Harry Truman, the president began to wield the frightening power to launch nuclear weapons, and thereby to cause a threat of mass destruction.

The activist logic of this extrovert era greatly expanded the executive branch and made presidential initiatives virtually inevitable. While the U.S. war in Vietnam caused widespread questioning of this globalist attitude toward foreign policy, presidential initiatives not only continued, but accelerated during the post-Vietnam era. During the Cold War (1947–1989) and post-Cold War years (1989–2001), America's declining role as world hegemon forced changes in the postwar structure of international institutions, which did not reduce, but instead stimulated further presidential initiatives.²² Paradoxically, the relative weakening of America in the world arena prompted an increase, rather than a decrease, in executive initiatives and further concentration of executive power.²³ Within new, informal regional and functional regimes that the United States did not dominate, the United States could no longer simply suppress conflicts of national interest, but was forced instead constantly to manage relations through repeated applications of economic carrots and political sticks.²⁴ As global challenges multiplied, the president's superior institutional capacity to generate governmental action virtually ensured that the burden of generating reactive responses to external challenges would fall on him. The perceived need for rapid, effective, and often secretive executive responses put growing pressure on the constitutional imperative of checks and balances.

Nevertheless, the *Youngstown* vision of checks and balances still held sway, both descriptively and normatively, as late as the George H. W. Bush and Clinton administrations. But the terrorist attacks of September 11, 2001, inaugurated an Age of Terror spanning the George W. Bush and Obama presidencies (2001–2017) that again repeatedly pressured the president to take unilateral action.²⁵ Bush ordered invasions of Iraq and Afghanistan, reopened Guantánamo and CIA black sites, authorized torture and cruel treatment, and greatly expanded the use of force abroad, all in the name of preemptive self-defense.²⁶ While the Reagan and Bush II administrations trumpeted executive power as a defining feature of their *Curtiss-Wright* constitutional vision, the Clinton, Obama, and Biden presidencies – afflicted

by weak legislative support – also resorted to ad hoc unilateralism to respond to particular national security crises.²⁷

The executive branch began to assert exorbitant claims of authority not just at times of political strength but also of political weakness. Weak executives assert unilateral power because they question whether Congress will endorse or the courts will ratify what they feel inexorably pressured by circumstance to do. Take, for example, Harry Truman’s decision to seize the steel mills during the unpopular Korean War, Richard Nixon’s illegal actions during Watergate, Jimmy Carter’s flurry of executive actions during the Iran Hostage Crisis, Ronald Reagan’s privatization of foreign policy during the Iran-Contra affair, and Joe Biden’s dramatic imposition of economic sanctions on Russia after its invasion of Ukraine.²⁸

Once such crises are thrust upon the president, powerful domestic factors such as ideology, political philosophy, and bureaucratic politics combine to help drive his response.²⁹ But the pervasive national perception that only the presidency can act swiftly and secretly to respond to fast-moving international events has not only expanded presidential powers, but also forced the executive branch into a pattern of unilateral action and reaction that has afflicted presidents of both political parties: weak or strong, reckless or law-abiding. While recent Republican administrations have tended proactively to seize more power, successive Democratic administrations with slim legislative majorities have reactively done the same, thus undercorrecting for past executive overreach.

A reciprocal interactive dynamic between international challenges and America’s domestic constitutional regime has thus intensified the concentration of power in the executive.³⁰ Successive changes in reigning international regimes have increasingly forced the president to react to perceived crises, allowed Congress to avoid accountability for important foreign policy decisions, and encouraged courts to condone these political decisions, either on the merits or by avoiding judicial review. The constant sense of threat that has pervaded much of the twenty-first century has given weak and strong presidents alike more reason to monopolize the foreign policy response, a polarized Congress greater incentives to acquiesce, and the courts continuing reason to defer or rubberstamp.

Not surprisingly, as executive power has become more concentrated, it has pressed the limits of law. In my experience, executive-branch officials never think of themselves as lawless or dangerous. Instead, they invariably view themselves as beleaguered and put-upon. They feel obliged to serve yet underappreciated and misunderstood by those who do not recognize their worthy motives. As Ronald Reagan reportedly said during the Iran-Contra affair, “The American people will never forgive me if I fail to get these hostages out over this *legal* question.”³¹

Inside their bubble of “groupthink,” executives grow isolated, breeding a temptation to act alone, often in secret.³² When executives combine a capacity to act

with a continual duty to react, it is only a matter of time before they see the advantages of acting without prior consultation. They can respond to crises more quickly if they do not spend time talking to others who do not work for them, who often do not share their information, perspective, or views. And so, executives come to find it more efficient to act alone and to seek post hoc forgiveness rather than ask prior permission.

In time, feeling put-upon and misunderstood allows executive actors to convince themselves that their actions must derive support from some external source, such as competence, or popular or legal legitimacy. So executives begin to blur the “is” and the “ought.” They come to believe that they exercise executive power because they *ought to* exercise executive power: endowed with some kind of right to do so, rooted in competence, law, or a democratic electoral mandate. From this reasoning, it is just a short step to Richard Nixon’s famous remark: “When the president does it, that means that it is not illegal.”³³ Donald Trump recently echoed that thought when he tweeted, “He who saves his Country does not violate any Law.”³⁴ In the presidential mind, the repeated exercise of executive power comes to validate itself.

This pattern of executive concentration, unilateralism, and lawlessness accelerated during the Trump era (2017–present): the two presidencies of Donald Trump that bookended four years of Joe Biden.³⁵ Trump’s activist impulses repeatedly disrupted the global landscape with unprovoked trade wars, diplomacy by threat, anti-immigration campaigns, and denigration of alliances. The first reactive crisis of Trump’s first term was the COVID-19 pandemic, which prompted a wave of controversial domestic and international executive responses. During Joe Biden’s administration, by contrast, external events largely triggered executive action. An array of global threats – Russia’s 2022 invasion of Ukraine; Hamas’s 2023 attack on Israel; and the continued ascendance of China, pandemics, climate change, and artificial intelligence – all created a pervasive sense of threat that exacerbated the structural dynamic described above. But whether proactive or reactive, the pendulum kept moving in a unilateralist direction, fostering unremitting political pressure to expand presidential resources.

I personally witnessed this phenomenon over five decades. I first worked in the federal courts and the Reagan Department of Justice during the early 1980s, returned to the State Department from 1998 to 2001, 2009 to 2013, and again during 2021, the first year of the Biden administration. On each return stint, I observed how foreign policy power has shifted further and further away from Congress toward the executive branch.

Over the two decades since September 11, 2001, the military and intelligence budgets swelled as if, for years, only one arm muscle had been given steroids. Senior military officers confided that they had never faced an annual budget in-

crease of less than 15 percent. Not only had power visibly shifted from Congress to the president, but within the executive branch it had shifted to the White House and the National Security Council. As the Biden administration began, COVID-19 occupancy rules further weakened the agencies and concentrated power in the White House, which was virtually alone among executive offices in functioning at full strength during the early stages of the pandemic.³⁶

Even within the executive branch, national security bureaucracies have grown steadily richer, more powerful, and opaque relative to their diplomatic and justice counterparts. The 9/11 mentality dramatically reshaped the foreign relations bureaucracy, with each agency replicating subunits that mirrored and multiplied an insistent focus on foreign counterterrorism. The national security bureaucracy transformed into an unwieldy behemoth resembling what constitutional law scholar Michael Glennon has called “double government,” “a bifurcated system . . . in which even the President now exercises little substantive control over the overall direction of U.S. national security policy,” evolving “toward greater centralization, less accountability, and emergent autocracy.”³⁷

The most visible consequence was numerous redundant officials doing the same job. Meetings requiring one lawyer from each department at the table in prior administrations still had one lawyer each from State and Justice, but now included as many as ten from various defense and intelligence agencies. At these interagency meetings, military and security interests are regularly double-counted and “kinetic” solutions predictably privileged over diplomatic ones. Not surprisingly, military action was usually executed with such tools as special operations, artificial intelligence, and cyberweapons, which can be deployed by the executive alone, virtually without congressional oversight.³⁸

Trump’s two presidencies drove unilateralism to toxic levels.³⁹ Trump 1.0 amalgamated his predecessors’ worst national security abuses. Like Nixon, Trump illegally used force abroad to kill Iranian General Qassem Soleimani in Iraq. Like George W. Bush, he claimed a right to make preemptive strikes. Like Nixon, he distorted law enforcement by influencing the attorney general to weaponize the Justice Department and composing an “enemies list” to target his critics. As in the Iran-Contra affair, the president condoned the privatization of foreign policy through the intervention of unaccountable rogue agents like his cronies Michael Flynn, Roger Stone, and Rudy Giuliani. And the subject of Trump’s first impeachment – the executive’s attempted diversion of an official request for arms from Ukraine toward a quid pro quo exchange of foreign aid and political information for private political gain – recalled Lt. Col. Oliver North’s illegal diversion of proceeds from Iranian arms shipments to fund the anti-Sandinista Contras in Nicaragua.

To justify his unilateralism, Trump declared that “I have an Article II, where I have the right to do whatever I want as president.”⁴⁰ Trump claimed that all of his actions were authorized, justified, and immunized from interbranch interference

by his plenary constitutional authorities. Under the overarching theory of the unitary executive, any restraints coming from within the executive branch could be ignored, and any restraints coming from outside the executive could be treated as unconstitutional intrusions into the president's plenary national security powers. Trump's overarching constitutional claim emboldened him to seek to nullify the rule of law for his own administration.⁴¹

Over Trump's first four years, the coordinate branches rarely checked, but instead enabled, far-fetched claims of national security emergency to justify unilateral executive action in such traditional areas of congressional authority as immigration, declaring war, international trade, and regulation of cross-border investments.⁴² Trump claimed the power to terminate at will such important international arrangements as the World Health Organization Charter, the Paris Climate Accord, and the Iran Nuclear Deal, without paying so much as lip service to interbranch consultation.⁴³ He wielded broad diplomatic tools based on expansive readings of the recognition and foreign affairs powers and usurped Congress's power of the purse by invoking emergency powers to build a border wall using funds that Congress had expressly withheld.⁴⁴

Such a sustained presidential effort to dodge the rule of law could not have succeeded had constitutional checks and balances functioned as planned. But Trump's unilateralist project fed on the willingness of executive-branch lawyers, a Republican Congress, and a compliant Supreme Court to normalize Trump's aberrant behavior. Ironically, generations of executive-branch lawyers trying to *protect us* issued opinions empowering the president to act as our prime defender from national security threats. The collective outcome of their individual, largely good-faith, labors has been a mosaic of executive-branch opinions collectively accreting extraordinary powers to an institutional president who has now emerged as our greatest national security threat. Until Trump, those drafting such executive legal opinions could always assume that a president would have *some* internalized limit in which a sense of public duty or shame would dictate self-restraint. But Trump displayed no such limit, expressing unique contempt not just for the *Youngstown* vision of the Constitution, but for legal constraints of any kind.

In the face of Trump's unilateralism, Congress repeatedly refused to assert its constitutional prerogatives. During Trump's second impeachment proceeding, Senate Republican leader Mitch McConnell refused to support Trump's Senate conviction for condoning the January 6, 2021, insurrection, when ten more Republican Senators joining the seven who voted to convict would have ensured Trump's constitutional ineligibility for future presidential office.⁴⁵ By 2025, McConnell, no longer majority leader, meekly protested while Trump praised Vladimir Putin, imposed tariffs, and appointed a secretary of Health and Human Services skeptical of vaccinations against polio, the crippling childhood disease from which McConnell himself had suffered.

By appointing three members to the Supreme Court, Trump showed that he could secure the overruling of the half-century-old precedent in *Roe v. Wade*.⁴⁶ He found a majority ready to defer to fabricated presidential motives in upholding the travel ban against people from Muslim-majority countries, deferring to what Justice Sonia Sotomayor recognized as a national security “masquerade.”⁴⁷ In *Trump v. United States*, a six-to-three majority of the Supreme Court, three of whom were elevated by Trump, startlingly weakened a president’s judicial accountability by creating unprecedented zones of absolute, presumptive, and evidentiary immunity for the official acts of a former president.⁴⁸ Under the Court’s theory, a president’s communications with his attorney general were entirely immunized, even though precisely such communications had formed the basis for the impeachable conspiracy during Watergate that finally drove Richard Nixon out of office. Yet, citing *Youngstown*, Chief Justice Roberts’s immunity opinion warned against “enfeebling the presidency” and weakening *future* hypothetical presidents, never acknowledging the actual acts recently undertaken by the lawless president that we just had and now have again.⁴⁹

Biden’s four-year intermezzo between Trump’s two terms again undercorrected, particularly when his attorney general moved too slowly to secure Trump’s criminal accountability.⁵⁰ While out of office, Trump was indicted in four separate cases and convicted of thirty-four felony counts, all of which were eventually frozen or dismissed after his reelection.⁵¹ When Congress sought to investigate or call witnesses from his administration to testify, Trump asserted executive privilege and fought subpoenas endlessly through the courts.

Yet even under Biden, the president operated almost entirely by executive order or national security directive and rarely proposed national security legislation unless it involved appropriations. The White House virtually gave up on congressional-executive agreements or supermajority ratification of Article II treaties as ways of concluding international agreements. After the 2022 invasion of Ukraine, the president imposed crushing trade and economic sanctions based on previously delegated statutory authorities.⁵² Employing weaponized artificial intelligence, cyberconflict, and special forces enabled executive warmaking to proceed based on classified policy memoranda, with minimal congressional oversight, under broad readings of obsolete legislative authorizations for the use of military force.⁵³ And after Trump’s re-election, Biden’s presidency ended with another wave of executive initiatives, including a blanket pardon for his son and other members of his own family.

Trump’s second presidential term opened with a display of “the imperial presidency” unimagined when Arthur Schlesinger first coined the term.⁵⁴ During the first one hundred days of his second term, Trump invoked an overarching *Curtiss-Wright* theory to take executive unilateralism to new heights. After the courts issued hundreds of criminal convictions for those who had violated national security laws and participated in the infamous January 6 Capitol riots, Trump used a “par-

don whitewash” to immunize even the most violent suspects. He issued more than one hundred and ten executive orders in his first eighty days, without seeking prior congressional authorization.⁵⁵ He “paused” already appropriated expenditures for foreign aid in Ukraine and elsewhere, illegally refusing to disperse congressionally allocated funding in violation of Congress’s power of the purse.⁵⁶ He imposed on-again, off-again tariffs against even our closest trading partners, and punished legal opponents with bills of attainder expressly forbidden by the Constitution.⁵⁷

To implement his sweeping theory of the “unitary executive,” Trump moved quickly to undercut existing internal executive-branch checks and balances. Without notifying Congress, he dismantled oversight of his administration by firing seventeen independent inspectors general and the director of the Office of Government Ethics.⁵⁸ To assert stronger control of the military, he fired the Chair of the Joint Chiefs of Staff, other top military leaders, and the Judge Advocates General for the Army, Navy, and Air Force, whose role is to provide independent guidance to military officials, including regarding the lawfulness of presidential orders.⁵⁹ He threatened and then invoked long-moribund statutes to deploy the National Guard and military domestically against a claimed immigrant “invasion” and the “enemy within.”⁶⁰

In the name of “government efficiency,” Trump consolidated control of the executive branch by seeking to dismantle entire congressionally established departments and independent agencies, mandating that only the president’s and the attorney general’s interpretations of law are controlling within the executive branch.⁶¹ He deployed billionaire private citizen Elon Musk to lay off, fire, forced-retire, or place on administrative leave tens of thousands of federal employees, and to question countless prospective employees about their loyalty to Trump.⁶² While these moves may have reduced the size of the federal government, they disemboweled the career civil service and further concentrated executive power in the hands of Trump’s most loyal political operatives.⁶³

In the early months of Trump 2.0, Congress remained remarkably compliant, dutifully confirming such extreme cabinet nominees such as Defense Secretary Pete Hegseth, Health Secretary Robert F. Kennedy, Jr., Director of National Intelligence Tulsi Gabbard, and FBI Director Kash Patel. But at least initially, the lower courts pushed back, blocking early Trump initiatives with more than one hundred court rulings in seven different circuits presided over by judges appointed by five presidents of both political parties.⁶⁴ Only time will tell, as those cases rise through the appellate process, whether a majority of the Supreme Court will finally rise up to challenge Trump’s unilateralist theory.⁶⁵

Trump’s presidencies thus glaringly exposed how dangerous concentrated executive power can be in the hands of a lawless executive. Responding to the Court’s immunity decision, outgoing President Biden warned that: “the *character* of the men and women who hold that presidency [is] going to define the limits of the power of

the presidency, because the law will no longer do it.”⁶⁶ Executive unilateralism that may feel tolerable when the leader remains mindful of his constitutional oath directly threatens American democracy when it empowers a leader of lawless character.

So what to do when Americans elect a president lacking in moral character? With Trump’s return in 2025, the problems of executive concentration and unilateralism have reached crisis levels. Despite express constitutional barriers, Trump now repeatedly raises the prospect of running for a third term, and his White House social media post displayed an image of him wearing a crown, declaring, “LONG LIVE THE KING!”⁶⁷

But the underlying problem remains structure as much as personalities. All three branches have contributed to the concentration and persistent unilateral exercise of foreign affairs power by the executive. This relentless push toward executive concentration has been driven not just by domestic structure and the challenges raised by successive international regimes but by increasingly extreme legal theories and executive practices that cannot be squared with the original constitutional vision that checks and balances do not stop at the water’s edge. This interactive dysfunction now powerfully challenges the constitutional norm that U.S. national security policymaking should be a power shared.

As yet, it seems premature to conclude that these practices have resulted in a de facto constitutional amendment that permanently redistributes constitutional authority. Justice Frankfurter’s concurring opinion in *Youngstown* famously argued that even “deeply embedded traditional ways of conducting government cannot supplant the Constitution or legislation, but they give meaning to the words of a text or supply them.” To become a historic “gloss on ‘executive Power’ vested in the President by § I of Art. II,” presidential actions must form “a systematic, unbroken executive practice, long pursued to the knowledge of the Congress and never before questioned . . . [making] such exercise of power part of the structure of our government.”⁶⁸ Under this stringent legal test, the continuity and consistency of historical practice must be assessed on an issue-by-issue basis and meet rigorous standards to constitute formal constitutional acquiescence in executive action. So there is still time, even during a second Trump term, to restore greater balance to our constitutional order.

Public perception has come to treat executive dominance as the new normal. But if popular opinion, congressional outrage, judicial pushback, and allied resistance coalesce, successor administrations or other governmental institutions could counter this trend and finally push the pendulum back the other way. If so, the historical march toward unilateral presidentialism could be slowed, arrested, or even reversed. But if America insists on continuing to ignore or undercorrect for these excesses, more and more of our constitutional democracy will be exposed to existential threat.

Unless we all recognize and address this serious problem, *Curtiss-Wright's* vision of presidential unilateralism will supplant the *Youngstown* vision of shared power as the constitutional default. A pressing political challenge of the Trump 2.0 years will be deciding how collectively to stem the flood, while at the same time rebuilding the constitutional dam. In the short term, those opposing Trump are best off pursuing a strategy of “revival-resistance-resilience.”⁶⁹ Such a strategy would involve reviving traditional constitutional restraints on executive overreach, such as the Bill of Attainder clause, the power of the purse, and Congress’s foreign commerce and immigration powers; resisting unilateral overreach, particularly in trade and immigration; and showing resilience in the face of Trump’s government by executive order. For the longer term, Americans must pursue more thoroughgoing institutional reform. Again, the problem is not just personalities, it is *structural*. Truly fixing it will demand structural solutions in many areas, all of which I sketch in my recent book.⁷⁰

If Trump’s return to power has a silver lining, it may be as a wake-up call, saying, “America, we have a problem”: the overconcentration of government power and initiative in the executive. Citizens must soberly address this issue, not through “America First,” but as Americans First. Perhaps the startling excesses of Trump 2.0 that have already happened, and are yet to come, will finally awaken us to the threat of reinstating the very king that America’s Constitution was designed to oust.

ABOUT THE AUTHOR

Harold Hongju Koh, a Member of the American Academy since 2000, is Sterling Professor of International Law and former Dean at Yale Law School. He has served four presidents during five decades, including as Legal Adviser to the U.S. Department of State (2009–2013), Senior Adviser (senior political appointee) (2021), Assistant Secretary of State for Democracy, Human Rights, and Labor (1998–2001), Attorney-Adviser at the Office of Legal Counsel, U.S. Department of Justice (1983–1985), and law clerk to Supreme Court Justice Harry A. Blackmun (1981–1982) and D.C. Circuit Judge Malcolm Richard Wilkey (1980–1981). He currently serves as Counselor for the American Law Institute’s *Restatement (Fourth) of the Foreign Relations Law of the United States*. He is the author or coauthor of ten books, most recently *The Trump Administration and International Law* (2019) and *The National Security Constitution in the 21st Century* (2024), from which this essay derives.

ENDNOTES

- ¹ Harold Hongju Koh, “Finally Ending America’s ‘Forever War’ –Part I: Diagnosis,” Just Security, November 27, 2023, <https://www.justsecurity.org/88131/finally-ending-americas-forever-war-part-i-diagnosis>; and Harold Hongju Koh, “Finally Ending America’s ‘Forever War’ –Part II: Prescription,” Just Security, November 29, 2023, <https://www.justsecurity.org/88164/finally-ending-americas-forever-war-part-ii-prescription>.
- ² Harold Hongju Koh, *The National Security Constitution in the 21st Century* (Yale University Press, 2024).
- ³ David A. Fahrenthold, Alan Rappeport, Theodore Schleifer, and Annie Karni, “Musk’s Slashing of the Federal Budget Faces Big Hurdles,” *The New York Times*, November 27, 2024, <https://www.nytimes.com/2024/11/27/us/politics/elon-musk-federal-budget.html>.
- ⁴ Justin Fox, “Who Are These Federal Workers Trump Wants to Fire?” Bloomberg, November 23, 2024, <https://www.bloomberg.com/opinion/articles/2024-11-22/musk-s-doge-plan-for-firing-a-mass-of-federal-workers-doesn-t-add-up>.
- ⁵ “Statement of Nicholas Burns,” U.S. Congress, House, Committee on Foreign Affairs, *The Budget, Diplomacy, and Development: Hearings before the Committee on Foreign Affairs*, 115th Cong., 1st sess., 2017, 32.
- ⁶ Charles Black, “The Working Balance of the American Political Departments,” *Hastings Constitutional Law Quarterly* 1 (1) (1974): 17, 20.
- ⁷ *Ibid.*
- ⁸ Robert Scigliano, ed., *The Federalist Papers* (Modern Library, 1937), 454.
- ⁹ Richard Neustadt, *Presidential Power: The Politics of Leadership from FDR to Carter* (John Wiley & Sons, 1980); John Hart Ely, *War and Responsibility: Constitutional Lessons of Vietnam and Its Aftermath* (Princeton University Press, 1993); Cass M. Sunstein, “Constitutionalism After the New Deal,” *Harvard Law Review* 101 (2) (1987): 452–453; Michael P. Van Alstine, “Executive Aggrandizement in Foreign Affairs Lawmaking,” *UCLA Law Review* 54 (2) (2006): 314–315; and Rebecca Ingber, “Congressional Administration of Foreign Affairs,” *Virginia Law Review* 106 (2) (2020): 401–402. These pieces elaborate on the institutional and political pressures pushing toward greater executive dominance in foreign affairs.
- ¹⁰ For a definition of the plebiscitary president, see Theodore J. Lowi, *The Personal President: Power Invested, Promise Fulfilled* (Cornell University Press, 1986).
- ¹¹ *United States v. Curtiss-Wright Export Corporation*, 299, 319 U.S. 304 (1936). This passage quotes U.S. Senate, Reports, Committee on Foreign Relations, vol. 8 (U.S. Senate, 1816), 24. *Curtiss-Wright*’s language appears to derive from *Federalist* No. 75, in which Hamilton referred to the treaty process as one requiring “decision, *secrecy* and despatch.” But significantly, Hamilton used that reason to justify the House’s exclusion from the treaty ratification process, not to justify the president’s monopoly over all of foreign affairs decision-making. Scigliano, *The Federalist Papers*, 488 (emphasis in original).
- ¹² *Ibid.*, 320.
- ¹³ For my critique of this dicta, see Koh, *The National Security Constitution in the 21st Century*, 37–38.
- ¹⁴ *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 629–630 (1952).

¹⁵ *Ibid.*, 635–655.

¹⁶ Koh, *The National Security Constitution in the 21st Century*.

¹⁷ *Ibid.*, 92–126.

¹⁸ For my review of the struggle over the breadth of American history, see Koh, *The National Security Constitution in the 21st Century*, 9–25.

¹⁹ Koh, *The National Security Constitution in the 21st Century*.

²⁰ *Ibid.*, 9–43.

²¹ Michael Roskin, “From Pearl Harbor to Vietnam: Shifting Generational Paradigms and Foreign Policy,” *Political Science Quarterly* 89 (3) (1974): 563.

²² Koh, *The National Security Constitution in the 21st Century*, 59–126.

²³ On changes in the United States’ hegemonic position, compare David Calleo, *Beyond American Hegemony: The Future of the Western Alliance* (Basic Books, 1987); Robert Gilpin, *The Political Economy of International Relations* (Princeton University Press, 1987); Robert Keohane, *After Hegemony* (Princeton University Press, 1984); Barry Bosworth and Robert Lawrence, “America’s Global Role: From Dominance to Interdependence,” in *Restructuring American Foreign Policy*, ed. John Steinbruner (Brookings Institution Press, 1989), 12; Samuel Huntington, “The U.S.—Decline or Renewal?” *Foreign Affairs* 67 (2) (1988): 76–96; Joseph Nye, “Short-Term Folly, Not Long-Term Decline,” *New Perspectives Quarterly* 5 (3) (1988): 33; Bruce Russett, “The Mysterious Case of Vanishing Hegemony: Or, Is Mark Twain Really Dead?” *International Organization* 39 (2) (1985): 207; and Susan Strange, “The Persistent Myth of Lost Hegemony,” *International Organization* 41 (4) (1987): 551.

²⁴ Koh, *The National Security Constitution in the 21st Century*, 94–97.

²⁵ *Ibid.*, 127–146.

²⁶ The United States now increasingly invokes self-defense as a justification for the use of force when its troops come under attack anywhere—even in countries where there is no recognized armed conflict and when those troops have dubious legal authorization to be there, such as in Syria. As I have argued elsewhere, the Trump administration crossed the line from arguing for a plausible “elongated” rationale for self-defense to unlawful claims of “pre-emptive self-defense” first urged by the George W. Bush administration. See Koh, “Finally Ending America’s ‘Forever War’—Part I: Diagnosis”; and Harold Hongju Koh, “Is Preemptive Assassination the New Trump Doctrine?” *Foreign Policy*, January 9, 2020, <https://perma.cc/74XN-XLD3>.

²⁷ Koh, *The National Security Constitution in the 21st Century*, 146–203.

²⁸ *Ibid.*, 136–146, 170–203, 230–262.

²⁹ On ideology, see, for example, Michael H. Hunt, *Ideology and U.S. Foreign Policy* (Yale University Press, 1987). On realism, see Michael Joseph Smith, *Realist Thought from Weber to Kissinger* (Louisiana State University Press, 1986), 192–217. And on bureaucratic politics and foreign policy, see Graham Allison, *Essence of Decision: Explaining the Cuban Missile Crisis* (Harper Collins, 1971); Morton Halperin, *Bureaucratic Politics and Foreign Policy* (Brookings Institution Press, 1974); and Robert Art, “Bureaucratic Politics and Foreign Policy: A Critique,” *Policy Sciences* 4 (4) (1973): 467–490.

- ³⁰ By so saying, I combine a soft version of the “second-image-reversed” causal argument usually associated with Peter Gourevitch, “The Second Image Reversed: The International Sources of Domestic Politics,” *International Organization* 32 (4) (1978): 881, with the analysis of the intricate relationship between domestic politics and international relations found in Robert Putnam, “Diplomacy and Domestic Politics: The Logic of Two-Level Games,” *International Organization* 42 (3) (1988): 427.
- ³¹ “Shultz on Reagan’s Insistence on Hostage Recovery,” Understanding the Iran-Contra Affair, https://www.brown.edu/Research/Understanding_the_Iran_Contra_Affair/v-gs2.php (emphasis added).
- ³² Irving L. Janis, *Victims of Groupthink: A Psychological Study of Foreign-Policy Decisions and Fiascoes* (Houghton Mifflin Company, 1972).
- ³³ “Excerpts from Interview with Nixon about Domestic Effects of Indochina War,” *The New York Times*, May 20, 1977.
- ³⁴ Lauren Irwin, “Trump Suggests No Laws Violated If He ‘Saves’ Country,” *The Hill*, February 17, 2025, <https://thehill.com/homenews/administration/5148926-trump-post-saving-country>.
- ³⁵ Koh, *The National Security Constitution in the 21st Century*, 204–262.
- ³⁶ *Ibid.*, 232.
- ³⁷ Michael J. Glennon, *National Security and Double Government* (Oxford University Press, 2015), 7.
- ³⁸ Koh, “Finally Ending America’s ‘Forever War’—Part I: Diagnosis”; and Koh, “Finally Ending America’s ‘Forever War’—Part II: Prescription.”
- ³⁹ Harold Hongju Koh, “The 21st Century National Security Constitution,” *George Washington Law Review* 91 (6) (2024): 1411.
- ⁴⁰ Michael Brice-Saddler, “While Bemoaning Mueller Probe, Trump Falsely Says the Constitution Gives Him ‘The Right to Do Whatever I Want,’” *The Washington Post*, July 23, 2019, <https://perma.cc/UVQ5-98A4>. Even after declaring his candidacy to again take the oath to “support, protect, and defend, the Constitution,” Trump wrote on social media that his prior defeat constituted a “Massive Fraud of [a] type and magnitude [that] allows for the termination of all rules, regulations, and articles, even those found in the Constitution.” Donald J. Trump (@realDonaldTrump), TruthSocial, December 3, 2022, 7:44 a.m., <https://perma.cc/6NET-2GMJ>.
- ⁴¹ Koh, *The National Security Constitution in the 21st Century*, 204–229.
- ⁴² Dara Lind, “The Trump Administration’s Separation of Families at the Border, Explained,” *Vox*, August 14, 2018, <https://perma.cc/6745-XKV4>; Koh, “Is Preemptive Assassination the New Trump Doctrine?”; Harold Hongju Koh, “Trump Change: Unilateralism and the ‘Disruption Myth’ in International Trade,” *Yale Journal of International Law Online* 44 (2019): 96–101; and Kristen E. Eichensehr and Cathy Hwang, “National Security Creep in Corporate Transactions,” *Columbia Law Review* 123 (2) (2023): 551. Eichensehr and Hwang describe “‘national security creep’: the recent expansion of national security-related review and regulation of cross-border investments to allow government intervention in more transactions than ever before.”
- ⁴³ Harold Hongju Koh, “Presidential Power to Terminate International Agreements,” *Yale Law Journal Forum* 128 (2018): 433. During the first Trump administration, the United States announced its withdrawal from, among other things, the Paris Climate Agree-

ment, the Joint Comprehensive Plan of Action (JCPOA), the UN Educational, Scientific, and Cultural Organization, the Global Compact on Migration, the UN Human Rights Council, the Trans-Pacific Partnership, the 1955 Treaty of Amity, Economic Relations and Consular Relations with Iran, the 1961 Optional Protocol to the Vienna Convention for Diplomatic Relations on Dispute Settlement, the Universal Postal Union Treaty, and the Intermediate Nuclear Forces Treaty. Trump also threatened to withdraw from the North American Free Trade Agreement (NAFTA), the Korea–United States Free Trade Agreement (KORUS), the World Trade Organization (WTO), and the North Atlantic Treaty Organization (NATO), although he has to this point stayed in all.

⁴⁴ Todd Ruger, “Supreme Court Ends Legal Clash Over Border Wall Spending,” Roll Call, October 12, 2021, <https://perma.cc/BLZ2-RS5P>. When Congress appropriated only \$1.375 billion to fund a border wall, Trump declared that he would take up to \$8.1 billion from other funds to pay for the wall. The Democratic-led House sued, arguing that the move violated Congress’s powers under the Appropriations Clause, but after a D.C. Circuit panel ruled in 2020 that the House had the right to sue, the Supreme Court vacated that ruling as moot when Biden was elected president. The case was *Yellen v. U.S. House of Representatives*, 142 S. Ct. 332 (2021).

⁴⁵ After urging delay of the second impeachment proceedings until after Trump had left office, McConnell then voted against Senate conviction on the ground that it could not constitutionally convict a former officeholder who was now a private citizen, even though Senate conviction would have disqualified him from running for future office. “Read McConnell’s Remarks on the Senate Floor Following Trump’s Acquittal,” CNN, February 13, 2021, <https://www.cnn.com/2021/02/13/politics/mcconnell-remarks-trump-acquittal/index.html>.

⁴⁶ *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022).

⁴⁷ *Trump v. Hawaii*, 585 U.S. 667, 728 (2018).

⁴⁸ *Trump v. United States*, 603 U.S. 593 (2024).

⁴⁹ *Ibid.*, 598, 614, 633–634. Chief Justice Roberts wrote that “Trump is therefore absolutely immune from prosecution for the alleged conduct involving his discussions with Justice Department officials. . . . The enfeebling of the Presidency and our Government that would result from such a cycle of factional strife [including routine prosecutions of ex-Presidents] is exactly what the Framers intended to avoid.”

⁵⁰ The Obama administration had similarly undercorrected by failing to prosecute executive-level officials of the Bush administration for violating domestic and international laws on torture. See Harold Hongju Koh, “Can the President be Torturer-in-Chief?” *Indiana Law Journal* 81 (2006): 1145.

⁵¹ Koh, “The 21st Century National Security Constitution,” 1412.

⁵² Koh, *The National Security Constitution in the 21st Century*, 68–70, 248–251, 316–319.

⁵³ *Ibid.*, 300–307; Koh, “Finally Ending America’s ‘Forever War’—Part I: Diagnosis”; and Koh, “Finally Ending America’s ‘Forever War’—Part II: Prescription.”

⁵⁴ Arthur M. Schlesinger, Jr., *The Imperial Presidency* (Houghton Mifflin Company, 1973).

⁵⁵ “2025 Donald J. Trump Executive Orders,” Federal Register Reader Aids, <https://www.federalregister.gov/presidential-documents/executive-orders/donald-trump/2025> (accessed July 28, 2025).

- ⁵⁶ See Harold Hongju Koh, Fred Halbhuber, and Inbar Pe'er, "No, The President Cannot Issue Bills of Attainder," *Just Security*, April 9, 2025, <https://www.justsecurity.org/110109/president-cannot-issue-attainder-bills>.
- ⁵⁷ "The Executive's action unilaterally suspends the payment of federal funds to the States and others simply by choosing to do so, no matter the authorizing or appropriating statute, the regulatory regime, or the terms of the grant itself. The Executive cites no legal authority allowing it to do so; indeed, no federal law would authorize the Executive's unilateral action here." *New York v. Trump*, No. 25-CV-39-JJM-PAS, 2025 WL 357368, at *2 (D.R.I. Jan. 31, 2025), enforced sub nom. *State of New York v. Trump*, No. 25-CV-39-JJM-PAS, 2025 WL 440873 (D.R.I. Feb. 10, 2025).
- ⁵⁸ Justin Doubleday, "Trump Fires Top Government Ethics, Whistleblower Officials," *Federal News Network*, February 10, 2025, <https://federalnewsnetwork.com/agency-oversight/2025/02/trump-fires-top-government-ethics-whistleblower-officials>.
- ⁵⁹ Sarah Fortinsky, "Hegseth : Fired Military Lawyers Were Potential 'Roadblocks' to Trump Orders," *The Hill*, February 24, 2025, <https://thehill.com/policy/defense/5162069-pentagon-officers-fired>.
- ⁶⁰ Alexandra Hutzler, "Trump's 'Enemy from Within' Threat Spurs Critics' Alarm about His Authoritarian Shift," *ABC News*, October 15, 2024. To deploy the military to control immigration, Trump threatened to invoke the Insurrection Act, which plainly does not permit such action. See Harold Hongju Koh and Michael Loughlin, *The President's Legal Authority to Commit Troops Domestically Under the Insurrection Act* (The American Constitution Society for Law and Policy, 2020), https://www.acslaw.org/wp-content/uploads/2020/09/Koh_Loughlin-IB-Final_PDF_upload.pdf. To dispatch alleged members of a Venezuelan drug cartel to El Salvador, he invoked the Alien Enemies Act, 50 U.S.C. § 21, which had last been deployed to implement the infamous Japanese-American internment during World War II, even though that law does not authorize government immigration enforcement against a claimed drug cartel, which is not a "foreign nation or government" carrying out an "invasion" or "predatory incursion" required to trigger the statutory authority. The Alien Enemies Act of 1798, 50 U.S.C. § 21, <https://www.law.cornell.edu/uscode/text/50/21> (accessed July 28, 2025).
- ⁶¹ "*The President and the Attorney General's opinions on questions of law are controlling on all employees in the conduct of their official duties.* No employee of the executive branch acting in their official capacity may advance an interpretation of the law as the position of the United States that contravenes the President or the Attorney General's opinion on a matter of law. . . ." Executive Order 14215, "Ensuring Accountability for All Agencies," February 18, 2025 (emphasis added), <https://www.whitehouse.gov/presidential-actions/2025/02/ensuring-accountability-for-all-agencies>. Emily M. McCabe, "USAID Under the Trump Administration," *Congressional Research Service*, February 3, 2025, <https://www.congress.gov/crs-product/IN12500>; and Kathryn Watson, "Federal Employees Union Files Lawsuits over CFPB Shutdown and DOGE Access," *CBS News*, February 10, 2025, <https://www.cbsnews.com/news/cfpb-shutdown-doge-nteu-lawsuits>.
- ⁶² See, for example, Hannah Natanson, "Trump Administration Directs Agency Heads to Fire Most Probationary Staff," *The Washington Post*, February 13, 2025, <https://www.washingtonpost.com/dc-md-va/2025/02/13/trump-administration-fires-probationary-federal-workers/>; and "Loyalty Tests and MAGA Checks : Inside the Trump White House's Intense Screening of Job-Seekers," *Associated Press*, January 25, 2025, <https://www.usnews.com/news/politics/articles/2025-01-25/loyalty-tests-and-maga-checks-inside-the-trump-white-houses-intense-screening-of-job-seekers>.

- ⁶³ Fahrenthold, Rappoport, Schleifer, and Karni, “Musk’s Slashing”; and Koh, “The 21st Century National Security Constitution,” 1411.
- ⁶⁴ Alex Lemonides, Seamus Hughes, Mattathias Schwartz, et al., “Tracking the Lawsuits Against Trump’s Agenda,” *The New York Times*, updated October 31, 2025, <https://www.nytimes.com/interactive/2025/us/trump-administration-lawsuits.html>.
- ⁶⁵ See, for example, Adam Liptak, “Supreme Court Sides with Wrongly Deported Migrant,” *The New York Times*, April 10, 2025, quoting a Trump Justice Department spokesman as saying “it is the exclusive prerogative of the president to conduct foreign affairs. . . . [A]ctivist judges do not have the jurisdiction to seize control of the president’s authority to conduct foreign policy.”
- ⁶⁶ Joseph R. Biden, “Remarks by President Biden on the Supreme Court’s Immunity Ruling,” The White House, July 1, 2024, <https://web.archive.org/web/20250106214444/https://www.whitehouse.gov/briefing-room/speeches-remarks/2024/07/01/remarks-by-president-biden-on-the-supreme-courts-immunity-ruling> (emphasis added).
- ⁶⁷ The White House, X, February 19, 2025, 2:31 p.m., <https://x.com/WhiteHouse/status/1892295984928993698>.
- ⁶⁸ *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 629 (1952).
- ⁶⁹ For outlining strategies of resistance and resilience, see Harold Hongju Koh, *The Trump Administration and International Law* (Oxford University Press, 2019).
- ⁷⁰ For an offering of longer-term reform proposals, see Koh, *The National Security Constitution in the 21st Century*, 263–326.

The Ghost Budget: U.S. War Spending & Fiscal Transparency

Linda J. Bilmes

Most experts maintain that oversight, including ex post oversight, is critical to ensure that government actions are transparent and accountable to its citizens. But despite a global push for greater transparency in government, the level of transparency over national security and public spending in many countries is limited. This essay shows that since 9/11, the conduct of the United States in the wars in Afghanistan, Iraq, and the wider region has diminished oversight over military spending by funding operations with “emergency” appropriations and other special budgetary vehicles, financing with debt, concealing expenses through poor accounting, and integrating the private sector into core military activities. This combination of policies, which I term the Ghost Budget, has resulted in less accountability for war spending, lower civic engagement, greater corruption, higher total expenditures, and prolonged conflicts.

In recent decades, the push for government transparency, championed by entities such as the World Bank, International Monetary Fund (IMF), and United Nations, has gained significant global momentum. Transparency, defined as “enabling public insight into government operations,” is now supported by Right to Information (RTI) laws in more than 130 countries, up from nineteen countries three decades ago.¹ Advocates link transparency to increased civic engagement, enhanced accountability, and reduced corruption.² In democratic societies, transparency is seen as a citizen’s *right*, foundational to government accountability and civic participation.³

The role of transparency in governance traces back to the Enlightenment. Sir Francis Bacon wrote in 1597 that *ipsa scientia potestas est* (“knowledge itself is power”).⁴ The concept is also linked to better human behavior. For example, Jeremy Bentham argued that “the more strictly we are watched the better we behave.”⁵ Bentham specifically connected transparency to fiscal disclosure, urging that public accounts and fees should be published and open to general view.

The belief that transparency influences how we act forms the basis for much of the legal, regulatory, and governmental structure of modern societies. American

presidents routinely pay homage to the idea that transparency, including in fiscal policy, is necessary to hold governments accountable.⁶ America's founders wrote the U.S. Constitution during the same period Bentham was exploring these ideas. They codified the notion that citizens are *entitled* to know what their government is doing (in most cases), and that they *need* to know it to ensure that the government acts in the public interest. As James Madison famously inscribed, "A popular government, without popular information, or the means of acquiring it, is but prologue to a farce or a tragedy; or perhaps both.... A people who mean to be their own governors must arm themselves with the power which knowledge gives."⁷

There are two major obstacles to this lofty ideal. The first is limitations in national security. Even the staunchest supporters of transparency admit that there may be limits to transparency when national security is at stake. The second obstacle is that most governments provide less transparency on spending and budgets than in any other area. For example, over half of the countries with RTI laws fail to meet basic budget transparency standards.⁸ Since one of the largest expenditures – in many countries, the single largest expenditure – in the budget is national security (including defense, military activity, intelligence gathering, and veterans spending), the lack of fiscal transparency over national security spending makes it one of the government functions *least* accountable to the public.

The secrecy dilemma is that government decisions about national security require the *fullest* transparency so the public can hold government accountable, yet, at the same time, even minor disclosures of such information may pose risks to national security.⁹ The "mosaic theory," for example, holds that disparate pieces of information may be significant if combined with other pieces of information, even if they have no value individually.¹⁰

This dilemma has often been debated, including in the aftermath of Watergate, Vietnam, and the Cold War, as well as during the post-9/11 environment and the "global war on terror."¹¹ Some have argued that national security outranks transparency in the interest of protecting the public.¹² Others believe that withholding too much information impairs national security. For example, political scientist Harold Lasswell avows that "overzealousness" in support of national defense weakens national security, in part because withholding key information from the public will "dry up" informed public opinion and weaken Congress's ability to control the executive.¹³

Secrecy can also lead to mistakes. Daniel Patrick Moynihan argued that excessive secrecy and overclassification of national security data led to some of the worst mistakes during Vietnam and the Cold War.¹⁴ Governance scholar Alasdair Roberts has written that "fatigue, confusion and ignorance about key facts" led to a series of missteps in Vietnam, for which America paid an "incalculable price."¹⁵ Economist Joseph Stiglitz and I, as well as the 9/11 Commission and others, have

posited that justification for the Iraq War was based on flawed information whose secrecy compounded the analytical weaknesses of the intelligence services.¹⁶

Fiscal transparency refers to openness in budgetary and spending practices that enables citizens to track how public funds are used. Apart from the national security arena, most governments agree that “open budget” practices are desirable and can reduce waste and corruption and improve government efficiency.¹⁷

Nevertheless, there are several factors that restrict the flow of information on budgets and fiscal matters. First, there is a difference between “nominal” and “effective” transparency.¹⁸ Nominal transparency includes things like scoring on indices or enacting RTI laws, while effective transparency entails *genuine* access to comprehensible fiscal information.

Economists George Akerlof, George Stigler, Andrew Weiss, and Joseph Stiglitz, among others, have shown that in order for technical information (such as financial accounts, budgets, and fiscal projections) to be fully transparent, there needs to be a knowledgeable audience to receive and interpret it.¹⁹ If the government does not provide data in a way that recipients can understand, or if the price of securing the information is too high, then the government will likely not achieve the benefits of transparency, including civic engagement and accountability.²⁰

There are also distinctions between different types of secrets, such as “deep” versus “shallow” secrets. A shallow secret might be knowing that your boss is holding a meeting about you without knowing what is being said, while a deep secret would be not knowing the meeting is happening at all. Former U.S. Defense Secretary Donald Rumsfeld captured this idea in his famous remark: “There are known knowns – things we know we know. There are known unknowns – things we know we don’t know. And there are unknown unknowns – things we don’t know we don’t know.”²¹

There is also a key difference between information produced in the private sector and that produced in the public sector. In private business, financial information is typically proprietary, and private government contractors operate under different regulatory and incentive structures than public entities. By contrast, information collected by the government and funded by taxpayers should rightly belong to the public.²² This poses a challenge to fiscal accountability for U.S. defense spending, of which some 50 percent goes to private contractors.²³ And although the United States has “freedom of information” laws (in particular, the Freedom of Information Act), contractors can avoid financial disclosure by claiming they are protecting their trade secrets.²⁴

The World Bank, the IMF, and other organizations have produced a copious amount of material on fiscal transparency related to budget preparation, audits, report reliability, and integrity. They maintain that “effective” fiscal transparency

has five requirements: robust financial reporting and accounting, timely public dissemination, rigorous monitoring, alignment of budgetary and fiscal reports, and an overall open process.²⁵ Accountancy scholar David Heald has further distinguished between “intrinsic” barriers (such as poor accounting and technical complexity) and “constructed” barriers (including off-budget funding and future unaccounted expenses).²⁶

Applying this model to U.S. fiscal transparency during the Iraq and Afghanistan wars reveals deficiencies in each area. Throughout the two decades of these conflicts, the U.S. government failed to account fully for war-related expenses. Information was restricted both on military matters – such as casualty data and records of injuries and medical evacuations, which remained classified for much of the war – and on expenditures, particularly those related to defense contractors, due to a lack of transparency.

Oversight is often identified as the solution to the secrecy dilemma – particularly over wartime finance. Many scholars have highlighted that if the public has a right to know about military operations, then oversight, either concurrent or *ex post* (such as audits, legislative reviews, program evaluations, reports, investigations, and commissions), is essential.²⁷ Thus, if real-time oversight is not being conducted, it is critical to produce data that will permit retrospective oversight.²⁸

On paper, the United States has a robust set of institutions that are equipped to perform oversight. The Constitution gives Congress the “power of the purse.” It has final discretion over public spending and controls legislative hearings, the budget, and evaluation agencies (like the Congressional Research Service and Congressional Budget Office) and audit agencies (such as the Government Accountability Office [GAO]). It also has access to the executive agencies, to inspectors general and quasigovernmental entities, and to think tanks, media, and civil society organizations. After 9/11, the United States also set up special oversight bodies, including the Commission on Wartime Contracting in Iraq and Afghanistan and the Special Inspector General for Iraq (SIGIR) and Afghanistan Reconstruction (SIGAR).

Despite this vast framework of “nominal transparency,” the nation largely failed to track and account for the costs of the post-9/11 Iraq and Afghanistan wars, which together were likely the most expensive conflicts in U.S. history.²⁹ The budgetary gimmicks used to appropriate funds for the wars, the financing methods used to pay for them, and the conduct of the wars themselves all limited oversight and illustrate the consequences when there is little accountability.

The United States employed four mechanisms that had the effect of restricting fiscal oversight throughout and after the Iraq and Afghanistan conflicts: 1) funding the conflict entirely through debt, 2) using emergency supplemental and other

special vehicle budget mechanisms, 3) poor accounting, and 4) excessive use of private-sector contractors. These mechanisms collectively hindered the availability, accuracy, and auditability of wartime financial data, undermining accountability structures necessary for public oversight.

Prior to the twenty-first century wars on terror, the United States financed every major conflict through a combination of tax increases, cuts to non-war funding, and limited borrowing (see Table 1). The government appealed to the public directly, using presidential speeches, memoranda, and other communications to justify such measures. During World War II, President Franklin D. Roosevelt referred to paying higher taxes for the war as a “privilege.”³⁰ President Harry Truman, while raising top marginal tax rates to 92 percent, gave more than two hundred speeches calling for a “pay as we go” approach to financing the Korean war.³¹

We could try to escape the financial cost of defense by borrowing – but that would only transfer the financial problem to our children, and would increase the danger of inflation with its grossly unfair distribution of the burden. The sensible and honest thing to do now is to tax ourselves enough, as we go along, to pay the financial costs of defense out of our current income.³²

President Lyndon B. Johnson, who reluctantly imposed a tax surcharge to pay for the Vietnam War in order to stem inflation, told reporters that he had to figure “how to *pay* for these fucking wars and keep my commitment to feed, educate and care for the people of this country.”³³

The post-9/11 funding pattern, however, was unprecedented in the history of U.S. military conflicts.³⁴ For the first time since the American Revolutionary War, war costs were paid for almost entirely by debt. There were no wartime tax increases or cuts in spending. Quite the reverse: far from demanding sacrifices, President George W. Bush slashed federal taxes in 2001 and again in 2003, just as the United States invaded Iraq; President Donald Trump reduced taxes further in 2017.

The decision to finance the wars with debt reduced congressional oversight on war spending. During prior wars, the Senate and House fiscal committees, which control tax policy in the country, were obligated to hold hearings on the financing of the wars because Congress is required to approve any tax increases. These committees were forced to address the issue of how to pay for the wars. Comparing the hearings of the committees in charge of tax policy (the House Ways and Means Committee and the Senate Finance Committee) from the Korea, Vietnam, and post-9/11 periods, it is evident that these committees devoted far less time to evaluating the cost of the post-9/11 wars than they had during previous wars (see Table 2).³⁵

Table 1
Comparison of Fiscal Policies in Major U.S. Wars

	War of 1812	Civil War	Spanish-American War	WWI	WWII	Korean War	Vietnam War	Gulf War	Post-9/11 Wars
Tax Increases	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Non-War Budget Cuts	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No

Source : Table from Linda J. Bilmes, “The ‘Ghost Budget’ : Explaining U.S. Budgetary Deviations during the Post-9/11 Wars” (PhD diss., University of Oxford, 2020).

Table 2
Mentions of War Funding Policies in Hearings of the Fiscal Authorizing Committees : Korea, Vietnam, and Post-9/11 Periods

		Korea (1950–1953)	Vietnam (1965–1973)	Post-9/11 (2001–2018)
Senate Finance Committee	Total Hearings	55	134	681
	Relevant Hearings *	9	10	20
	Mentions	5	7	1
	Percent Mentioned	56	70	5
House Ways & Means Committee	Total Hearings	49	200	612
	Relevant Hearings *	7	19	47
	Mentions	5	14	7
	Percent Mentioned	71	74	15

* Excludes hearings on topics such as trade agreements, tariffs, customs duties, banking, bonded debt, Social Security, and confirmation of appointees. Source : Table from Linda J. Bilmes, “The ‘Ghost Budget’ : Explaining U.S. Budgetary Deviations during the Post-9/11 Wars” (PhD diss., University of Oxford, 2020).

Congress was not required to discuss and approve painful tax increases that would have signaled the snowballing cost to the public. Rather, the financial cost of the conflicts was deferred to future generations through increasing government borrowing. Overall, federal taxes declined from 18.8 percent of GDP in 2001 to 16.2 percent by the start of 2020. In the same period, outstanding federal debt held by the public rose from \$3.5 trillion to more than \$20 trillion.³⁶

The absence of tax increases also changed how the public viewed the expense of the conflict. As political scientist Sarah Kreps has proved, the public *experiences* debt differently from paying taxes. Taxes are painful, so people pay attention to higher taxes. The public is more attentive to the costs and the duration of a conflict if it is financed through taxation. Kreps argues that debt financing severs this relationship, since the public no longer associates the value of war with the level of taxation.³⁷

Not only was the debt-financing strategy unprecedented, but the budgetary mechanism used to approve the vast post-9/11 wartime spending also diverged radically from the past. In previous conflicts, the United States paid for wars as part of its regular defense appropriations (the defense “base budget”), after the initial period (one to two years) of supplemental funding bills.

By contrast, the United States paid for the first decade of its wars in Afghanistan and Iraq, from FY 2001 to FY 2011, using “emergency supplemental appropriations.” “Emergency funding” refers to the practice of allocating resources outside of the regular budget cycle and vetting processes, ostensibly to deal with unexpected emergencies such as natural disasters.³⁸ Such emergency spending measures are exempt from regular vetting and procedural rules in Congress because the intent is to disburse money quickly when delay would be harmful. However, the regulatory guidelines for what qualifies for the “emergency” designation are vague. In the United States, such spending is supposed to meet five criteria: a need that is “necessary, sudden, urgent, unforeseen, and not permanent.”³⁹ There is no mechanism to determine whether a particular item meets these criteria, which means that effectively *anything* may be labeled as “emergency.”

Congress continued to enact “emergency supplemental appropriations” even as the war effort expanded. In 2003, the United States sent 130,000 military personnel to Iraq (alongside troops from coalition countries). By 2009, the United States had 187,200 U.S. “boots on the ground” in Iraq and Afghanistan, plus a similar number of military contractors, with nearly five hundred U.S. military bases set up across Iraq, yet the conflict was still being paid for as a temporary, unforeseen “emergency.”⁴⁰

Emergency spending also takes the form of “special spending” categories. In FY 2012, President Barack Obama shifted from using emergency supplemental funding to a newly designated special category called Overseas Contingency Op-

erations (OCO). The OCO category was designed explicitly to be exempt from regular congressional spending limits and direct oversight.

Between 2001 and 2021, Congress enacted more than \$2 trillion in direct appropriations for the wars, all but two of which were designated as “emergency” or OCO.⁴¹ This approach minimized congressional scrutiny and discouraged detailed tracking of war-related costs. The House and Senate appropriations committees were not required to make trade-offs between war spending and regular spending; consequently, they too held fewer hearings on these topics. Comparing the number of hearings at which these topics were discussed during the Korean, Vietnam, and post-9/11 war years, the decrease in oversight is apparent (see Table 3).

Over time, the Pentagon grew accustomed to receiving a steady stream of war funding that bypassed the department’s regular internal budget prioritization system, which is part of the Planning, Programming, Budgeting, and Execution (PPBE) process that allocates resources to support the department’s missions. Some two-thirds of OCO funds went into the Pentagon’s Operations & Maintenance (O&M) account compared with only one-third of the funds from the regular defense appropriations going into that account. This gave DOD far greater discretion, since O&M is the most flexible account and can be used for a wide range of purposes, including payments to private contractors. The emergency/OCO vehicle also became a convenient way for Congress and the military to avoid making offsetting cuts elsewhere in the budget. And the Pentagon used Iraq and Afghanistan OCO funds to cover unrelated expenses, including more than \$25 billion for the “European Reassurance Initiative,” which funded a military buildup in Europe and Ukraine following Russia’s 2014 takeover of Crimea.⁴²

Labeling nonurgent spending as emergencies had several political advantages. It enabled lawmakers to circumvent congressional political and budgetary dysfunction that may have delayed regular budget appropriations. It also enabled the Bush, Obama, Trump, and Biden administrations to avoid spending caps, to minimize future deficit projections, and to maintain the illusion that funding was temporary. However, emergency spending has multiple drawbacks. Due to the vagueness of the category and lack of defined reporting requirements, it decreases transparency and increases overall spending, with serious consequences for budget integrity.

This Ghost Budget made it effectively impossible to measure the total costs of the wars: estimates have ranged from \$1.8 trillion to more than \$8 trillion. The one constant among those who have attempted to tally it up is that no one really knows.⁴³ This uncertainty fit neatly with successive governments’ desire to obscure rising war costs from an increasingly skeptical electorate.

Formal accounting such as year-end audits and financial reporting are critical forms of *ex post* oversight. During the post-9/11 wars and subsequently, the United States has notably failed to ensure such accountability.

Table 3
Mentions of the War Budget in Hearings of the Defense Appropriations
Subcommittees: Korea, Vietnam, and Post-9/11 Periods

		Korea (1950–1953)	Vietnam (1965–1973)	Post-9/11 (2001–2018)
Senate Appropriations Subcommittee on Defense	Total Relevant Hearings *	17	53	29
	Mentions	6	42	5
	Percent Mentioned	35	79	17
House Appropriations Subcommittee on Defense	Total Relevant Hearings *	10	65	39
	Mentions	8	35	3
	Percent Mentioned	80	54	15

* Reflects data-mining of all hearings in the three periods. Excludes hearings regarding individual topics, such as specific line items (military construction items, naming of ships, specific contracts, service requests, items unrelated to the post-9/11 wars, and so on). Source: Table from Linda J. Bilmes, “The ‘Ghost Budget’: Explaining U.S. Budgetary Deviations during the Post-9/11 Wars” (PhD diss., University of Oxford, 2020).

First, the emergency supplemental process reduced the requirements for information during the budget formulation and justification stages. At some points, nearly one-quarter of the total defense budget was going to the war, yet the Pentagon provided no pages of budget justification (see Table 4). This lack of upfront information made it difficult for the regular oversight agents to understand costs; for example, eight years into the Iraq and Afghanistan wars, the Congressional Research Service (CRS) reported that even taking into account “known factors” such as operating tempo of the war, the size of the troop force, and the use of equipment and weapons, “none of these factors appear to be enough to explain the size of and continuation in increases in cost.”⁴⁴

Second, the war budgets made no provision for the considerable future costs of the wars. During this period, the Pentagon significantly expanded programs, benefits, and eligibility rules for military personnel. For example, compensation

Table 4

Pages of the Department of Defense (DOD) Budget Submission Devoted to Overseas Contingency Operations (OCO) (Sample of Years)

Budget Year	Total # of Pages of DOD Budget Submission	# of Pages on OCO War Budget	% of Pages on OCO War Budget	Estimated % of U.S. Military Budget for OCO
FY 2005	227	3	1.3	15.8
FY 2010	209	0	0	23.5
FY 2015	275	14	5.0	11.2
FY 2019	109	8	7.3	10

Source : Table from Linda J. Bilmes, “The ‘Ghost Budget’ : Explaining U.S. Budgetary Deviations during the Post-9/11 Wars” (PhD diss., University of Oxford, 2020). For DOD budgets, see Office of the Under Secretary of Defense (Comptroller), *National Defense Budget Estimates for FY 2005* (U.S. Department of Defense, 2004), <https://apps.dtic.mil/sti/citations/ADA429611>; Office of the Under Secretary of Defense (Comptroller), *National Defense Budget Estimates for FY 2010* (U.S. Department of Defense, 2009), <https://perma.cc/KH99-4HH.M>; Office of the Under Secretary of Defense (Comptroller), *National Defense Budget Estimates for FY 2015* (U.S. Department of Defense, 2013), <https://perma.cc/P3ZG-53PH>; and Office of the Under Secretary of Defense (Comptroller), *National Defense Budget Estimates for FY 2019* (U.S. Department of Defense, 2018), <https://perma.cc/242E-R74W>.

and benefits were raised by 47 percent for Reservists and members of the National Guard from 2001 to 2006, primarily in the form of long-term deferred benefits.⁴⁵ Other deferred spending included the authorization of \$40 billion in concurrent military benefits, adjustments to Social Security Disability Insurance, and payments for contractor disability claims.⁴⁶ Benefits for veterans were expanded and upgraded throughout the wars, including higher stipends, expanded medical and education entitlements, broader eligibility, and longer time limits for claiming such benefits. The present value of the disability and medical benefits already awarded but not yet paid out to the service members and their families from the FY 2001 to FY 2021 Iraq and Afghanistan operations is estimated to exceed \$2.2

trillion, excluding benefits payable due to exposure to burn pits.⁴⁷ U.S. financial statements, however, account for only a fraction of this total, and exclude accrued medical benefits entirely.⁴⁸

Third, the financial reporting and accounting systems within the Defense Department are chronically weak. The Pentagon only began auditing its accounting systems in 2018; it was the last department to do so after Congress required the practice across all government agencies in 1990. It remains the only federal department that has never passed a comprehensive audit. The Defense Department can only account for less than 40 percent of its \$3.5 trillion in assets and, according to the GAO, it has made almost no progress toward corrective improvements over the past six years. As the GAO points out, the system is so ineffective that a single cargo truck could be valued between \$0 and \$497,562 “depending on [the] valuation method used.”⁴⁹

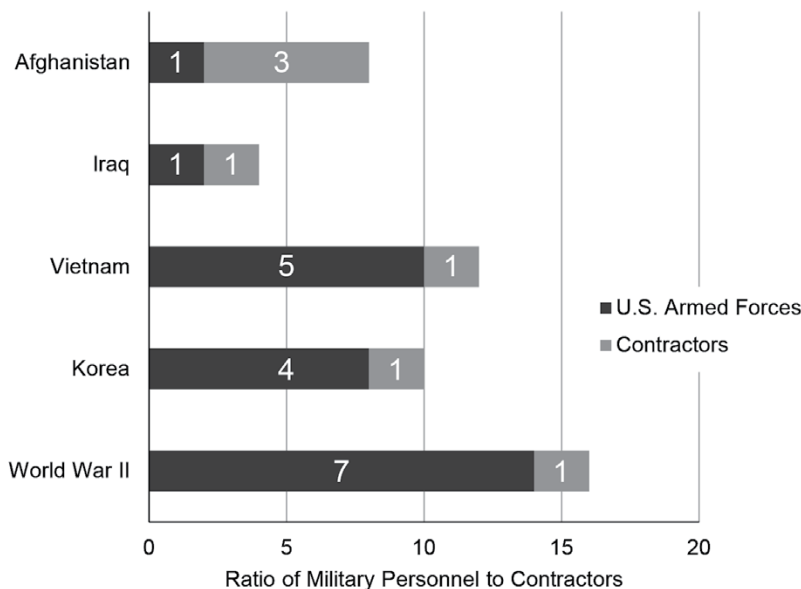
These accounting flaws have continued to thwart effective oversight of U.S. military operations, including funding to Ukraine and Israel from 2022 to 2024. For example, in 2022, the DOD identified \$6.2 billion in “underspend” on munitions drawdown in U.S. inventories, which had the effect of “freeing up” an additional \$6.2 billion for Ukraine.⁵⁰ In July 2024, the Pentagon identified another \$2 billion accounting “error,” in which it reportedly used “replacement value” instead of “depreciated value” to determine costs of Ukraine aid. This maneuver produced an unexpected \$2 billion in extra munitions available for the United States to send to Ukraine.⁵¹ Regardless of the benefits of the outcome, the accounting system has been widely pilloried, including in the British satirical magazine *Private Eye*.⁵²

The conduct of the war served to further obscure fiscal transparency in several ways. The wars in Iraq and Afghanistan were the first major U.S. conflicts fought entirely by a combination of an “all-volunteer” military force and large-scale reliance on private contractors. The percentage of Americans serving in the armed forces was smaller than at any time in U.S. history, apart from the brief peacetime era between World War I and II. Less than 1 percent of the adult U.S. population was deployed to the combat zones in Afghanistan and Iraq, with no threat of conscription for the remainder.

Virtually every activity and line item in the war appropriations included activities performed by private contractors. For the majority of two decades, the number of private contractors working in the Iraq and Afghanistan war zones exceeded the number of uniformed military troops (see Figure 1).

Under the umbrella of emergency spending, contracts were frequently awarded without a competitive tendering process, opening up opportunities for graft and corruption. Moreover, the disclosure rules that apply to private contractors are primarily focused on financial disclosures designed to protect their investors, rather than informing taxpayers at large. Consequently, tracking complex, long-

Figure 1
Ratio of U.S. Military Personnel to Contractors



The ratio of U.S. military personnel to contractors was 1:3 in Afghanistan and 1:1 in Iraq, compared with 5:1 in Vietnam, 4:1 in Korea, and 7:1 in World War II. Source: Data from Sean McFate, “America’s Addiction to Mercenaries,” *The Atlantic*, August 12, 2016, <https://www.theatlantic.com/international/archive/2016/08/iraq-afghanistan-contractor-pentagon-obama/495731>; and Heidi M. Peters and Sofia Plagakis, “Department of Defense Contractor and Troop Levels in Afghanistan and Iraq, 2007–2018,” CRS Report R44116 (Congressional Research Service, 2019), <https://www.congress.gov/crs-product/R44116>.

term military projects and their associated risks is exceedingly difficult with a decentralized network of private contractors.⁵³

For example, Senator James Webb, a member of the Commission on Wartime Contracting, remarked:

One of the eye-openers for me as a member of the Senate Foreign Relations Committee was when we had testimony from the State Department discussing \$32 billion of programs for Iraq reconstruction. As someone who spent time as a bean-counter in the Pentagon, I asked if they would provide us . . . a list of the contracts that had been let, the amounts of the contracts, a description of what the contracts were supposed to do, and what the results were. They could not provide us that list. For months we

asked them. And they were unable to come up with a list of the contracts that had been let.⁵⁴

Private contracting was subject to minimal scrutiny with respect to transparency and auditability. This opacity was compounded by vague reporting structures, contractor turnover, and insufficient access to performance metrics.

The public did not have to pay the financial costs of the wars in Iraq and Afghanistan in the form of higher taxes because of the historically unprecedented reliance on debt financing. Consequently, the cost of the wars was transferred to future generations. The ensuing public apathy enabled the president and Congress to continue funding the wars outside the existing budgetary process for two decades, neutering regular budgetary scrutiny and evading formal caps on overall government spending. Research provides support for such an outcome, showing that Americans are most interested in foreign policy when it has the greatest potential to affect them directly, and that public opinion can influence the level of military spending.⁵⁵

This combination of reduced transparency and oversight yielded outcomes often predicted by transparency advocates: low public engagement, increased potential for corruption, and poor government accountability. Although the government may not have intended to hide the costs and information explicitly, the resultant opacity aligned the system more closely with secrecy, highlighting the tension between transparency ideals and practical governance during wartime. There was little public discussion or debate about trade-offs and allocation of scarce budgetary resources, as evidenced by the lack of attention to war spending by congressional committees and the almost complete absence of speeches by successive presidents on the cost of the conflicts.

The lack of oversight and transparency translated into large-scale profiteering and corruption. Private defense contractors in the United States experienced a huge surge in profits, as reflected in stock prices that outperformed the S&P 500 by more than 60 percent over the period.⁵⁶ The Special Inspectors General appointed to report on spending in Iraq and Afghanistan cited numerous instances of profiteering, corruption, and “ghost” projects and personnel that did not in fact exist.

This case demonstrates that nominal oversight is not sufficient to ensure real accountability. Clear, accurate, and available data are critical to ensure transparency, but they were missing due to several major systemic failures. First, the disclosure system for private contractors was not designed to ensure public accountability. Contractors could in theory have been a mechanism for accountability if performance targets were clear and carefully structured. But the contractors themselves clearly preferred to avoid transparency, and the Pentagon, flush with emergency funding and in a rush to execute military operations, did not insist.

Given the importance of contractors in these wars, this dynamic immediately created a serious oversight gap.

Second, chronically weak accounting systems at the Pentagon precluded any forensic *ex post* investigation of military spending. A clear audit trail, with standardized accounting principles, enables oversight bodies to “follow the money.” Such a capability is especially important for oversight of military spending given the cost and technological complexity of modern weapons systems. But in this case, it was almost totally absent.

Unfortunately, most of the elements of fiscal opacity discussed here have lived on beyond the military campaigns in Iraq and Afghanistan. The accounting deficiencies continue. Thus, for example, the Defense Department was able to “find” significantly more money for military assistance to Ukraine simply by redefining accounting valuations for its weapons inventory. Military assistance to Israel is subject to virtually no oversight and Israel is (uniquely) exempted from the requirement to subject its U.S. weapons purchases to congressional review.

Since 9/11, U.S. wars in Afghanistan, Iraq, and the broader region have reduced oversight of military spending. The Ghost Budget refers to the combination of policies that have led to less accountability, lower civic engagement, increased corruption, higher expenditures, and prolonged conflict.

The U.S. government failed to fully account for war-related expenses during the Iraq and Afghanistan wars, restricting information on military matters and expenditures, particularly those involving defense contractors who were often awarded contracts without competitive tendering and with limited disclosure. War costs were financed almost entirely by debt, without the tax increases or spending cuts that accompanied all previous U.S. wars. The government used “emergency” supplemental appropriations and special categories like OCO to bypass regular budget processes and minimize scrutiny. Additionally, the Pentagon’s chronically weak financial reporting systems prevented even nominal oversight of military spending.

These practices diminished congressional oversight and hindered the government’s ability to evaluate war spending. Even as the United States withdrew from Afghanistan after two decades of war and occupation and reduced its military operations that involve boots on the ground, these entrenched practices continue to shape funding for military activities in theaters including Ukraine and the Middle East. This lack of transparency has not only eroded public engagement but also made it easier for the United States to remain locked in an endless cycle of war with little accountability.

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The Supreme Court & the Unaccountable Racialized Security State

Shirin Sinnar

For a few brief years after 9/11, the U.S. Supreme Court reined in the executive branch's most sweeping assertions of wartime power, upholding the constitutional rights of military detainees. Then the Court decided it had gone far enough. Even as the "war on terror" grew beyond spatial and temporal limits – becoming a global set of military interventions with no apparent end point – the Court regularly ruled that judges should defer to the government when it invoked national security. In cases involving everything from surveillance to immigration roundups to the "Muslim ban," the Supreme Court asserted that courts have limited authority and expertise to review the government's actions, even when there is no alternative means to hold government accountable for misconduct. These decisions reflect the Court's larger agenda of expanding presidential power and empowering law enforcement and security agencies, while weakening the state's capacity to regulate in the interest of public health, welfare, and the environment. Within and beyond "national security" contexts, attempts to insulate the carceral state from accountability draw on perceptions of nonwhite communities as threats to safety and national identity. As the second Trump administration expands the war on terror to target a still wider set of perceived foreign and domestic enemies, the same Court that has unshackled the executive will decide whether to constrain the new administration's increasingly authoritarian and lawless policies.

In its opening months, the second Trump administration designated cartels and criminal gangs as foreign terrorist organizations, invoked the Alien Enemies Act of 1798 to deport hundreds of men to a notorious prison in El Salvador, detained foreign students for pro-Palestine speech on college campuses, blew up boats in the Caribbean allegedly transporting drugs, and promised to target a large swath of groups on the left as "domestic terrorists."

These policies radically expanded a "global war on terror" that had never ended. Even after the United States withdrew from Afghanistan in 2021, it maintained counterterrorism operations in seventy-eight countries, including ground combat operations in nine and air strikes in four. By 2024, at least 905,000 people had

died directly in post-9/11 war zones and thirty-eight million people had been displaced.¹ Cost estimates of just the Afghanistan and Iraq wars (not including the costs of the broader war on terror) range from \$2.1 trillion to more than \$8.5 trillion.² And the United States bankrolled its allies' purported counterterrorism campaigns, providing a record \$17.9 billion to Israel in just the first year following the October 7, 2023, attacks to purchase the artillery shells, antitank missiles, and 2,000-pound bombs Israel used in the catastrophic destruction of Gaza.³

Even before the Trump administration returned to power, the national security apparatus waged a decades-long war on terror that reached far into the interstices of life around the world and in the United States. The National Security Agency surveilled the calls, emails, and messages of foreigners abroad without a warrant and then conducted “backdoor” searches to inspect the communications of hundreds of thousands of Americans.⁴ Terrorist watchlists, reportedly two million names long, became so normalized that it attracted little notice when U.S. citizens were interrogated and searched when returning to the country, questioned about where they prayed and how they worshipped. Immigration agencies placed thousands of green card and citizenship applications in legal limbo on the basis of vague national security concerns, disproportionately affecting individuals from Muslim-majority countries.⁵

Beyond the war on terror, and prior to Donald Trump's return to power, the security state militarized the border and treated migrants fleeing poverty or gangs as security threats. Agencies discriminated against those considered suspicious on account of great power conflicts, particularly the new cold war with China. The Justice Department prosecuted a number of Chinese American scientists on charges of spying for China, only to have investigations unravel when it appeared that ethnic profiling rather than evidence of disloyalty had instigated them.

Through drone strikes and detentions, profiling and prosecutions, the sprawling national security state institutionalized the curtailment of individual liberties – often on the basis of racialized judgments that branded particular racial, ethnic, or religious communities as dangerous. During the past quarter-century, the Supreme Court mostly shielded security agencies from accountability for these actions. Part of a broader pattern in which the Court has diminished accountability for immigration and law enforcement agencies and weakened civil rights protections, the Court's decisions provide little restraint or recourse for individuals or communities “otherized” as threats.

Now, as the Trump administration adopts increasingly draconian policies to exclude and punish migrants, banish international students whose speech it dislikes, kill suspected drug traffickers in international waters, and deploy the U.S. military inside American cities, legal challenges will head to a Supreme Court that routinely counsels deference to the executive when it asserts emergency powers or invokes “national security.”

For four years beginning in 2004, it appeared that the Supreme Court was doing something that it had rarely done at the height of past wars: rejecting the executive branch's broad invocations of national security powers, despite the wartime context. In 2004, two months after photos of U.S. soldiers abusing detainees at Iraq's Abu Ghraib prison tarnished America's image around the world, the Court ruled that a U.S. citizen detained as an enemy combatant had due process rights to challenge his detention and that noncitizen detainees at Guantánamo could file habeas corpus petitions in federal court. Twice more, the Supreme Court ruled against the Bush administration and Congress's attempts to strip habeas rights, culminating in the 2008 *Boumediene v. Bush* decision holding that Guantánamo inmates had a constitutional right to challenge the lawfulness of their detentions. "Liberty and security can be reconciled," the Court proclaimed, "and in our system they are reconciled within the framework of the law."⁶

At the time, many commentators considered these cases a watershed moment in both the war on terror and with respect to the Court's willingness to intervene in wartime. Historically, the Supreme Court has largely deferred to the government's national security claims, especially during wars and perceived emergencies. But in its early post-9/11 interventions, the Supreme Court not only rejected the Bush administration's assertions of executive power but also resisted Congress's attempts to statutorily deny habeas review to Guantánamo detainees – upholding rights claims despite opposition from both political branches. Some legal scholars heralded a new trend of "foreign relations normalization," arguing that the Court was rejecting sharp distinctions between domestic and foreign affairs in determining the judicial role.⁷

But the Court apparently decided that it had gone as far as it should – or, indeed, perhaps too far. Hundreds of Guantánamo detainees challenged their detentions following *Boumediene*, represented by over one thousand lawyers and advocates around the country; within a year of the decision, district courts granted habeas corpus to three-fourths of the detainees whose petitions they heard. But a hostile D.C. Circuit Court of Appeals "eviscerated *Boumediene*'s promise of meaningful judicial scrutiny of the president's detention decisions" and reversed every win below.⁸ Rather than intervene in the face of what many saw as open defiance of its rulings, the Supreme Court declined to review nearly all of the D.C. Court of Appeals' decisions.⁹ As a result, the Supreme Court left in place a restrictive jurisprudence that made it impossible for many detainees to meaningfully contest their detention.

In subsequent cases in which the government invoked national security interests, the Court routinely deferred to the executive branch, in some cases extending executive authority rather than simply reverting to old patterns. As the 9/11 attacks receded into the past, the government more often predicated appeals to deference on temporally unlimited assertions of national security, not war or

emergencies. Historian Mary Dudziak has argued that, traditionally, invocations of “wartime” exceptions from the ordinary rule of law were premised on wars ending; but as the war on terror continued with no end in sight, the law shifted to a “newly configured, peace-less era, a new kind of normal.”¹⁰

In that new normal, the idea that courts should defer to the executive when it asserts national security concerns manifested in a variety of legal doctrines. The Supreme Court promoted three forms of national security deference: first, refusing to hear a case or claims altogether; second, hearing a case but applying a lenient legal standard that made it easier for the government to prevail; and third, deferring to the executive’s view on a question of fact even while claiming to apply a standard legal test.

Thus, in the first category, the Supreme Court ruled in a 2012 case that legal and human rights organizations lacked standing to challenge an extensive new surveillance law because they couldn’t prove that national security agencies would necessarily surveil them.¹¹ Of course, few can prove the certainty of secret surveillance when that surveillance is secret by definition. This largely immunized the surveillance program – and other government programs that individuals could not prove for certain were targeting them – from legal challenge.

And in several decisions, the Court gutted the ability of individuals to sue federal officials for monetary damages in constitutional cases when a statute doesn’t specifically authorize it, stating that only Congress should decide whether to allow damages claims implicating national security. The Court had limited the ability of people to sue federal officers for constitutional violations for some time, across substantive contexts, but these cases went further in curtailing such claims and, in the process, embraced a sweeping definition of national security. Thus, the Court rejected the claims not only of Muslim immigrants detained within the United States after 9/11 but also those of a fifteen-year-old shot to death by a Border Patrol agent just across the U.S.-Mexico border and those of a U.S. citizen roughed up by a Border Patrol agent outside his own home.¹² In the last of these decisions, the Court barred all damages claims against Border Patrol – one of the largest U.S. law enforcement agencies and one that operates well inside U.S. borders – on the grounds that the agency’s mission relates to national security. The Court made it nearly impossible for individuals to sue federal officials for damages in the absence of a statute, leaving it to a majoritarian, often-dysfunctional institution (Congress) to decide whether to authorize suits protecting constitutional rights. The result is that for many kinds of misconduct by federal security, law enforcement, or immigration officials, including the masked ICE agents now descending on immigrant communities, there is no longer any remedy available from a court.

In the second category of national security deference, courts hear a case but apply a lenient standard to assess the legality of the executive’s conduct on the grounds that the case implicates national security. In 2018, the Court did just that,

upholding the Trump administration's travel ban excluding citizens from a number of predominantly Muslim countries. Trump had spent two years excoriating Muslims, including repeating with relish an apocryphal story of a World War II general who shot Muslims with bullets dipped in pig's blood. But the Court refused to look behind the government's stated justifications for the travel ban to determine whether discriminatory animus was the real reason for the policy. The Court declared that its "inquiry into matters of entry and national security is highly constrained," suggesting that it would ignore evidence of racial or religious bias when federal agencies offered a security pretext.¹³

And in the third category of national security deference, the Court accepts the government's factual conclusions on the grounds that judges have limited competence to question determinations on national security threats. In 2010, the Supreme Court upheld a prohibition on material support to designated terrorist organizations, deferring to congressional and executive findings that funding even these organizations' lawful activities would end up supporting their violence. It thus rejected the First Amendment claims of groups that wanted to advocate on behalf of Kurdish and Tamil organizations and to teach them how to use international law to resolve conflicts nonviolently, finding that even such forms of speech could be banned as material support to terrorism.¹⁴

The Supreme Court has also fortified doctrines that cut across these forms of deference. For instance, it strengthened the state secrets privilege, which allows the government to withhold evidence that it claims might harm national security, sometimes leading to the outright dismissal of cases. In 2022, the Court extended state secrets protection to information that was by then widely known – the location of a detention site where the CIA waterboarded a man eighty times – in order to shield a foreign intelligence agency's covert cooperation with the United States, even when the purpose of that cooperation was to facilitate torture.¹⁵ In the same term, in a case involving FBI surveillance of Southern California Muslims, the Court made it harder for other individuals to access the evidence they need to demonstrate standing and prove their cases when the government invokes state secrets.¹⁶

Interestingly, there was one exception to the government's winning streak of asserting national security at the Supreme Court. The Court twice allowed cases to move forward when Americans challenged terrorist watchlists, holding that they could sue for damages under the Religious Freedom Restoration Act and that a case isn't "moot" merely because the FBI promised it wouldn't return a person to the watchlist based on existing information.¹⁷ It's plausible that a majority of justices were concerned about preserving the ability of conservatives to challenge policies outside the national security context through religious liberty or constitutional claims. These justices likely also felt confident that other deference doctrines would protect the government in the watchlist litigation itself.

On the whole, however, the Supreme Court has shielded the national security state from accountability in court. Some victims of unlawful detentions, discriminatory profiling, and overbroad surveillance still managed to prevail in lower courts.¹⁸ For instance, in late 2024, a federal jury awarded \$42 million in damages to several Iraqi men who had alleged abuse at the Abu Ghraib prison in Iraq, the first time a U.S. military contractor was found liable for the abuse of detainees there.¹⁹ That case managed to survive multiple jurisdictional challenges over the course of sixteen years.²⁰ Such cases had to run a gauntlet of jurisdictional, substantive, and procedural obstacles created by the Supreme Court, and avoid Supreme Court review that could too easily undo a lower court victory at the executive's behest. In 2025, lower federal courts rejected Trump administration national security arguments in numerous cases involving the imposition of global tariffs, the transfer of detainees under the Alien Enemies Act, the deployment of the military in U.S. cities, and the ideological deportation of international students.²¹ The Supreme Court will likely revisit several of these legal challenges in the coming months.

When courts refuse to hear cases or otherwise defer to executive assertions of national security, they undermine justice for racial, ethnic, and religious minorities who are more likely to be treated as collective threats.²²

As a growing body of scholarship has demonstrated, neither policymakers nor the courts conceptualize national security in a colorblind fashion. Rather, race and identity shape conceptions of the “nation” to be secured – and who that nation ought to be protected *from*.²³ Moreover, racialized conceptions of security have historically gone hand in hand with judicial deference to the political branches of government. In one of the earliest Supreme Court cases declaring broad judicial deference in immigration and foreign affairs, the Court made clear that the very presence of nonwhite foreigners could be viewed as a national security threat. If the U.S. government “considers the presence of foreigners of a different race in this country, who will not assimilate with us, to be dangerous to its peace and security, their exclusion is not to be stayed,” the Court held in the 1889 “Chinese Exclusion Case,” which legitimated decades of subsequent anti-Asian immigration restrictions.²⁴

Half a century later, the Court upheld curfew and exclusion orders that led to the incarceration of over 110,000 Japanese and Japanese Americans during World War II. The Court invoked deference to military judgments as the basis for sustaining the mass incarceration, despite evidence that military officials were relying on rank racist assertions to infer disloyalty of the group.²⁵

The U.S. response to 9/11 at home and abroad showed that tendencies to “otherize” nonwhite, non-Christian populations remain deeply ingrained within po-

litical and popular culture. As constitutional law scholar Baher Azmy has written, the Bush administration consolidated executive power after 9/11 by “braiding together two narratives”: first, the need to defer to the executive in wartime and, second, “the specter of a shadowy, fanatical, global enemy threatening the American way of life.”²⁶ That narrative presented Muslim communities, at home and abroad, as a collective and even existential threat, drawing on centuries-old Orientalist ideas, a decades-long counterterrorism framework directed at Palestinians, Arabs and Muslims, and post-Cold War academic theories of a “clash of civilizations” between Western and Islamic civilizations.²⁷

Even as it became apparent that white supremacists and far-right antigovernment activists were responsible for a growing share of political violence within the country, the influence of racial politics minimized that threat while expanding the military, surveillance, intelligence, and criminal authorities arrayed against Muslims and nonwhite communities. Security agencies applied disparate legal regimes to “international” and “domestic” terrorism, with broader surveillance, more sweeping criminal charges, and greater punishment for those deemed international terrorists. Agencies defined these categories primarily by the identity and ideology of perceived threats rather than their actual geography. For instance, the FBI categorized Muslim Americans within the United States as part of an international threat if they merely shared the beliefs of overseas terrorist groups, while they treated white Americans who traveled abroad to connect with white supremacists or train in foreign wars as, at most, a “domestic” threat.²⁸

In the summer of 2020, as racial justice protests swept the country, the first Trump administration and its allies invoked the specter of terrorism to decry those protesting police brutality as enemies of the state. Republican political leaders called for sending in the 101st Airborne Division to quash “Antifa terrorists” in U.S. cities and to “hunt them down like we do those in the Middle East.”²⁹ Meanwhile, law enforcement agencies failed to prevent the January 6, 2021, assault on the U.S. Capitol – the largest-scale political violence threatening U.S. democracy in generations – despite prior indications that groups of people were mobilizing to prevent the certification of the 2020 election by force.³⁰ Federal law enforcement agencies during the Biden administration ultimately prosecuted more than 1,300 people in connection with trespassing, assaulting police, or other crimes that day.³¹ But even before President Trump pardoned or commuted the sentences of everyone accused of these crimes, most Republicans thought the events had been exaggerated, with perceptions of the January 6 attack linked to racial attitudes.³²

U.S. states made their own moves to brand protests associated with people of color and the left as terrorism. Georgia prosecutors charged over forty people protesting a police training facility under a new state domestic terrorism law, elevating trespassing, vandalism, or other property crimes to offenses with steep penalties.³³ Elected officials in at least thirty states introduced legislation to curb

protests of oil and gas pipelines, including by defining protest-related activity as terrorism, after the Standing Rock Sioux tribe and environmental activists challenged the Dakota Access Pipeline.³⁴

After returning to power, the Trump administration cast nonwhite people as threats to public safety and national security with renewed ferocity. At his administration's direction, ICE agents detained and sought to deport international students as "terrorists" merely because they had advocated for Palestinians on their college campuses.³⁵ President Trump ordered the military to U.S. cities, painting a racialized specter of urban crime and protests against ICE raids in largely Black and Brown communities to justify the unprecedented deployment.³⁶ Reviving a Reagan-era discourse on "narco-terrorists," the administration designated cartels and gangs as foreign terrorist organizations, summarily deported hundreds to El Salvador's brutal "Terrorism Confinement Center," and carried out lethal strikes on boats in the Caribbean suspected of carrying drugs, despite the lack of any imminent threat to the United States or inability to intercept the vessels.³⁷ Following the assassination of right-wing activist Charlie Kirk, the administration promised to target a broader swath of the political left as domestic terrorists. While the identification of political enemies went beyond nonwhite communities, age-old racial scripts made it easy to cast the widest net over communities of color. Like a host of other legal doctrines devised to limit accountability for law enforcement, national security deference particularly harms immigrants and Brown and Black communities so often treated as threats to the security – and the identity – of the nation.

While the Supreme Court has fortified national security deference over the past fifteen years, it has simultaneously weakened administrative agencies charged with protecting public health, the environment, workers, consumers, and social welfare. In other words, the Court's decisions empower law enforcement and national security agencies – the carceral side of the state – at the same time as they dismantle the executive branch's ability to regulate businesses in the interest of public health and welfare. While many legal and political commentators have bemoaned the Court's weakening of the administrative state, they less often note that it has occurred in parallel with the strengthening of national security agencies against civil rights challengers.

In 2024, the Supreme Court overturned a forty-year-old precedent, *Chevron U.S.A. v. Natural Resources Defense Council*, that required courts to defer to agencies' reasonable interpretations of ambiguous federal statutes.³⁸ Business interests opposed "Chevron deference" because the doctrine gave greater room for agencies to regulate in response to new conditions and favored agency interpretations of their authority over those of judges who might seek to constrain it. Legal scholars expect that the end of *Chevron* deference will undermine environmental protections,

public health rules, and other regulations in a wide variety of areas, though they debate just how large the impact will be.

While the end of *Chevron* deference may mean the Court will not defer to executive agency interpretation in areas of conventional health and welfare, we shouldn't expect this lesser deference to constrain national security policies. In deferring to national security agencies, courts typically don't rely on *Chevron* but postulate other formalist or functional reasons not to second-guess security decisions. And in overturning *Chevron*, the Court specifically reaffirmed a different principle (known as "*Skidmore* deference") that enables judges to consider agencies' "body of experience and informed judgment" in interpreting the law.³⁹ Given that the Court has so often declared that national security agencies have experience and expertise on security matters that judges lack, courts will almost certainly continue to cite that reasoning in deferring to national security decisions.⁴⁰ Though skeptical of agency expertise to regulate businesses in the interest of public health or the environment, the Court has shown little skepticism toward agencies that label, punish, and exclude people – generally racialized "outsiders" – as security threats.

The Court has also undercut the executive's power to regulate on pressing social and economic issues through a revamped "major questions doctrine," but once again, it's unclear whether this doctrinal change will make a difference in cases in which the executive invokes national security. Two years ago, the Court overturned the Biden administration's pandemic-era evictions moratorium, stayed a vaccination mandate on large employers, and limited the Environmental Protection Agency's ability to regulate carbon emissions.⁴¹ In doing so, the Court articulated a major questions doctrine that makes it harder for agencies to regulate on issues of major "economic and political significance" without a clear statement from Congress authorizing such regulation. Whereas in traditional national security contexts courts cite the high stakes of decisions and the speed of crises as reasons to defer to the executive, in these cases, the Court didn't hesitate to curtail executive power to address the colossal threats presented by the rapidly unfolding pandemic or climate change.⁴²

The scope and impact of this newly invigorated major questions doctrine are still unclear. But there are several reasons to think that the Court may not apply it to cases it views as implicating foreign affairs or traditional national security concerns, especially those involving terrorism, foreign threats, or the targeting of noncitizens. Although the Federal Circuit recently invalidated President Trump's worldwide tariffs, in part on the grounds that interpreting the International Emergency Economic Powers Act to give the president such far-reaching authority would violate the major questions doctrine, the Supreme Court will review the decision this fall.⁴³ Justice Kavanaugh recently opined in a different case that the major questions doctrine does not "translate" to "national security and foreign policy contexts," and several justices otherwise critical of broad congress-

sional delegations of power to the executive have voiced support for a foreign-affairs exception to a related doctrine.⁴⁴

Even if the Court does not create a formal exception to the major questions doctrine for national security or foreign affairs, it ultimately gets to decide which questions involve major “economic and political significance” or which statutes clearly delegate power. Moreover, to the extent that security agencies target discrete groups of unpopular or marginalized people – such as noncitizens labeled “alien enemies” – they are unlikely to generate the economic impact that the doctrine appears to require, even when these policies are unprecedented or deeply consequential. All this gives the Court ample doctrinal room to pursue an agenda of constraining economic and social regulation while unleashing the national security state against the administration’s self-identified enemies.

If the Court’s approach to national security in recent years has deviated from its broader approach to administrative power, a closer parallel exists in its treatment of civil rights claims against the police and other law enforcement officers. The Court has intensified a decades-long trend of making it difficult to sue state, local, and federal law enforcement officers for civil rights violations, such as excessive force or racial discrimination. While the Court in the 1960s and 1970s interpreted the law to allow new civil rights claims, it soon afterward began curtailing their use through a variety of substantive and procedural decisions. The effects of this limited accountability, predictably, fall hardest on the Black and Brown communities most often subject to policing and police violence.

One legal barrier that has garnered notoriety is qualified immunity. This is the Supreme Court–created doctrine that requires those suing police for constitutional violations to show not only that police officers violated the Constitution, but that they violated a “clearly established” constitutional right in a way that any reasonable police officer would have recognized as unlawful.⁴⁵ As the Court has interpreted this rule, this often means that a victim of police violence has to prove not just that the police used excessive force in violation of the Fourth Amendment, but also that a previous court has *already found* a violation in an earlier, precedent-setting case involving nearly identical facts.⁴⁶ And the Court has stymied the development of any such precedent in the first place: since 2001, the Court has allowed judges to dismiss cases on qualified immunity grounds without reaching the merits of the constitutional question. It’s especially hard for plaintiffs to point to precedent when comparable precedent-setting cases are dismissed outright.⁴⁷ And when a plaintiff can’t show a favorable legal decision in the past resulting from a similar set of facts, the officer is off the hook. What’s more, when the Supreme Court *has* agreed to review qualified immunity cases, it has almost exclusively reviewed cases in which police officers lost in the lower courts – in order to overturn those decisions.⁴⁸ The signal to lower courts – and the public – is that

the Court is more committed to immunizing police than to protecting victims of police brutality.

Qualified immunity is not the only legal doctrine to strip many victims of police misconduct of the ability to hold the officers or their agencies accountable in court. The Court has ratcheted up the standard for holding municipal police departments responsible for misconduct by their officers, a legal hurdle that new research shows is at least as much of a barrier as qualified immunity.⁴⁹ And cases seeking structural reform of police departments face other hurdles, like standing and class action doctrine, that limit the ability to obtain court-ordered reforms in response to systemic violations.⁵⁰

Some newly erected barriers originate in cases deemed relevant to national security but are designed to apply to “ordinary” civil rights litigation as well. In the months after September 11, 2001, the FBI arrested hundreds of mostly Muslim immigrant men, often based on racial and religious profiling, many of whom were detained in harsh conditions that included physical abuse by prison guards. In 2009, the Court chose the case of *Javaid Iqbal*, a former detainee, to tighten a procedural standard used to determine whether to allow a claim to proceed in court.⁵¹ Holding that it wasn’t “plausible” that high-level government officials discriminated against post-9/11 detainees, the Court required *all* plaintiffs henceforth to show the plausibility of their claims early in the litigation, without the benefit of discovery from the other side. Such a rule can particularly disadvantage civil rights plaintiffs, who often need proof of discriminatory intent that they can’t get without discovery and who must also overcome the unconscious biases of federal judges whose life experiences may lead them to minimize the likelihood of rights violations.⁵²

Since 2017, the Court chose the same factual context of post-9/11 detentions – and then two other scenarios involving Border Patrol – to scale back the ability to sue federal law enforcement officers for damages for constitutional violations. As noted above, though these decisions were premised on curtailing damages suits in the national security and border contexts, the reasoning of these decisions would limit courts from allowing such suits for constitutional violations almost across the board. If Congress hasn’t specifically authorized damages suits, victims of violations may have no recourse to vindicate constitutional rights in court, whether they allege violations by agents of the FBI, Drug Enforcement Agency, or various immigration agencies. Just this summer, the Court summarily reversed a lower court decision allowing a man held in solitary confinement to sue prison officials for using excessive force against him.⁵³

Cases purportedly raising national security concerns sometimes present the most politically palatable set of facts through which to strip rights. But the move to limit civil rights litigation in court predated the war on terror and is part of a broader effort to insulate law enforcement officials from supposedly excessive civil rights litigation against them. Across these contexts, the Court opines that permitting lit-

igation would unduly deter government officials from “doing their job.” Of course, one could alternatively envision “the job” of law enforcement and security officials to include vigorously protecting the rights and safety of people from state violence. Instead, the Court has embraced a vision of the security state as having largely unfettered authority to wield the most powerful tools at its disposal *against* people at home and abroad. Far from a neutral set of technical legal rules, the Court’s doctrines on security, administrative law, and civil rights enforcement imperil non-white communities characterized as threatening the nation.

In the longer arc of its history, the Court has stepped in at pivotal moments to constrain national security powers: it ruled that President Truman could not take control over steel mills to prevent a labor strike during the Korean War, that the First Amendment prohibited President Nixon from preventing the publication of the classified “Pentagon Papers” during the Vietnam War, and that executive agencies could not conduct electronic surveillance of a domestic security threat without a warrant.⁵⁴ In the last of these cases, the Court specifically recognized that the “danger to political dissent is acute where the Government attempts to act under so vague a concept as the power to protect ‘domestic security.’” Citing that decision, the Court later warned that “the label of ‘national security’ may cover a multitude of sins.”⁵⁵ A posture of blind deference to the executive’s national security assertions is neither historically inevitable nor constitutionally foreordained. As the Trump administration asserts national security powers to target foreign and domestic enemies at unprecedented scale, the Supreme Court will have to decide whether there truly are no limits to the racialized security state it has unleashed.

AUTHOR’S NOTE

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- ⁴² The Supreme Court did allow a narrower Biden administration rule requiring vaccination for health care workers at hospitals and other facilities receiving Medicare or Medicaid funding to go into effect. *Biden v. Missouri*, 595 U.S. ____ (2022). The Court vacated lower court decisions on a vaccination mandate for military personnel as moot after the Biden administration rescinded that vaccine mandate. See Zach Schonfeld, “Supreme Court Wipes Rulings on Federal Employee, Military Vaccine Mandates,” *The Hill*, December 11, 2023, <https://thehill.com/policy/healthcare/4353550-supreme-court-wipes-rulings-federal-employee-military-vaccine-mandates>.
- ⁴³ *V.O.S. Selections, Inc. v. Trump*, 149 F.4th 1312 (Fed. Cir. 2025), cert. granted, 2025 WL 2601020 (U.S. Sept. 9, 2025).
- ⁴⁴ *Federal Communications Commission v. Consumers’ Research*, 606 U.S. ____ (2025) (Brett Kavanaugh, concurring). In *Gundy v. United States*, 588 U.S. 128 (2019), the Court rejected an effort to revive the dormant nondelegation doctrine, which would invalidate certain broad delegations of power to the executive, but Justice Gorsuch authored a dissenting opinion (joined by Justices Roberts and Thomas) that proposed revitalizing the doctrine but limiting its applicability in foreign affairs. The opinion argued that Congress could “assign the President broad authority regarding the conduct of foreign affairs or other matters where he enjoys his own inherent Article II powers.” With respect to the major questions doctrine specifically, other lower courts outside the tariffs context are also considering whether the doctrine applies when the government asserts security concerns. In one recent case, a district court ruled that whether Congress had authorized the terrorist watchlist *did* constitute a “major question” because of the watchlist’s “political significance,” but went on to rule for the government that Congress had clearly authorized the list. *Kovac v. Wray*, 660 F. Supp. 3d 555, 569 (N.D. Tex. 2023). The Fifth Circuit affirmed the decision without considering whether a major question was involved because it found clear congressional authorization for the watchlist. *Kovac v. Wray*, 109 F.4th 331, 342 (5th Cir. 2024).
- ⁴⁵ *Harlow v. Fitzgerald*, 457 U.S. 800 (1982); and *Anderson v. Creighton*, 483 U.S. 635 (1987).
- ⁴⁶ See Joanna Schwartz, *Shielded: How the Police Became Untouchable* (Viking, 2023).
- ⁴⁷ *Saucier v. Katz*, 533 U.S. 194 (2001).
- ⁴⁸ See Will Baude, “The Supreme Court’s Double Standard for Qualified Immunity Cases,” *The Washington Post*, April 24, 2017.
- ⁴⁹ Joanna C. Schwartz, “Municipal Immunity,” *Virginia Law Review* 109 (6) (2023): 1181.
- ⁵⁰ See generally Sunita Patel, “Jumping Hurdles to Sue the Police,” *Minnesota Law Review* 104 (2020): 2257.
- ⁵¹ *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).
- ⁵² Ramzi Kassem, “Implausible Realities: *Iqbal*’s Entrenchment of Majority Group Skepticism Towards Discrimination Claims,” *Pennsylvania State Law Review* 114 (4) (3030): 1443.
- ⁵³ *Goldey v. Fields*, 606 U.S. ____ (2025)
- ⁵⁴ *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952) (Steel Seizure Case); *New York Times Co. v. United States*, 403 U.S. 713 (1971); and *United States v. U.S. District Court*, 407 U.S. 297 (1972) (“Keith Case”).
- ⁵⁵ *United States v. U.S. District Court*, 407 U.S. 314 (1972); and *Mitchell v. Forsyth*, 472 U.S. 511, 523 (1985).

Public Beliefs about the Role of Military Force

Sarah Maxey

Synthesizing public opinion data and existing scholarship, this essay traces four legacies in U.S. public opinion left by two decades of wars in Afghanistan and Iraq. First, short-term boosts in public support and deference to executive authority at the beginning of each war created a permissive environment for institutional changes not easily reversed. Second, growing public skepticism toward these wars did not undermine support for broader internationalist policies. Third, public support for humanitarian action remained resilient. Fourth, the wars increased the gap between public confidence in the military and in elected officials, creating challenges for democratic civil-military relations. Together, the legacies demonstrate that the challenge for American democracy moving forward is not public opinion in and of itself, but how elites strategically misuse or bypass public consent.

Wars change and clarify the relationship between the public and the use of military force. The U.S. wars in Afghanistan and Iraq spanned two decades and encompassed a wide range of stated objectives, from counterterrorism to regime change to humanitarianism. The scope and political salience of these wars made their early stages the focus of scholarship highlighting the power of presidential rhetoric, public reactions to terrorist attacks and threats, and sensitivity to military and civilian casualties.¹ These early studies offer important insights into the short-term effects of each war, but a postmortem that assesses lasting changes is now possible. How, if at all, did two decades of war in Afghanistan and Iraq alter public beliefs about the role of military force?

In hindsight, the U.S. wars in Afghanistan and Iraq left four legacies in public opinion. First, public sentiments at the beginning of both wars created a permissive environment for using military force, increasing executive authority, and restricting civil liberties. Public support for these actions did not last, but it did not need to for institutional changes to have long-term consequences. Second, the public became weary of these specific wars but not of international engagement or the use of force in general. The public learned lessons about the limits of democracy promotion but maintained its willingness to support active foreign policy and evaluate the use of force on a case-by-case basis. Third, public support for humanitarian

action remained resilient. It did so despite concerns from human rights advocates that the Bush administration's humanitarian justifications for the Iraq War could undermine the effectiveness of these arguments in the future.² Fourth, the wars correspond with increased public confidence in the military and decreasing confidence in U.S. civilian institutions like the White House and Congress. Counterintuitively, this growing gap in confidence can embolden the executive and politicize the military, raising concerns about the civil-military relations that are central to a functioning democracy. Together, these four legacies demonstrate that the challenge for American democracy moving forward is not public opinion in and of itself, but how elites strategically misuse or bypass public consent.

The U.S. wars in Afghanistan and Iraq highlight a key aspect of the relationship between public opinion, war, and American democracy: public attitudes do not have to change permanently to enable significant institutional shifts in the scope of executive authority. In the short-term, the public responded to the unprecedented 9/11 attacks with unprecedented support for executive authority and military action, reflecting the view that public opinion can be prudent and responsive to new information.³ The White House, however, took advantage of this initial boost in public support to expand and entrench executive authority and used heightened public confidence in the military to shield the president from political punishment. As time passed, the public evaluated and questioned the justifications and execution of both wars, learning lessons about the utility of specific policies without losing its tolerance for international engagement in general. By the time the wars became unpopular, however, the White House had developed and strategically deployed tools to make military casualties less visible and minimize the importance of sustained public consent. Whether and how future administrations capitalize on these tools will continue to shape U.S. foreign policy for years to come.

The first legacy of U.S. wars in Afghanistan and Iraq is that high initial public support – even support that gradually declines – can entrench lasting institutional changes. Both wars began with support from a strong majority of the public. In the Afghanistan case, the level of support was unprecedented. When the United States launched its initial airstrikes in Afghanistan on October 7, 2001, 90 percent of the public approved of military action and 92 percent approved of George W. Bush's handling of the campaign against terrorism.⁴ Public support for expanding operations in Afghanistan and the geographic scope of the campaign against terrorism was also high. Following the deployment of ground troops in mid-October, 88 percent of the public continued to approve of U.S. military action.⁵ At the same time, 78 percent thought the United States should take military action against other countries believed to be harboring terrorists.⁶

Despite worldwide protests against the anticipated invasion and criticisms from leading scholars of international relations, 72 percent of the public also sup-

ported the war with Iraq when U.S. troops entered the country in March 2003.⁷ The link between overwhelming public support for the “war on terror” and the launch of military operations in Iraq in 2003 is well established. In fact, public support for removing Saddam Hussein from power was higher in November 2001 than when the war began in 2003.⁸ In the aftermath of 9/11, Bush labeled Iraq part of the “axis of evil” and consistently discussed the war on terror and Iraq’s purported weapons of mass destruction in the same speeches, solidifying their connection in the public’s mind.⁹ Unified public support was also reflected in limited opposition from Congress, which passed the Authorization for Use of Military Force Against Iraq with the support of 296 of 435 members in the House and 77 of 100 members in the Senate. Bush’s political opponents – conventionally expected to question and complicate the process of military mobilization – faced rhetorical coercion from a war-on-terror narrative that insisted “Either you are with us, or you are with the terrorists.”¹⁰

While both wars began with public support and were bolstered by the broader war-on-terror narrative, they diverged in how long that support lasted – a difference tied to the perceived legitimacy and credibility of the justifications for each intervention. Operation Enduring Freedom in Afghanistan responded to a direct attack on U.S. soil and received broad support from the international community, which recognized the United States’ self-defense claims as consistent with existing interpretations of the United Nations (UN) Charter. In contrast, Operation Iraqi Freedom followed a multiyear campaign designed to highlight the threat posed by Iraq’s weapons of mass destruction – later shown not to exist. This campaign included a failed attempt to secure UN approval, was met with widespread global protests, and relied on a preemptive rationale that conflicted with conventional interpretations of international law.¹¹ Unsurprisingly given these differences, support for military operations in Iraq declined quickly while public approval of the war in Afghanistan was more durable. By 2005, 50 percent of people thought the United States made a mistake by sending troops to Iraq and a majority also believed the Bush administration deliberately misled the public about Iraq’s weapons of mass destruction.¹² By contrast, perceptions that Afghanistan was a mistake remained a minority view throughout the conflict.¹³

In both cases, however, the public was ready to withdraw troops before the wars ended. By 2005, a majority of the public supported setting timetables for withdrawing from Iraq.¹⁴ Growing opposition to the war bolstered the antiwar movement and led Barack Obama to run as the antiwar candidate in the 2008 presidential election.¹⁵ When Obama announced combat troops would leave Iraq by the end of 2011, 75 percent of Americans supported his decision.¹⁶ Similarly, in Afghanistan, although the public was skeptical of a rapid withdrawal,¹⁷ 62 percent approved when Biden announced that all U.S. troops would be gone by September 2021.¹⁸

Overall, public support for the U.S. wars in Afghanistan and Iraq is a story of a dramatic spike in approval followed by a steady – and in the Iraq case, rapid – decline. While initial public support for each war was high, the pattern of its gradual decline over time aligns with existing scholarship on public attitudes toward military interventions. At the beginning of military interventions, factors like limited information, a lack of dissent in media coverage, and heightened national identity tend to boost public support and deference to the White House.¹⁹ Early support is expected to dissipate as the costs of action become more salient and the White House loses its information advantage.²⁰

Consistent with this conventional wisdom, public support for the wars in Afghanistan and Iraq declined over time as casualties increased. Military casualties represent the most tangible costs of war for a domestic audience, and their relationship to public opinion, while not always linear, is well established.²¹ Mounting military casualties in Afghanistan and Iraq influenced public support and vote choice, especially in the 2006 midterm elections.²² Casualties also influenced the political incentives of elected officials. For Republican members of Congress in districts facing high numbers of war deaths, local pressure encouraged some members to break with the party brand and criticize the war.²³ Despite public concern with military casualties, however, the U.S. public was not casualty phobic. Instead, the relationship between military casualties and public opinion depended on the public's belief that the war was legitimate and likely to be successful.²⁴

Civilian casualties also shape public perceptions of military action, but their effect on support is conditional on whether the public believes the United States is doing everything it can to avoid harming innocent people.²⁵ In the Afghanistan case, the high stakes associated with defeating Al Qaeda and the Taliban, combined with a belief that the military was doing what it could to avoid targeting civilians, meant that public attitudes were not significantly affected by concern about civilian casualties.²⁶ In Iraq, high-profile human rights abuses such as Abu Ghraib and growing doubts about the legitimacy of the intervention made the public more sensitive to civilian deaths, but these casualties had a limited impact on the public's overall support.²⁷

As we will see, the pattern of support for each intervention is mirrored in changes in the public's foreign policy priorities and confidence in the government. While overwhelming support and deference to executive authority was not permanent following the 9/11 attacks, it created a permissive environment for elites to implement institutional changes – primary among them the 2001 Authorization for Use of Military Force (AUMF), which facilitated the detainment of enemy combatants at Guantánamo Bay, wiretapping by the National Security Agency (NSA), and military action against the Islamic State in Syria as recently as 2017 – with grave and lasting consequences for American democracy. In short,

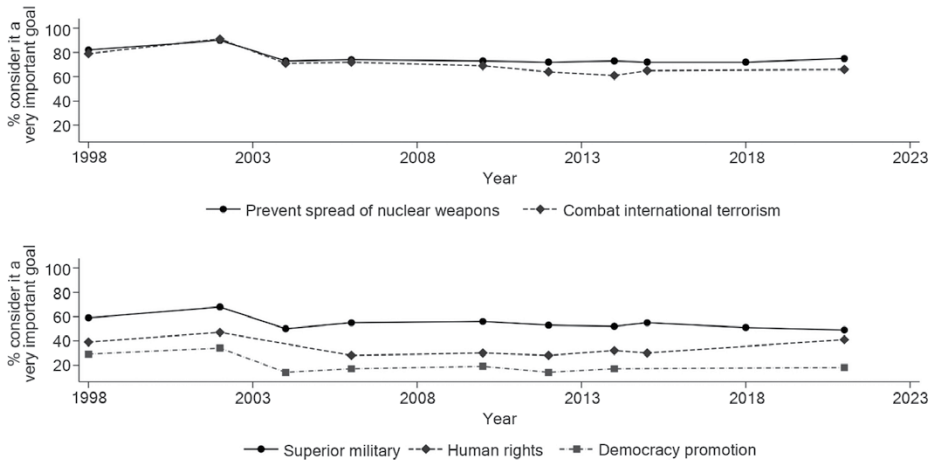
public support does not have to change permanently to enable significant and enduring institutional shifts in the scope of executive authority.

The second legacy of these wars is that while the public became weary of the specific conflicts, it did not lose its tolerance for internationalism. There is no clear evidence of an Afghanistan or Iraq “syndrome” that has made it more difficult for the United States to engage in other future conflicts.²⁸ Instead, mirroring the initial spike in public support for military action, the experience of the 9/11 attacks and the global terrorist threat that featured in the Bush administration’s rhetoric also dramatically increased public attention to foreign policy and internationalist sentiment. Compared with 1998, the 2002 Chicago Council survey reported a 10 percentage point increase – from 61 to 71 percent – in people who thought it was “best for the future of our country if we take an active part in world affairs rather than stay out.” This public support for internationalism matched the previous high recorded almost fifty years earlier in 1956.²⁹

The spike in public internationalism extended across a wide range of foreign policy goals. Figure 1 illustrates the proportion of the public that viewed different objectives as “very important” goals of U.S. foreign policy in a given year. Unsurprisingly, as the top panel in Figure 1 shows, the 9/11 attacks and buildup to military action in Afghanistan and Iraq increased the perceived importance of the main justifications for each intervention – combatting international terrorism and preventing the spread of weapons of mass destruction – though both issues had long been top public priorities. More surprising, consistent with the bottom panel of Figure 1, is evidence that the public initially assigned a greater priority to foreign policy writ large. Similar increases in importance appear in the public’s view of both militant internationalist goals, such as maintaining a superior military, and cooperative internationalist goals like promoting human rights and helping to bring democratic governance to other nations. In fact, of the seventeen foreign policy goals included on both the 1998 and 2002 Chicago Council surveys, all but two increased in importance during this period.³⁰ Notably, because the wars in Afghanistan and Iraq overlapped for almost a decade, these trends cannot distinguish between the independent effects of each conflict.

As consistently as the public’s foreign policy priorities rose in the aftermath of 9/11, they declined or returned to their previous baseline by 2004. Although rankings of nuclear proliferation and terrorism declined from their 2002 peaks of 90 and 91 percent, respectively, they remained very important foreign policy goals to a majority of the U.S. public through 2021. Maintaining military superiority is also a steady foreign policy priority for most Americans: while support dropped to 49 percent in 2021, the wars in Afghanistan and Iraq did not substantially shift the public’s view of military strength as an important component of U.S. foreign policy.

Figure 1
Foreign Policy Priorities



The figure shows the proportion of respondents who rated each item as a very important foreign policy goal in a given year. Not all items are included in all years of the survey. The figure uses lines to connect the data points for ease of interpretation, but these lines do not represent linear trends through years with no data available. Source: Data are from the Chicago Council on Global Affairs surveys. See <https://globalaffairs.org/explore-research/lester-crown-center-us-foreign-policy/public-opinion-surveys/chicago-council>.

Instead, the wars appear to put the final nail in the coffin of public tolerance for democracy promotion. Even prior to the failures in Afghanistan and Iraq, bringing democratic government to other nations was not a popular aim of U.S. foreign policy. Critics of the Clinton administration's interventions in Somalia, Haiti, and especially Bosnia blamed the White House for conducting "foreign policy as social work" and warned that Clinton was preoccupied with "the social, political, and economic conditions within borders."³¹ By 1998, public support reflected these critiques, with only 29 percent of individuals ranking democracy promotion as a very important foreign policy goal. Democracy promotion received the same boost in support in 2002 as other policy aims – reaching a peak ranking of "very important" by 34 percent of survey respondents – but dropped to a new low of 14 percent the following year and remained in the teens through 2021.

Importantly, public attitudes toward democracy promotion – with its emphasis on institutions and nation-building – and regime change – focused on removing the offending foreign leader from power – are not identical. Polls investigating support for regime change are less common, but the data that are available suggest

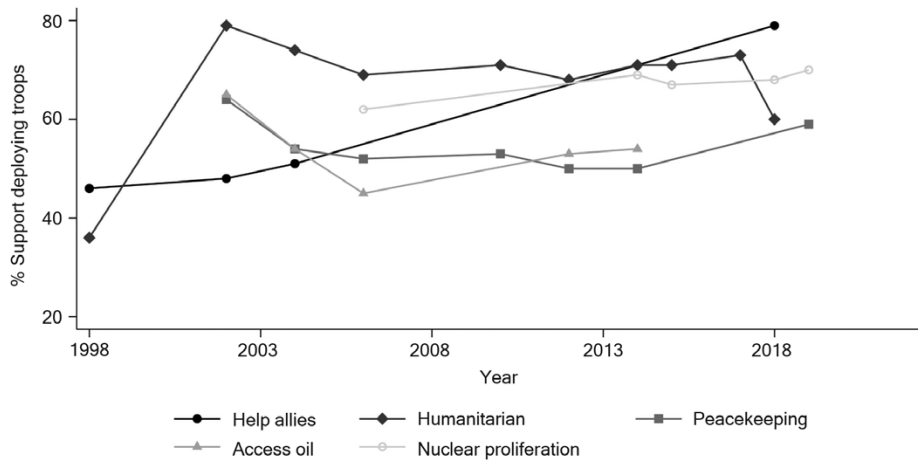
higher initial support and more tempered lessons learned. Regime change was a popular objective for U.S. military action in both Afghanistan and Iraq. In October 2001, 75 percent of respondents thought the goal of U.S. action in Afghanistan should also be to remove the Taliban regime from power, compared with 15 percent who thought the United States should “eliminate the bin Laden terrorist group only.”³² Similar levels of support for regime change also existed prior to the U.S. invasion of Iraq in 2003. Even following UN weapons inspections, 79 percent of people reported that Iraqi regime change was still necessary and almost 80 percent of supporters listed regime change as a major reason they approved of the war.³³

In the aftermath of these wars, the record of public support for regime change is mixed. In 2005 and 2006, the German Marshall Fund probed support for sending military forces to remove authoritarian regimes with a hypothetical scenario that asked participants to “imagine an authoritarian regime in which there is no political or religious freedom.” In these abstract scenarios, public tolerance for forceful regime change showed clear signs of decline: 39 percent of respondents in 2005 and 34 percent in 2006 supported the strategy.³⁴ Reactions to potential U.S. action in Syria since 2012 are consistent with these polls. Only 19 percent of the public thought the United States should launch airstrikes to try to oust the Syrian government.³⁵

Reactions to U.S. participation in NATO operations in Libya in 2011 – an intervention that ultimately led to regime change and to the violent death of Libyan leader Muammar Gaddafi – tell a different story. When NATO operations began in March 2011, 71 percent of people thought removing Gaddafi from power should be an important goal of U.S. foreign policy and 44 percent thought that the operation should be expanded beyond enforcing the no-fly zone to ensure Gaddafi’s removal.³⁶ In offering support for regime change in Libya, the public also demonstrated an ability to distinguish between the details of different conflicts: 63 percent of registered voters viewed U.S. action in Libya as “completely different” from what was done in Iraq.³⁷ Taken as a whole, attitudes toward democracy promotion and regime change reveal that the public remains tolerant of using force to remove foreign leaders under some circumstances but has become skeptical of the ability of the United States to shape domestic institutions in the aftermath of military operations.

While most foreign policy priorities remained relatively stable, the next question becomes whether the wars changed the public’s view of military action as a legitimate tool of foreign policy. The Chicago Council surveys gauge public support for the use of U.S. troops in response to a wide range of specific and general situations. To evaluate whether the wars in Afghanistan and Iraq changed the public’s overall tolerance for the use of military force, Figure 2 maps support for deployments over time and across issues. Consistent with the dramatic ini-

Figure 2
Support for Deploying U.S. Troops Given Different Justifications

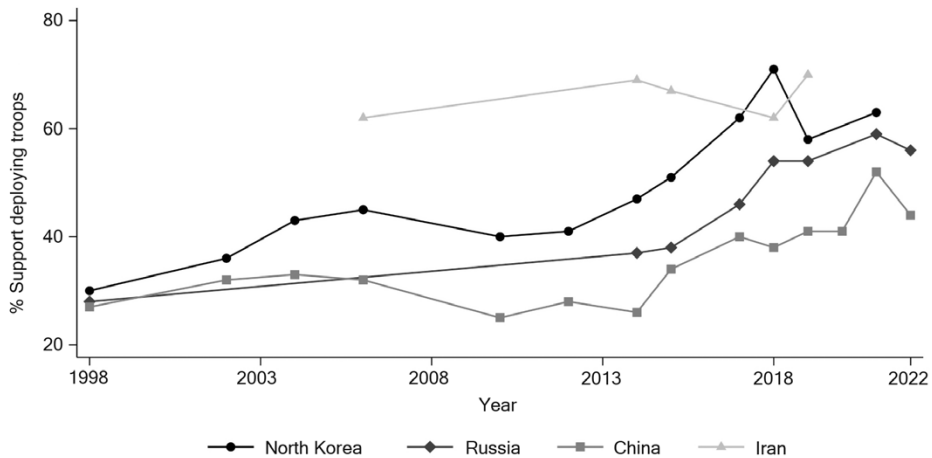


The figure reports the proportion of respondents who supported deploying U.S. troops in each scenario. Not all scenarios are included in all years. The figure uses lines to connect the data points for ease of interpretation, but these lines do not represent linear trends through years with no data available. Source: Data are from the Chicago Council on Global Affairs surveys. See <https://globalaffairs.org/explore-research/lester-crown-center-us-foreign-policy/public-opinion-surveys/chicago-council>.

tial increases in internationalism, there are modest signs that the early stages of both wars increased the public's willingness to deploy troops in response to foreign policy challenges. For example, compared with the low levels of support for sending troops if Serbian forces killed large numbers of ethnic Albanians in Kosovo in 1998, support for using military force to stop genocide peaked at 77 percent in 2002. Strong majorities of the U.S. public continued to support using force to respond to genocide and humanitarian crises through 2018. The year 2002 also marked the high point in public support for using troops to ensure the supply of oil and participate in peacekeeping operations. Overall, the U.S. public remained willing to deploy troops for a variety of purposes throughout both wars.

Figure 3 focuses on public support for deploying troops to specific countries. The trends in these public responses to more concrete threats suggest that public opinion both constrains the use of force and adapts to new information and changes in the international environment. Despite its inclusion in Bush's axis of evil, only 36 percent of the public in 2002 supported using force if North Korea

Figure 3
Support for Deploying U.S. Troops to Specific Countries



The figure reports the proportion of respondents who supported deploying U.S. troops in each scenario. Not all items are included in all years of the survey. The figure uses lines to connect the data points for ease of interpretation, but these lines do not represent linear trends through years with no data available. Source: Data are from the Chicago Council on Global Affairs surveys. See <https://globalaffairs.org/explore-research/lester-crown-center-us-foreign-policy/public-opinion-surveys/chicago-council>.

invaded South Korea. A majority of the public did not support military action against North Korea until after the 2014 Sony cyberattacks and nuclear threats that followed. The public also did not support deploying troops to stop Russia from invading U.S. allies or to prevent China from attacking Taiwan until more than fifteen years after the beginning of the war in Afghanistan. Instead, public support for both actions tracked changes in U.S. policy and events on the ground, from Russia's occupation of Crimea in 2014 to China's increasing militarization of the South China Sea. Iran is the notable exception, with more than 60 percent of the public supporting the use of force to halt its nuclear development since polling began in 2006.

Trends in foreign policy priorities and support for the use of military force throughout both wars are consistent with existing accounts of a pretty prudent public.³⁸ In the short term, people responded strongly to the first direct attack on U.S. soil since Pearl Harbor. The public's early reaction took the form of increased internationalism and support for a broad range of foreign policy goals. This ear-

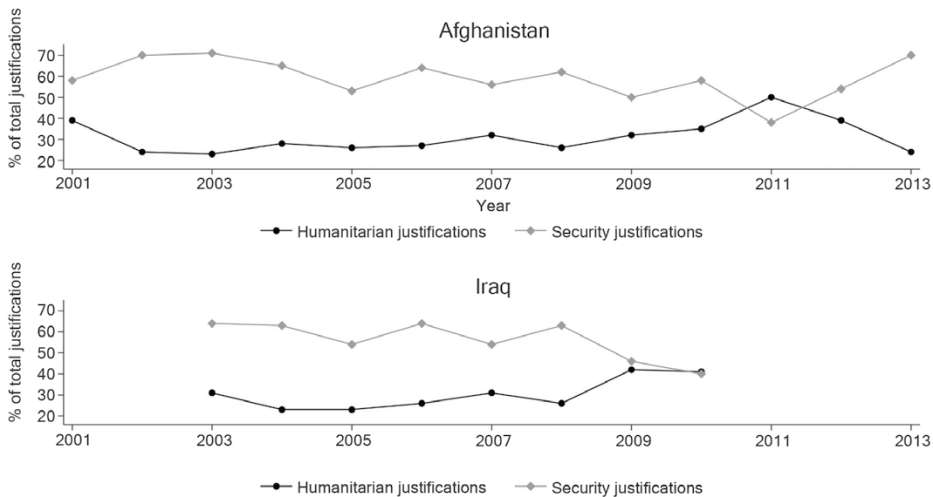
ly reaction was short-lived, however. As the goals of the wars in Afghanistan and Iraq failed to materialize, the public scaled back support for specific policies – most notably democracy promotion – rather than calling for retrenchment. Public views of military force are also measured. Rather than becoming uniformly isolationist or hawkish, public assessments of military action responded to new information and varied depending on the specific scenario. While these data cannot pinpoint the exact cause of changing trends, they directly counter warnings that the public’s war weariness would prevent the United States from maintaining an active and engaged foreign policy.

Consistent with its continued support for internationalism, the third legacy of the Iraq and Afghanistan wars is that the public maintained a persistent political will for humanitarian actions. In White House communications, Bush – and later Obama – justified military action in Afghanistan and Iraq by emphasizing threats to U.S. security. Intervention in Afghanistan was cast as necessary to bring the perpetrators of 9/11 to justice and prevent future terror attacks. Intervention in Iraq was initially framed in terms of Saddam Hussein’s failure to comply with UN resolutions on weapons of mass destruction. When the Iraq intervention failed to uncover the weapons, the development of insurgencies made concerns about terrorism a self-fulfilling prophecy and alternative justification for action.

Security justifications are important but also only one part of the communication strategy used to mobilize public support for war. Presidents also offered a steady supply of humanitarian justifications for action, focusing on how the interventions would promote the welfare and well-being of people in Afghanistan and Iraq. As Figure 4 illustrates, humanitarian rhetoric was not limited to the early stages of these wars, nor did it appear only when other justifications lost traction. Instead, humanitarian claims played a persistent role in explaining the need for military action to the public. They accounted for between one-quarter and one-third of all official justifications across both conflicts.

While humanitarian claims were common across both interventions, Bush’s reliance on humanitarian justifications for U.S. military action in Iraq – especially after weapons of mass destruction were not found – raised particular concern for human rights advocates.³⁹ Humanitarian claims have a unique effect on public attitudes in the United States. By appealing to individuals who are skeptical of military force but committed to human rights, humanitarian justifications help turn traditional doves into temporary hawks.⁴⁰ In the Iraq case, the administration’s focus on Saddam Hussein’s past record of human rights abuses and use of chemical weapons against his own people amplified the threat posed by Iraq and helps explain the awkward coalition of liberal and conservative elites who championed the war.⁴¹

Figure 4
Presidential Justifications for Military Action



The figure displays the percentage of total yearly justifications for military action in presidents' national addresses that focused on security (diamonds) or humanitarian (circles) goals. Source: Data from Sarah Maxey, "The Power of Humanitarian Narratives," *Political Research Quarterly* 73 (3) (2020): 680–695.

When Bush's primary security rationale for military action in Iraq proved false, the resonance of humanitarian appeals led human rights advocates to caution that their misuse could both facilitate preemptive military action and undermine future efforts to prevent mass atrocities. Gareth Evans, former foreign minister of Australia, outlined this logic, noting "to the extent that the invasion was based on Saddam Hussein's record of tyranny over his own people . . . we have seen almost choked at birth what many were hoping was an emerging new norm of justifying intervention on the basis of the principle of 'responsibility to protect.'"42

Instead, evidence from the last twenty years of opinion polls shows that public support for responding to humanitarian crises is relatively resilient. From 2002 until 2018, the Chicago Council on Global Affairs survey asked participants if they would support sending U.S. troops to "stop a government from committing genocide and killing large numbers of its own people." Across this sixteen-year period, more than 70 percent of respondents consistently supported using military force to stop genocide. In fact, support in 2002 was identical to support in 2018 at 77 percent. While the Bush administration's strategic use of humanitarian rhet-

oric in the Iraq case may have changed how elites approach humanitarian interventions, it did not undermine the public's political will for action in response to mass atrocities.

The public also demonstrated its continued willingness to support specific civilian-protection operations, most clearly evident in the 2011 NATO intervention in Libya. Polls at the time showed a public skeptical of getting involved in intra-state conflicts: prior to the intervention, support for creating a no-fly zone wavered between just under and just over 50 percent of respondents.⁴³ After Obama announced and justified U.S. participation in terms of civilian protection, however, support increased to a strong majority of the public.⁴⁴

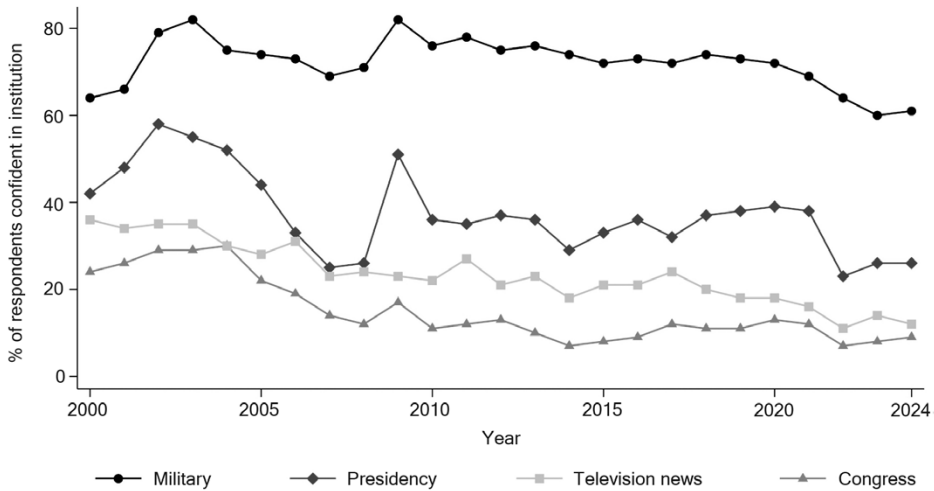
Reflecting the lessons learned about democracy promotion, this support was short-lived. By the end of March 2011, public opinion polls reported that 60 percent of people thought U.S. military involvement would "last for some time," 75 percent thought a long-term commitment of U.S. forces was at least somewhat likely, and 50 percent worried that the United States and its allies did not have a clear goal of taking military action.⁴⁵ In short, public support for well-defined civilian-protection objectives remained possible. Consent for achieving humanitarian goals via long-term strategies of democracy promotion did not.

The fourth legacy of the wars in Afghanistan and Iraq is a shift in the public's relationship with government institutions. The early stages of international crises and military action are the peak of public deference to executive authority. As a result, individuals are most likely to turn toward the executive to interpret the nature of the threat and the range of appropriate responses just when presidential narratives are least likely to be challenged by the media or political opponents.

The beginning of the wars in Afghanistan and Iraq were no exception to this trend. As the Gallup data illustrated in Figure 5 show, confidence in the presidency rose from 42 percent in 2000 to 58 percent in 2002 and did not drop below 50 percent again until 2005. Heightened public confidence in the White House is consistent with Bush's approval rating, which jumped from 51 percent on September 10, 2001, to 90 percent by September 22.⁴⁶ By comparison, the changes in public confidence in other civilian institutions, like Congress, were more muted.⁴⁷ Between 2001 and 2002, public confidence in Congress did increase, but only by 3 percentage points. The public's confidence in Congress peaked at 30 percent in 2004 before beginning a steady decline to a low of 7 percent in 2014. Nonpolitical institutions like television news followed a similar trend, steadily holding the confidence of about one-third of the public through 2004 before beginning to decline.

In line with theories of deference to executive authority during international crises, the public had more trust in the federal government's ability to handle international problems than domestic problems. In October 2001, 36 percent of

Figure 5
Confidence in Institutions



The figure displays the percentage of respondents who had a “great deal” or “quite a lot” of confidence in the relevant institution. Data from Gallup, “Confidence in Institutions,” 2024, <https://news.gallup.com/poll/1597/Confidence-Institutions.aspx> (accessed October 15, 2024).

people held a “great deal” of confidence in the government’s ability to handle international problems, compared with 24 percent who trusted the government’s ability to handle domestic problems.⁴⁸ Casting domestic actions as necessary to protect the country from external, global terrorist threats thus offered the White House a helpful frame for increasing public support.

In the short term, increased trust corresponded with a rise in the public’s acceptance of limits on their civil liberties and actions. Trend data collected by the Roper Center capture the percentage of people from 1995 to 2011 who thought it would “be necessary for the average person to give up some civil liberties” to curb terrorism in the United States.⁴⁹ From 1995 to 1997, an average of 34 percent of the public expected to give up civil liberties to curb terrorism. When the question was asked again from September 13–20, 2001, 60 percent of respondents, on average, considered the trade-off necessary – an increase of 26 percentage points. However, the public’s tolerance for curtailing civil liberties did not last long. By 2002, the average percentage of “necessary” responses had dropped to 52 percent, declining further to 44 percent by 2003, and reaching a new low of 27 percent in 2009.

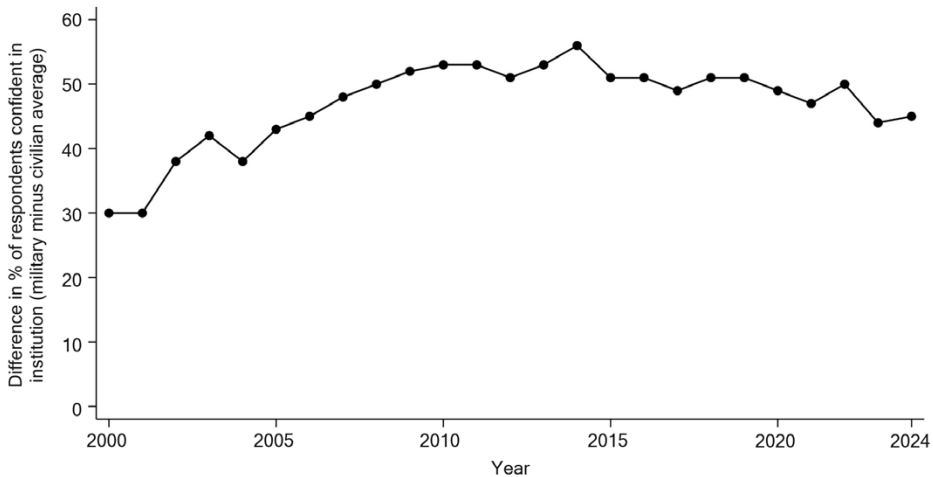
Beyond the White House, public confidence in the military also rose dramatically at the beginning of the war on terror. In 2000, 64 percent of the public was confident in the military; by 2002, the number had climbed to 79 percent, reaching a high of 82 percent by 2003. Unlike trust in the president, public confidence in the military remained high through the U.S. withdrawal from Afghanistan in 2021.⁵⁰

Because public confidence in the White House and Congress declined while confidence in the military remained high and relatively stable, the fourth legacy of these wars is the widening gap in trust between civilian and military institutions. Figure 6 illustrates this gap, plotting the difference in public confidence in the military and average confidence in the presidency and Congress for each year from 2000 to 2024. In 2000, the gap was 30 percentage points; by 2008, it exceeded 50 points, peaking at 56 percentage points in 2014. From 2014 to 2024, the gap declined gradually to 45 percentage points. Despite this decline in overall confidence in the military, the gap between military and civilian institutions remains above the pre-war on terror levels.

For the civil-military relations that are central to a functioning democracy, the implications of this gap are grave and wide-ranging. Because the public holds the military in particularly high esteem, it is deferential to cues from individuals with military backgrounds and responsive to military imagery.⁵¹ Public deference to the military is conventionally interpreted as a signal that the balance of civil-military relations has tipped toward unelected, unaccountable military officials. What such accounts overlook, however, is the reality that civilian leaders, cognizant of the military's popularity, may strategically invoke military advice to serve their own political aims. When taking risky action – like initiating or escalating a military conflict – civilian leaders have an incentive to frame their decisions with references to advice from military officials.

Political scientist Michael Kenwick and I uncovered these incentives and showed that references to military elites were common in presidential speeches about intervention during both wars. Moreover, the White House was more likely to invoke military advisers in speeches with negative tones, like those that anticipated casualties or political risks. This rhetorical strategy appeared most clearly in the middle and late stages of the conflicts, as public support diminished and the costs of action became apparent. In the Iraq case, especially, Bush's references to the military increased with the troop surge and the number of U.S. soldiers killed.⁵² For example, in a radio address discussing increased sectarian violence, Bush referenced military officials to assure the public that the United States was still on the path to victory, noting: "Our commanders on the ground are constantly adjusting their approach to stay ahead of the enemy, particularly in Baghdad. General Pete Pace, the Chairman of the Joint Chiefs, recently put it this way: 'From a military standpoint, every day is a reassessment day.'"⁵³ Later in the

Figure 6
Confidence Gap Between Military and Civilian Institutions



The figure displays the difference in the percentage of people who had a “great deal” or “quite a lot” of confidence in the U.S. military and in civilian institutions. The measure of confidence in civilian institutions is calculated as the average of confidence in the presidency and Congress. Data from Gallup, “Confidence in Institutions,” 2024, <https://news.gallup.com/poll/1597/Confidence-Institutions.aspx> (accessed October 15, 2024).

speech, Bush drew on the words of another U.S. general when acknowledging the risk and reality of military casualties:

We mourn every loss, and we must gird ourselves for the sacrifices that are yet to come. America’s men and women in uniform are the finest in the world. I’m awed by their strength and their character. As General Casey reported yesterday in Iraq, “The men and women of the Armed Forces have never lost a battle in over 3 years in the war.”

Beyond mitigating concerns about success and casualties, Bush also highlighted military officials in his responses to domestic opposition. Following the 2006 midterm elections, when Democrats used their new majority in the House to reduce emergency funding for the Department of Defense and for international affairs, Bush contrasted the judgment of Congress against that of military commanders:

When Americans went to the polls last November, they did not vote for politicians to substitute their judgment for the judgment of our commanders on the ground. . . . The

American people voted for change in Iraq, and that is exactly what our new commander in Iraq, General David Petraeus, is working to achieve. And they expect their elected leaders to support our men and women on the frontlines, so they have every resource they need to complete their mission.⁵⁴

Such statements were not unique to the Bush administration. Obama relied on similar tactics when he led the 2009 troop surge in Afghanistan, assuring the public that decisions related to troop levels were based on the best military advice:

To meet urgent security needs, I approved a request from Secretary Gates to deploy a Marine expeditionary brigade later this spring and an Army Stryker brigade and the enabling forces necessary to support them later this summer. This increase has been requested by General McKiernan and supported by Secretary Gates, the Joint Chiefs, and the Commander of Central Command. General McKiernan's request for these troops is months old, and the fact that we are going to responsibly draw down our forces in Iraq allows us the flexibility to increase our presence in Afghanistan.⁵⁵

Across administrations, these public references to military advice can increase support for the operation but carry the risk of politicizing the armed forces. Military advice can also reduce the blame individuals place on civilian leaders when operations fail, though political scientist Peter Feaver suggests that in the context of operations in Afghanistan and Iraq, the public held civilian rather than military leaders accountable for outcomes.⁵⁶

The U.S. wars in Afghanistan and Iraq changed both the public's relationship with the government and the balance of the relationship between civilian and military institutions. In the immediate aftermath of the 9/11 attacks, heightened public confidence in the government created a permissive environment for restrictions on domestic civil liberties to guard against international threats. These changes facilitated the implementation of legislation like the PATRIOT Act, the legacy and implications of which have lasted far longer than the boost in public support. While public confidence in the White House and Congress eventually returned to or dropped below prewar levels, trust in the military remained high through the U.S. withdrawal from Afghanistan in 2021. By increasing the gap in public esteem for civilian leaders and the military, these wars laid the foundation for the growing politicization of military actors, which can threaten democratic norms of civilian control.⁵⁷

The U.S. wars in Afghanistan and Iraq left four legacies in public opinion. First, in the aftermath of the 9/11 attacks, public support for both wars was high. Although this support faded, it was strong enough to facilitate institutional changes with long-term effects on American democracy. Second, while the public grew weary of both wars, it did not overgeneralize the lessons learned.

Over time, the public withdrew its support for democracy promotion rather than lobby for retrenchment more broadly. Third, the public remained capable of separating responses to mass atrocities from Bush's strategic use of humanitarian rhetoric in Iraq.

These first three legacies describe a public that – absent direct attacks on U.S. soil – remains capable of holding democratically elected leaders accountable for their foreign policy decisions. The public itself is not the problem. Instead, as the fourth legacy highlights, the challenges to American democracy appear at the intersection of public reactions to direct attacks and strategic leaders who manipulate public consent to magnify their own power. In the wars in Afghanistan and Iraq, this challenge is especially visible in the context of civil-military relations. Decades of war and evidence of elite deception in Iraq amplified the gap between public confidence in the U.S. military and civilian institutions. Capitalizing on public esteem for the military, the Bush administration referenced military advice to justify implementing high-risk policies, deflecting blame and empowering the executive branch. Similarly, as the public's tolerance for forever wars declined, the Obama administration increased its reliance on armed drones to avoid the risk of military casualties and carry out counterterrorism operations below the public's radar. Following decades of war, the U.S. public remains capable of forming prudent attitudes about foreign policy and the role the United States plays in the world. The relevance of public attitudes, however, is conditional on leaders' ability to obscure the nature of their actions and avoid accountability.

In the years since the end of the wars in Afghanistan and Iraq, challenges to the public's ability to hold elected leaders accountable have only increased. The Trump administration's efforts to expand executive power and overhaul long-standing foreign policy institutions exemplify the challenges and their stakes. On the one hand, public attitudes push against dramatic changes to the United States' role in the world. As of 2024, majorities of both parties viewed maintaining alliances as important and believed the United States should continue to take an active role in world affairs.⁵⁸ Additionally, more Americans disapprove than approve of the United States leaving the Paris Climate Agreement, ending U.S. Agency for International Development programs, and leaving the World Health Organization.⁵⁹ On the other hand, the Trump administration's ability to take such actions with limited institutional backlash highlights how even short-term permissiveness – facilitated now by the 2024 election, a unified Republican government, and the conservative-majority Supreme Court, rather than external attacks – emboldens the executive branch and can dramatically change the trajectory of foreign policy. Compared with the early 2000s, political polarization has narrowed the opportunities for public accountability, incentivizing politicians to appeal to their base rather than building broad coalitions. In this context, opposition, even from a majority of the public, carries few political costs if it does not include members of the

president's own party. During two decades of war, the U.S. public reiterated its ability to respond reasonably to new information, and growing public opposition to the prolonged wars eventually contributed to policy change. Whether the democratic institutions capable of constraining executive power and channeling public dissent into political consequences still exist today is an open question.

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Paranoid Empire: Forever Wars in Popular Culture

Penny M. Von Eschen

Examining iconic media productions, this essay explores a shift from the immediate post-9/11 period characterized by uncritical support for the U.S. military as a litmus test for patriotism to an increasingly paranoid worldview in which the United States is at once the victor and victim, laying the cultural foundation for authoritarian populism. Unlike Cold War–era productions in which skill, expertise, and diplomacy come together to thwart disaster, in the murky world of the war on terror, military intervention and even torture appear inevitable, with no space for diplomacy. Even as post-9/11 mass entertainment productions collaborated with the military, they increasingly drew on a familiar feature of American culture suspicious of institutions and glorifying of vigilante “justice.” In a world where true justice and security are achieved only by going outside of political and military institutional structures and where war and the violation of international law are the only alternatives to terror, authoritarian populism resonates as an alternative to suspect institutions.

In the post-9/11 wars on terror, popular culture worked figuratively and literally to conscript Americans into supporting military intervention in a forever and everywhere war, in which violence can erupt unexpectedly in the most mundane spaces. In this essay, I point to iconic media productions that exemplify synergistic meaning-making across popular culture and U.S. foreign policy. I identify a shift from the immediate post-9/11 period characterized by uncritical support for the U.S. military as a litmus test for patriotism to an increasingly paranoid view of the world in which the United States is at once the victor and victim. Unlike Cold War–era productions such as *The Hunt for Red October* or *The Peacemaker* (not to mention a slew of Bond franchise films) – in which skill, expertise, and diplomacy come together to thwart disaster – in the murky world of the forever and everywhere war, war and even torture appear inevitable, and there is no space for diplomacy. Even as post-9/11 productions retained strong institutional links with the military and offered a robust defense of military intervention, many of these productions increasingly drew on a *longue durée* feature of American culture that signals deep suspicion of institutions and glorifies vigilante “justice.” American audiences grappled with depictions of war and torture via special ops

agents and snipers who go outside of political and military institutional structures to deliver true justice and security. With shows such as *24* overtly defending torture, in this newly imagined geopolitical reality, the United States does bad things, but U.S. hegemony undergirded by war and the violation of international law is the only alternative to terror.

Across the arc of post-9/11 cultural production, TV, film, and video game producers often worked directly with the U.S. military, signaling authenticity to the audience, who come to think they are in the know. Popular culture also lent cultural capital to the military; in Activision's *Call of Duty* advertisement "There's a Soldier in All of Us," we are called to duty, conscripted into the war on terror.¹ The structural intimacies between the military and cultural production suggest the urgency of an account of the anti-institutional turn.

Just as the *Call of Duty* video games conscripted players into the war on terror, right-wing, authoritarian anti-institutionalists such as Steve Bannon lurked in the online spaces of *World of Warcraft*, building an empire by monetizing bots and intuiting the potential to create an army of young men ready to do battle against a corrupt "deep state."² This experience, argues journalist Joshua Green in his 2017 book *Devil's Bargain*, introduced Bannon to "a hidden world, burrowed deep into his psyche, and provided a kind of conceptual framework that he would later draw on to build up the audience for Breitbart News, and then to help marshal the online armies of trolls and activists that overran national politicians and helped give rise to Donald Trump."³

Bannon and Trump's attack on a "deep state," produced within an emergent world of popular culture, worked in tandem with shifts in older production modes. Increasing portrayals of political and military institutions as inherently dysfunctional, redeemable only by the vigilante who goes outside the law, helped to produce skepticism about expertise and elite institutions.⁴ I consider a tipping point from ambivalence to full-scale skepticism of institutions through a close reading of Showtime's *Homeland* (2011–2020), in which the extreme unpredictability and mental illness of the major character, CIA agent Carrie Mathison (Claire Danes), is the country's greatest asset, mirroring Trump's thinking that unpredictability is an asset in foreign policy and, perhaps, previewing the acceptance by part of the U.S. electorate of a felon, malignant narcissist, and serial liar as president.

Ironically, given its embrace by the intelligence community, the inherent anti-institutionalism of *Homeland* – which focuses on corrupt government officials and U.S. intelligence officers operating outside the law and CIA regulations – anticipates and undergirds a "populist" sympathy to Trump's turning on the military, as he promises to purge the military of "woke" generals, with his team "drawing up its own list of generals to remove from their posts and perhaps even court-martial." In a world of authoritarian "populism," the military is as suspect as any institu-

tion because, as political scientist Ronald R. Krebs has argued, “populists cannot abide strong, independent institutions that might prevent them from doing as they please.”⁵ Trump’s purging of senior African American generals and top-ranked women was enabled by a dynamic explored by Katharine M. Millar in this volume: namely, the persistence of a model of a racialized and gendered martial citizenship within the military, even as the military became the most diverse and multicultural institution in the country. Thus, the attack on expertise, and the replacement of four-star generals with less-qualified and sometimes unqualified leadership, constitutes an overt attack on civil rights, as it undermines national security and reasserts a norm of gendered white supremacy.⁶

Krebs argues: “That the Trump administration would put the military in its sights should not come as a surprise. When they first take office, populists often try to curry favor with the armed forces by encouraging the public to venerate officers and soldiers, especially fallen ones. But this love affair with the military is typically short-lived.” Looking at parallel examples of authoritarian leaders, Krebs explains that

in countries such as Hungary, India, Israel, Poland, and Turkey, populist leaders eventually turned on the military. They variously attacked senior officers as incompetent or treasonous elites, purged those they deemed disloyal and appointed political allies in their stead, seized control of traditionally autonomous military functions, and redesigned military command structures.⁷

Krebs’s contention that authoritarians’ “rhetorical attacks undermined public trust in the top brass” is well-taken, as is his warning that “their efforts to politicize the military rendered their countries’ armed forces less capable of contending with national security threats.” I argue that just as early post-9/11 popular culture called into being a public that was uncritical of U.S. militarism, an increasingly prevalent celebration of vigilantism and suspicion of institutions have called into being a public among whom Trump’s attacks on the military resonate (even as he promises nineteenth century–style imperial takeovers of sovereign countries). In this “paranoid empire,” Trump stoked “deliriums of absolute power and forebodings of perpetual threat.” And he promised to protect Americans from threats coming from within the country and its own corrupted institutions and from threats coming from outside its borders.⁸ And as we will see, the deeply gendered and racialized mapping of threats in the post-9/11 imaginary helps to account for Trump’s targets in the military.

In post-9/11 popular culture, film, television, and video games shaped the geopolitical imaginations of audiences, crafting a common sense about the new military protocols of war. The 2001 film *Black Hawk Down* and the television drama series *24* were released in the immediate wake of 9/11. While their devel-

opment preceded the terrorist attacks, they offer a critical window into imagined military and official enactments of revenge.

Black Hawk Down, a dramatization of the 1993 debacle of U.S. troop casualties in Mogadishu, was a love letter to the American military. Producer Jerry Bruckheimer and director Ridley Scott worked closely with the U.S. military, and like the 1999 book it was based on, the film was part of a growing corpus of novels and movies that extolled the basic goodness of the U.S. military against its critics.

Black Hawk Down made uncritical support for the U.S. military a litmus test for patriotism. To journalist Evan Thomas, it “seemed to enhance the desire of Americans for a thumping war to avenge 9/11.”⁹ Finishing first in box-office earnings at opening and holding that status for three consecutive weeks, the film was acclaimed for its unprecedented “realism” in depicting battle.

David Robb, who has studied the official channels of U.S. military-Hollywood collaboration since World War II, argues that *Black Hawk Down* is a classic case of self-censorship. The filmmakers’ requests for military cooperation, in the form of borrowed warships, aircraft, location access, and troops, were submitted to the Pentagon with five copies of the film script, to accommodate Defense Department requests for script modification if needed. In addition, an on-site technical adviser, what Robb calls a “military minder,” was part of the collaboration. The Department of Defense loaned the film’s producers a platoon of Army Rangers, flew in military helicopters, and used aircraft from the 160 Special Operations Aviation Regiment with pilots involved in the 1993 operation. In return for the Pentagon’s support, Robb says, there was an unstated, mutual understanding among the film’s producers:

Let’s leave out the whole part about the soldiers being dragged through the streets of Mogadishu. Jerry Bruckheimer knows that if they have that in there, the military’s just going to tell them to take it out or they won’t help them....So there’s this self-censorship. When you know the government is looking over your shoulder while you’re typing, that’s a very bad situation.¹⁰

Bruckheimer sounded like a spokesperson for the U.S. military when he defended the film against charges of racism on *The O’Reilly Factor* on Fox News.¹¹

As *Black Hawk Down* fueled jingoistic sentiments, the everywhere war moved into Americans’ homes and smartphones through video games, TV, and film. Through popular culture, the citizen-warrior could immerse themselves in the geopolitical imaginings of a U.S.-led global war on terror in which Americans were at once victors and victims.

Narrated in “real time,” the series *24*, premiering on Fox in November 2001 and running for eight seasons, paralleled the structure of the everywhere war. Each episode covered one hour of counterterrorist agent Jack Bauer’s life, and each season covered one twenty-four-hour day. Using split screens to represent constant,

relentless conflict, the series suggested that the war on terror was being waged everywhere.¹² Critics charged that *24* both normalized torture and erroneously demonstrated its efficacy. That and other condemnations, including the show's negative depiction of Muslims, led producers not to examine the show's assumptions but to seek advice from the military on how to "tone down" the torture.

The 2007 movie *Charlie Wilson's War* celebrated rogue characters who go outside of the law to achieve their political ends. The film is based on the true story of the eponymous Texas congressman (played by Tom Hanks), a rakish backbencher who forges an unlikely partnership during the 1980s with right-wing evangelicals on their anticommunist crusade to get Stinger missiles to militant insurgents in Soviet-occupied Afghanistan. The film contests the fact that U.S.-funded militants became the Al Qaeda and Taliban nemeses of subsequent decades. Wilson, or at least his fictionalized version, fancied himself a reincarnated British imperial adventurer who had fought in nineteenth-century Afghanistan. The film insists that later U.S. conflict with Afghanistan was *not* the outcome of the onetime U.S. alliance with anti-American fundamentalists gone horribly wrong, but was the result of the United States departing after the Soviets had been driven out, rather than sticking around to build schools and hospitals.

Other films were more critical of the U.S. wars in Afghanistan and Iraq and the CIA's use of torture in Guantánamo and its secret prisons. Stephen Gaghan's 2005 geopolitical thriller *Syriana*, based on the memoir *See No Evil* by former CIA agent Robert Baer, was deeply skeptical of U.S. policy in the Middle East, challenging American exceptionalism and its assumptions of moral and epistemological superiority. *Syriana* included a sympathetic Middle Eastern modernizer who landed on the wrong side of the CIA because he stood in the way of their cynical short-term goals. The film also sided with exploited laborers in the transnational workforce building and maintaining U.S. bases.¹³

Against a backdrop of news exposés of indefinite imprisonment and the torture of terror suspects at Guantánamo Bay detention camp and CIA black sites, some blockbuster films portrayed U.S. intelligence using its formidable surveillance capabilities to mete out violence for no higher purpose than to shield top secret operations from public exposure. The original Jason Bourne trilogy, based on the novels of Robert Ludlum, was striking in its indictment of the CIA.

Bourne (Matt Damon) is a superagent unwittingly programmed to be a skilled and remorseless killer through a top-secret CIA assassination program called Operation Treadstone. In *The Bourne Identity* (2002), the first film of the series, Bourne is sent to assassinate the leader of an African country, but his programmed ruthlessness falters as Bourne recognizes the humanity of the leader, who shields his children from harm's way, leaving himself exposed. The integrity of the leader stands in contrast to the CIA's illegal assault; for some viewers, the fictional assassination plot resonates with a well-documented history of CIA-involvement in

coups and assassinations removing leaders of countries critical of U.S. policies. As Bourne attempts to recover his identity, he retraces his steps as an assassin, finding his victims' families and confronting the pain caused by his actions.

Despite its depiction of endemic corruption in and out of government in *The Bourne Supremacy* (2004) and *The Bourne Ultimatum* (2007), the CIA and, by extension, U.S. policy are absolved in two critical ways. First, Bourne is helped by a virtuous agency insider, Pamela Landy. When Bourne confronts Landy, asking, "Why did you help me?" she responds, "Because I didn't sign up for this, this isn't who we are." Though both are relentlessly surveilled and hunted by high-level officials in the agency, Landy's response tempers the series' portrayal of the agency's sinister actions and values. Second, the possible redemption of the agency ultimately depends on Bourne's prowess as the supreme agent. For all of the repugnant actions and wanton violence the films lay at the agency's doorstep, they have no intention of questioning its legitimacy. Despite everything we might know about CIA assassinations and coups, and more recent evidence of the depravity and ineptitude of the agency (as in the failure to "connect the dots" of warnings before 9/11 or the "slam dunk" evidence of weapons of mass destruction, the pretext for the 2003 invasion of Iraq), the film lacks the courage of its convictions, stopping short of imagining a more democratic and diplomatic approach to global security. We still need agents like Jason Bourne, his rehabilitated humanity symbolizing the redemption of the hegemonic power of U.S. empire. With the public airing of examples of CIA bureaucratic incompetence and human rights violations, cultural production returns to the lone hero reminiscent of the classic Hollywood Westerns, their penchant for violence saving civilization from lawless threats but also marking them as inveterate outsiders. We still need the virtuous vigilante superagent. U.S. empire may be the problem, but it is also the only solution, and flawed institutions can always be rehabilitated.

Superagents – and by extension their high-tech tools – embodied the high-altitude drone strikes of the U.S. wars in Afghanistan, supposedly executed with surgical precision. Our confidence in the superagent has its corollary in an implicit trust in high-tech wars among the general public, as a preferred alternative to the massive deployment of ground troops. Fought in the border zones of Pakistan and Afghanistan – termed "Af-Pak" by the Obama administration, where targeted drone strikes were said to avoid collateral damage and civilian casualties while neutralizing the bad guys – this new mode of warfare flouted international law and relied upon a self-serving distortion of Cold War history.¹⁴

In November 2010, television viewers encountered a one-minute action-packed commercial featuring heavily armed young people and adult civilians (including global NBA superstar Kobe Bryant in Nike sportswear) engaged in fierce urban combat, the rapid fire of automatic weaponry and explosions punctuating

the strains of “Gimme Shelter” by the Rolling Stones (“War, children, is just a shot away”), ending with the tagline: “There’s a Soldier in All of Us.” Although that sentiment evokes U.S. military recruitment ads, the commercial in fact promoted *Call of Duty: Black Ops*, an installment of the hugely successful Activision video game franchise, widely acclaimed as a “state of the art” first-person shooter game. Upon release, the *Black Ops* edition broke first-day sales records and sold 9.4 million copies in its first week. In its review, *The New York Times* called *Black Ops* “exciting, intense, and engrossing . . . the definitive first-person shooter game.”¹⁵ Enlisting gamers in a figurative war on terror through the activation of Cold War tropes that merge fact and fiction, the *Black Ops* games (there are six at the time of writing) have broken several industry sales records, and Activision reports total sales of the *Call of Duty* franchise to exceed five hundred million units.¹⁶

The commercial markets the allure of fun, fantasy, and empowerment through an equal-opportunity, multicultural orgy of decontextualized warfare: an adorable little plump girl, a hotel concierge, a cab driver, and a short-order cook strike cinematic poses as they do battle alongside Bryant and late-night TV host Jimmy Kimmel. Activision, which helped lead the multibillion-dollar video game market to eclipse Hollywood, beckons to the gaming community and beyond – to the “Soldier in All of Us.” One may wonder how actual combat veterans might react to the ad’s avowedly realistic, albeit low-risk, portrayal of military combat heroism as a recreational activity available to ordinary civilians. Be that as it may, the ad’s corporate, multicultural, and neoliberal scenario of decontextualized and sanitized war (children, just a shot away) is celebrated as cathartic and patriotic – just a game.

The synergy of meaning-making across and between seemingly unrelated cultural and political spheres is evident in the narrative arc and gameplay elements of the *Call of Duty* games as well as in the institutional partnership between the U.S. military and Activision and other game developers. From the tightly scripted first-person shooter modes where the gamer is offered no alternatives or moral choices, to zombie and other group modes where players have opportunities for strategy, to online social sites, the subjectivity encouraged in the game fosters a mindset of people-to-people undiplomacy.

Elsewhere, I have employed the oxymoron *black ops diplomacy* to designate a popular geopolitical imaginary that views military operations, particularly special force covert operations, as the default mode of conducting international relations. It is an approach to international relations that exudes contempt for diplomacy.¹⁷ The discrediting of diplomacy by foreign policymakers and among the public against a background of escalating U.S.-Russian tensions gained traction through popular culture. Immersive video games and other products were critical for shaping an alternate geopolitical reality dismissive of political compromise, diplomacy,

and conceptions of human rights. These sentiments enabled elites to mobilize consent for an interventionist foreign policy, first put forth by neoconservative Republicans and later backed by hawks in the Obama and Biden administrations.

Popular culture was a critical site for the production of a geopolitical worldview in which Americans are at once victors and victims. The *Call of Duty* franchise mediates between triumphalist claims that “we won” the Cold War through military strength, on the one hand, and that we won through fear, on the other, emphasizing American innocence and victimhood. *Call of Duty 4: Modern Warfare*, released in 2007 and set in 2001, and its sequel, *Call of Duty: Modern Warfare 2*, both depict terrorist attacks on Europe and the United States by an alliance of separatists in an unnamed but small and oil-rich country in the Middle East and ultranationalist Russians. The game’s fictitious dictator, Khaled Al-Asad (a crude evocation of then Syrian President Bashar al-Assad), suggests an indiscriminate Islamophobia, conflating diverse Islamic cultures and states into a homogenous and violent whole.

Trump, Bannon, and Michael Flynn, who served as Trump’s first National Security Advisor, rekindled the post-9/11 Islamophobia that mischaracterizes Muslims as lacking a religious or cultural tradition, and as having instead chosen to embrace an ideology of political violence. In February 2016, Flynn tweeted, “Islam is not necessarily a religion but a political system that has a religious doctrine behind it.”¹⁸ Resuscitating the Cold War logic that labeled the totalitarian Soviet Union a slave society to which its adherents have willingly submitted, Bannon described Islam as submissive, asserting on his Breitbart radio program that it “is not a religion of peace – Islam is a religion of submission.”¹⁹

A long-developing partnership between the U.S. military and video game industry joined right-wing cable television and talk radio to shape messaging about the war on terror, in what journalist Simon Parkin has aptly termed the “military-entertainment complex.”²⁰ Rhetoric and media scholar Roger Stahl has documented the extensive use of video game technologies by the armed forces in the training of soldiers.²¹ In the 1980s, the U.S. Defense Advanced Research Projects Agency (DARPA) approached video game developers with “the idea of writing video games that could be used to train soldiers.”²² Current and former government and military officials who lent their imprimatur by consulting for the video game industry have included Colonel Oliver North, the unsuccessful U.S. Senate candidate and television commentator known for his role in the Iran-Contra scandal, and members of the Navy Seals and other special operations units.²³ The U.S. Army has its own consultation bureau to manage solicitations of military expertise by Hollywood filmmakers and the video game industry for project development and production assistance.²⁴

The synergy between the *Call of Duty* franchise and the U.S. military included paid consultation and promotion of *Black Ops 2* by North. In a typical consulting ar-

rangement, Hank Keirse, a “retired Army lieutenant colonel and decorated combat veteran of the cold war and first Gulf War,” had advised on the initial game development. Overcoming his suspicion of game developers, Keirse acquired a respect for what he saw as the shared energy and commitment of soldiers and game developers. Impressed by the commercial success of the *Call of Duty* franchise, its stories’ “realism and authenticity,” and its implications for envisioning future warfare, a former Pentagon official helped appoint *Call of Duty* writer and producer Dave Anthony to the Atlantic Council, the foreign affairs think tank with close ties to the Defense Department.²⁵ Having demonstrated “out of the box thinking on the nature of future threats,” Anthony’s charge was to “propose proactive solutions” to tomorrow’s conflicts.²⁶

Reporting on the interface between the military and the Treyarch Group (a subsidiary of Activision) in producing *Black Ops 3*, MSN revealed that the military – through DARPA, the section of the Department of Defense formed in 1958 in response to the 1957 Soviet launching of Sputnik and responsible for emerging military technologies – was interested in “bio-augmentation or human enhancement” involving the use of “various neuro-technologies, including neural implants to improve the performance of the human mind and body.” This far-fetched instance of the eternal quest for a strategic advantage for the combat soldier may have originated in *Black Ops 3*, which features augmented special ops soldiers: players can customize their soldiers with a new cyber system, programming not only to run faster and jump higher, but to process information faster and more efficiently. Indeed, the collaboration was facilitated by the Obama administration’s commissioning of a Brain Research Advancing Innovative Neurotechnologies (BRAIN) initiative, backed by \$300 million, to research and develop “reliable neural interface technology.”²⁷

As military research and development took inspiration from video game producers, U.S. forever wars continued to provide fodder for imagining ever new modes of power and warfare, and segments of popular culture followed Trump’s authoritarian “populism” in increasingly anti-institutional turns.

Hailed by critics as an era-defining TV series, Showtime’s *Homeland* (2011 – 2020) elaborated a dark and counterintuitive but ultimately triumphalist vision of American power. Although it was embraced by the U.S. military and intelligence communities, it depicted institutions so dysfunctional that they could only be redeemed through psychosis. In this way, the show prefigures Trump’s fantasy of a glorious “America First” exceptionalism undergirded by a madman theory of power-through-unpredictability. CIA agent Carrie Mathison (Claire Danes) suffers from bipolar disorder. Carrie’s erratic behavior stemming from her illness routinely puts fellow agents and family members at risk. She is manipulated by fellow agents and foes alike; her Pakistani counterpart (an ally

turned nemesis) tampers with her medication. Held captive in Russia for seven months, she involuntarily goes off her meds, and neither she nor the viewing audience knows whether she has become a Russian asset. For all its dangers, bipolarity is also Carrie's superpower – a wellspring of unique insight. *Homeland's* final season closed on a note of triumphalism and nostalgia, playing out its closing scene at an American jazz concert in Moscow, as Carrie visibly responds to the rhythms of the uniquely American art form. The premise garnered critical and insider acclaim for the series. It was showered with eight Emmys and 39 Emmy nominations, and U.S. presidents and CIA officials alike nodded their approval.²⁸ Showrunners and cast were granted annual “clandestine meetings with the intelligence community – part of a yearly writers and cast symposium in Washington dubbed ‘Spy Camp.’”²⁹

In *Homeland*, in a posttruth world as unhinged as ours, one needs special powers to access truth. Carrie's mental illness, contrary to any reality-based worldview, gives her the right stuff to defeat terrorism. This unpredictable power is a decidedly mixed blessing, and deeply gendered. Carrie is a terrible mother, regularly putting her own daughter and her niece at risk; but for national security, she is the only hope. In the final season, even after Carrie has possibly been compromised by Russian intelligence (showrunners noted that the show got a boost from the election of Donald Trump and the investigation of his campaign's possible collusion with Russia), Saul (Mandy Patinkin), Carrie's mentor, insists on bringing Carrie on his peacekeeping mission in Afghanistan. As Patinkin says of his character, “The only real hope Saul feels for this planet is Carrie Mathison.”³⁰

Homeland invites viewers into a sophisticated world of realpolitik, and supposedly the unvarnished truth. We – the viewers, showrunners, and actors – have all read the *New York Times* 2004 exposé of the CIA torture memos and seen the photos from Abu Ghraib prison of the brutalization of detainees by U.S. troops. *Homeland* purports frankness about the misdeeds of the CIA and U.S. and foreign intelligence: violence and sadism are tools of the trade of allies and enemies alike. In *Homeland*, agents call each other out on their illegal and immoral acts, such as killing people remotely and sexually exploiting young innocents for information. Duplicious Pakistani intelligence agents accuse the CIA of hypocrisy. In the series' somewhat novel argument for U.S. moral leadership, American conduct is reprehensible, but Russians are worse. (Nodding to Islamophobia, the show depicts Middle Easterners, Central Asians, and South Asians, specifically Pakistanis, as the worst of all.)

Homeland prides itself on mirroring and even anticipating “real world” events. The killing of Osama Bin Laden on May 2, 2011, five months before the show premiered on October 2, 2011, benefited the series. After the first reviews, explains cocreator and showrunner Alex Gansa, “we took over the entertainment world for a time. Steven Spielberg would call for DVDs.” Dana Walden (then chair of

Twentieth-Century Fox) added, “People in the highest levels of government, of entertainment, of business in general, were calling. Within a two-week period, the Obama administration and Secretary Clinton’s office called for early cuts of *Homeland*.”³¹ At one of the shows yearly Spy Camp retreats, producers, directors, writers, and actors joined with members of the intelligence community for a Face-Time meeting with Edward Snowden. During the meeting, a starstruck John Brennan, who was running the CIA at the time, said, “I don’t know what your show is, but I know it matters to my people.”³²

Given the U.S. intelligence community’s endorsement of *Homeland*, it is no wonder that critics have taken it seriously as a source of geopolitical verisimilitude. *Homeland*, explains one critic,

has also always been excellent at demonstrating the level of kabuki theater that is often involved in international diplomacy, and the finale also put a spotlight on how the rising tide of nationalism in the U.S. and Russia and other major global players is influencing the art and science of international relations.³³

In season three of *Homeland*, Nick Brody, the CIA agent who had been turned during his eight years in ISIS captivity – and who became Carrie’s lover while she pursued the question of his loyalty to the United States – emerges as the key to a CIA operation in Iran. Suspected of bombing the CIA and willing to denounce the United States on Iranian television, Brody gains political asylum in Iran. His mission, however, is to infiltrate the Iranian government on behalf of Saul and to assassinate the leader of the Iranian National Guard. He succeeds, paving the way for Iran to agree to halt the development of their nuclear program in exchange for the United States lifting economic sanctions. *New York Times* critic Alessandra Stanley writes,

It turns out that Saul’s efforts to infiltrate the Iranian government worked: As they relax over the morning newspaper, Mira [his wife] reads a headline saying the Iranians have agreed to pause their nuclear program if the West removes sanctions – a breakthrough that in real life is unfolding in real time.³⁴

As Stanley intimates, Iranian nuclear power was an urgent geopolitical issue in “real time.” In 2015, the Obama administration achieved its historic deal negotiating the cessation of Iran’s nuclear weapons program. Although later jettisoned by the Trump administration, the agreement marked a victory for diplomacy. Negotiated by the United States with Iranian as well as European diplomats, it averted the threat of war and prevented Iran’s development of a nuclear bomb.³⁵

In *Homeland*, Saul – the veteran CIA agent – helps achieve the nuclear deal through successful covert action, obscuring the painstaking negotiations of Iranian and U.S. diplomats. This matters, not simply because the show is widely viewed as mirroring events, but because, as further propaganda for black-ops di-

plomacy, it doesn't allow the audience to imagine diplomacy as a means of policy-making, or even to regard Iranians as rational political actors. They had to be mastered by subterfuge.

Claiming to "mirror reality," *Homeland* uses peoples and places ravaged by U.S. wars as mere backdrop to its dramatic scenarios. One sustained example is Pakistani intelligence agent Tasneem Qureishi (Nimrat Kaur), who is first introduced in season four. A villainous character that audiences and reviewers alike "love to hate," Tasneem blackmails U.S. agents and poisons Carrie by switching out her medication. Called dastardly, sinister, and mysterious, one reviewer voiced frustration at the end of season four that Tasneem had not received her "comeuppance."³⁶

Tasneem returns in season eight, the series' last, as a far more powerful nemesis, now heading Pakistani intelligence. By positioning Tasneem and Pakistan's Inter-Services Intelligence (ISI) as the U.S. nemesis, the show distorts the United States' decades-long support of Pakistan and ISI. Saul, the pragmatic moral compass of the show, tells Tasneem that he wants to work together; that they both want peace. Tasneem's answer – and critique – is *not* that the United States has done too much damage in militarizing Pakistan and pulling it into U.S. wars. Instead, echoing the argument put forth in *Charlie Wilson's War*, she argues that the United States should have stayed in Afghanistan near the Pakistan/Afghanistan border after the Soviet war in Afghanistan. It was not the U.S. arming of Mujahadeen fundamentalists that sowed chaos; it was the U.S. withdrawal from the region after the Soviet-Afghan war. Supposedly wanting to punish the United States, Tasneem is tacitly confessing to having wanted U.S. support all along. Ultimately, Tasneem is chastened by superior American wisdom. Like the rest of world, Tasneem relies on Carrie to fix things. Only Carrie can prevent nuclear war.

Although the showrunners claimed to have struggled with charges of racism and othering, especially toward Pakistanis, the final season remained steeped in tropes of Western superiority. Another character, Samira Noori, a prodemocracy investigative reporter whose husband was killed in a car-bomb intended for her, enlists Carrie's aid in the fourth episode, "Chalk One Up," as her brother-in-law uses his ties with the Taliban to force her into an arranged marriage. Carrie and her team disable the brother-in-law's car and hold the Taliban abductors at bay as they extricate Samira. Facing criticism for racist portrayals of Pakistanis, the showrunners responded with an equally racist trope, expounding the pervasive idea that U.S. policy is saving Pakistani women from a backward society, and that white women are the saviors of brown women.

Indeed, the show's concluding dramatic arc centers Pakistani lies: After the U.S. president is killed (alongside the Afghan president) in a helicopter crash over Afghanistan, the new U.S. president threatens war with Pakistan on false intelligence (pandering to viewers' self-awareness, because we all know *that* happened).

The only way to prevent a nuclear war between the United States and Pakistan is to obtain the flight recorder of the downed helicopter, now in the possession of Russia. Carrie collaborates with her former Russian captor, Yevgeny Gromov, a GRU (Russian military intelligence) officer who had tormented her in captivity by taking away her medication. Yevgeny has access to the recorder but demands that Carrie turn over the name of Saul's asset in Moscow – Anna – the last American asset in Russia.

For Carrie, averting nuclear catastrophe and saving potentially millions of lives is worth sacrificing an asset. Saul angrily tells Carrie that she “permanently crippled our intelligence capability in Russia.” Again, echoing real-world events, Saul says that Anna is the only remaining “live source” in a nation that is America’s “mortal enemy,” that is “slowly but surely strangling our democracy.”³⁷

Defying her CIA mentor and siding with Yevgeny, Carrie obtains the flight recorder, proving that the crash killing the American president was an accident, not a Taliban assault. But Carrie’s defiance and betrayal of the asset make her a traitor. It’s a good thing that the showrunners and cast had FaceTimed with Edward Snowden in Moscow, because the finale jumps ahead two years for its final minutes, with Carrie living with Yevgeny Gromov in Moscow. Carrie has just published a book, *Tyranny of Secrets: Why I Had to Betray My Country*. To celebrate, she and Yevgeny attend a jazz concert to hear the tenor saxophonist Kamasi Washington. Visiting the women’s room, Carrie and another woman swap identical purses. Unbeknownst to Yevgeny, Carrie has reestablished U.S. assets in Russia and is sending intelligence back to Saul. Echoing the nostalgia of *Skyfall* and the Bond franchise for vintage spy gadgetry, at a moment when Russia had effectively hacked the U.S. electoral process through cyber-based psychological operations, Carrie is passing intelligence back to Saul through a copy of her book with messages hidden in the binding; Carrie wrote an account of her purported act of treason as cover to establish U.S. operatives in Russia.

The show’s final moments cut back to the jazz concert. From the first season, producers had perversely employed jazz as background soundtracks for Carrie’s bipolar episodes, often drawing attention to Carrie’s fondness for the music of Thelonious Monk – music whose fractured beauty the show’s writers associated with mental illness. In the series finale, jazz offers assurance, American culture is still an object of desire. It also signals American victory – harkening back to Willis Conover’s role broadcasting jazz into the Soviet Bloc through the Voice of America and his claims that jazz won the Cold War.³⁸ Russia may have helped throw the U.S. election to Putin’s American authoritarian charge, but Carrie has our backs.

After receiving Carrie’s book through the same routes used by his former asset, an initially distressed then profoundly moved Saul finds Carrie’s message outlining Russian weapons development and promising more intelligence soon. The scene cuts back to the concert with Carrie listening to a soaring saxophone phrase

with a wide and joyous smile. Carrie's breach with Saul is healed and America's global dominance is restored.

As feminist scholar and public intellectual Anne McClintock has argued, in another context, "pleasure is located in paranoid empire – in the deliriums of absolute power and forebodings of perpetual threat."³⁹ Saul was pragmatic, Carrie was fearless, and together they represented the perfectly balanced attributes of an American agent, their partnership recasting American power in the symbolic shift from male leadership to liberal feminist heroics. The feel-good resolution masks an unconstructed American exceptionalism on steroids. Americans not only do bad things, they are dangerously unhinged. No matter, Americans like Carrie are the only hope for world stability. The standing of America as the indispensable, unipolar global power is secured by the bipolar disorder of jazz-loving, atrocious-mothering Carrie Mathison.

Productions like *Homeland* provide a commonsense lens through which viewers can understand illegal U.S. wars, as in Iraq, and America's embrace of torture. For Trump, everyone is awful, so we (the United States) just have to be the biggest, baddest kids on the block, flexing military muscle and masculinity. Promising rape, pillage, and plunder, we will just TAKE Panama and Greenland, no need for the niceties of the international order, which critics on both the left and the right understand has one system of rules for the United States and another for everyone else. A thorough disregard for institutions, national and international, along with a strong dose of utter insanity, offers the sure road to a restoration of American power.

Homeland imagined a world in which U.S. power and institutions prevailed not despite but because of ruthless vigilantism. In Trump's delirium of unchecked power, the constant manufacturing of threats attempts to justify a radical and unconstitutional remaking of the U.S. military, taking a wrecking ball to government agencies, including those vital to national security. The very notion of alliances as essential for national and collective security is shunned. Brazenly violating international law and illegally deploying troops to police and occupy U.S. cities, the Trump administration mobilizes racialized fears of crime and urban disorder to justify its lawless actions. The vigilante is in the house.

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ENDNOTES

- ¹ Activision, now Activision Blizzard, was purchased by Microsoft in 2022 for \$75.4 billion.
- ² Mike Snider, “Steve Bannon Learned to Harness Troll Army from ‘World of Warcraft,’” *USA Today*, July 18, 2017, <https://www.usatoday.com/story/tech/talkingtech/2017/07/18/steve-bannon-learned-harness-troll-army-world-warcraft/489713001>.
- ³ Joshua Green, *Devil’s Bargain: Steve Bannon, Donald Trump, and the Storming of the Presidency* (Penguin Press, 2017), as quoted in Snider, “Steve Bannon Learned to Harness Troll Army from ‘World of Warcraft.’”
- ⁴ See Katharine M. Millar, “What Makes Violence Martial? Adopt a Sniper and Normative Imaginaries of Violence within the United States,” *Security Dialogue* 52 (6) (2021): 493–511.
- ⁵ Ronald R. Krebs, “Trump vs. the Military: Why Populists Turn Against Their Armed Forces—and Degrade National Power,” *Foreign Affairs*, January 10, 2025, <https://www.foreignaffairs.com/united-states/trump-vs-military>.
- ⁶ Katharine M. Millar, “Gender, Sexuality, Warfighting & the Making of American Citizenship Post-9/11,” *Dædalus* 154 (4) (Fall 2025): 258–273, <https://www.amacad.org/daedalus/gender-sexuality-warfighting-making-american-citizenship-post-911>.
- ⁷ Krebs, “Trump vs. the Military.”
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Long War & the Erosion of Democratic Culture

Neta C. Crawford & Catherine Lutz

Enduring military mobilization in peacetime and long periods of war may not only weaken elements of democratic accountability and institutions, the checks and balances associated with both young and mature democratic systems, but more insidiously, over time, war may undermine the culture and values that support democratic institutions and processes. Democracies depend not only on these institutional arrangements and processes; they are moored in, motivated, and lubricated by a constellation of normative beliefs, values, capacities, and feelings: namely, empathy and respect for others, the willingness to hear and be persuaded by other's views, willingness of the minority to cede to the majority so long as their rights are protected, and, perhaps most important, the promise that force is taken off the table because might does not make right. When war is sparked by fear, and the mobilization that sustains war amplifies fear, war and high levels of military mobilization in peacetime can undermine the manners and norms – civil discourse, participation, trust, empathy, and tolerance – that are prerequisites and characteristic of democracy.

Democracy is a constellation of procedures that ensure inclusion and representation in deliberative decision-making processes, accountability for decisions and actions, the rule of law applied equally to the powerful and the weak, and the peaceful transfer of power. All the institutional and procedural features of representative democracy – deliberative bodies, elections, civil rights such as freedom of speech and due process, sunshine laws, an independent judiciary, legislative oversight, and more – serve this constellation. While democratic institutions and values are vulnerable to a variety of threats, war and the preparation for it are important, if previously understudied, elements on the road to “democratic backsliding” and authoritarianism.¹

Observers have long noted that war can undermine democratic institutions by weakening the *structural* checks on power that maintain those institutions: war and military mobilization tend to concentrate power, increase secrecy, and reduce the venues and occasions for dissent to be aired in *both* authoritarian and democratic states.² U.S founding father James Madison was very clear about this in 1795

when he enumerated the multitude of existential challenges that war presents to democracy:

Of all the enemies to public liberty war is, perhaps, the most to be dreaded, because it comprises and develops the germ of every other. War is the parent of armies; from these proceed debts and taxes; and armies, and debts, and taxes are the known instruments for bringing the many under the domination of the few. In war, too, the discretionary power of the Executive is extended; its influence in dealing out offices, honors, and emoluments is multiplied; and all the means of seducing the minds, are added to those of subduing the force of the people. This same malignant aspect in republicanism may be traced in the inequality of fortunes, and the opportunities of fraud, growing out of a state of war, and in the degeneracy of manner and of morals engendered in both. No nation can preserve its freedom in the midst of continual war. War is, in fact, the true nurse of executive aggrandizement.³

Stephen J. Rockwell, in his contribution to this volume, takes issue with Madison's claims. For the period Rockwell studied, the founding of the country to the turn of the twentieth century, he writes: "the American administrative state effectively extracted resources, coerced populations, and exerted control over its territory, all while avoiding the fatal blows to liberty that Madison had predicted for a nation at continual war."⁴ However, we think this assertion conflates the formation of the administrative state with the norms of democracy. The violent dispossession of native land and concentration of native people on reservations was profoundly antidemocratic. Further, the United States took the practices it used to defeat Indigenous people and used them in its wars at the turn of the century in Hawaii, Cuba, and the Philippines.⁵

But these are not merely matters of interest for historians of American political development and democracy. In this essay, we first take up the notion that war and war preparation erode democratic culture by, among other things, "seducing the minds" of the community, particularly by inducing fear of military threat from elsewhere, through the corresponding decline in empathic and respectful response to others, and through the permissions that fear gives the government to exercise increasingly centralized power. It is the norms of respect for deliberation, the use of arguments rooted in evidence and reason, empathy and care for others, and the rule of law that keep democracies democratic. The institutions are weakened without a strong cultural underpinning and this underpinning itself is weakened by war and mobilization. Second, we argue, as have feminists before us, that belligerent, non-empathetic masculinity is an outgrowth of war and constant mobilization, helping explain the rise of authoritarianism and the growth of acceptance of violence in domestic politics (a perspective congenial to the contributions to this volume from Katharine M. Millar and Penny M. Von Eschen, among others).⁶ We also argue that fear of perceived existential threats and perpetual war have eroded the distinction

between the domestic and international so that there is little distinction to be had between foreign and domestic enemies and the U.S. response to them.

Research by political scientist Michael Masterson shows that young democracies may be weakened by war, with fear and the associated threat of war substantially increasing the probability of democratic breakdown.⁷ We have come to expect that mature democracies will go back to baseline after wars end, restoring, for instance, civil rights guarantees and legislative and judicial oversight of the executive. As Masterson argues, “while threats elevate public support for authoritarianism, in both old and new democracies, old democracies are better able to withstand this shock. . . . The fact that after threats pass, public support for increased executive power tends to shrink again accounts for why older democracies that can constrain authoritarianism in the short term tend to ultimately survive international threats.”⁸

But war can have pernicious effects on even mature democracies. Democracies depend not only on these institutional arrangements and processes; they are moored in, motivated, and lubricated by another, deeper constellation of normative beliefs, values, capacities, and feelings: namely, *empathy* and *respect* for others, the willingness to hear and be persuaded by other’s views, willingness of the minority to cede to the majority so long as their rights are protected, and, perhaps most important, the promise that force is taken off the table because might does not make right. In short, these capacities and feelings enable citizens to listen across differences, tolerate difference, and acknowledge that even if others do not agree with you, they are human beings deserving of respect. These values are described by political scientists Suzanne Mettler and Robert C. Lieberman as respect for the legitimacy of the opposition and the integrity of rights.⁹ The emotional lubricants for these institutions, practices, and norms of democracy are trust and a sense of safety. Fear undermines trust and promotes some of the features of “groupthink” – specifically the tendency to stereotype outgroups and screen out alternative information that conflicts with preexisting preferences.¹⁰

The effects of war on democracy are not simple. We suggest that enduring war and persistent high levels of military mobilization may not only weaken elements of democratic accountability and institutions – the structural checks and balances that we associate with both young and mature democratic systems – but more insidiously, over time, war may weaken the culture and values that support democratic institutions and processes.¹¹ In fact, Madison included a cultural element in his list of problems democracies confront in war, while still rooting those problems in war’s economic impacts. “The same malignant aspect in republicanism may be traced in the inequality of fortunes, and the opportunities of fraud, growing out of a state of war, and in the degeneracy of manners and of morals, engendered by both. No nation could preserve its freedom in the midst of continual warfare.”¹²

Why and how can war, and perpetual preparation for it, hurt the cultural underpinnings of a democratic society? War is both a trigger for, and at times a consequence of, the weakening of democratic norms. The emotional consequences of threat, military mobilization, war scares, and war itself include deepening distrust and fear. When war is sparked by fear and the mobilization that sustains war in turn amplifies fear, war can undermine the manners and norms – civil discourse, participation, trust, empathy, and tolerance – that are the prerequisites and characteristics of democracy.

The *fear* that motivates and is stoked during war on the level of individuals and groups is an important element of the causal story of democratic erosion. This fear can be magnified by economic, physical, and cultural insecurity as well as a rhetoric of insecurity and threat. Thus magnified, the fear can trigger cascade processes and feelings that erode trust and other democratic values. A people in search of more security are increasingly willing to authorize and pay for more “defensive” and offensive measures such as military and police. They long for a protector, often understood in masculine terms.

Thus, fear *and* hypermasculinity are important intervening factors in the downward spiral of trust and tolerance that weakens democratic culture. The existence and then mobilization of fear, combined with the valorization of a militarized hypermasculinity characteristic of long-term war mobilization and war-making, tend to undermine the habits and feelings of trust and the willingness to listen to other perspectives that underpin democratic societies. Diplomatic solutions to conflict become discredited, and diplomacy itself disappears from popular media depictions of conflict, as Von Eschen argues.¹³

Further, as others have noted, “One of the most pervasive and powerful effects of threat is to increase intolerance, prejudice, ethnocentrism, and xenophobia, regardless of whether threat is defined as a widely acknowledged external force or a subjective, perceived state.”¹⁴ The us-them dynamic, often racialized and gendered at home and abroad, can motivate and authorize the diminution of the rights of the internal “enemy.” President Trump’s confusion, conflation, and inflation of foreign and domestic threats is only a more transparent version of a phenomena that has recurred from the founding anxieties and hostility toward Native Americans, to the subsequent othering and discrimination against antiwar activists, socialists, Chinese, Japanese, and black and brown people, to the more recent obsession with erasing the very recognition of trans people.

Americans have a long relationship with war and fear. Political scientist Harold Lasswell writes:

When we look into the history of American colonization and settlement of the New World, we cannot fail to be impressed by the pervasive influence of violence, and the expectation of violence, upon the civic cohesion of the American people. This is a far

more subtle matter than the War of Independence itself, which was a unifying crucible for the most dynamic elements from which the new nation was ultimately forged. Many of the colonists along the eastern seaboard, to say nothing of the adventurers along the fingers of penetration that reached across the body of the continent and eventually grasped the whole, were ever aware of personal peril. It is no idle myth to recall the pioneer with his weapon leaning against a tree while he cleared and planted a field of corn. There were block houses to serve as emergency garrisons at the sound of alarm.¹⁵

But the end of the Cold War had brought at least a respite from existential dread, notwithstanding the continued maintenance of arsenals of nuclear weapons. Although previous acts of domestic and international terror (for example, twenty years of attacks by the Unabomber, the 1995 Oklahoma City bombing, the 1999 attack on the USS *Cole*) had conditioned the American people to a certain level of vigilance, it is important to punctuate the causal chain with the 9/11 attacks, which were both unanticipated and shocking. These were then followed by the still unsolved anthrax attacks in the United States and years of terrorist attacks in Europe, Asia, and Africa.

While the 9/11 terrorists attacked symbolically important buildings and killed thousands of people that day, and although members of Congress were evacuated from the Capitol building, the attacks did not *directly* hurt U.S. democracy. In fact, comparative research shows that terrorism itself does not tend to harm either strong states or democracies.¹⁶ Rather, the attacks caused fear and likely supercharged the already-pervasive underlying masculine ideology/culture of the United States, and perhaps even activated authoritarian tendencies.

To the extent that many Americans saw the 9/11 attacks as assaults not only on the people and property of the United States but on its culture and values, and perhaps even its national identity, the attacks certainly bolstered nationalism and may have surfaced and supercharged an underlying masculine “honor” culture. Social psychologists Colin Barnes, Ryan Brown, and Lindsey Osterman have identified two possible mechanisms of action:

First, protection of family and possessions is closely associated with masculine honor. Therefore, endorsing actions intended to safeguard one’s homeland from threats would be expected of people who value the honor ethic among men. Second, it has been well established that U.S. men who are concerned with masculine honor tend to respond to personal insults with aggression. Construing acts of terrorism as *national* insults suggests that people influenced by this ideology will respond similarly to terrorist threats because doing so reflects an unwillingness to be disrespected or intimidated, whether at the personal or national level.¹⁷

The culture of defending national honor with aggression was already present but strongly amplified by 9/11. Examples of such responses abound. They include widespread support for rounding up and detaining Muslim U.S. residents without due process, the acceptance and normalization of both torture and extraordinary rendition, the use of Guantánamo as a site of exception for indefinite detention, popular support or quiescence around extrajudicial killings via drone attacks, and the use of war equipment and counterinsurgency techniques in domestic policing.¹⁸

Terrorism – as well as regular invocations of threats to national security – understandably frightens people. It is the fear, the subsequent reaction and over-reaction to perceived threat (including the hypermasculine willingness or even eagerness to confront that feared object with violence), that undermines democratic culture. The United States’ near permanent state of war has elevated the status of a certain type of masculinity, whose main exemplar is the soldier as super-citizen (see Millar’s contribution to this volume).¹⁹ While we are not disposed to use Madison’s eighteenth-century language of manners and morals, the emotions often entail moral judgments.²⁰ Fear can involve the judgment that another is dangerous, and this can include the related judgment that the “threat” merits an angry and violent response. The fact that the United States was in a permanent condition of war and mobilization from September 2001 to September 2021 depended on and deepened fears of “others” – both external others and the racial and often immigrant others within.²¹ Fear, in turn, sharpens domestic political polarization, which erodes the qualities of tolerance and trust that are necessary for democracies to function. Of course, polarization may have other causes, such as growing economic inequality, which itself may be exacerbated by war and war financing (see Heidi Peltier’s essay in this volume).²²

Fear is the spark for war and the fuel for sustaining it. Fear, reframed in the less emotionally tinged language of national security, is the ultimate grounds for the wartime states of exception and supposedly temporary loss of freedoms.²³ Feelings of insecurity foster increased war spending, which redistributes wealth and increases economic inequality and polarization.²⁴ Fear is one root of an inability to listen to others. Fear also reduces our capacity to think as clearly or as contextually as we might otherwise. Preoccupation with domestic threats such as inflation, unemployment, and violent crime are associated with right-wing attitudes.²⁵ Related research suggests that “right-wing authoritarianism originates from the belief that the social world is an inherently dangerous, unstable, unpredictable, and threatening place. This dangerous worldview activates the motivational goal of ensuring collective security and stability through the coercive maintenance of the traditional social order.”²⁶ While conservatism is not authoritarianism, “when people are faced with traumatic, system-threatening

events, they tend to shift toward a more conservative ideology as a means of coping with uncertainty and threat.”²⁷

As international relations scholar Claire Duncanson has argued, militarized masculinity is not confined to military institutions:

Constructions of gender within militaries shape masculinities in obvious places, other institutions in the security sector (such as the police, private security, and ministries of defence), but also in public life more broadly. The outcome is that it is hard for many men, particularly those in positions of authority and leadership, to be seen as too risk-averse, compromising, or conciliatory. It becomes hard, in particular, for any man, especially leaders, to admit to vulnerability and interdependence, of either themselves or their state. Instead, they are compelled to pursue weapons and policies that perpetuate the myth of the possibility of perfect security, perfect invulnerability.²⁸

These attitudes arise at the expense of democratic values such as tolerance, trust, and compromise.

The valorization of masculinity is accompanied by the increasing identification of the president as the commander in chief (as his paramount identity and role) and the fact that the United States has not yet, unlike eighty-three other countries, elected a woman to that role. Over the last twenty-five years, through the “global war on terror” and the wars in Ukraine and Gaza, everyday life in the United States, particularly on social media and in political culture more generally, has evidenced a dramatically more masculinist, belligerent quality. Disrespect has centered on women and increasingly on trans people, now central objects of hate because they represent the horrifying idea that a woman can become a man or a man a woman. Tough masculinist talk and the imagination of existential threat have also centered on the “foreigner” within. This is the immigrant with or without papers, and the idea that the original and still true American is white (soldier or civilian), not Indigenous or Black.

A democratic society that faces real insecurity and external military threat can pursue a craving for “absolute security.” When threats are framed as existential, war and mobilization can weaken the institutions, practices, and norms that support democracy. Indeed, there is a large body of research that shows that the support for authoritarian measures and aggressive foreign policies grows in times of threat. As political scientists Marc J. Hetherington and Elizabeth Suhay have argued, “in ‘normal times,’ authoritarians are already more inclined to hold hawkish opinions and oppose democratic principles, while the less authoritarian tend to support democratic principles and less confrontational foreign policies. Hence, when a threat to public safety strikes, authoritarians have little place to travel in terms of their opinions. But the rest of the populace does.”²⁹

The 9/11 attacks and the months of terror alerts that followed were not normal times. Hetherington and Suhay found that during a time of perceived threat, sup-

port for aggressive foreign policies and restrictions on civil liberties grew among those who were more moderate. “When people perceive grave threats to their safety, most individuals are susceptible to ‘authoritarian thinking.’” They continued:

Our findings suggest something much more dangerous to democracy. When ordinary people perceive a grave threat to their safety, they are susceptible to adopting anti-democratic preferences regardless of whether they score high in authoritarianism. In this rendering, antidemocratic preferences can quickly become popular, mainstream positions under the right circumstances. Indeed, to a certain extent, this has been the experience in post 9/11 America, with support for preemptive war, torture, wiretapping without warrant, and the like sometimes enjoying majority support. Our interpretation seems to square well with support for authoritarian policies in other threatening times as well.³⁰

In turn, to the extent that those feelings of fear and relationships engender the weakening of deeper democratic values, as well as the erosion of the processes and institutions that embody and empower them, continued war and mobilization for it may become easier; war mobilization is normalized, and war itself is expected. The narration and then feeling of existential threat can lead to the conflation of self-defense and *preemption* (against an imminent attack) with a *preventive* attack (against a possible future threat).³¹ Potential or actual hostile feelings can become synonymous with hostile acts, justifying preventive war. In other words, if outsiders have a previously contentious or hostile relationship to “us” and the capability to act, this capability is understood as a definite intention to act. War is believed to be inevitable, and thus preventive war seems logical and is then understood as justified preemption. Threats may be perceived as never-ending and new sources of threat may be identified. Permanent mobilization is required against those who are seen as permanent adversaries. The fearful population then demands or at least acquiesces to an even greater concentration of power and authority. Thus, as war and mobilization for war ratchet up in an escalatory spiral, democratic procedures and values ratchet down, weakening the institutions and practices, such as diplomacy, trade, and cultural exchanges, that could temper or limit the forces that believe war and violence are the only ways to solve problems. Or, as the late Robert Jay Lifton argues elsewhere in this volume, “war begets war.”³²

On balance, wars and war preparation strengthen the state and concentrate power.³³ In the United States, war has often been identified as the key source of the concentration of power in the executive/imperial presidency. On the other hand, war can lead to the reinvigoration of democratic traditions: “In the United States, the Vietnam War produced a backlash against the ‘imperial presidency’: Congress sought to impose limits on presidential war-making and budgetary power, rein in runaway intelligence agencies, protect citizens’ privacy,

and generally bolster its capacity to monitor the executive.”³⁴ Further, there is an egalitarian counterforce to the concentration of power when the need for recruitment of large numbers of young people for the mass army expands rights and participation. In various war and postwar periods in the United States, that need has opened the force to both African Americans (the Civil War and World War II) and women (in the late Vietnam era). The end of mass conscription likely limits the egalitarian impact of the army when, as Rosa Brooks points out in her essay in this volume, the proportion of U.S. adults with military service has declined from 18 percent in 1980 to 6 percent today.³⁵

War and the anticipation of war lead to states of emergency. While war causes the emergency, the fear integral to war motivates particular responses to it. Wartime is “a state of exception” during which “the legal order itself” can be suspended.³⁶ The Hobbesian fear of all against all heightens worst case thinking, promotes military preparedness at the expense of other functions of government, and starves the institutions and practices that could render and support the ideal of citizen and citizenship as more than a soldier or uncritical patriot. People are told during wartime that they need only one voice: national unity. A unity government, a unitary executive. Wartime is not the time for debate. Indeed, the argument often goes, in war, there is *no time* for debate or deliberation. We have only thirty minutes between the launch of a nuclear ballistic missile and its arrival. Survival demands a unified command, and in the United States, even though there are many people involved in the process, the president alone has the authority to *order* the initiation of a nuclear war. States of emergency and the institutionalization of fear associated with war can silence nonmilitary experts and substitute new processes intended to increase the speed of decision-making so wars can be conducted with greater efficiency, greater effectiveness, and often less accountability.

As war creates a (temporary) state of exception, nuclearism and perpetual war more generally have created a permanent state of exception in the United States since 1947, when President Harry S. Truman signed the National Security Act into law. This state of exception was fortified with the passage of the USA PATRIOT Act in October 2001 in response to the 9/11 attacks. Though many of the PATRIOT Act provisions for expanded surveillance have expired, others were extended and remain. Secrecy contributes a crucial element to democratic loss as the ability to discuss war together with others is severely restricted by that lack of information. Moreover, the size of the military as an institution compartmentalizes knowledge even within the ranks of those who know (that is, inside secrecy culture).

Paradoxically, as the symbolic demonstrations of U.S. militarization abound, the material basis and effects of militarization are less and less evident.³⁷ As Immanuel Kant observed in the late eighteenth century, it is easier to maintain popular support for war if the burden – the cost in blood and treasure – is less visible. For instance, the replacement of conscription with the institution of the all-volunteer

force in 1973, as well as military leadership's strong post-Vietnam emphasis on "force protection" (through strategy and tactics changes, new equipment and medical care, heavy use of private contractors and particularly contractors from other nations, and remote technologies) has reduced the direct human toll of war for the United States. The absolute and relative numbers of U.S. military combat deaths in the post-9/11 wars were low compared to the Vietnam, Korean, and Second World Wars. While advances in military medicine have increased the ratio of wounded-to-killed, the severely wounded veterans of the post-9/11 wars have largely faded from view.³⁸ At the same time that the human costs of war are thus less visible, high levels of military spending are obscured by the fact that war is no longer financed through taxation or through the purchase of war bonds, but is paid for by borrowing.³⁹ The lack of fiscal transparency is what Linda J. Bilmes, in this volume and elsewhere, calls the "Ghost Budget."⁴⁰

Further, as sociologist Elise Boulding suggests, our imaginations and analytic capacities can be blunted in wartime. "The tendency of planners to prepare for worst case scenarios leaves societies unprepared for the opportunities involved in best case scenarios."⁴¹ Such opportunities include investing in better health, education, and housing programs, along with stronger employment levels, with the funds diverted from military preparedness for the worst case imagined.⁴² The "Make America Great Again" (MAGA) movement's view of the country is an example of this worst-case view. In the MAGA narrative, the United States is a country in great distress, its economy, morality, and governance nearing collapse, and it has been and continues to be attacked by external and internal others: illegal migrants, sex changers, abortionists, women in high places, and criminals lead the list. China, North Korea, Iran – even sometimes Canada and the European Union – are all threats, intent on taking advantage of, destabilizing, or even doing evil to the United States. This extended in 2020 to the idea that "they" – illegal immigrants recruited by Democrats – are stealing "our" votes. The 2016 MAGA chants of "lock her up" directed toward Democratic presidential candidate Hillary Clinton have been transformed into the military in U.S. streets detaining, arresting, and locking up protesters and potential illegal immigrants.

In wartime, and sometimes for years afterward, nonmilitary elements of the administrative state are weakened even as its security-focused elements – police, border security, intelligence gathering, and the armed forces – are bolstered. There can apparently never be *too much* military spending. The care for veterans and their dependents can take up a significant share of total government expenditure even as other social spending is gutted or eliminated.

When the civilian functions of government are starved of resources and derided as less deserving than military forces and policing, the governing functions of states are undermined, which itself feeds into the sense that government is the

problem, not a solution. Political scientists Russell Muirhead and Nancy Rosenblum describe the attack on the administrative state, the part of the government that makes things work, as “ungoverning.”⁴³ Muirhead and Rosenblum focus on two elements of ungoverning: attacks on expertise, the specialized knowledge that is essential for governing, and attacks on regular processes. As they say, “process is the antithesis of arbitrariness.”⁴⁴ Under a permanent wartime footing, states of emergency are normalized and fear is institutionalized. As the non-military elements of the national government are starved of resources that have been moved over to the military and policing side of the ledger, the social safety net for everyone is weakened, and the perception that the nonmilitary elements of government (schools, transportation, housing, and even election administration) are the problem may grow. In fact, those state and civil society institutions are weaker, and less capable, and so the cycle that leads to distrust, and eventually the ungoverning of government, continues.

The first months of the second Trump administration offered ample evidence of this phenomenon. Even the local and state police aren’t seen to be capable enough. The supposed lack of local capacity can be used to justify the use of the military in domestic law enforcement, as we have seen the Trump administration do in Washington, D.C., and Los Angeles in 2025.

While there are many reasons why U.S. politics has become more angry, polarized, distrustful, and violent, we suggest that it is important to include the long-term domestic effects of international war among them. For example, most of the research on trust and war is focused on civil conflict. It shows that violent civil conflict tends to weaken some forms of interpersonal trust and trust in institutions.⁴⁵ External war can generate social unity and increase altruism among “ingroups” as people rally around the flag. On the other hand, international war can be polarizing. As Masterson notes,

Threats that allow leaders to claim that there is an “enemy within” – for example, spies or saboteurs working for the enemy – are more challenging to democracy. The idea that enemies are hidden among ordinary citizens helps leaders justify broad repressive measures to root out the enemy and prevent subversion. These measures can also be used to quash resistance as the leader continues to aggregate power, and leaders may cast resistance to their authority as a fifth column backed by hostile outside forces.⁴⁶

Further, as economist and historian Pauline Grosjean found in her research on European wars, political trust can decline following international wars: “common interest may fall apart after the end of the conflict, especially in the case of a defeat.”⁴⁷

The research on civil war also shows that while war can increase solidarity among ingroup members, it also decreases trust in outgroups and in *institutions*.⁴⁸ And perhaps more surprisingly, these effects can endure for generations. Fear may increase the willingness of people to give authority to those people and practices

that they believe will protect them. Further, “reminders of death and terrorism increase the attractiveness of conservative leaders and opinions.”⁴⁹ The normative emphasis on the justice of force in the international sphere, even when force is ostensibly used to promote democracy, may lead people to believe that force is justified at home against one’s political opponents.⁵⁰

To the extent that inequality is a source of democratic erosion, it is important to note that war fosters inequality both economically – by redistributing wealth upward and to men and by spending on arms instead of social welfare programs – and culturally – by creating supercitizens among (especially white male) soldiers and by degrading the idea of an equality of value in the citizenry that makes democracy work.⁵¹ The growth of radical economic inequality has some roots in long-term military mobilization and war. The disproportionately military-focused budget (49.5 percent of discretionary federal spending, or 59 percent when including the Department of Veterans Affairs in FY 2024) since World War II has helped create a large underclass.⁵²

The reality and perception of economic and social inequality and perceptions of unfairness are related. Many white men have become convinced that their loss of comparative status and wealth in a more diverse society can be attributed to others rather than to deindustrialization or tax policies that favor the rich. The “threat” of loss of status is real, but the causes are misidentified. White men have increasingly developed (or been given) a sense of being threatened, of being surrounded by others – women, immigrants, and minorities – who they believe are being elevated unfairly by affirmative action and who they see as undermining their status by taking their jobs, college placements, political voice, and other privileges and opportunities. This has heightened their fear of the world inside as well as outside U.S. boundaries. Ironically, war culture, more than virtually any other factor, has given men their status as citizens with more rights than others (see also Millar in this volume).⁵³ Their dominance derives from the perceived protection they offer as soldiers (even as the actual protection to life and well-being offered by women, and often and especially women of color, as mothers, teachers, medical personnel, and environmentalists is made invisible). While U.S. foreign policy has become increasingly militarized, with U.S. soldiers engaged in nearly eighty countries and multiple wars, most of those military ventures have failed to achieve their goals.⁵⁴ These failures to achieve what can be called military success may add further emotional force to the felt need to overcompensate, to protect and assert a hypermasculine performance of white male identity. Robert Jay Lifton makes a similar point in his interview in this volume, when he speaks of humiliation as a source of war and the “*Rambo* phenomenon” as a response to defeat in war.⁵⁵

Hypermasculinity, a focus on lethality, and declining respect for the rule of law at home and the liberal rules-based world order abroad, in favor of the rule of force and the militarization of domestic politics, have become, in the last de-

acades of war, an increasingly overlapping, self-reinforcing set of values undermining democratic norms and institutions. War and violence are generally antipodal and antithetical to democratic norms and institutions. It used to be the case that there was a sort of firewall between democracy at home and the United States' use of force abroad. The argument was that the United States protected its democracy at home and (paradoxically) extended it abroad through war. The bridge between the domestic and international was the law of war and the at least rhetorical adherence to International Humanitarian Law. The militarization of domestic politics has been demonstrated by the loss of distinction between the reasons given at home and abroad for violence, a feature that is both made more transparent as it has been enacted by the second Trump administration.

The declaration in September 2025 that the Department of Defense will henceforth be known as the War Department was both an acknowledgment of what the DOD actually does and an assertion that “woke” values were out and hypermasculine values were in. At a White House event where Trump asserted the name change, Secretary of Defense Pete Hegseth said, “This name change isn’t just about renaming, it’s about restoring. Words matter. . . . It’s restoring the warrior ethos. Restoring victory and clarity as an end state. Restoring intentionality to the use of force.” He added, the War Department is “going to go on offense, not just on defense. Maximum lethality, not tepid legality. Violent effect, not politically correct.”⁵⁶ And as Hegseth said in an address to admirals and generals at Quantico in September 2025:

Today, at my direction, each service will ensure that every requirement for every combat MOS [military occupational specialty], for every designated combat arms position returns to the highest male standard only. Because this job is life or death. Standards must be met. And not just met. At every level, we should seek to exceed the standard, to push the envelope, to compete. It’s common sense and core to who we are and what we do. It should be in our DNA. But when it comes to any job that requires physical power to perform in combat, those physical standards must be high and gender-neutral. If women can make it, excellent. If not, it is what it is. If that means no women qualify for some combat jobs, so be it. That is not the intent, but it could be the result. So be it. It will also mean that weak men won’t qualify because we’re not playing games. This is combat. This is life or death.⁵⁷

The U.S. Department of Defense, over two decades, developed a doctrine for civilian harm-mitigation in war that was meant to reduce civilian “collateral damage” during U.S. military operations by, among other things, making sure rules of engagement protected civilians. It culminated in the Civilian Harm Mitigation and Response Plan introduced in August 2022 by Secretary of Defense Lloyd Austin. The aim was both to reduce harm and to bolster the ability of the United States to win; there was nothing weak about it. “Hard-earned tactical and operational successes may ultimately end in strategic failure if care is not taken to pro-

tect the civilian environment as much as the situation allows.”⁵⁸ The Pentagon also established and staffed a Civilian Protection Center of Excellence in April 2023. In March 2025, the Trump administration announced that they would close the center.⁵⁹ During his speech at Quantico, Hegseth said, “We fight to win. We unleash overwhelming and punishing violence on the enemy. We also don’t fight with stupid rules of engagement. We untie the hands of our warfighters to intimidate, demoralize, hunt, and kill the enemies of our country. No more politically correct and overbearing rules of engagement, just common sense, maximum lethality and authority for warfighters.”⁶⁰

At the same event, President Trump was careful to note that there were threats to U.S. security both “foreign and domestic.” Asserting that the military should be deployed to U.S. cities against terrorists and to put down civil disturbances, he explained, “We are under invasion from within, no different than a foreign enemy, but more difficult in many ways because they don’t wear uniforms.” And again, wokeness was out and great men were in: “Together we’re reawakening the warrior spirit and this is a spirit that won and built this nation. From the cavalry that tamed the Great Plains to the ferocious, unyielding power of Patton, Bradley and the great General Douglas MacArthur – these were all great men.”⁶¹

Trump also reminded the general officers that his view of how to deal with crime and domestic protesters was simple: send in the military. “And this is going to be a major part for some of the people in this room. That’s a war too. It’s a war from within. Controlling the physical territory of our border is essential to national security. We can’t let these people live.” A few minutes later, Trump continued, “I say, they spit, we hit. Is that OK? I think so.” In fact, on August 11, 2025, Trump said of people protesting, “They’re not going to be fighting back long. They love to spit in the face of the police as the police are standing up there in uniform. They’re standing and they’re screaming at them an inch away from their face, and then they start spitting in their face. And I said you tell them, ‘You spit and we hit.’ . . . And they can hit real hard. It’s a disgusting thing.”⁶² The masculinist hyperbole of the Trump administration – including their explicit hatred of all things soft and “woke” – reflects, names, and amplifies a longer-term preoccupation with national decline and personal loss of status. The fear among some men of loss of status prevails in the United States despite the fact that the military, as an institution, substantially invests in and benefits men both through the cultural allocation of status and through its human capital investments in soldiers through education, health care, and housing benefits, among others.⁶³

President Eisenhower argued that it is possible for security and liberty to coexist but that the balance is precarious. Eisenhower was at first concerned that military mobilization could undermine free markets. In 1953, he asked, “How do you preserve an independent life at the same time that some of the mea-

tures that you are forced to adopt would tend to lead you toward a garrison state? We don't want to become a garrison state. We want to remain free."⁶⁴ Years later, Eisenhower's warnings would become much more explicit.

This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence – economic, political, even spiritual – is felt in every city, every state house, every office of the Federal government. We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society. In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together.⁶⁵

By 1963, Eisenhower was arguing that “there is no way in which a country can satisfy the craving for absolute security – but it easily can bankrupt itself, morally and economically, in attempting to reach that illusory goal through arms alone.”⁶⁶

Madison's and Eisenhower's ability to understand the impact of war and constant mobilization on American culture and American democracy was likely the result of each living in a period of rapid social change, including change in the institutions and understanding of legitimacy of the government that monopolized the use of force. Madison lived as the old order of aristocracy and kingship was under fundamental challenge. Eisenhower joined the U.S. military in 1911, when it was much smaller, less capital- and capitalism-intensive, and less central to American identity than it was by the time of his Farewell Address. We too live in an era of accelerating sociocultural change, institutional failure, and democratic backsliding. In particular, the slowly growing role of money in politics across decades has been dramatically sped up by the internet's circulation of falsehoods, by resurgent, belligerent masculinism and open racism, and by the growth of inequality.

We have argued that the cycle of war, militarization, concentration of power, and diminution of democratic norms and values is self-reinforcing and driven by fear and exacerbated by hypermasculine beliefs. Yet, especially in societies that proclaim that war is in service of protecting freedom and democracy, there is often resistance to the concentration of power and the loss of civil rights and freedoms. Social and political movements tend to arise and mobilize to reassert the institutional features, procedures, and cultural values of democracy. These movements challenge the loss of accountability, the diminution of transparency, and the use of force at home against political opponents. They also work to end wars.

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War Begets War

Robert Jay Lifton

Interview by Neta C. Crawford and Matthew Evangelista

September 4, 2024, North Truro, Massachusetts

Editors' note: We interviewed Robert Jay Lifton at his home in North Truro, Massachusetts, on September 4, 2024. He passed away exactly one year later, shortly before publication of this volume, on September 4, 2025. Dr. Lifton had approved publication of this interview, and we are grateful to his daughter, Natasha Lifton, for giving us permission to publish it posthumously. We hope this interview will extend Dr. Lifton's perspective and wisdom forward in time and to new audiences.

Neta C. Crawford. First of all, thank you for doing this. It's really appreciated.

Robert Jay Lifton. I'm happy to, and I feel that my work connects with your concerns, so that's why we're all here.

Crawford. This conversation began with a concern about the ways that the post-9/11 wars had affected American democracy. We also want to hear what you say about defeat in a "lost war," the role of posttraumatic stress disorder (PTSD), which you helped conceptualize, and the diagnosis of it among Vietnam War veterans. Can you relate that to the concept of the lost war?

Lifton. Well, first of all, I would say the principle here is that war begets war. War creates more war, and it always has to do with something that happened or didn't happen in the previous war. Just as we speak of "nuclearism" as an embrace of nuclear weapons to solve human problems, so can we speak of war or "warism." Warism requires a high degree of militarism and an ever-present potential use of force. This is especially true of a superpower, which maintains a dubious claim to omnipotence.

I always choose Vietnam as an example because in factual terms we clearly lost the Vietnam War; that loss was intolerable to a superpower. We knew we had the hardware – the technology – to win any war, whether with powerful nonnuclear weapons (so-called conventional weapons) or even nuclear weapons. And the question always arose: Why didn't we?

When you lose that sense of omnipotence, there's an impulse to reverse the loss of the war. Either by creating a new war that can be won (the First Iraq War initiated to reverse the loss in Vietnam, though it had nothing to do with it), or by what we can call the "*Rambo* phenomenon." In the series of *Rambo* films, a super

masculine figure can by his own power bring about a reversal of the outcome of the Vietnam War.

Involved here very importantly is a preoccupation in my work with the idea that we humans are meaning-hungry creatures. For survivors, that's true ten times over, especially for survivors of extreme violence or trauma. Toward the end of the Vietnam conflict, I wrote an article called "The Post-War War," which described the struggle between adversarial groups to impose their meaning on that loss. One meaning was that it was an ill-advised war, a misguided enterprise that we should never have initiated. Another was that the war was necessary, fought for a noble cause, and that we should have won it by applying our superior technology of destruction.

The concept of posttraumatic stress disorder was brought about by a committee consulting with those responsible for the *Diagnostic and Statistical Manual of Mental Disorders* (DSM). A close friend and colleague, Chaim Shatan, did most of the coordinating, but I was active in it too. I brought up not only my experience with Vietnam veterans during the early 1970s, but also my experience with Hiroshima survivors in the 1960s.

Of course, as some have pointed out, PTSD can be so medicalized as to lose its political significance, but that can happen with any concept.

There are certain advantages to the use of the concept of PTSD. One is it gives a recognition to adult trauma. So much of professional psychiatry has focused on either the organic – the German *Anlage* – source of various conditions, or on childhood influences, as in the work of Freud or Freudians. There's been a kind of lacuna for adult trauma. Erik Erikson helped overcome that in his work, especially in relation to the life cycle.

Another advantage of the concept of PTSD is that it can contain a body of symptoms that are valuable for us to recognize. These include an obsession with the trauma while being unable to talk about it, or to talk about anything else. What results is considerable anxiety, alternating with what I call *psychic numbing*, the inability or disinclination to feel. There can be "flashbacks," which take the veteran back into the Vietnam situation, and he or she can behave accordingly in ways that include rage and violence.

For treatment purposes, it is most effective to provide psychological help close to the combat area and as quickly as possible. But when you do that, you are seeking to sustain participation in whatever war is being fought.

In terms of meaning, we may say that antiwar veterans found it in the meaninglessness of their war. And in coming to that powerful factual truth, they were released to tell others about it and emerge as leaders of various peace movements, especially in this country. And their leadership continues to expand.

They had, of course, special credibility because they were there doing the killing and dying. They could recognize the extraordinary number of Vietnamese ci-

vilians killed, and the confusion Americans inevitably had in distinguishing civilians from combatants in that kind of counterinsurgency war. These were the conditions that John Paul Sartre called likely to bring about genocide; certainly they can bring about atrocities.

It's also important to understand that the resistance by the antiwar veterans came from below. They were mostly ordinary Americans who hadn't questioned American war-making, because it was their country and they considered themselves patriotic. The fact that they could undergo this dramatic change in opposing their war while it was going on had intense significance for the society as a whole in turning against the war.

Crawford. It seems to me that the way you think about this throughout all of your work is to see the individual as both an individual and as a metaphor for the society. Are you saying that the culture experiencing this trauma of the lost war also has a need to overcome it collectively?

Lifton. Yes, there is the question of the individual and the collective, and that question runs all through my work. I have mostly interviewed individuals, and looked for what I call *shared themes*, which can then identify the collective. Shared patterns of individuals – including trauma and pain – become sources of understanding of the collective. Collective behavior becomes crucial to bringing about any social change or to characterize what is happening in a society.

The *Rambo* phenomenon wouldn't have taken shape if there weren't a long-standing collective support of the war, which amounted to a collective falsification of the war. That pattern was interrupted by the antiwar activities of veterans I interviewed.

The other point you raised has to do with the idealization of the lost war. Here one does well to go back to the American Civil War, when leaders in Southern culture, notably Robert E. Lee, who became the commanding general of the Confederacy, can be ennobled as having admirably held to their cultural loyalty and to the "compelling charm" of their society. This idealization covers over the fact that that Southern culture was inseparable from slavery.

There's a partial parallel with Vietnam: the kind of empathy and sympathy I and others had for the veterans themselves could be extended by some to mean that they were fighting for a noble cause. Ronald Reagan could see them as patriots on a great mission to combat a Communist effort to suppress our country. There's a lot of falsehood in that, since it was a murderous war that we started under dubious conditions.

We're still struggling with the false ennobling of the Confederate cause and the Vietnam War.

Crawford. What do you think could transform the collective? Because we remain at least partially stuck in the Reagan-era reinterpretation of the war.

Lifton. With Vietnam, the collective became increasingly susceptible to questioning; that is, Americans came to have increasing doubts about the war. There were enormous demonstrations; there was the “Moratorium”; there were many efforts on the part of the general public to express outright opposition to the war.

Let me say something else about the individual and the collective process. Erik Erikson had a theory of the Great Man (or Great Woman) in history. He emphasized (as he did in his psychobiographies of Luther and Gandhi) the great person who must “solve for all what he could not solve for himself alone.”¹ That was what led to historical change. My focus on shared themes questioned that theory in favor of a focus on specific groups of people that have particular influence in being acted upon or themselves acting on others. Among those specific groups were Hiroshima survivors and antiwar Vietnam veterans.

I think the shared themes theory is more in keeping with our task in this interview. That is also perhaps true for most of the other essays in this *Daedalus* issue, which are collectively oriented. They would be more in the realm of shared themes than of the great person in history.

Matthew Evangelista. In terms of shared themes, would you credit something like a “Vietnam Syndrome,” in which many Americans became skeptical of the use of military force, for wars that resembled Vietnam?

Lifton. The Post-Vietnam Syndrome collectively for America, as you suggest, came to mean a reluctance to get into counterinsurgency wars like Vietnam that are so dubious. That’s been a very powerful influence. But the post-9/11 wars in Iraq and Afghanistan that we entered were, unfortunately, also counterinsurgency wars, and could be said to have been fought to break out of the Vietnam Syndrome.

It was the first George Bush who said, “By God, we’ve kicked the Vietnam Syndrome once and for all!”² Well, in fact, we hadn’t, but we had broken out of it significantly in creating the First Iraq War. And even with the Afghan War, one could have advocated much more limited means. Some action had to be taken against Osama bin Laden, but we didn’t need to initiate a war on the entire nation of Afghanistan, where previous efforts, including a Russian one, had notoriously failed.

Let me also say something about another version of the Post-Vietnam Syndrome. It originally had a different meaning, at least for veterans. It signified that veterans of Vietnam seemed different from the veterans of other wars. Many of them were reluctant to go to the Veterans Administration, which refused to recognize that difference. For a long time, the Veterans Administration wanted to see Vietnam veterans as just like veterans of other wars, who should join local veterans’ groups that tended to be conservative or reactionary about military matters.

I fortunately had an influence in bringing about a change in that attitude. A young man named Arthur Blank, who was my student and colleague at Yale, and himself a psychiatrist and a Vietnam veteran, became head of an outreach pro-

gram of the Veterans Administration. He consulted with me about veterans in general and the work I had done in rap groups [discussion groups or group therapy] with them. He enabled the Veterans Administration to recognize the conflicts of the soldiers in that war. Where I and others working with me could reach just a few hundred people in our rap groups and interactions with veterans, his program could reach tens of thousands.

Evangelista. What about the “war on terror” following upon 9/11?

Lifton. Unfortunately that “war on terror” could have a totalism of its own. Anyone who did not completely support our position was against us. September 11 also still haunts us, all the more so because a superpower cannot allow itself to be defeated or humiliated by anyone.

Crawford. When you say we’re haunted by the wars, do you think of it as victory having its own sort of hangover – victory as part of the superpower syndrome?

Lifton. Winning wars is problematic too. I have in mind World War II, which killed enormous numbers of people. I was once giving a talk to a religious group and I mentioned atrocities in Vietnam and the atrocity-producing situation, and a man got up and said: “I was a Marine in World War II. We mutilated bodies too. We killed prisoners. It wasn’t just Vietnam.” That was Paul Moore, the great Episcopal leader. He was saying those atrocities could occur even in a so-called good war – necessary to defeat the Nazis. The victory parades that followed World War II could also help block out its ugliness. The soldiers came back as heroes. We became world dominant and had a lot of ethical claim. And our own atrocities were covered over.

Evangelista. Would you say that the outsized role that military power plays in U.S. foreign policy has an effect on the quality of our democracy?

Lifton. What you are raising is what has come to be called a “national security state.” What that means is that the organs of the state are subsumed to a form of militarism as an assertion of what’s called “national security.” But that can come to mean a domination of behavior in the world.

It’s significant that this concept of the national security state was one that we directly questioned in the physicians’ antinuclear and antiwar movement: PSR, Physicians for Social Responsibility, and then the international version, IPPNW, International Physicians for the Prevention of Nuclear War. We put forward a position of shared security or human security. That was embodied in a quasiumorous but deeply significant toast that would be offered at each meeting of the international group, either by an American or a Soviet delegate to the meeting. The toast that he or she would make was: “Here’s to your good health and the health of your

leaders and the health of your people, because if you die we die, and if you survive we survive.” A little gallows humor there and a lot of truth.

It’s disappointing that, in the buildup to the American election of 2024, there was very little rational mention of the nuclear threat.

Evangelista. Why do you think there’s such neglect of the nuclear danger now? Many would credit the international physicians with contributing to the end of the Cold War and the end of the superpower nuclear arms race. They won a Nobel Peace Prize for their efforts. Yet here we are with countries still maintaining nuclear arsenals even though they were reduced quite a lot after the initiatives of Gorbachev and Reagan. Now we hear talk of a new nuclear arms race, one that includes China. There’s still concern about Iran’s nuclear program, North Korea’s nuclear program.

Lifton. I think that the human psyche has a certain kind of overall area in which apocalyptic dangers are confronted or experienced. Charles Strozier and I did a study that was termed “Nuclear Threat” and found that people spoke of climate and nuclear threat almost in the same paragraph or even in the same sentence.

Much of the conversation about nuclear weapons has been in relation to deterrence. Joseph Nye at the Kennedy School wrote a notorious book called *Nuclear Ethics*, in which he said we shouldn’t be hawks and build too many, we shouldn’t be doves and not build enough, we should be owls who build just the right number. And, under certain conditions, we may have to use them.³ “Nuclear ethics” is a contradiction in terms. There is no ethics and only criminality in using weapons that can bring about an end to humanity. One has to remember that so-called deterrence always includes the possibility of using the weapons, and sometimes can encourage first use. That kind of thinking is a form of nuclearism. So is the idea that there can be an “exchange”: I drop a bomb on Moscow, you drop a bomb on New York, and we’re finished.

The dropping of the first nuclear bomb in Hiroshima was an act of nuclearism. J. Robert Oppenheimer’s tragedy was his brilliant success in bringing about the making of the bomb at Los Alamos. He became a national hero. But he advocated the use of the weapon to solve the country’s problems.

In the physicians’ movement, we were attempting to break out of nuclearism. We would say in effect: “Look, we’re doctors, we’d like to patch you up after a nuclear war, as doctors do with any war. But the trouble is that there will be no medical facilities to do that, and, besides, you’ll be dead, and we’ll be dead.” That was our message. It was the direct antithesis of nuclearism, and it was a form of factual truth-telling about nuclear threat.

All of my work in relation to nuclear threat and threat of war in general is enormously affected by the fact that I encountered the bomb in its annihilative use in Hiroshima. Survivors, called *hibakusha*, that I interviewed described those human

effects in the most pained way. That led me to look into the state of mind of those at the other end of the weapon, those who created it and advocated its use.

In my latest book, I emphasize survivor power and survivor wisdom, because survivors can apply what they have experienced – whether the survivors of Hiroshima or survivors of Auschwitz – to tell the tale of what happened in a deeply believable way.⁴ And their influence can be sustained even after their generation begins to die out.

Most of the scientists who worked closely with Oppenheimer to make the bomb also became what I came to call “prophetic survivors.” They started *The Bulletin of the Atomic Scientists*, whose authors mainly included scientists active in creating the bomb, who knew all too well what it could do, and did do, to human beings in general.

Survivor power involves what Martin Buber called “imagining the real.” That is, taking in the factual truth of the kind of a catastrophe that threatens our species.

The fact that International Physicians for the Prevention of Nuclear War won a Nobel Peace Prize suggests the hunger for factual truth: the truth of nuclearism is it’s endangering the planet. There is the phenomenon of “nuclear winter,” where the ashes of the nuclear attack will block out the light of the sun and make it impossible to survive. And there is newer work that explores how nuclear war would affect agriculture and create world starvation. It’s research-based, so these are nuclear truths that are factual and that we need to articulate and continue to articulate.

Crawford. There’s a National Academy of Sciences study of nuclear winter underway. Christopher Yeaw, as part of his testimony for that study, advocated that nuclear deterrence required us to avoid giving the impression to adversaries like Russia and China that we would hold back from using the weapons. He warned against being “self-deterred.”

Lifton. The mildest term for that is disinformation. It’s worse than that because it’s reminiscent of the nuclearism of Edward Teller or Herman Kahn. Teller thought that the significance of Hiroshima was that we should never cease making bigger and more deadly weapons. Kahn, describing how when someone might tell him that a nuclear policy could lead to the loss of a city, would reply: “Well we’ll build a new city.” These are false assumptions about the weapons and about human behavior. Nuclearism can all too readily lead to planetary destruction.

Still, I think it’s reasonable to ask: How is it or why is it that there have been no nuclear weapons used since Nagasaki? Given the prevalence of nuclearism, one might have well feared they could be used again. We don’t know the answer to that question exactly, but it could be that the various peace movements, the recognition of Hiroshima, which created what I came to call “imagery of extinction,” and other forms of disseminating nuclear truths have played a part that could be

of greater significance than any clear deterrence. And that commitment to factual truth-telling about nuclear weapons has to be sustained by responsible leaders. But, as I always emphasize, the struggle continues.

Crawford. If it were me, I would say that the truth about war is that it never discriminates; it always harms civilians. And you would say there's always atrocity.

Lifton. Yes, there's always atrocity, with widespread killing of civilians.

War is also likely to produce the seeds for dictatorial leaders. For instance, in Hitler's own story, he could take the German defeat in World War I and the conditions imposed by the Allies as humiliating, as many others did. He himself described a kind of transcendent experience under poison gas during which he could envision himself a great leader of the German people.

There's something about the mass killing in war, any war, that leads to extremity, and speaks to those who want to either reverse it or deny its harm. I think that so much is covered over by the joy in victory. Warism becomes transcendent.

The Nazis believed that one could only be tested by war – that war-making was an ultimate human achievement. William James recognized the danger of that idea when he wrote about the “moral equivalent of war,” asking that people be conscripted not to the military, but to communal forms of hard labor and survival in the wilderness.⁵ But war-making has always had an appeal that is difficult to resist.

Crawford. We seem to be in a cultural moment when violence is alluded to, threatened, and ubiquitous. Do Trump's appeals to violence offer some hope of something to his supporters? Why are people attracted to that? We haven't talked enough about violence.

Lifton. Violence is very, very important. James Gilligan, a psychiatrist who I've been friendly with, studied violent people extensively and found that at the center of it was humiliation. There was personal humiliation in their lives that readily lent itself to violence. There can be collective humiliation on the part of countries, as Hitler claimed for Germany. Trump can tap the grievances of large numbers of people who feel they have been humiliated by intellectuals and scholars like ourselves, left out and ignored.

So humiliation is an ever potential source of violence. But Trump has both threatened violence or initiated violence regularly to those who simply question his falsehoods. It's reminiscent to me of a strange comparison: I had a Japanese friend who was antimilitary and antiemperor. During the postwar years, he spoke out against the emperor system, and when he did, he would find a note in his mailbox saying, “I heard you talk yesterday, I trust you and your family are well.” It was a thinly veiled threat to treat his family violently, not just him. So, the threat of violence can be always hovering in the Trumpist movement as well.

Crawford. Do you think that more Americans are accepting of that violence after twenty years of war, or because of Vietnam?

Lifton. Not accepting that violence, but more susceptible to its threat because of our history. We have had an enormous amount of violence, including the assassinations of the sixties. And the recent January 2021 calling forth of insurrectionists by Trump to storm the Capitol and allow in those who are armed. People are always concerned about the threat of violence, but Americans have reason for greater belief in its possibility.

Crawford. This reminds me of Irving Janis's work on groupthink. But it's a little bit different in the sense that you're saying that it's not just the people who silence themselves, they actually come to believe.

Lifton. You know, Janis was part of the Wellfleet meetings that I started with Erik Erikson in 1966 as a yearly seminar on the intersections of psychology and history. Gilligan came to those meetings as well. Janis talked about groupthink to us at Wellfleet. It does become a kind of reality in which those who start out skeptically do come to the thinking of the dominant group. Colin Powell was susceptible to groupthink when he testified falsely about weapons of mass destruction and chemical weapons in Iraq. He was after all a military person and an advocate of military loyalty to civilian control. In that case, his response to groupthink was catastrophic.

Evangelista. We also have the example of Robert McNamara during the Gulf of Tonkin incidents, when he lied about the evidence and later admitted having done so, out of a misplaced notion that lying was the right thing to do for his country. We think of the invasion of Iraq and the run-up to the invasion of Iraq as a kind of inflection point at which truth became quite degraded, and maybe we're still suffering the consequences of that. But in some respect, it goes further back, to the Vietnam War.

Lifton. McNamara was very much compromised, both in relation to nuclear weapons and to the Vietnam War. Yet he turned around eventually and became critical of nuclear policy and war-making. I was in touch with someone who worked with him, UN-sponsored, and he described McNamara as quite reasonable in advocating peaceful directions. So Janis's groupthink can work in different ways.

Crawford. What do you think about Harold Lasswell's idea of the "garrison state"? In Lasswell's view, it is a "world in which the specialists on violence are the most powerful group in society," and on the civilian side, where civil liberties like voting are essentially optional.⁶

Lifton. The garrison state does suggest militarism. And yes, it's a close equivalent of the national security state with a military emphasis. Lasswell is partly right, but also turned out to be partly wrong in the sense that the military has more recently loomed large in questioning Trumpist efforts at seizing power. The military has held to subsuming itself to civilian control and has made statements against being used to suppress American protest, as Trump has suggested he would like to use it.



Lifton. Let me conclude with a few simple thoughts. Wars seek to solve human problems but never do. Rather, each war contributes to subsequent wars and general violence. Winners can experience dangerous forms of triumphalism, among them the fantasy of controlling the events of history. Losers are likely to invoke *Rambo*-like attempts to reverse the outcome. What is unacceptable psychologically is the idea that a large number of one's nation's men and women have "died in vain."

There is always an early "war fever," a widespread experience of transcendence with a glorification of a deadly version of patriotism. But soon afterwards come the killing and dying. The chaos and violence of war lead to the emergence of dictators and of totalistic ideologies like communism and fascism.

Our task becomes that of breaking this collective vicious circle of violence by invoking diplomatic forms of interaction among nations, and institutions within our own country that remain committed to truth-telling. The process is ongoing, a continuous dynamic of resistance to the rule of force by means of the rule of law.

ABOUT THE AUTHORS

Robert Jay Lifton, elected a Member of the American Academy in 1970, was Distinguished Professor Emeritus at John Jay College and the Graduate Center of the City University of New York and Lecturer in Psychiatry at Columbia University. His books included *Surviving Our Catastrophes: Resilience and Renewal from Hiroshima to the COVID-19 Pandemic* (2023), *Witness to an Extreme Century: A Memoir* (2014), and *Death in Life: Survivors of Hiroshima* (1967). He died at his home in Truro, Massachusetts, on September 4, 2025.

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ENDNOTES

- ¹ Erik Erikson, *Young Man Luther: A Study in Psychoanalysis and History* (Norton, 1958), 67.
- ² E. J. Dionne Jr., “Kicking The ‘Vietnam Syndrome’: Victory Sweeps Away U.S. Doomed-to-Failure Feeling,” *The Washington Post*, March 3, 1991.
- ³ Joseph S. Nye Jr., *Nuclear Ethics* (The Free Press, 1986). The hawks-doves-owls distinction first appeared in Albert Carnesale, Paul Doty, Stanley Hoffmann, Samuel P. Huntington, Joseph S. Nye Jr., and Scott D. Sagan, *Living with Nuclear Weapons* (Harvard University Press, 1983). For a more recent discussion of his views on ethical use of nuclear weapons, see Joseph S. Nye Jr., “Nuclear Ethics Revisited,” *Ethics & International Affairs* 37 (1) (2023): 5–17.
- ⁴ Robert Jay Lifton, *Surviving Our Catastrophes: Resilience and Renewal from Hiroshima to the COVID-19 Pandemic* (The New Press, 2023).
- ⁵ “As John Dewey would remark, ‘An immense debt is due William James for the title of his essay.’” Robert D. Richardson, *William James: In the Maelstrom of American Modernism* (Houghton Mifflin Company, 2006), 515.
- ⁶ Harold Lasswell, “The Garrison State,” *The American Journal of Sociology* 46 (4) (1941): 455.

The Relationship between Military Spending & Inequality: A Review

Heidi Peltier

Military spending, often a significant portion of federal budgets, can either increase or decrease inequality. It can decrease inequality by creating jobs and opportunities for advancement, or it can increase inequality by disproportionately benefiting the already well-off segments of society by diverting resources away from programs that help the less wealthy. This essay reviews various studies – covering a range of countries and time periods – that examine the “inequality-widening,” “inequality-narrowing,” and mixed effects of military spending. Overall, the preponderance of evidence supports the theory that increased military spending leads to greater inequality.

Military expenditures often account for a significant portion of national budgets, particularly in the United States, where defense spending makes up about half of all discretionary federal spending and 3 percent of GDP.¹ Given the size of the military budget, it is important for policymakers and voters to know how military spending contributes to economic growth or decline, on the one hand, and to any increase or decrease in inequality, on the other.²

This essay provides an overview of the theories and evidence on the causal relationships between military spending and inequality. I do not put forth any new model or theory but rather review both the theories linking military spending and outcomes as well as the methods and data used to support or refute those theories.

To situate this discussion, it is useful to first understand the controversy over the effect that military spending may have on economic growth. On the one hand, proponents argue that military spending creates jobs and stimulates the economy, leading to greater manufacturing output, new technologies with commercial spin-offs (such as drones, GPS, and various computing applications), and higher levels of employment. In the 1970s, for example, economist Emile Benoit found a positive relationship between military spending and economic growth in a cross-country comparison of less-developed countries. On the other hand, economists such as Kenneth Boulding have referred to the military-industrial complex as an “economic cancer”: the military and related industries amass resources at the expense of other more productive and socially useful sectors of the economy.

Military expenditures may crowd out other types of investments and lead to lower overall growth.³

While the relationship between military spending and growth has been the focus of a significant body of scholarship, the effects of military spending on inequality have been less studied. Within this area of research, three general strands emerge: 1) the inequality-widening hypothesis, which holds that increased military spending leads to greater inequality; 2) the inequality-narrowing hypothesis, which holds that increased military spending reduces inequality; and 3) the neutrality hypothesis, which holds that military spending neither exacerbates nor improves inequality. I will explore each of these in turn, laying out the arguments that support each theory and the evidence and models that various researchers have used to support their claims. I will also explore other alternatives, including the possibility of reverse causality or bidirectional causality (that is, that inequality drives military spending and/or that military spending and inequality reinforce each other). In some cases, the path from spending to inequality goes through growth (that is, spending leads to more or less growth, and that change in growth leads to more or less inequality), and I will briefly explore that channel.

Why does this matter? Widening inequality leads to the concentration of not only wealth but also political power in the hands of the few, weakening and eroding democratic institutions. As discussed in political scientists Suzanne Mettler and Robert C. Lieberman's 2020 book *Four Threats: The Recurring Crises of American Democracy* and in Lieberman's contribution to this volume, the concentration of wealth and power endangers democratic processes, as political spending and lobbying sway elections, leaving ordinary citizens with an unequal voice in the voting process.⁴ Furthermore, as more military spending flows to private contractors, those contractors use their profits and seeming importance to lobby politicians and fund campaigns, reinforcing the idea of the contractors' economic necessity and expanding their political influence. This is the part of the perpetual cycle of ever-higher U.S. military spending, a cycle in which defense spending begets more defense spending (see also Robert Jay Lifton's discussion in this volume), and military contractors skew the political process.⁵

If military spending exacerbates inequality, then policymakers may want to know so they can either reduce military spending or counteract its effects through additional redistributive programs or social spending, thereby helping to safeguard democratic processes and participation. If military spending reduces inequality, then it may be less objectionable to have higher military budgets. I note that this discussion leaves out other consequences of military spending, including environmental impacts, effects on public health and casualties from war, destruction of infrastructure, or other impacts of peacetime or wartime military expenditures.

According to the Pew Research Center, inequality in the United States has risen since 1970. The richest members of society now hold a significant share of the

nation's wealth, while the middle class's share of wealth has fallen and the share held by the poorest segment has remained relatively steady. In 1970, the middle class held 62 percent of U.S. aggregate household income, but that dropped to 43 percent by 2018. Meanwhile, the share held by the upper income group grew from 29 percent in 1970 to 48 percent in 2018. The share held by the lowest income group fell from 10 percent to 9 percent over that period.⁶ It is the "super rich," in particular, who have most benefited from the upward shift in wealth distribution. As of 2024, the bottom 50 percent of households held only 2.5 percent of national aggregate household income, while the top 0.1 percent held 13.5 percent of the aggregate.⁷ Over the same period – from 1970 to 2023 – U.S. federal spending on "national defense" rose more than 30 percent (from \$521.7 billion to \$680.4 billion, in constant FY 2017 dollars).⁸

In the discussion below, I show that the preponderance of both theory and evidence supports the inequality-widening hypothesis: that higher levels of military spending lead to larger gaps in income, wealth, and skills, and that increased military spending may therefore weaken democracy. I also present an appendix with tables summarizing the various theories and pathways, the data sources and methods used by the authors surveyed here, and the models and findings that support the various theories (see page 206). I now turn to a discussion of the main hypotheses put forth in the literature on military spending and inequality.

The theory that military spending will shrink income disparities or narrow the income distribution is fundamentally a Keynesian hypothesis. The inequality-narrowing hypothesis posits that military spending can be used as a countercyclical policy, meaning that when unemployment is high and the growth of the national economy is slow, the government can choose to increase military spending to stimulate demand for new goods and services and thereby create more jobs.

If the jobs created through military spending are widely distributed, and if military spending is relatively labor-intensive (so that more of the spending is used for wages and salaries, and proportionally less for equipment and buildings), then military spending could reduce both poverty and income inequality. This notion of "military Keynesianism" has been around since World War II, when the mobilization of the U.S. economy in the war effort contributed to ending the Great Depression. The link between this and inequality is much more recent.

Also in support of the inequality-narrowing hypothesis is the notion that military spending produces technologies that have socially productive "spinoffs." If military spending leads to technologies that are helpful to the poor, it may shrink economic disparities and provide a leveling force. One example of a spinoff with economic leveling capabilities is cell phone technology, which was first developed for military applications, but has since reached all parts of the world. Cell

phone technology has allowed some less-developed countries to bypass installing expensive infrastructure for landline telephones, while enabling access to phone services to large segments of their population. Canned food is another technology that was developed for military use but is now almost universally available, and is useful particularly in areas where fresh fruits and vegetables are scarce.

Similarly, the military can be an equalizing force through its impacts on human capital. If people on the lower end of the income distribution join the armed forces and benefit from higher wages and greater skills acquisition than they would experience in the civilian economy, the military could lessen disparities in human capital and income. In this way, the military can be a “pathway out of poverty” for some who enlist, giving them an opportunity to earn a steady paycheck through full-time employment, which is especially important for people with lower levels of education and who are lacking employable skills, or who live in communities without decent job prospects.

One recent study analyzing fourteen NATO countries from 1977 to 2007 supports this hypothesis.⁹ The authors – economists Michael Chletsos and Stelios Roupakias – expect that military spending will lead to increased income inequality, based on theory and previous evidence, yet their analysis finds the opposite is true: military spending lowers income inequality. The authors note that the findings are sensitive to the variables used (they include several proxies within their models). They examine both directions of causality, to test whether the military spending leads to changes in inequality, or whether inequality drives military spending, and find that only one direction is significant: military spending lowers income inequality.

Chletsos and Roupakias find that in lower income countries, military spending can increase growth and improve the distribution of income, particularly by employing people with lower skill levels in labor-intensive military production. In situations in which unemployment is high, military spending that is labor intensive can therefore reduce the gap between unemployed or low-skilled workers and higher-skilled, higher-paid workers.

Economists Thomas Udimal, Zwane Talent, Biyase Mduzuzi, and Eita Hinaunye report evidence of inequality narrowing in a study of BRICS countries (Brazil, Russia, India, China, and South Africa) over the period of 1990 to 2017.¹⁰ While these five countries have very different levels and trends of income inequality, the authors find that increases in military spending led to decreases in inequality over this period. As in the Chletsos and Roupakias study, the inequality-narrowing effects result from military spending that is labor-intensive (rather than capital-intensive), creating employment opportunities for lower-skilled workers.

The research suggests that military spending may lower inequality if it is labor-intensive and provides employment and advancement opportunities for lower-skilled and unemployed workers. It may also shrink inequality by producing tech-

nological spinoffs that are useful to low-income people, including telecommunications, transportation, food storage, and other innovations that improve standards of living and productivity.

The theory that military spending leads to greater inequality is known as the inequality-widening hypothesis. There are numerous channels through which military spending might exacerbate inequalities. Spending can worsen inequalities directly by impacting certain groups of people differently from others (such as if there are racialized or gendered differences in military practices or military spending); income inequality could be widened directly if military spending benefits those who are already faring better economically while not helping or worsening the situation of people at the lower end of the income distribution; and income inequality could be worsened indirectly if military spending causes a reduction in other programs or funds available to lift people up from the lower end of the income distribution.

Perhaps most well-known or most discussed among the potential negative consequences are the “crowding-out” hypothesis and the idea of “opportunity costs.” According to the crowding-out hypothesis, military spending could “crowd out” other types of spending, particularly if there are budget constraints and a government must reduce spending in one area to increase it in another. If military spending comes at the expense of other types of social spending, inequality could be exacerbated. This is particularly true if the crowded-out spending includes transfers or social spending that is directly targeted to people in poverty (for example, food aid programs, housing subsidies, cash transfers, or other types of welfare spending). It can have a longer-term crowding-out effect if an increase in military spending leads to decreases in spending in areas such as health care and education. If people at the lower end of the income distribution benefit most from these types of government expenditures, then they will be unjustly or disproportionately hurt by military expenditures that crowd out these types of social spending.

The “opportunity cost” of military spending is the trade-off or foregone opportunity that results from not pursuing an alternative pathway. The cost includes lower educational and health outcomes, but could also include indirect effects on incomes through impacts on employment: if more jobs are created through health care and education spending than through the military, then increased military spending has the opportunity cost of reduced employment, which might also influence inequality.

One important paper in this area is a World Bank and International Monetary Fund (IMF) study from 1996 on the “peace dividend,” which refers to the hypothesis that post-Cold War reductions in military spending would lead to increases in other public spending that would have positive social impacts.¹¹ While that paper fo-

cuses mainly on growth rather than inequality, the authors find that military spending reduces the amount of alternative resources available to the economy (notably, productive capital, education, and market-oriented technological innovation) and “may aggravate distortions that reduce the efficiency of resource allocation.”¹² They note, however, that not all military spending is unproductive. In some cases, it can be socially useful by enhancing security and the enforcement of property rights, which encourages private investment. Additionally, military capital spending may generate some socially productive technologies and infrastructures.

A 2017 meta-analysis by economists Edward Anderson, Maria Ana Jalles D’Orey, Maren Duvendack, and Lucio Esposito finds that government spending for social welfare and other social spending leads to reductions in inequality.¹³ Therefore, if military spending crowds out other types of social spending that would have reduced inequality, military spending may have an inequality-widening effect. Other economists have found evidence that the crowding-out hypothesis holds true for welfare expenditures: Antonella Biscione and Raul Caruso report that an increase in military expenditures in transition countries in the period of 1990 to 2015 led to lower levels of transfers and subsidies and therefore worsened income inequality.¹⁴ They test whether reduced spending on health care and education leads to similar crowding-out effects, but find limited impact. They suspect that since education and health care spending are often mandatory and not discretionary, military spending increases may not lead to significant decreases in these types of social spending.

A paper by economists Adem Yavuz Elveren and Valentine M. Moghadam explores the gendered impacts of military spending, theorizing that if military spending crowds out spending for education and health, then women may be disproportionately affected, as working-class and low-income women rely more heavily on these types of social spending.¹⁵

Finance matters. How military spending is financed may lead to crowding out, either in the short run or the long run. In the short run, crowding out would imply that as military spending increases, other spending must decrease. This is particularly true in contexts of budget constraints. Alternatively, increased military spending could be funded by an increase in taxes or through deficit spending (and greater debt). Either of these mechanisms could lead to crowding-out effects in the long term. If taxes increase, productive investment is likely to fall or stagnate, reducing after-tax wages for individuals and households; but if debt increases, then spending will be constrained in the future, as more of the government budget will be used for interest and debt payments, and thus the crowding-out effect will be delayed.¹⁶ Inequality can increase through these short-run or long-run crowding-out effects that disproportionately impact the poor.

At a more micro level, military spending can create inequalities within the workforce. Even if military spending does have a Keynesian impact, creating jobs

economy-wide, the way that spending is channeled may contribute to an increased divide between first- and second-tier workers, between less-skilled, lower-paid, unorganized (nonunionized) workers, and higher-skilled, higher-paid, unionized labor. This is true particularly when military spending is capital-intensive, as fewer workers would be needed and those workers would need more advanced credentials. In other words, the more labor-intensive the spending is, the more likely it will decrease inequalities; the more capital-intensive, the more likely it will widen inequalities between workers.

Economist Hamid E. Ali's study of global data in the Cold War period finds that inequality rises in response to defense spending, since "labor in a defense-related industry is more specialized and inelastic in supply."¹⁷ As defense spending grows, pay in defense-related industries rises in relation to pay in civilian industries, increasing the pay gap between defense and nondefense sectors.

In a 1994 study, economist John D. Abell examines the effects of military spending on inequality through the channel of workforce differences.¹⁸ Abell notes that military-related jobs (both in the military and in contracting firms) are primarily held by men, and that as military spending increases employment among contractors, it exacerbates the wage differentials among people (primarily white and male) who work for them and creates fewer opportunities – and lower-paid opportunities – for women and minorities. Military spending widens income inequality and racial and gender inequalities in three ways: First, as military spending becomes more capital-intensive, fewer jobs are created, and the jobs that are created are for higher-skilled workers. Second, military spending crowds out other types of domestic spending, creating fewer jobs for women and minorities in other sectors, further exacerbating the divide. And third, military contracting is highly profitable, and as profits to contractors increase, wealthier members of society who are the owners and shareholders of those firms further benefit.

As shown in my own report from 2020, the average salary for occupations in some of the major military contracting companies in the United States is between 20 percent and 160 percent above the economy-wide average for that occupation (for example, mechanical engineers at Lockheed Martin earned an average annual income of \$125,000 in 2018 compared with an average of \$87,370 for mechanical engineers across all sectors).¹⁹ If increased military spending leads to increased spending on military contractors, then pay dispersion and inequality will increase. Additionally, if the military creates fewer jobs than sectors such as health care or education, then inequality increases both because fewer jobs are created and those that are created lead to a widening gap among lower-paid and higher-paid workers.²⁰

Economists Unal Töngür and Adem Yavuz Elveren examine the nexus of economic growth, military expenditures, and inequality.²¹ They hypothesize that if military expenditures crowd out certain types of spending – in particular, educa-

tion spending – then this will widen the income distribution, as the poor are likely to have higher fertility rates and lower levels of education. Not only does this result in lower growth overall, but it is one pathway through which higher military spending could lead to widening income inequality.

Finally, a 2024 study by economists Alper Sönmez and Abdoul-Kader Sidi Gaudou finds that inequality widens in response to increases in military spending as a result of three possible channels: First, military spending crowds out other government spending on health, education, and welfare. Second, military spending worsens inequality in the workforce by increasing the wage gap and skills gap between defense and nondefense workers. And third, military spending is energy-intensive, leading to higher energy prices, which then has a more adverse impact on the poor.²²

In addition to potential widening or narrowing effects on inequality, I examine possible mixed or ambiguous effects, including inequality-neutral military spending and bidirectional or reverse causality. Military spending may have a minimal effect on inequality, particularly if it is a small and therefore relatively insignificant portion of a government's budget. In this case, economic inequalities are generated by other forces, and are neither improved nor exacerbated by military spending. Similarly, if the military labor force makes up only a small portion of a country's total labor force, then an increase in military spending or the wages paid to military-industry workers will have a negligible impact.

Military spending may also be the result of inequality rather than its cause. Various authors have examined this “reverse causality,” or whether the relationship between military spending and inequality is bidirectional, with an increase in one leading to an increase in the other. As one example, Ali's study examines various internal and external conflict variables as both cause and response to military spending. He reports that since inequality is a source of tension, military spending can sometimes be a response to that tension, and therefore not only does military spending increase inequality (as discussed above), but inequality also drives military spending. His study thus finds support for bidirectional causality.²³

Another way in which military spending can have both narrowing *and* widening effects on inequality is if the short-run and long-run impacts differ. Economists Malcolm Knight, Norman Loayza, and Delano Villanueva note that in the short run, an increase in defense expenditures could have a Keynesian effect, increasing aggregate demand and employment; but in the long run, the impact of increased military spending is to crowd out productive investment, at least partly because the increase will need to be financed by higher taxes or by borrowing, which increases interest rates and future taxes.²⁴

The effects of military spending on inequality may also depend on the type of spending. If military spending is considered in aggregate, then measures such as

total military spending, or military spending per capita, will lead to potentially unambiguous effects of increased or decreased income inequality. However, some authors posit that not all military spending will have the same effect. For example, spending on personnel might have a different effect than spending on equipment.

Sociologists Jeffrey Kentor, Andrew K. Jorgenson, and Edward Kick hypothesize that different types of military spending will have different effects on income inequality.²⁵ If the pathway from spending to inequality is through wages, then it matters whether military spending is labor-intensive or capital-intensive. Does it support high-paid, high-skilled, high-tech jobs? Or lower-skilled jobs that are easier for people on the lower end of the income distribution to access? High-tech militaries require fewer people, who in turn are better paid. This would erode “the military’s traditional function as a pathway of upward mobility and as an employer of last resort.”²⁶ This is, in fact, what Kentor, Jorgenson, and Kick show. By analyzing eighty-two countries over a forty-year period, the authors find that more capital-intensive military spending leads to fewer employment opportunities, and that those military-related jobs are geared toward higher-skilled workers. Thus, military spending widens income inequality by offering fewer pathways out of poverty and favoring workers who are not on the lower end of the pay distribution.

Economist Julia Gledhill further disaggregates military spending to show that the effects differ for the four main types of federal military spending (personnel, procurement, research and development, and operations and maintenance).²⁷ Gledhill notes that more capital-intensive military spending both limits opportunities for upward mobility (by providing fewer jobs) and disproportionately benefits organized labor. Gledhill finds that operations and maintenance and procurement lead to increased income inequality. She hypothesizes that personnel spending will reduce inequality, though the evidence supporting this hypothesis is mixed depending on which model is used.

In recent years, military spending has become increasingly capital-intensive, as investments and production of digital and information technology products have become a focus of “modern” war. Products such as unmanned spacecraft, artificial intelligence, and other cyber technologies require a highly skilled, highly trained workforce, unlike the low-skilled, labor-intensive occupations and industries that might provide opportunities to reduce inequality. The increasing shift toward information technology in the military further exacerbates inequality.

Additional disparities may be generated beyond the economic ones, including differences in casualties and in how transferable skills are. Most research in this field, and most studies surveyed in this essay, relate military spending to *income* inequality. However, military spending can grow or shrink inequalities in other forms, including if there are disparate casualty rates for dif-

ferent groups (for example, race or gender) or if other aspects of military spending or military service exacerbate group differences. There are three points in which between-group inequalities can be created or widened: differences in recruiting rates, differences in casualty rates (which is generally tied to occupational sorting), and differences in post-service experiences.

For example, economists Douglas L. Kriner and Francis X. Shen explore what is called the “casualty gap,” wherein there are possible differences in who serves and who is wounded or killed in the military. They observe that “Americans who die or are wounded in war are disproportionately from poorer parts of the country.”²⁸ They find that the American soldiers who served in the wars in Afghanistan and Iraq were primarily from the working class, and that “inequalities in pre-service opportunities can translate into inequality in post-service health outcomes.”²⁹ They find that nonfatal casualty rates are 50 percent higher in the lowest three income deciles than in the upper seven deciles. The authors note that compared with past wars, this gap is greater, and as recruitment for the armed forces has become more difficult, they have reached out to younger, poorer, and less skilled recruits. While the military could theoretically narrow the income gap through skills-acquisition and promotion, the authors find that “occupational sorting” within the military leads to a casualty gap, as enlisted personnel are injured or killed at higher rates than officers. These inequalities are exacerbated post-service, as veterans from poorer communities have inferior access to quality health care and there are fewer social supports available to them and their families.

Military spending – and military service – can also lead to worsening inequality if the types of skills gained through different occupations in the military are not equally transferrable. Transferability, or convertibility, refers to how the skills acquired during military service apply to civilian occupations post-service. Military service can widen inequalities if the skills of some people in the military are more transferable to the civilian economy than others – this is particularly true if different demographics have different types of jobs within the military (occupational sorting) and if there are different returns to those jobs when they enter or reenter the civilian labor force (occupational returns). Disparities can be exacerbated at the point of recruitment, when positions are assigned, and when promotion decisions are made.

Political sociologist Yagil Levy takes a more theoretical approach to the reproduction of social differences and inequality.³⁰ He finds that differences pre-service are reinforced by the military hierarchy: poor people and people of color find lower-skilled positions lower in the hierarchy, which tend to lead to blue-collar jobs in civilian life. Meanwhile, higher socioeconomic status white people are more likely to be officers and service members with positions higher in the hierarchy, and tend to find higher-skilled jobs with greater pay and social status when they enter or reenter the civilian workforce. As society becomes further militarized, transfer-

ability of skills post-service becomes both easier and more important, deepening the divide. As Levy writes, “Overall, equality/inequality in the military is structurally transmitted to the civilian sphere, in situations in which disadvantageous/advantageous positions in an ethnically divided military coincide with, and amplify, the previously constructed structure of the civilian labor market.”³¹

The devastating effects of war are physical, economic, social, emotional, and environmental. The effects of war include not only the destruction of human lives but also damage to the built environment and natural resources that enable people to live their lives. Inequality is affected by the destruction of infrastructure, including changes in access to health care facilities, schooling, food and water supplies, and energy systems. It is not only the level of devastation that matters, but also which populations generally access or most need access to the destroyed infrastructures. Physical impacts of war will show up more quickly, leading to immediate changes in growth and inequality, while impacts on human capital (through schooling and health care, for example) can have longer term effects on growth and inequality. In a study of 128 countries from 1960 to 2004, economists Çağatay Bircan, Tilman Brück, and Marc Vothknecht find that violent conflict has the greatest effects on inequality in the first five years post-conflict.³² The authors also note that violent conflict can exacerbate inequality by both depriving people on the lower end of the income distribution of access to infrastructure and livelihoods (including markets in which to sell their agricultural or other products), and enabling war profiteers, often from wealthier segments of society, to get richer. Furthermore, increased military spending during wartime can come at the expense of lower social spending, worsening inequality both in the short run and in the long run (through lower human capital).

Inequality can be both a cause and a consequence of conflict, as summarized in a 2019 Oxfam brief.³³ Inequality peaks during conflict and immediately afterward. Violent conflict exacerbates inequality by creating or worsening political instability, causing social disruption, displacing people, and leading to conditions that exacerbate hunger and the spread of disease. War can affect not only the country experiencing the conflict but also its neighbors, as trade and economic transactions are reduced and changed, livelihoods are destroyed, and the costs of reconstruction grow. The authors of the Oxfam brief also argue that protracted or repeated conflicts can prevent rebuilding, which worsens both the political and economic situations and in turn leads to increased social unrest and conflict.³⁴

The preponderance of evidence surveyed here supports the hypothesis that increases in military spending exacerbate inequality. The studies surveyed in this essay use a variety of approaches and economic models to examine different geographic areas in different time periods. Some do find support for

inequality narrowing, showing a Keynesian effect of military spending, which creates jobs and opportunities for members of the armed forces and workers in the defense industry. However, by far, many more studies support the inequality-widening hypothesis – that military spending leads to greater inequality. This is true partly because military spending is capital-intensive, increasing pay disparities within the workforce, as military-related jobs are higher skilled, higher paid, and more often unionized, and the military produces fewer jobs than more labor-intensive sectors like education and health care. Furthermore, military spending that is channeled to contractors contributes to increased inequality by concentrating wealth and skewing the labor market. Military spending therefore benefits a small segment of the population: namely, the owners of military contracting firms and the workers who were already faring better than average. This effect then widens the divide between higher-skilled and lower-skilled workers and generally exacerbates inequality between white male workers and workers of color and female workers.

Military spending can also widen inequalities by crowding out other forms of investment. As funding for the military rises, there are declines in welfare-spending and other types of social support that benefit people on the lower end of the income distribution (including health care and education). The studies surveyed here show mixed evidence – some report little crowding out of health care and education, while others reveal a significant effect. More robust evidence is presented to show the crowding out of transfers and social spending directly on the poor, with a few studies supporting the inequality-widening hypothesis through this pathway. Inequalities are also exacerbated by recruiting practices, occupational sorting within the military, and differences in occupational returns. Rather than offering a pathway out of poverty, the military likely reinforces and exacerbates differences in gender, race, and socioeconomic status. While more research may be needed to provide evidence for the impact of military spending on inequality overall, the results here are telling: greater military spending generally leads to worsening inequality.

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ENDNOTES

- ¹ Both values are 2023 estimates from the Office of Management and Budget, OMB Table 5.6, “Budget Authority for Discretionary Programs: 1976–2029,” and OMB Table 6.1, “Composition of Outlays: 1940–2029” (accessed October 18, 2024).
- ² For the purposes of this essay, I will generally refer to income inequality when discussing the relationship between spending and inequality.
- ³ Readers who are interested in the debate on economic growth and military spending may refer to overviews by J. Paul Dunne on the topic: J. Paul Dunne, “Economic Effects of Military Spending in LDCs: A Survey,” in *The Peace Dividend*, ed. Nils Petter Gleditsch, Adne Cappelen, Olav Bjerkholt, et al. (Emerald Publishing Group Limited, 1996), 439–464; and J. Paul Dunne, Ron P. Smith, and Dirk Willenbockel, “Models of Military Expenditure and Growth: A Critical Review,” *Defence and Peace Economics* 16 (6) (2005): 449–461, <https://doi.org/10.1080/10242690500167791>.
- ⁴ Suzanne Mettler and Robert C. Lieberman, *Four Threats: The Recurring Crises of American Democracy* (St. Martin’s Press, 2020); and Robert C. Lieberman, “The State, War-Making & Democratization in the United States: A Historical Overview,” *Daedalus* 154 (4) (Fall 2025): 31–47, <https://www.amacad.org/daedalus/state-war-making-democratization-united-states-historical-overview>.
- ⁵ See also Robert Jay Lifton, “War Begets War,” interview by Neta Crawford and Matthew Evangelista, September 4, 2024, North Truro, Massachusetts, *Daedalus* 154 (4) (Fall 2025): 181–191, <https://www.amacad.org/daedalus/war-begets-war>; and Heidi Peltier, “We Get What We Pay For: The Cycle of Military Spending, Industry Power, and Economic Dependence” (Costs of War, Watson School of International and Public Affairs, Brown University, 2023).
- ⁶ Julian Menasce Horowitz, Ruth Igielnik, and Rakesh Kochhar, “Most Americans Say There Is Too Much Economic Inequality in the U.S., But Fewer Than Half Call It a Top Priority,” Pew Research Center, January 9, 2020, <https://www.pewresearch.org/social-trends/2020/01/09/most-americans-say-there-is-too-much-economic-inequality-in-the-u-s-but-fewer-than-half-call-it-a-top-priority>.
- ⁷ “Wealth Distribution in the United States in the Second Quarter of 2024,” Statista, <https://www.statista.com/statistics/203961/wealth-distribution-for-the-us> (accessed July 29, 2025).
- ⁸ OMB Historical Tables, “Table 6.1–Composition of Outlays: 1940–2029,” <https://www.govinfo.gov/app/details/BUDGET-2025-TAB/context> (accessed February 28, 2025).
- ⁹ Michael Chletsos and Stelios Roupakias, “The Effect of Military Spending on Income Inequality: Evidence from NATO Countries,” *Empirical Economics* 58 (3) (2020): 1305–1337.
- ¹⁰ Thomas Udimal, Zwane Talent, Biyase Mduduzi, and Eita Hinaunye, “The Nexus between Military Spending and Income Inequality in BRICS Nations,” *The Journal of Developing Areas* 57 (4) (2023): 351–366.
- ¹¹ Malcolm Knight, Norman Loayza, and Delano Villanueva, “The Peace Dividend: Military Spending Cuts and Economic Growth,” Policy Research Working Paper 1577 (The World Bank, 1996).
- ¹² *Ibid.*, 1.

- ¹³ Edward Anderson, Maria Ana Jalles D'Orey, Maren Duvendack, and Lucio Esposito, "Does Government Spending Affect Income Inequality? A Meta-Regression Analysis," *Journal of Economic Surveys* 31 (4) (2017): 961–987.
- ¹⁴ Antonella Biscione and Raul Caruso, "Military Expenditures and Income Inequality: Evidence from a Panel of Transition Countries (1990–2015)," *Defence and Peace Economics* 32 (1) (2021): 46–67.
- ¹⁵ Adem Yavuz Elveren and Valentine M. Moghadam, "Militarization and Gender Inequality: Exploring the Impact," *Journal of Women, Politics & Policy* 43 (4) (2022): 427–445.
- ¹⁶ Ibid.
- ¹⁷ Hamid E. Ali, "Military Expenditures and Inequality: Empirical Evidence from Global Data," *Defence and Peace Economics* 18 (6) (2007): 519–535.
- ¹⁸ John D. Abell, "Military Spending and Income Inequality," *Journal of Peace Research* 31 (1) (1994): 35–43.
- ¹⁹ Heidi Peltier, "The Growth of the 'Camo Economy' and the Commercialization of the Post-9/11 Wars" (The Watson School of International and Public Affairs at Brown University and the Pardee Center for the Study of the Longer-Range Future at Boston University, 2020).
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- ²¹ Unal Töngür and Adem Yavuz Elveren, "The Nexus of Economic Growth, Military Expenditures, and Income Inequality," *Quality and Quantity* 51 (4) (2017): 1821–1842.
- ²² Alper Sönmez and Abdoul-Kader Sidi Gandou, "Military Expenditures and Income Inequality: Evidence from a Panel Analysis," *Fiscaeconomia* 8 (3) (2024): 1085–1099.
- ²³ Ali, "Military Expenditures and Inequality: Empirical Evidence From Global Data."
- ²⁴ Knight, Loayza, and Villanueva, "The Peace Dividend."
- ²⁵ Jeffrey Kentor, Andrew K. Jorgenson, and Edward Kick, "The 'New' Military and Income Inequality: A Cross National Analysis," *Social Science Research* 41 (3) (2012): 514–526.
- ²⁶ Ibid.
- ²⁷ Julia Gledhill, "An Empirical Analysis: The Effects of Defense Expenditures on Income Inequality" (undergraduate thesis, Colorado College, 2019).
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- ²⁹ Ibid., 547.
- ³⁰ Yagil Levy, "Militarizing Inequality: A Conceptual Framework," *Theory and Society* 27 (6) (1998): 873–904.
- ³¹ Ibid., 880.
- ³² Çağatay Bircan, Tilman Brück, and Marc Vothknecht, "Violent Conflict and Inequality," *Oxford Development Studies* 45 (2) (2017): 125–144.
- ³³ Solveig Svendsen, Alex Shoebridge, Maren Steller, and Alexandre Gernigon, "Inequality and Conflict" (Oxfam International, 2019).
- ³⁴ Ibid., 3.

Appendix

Overview of Studies: The Pathways That Lead to More or Less Inequality

Table 1 lists the various studies surveyed in this essay, showing the study area and time frame, the pathway or mechanism by which the authors hypothesize that inequality will grow or shrink in response to an increase in military spending, and their ultimate findings. In subsequent tables, I show the measures and data used, as well as the types of models employed.

Table 1
Overview of Studies and Findings

Author	Time Frame	Area	Overview and Takeaway
Ali	1987 – 1997	Global	Military spending (MS) is inelastic; as MS increases pay in its industry, interindustry pay dispersion will increase. Increases in MS widen inequality.
Biscione & Caruso	1990 – 2015	Eastern and transition countries	MS crowds out subsidies and transfers; MS may also affect inequality through reductions in health and education spending. MS increases inequality (though the opposite may be true in wartime).
Abell	1972 – 1992	United States	Wage gap between military and nonmilitary sectors increases as MS rises, and top income deciles benefit most from profitability of military contracting. MS increases income inequality through pay disparities.
Kentor, Jorgenson & Kick	1970 – 2000	82 countries at different levels of development	MS is more capital-intensive and increases pay disparities between “high-skilled” and unionized jobs compared with nonmilitary sectors. MS increases income inequality through pay disparities.

Gledhill	1980 – 2010	United States	Disaggregated military expenditures: labor-intensive military expenditures will reduce inequality while capital-intensive spending will increase it. Procurement and operations and maintenance expenditures are capital-intensive and widen inequality.
Töngür & Elveren	1988 – 2008	82 countries	Higher inequality reduces human capital and slows growth; if MS crowds out education spending, this lowers growth via human capital. MS lowers growth; income inequality slows growth in most countries except for higher-income countries.
Chletsos & Roupakias	1977 – 2007	14 NATO countries	Hypothesis is that military spending widens inequality but their modeling shows the opposite: defense spending decreases inequality.
Knight et al.	1972 – 1990	124 industrial and developing countries	MS spending distorts resource allocation decisions, and the finance of MS (through taxes or debt) reduces investments in productive capital. Military spending crowds out productive (socially useful) investment.
Elveren & Moghadam	1990 – 2017	133 countries	Militarization exacerbates gender inequality by crowding out social spending. Both militarization (higher MS) and conflict lead to widening gender inequality, with worse impacts in less-developed countries.
Helms & Kilburn	2006 – 2015	2,298 counties in the United States	Militarization of police correlates with inequality (bidirectional). Greater racial inequality leads to more police militarization.
Udimal et al.	1990 – 2017	BRICS countries	Defense spending can lead to inequality narrowing if it is domestic and labor-intensive. MS is inequality-narrowing.
Sönmez & Gandou	2001 – 2019	52 countries	Three channels lead to inequality widening: crowding out; pay and skill differentials; energy price increases. MS is inequality-widening.
Bircan et al.	1960 – 2004	128 countries	War exacerbates inequality through destruction of physical and human capital. Inequality rises during war and particularly in the first five years post-war.

A Review of the Statistics, Measures, and Data Sources

The studies included in this essay use a variety of indexes and statistics to capture inequality, as well as different measures of military spending or militarization. Table 2 is a nonexhaustive sample of the most widely used measures in the models (discussed in the next section). The table lays out the names and descriptions of the measures and which studies use them, as well as provides data sources in which various inequality, military spending, and other economically relevant data used in these studies can be found.

Table 2
Measures and Data Sources

Variable or Index	Description	Studies
Theil index	A measure of inequality that can be decomposed into within-group and between-group components	Ali; Biscione & Caruso; Töngür & Elveren
Gini coefficient	An index from 0 to 1 that measures the level of inequality within or between countries	Biscione & Caruso; Gledhill; Chletsos & Roupakias; Abell; Udimal et al.; Sönmez & Gandou; Bircan et al.
Difference between upper- and lower-income quintiles	Income of top 20 percent of population minus income of bottom 20 percent	Abell
Military spending (MS), aggregate total	Annual amount of MS by a country's government	Biscione & Caruso; Sönmez & Gandou
Per capita MS	MS divided by total population	Ali; Biscione & Caruso
Growth rate of MS	Annual percentage growth in MS	Abell
Size of the armed forces	Number of people serving in the armed forces	Ali
MS as percentage of GNP or GDP	MS divided by total national income, also known as "military burden"	Biscione & Caruso; Töngür & Elveren; Chletsos & Roupakias; Knight et al.; Elveren & Moghadam; Abell; Udimal et al.

Share of military government spending	Military expenditures divided by total government spending	Elveren & Moghadam
Share of nonmilitary government spending	Nonmilitary government expenditures divided by total government spending	Chletsos & Roupakias
MS per soldier	MS divided by the size of the armed forces	Kentor, Jorgenson & Kick
Internal and external security threats	Various conflict variables, including duration and magnitude of death, in both civil and international wars	Ali
Human capital index	Index based on years of schooling and returns to education	Töngür & Elveren
Gender Inequality Index	Gender disparities in reproductive health, empowerment, and the labor market	Elveren & Moghadam
Global Militarization Index	Military expenditure, military personnel, and heavy weapons	Elveren & Moghadam

Data Source	Description	Some Studies That Use This
University of Texas Inequality Project	Comprehensive data on industrial pay inequality	Ali; Gledhill; Töngür & Elveren; Chletsos & Roupakias
U.S. Department of State, Bureau of Verification and Compliance	Military expenditures per capita; imports of military and civilian goods	Ali
Stockholm International Peace Research Institute	Global data on military expenditures	Töngür & Elveren; Chletsos & Roupakias; Knight et al.; Sönmez & Gandou
Penn World Tables	Income level and GDP growth	Ali; Udimal et al.
Heidelberg Institute for International Conflict Research	Various conflict variables, including for both civil and international wars	Ali
Global Income Dataset	Contains various consumption and income-related statistics, including Theil index and Gini coefficients	Biscione & Caruso

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Standardized World Income Inequality Dataset	Gini coefficients, measuring inequality for 192 countries from 1960 to close to present	Biscione & Caruso; Chletsos & Roupakias
Congressional Budget Office	Various data, including annual U.S. military expenditures	Gledhill
World Bank World Development Indicators Database	Various economic indicators, including capital formation, labor force, and income	Töngür & Elveren; Udimal et al. ; Sönmez & Gandou
United Nations Development Program	Various indicators, including the Gender Inequality Index	Elveren & Moghadam
Bonn International Center for Conversion	Global Militarization Index	Elveren & Moghadam
United Nations University World Institute for Development Economic Research	World Income Inequality Database, version 2.0	Bircan et al.
Uppsala Conflict Data Program and International Peace Institute	Armed Conflict Dataset Codebook	Bircan et al.

A Review of the Models and Findings

Table 3 provides an overview of the models used in the various studies reviewed here. These data show the time period, study area, model, and general findings. For more specific details on each model, readers are encouraged to consult the source itself, as this essay offers a survey of the various models without the specific model details.

Table 3
Models and Results

Author	Time Frame	Study Area	Model Used	Results
Ali	1987 – 1997	Global	Panel regression; two-stage least squares	Military spending (MS) increases pay inequality
Biscione & Caruso	1990 – 2015	Transition economies	Panel regression	MS increases inequality (as measured by both Theil index and Gini coefficients)
Kentor et al.	1970 – 2000	82 countries at different levels of development	Generalized least squares; random effects	Inequality widens: capital-intensive militaries reduce employment opportunities and favor more highly skilled workers
Gledhill	1980 – 2010	United States	Ordinary least squares (OLS)	MS impact on inequality depends on type of spending (capital-intensive MS widens inequality)
Töngür & Elveren	1988 – 2008	82 countries	Augmented Solow growth model (OLS, fixed effects, and generalized method of moments)	MS lowers economic growth, less so for arms importing or exporting countries; human capital has a positive effect on economic growth; inconclusive whether MS crowds out education spending

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Chletsos & Roupakias	1977 – 2007	14 NATO countries	OLS; and two-stage least squares with instrumental variables	Defense spending lowers income inequality, though is sensitive to which proxy is used
Knight et al.	1972 – 1990	124 industrial and developing countries in full sample; 79 countries in reduced sample	Augmented Solow growth model; Solow-Swan model; panel data estimation	MS reduces productive investment and growth
Elveren & Moghadam	1990 – 2017	133 countries	Fixed effects; instrumental variable, two-stage least squares	Higher militarization leads to higher gender inequality
Helms & Kilburn	2006 – 2015	2,298 counties in the United States	OLS	More urbanized areas and areas with greater economic inequality have greater police militarization
Abell	1972 – 1991	United States	OLS	Higher MS leads to worsening distribution of income
Udimal et al.	1990 – 2017	BRICS countries	Panel auto-regressive distributive lag	Greater MS reduces inequality
Sönmez & Gandou	2001 – 2019	52 countries	Panel regression, random effects	Military spending widens inequality
Bircan et al.	1960 – 2004	128 countries	Panel data using both OLS and fixed effects	Inequality increases during war and especially five years post-war

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Politicization of the Military: Causes, Consequences & Conclusions

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Scholars of civil-military relations have long written of the dangers associated with politicizing the U.S. military. Efforts to draw the military into partisan politics ultimately serve to degrade civilian control of the armed forces, the military's long-standing norm of nonpartisanship, the public's trust and confidence in the military, and even democracy itself. In recent years, these concerns have become more pronounced and more urgent as civilian political leaders and their surrogates have sought to drag the military deeper into partisan political fights, especially during campaigns and elections. This essay explores the drivers of the politicization of the military and the role civilian political leaders, the military, and the American public play in it. It also examines the implications for democratic governance and why efforts to push back against the politicization of the military can often backfire. The essay concludes with a look at solutions to counter the politicization of the military.

The politicization of the U.S. military is the greatest challenge in contemporary civil-military relations. Scholars and practitioners may differ on what is the most pronounced threat to national security today or the best ways military force should be used to counter such threats, but no other issue harms the relationship among civilian leaders, society, and its military the way the politicization of the armed forces does. While politicization is not a new phenomenon, it has accelerated in recent years and occurs within the larger context of democratic backsliding in American politics. The military is hardly the only public institution impacted by partisan polarization, but its implications are unique in that the military is the state's legitimate instrument of violence. When this instrument becomes politicized or is perceived to be politicized, it undermines the very foundation of democratic governance. This essay explores the steady but quiet erosion of the civil-military norm that has been occurring over the past thirty years, especially during the post-9/11 era, which has enabled many of today's efforts to politicize the armed forces. It examines the drivers and implications of politicizing the military, along with a summary of recommendations on how to reverse this trend.

The politicization of the military occurs when the military actively or passively supports partisan causes or is perceived to be aligned with one political party over

the other.¹ This definition, while accurate, implies the military is the chief actor in its own politicization. In reality, three actors bear varying degrees of responsibility for politicizing the military: civilian politicians (and their surrogates), the military, and the American public.

Civilian politicians are the biggest offenders and bear most of the responsibility for politicizing the military. Most often, they politicize the military when they try to leverage the military's prestige for their own partisan advantage, especially during campaigns and elections. The military contributes to its self-politicization when individual service members publicly express their partisan preferences and violate the military's long-standing norm of nonpartisanship. While some individual rank-and-file service members are guilty of publicly airing their personal partisan opinions, especially on social media, retired general and flag officers who engage in partisan campaign endorsements and public, partisan commentary arguably do more harm in violating the military's norm of nonpartisanship given their stature and following. Lastly, as partisan polarization has extended into the electorate, the American public contributes to the politicization of its armed forces by either failing to understand or rejecting the military's norm of nonpartisanship.

Casual observers might wonder if there was ever a time in U.S. history when the military's norm of nonpartisanship was truly secure, or if the line between partisan politics and the uniformed military has always been blurred. More than two-thirds of U.S. presidents have served in the U.S. military, and roughly one-quarter of them have been general officers. In fact, in 1852, General Winfield Scott ran for president while still in uniform.

Despite uneven practices throughout U.S. history, the principle of civilian control of the armed forces and the related norm of nonpartisanship have their roots in the nation's founding. In March 1783, George Washington diffused tensions among some officers surrounding Congress's failure to regularly pay the Continental Army in an episode known as the Newburgh Conspiracy. In what some historians identify as the closest the U.S. military ever came to a coup, Washington reminded his officers about their loyalty to the Constitution and subordination to Congress. Nine months later, Washington reaffirmed the principle of the military's subordination to civilian authority when he resigned his commission before Congress, signaling the end of his leadership over the Continental Army and his return to private life.

While there were certainly outliers in the nineteenth and twentieth centuries, the operative norms in the U.S. military long compelled its service members to avoid partisan politics. William Tecumseh Sherman once wrote that "no Army officer should form or express an opinion" on partisan politics.² General George Marshall, who was famous for abstaining from voting while he served in uniform, often deflected questions on his political views with the quip that while his father was a Democrat and his mother was a Republican, he was an Episcopalian. Even

the norm that frowns upon retired general and flag officers publicly speaking on politics has a long tradition in the military. General Omar Bradley once remarked that “the best service a retired general can perform is to turn in his tongue along with his suit and to mothball his opinions.”³

The military’s norm of nonpartisanship, as long as it is upheld by the three main actors in the civil-military relationship – civilian political leaders, the military, and the American public – is the strongest bulwark against the politicization of the military. When the norm is healthy, the military faithfully follows civilian orders, regardless of which political party is in power, and its service members avoid public activities and commentary that could give the perception of the military’s tacit endorsement of partisan causes or candidates. When the norm is healthy, civilian political leaders respect these boundaries and do not use the military to score partisan points. When the norm is healthy, the American public does not perceive that the military is (or believe the military should be) aligned with one political party, playing a role in campaigns and elections, or involved in partisan politics.

This norm, however, has been under strain for decades now. Many scholars of civil-military relations analyze the erosion of the norm of nonpartisanship and the politicization of the military by focusing on the modern era since 1973, in line with the establishment of a professional, all-volunteer force. To be clear, civil-military relations in the United States have always been marked by some degree of friction. Civilian control of the armed forces, a bedrock principle in democracies everywhere, is characterized by friction, largely by design of the framers. In the United States, civilian control operates under a divided principal, as in the principal-agent relationship, where the principal – civilian political leaders split across the three branches of government – exercises authority and oversight of the agent, the military. Despite the fact that the military resides within the executive branch under the Department of Defense, it remains subordinate to each branch of government. This is part of the normal friction that characterizes democracy and civilian control of the armed forces.

Friction in civil-military relations, however, is not synonymous with norm erosion. Throughout the all-volunteer force era, but specifically over the past thirty-five years, U.S. civil-military relations have been characterized by a slow, steady normative degradation among civilian political leaders, within the U.S. military, and across the American public. In more recent years, many civil-military norms have been under extraordinary stress, and we have seen more flagrant efforts from military members, politicians, and the American public to draw the military into partisan politics.

The military’s norm of nonpartisanship has steadily diminished over the past half-century. First, more officers identify with a political party today than they did when the all-volunteer force began. When political scien-

tist Ole R. Holsti surveyed officers attending the war colleges from 1976 to 1996, fewer than half of respondents in 1976 self-identified as partisans, with Independents constituting the largest block at 46 percent. By 1996, however, only 22 percent of senior officers self-identified as Independents and 74 percent identified as partisans, a trend that has persisted.⁴ The 1990s also witnessed several instances of public criticism and disrespect by active-duty officers toward their commander in chief, Bill Clinton, including one notable instance in which an Air Force major general was reprimanded for referring to Clinton as a “pot-smoking,” “womanizing,” draft-dodger in a speech before a military audience.⁵

These trends have continued in recent years. Political scientist Trent J. Lythgoe has found that junior service members today are more politically active than their civilian peers.⁶ Moreover, the advent of social media has provided a means for service members to broadcast their partisan views wider than ever before. Social media is an inherently public sphere, where commentary has an exponential reach and a lasting, written record. Recent surveys of officers attending the war colleges and cadets enrolled in service academies found that one-third of respondents reported their active-duty friends used or shared rude or disparaging comments about the president and other elected leaders during both the Obama and first Trump administrations – an offense punishable under Article 88 of the Uniform Code of Military Justice, which prohibits officers from using contemptuous words against certain elected and appointed leaders.⁷

The military also politicizes itself when it is resistant to or skeptical of civilian control and oversight. In practice, this resistance does not manifest as outright disobedience or a refusal to follow civilian orders. It is far more subtle than that. It manifests as thinking that the default condition in civil-military relations is for the commander in chief to defer routinely to the military on decisions pertaining to the use of force or military matters in general.⁸ This is exacerbated when sentiments of exceptionalism or superiority over civilian society take root, especially within the officer corps. For example, a recent survey of service academy cadets found that 57 percent of respondents agreed with the notion that to be respected in the position, the secretary of defense should have served in uniform.⁹ The implication is that a secretary of defense who lacks military experience should not merit respect from military subordinates. Other research has found that one-quarter of military officers believe military culture is superior to the rest of society and that within the officer corps a strong correlation exists between sentiments of superiority over society and viewing civilian leaders with contempt.¹⁰ These cynical attitudes and perceptions degrade civilian control and contribute to the politicization of the military.

Arguably the most damaging erosion of the military’s nonpartisan ethic has come at the hands of retired general and flag officers – the institution’s senior leaders who are ostensibly the most sensitized to and bound by the profession’s

norms. As alluded to earlier, since the 1990s, politicians have turned to retired generals and admirals for campaign endorsements and have found a small but vocal cohort all too willing to oblige. Of the estimated seventy-five hundred retired general and flag officers, a small percentage – fewer than 10 percent – have engaged in partisan campaign endorsements and public commentary, but even a small cohort can give the impression to the American public that the military is aligned with one party.

There are three reasons why campaign endorsements by retired generals and admirals uniquely harm the military's norm of nonpartisanship.¹¹ First, they are transactional in nature: endorsers trade the status associated with their military rank and service to advance the partisan causes they care about.¹² And unlike veterans who run for elected office or serve as political appointees in the executive branch and unambiguously cross into a partisan role – and therefore face the full scrutiny of the electorate, either directly or indirectly – endorsers try to straddle both worlds, acting as if their former military status somehow places them above the political fray while engaging in the very activity the norms of their profession once proscribed. Second, they give the false impression that the endorsers speak for the entire military. Survey research has shown that few Americans can distinguish retired general and flag officers from those on active duty, and most think retired officers' views reflect the views of those on active duty.¹³ This not only reinforces the perception that endorsements reflect tacit approval by the institution but further cements a distorted understanding of civil-military norms among the public. Third, campaign endorsements by retired general and flag officers are problematic because of their rank and stature. These officers retain the title of general or admiral for life and play a unique role within the military profession, especially the four-stars, who military historian Richard Kohn called “princes of the church” because they never truly retire.¹⁴ Their obligations to represent their branch of military service in retirement – especially safeguarding its professional norms – should be more stringent than for service members of lower ranks and grades.

In more recent years, retired generals and admirals have also served as high-profile political appointees. The first Trump and Biden administrations selected recently retired four-star generals James Mattis and Lloyd Austin, respectively, to serve as secretary of defense, a move that required a congressional waiver to bypass the 1947 law that prevents someone from serving in that position who had been retired from the military for less than seven years. The last time such a waiver was used was in 1950 when Harry S. Truman nominated General George Marshall to be secretary of defense. The appointment of recently retired four-stars to oversee the military in 2016 and in 2020 is indicative of the broader civil-military normative degradation. It degrades civilian oversight of the military, sends mixed signals to the American public about the importance of civilian con-

trol, and normalizes retired generals and admirals serving in partisan political roles. It is therefore unsurprising that in a 2020 survey of service academy cadets, 50 percent of respondents either agreed or strongly agreed that “more retired generals and admirals serving as cabinet secretaries or senior political appointees is good for the country.”¹⁵

Prominent retired generals and admirals serving in political appointee positions also blurs the lines between the military and partisan politics. Unlike retired senior officers who make partisan campaign endorsements while claiming to remain above the political fray, those who serve as political appointees, such as Mattis, Austin, Colin Powell, and John Kelly, clearly don a new partisan role and subordinate their military identity in the process, similar to when veterans run for elected office. Therefore, when former White House Chief of Staff John Kelly and former Secretary of Defense James Mattis – both retired Marine four-stars – cited their past military service as the reason why they refrained from criticizing Donald Trump after he left office, it demonstrated a civil-military pitfall in having retired generals and admirals serve as political appointees.¹⁶ Certainly, such officials can choose to refrain from political commentary, but when retired senior officers who served as high-level political appointees invoke the military’s norm of non-partisanship as the reason why they refrain from commenting on politics, it weakens the norm and further confuses the American public in the process. As more retired officers serve in prominent political positions and the line between partisan politics and the military is further blurred, partisan actors will place greater pressure on all senior military officials – the vast majority of whom have never and will never serve as political appointees – to speak out on political matters.

Concerns about the military leveraging its prestige for political power endure. But over the past decade, politicians who use the military for their own partisan or electoral gain bear the most responsibility for politicizing the military. As public confidence in the military grew after the Persian Gulf War – and skyrocketed after the 9/11 terrorist attacks – so did politicians’ attempts to capitalize on this prestige. Some of these efforts were subtle, such as using troops in the backdrops of partisan speeches, while others were more blatant, such as presidential candidates soliciting campaign endorsements from retired general and flag officers. This trend began in 1988 but the most prominent example was former Chairman of the Joint Chiefs of Staff Admiral (Retired) William J. Crowe’s endorsement of Bill Clinton in 1992.¹⁷ Since then, the rate of partisan campaign endorsements has increased in almost every election year and been a strategy employed by Democrats and Republicans. In 2016, both parties featured over-the-top, partisan speeches by retired generals at their respective nominating conventions, further giving the American people the impression that the military is a partisan actor.¹⁸

Politicians have long insinuated that the U.S. military prefers them over their opponents in campaigns and elections. In his speech at the 2000 Republican National Convention, to accept the nomination for vice president, Dick Cheney spoke directly to members of the U.S. military when he said, “help is on the way,” and that soon they would “once again have a commander in chief they can respect.”¹⁹ Efforts to suggest that the military sides with one party over the other have only become more overt since the start of the first Trump administration, such as after the 2016 presidential election when Donald Trump told a military audience at MacDill Air Force Base that “you liked me and I liked you. That’s the way it worked.”²⁰ During the 2020 presidential campaign, both Trump and Biden featured photos of military officials in uniform without their consent in campaign advertisements, and during the second 2024 presidential debate, Kamala Harris told Trump, “I have talked to military leaders, some of whom worked with you, and they say you’re a disgrace.”²¹

During his first term, Donald Trump routinely referred to “my military” and “my generals,” but he crossed normative boundaries more egregiously when he began publicly attacking senior military leaders. In the lead up to the 2020 election, Trump remarked:

I’m not saying the military’s in love with me. The soldiers are. The top people in the Pentagon probably aren’t because they want to do nothing but fight wars so all of those wonderful companies that make the bombs and make the planes and make everything else stay happy.²²

After leaving office, he referred to senior military leaders as “some of the dumbest people I’ve ever met in my life,” and later suggested that former chairman of the Joint Chiefs of Staff, General Mark Milley, deserved to be put to death for treason.²³ These comments are noteworthy, not solely because of their shock value, but because they signaled a turning point on the right that the military – especially its senior leaders – were suddenly fair game to attack to score partisan points.

After pledging to fire the military’s top generals if reelected in 2024, because “you can’t have a woke military,” Trump made good on his promise, firing fifteen senior generals and admirals, including the chairman of the Joint Chiefs of Staff, chief of naval operations, commandant of the Coast Guard, and vice chief of staff of the Air Force, within his first eight months in office.²⁴ While it is a president’s prerogative to install senior military officials they think will best implement their policies, purges of such officials for no apparent cause other than they implemented the lawful orders of Trump’s predecessor are without precedent, upend the military’s meritocratic promotion process, create de facto loyalty tests for currently serving senior officers, and inject turmoil into a nonpartisan institution.

Trump’s speeches to military audiences during his second administration – such as the one at Fort Bragg in June 2025 on the eve of the U.S. Army’s two hun-

dred and fiftieth birthday and one to hundreds of generals and admirals hastily organized at Quantico, Virginia, in September 2025 – have been more partisan than any from his first term, which were already more partisan than speeches by all of his predecessors. He used both occasions to attack his political rivals, reiterate his claim that the 2020 election was stolen, and speak favorably about deploying troops to American cities.²⁵ In doing so, the president signaled to both his military audience and the American public that the armed forces should be viewed as part of his partisan constituency.

Politicizing the military is not unique to the executive branch. A recent trend among legislators has been to use general and flag officer nominations as opportunities to settle partisan scores, using the military as a prop in a more pernicious way than delivering a partisan speech with uniformed troops as part of the backdrop. Although senators have long used the technique of placing holds on the nominations of political appointees to signal their opposition or try to extract a policy concession, Senator Tommy Tuberville of Alabama set a new precedent through an eleven-month block of all general and flag officer promotions because of his opposition to a Department of Defense policy that allowed for service members to be reimbursed for out-of-state travel to have an abortion.²⁶ The blanket hold prevented more than four hundred senior officers and their families from moving to their next assignment, leaving most of these positions to be filled temporarily by their deputies, including multiple service chiefs.

Lastly, we have seen normative erosion in the civil-military attitudes of the American public. To put it bluntly, the public is a lousy judge of civil-military norms. By all accounts, the American people still have more confidence in the military than most public institutions in the United States, even though confidence has waned slightly over the past few years, a point that Rosa Brooks also cites in her essay in this issue of *Dædalus*.²⁷ Yet, at the same time, the all-volunteer force has not been well understood by the public. Defense scholar Kori Schake and Jim Mattis's 2016 book *Warriors & Citizens: American Views of Our Military* centers on a 2013 YouGov survey that found a significant percentage of Americans answered "I don't know" or "Not sure" to basic questions asking their opinions on the military.²⁸ Political scientist Peter Feaver draws on recent surveys of the American public in his 2023 book *Thanks for Your Service: The Causes and Consequences of Public Confidence in the U.S. Military* to conclude that public confidence in the military in the post-9/11 era was high but hollow; international relations scholar Sarah Maxey provides additional insight on this in her contribution to this issue.²⁹ In short, for many years, the public has looked at the military with both ignorance and reverence. While the reverence might be less fervent since the end of the post-9/11 wars, the continued lack of understanding of the military sets the conditions for politicization and for false narratives to gain root.

Against this backdrop, we can also point to a few troubling insights regarding how the public looks at critical civil-military norms. As political scientists Ronald Krebs and Robert Ralston have found, an uncomfortable percentage of Americans advocate deferring to the military on all sorts of policy decisions surrounding the use of force, and the degree to which they are deferential is conditioned on their partisanship.³⁰ For example, during the first Trump administration, Democrats advocated deferring policy decisions to the military as a check on Trump, whereas Republicans were less deferential to the military because their copartisan was in the White House. The public also struggles to differentiate between veterans and active-duty service members, so when veterans, including retired generals and admirals, speak out on partisan, political issues, they often assume they are speaking on behalf of the entire military. There is good evidence that the public does not demonstrate a full understanding of or commitment to the norms of vital civil-military relations; or that if they do, their commitment is overridden by their partisan preferences.³¹ Put differently, the public wants the military to be their copartisan and interprets nonpartisanship as the military siding with them and their party.

The politicization of the military carries several implications for the health of democracy in the United States. First, it degrades civilian control of the military, a foundational principle in all democracies. Continued efforts by politicians and elected leaders to drag the military into culture wars or use the military to score partisan points against their opponents reduce the military's trust in its civilian overseers and increase cynicism among those in uniform toward all politicians, not simply those most guilty of politicizing the military. These efforts also weaken civilian control by distracting from what should be close scrutiny and oversight by civilian leaders of the military on critical issues such as modernization priorities, personnel policy and recruitment challenges, war planning and execution, ineffectiveness in combating sexual assault and harassment, and the extent of extremist activity within its ranks.

Second, politicizing the military impacts public confidence in the institution and reinforces a poor understanding of civil-military principles among the American public. Public confidence in the military has long been shaped by factors beyond the military's competence and perceived professional ethics, including the public's partisan identification.³² However, much of public confidence in the military today appears to be a function of motivated reasoning, largely conditioned on who the commander in chief is at any given time.³³ The public relies on elite cues to help form their opinions about the military. As long as civilian politicians draw the institution into partisan politics, and as long as some former military elites oblige, the public will continue to have a distorted understanding of and weak attachment to the military's nonpartisan ethic. As overt, direct efforts to politicize

the force continue, confidence in the military will likely split along partisan lines. The 2025 Gallup poll on confidence in institutions already reflects this. Just seven months into Trump's second administration, Republicans' confidence in the military increased by 18 percentage points, while Democrats' confidence decreased by 21 percentage points.³⁴

Public confidence in the military is not just about the military's popularity in civil society. It carries real implications for both recruiting and retention in an all-volunteer force. Following the COVID-19 pandemic, the military services struggled to meet their recruitment goals, largely a function of labor market dynamics and a decreasing proportion of American youth who meet the physical and medical standards for entry. While the Department of Defense's annual surveys of American youth's propensity to serve have not indicated politicization of the military as a reason young people have cited for why they would not join, continued efforts to politicize the armed forces could cause influencers (family members and close friends in the lexicon of military recruiting efforts) to discourage young people close to them from enlisting.³⁵

Third, politicization degrades military professionalism and effectiveness. Purgings of senior officers and promotions based on partisan litmus tests rather than merit will likely divide the military and undermine unit cohesion. When advancing through the ranks is based on one's political loyalty rather than performance and potential for increased responsibility, recruitment and retention will also suffer. National security challenges may become more fraught, as some military officials might be hesitant to offer their true military advice and speak up behind closed doors, worrying it will be met with dismay or even their dismissal. Moreover, the military's technical competence will gradually diminish as political loyalty overtakes expertise and the force becomes preoccupied with partisan battles.

Efforts to push back on the politicization of the military can often backfire. Civilian politicians attempting to use the military as a weapon to stop democratic backsliding instead of using other political actors or democratic processes to do so only further politicizes the military. When President Biden gave a speech about threats to democracy in 2022, he did so in front of two Marine guards in their dress uniform. Featuring marines in the backdrop was later revealed as a conscious decision by the administration, not an oversight by staffers who failed to recognize the optics.³⁶ In the lead-up to the 2024 election, there were many calls for former military officials to speak out forcefully against Donald Trump and the particular harm a second Trump presidency would pose to democracy, national security, and increased politicization of the military.³⁷ Using retired generals instead of other politicians to carry this message, however, only serves to further enmesh the U.S. military in partisan politics, undermine the military's norm of nonpartisanship, and signal to the American public that the military can and should play an active role in campaigns and elections.

Speaking out often comes with its own peril for senior military officials. Much of the civil-military criticism directed at General Mark Milley's public comments on political matters – in congressional testimony, in speeches, and to journalists writing tell-all books during the Trump administration – was not always about the substance of his message, but that the senior-most officer in the military, not other civilian officials, was routinely and voluntarily delivering political messages.³⁸ When politicians try to draw the military into a partisan debate, uniformed officials should defer to other elected leaders and appointed officials to respond, a tactic Kori Schake approvingly calls, “hide behind the suits.”³⁹ The challenge today is that the “suits” are either contributing to democratic backsliding or failing to halt it, which has, in turn, put more pressure on those in uniform to speak out.

At the same time, when senior military officials remain silent as partisan politics encroach upon the military, it can also be construed that they are taking a side. Military officials, careful to avoid the appearance they are shirking orders in a new administration that is already predisposed to distrust them, may even cease or limit the way they communicate to their subordinates as a result. A lack of communication after the firing of over a dozen flag officers without cause; claims that military standards have been lowered to allow women to serve in direct combat roles; and efforts to weaken oversight by inspectors general, lift restrictions on rules of engagement, and denigrate the role military judge advocates play – at the very least sow confusion in the ranks.⁴⁰ Injecting partisan politics into the military ultimately serves to disorient military leaders by pressuring them to disavow core institutional principles to avoid the perception of taking a side or being seen as insubordinate.⁴¹

There have been recent calls for military officials to refuse to follow lawful orders that they deem to be harmful to democracy as a means of constraining an unprincipled president.⁴² The military is obligated to resist unlawful orders, but service members lack the moral autonomy to selectively choose which lawful orders they wish to obey and which to refuse based on their interpretation of what is good for democracy.⁴³ Encouraging the military to resist lawful but awful orders as a means of constraining an unprincipled commander in chief not only further enmeshes the military in political battles but subverts democracy by undermining civilian control.

What can be done? The solutions to stop the politicization of the military are not unlike the solutions required to stop democratic backsliding. They require norms and rules to be defended and enforced; they also require efforts to educate the public. In short, they require a painstaking, consistent commitment with few shortcuts.

First and foremost, to stop the politicization of the military, civilian political leaders on both sides of the aisle must refrain from using the military for parti-

san and electoral benefit. This recommendation is a difficult solution to achieve, because politicians naturally seek every possible electoral advantage and struggle to resist capitalizing on the military's popularity for their own benefit. Efforts to show political campaigns that endorsements by retired generals and admirals have little to no effect in swaying voters' minds have thus far proven ineffective but should nonetheless continue in the hopes of deterring politicians from seeking these endorsements in the first place.⁴⁴ Similarly, politicians aiming to halt democratic backsliding cannot look to the military to save democracy and to do the preventive work that civilian institutions and political actors must do.

The most straightforward way to halt the politicization of the military is to strengthen the norm of nonpartisanship within the military. Unlike encouraging politicians to cease and desist, strengthening the norm within the active-duty military is feasible, given the military's hierarchical nature. Work is still required, however, considering the norm's atrophy over recent decades, evident by soldiers' cheering of overt partisan talking points during the president's speech at Fort Bragg.⁴⁵ Military leaders tend to overestimate the degree to which the norm is formally taught and reinforced throughout a service member's career. In reality, formal teaching about the norm is episodic, limited often to instruction at the various service academies and upon selection for flag officer rank. More purposeful, situation-based education scenarios conducted at both the unit level and consistently throughout professional military education is needed to further bolster the norm. Likewise, the Department of Defense needs to update its rules on political activity to better account for the realities of political activity and speech today, starting with clearer, enforceable guidelines on service members' political speech on social media.⁴⁶

Similarly, more must be done to curb the partisan activity of retired generals and admirals, especially the practice of campaign endorsements. Despite numerous calls by civil-military relations scholars and practitioners for prominent retired general and flag officers to self-organize and sign an open letter that explains to the American public why they endorse no candidate for office, this has yet to materialize.⁴⁷ Peer pressure and sanctioning by fellow retired generals and admirals is required to arrest the continued decline of the norm. Retired generals and admirals who refrain from endorsing candidates or providing partisan commentary on cable news or social media greatly outnumber those who do, but the American public only hears from the vocal minority. This must change.

Lastly, while civilian and military elites carry most of the burden associated with depoliticizing the military, the American public also has a responsibility to keep the military out of partisan politics. The public is in the unique position of being able to hold both civilian political leaders and, by default, their subordinate military officials accountable during elections. The public should reject politicians' efforts to politicize the military instead of rewarding their copartisans

when they engage in such behavior. The best way to deter civilian politicians from using the military as a partisan tool is to make the practice electorally unsustainable and rebuke offenders at the ballot box. This effort will be extraordinarily difficult, because it will require the public to put commitment to a civil-military norm ahead of their partisan loyalties, and that cannot happen without intervention and education to better sensitize the public to the nature and importance of the norm in the first place.

To aid in that sensitization, civilian leaders in both parties, veterans' groups, military leaders, and even well-known actors who have starred in war movies should undertake a campaign of public service announcements to educate the public about the importance of civilian control of the military and its associated norm of nonpartisanship. These messages should be even more prominent during presidential election years. Such efforts may seem trivial in the face of flag officer purges and loyalty tests. Much like the need for improved civics education in the country, education alone will not stop democratic backsliding or rehabilitate civil-military norms overnight. But it is nonetheless required to counter disinformation and misinformation about the military that is so plentiful today.

Of the various solutions, the easiest to implement are those pertaining to service members' political behavior, because the military is a hierarchical organization bound by formal rules and regulations in addition to informal norms. Civilian politicians and elected leaders regularly violate rules pertaining to keeping the military out of partisan politics and face little sanctioning, and the public cannot be held accountable for a poor understanding of civil-military principles. Nonetheless, it does not bode well long-term for democracy in the United States if the military is the only actor committed to keeping its members out of electoral and partisan politics – while civilian leaders and the public are ambivalent, at best, and actively trying to make the military a partisan actor, at worst.

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Understanding Current Threats to Democracy: The Limits of the Civil-Military Relations Paradigm

Rosa Brooks

Although the post-9/11 era has been marked by scholarly angst about what many view as a distinct deterioration in civil-military relations, a review of the evidence suggests that civil-military relations during this period have been complex and sometimes contradictory, rather than unidirectional. But a narrow or formalistic focus on civil-military relations obscures the risks to democracy that stem not from the military but from newer means of coercion that have been enabled by recent technological changes. Concern over civil-military relations and civilian control of the military rests on the presumption that because it possesses the tools of large-scale physical violence, the military is the primary institution capable of subverting democracy through the exercise of raw power. If this was ever true, it is no longer the case today, as recent events have demonstrated.

In the quarter-century since the Twin Towers fell, the United States has been almost continuously at war, with manifestly negative consequences for American democracy, individual rights, and the rule of law. This period has also been marked by substantial angst about what many commentators view as a distinct deterioration in civil-military relations, characterized by a range of potentially worrisome trends: a military that has grown too central to U.S. foreign policy, with military leaders gaining excessive influence relative to civilian decision-makers; increased politicization of the military; and a growing divide between the military community and civilian society – or, alternatively, a troubling militarization of civilian culture and institutions. A close examination of the evidence suggests, however, that civil-military relations in the post-9/11 period have been complex and sometimes contradictory, rather than unidirectional.

But the absence of a clear crisis in civil-military relations doesn't mean there's no cause for concern. Most scholarship on civil-military relations is animated by the presumption that the military is the sole institution in possession of the tools of mass coercion, making healthy civil-military relations uniquely important to managing coercion in a democratically accountable manner. However, the tech-

nological and social changes that have marked the post-9/11 period cast this assumption into doubt. Our global interconnectedness and increasing dependence on networked computers have created stunning new vulnerabilities, and recent decades have seen the emergence of new kinds of security threats and new means of mass coercion. These threats stem from sources that include the cyber domain, artificial intelligence, disinformation, financial market manipulation, and bio-engineered weapons, and they come not only from state actors but from nonstate organizations and super-empowered individuals. Increasingly, they have the potential to threaten international security, domestic stability, and democratic institutions, including here in the United States.

In fundamental ways, these changes challenge our ability to articulate clearly what counts as “war” and even what counts as “force.” They undermine longstanding assumptions about the unique role of the military, blur the boundaries between the military and civilian spheres, and make traditional understandings of civil-military relations and civilian control of the military less analytically useful than in the past.¹

The U.S. military still possesses fearsome destructive powers, but it no longer represents the sole or even primary coercive threat to the norms, processes, and institutions that safeguard human rights, the rule of law, and democratic accountability. Given this context, formalistic accounts of civil-military relations may increasingly obscure as much as they enlighten. With the United States now facing unprecedented authoritarian threats, it is critical that we grapple not only with challenges to democracy that stem from traditional forms of military force, but also with those challenges stemming from newer, subtler forms of mass coercion.

The rebels who fought for American independence against the British in the late eighteenth century had personal experience living under the thumb of a powerful military that suppressed colonial self-determination. The U.S. Constitution, with its complex system of checks and balances, represents a deliberate effort to break up concentrated power. Preoccupied with the need to prevent the will of the people from being supplanted by the will of the powerful, the framers gave special attention to the need to diffuse potential risks posed by the military, which they viewed as the primary potential threat to the fledgling republic. Our constitution thus divides authority over the military between the elected civilian president, who serves as commander in chief of the armed forces, and Congress, which has the power to declare war and to raise, support, and make rules governing the military. By making military commanders subordinate to an elected president and dividing authority over the military between the executive and legislative branches, the framers sought to diminish the potential internal threat a capable military might otherwise pose to the young American republic.

Today, nearly two and a half centuries later, the U.S. military possesses tools of violence unimaginable at the birth of the American republic. In addition to its two million–strong mix of trained, armed active-duty and part-time uniformed personnel, the U.S. military possesses fighter and bomber planes, submarines and aircraft carriers, tanks and unmanned aerial vehicles, and sufficient conventional ordnance and nuclear warheads to destroy the earth several times over. And today, as in 1787, scholars and policymakers remain rightly concerned with ensuring that raw power does not prevail over individual rights, self-determination, and the rule of law.² This concern lies behind the proliferation of scholarship on civil-military relations and civilian control of the military.

Commentators typically understand the term *civil-military relations* in one of two ways.³ To many, civil-military relations in the United States encompass a straightforward series of questions about the dynamics of power and control between two elite groups, one composed of national-level political leaders and the other composed of leaders of the uniformed military services.⁴ Scholars who focus on this understanding of civil-military relations examine how those two elite groups interact, cooperate, or compete.⁵ Other scholars broaden the circle of concern, viewing civil-military relations as also encompassing larger questions about the relationship between the public, the military, and the military community writ large – often understood to include veterans, military families, and Department of Defense (DOD) civilian employees – as well as questions about public attitudes toward war and the use of military force.

In a strictly formal sense, it seems simple enough to define the appropriate outer limits of questions about civil-military relations. The U.S. military consists of the Army, Marine Corps, Navy, Air Force, Coast Guard, and, most recently, the Space Force. These uniformed services are made up of a mix of enlisted personnel and commissioned officers and, all told, there are today roughly 1.3 million active-duty members of the U.S. military, along with nearly 800,000 members of the Reserve and Guard components.⁶ They are supported by an additional 680,000 civilians employed directly by DOD and the various military departments.⁷

In this narrow sense, the U.S. military is an institution with clear boundaries, and by implication, we have little difficulty in defining what we mean by “civilians” when we speak of civil-military relations. From the President of the United States to elementary school students, everyone who is neither enlisted nor commissioned in the military counts as a civilian for purposes of analyzing civil-military relations.

Most of the influential literature on civil-military relations has focused on the relationship between military and civilian leaders at the national level. Samuel P. Huntington’s *The Soldier and the State* (1957) and Morris Janowitz’s *The Professional Soldier* (1960) helped define civil-military relations as a field of scholarly concern, and like the framers of the American republic, both authors viewed civilian con-

trol of the military as a necessary democratic check on the use of the tools of mass violence.⁸

To Huntington, ensuring the integrity of civilian control over the military required maintaining a clear distinction between civilian and military spheres of authority. He famously argued that the military should be understood as a distinct profession possessed of unique expertise. Civilian leaders, he asserted, should therefore defer to military leaders on matters relating to the use of military force, allowing the military to operate in a realm largely divorced from political debates, while military leaders should defer to civilian leaders on political and strategic questions.⁹ Janowitz, in contrast, saw military decisions as inherently political, and argued that the best way to ensure democratic accountability for the use of force was to encourage blended civilian-military decision-making; if the military grew too culturally isolated from the rest of society, he warned, military policy might be ineffective in achieving national strategic goals, and the military's institutional imperatives might dangerously diverge from the needs of the society it was meant to protect and serve.¹⁰

Since these classic works were published, there has been an ongoing debate over the best framework for ensuring healthy relations between military and civilian leaders. Scholars have taken various approaches, but the concept of civilian control of the military has remained central.¹¹

Since 9/11, numerous commentators have warned of dangerous shifts and perhaps even a "crisis" in relations between military and civilian elites. Some assert that with the advent of the open-ended "war on terror," military leaders have gained an outsized role in critical national policy decisions and the military's role in foreign policy has expanded, while military leaders and the military itself have grown more politicized, threatening what many scholars view as the vital norm of military nonpartisanship. Meanwhile, the broader public oscillates between reflexive adulation of the military and a lack of knowledge and interest, raising concerns about a potentially dangerous disconnect between the military and the society it is supposed to serve. Other scholars worry that military practices and values are distorting civilian institutions such as law enforcement in ways that bode ill for transparency and individual rights, as the contributions to this volume by Azadeh N. Shahshahani and Sofía Verónica Montez and by Jacob Swanson and Mary Fainsod Katzenstein discuss.¹²

As I have argued elsewhere, "claims of civil-military crisis have been a recurring feature of American politics" since the early years of the republic.¹³ But while the post-9/11 era has ushered in numerous noteworthy changes, there is little reason to conclude that the protracted and often ill-defined wars of this period have brought about a meaningful shift in the balance of power between civilian and military leaders or threatened fundamental principles of civilian control, or otherwise clearly damaged civil-military norms. The evidence for crisis in civil-

military relations is far more equivocal – and as I will suggest, concerns about civil-military relations may be distracting us from recognizing the more urgent threats to democracy posed by newer forms of coercion.

With regard to relations between military and civilian elites, U.S. reliance on the military as a tool of national policymaking has unquestionably grown, with consequent growth in senior military engagement in high-level strategic decision-making. The military has also expanded its activities into spheres traditionally dominated by civilian government agencies. At the same time, however, civilian actors have increasingly engaged in activities once largely left to the military. What is not clear is whether increased *involvement* of military leaders in strategic decisions either reflects growing military *influence* over these decisions or undermines critical principles of civilian control.¹⁴

The Military Intervention Project at Tufts University’s Fletcher School of Diplomacy has documented more than five hundred U.S. military interventions since the nation’s independence in 1776, with nearly 20 percent of those interventions occurring in the last quarter-century, many in connection with the war on terror.¹⁵ And while large-scale U.S. combat deployments ended with the U.S. withdrawal from Afghanistan in 2021, U.S. forces today remain actively involved in numerous conflicts, particularly in Iraq, Syria, Yemen, and the Red Sea; in June 2025, the U.S. military used “bunker-buster” missiles in attacks on several Iranian nuclear sites.¹⁶

The U.S. military’s global role has expanded in other ways as well. The traditional defining quality of a military is its responsibility for the large-scale, organized use of force in service of national political ends. In the post-9/11 era, however, the U.S. military has engaged in an expanding range of activities many degrees removed from any direct threat or use of force. U.S. civilian foreign affairs agencies such as the State Department and USAID have small budgets, limited personnel, and minimal expeditionary capabilities. And as the United States has grappled with nontraditional transnational threats emanating from nonstate actors as well as more traditional threats from states, presidents from both major political parties turned to military personnel to fill the gaps that civilian agencies could not.¹⁷

The post-9/11 military has been tasked with a wide range of activities that might previously have been considered “civilian” in nature, from intelligence gathering and analysis to training and advisory missions in support of civilian foreign government entities such as police departments and foreign parliaments.¹⁸ U.S. military personnel also assist during humanitarian catastrophes, engage in defensive and offensive cyber operations, plan and carry out psychological operations, attempt to dismantle terrorist financial networks, support public health missions, assist with agricultural reform projects, and take part in hundreds of other activities that seem far away from “traditional” military actions.¹⁹

These activities are understood by the military as critical to preventing broader conflicts that might require the large-scale use of conventional force. As a legal matter, such activities usually are not construed as “armed conflicts” – war, as we put it more loosely – but they have been incorporated into military doctrine in which they are defined, variously, as military “shaping operations,” “stability operations,” “gray-zone warfare,” or “irregular warfare.”²⁰

Superficially, these developments might lead one to conclude that in the post-9/11 period, the military’s power greatly increased vis-à-vis civilian branches of government, insofar as the military has become more central to U.S. foreign policy and has expanded the scope of its activities, pushing deeper into formerly civilian spheres. But centrality, influence, and power are not the same things. If military power had increased in a general way, for instance, we might expect to see this reflected in a larger military with an ever-expanding budget. But despite temporary recruiting surges at the peak of the Afghanistan and Iraq wars, the overall size of the active-duty force has changed little in the last quarter-century, and is well down from its Cold War size.²¹ And although military spending spiked to 4.5 percent of GDP in 2009, when the United States was engaged in active ground combat in both Afghanistan and Iraq, it has declined again since; by 2024, the defense budget had dropped back to 2.7 percent of GDP.²² Military spending as a share of GDP since 9/11 has been, on average, far lower than it was for most of the twentieth century.²³

Similarly, while America’s near constant post-9/11 military interventions have, of necessity, given military leaders an increasingly prominent seat at the policy-making table, there is little evidence to suggest that this has translated into greater military *influence* over national policy. Certain pivotal interactions have been much debated: Consider President Barack Obama’s unhappiness with military leaders who were, in his view, trying to box him in on Afghanistan policy, and his eventual decision to fire General Stanley McChrystal. Or, during President Donald Trump’s first administration, consider that military leaders largely opposed Trump’s intermittent proposals to use the active-duty or National Guard troops for domestic law enforcement purposes, but military personnel were nonetheless involved in Trump administration efforts to quell the racial justice protests that roiled Washington, D.C., after George Floyd’s death in 2020.²⁴ Or consider General Mark Milley’s decision to appear, in combat uniform, alongside President Donald Trump in Lafayette Square shortly after racial justice protesters had been violently cleared out, and his subsequent public apology for his appearance, which, he noted, might have inappropriately suggested a military role in domestic politics.²⁵

Seven months later, a January 12, 2021, memorandum from all members of the Joint Chiefs of Staff declared the events of January 6, 2021 (which President Trump applauded) to be “a direct assault...on our Constitutional process” and noted that President Joe Biden’s upcoming inauguration was “in accordance with the Con-

stitution.”²⁶ This could be seen as a clear rebuke of claims made by the then-commander in chief, but they were made in service of military subordination to the Constitution. And after President Biden was sworn in, senior military leaders repeatedly found themselves overruled on significant policy issues, most notably with regard to the August 2021 withdrawal of U.S. forces from Afghanistan.²⁷

Since his second inauguration on January 20, 2025, President Donald Trump has gone to unprecedented lengths to assert his authority over the military’s uniformed leadership. In his first two months, President Trump fired the chairman of the Joint Chiefs of Staff, the commandant of the Navy, the commandant of the Coast Guard, the vice chief of the Air Force, and the Judge Advocates General for the Army, Navy, and Air Force. All were replaced by personnel deemed by the president to be more loyal to his ideological agenda. In the months since then, President Trump has removed – among others – the generals and admirals heading the National Security Agency, the Defense Intelligence Agency, the Naval Academy, the U.S. military representative to NATO, the head of the Naval Special Warfare Command, the head of the Navy Reserve, and the top uniformed lawyers for each of the military services, all of whom held general and flag officer rank.²⁸ These recent Trump administration actions mark a sharp and disturbing disjuncture with the past, and in the short term, the message is clear: displeasing the president or those close to him will bring a rapid end to even the most illustrious military career. Rather than asserting “too much” influence over policy, military leaders under Trump occupy a precarious status, reduced to implementers of policy decisions made in the White House. At the moment, the civilians are most assuredly controlling the military.

Even as military leaders have been sidelined from the decision-making process, the Trump administration has shown a striking willingness to use military personnel to advance the president’s domestic policy agenda. Both National Guard troops and Marines were deployed to Los Angeles in June 2025 to support the administration’s immigration agenda, taking on roles normally occupied by federal civilian personnel. As this essay goes to press, President Trump has deployed National Guard troops to Washington, D.C., to help address a supposed crime crisis, and has threatened to send Guard troops, and potentially active-duty forces, to other U.S. cities such as Chicago and Baltimore. The legality of these actions is hotly contested, but in terms of civil-military relations, they represent a continuation of the trend toward using military personnel to address problems that would once have been viewed as purely in the civilian domain.²⁹

It seems possible that the Trump administration’s actions will alter the civil-military balance in enduring ways, but less than a year into the second Trump administration, it is difficult to predict the long-term impact. Overall, however, looking back at the last quarter-century, the picture is a complex one, suggesting no unequivocal increase in either civilian or military power but rather a constant

jostling. The dynamics between military and civilian leaders are never static; they are constantly being renegotiated. While there have been moments when civilian leaders have been swayed by military leaders and when military leaders have pushed back against decisions or statements by civilian leaders, military push-back has remained within the confines of traditional constitutional norms, and military leaders appear to have “lost” as many battles for influence as they have won – particularly in recent months.

Adding a further layer of complexity, the rapid post-9/11 expansion of military activities into traditionally civilian spheres has been paralleled to a substantial degree by the increasing encroachment of civilian government agencies and private actors into traditional military spheres, blurring the lines between “civilian” and “military.” With the notable exception of the wars in Iraq and Afghanistan, most U.S. conflicts in the post-9/11 period have involved few conventional military units in combat roles, and have instead relied heavily on a mix of military special operations forces, paramilitary actors from civilian agencies such as the CIA, and personnel and assets provided by private military contractors (PMCs).

The CIA’s Special Operations Group undertakes raids, targeted missile strikes, direct combat actions, and other similar activities, in addition to training and fighting with foreign partner forces (traditionally a task undertaken mainly by Army Special Forces personnel). Publicly available evidence suggests the CIA has played a large role in U.S. drone strikes and cross-border raids, sometimes operating in tandem with military actors and sometimes on its own.³⁰ Executive branch decisions about whether military or civilians will be involved and which actors will lead have often been made on an ad hoc basis, frequently avoiding oversight by exploiting loopholes relating to congressional reporting requirements – a practice that has created both new forms of collaboration and new tensions between military and civilian actors, and that also poses real threats to democratic accountability.³¹

Since 9/11, the United States has also relied heavily on private military companies to carry out missions that might once have been assigned to uniformed military personnel. Private contractors provide military base and convoy security, train local personnel, staff military detention facilities, maintain weapons systems, and engage in other similar activities. In practice, their roles can be difficult to distinguish from those of uniformed military personnel. While many PMCs operate under Defense Department contracts, others are employed by civilian agencies, from the CIA to the Department of State.³² The growing role of PMCs can be seen as both expanding and diluting the power of the military. When PMCs operate under Defense Department contracts, they act as a force multiplier for the military, enabling it to further extend its operations and scope via civilian proxies. Yet when PMCs operate outside of DOD and beyond military command and control, they can dilute the military’s power.

The post-9/11 era is replete with examples of frictions between military personnel and PMCs, just as it is replete with examples of tensions between the uniformed military and civilian government paramilitary actors, such as CIA paramilitary personnel. And as with executive branch reliance on its own civilian paramilitary employees, executive branch reliance on private contractors also often has the effect of obscuring the nature and purpose of government spending and activities we might consider “military” in nature. Here, too, the growing interchangeability of military and civilian actors often allows the executive branch to evade congressional and judicial checks on the use of force.

All these developments render “civil-military relations” an increasingly imperfect proxy for understanding the relationship between the use of military force and democratic accountability, and it muddies what is meant (and what can be achieved) via “civilian control of the military.”³³ If we define the military narrowly – as the uniformed services – we risk overlooking other means through which both governmental and nongovernmental actors use physical force or the threat of force to achieve their ends. If we define the military broadly – as all actors capable of engaging in large-scale uses of physical force – terms such as *military* and *civilian* lose all specificity. And if our concerns relate to democratic accountability, it becomes less and less useful to analyze the relations between non-uniformed political leaders and the U.S. military’s uniformed leadership.

The effects of a quarter-century of war since 9/11 on the relationship between the uniformed military as a discrete institution and the broader civilian society have been similarly equivocal. Public trust in the U.S. military went up after 9/11, then declined, only to rise and then more recently decline again.³⁴ In 2024, 61 percent of Americans still said they had a “great deal” or “quite a lot” of confidence in the military, a number that remains far above the level of public confidence expressed for Congress, the presidency, the judiciary, public schools, the police, or any other government institution, as Sarah Maxey discusses in her contribution to this volume.³⁵ What’s more, a positive assessment of the military remains constant across virtually all demographic groups.³⁶

Though down from its highest levels fifteen and twenty years ago, relatively robust public trust in the military manifests in a range of ways. Before 9/11, civilian federal employees and military personnel with similar levels of experience received roughly comparable pay and benefits; since 9/11, congressional action has ensured that military personnel now receive far more generous compensation and benefits packages than their civilian counterparts.³⁷ Public largesse does not end with pay and benefits: Most Americans have become familiar with semimandatory cultural rituals of admiration for military service. Sporting events offer special tributes to the military, airlines invite military personnel to board early, chain stores offer discounts to military personnel, veterans, and families – the list goes on.³⁸ One 2018

YouGov survey found that 50 percent of Americans felt that every member of the military is a “hero,” regardless of whether they had served in combat or done anything unusually noteworthy.³⁹

These trends might well be construed as the militarization of American culture, but their impact on public opinion, policy decisions, or democratic norms is not straightforward. There is no evidence that widespread public support for the military has translated into sustained support for specific military interventions, for instance. In fact, in the last decade, most polls have reflected substantial public wariness about the use of military force and little public tolerance for extended conflicts.⁴⁰

Confusingly, during the post-9/11 period, Americans appear to have grown both more inclined to defer to the opinions of military leaders on matters relating to the use of force but are also more cynical about the military.⁴¹ They are less inclined to view it as an institution they would like to join or would recommend to their child, and less inclined to view it as an apolitical institution.⁴² Penny M. Von Eschen’s essay in this volume finds cynicism about the military and other agencies of U.S. foreign policy promoted in popular culture, including movies, television series, and video games.⁴³ A 2022 Reagan Foundation survey found that 62 percent of Americans felt military leadership was becoming more politicized, and this reduced their confidence in the military as an institution.⁴⁴ In recent years, Donald Trump and his allies have repeatedly attacked the military as a “woke” institution captured by the radical left – and while there is little basis for this critique, it appears to have reduced trust in military leaders within the Republican Party while slightly increasing it within the Democratic Party.⁴⁵

Since taking office, President Trump and his secretary of defense have given openly partisan speeches at military installations and made it clear that promotion and even job security are linked to demonstrations of political fealty. Given these developments and the high-profile dismissals of senior military leaders deemed insufficiently enthusiastic about President Trump’s agenda, the public is understandably becoming ever-more skeptical of military claims of nonpartisanship. Studies suggest that younger military personnel are more likely to be partisan than older personnel and that political activity by military personnel has increased during a period in which political engagement by civilians has decreased.⁴⁶ Increasingly, prominent retired military leaders have been visible endorsers of candidates for state and national office, and numerous veterans have run for office with campaigns suggesting their military credentials make them uniquely well-suited to opine on a wide range of foreign policy and domestic matters.⁴⁷ This is a topic that Heidi A. Urben takes up in her contribution to this volume.⁴⁸

Meanwhile, public understanding of the military remains minimal. Studies suggest that most Americans are unfamiliar with even the most basic facts about the military, such as its approximate size, budget, and organizational structure.⁴⁹

The public's lack of familiarity with the military parallels a general decline in civic knowledge among the American people, a phenomenon variously attributed to the weakening of civics education programs in schools, too much television and social media, or any of a range of social ills. Factors such as these surely play a role, but in the case of the military, the end of Vietnam-era conscription and the advent of the all-volunteer force are also likely contributing factors. During World War II, more than 12 million Americans served in the military. In 1968, the United States had 3.5 million active-duty service members. By the mid-1990s, the active-duty force had shrunk below 1.5 million, a number it has not exceeded since.⁵⁰ In 1980, 18 percent of U.S. adults were military veterans; today, that number is only 6 percent.⁵¹ As the military and veteran populations have shrunk, it's no surprise that public understanding of the military has also declined.

For much of the twentieth century, mass conscription ensured that the military was broadly representative of the nation's geographic, ethnic, racial, and partisan identities, although practices such as educational deferrals and the bar on women's participation in combat led to class and gender inequalities. The all-volunteer army, however, has become simultaneously more and less representative of the larger U.S. population. It has more women and people of color in it, and those underrepresented groups have slowly moved into leadership positions.⁵² At the same time, military service has increasingly become a hereditary occupation rather than a widely shared burden, and today's military draws heavily on the middle class; high school graduation requirements, weight-related requirements, and other criteria effectively shut out many of the poorest Americans.⁵³ Perhaps for this reason, and contrary to popular mythologies, veterans tend to do better economically than nonveterans, with higher median incomes and lower unemployment rates.⁵⁴ There remain, however, class- and race-based discrepancies among veterans, as Heidi Peltier's essay in this volume points out.⁵⁵ While women remain severely underrepresented in the military, making up fewer than 20 percent of all personnel, today's military is more racially diverse than the civilian population; people of color are overrepresented relative to population size. The military is also geographically skewed: half of all active-duty troops live in just six Southern states, and the military draws far more heavily on recruits from the South, the Southwest, and the Mountain states than from the coasts.⁵⁶

In terms of partisanship, the picture is rapidly changing: while studies during the 1970s through the mid 2000s found that enlisted personnel were less conservative than officers, some evidence suggests that officers today are beginning to tilt more liberal than enlisted personnel.⁵⁷ What's more, there is evidence of declining military respect for civilian society. Recent research suggests that the military increasingly views itself not only as a distinct and separate institution but as a morally superior one, and that military personnel have diminishing respect for their civilian leaders.⁵⁸

It is hard to draw definitive conclusions from all this about the state of civil-military relations. Since polling questions (and the presence of polling) vary over time, it's difficult to say if civilian or military attitudes since 9/11 have changed in enduring ways, or in ways that reliably translate into meaningful differences in policy or practices affecting democratic norms. Military demographics have changed, and it is possible to point to ways in which civilian life has grown more "militarized," but in these cases, too, it is not clear that this has decisively or unidirectionally affected the norms, processes, or institutions that protect individual rights, democratic accountability, or the rule of law.

Consider, for instance, concerns about the militarization of domestic law enforcement. Municipal police departments emerged in the mid-nineteenth century in the United States and were structured from their inception along paramilitary lines (with military-style uniforms, rank structures, and the like).⁵⁹ Today, military veterans and members of the National Guard and Reserves still make up a disproportionate number of sworn law enforcement officers.⁶⁰ Since the 9/11 attacks, numerous domestic law enforcement agencies have received military surplus equipment under various controversial federal programs, discussed in the essay by Shahshahani and Montez, and police departments increasingly use predictive software and surveillance technologies first deployed in the counterterrorism arena.⁶¹

The impact of these shifts is unclear. While some studies have found increased use of lethal force by agencies receiving more military surplus equipment and increased use of force by officers with military experience, others have reached conflicting conclusions; the impact of surplus military equipment on crime rates is also debated.⁶² In the United States, policing is highly decentralized and the professionalism of policing varies greatly from region to region. It is therefore not surprising that the impact of what might be seen as police "militarization" has been negative in some departments and neutral or positive in others (some studies have found, for instance, that officers who are military veterans are *less* likely to use excessive force than nonveterans).⁶³ And, of course, "the military" is not monolithic: an infantry or special operations veteran with a decade of combat experience may bring different assumptions and skills to civilian policing than a veteran whose military occupational specialty was mechanical engineering or logistics, or a veteran who never deployed. Similarly, some civilian law enforcement agencies relied on military surplus programs to acquire armored vehicles and weapons, while others used such programs to obtain office furniture.

Likewise, the adoption of artificial intelligence programs and surveillance by police departments may actually reduce the use of force by police, even as such technologies create new potential threats to civil liberties. In any case, the development and use of these technologies owe as much to civilian counterterrorism as to the military.⁶⁴

The issues highlighted above are the bread and butter of the scholarly literature on civil-military relations. But while it remains valuable to contemplate these questions and the ways in which a quarter-century of conflict may have changed civil-military relations, it is no longer clear that the inquiry tells us anything important about the health of American democracy.

When the U.S. Constitution was drafted, organized militaries, including militias and volunteer units, had outsized, near-monopolistic control over the means of large-scale coercion. The framers faced a dilemma: A capable military was seen as necessary to protect the newly independent United States from external enemies and, at times, from perceived internal threats such as the Whiskey Rebellion or Indian hostility to westward expansion. But the more capable the military, the more it also posed potential risks to the polity itself: those in control of the means of mass violence might be tempted to impose their will on the fragile republic. The framers of the U.S. Constitution viewed civilian control of the military and related checks and balances as critical to ensuring that the will of the people would prevail over the will of the powerful.⁶⁵

Most recent commentary on civil-military relations rests on similar assumptions about the military's role: it is perceived as both a vital protector of American democracy and a unique potential threat. And for most of U.S. history, the military did indeed possess unique and unparalleled destructive and coercive capabilities, making it natural for those concerned with protecting democratic norms and institutions to view civil-military relations as a critical area of inquiry.

Today, however, other actors and methods have emerged to challenge the military's former near-monopoly on the tools of mass coercion. In some cases, organized state militaries, including the U.S. military, have been challenged by non-state actors making creative, asymmetrical use of physical force; in other cases, both state and nonstate actors have successfully employed new forms of coercion that do not rely upon physical force at all.

It is beyond the scope of this essay to discuss those emerging sources and modes of large-scale coercion in detail, but consider the paradigmatic example of the 9/11 terrorist attackers: nineteen men, armed only with boxcutters, succeeded in turning commercial passenger planes into weapons that killed nearly three thousand people and jolted the global economy. Those nineteen 9/11 hijackers hailed from four different countries; they wore no uniforms and were loyal only to a small, decentralized terrorist network.

Or consider the potential threat posed by bioengineered viruses: while most experts believe the COVID-19 pandemic came about as a result of a natural crossover of the virus from animals to humans, few would dispute that both states and nonstate actors are experimenting with novel biological agents capable of causing widespread illness and death.⁶⁶ Indeed, in the era of genetic manipulation – fueled by the ready availability of open-source information, increasingly econom-

ical laboratory equipment, and AI-driven tools – U.S. intelligence agencies have warned of a growing risk of bioengineered weapons, some of which could even be tailored to specific genetic signatures.⁶⁷ Producing or deploying such “weapons” would not necessarily require a state or its military: they could be produced by nonstate organizations or even individuals. Such biological innovations have the potential to harm or compel individuals or whole populations as effectively as the conventional weapons possessed by conventional militaries.

Consider also the potentially coercive power of cyberattacks, capable of crippling electrical grids, bringing down financial markets, or selectively threatening the assets or reputations of individuals in sensitive government or non-governmental positions. Already, cyberattacks have had devastating “real-world” effects. In 2010, the Stuxnet virus caused physical damage to Iranian centrifuges. In 2017, the WannaCry ransomware attack shut down critical hospital infrastructure in the United Kingdom. In 2021, a ransomware attack on JBS Meat Processing, a Brazil-based company, shut down plants providing 20 percent of U.S. meat production for days, while a ransomware attack on Colonial Pipeline caused fuel shortages and panic-buying in much of the Eastern United States. These and similar attacks have collectively caused billions of dollars in damage, and companies have in many cases paid out millions in ransom to halt the attacks.⁶⁸

In a world grown so dependent on networked computer systems, the potential for still more devastating future cyberattacks is acute. Critically, while some of the most well-known attacks have been attributed to state-based or state-sponsored actors, others have been traced to private groups and even individuals. Cyberattacks cost attackers little, but their consequences can be as devastating as attacks on infrastructure using conventional military means.

As we enter the era of artificial intelligence, AI-fueled disinformation and deep-fakes have emerged as tools to influence, frighten, or blackmail key individuals or even entire populations.⁶⁹ Already, bots, AI-produced memes, and AI-generated false photos, video, and audio have been used to further financial fraud and sway voters and public opinion in France, Germany, and the United States. It is difficult to quantify the impact such efforts have had on election results, but it seems clear that they at least have the potential to alter electoral outcomes.⁷⁰ Here, again, neither militaries nor states have any special ability to deploy such AI-fueled tools, which are available to ordinary individuals and private organizations as well; yet with such tools, their destructive and coercive powers may rival the destructive and coercive powers historically associated with militaries. The threat or use of conventional military force can disrupt or halt elections, but if AI-generated tools wielded by individuals or organizations can achieve the same effects far more cheaply and easily, military force, and the military itself, may become almost superfluous.

Consider also the role of super-empowered individuals. Here Elon Musk is a paradigmatic example: he is the richest man in the world; he owns X, one of the

world's major social media networks; and his Starlink satellite network is relied upon by individuals, corporate actors, and numerous states around the globe. The U.S. military depends on Starlink for services ranging from internet access for deployed Navy sailors to Army command-and-control systems. This places extraordinary power in the hands of a single individual, and even before joining the Trump administration, Musk showed a willingness to use this power. In 2023, he prevented Ukrainian forces from using internet communications during a planned attack on a Russian-controlled target by declining to provide Starlink internet services in Crimea; at one point, Russian President Vladimir Putin reportedly asked Musk not to extend Starlink service over Taiwan, as a favor to the Chinese.⁷¹ Musk, a single individual, has the unilateral power to deprive powerful militaries of a vital tool. Other extraordinarily wealthy individuals, and many multinational corporations, similarly have a degree of coercive power once associated solely with states and large-scale organized armed groups.

Musk's involvement in the early months of the second Trump administration highlights another way in which new forms of coercion have emerged. When Trump took office in January 2025 and established the so-called Department of Government Efficiency (DOGE), placing Musk at the helm, Musk hand-selected and brought in a small group of computer experts from outside the U.S. government. Using their expertise and the access and authority provided by President Trump, the tiny DOGE team rapidly seized control of vital U.S. government payroll, personnel, and data systems, including those at the Office of Personnel Management (OPM), the federal government's internal human resources department, at the Treasury Department, and, ultimately, at virtually every federal agency, including the IRS, the Social Security Administration, the State Department, and the Defense Department.⁷²

Within weeks of Trump's inauguration, DOGE – via the OPM and other agencies, and assisted by artificial intelligence tools – had placed thousands of federal employees on administrative leave and reassigned scores of others, some to offices hundreds of miles away (particularly those deemed insufficiently loyal to the new president, including numerous senior career civil servants at the FBI and Department of Justice). DOGE announced planned permanent layoffs of hundreds of thousands more and froze or canceled billions of dollars in federal spending, including nearly all U.S. foreign assistance grants and grants for scientific and medical research. Programs and positions slated for elimination were identified in part through a rapid “review” that relied on artificial intelligence.

As a means of coercion, DOGE's actions were stunningly effective. Near universal reliance on networked computer systems for personnel and payments enabled DOGE to do all this almost overnight, and at least in the first months of the Trump administration, DOGE's actions brought about rapid compliance by many of the same actors and agencies who had pushed back against what they saw as un-

lawful Trump initiatives during Trump's first term. Numerous universities, non-profits, and government contractors lost access overnight to the funds necessary to pay staff, maintain equipment, and cover the rent for laboratory and office space. Meanwhile, career senior officials found their access to government buildings and computer systems cut off from one day to the next. DOGE access to IRS and Social Security records raises the specter of these systems and agencies being used to coerce private individuals through politically motivated audits or denial of benefits.

Even the U.S. military was rapidly brought to heel: thousands of DOD personnel were notified that their jobs were being eliminated, others were reassigned or fired, and DOD websites were altered to remove information about individuals, programs, and information disfavored by the new administration.⁷³ When newly appointed Trump administration officials found existing secure communications mechanisms inconvenient, they simply bypassed them, instead making use of commercial apps such as Signal.⁷⁴ Effective internal opposition was essentially eliminated – all without a shot fired.

As of this writing, numerous lawsuits against the Trump administration are pending, and by the time this essay is published, some of this may have changed. Thus far, however, the Trump administration has been largely successful in its efforts to expand executive power while silencing or eliminating effective means of internal dissent. Regardless of how courts ultimately rule and how the Trump administration responds, the facts on the ground have been permanently altered, offering a powerful object lesson in new forms of vulnerability and compulsion. In this brave new world, traditional militaries can still use physical force to pose large-scale threats to individual rights, the rule of law, and democratic accountability – but so too can a wide range of other actors, from civilian government agencies to nonstate organizations and even solitary individuals. Similarly, both military and civilian actors – and state and nonstate actors and individuals – can increasingly deploy tools that enable large-scale coercion without using physical force, instead making use of financial or reputational threats, misinformation, cyber and artificial intelligence tactics, or denial of access to communications. If military power posed unique threats to democracy in 1787, American democracy today faces an expanding array of threats from a widening range of actors.

Traditional ways of thinking about civil-military relations and civilian control of the military do not fully capture these new and emerging sources and methods of mass coercion. As a result, evaluating the impact of prolonged war on civil-military relations doesn't necessarily tell us much about the degree to which the post-9/11 era has increased the vulnerability of democratic norms and institutions. While most commentators would agree that the post-9/11 era has been one of significant democratic erosion, looking at this period through the lens of civil-military relations offers only a partial view of these changes.⁷⁵

That said, more “traditional” threats to stable and healthy civil-military relations also loom large. President Trump has made it clear that he views the U.S. military as both a weapon and a target. He has ousted senior military leaders he considers too “woke,” deployed active-duty military forces to detain and deport undocumented migrants, and used the National Guard to impose “law and order” in American cities.⁷⁶ Already, he has cast aside long-standing norms about the value of a nonpartisan military and its appropriate role within a democratic society and further blurred the lines between what can be viewed as a uniquely “military” function and what is more properly a civilian function. If President Trump follows through on his threats to use the military to suppress domestic political protest, the United States may become the latest society to illustrate that civilian control of the military is no guarantee of democracy or human rights.

Civil-military relations remain an important area of study. But as the United States enters uncharted political waters, it is vital that debates about civil-military relations not descend into empty formalism, obscuring both current security challenges and emerging threats to democratic norms. The technological and social changes of recent decades mean that healthy civil-military relations no longer suffice to protect democracy from raw power – and to understand and manage these changes, we will need to develop new analytic and political tools.

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ENDNOTES

¹ See Rosa Brooks, *How Everything Became War and the Military Became Everything: Tales from the Pentagon* (Simon and Schuster, 2016). See also Carrie Lee and Max Margulies, “Rethinking Civil-Military Relations for Modern Strategy,” West Point Modern War Institute, August 14, 2023, <https://mwi.westpoint.edu/rethinking-civil-military-relations-for-modern-strategy>.

² As James Burk notes, the “important theoretical problem for [mature democracies] is how to maintain a military that sustains and protects democratic values.” James Burk, “Theories of Democratic Civil-Military Relations,” *Armed Forces & Society* 29 (1) (2002): 8. See also Richard Kohn, “An Essay on Civilian Control of the Military,” *American Diplomacy*, March 1, 1997, <https://americandiplomacy.web.unc.edu/1997/03/an-essay>

-on-civilian-control-of-the-military; Ryan Evans, "To Support and Defend: Principles of Civilian Control and Best Practices of Civil-Military Relations," War on the Rocks, September 6, 2022, <https://warontherocks.com/2022/09/to-support-and-defend-principles-of-civilian-control-and-best-practices-of-civil-military-relations>; and Congressional Research Service, "Defense Primer: Civil-Military Relations," updated June 11, 2020, <https://crsreports.congress.gov/product/pdf/IF/IF11566#:~:text=In%20the%20context%20of%20a,form%20of%20tyranny%20or%20dictatorship>. See generally "The Effect of Civilian Control on Democracy," in David Kuehn and Aurel Croissant, *Routes to Reform: Civil-Military Relations and Democracy in the Third Wave* (Oxford University Press, 2023).

- ³ See, for example, Burk, "Theories of Democratic Civil-Military Relations," 7, noting, "The empirical domain of civil-military relations is large. It includes direct and indirect dealings that ordinary people and institutions have with the military, legislative haggling over the funding, regulation, and use of the military, and complex bargaining between civilian and military elites to define and implement national security policy. . . . Only in the loosest sense can we claim to have overarching theories of civil-military relations that explain the widely divergent patterns of conduct that occur throughout this domain under the whole range of imaginable conditions. What we have instead are limited theories that examine one aspect of the matter."
- ⁴ Doyle Hodges and Kori Schake, "Healthy Worry About Healthy Civil-Military Relations," talk delivered by Kori Schake and introduced by Doyle Hodges at the Clements Center Summer Seminar in History and Statecraft held in Beaver Creek, Colorado, July 2022, War on the Rocks, August 5, 2022, <https://warontherocks.com/2022/08/healthy-worry-about-healthy-civil-military-relations>. Hodges notes, "Simply, [civil-military relations] is the relationship between the military and the civilian government that it serves." See also Alexander Vindman, "Civil-Military Relations: Repairing Fractured Ties," *Democracy* 71 (2024), <https://democracyjournal.org/magazine/71/civil-military-relations-repairing-fractured-ties>; "Simply put, they are the norms governing the interaction between civilian authorities and the uniformed military."
- ⁵ See, for example, the writings of Samuel P. Huntington, Richard Kohn, Morris Janowitz, Douglas Bland, and Peter Feaver.
- ⁶ With the exception of the Coast Guard, which is situated organizationally within the U.S. Department of Homeland Security, the military is situated within the Department of Defense. But in times of war, command of the Coast Guard is transferred to the Department of the Navy within DOD.
- ⁷ U.S. Department of Defense, *2022 Demographics: Profile of the Military Community* (U.S. Department of Defense, 2023), <https://www.militaryonesource.mil/data-research-and-statistics/military-community-demographics/2022-demographics-profile>.
- ⁸ Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Belknap Press, 1957); and Morris Janowitz, *The Professional Soldier: A Social and Political Portrait* (The Free Press, 1960).
- ⁹ Huntington, *The Soldier and the State*.
- ¹⁰ Janowitz, *The Professional Soldier*.
- ¹¹ Scholars such as Richard Kohn, Eliot Cohen, Peter Feaver, Kori Schake, Risa Brooks, Douglas Bland, Thomas Bruneau, James Burk, Ronald Krebs, and many others have sought a more nuanced approach that seeks to account for what is unique about military expertise while also ensuring that military power remains subordinate to broader soci-

etal objectives, as expressed by elected leaders operating within the U.S. constitutional framework of checks and balances. See generally Douglas L. Bland, "A Unified Theory of Civil-Military Relations," *Armed Forces & Society* 26 (1) (1999): 7–25; Risa A. Brooks, *Shaping Strategy: The Civil-Military Politics of Strategic Assessment* (Princeton University Press, 2008); Thomas C. Bruneau and Scott D. Tollefson, eds., *Who Guards the Guardians and How: Democratic Civil-Military Relations* (University of Texas Press, 2006); Burk, "Theories of Democratic Civil-Military Relations"; Eliot A. Cohen, *Supreme Command: Soldiers, Statesmen, and Leadership in Wartime* (Anchor Books, 2003); Michael Charles Desch, *Civilian Control of the Military: The Changing Security Environment* (Johns Hopkins University Press, 1999); Peter D. Feaver, *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Harvard University Press, 2003); Richard H. Kohn, "How Democracies Control the Military," *Journal of Democracy* 8 (4) (1997): 140–153; Ronald R. Krebs, "In the Shadow of War: The Effects of Conflict on Liberal Democracy," *International Organization* 63 (1) (2009): 177–210; and Jim Mattis and Kori N. Schake, *Warriors and Citizens: American Views of Our Military* (Hoover Press, 2016).

¹² See, for example, Gordon Adams and Shoon Murray, eds., *Mission Creep: The Militarization of U.S. Foreign Policy* (Georgetown University Press, 2014); Risa Brooks, Jim Golby, and Heidi Urben, "Crisis of Command: America's Broken Civil-Military Relationship Imperils National Security," *Foreign Affairs* 100 (3) (2021): 64–75; Mattis and Schake, *Warriors and Citizens*; Janine Davidson, "The Contemporary Presidency: Civil-Military Friction and Presidential Decision Making: Explaining the Broken Dialogue," *Presidential Studies Quarterly* 43 (1) (2013): 129–145; and Todd Schmidt, *Silent Coup of the Guardians: The Influence of U.S. Military Elites on National Security* (University Press of Kansas, 2022). In this volume, see Azadeh Shahshahani and Sofía Verónica Montez, "Colonialism Turned Inward: Importing U.S. Militarism into Local Police Departments," *Daedalus* 154 (4) (Fall 2025): 274–294, <https://www.amacad.org/daedalus/colonialism-turned-inward-importing-us-militarism-local-police-departments>; and Jacob Swanson and Mary Fainsod Katzenstein, "From the Battlefield to Behind Bars: Rethinking the Relationship between the Military- & Prison-Industrial Complexes," *Daedalus* 154 (4) (Fall 2025): 295–311, <https://www.amacad.org/daedalus/battlefield-behind-bars-rethinking-relationship-between-military-prison-industrial-complexes>.

¹³ See Rosa Brooks, "Are U.S. Civil-Military Relations in Crisis?" *The U.S. Army War College Quarterly: Parameters* 51 (1) (2021): 7. The twentieth century saw numerous tensions between military and civilian leaders and between the military and society more generally, ranging from General Douglas MacArthur's defiance of President Harry Truman in 1951 and the military's overt hostility toward President Bill Clinton's "Don't Ask, Don't Tell" policy in the 1990s to the antidraft and antiwar protests of the 1960s and early 1970s. For some pre-9/11 discussions of "crisis," see Richard H. Kohn, "Out of Control: The Crisis in Civil-Military Relations," *The National Interest* 35 (1994): 3–17; Deborah Avant, "Conflicting Indicators of 'Crisis' in American Civil-Military Relations," *Armed Forces & Society* 24 (3) (1998): 375–387; Don M. Snider and Miranda A. Carlton-Carew, eds., *U.S. Civil-Military Relations: In Crisis or Transition?* (CSIS, 1995); Gregory D. Foster, "Confronting the Crisis in Civil-Military Relations," *Washington Quarterly* 20 (4) (1997): 15–33; and Peter D. Feaver and Richard H. Kohn, "Civil-Military Relations in the United States," *Strategic Studies Quarterly* 15 (2) (2021): 12–37.

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- ¹⁵ Sidita Kushi and Monica Duffy Toft, “Introducing the Military Intervention Project: A New Dataset on U.S. Military Interventions, 1776–2019,” *Journal of Conflict Resolution* 67 (4) (2023): 752–779; Monica Duffy Toft, “America Now Solves Problems with Troops, Not Diplomats,” *The Conversation*, August 29, 2019; and Monica Duffy Toft, “Ending Our Military-First Foreign Policy,” *The American Conservative*, September 26, 2020, <https://www.theamericanconservative.com/ending-our-military-first-foreign-policy>.
- ¹⁶ Joshua Keating, “Biden and Harris Say America’s No Longer at War. Is That True?” *Vox*, September 11, 2024, <https://www.vox.com/kamala-harris/371497/harris-troops-war-zones>; and Lauren Jackman and Evan Gorelick, “America Strikes Iran,” *The New York Times*, June 22, 2025, <https://www.nytimes.com/2025/06/22/briefing/america-trump-iran-strike.html>.
- ¹⁷ As of late August 2025, the Trump administration has drastically slashed foreign assistance and diplomatic budgets and staffing, leaving the future of civilian U.S. government foreign policy–related organizations in doubt.
- ¹⁸ Office of the Director of National Intelligence, “Members of the IC [Intelligence Community],” <https://www.dni.gov/index.php/what-we-do/members-of-the-ic#:~:text=Nine%20Department%20of%20Defense%20elements,Air%20Force%2C%20and%20Space%20Force> (accessed March 31, 2025).
- ¹⁹ The second Trump administration appears likely to scale back these military activities significantly, but as of the time of writing, most remain ongoing.
- ²⁰ See generally Brooks, *How Everything Became War*.
- ²¹ Kim Parker, “6 Facts about the U.S. Military and Its Changing Demographics,” Pew Research Center, April 14, 2024, <https://www.pewresearch.org/short-reads/2017/04/13/6-facts-about-the-u-s-military-and-its-changing-demographics>.
- ²² Although in absolute dollar terms the United States spends more on the military than any other nation, spending as a percentage of GDP is probably the most useful measure for analysis of civil-military relations. Compared with other states, the United States does not even rank in the top twenty in terms of military spending as a percentage of GDP, nor in terms of the percentage of national government spending that goes to the military.
- ²³ U.S. Department of Defense, “Defense Spending as a % of Gross GDP,” March 12, 2019, <https://media.defense.gov/2019/Mar/12/2002099941/-1/-1/0/190312-D-ZZ999-001.JPG>. As points of contrast, the defense budget consumed 8.6 percent of GDP in 1968, during the Vietnam War; 11.3 percent of GDP in 1953, during the Korean War; and 43 percent of GDP in 1945, the final year of World War II. Dinah Walker, “Trends in U.S. Military Spending,” Council on Foreign Relations, August 22, 2012, <https://www.cfr.org/report/trends-us-military-spending#:~:text=In%20the%20base%20budget%2C%20the,%2447.4%20billion%20in%20FY%202015>. It should be noted that while the Trump administration has slashed civilian foreign policy–related budgets and asserted an intention of building up military capabilities, it also seems likely to reduce defense-related staffing and spending.
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Gender, Sexuality, Warfighting & the Making of American Citizenship Post-9/11

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The so-called global war on terror marked a pivotal moment in the intersection of gender, sexuality, military service, and U.S. warfighting. This essay explores, via paradigmatic empirical incidents, three key dimensions of gendered warfare – military service, support for the military, and protest/dissent – to reveal a central paradox in the post-9/11 U.S. gender-war system. While military service has declined overall, efforts to formally include women and LGBTQ+ people in the armed forces have coincided with the ongoing valorization of a narrow gendered ideal of soldiering and citizenship (often cisgender, heterosexual, masculine, and white). Despite (potentially temporary) increased formal equality and inclusion, the global war on terror reinforced the existing U.S. heteropatriarchal sex-gender order, characterized by a mandatory heterosexuality and binary, deterministic account of gender. This model of gendered, martial citizenship promotes civilian deference to the military and subverts the democratic oversight of the armed forces.

What did the “global war on terror” do to the relationship between gender, the military, and citizenship in the United States? At first glance, the wars in Afghanistan and Iraq appear to be accompanied by gains in formal equality for women alongside people of diverse sexual orientations and gender identities and expressions. By 2015, all restrictions on women’s service in the U.S. military, notably the last remaining exclusions from combat roles, had been lifted. In 2011, the Don’t Ask, Don’t Tell policy prohibiting lesbian, gay, and bisexual people from openly serving in the U.S. military had been repealed; same-sex marriage was legalized four years later. Given the centrality of military service to historical struggles for citizenship rights, recognition, and dignity in the United States, most notably in the long struggle against anti-Black racism, the increased participation of people previously excluded from, or marginalized within, the U.S. military has sociopolitical significance beyond the institution.

I argue, however, that these moves toward formal equality and institutional inclusion did not challenge prevailing masculinized, heterosexual ideals of norma-

tive citizenship and military service. Instead, including previously marginalized groups into formally open service broadened the ambit of people considered part of these gendered ideals of heterosexual military masculinity. Consequently, the primary effect of the global war on terror (GWOt) on gender, sexuality, and citizenship in the United States was to reify a binary sex-gender order as the basis for soldiering and citizenship.

Here, gender refers to but also exceeds embodied identity. Gender is a form of social and normative structure, comprising intersubjective ideas, beliefs, values, and relationships. Though gender is nonbinary and diverse, in the contemporary United States it is typically understood as expressing expectations of appropriate behavior, identity, and actions for men and women, articulated through binary notions of masculinity and femininity. This normative binary sense of sex/gender is associated with a likewise normative, binary sense of sexuality, wherein heterosexuality is normalized in contrast to devalored notions of homosexuality.

The meanings of masculinity and femininity are contextual and relational. They are articulated through a process of gendered contrast and association, in which values, ideas, and concepts associated with masculinity are typically esteemed and hierarchically elevated over those associated with femininity.¹ In the United States, idealized understandings of masculinity often involve attributes such as rationality, strength, righteous violence, public life, and general political agency; femininity is often associated with private life, emotion, vulnerability, dependence, and general passivity.² Together, binary understandings of gender and sexuality operate to order social and political life, including military service and idealized citizenship.

This essay proceeds with an account of the relationship between military service, citizenship, and normative gender within liberal democracies. I substantiate my argument through an examination of the gendering of three key facets of citizenship: military service, civilian support for the military, and antiwar dissent. I use three paradigmatic events – the graduation of the first women from U.S. Army Ranger School, the repeal of Don't Ask, Don't Tell, and the antiwar protests of peace activist Cindy Sheehan – to illustrate the intertwining of formal inclusion with the reification of heteropatriarchal, martial citizenship. I conclude by arguing that the global war on terror has reinforced the existing U.S. heteropatriarchal sex-gender order, promoting civilian deference to the military and undermining democratic oversight of the armed forces.

Schematically, citizenship within liberal democracies such as the United States is straightforward. Individuals give up the right to the independent use of violence in return for the state's protection of their liberty from internal predation and external war. This account of political obligation and civic rights is formally universal; it is ideologically intended to pertain to all individuals equally, independent of social positioning and/or embodied identity.

As feminist political theorists have observed, however, this understanding of citizenship is less neutral to power and identity than it is blind. They argue that the ability of the rational, atomistic individual to exercise their rights in the public sphere is premised upon the labor of women and/or feminized subjects in the private sphere.³ The public sphere is understood as historically populated by men and conceptually masculinized. The private sphere is associated with feminized values such as dependence, passivity, care, and family.⁴ Critical race theorists have likewise observed that liberal citizenship is implicitly white, as white people's liberty and wealth are empirically and ideologically facilitated by the expropriation and exploitation of people of color via colonialism and slavery.⁵

The gendered division between the public and private mirrors a binary, gendered civil-military divide.⁶ Empirically, we can see this dynamic in the history of U.S. civil-military relations. Early relations were characterized by a general suspicion of European-style standing armies combined with the valorization of the republican citizen-soldier as an enlightened, heroic amateur.⁷ Through the cultural elision of the Civil War, an enduring image of the U.S. citizen-soldier as a white, individuated, ideally masculine family man, on call to defend hearth and home but eschewing international adventurism, was forged.⁸ World War I, and World War II even more so, reinforced military service as a common experience and important gendered expectation of U.S. men (if on unequal terms).⁹ Women entered the workforce at an unprecedented (if explicitly temporary) rate.¹⁰ During both World Wars, the United States was characterized by a gendered division of violent labor, wherein all "good" men served in the armed forces and all "good" women cared for the home front, providing material and affective support for the war effort.¹¹

Though a comparatively short period of U.S. history, World War II looms large as the "last good war": a righteous fight characterized by the collective sacrifice of heroic men and loyal women.¹² The military, reflecting the idealized attributes of masculinity associated with soldiering, such as bravery, sacrifice, and the righteous use of violence, is constructed as protecting a feminized, dependent, and vulnerable civil sphere. Civil-military relations in liberal democracies reflect a gendered logic that maps a heteronormative dynamic of patriarchal leadership and protection of an idealized nuclear family onto the state and civil-military relations writ large.¹³

Implicit and explicit references to an idealized, binary notion of sex/gender legitimate the state's warfighting and its extraction of military service. Within liberal democracies, military service is an underacknowledged form of political obligation and component of citizenship, albeit one that sits uneasily with liberalism's commitments to liberty, autonomy, and civic rights. The cultural and ideological association between military service and idealized heterosexual masculinity alleviates this tension through reference to ostensibly private social relations

and embodied identities.¹⁴ The valorization of soldiering masculinity also, importantly, extends the ambit of military values, concepts, and ideals beyond the institutional military. Militarism is ideologically constructed and socially normalized through gendered logics, ideals, and relations; the historical insistence upon military service and martial violence as masculine reifies a heteropatriarchal gender order.¹⁵

Across the twentieth and early twenty-first centuries, however, the exclusion of particular groups from formal public institutions – especially those as symbolically and materially important as the military – became increasingly untenable under political liberalism. Military service, as argued separately by political scientists Ronald Krebs and Elizabeth Kier, as a core expectation of citizenship and marker of political belonging, has served as an important component of broader struggles for civil rights, recognition, and dignity by marginalized groups.¹⁶ As observed by historians Douglas W. Bristol Jr. and Heather Marie Stur, opposition to the integration of the armed forces was articulated with a predictable script, predicated on national security rationales: “[fill in the blank] is not fully capable and will hinder combat effectiveness; [fill in the blank] will disrupt unit cohesion and so diminish military effectiveness; allowing [fill in the blank] to serve will undermine training, make it impossible to recruit successfully, and disrupt military order.”¹⁷ Consequently, people within the military institution struggled for equality and recognition while the extension of military service, and the symbolic citizenship that such a move confers, was often driven from outside the formal institution (and met with considerable resistance). The service of Black Americans in World War II, combined with concerted political activism by Black civil rights leaders, led to the desegregation of the U.S. military in 1948. Minoritized, working class men’s military service “earns” the citizenship conferred on privileged white and propertied men by assumption.¹⁸

Women’s (understood primarily as ciswomen’s) military service traced a similar trajectory across the twentieth and twenty-first centuries: partial inclusion during the World Wars, removal of formal barriers to promotion during Vietnam, and eligibility for all military roles during the global war on terror. In 2015, Captain Kristen Greist, 1st Lieutenant Shaye Haver, and Major Lisa Jaster (Army Reserve) became the first women to graduate from the U.S. Army Ranger School.¹⁹ The preceding fourteen years of the global war on terror had rendered the long-standing ban on women’s combat participation untenable. The lack of a conventional “frontline” during operations in Iraq and Afghanistan meant that despite the formal designations of their roles, women were serving in combat. In 2008, for instance, Private First-Class Monica Lin Brown, a medic, was awarded the Silver Star for her valor in combat in a 2007 firefight in Afghanistan.²⁰

The removal of the ban on women's participation in combat in 2015 aligned policy with ongoing military practice and solidified the framing of the U.S. military (and the United States) as committed to a formal, liberal vision of equality.²¹ The graduation of the first women from the U.S. Army Ranger School – though accompanied by the usual pushback relating to military effectiveness, small unit combat cohesion, and gender-essentialist tropes of physical capacity – has been regarded as a form of feminist victory.²² Women's actual contributions to the U.S. military are now formally recognized, opening avenues for greater participation and promotion across the institution. Not unlike struggles for racial equality, women's military service also symbolically underpins women's broader claims to rights and equality in all forms of politics and public life.

Feminist scholars have suggested, however, that the full formal participation of women in the U.S. military is less reflective of a commitment to equality than it is a concession to the changing nature of warfare.²³ Resistance to women's participation in the military, for instance, diminished following the transition to the all-volunteer force and corresponding "manpower" shortage post-Vietnam.²⁴ During the GWoT, the U.S. military's perceived need for "culturally sensitive" counter-insurgency led to the framing of women's exposure to combat, particularly in the form of Female Engagement Teams tasked with interacting with women and youth in Iraq and Afghanistan, as an operational necessity.

Women's visible military participation during the GWoT also served an important political function. It provided a vital contrast with the perceived inequality of women in Iraq and Afghanistan, rehearsing earlier racialized, Orientalist narratives that justified the U.S. invasion of Afghanistan as "saving" Afghan women.²⁵ The collision of liberal understandings of formal, universal gender equality with the racialized, Orientalist justification of the war on terror as "saving civilization" was also reflected in reactions to the sexualized torture of Iraqi prisoners by U.S. personnel at Abu Ghraib in 2003. Women's participation in torture was read, conversely, as a "perverse" sign of gender equality and as a reiteration of the role of white women in reproducing a hierarchical, racialized, and gendered colonial world order.²⁶ Women's combat participation can, likewise, be understood as a liberal feminist achievement, a bending of patriarchal gender norms and expectations to the demands of U.S. militarism, and an instrumentalization of liberal feminism in the service of imperial war.²⁷

The limited, though not trivial, liberal vision of gender equality underpinning the combat ban removal is illustrated by the reported terms of gender-inclusive military service. Women's participation in combat was repeatedly framed as entirely gender-neutral, with an emphasis on shared standards, expectations, and behavior.²⁸ Women in combat roles insist on their formal and functional equivalence with men, noting that they take pains to establish their competence and authority within the conventionally masculine expectations of the role – stoicism,

discipline, physical excellence – and distance themselves from feminized attributes.²⁹ The fragility of formal equality is likewise evident in the disproportionate sexual harassment and violence faced by women, sexual minorities, and racial minorities in the U.S. armed forces.³⁰ A greater diversity of bodies is incorporated into an existing, heterosexual masculinized soldiering ideal that, along with an underlying binary sex-gender order, is left untouched. The relationship between gendered military service and normative citizenship is reinforced by its extension to a broader group of Americans.

The centrality of military values to U.S. citizenship and normative ideas of sex/gender is also reflected in gendered dynamics of support for the military. “Support the troops” was a rallying cry of the GWoT. The relationship between supporting the troops and gendered citizenship is particularly apparent in contestations over the open service of lesbian, gay, and bisexual military personnel.

On September 20, 2011, the Obama administration repealed the U.S. military’s discriminatory Don’t Ask, Don’t Tell (DADT) policy, which mandated that while gay, lesbian, and bisexual people were not prohibited from military service, they would be subject to discharge should their sexual orientation become known.³¹ The initial 1994 DADT policy reflected an uneasy compromise between an awareness of the military service of LGBTQI+ people throughout U.S. history and a resistance to legitimating non-normative sexual and gender identities.³² The repeal of DADT was another move toward the formal inclusion of marginalized groups into public service. It was also frequently justified with reference to martial, heteromasculinized citizenship expectations. The U.S. Department of Defense report on DADT’s repeal, for instance, included a widely circulated anecdote wherein a “special operations warfighter told us, ‘We have a gay guy. He’s big, he’s mean, and he kills a lot of bad guys. No one cared that he was gay.’”³³ Here, we see the refutation of implicit, homophobic tropes relating to femininity, weakness, and inferiority frequently projected upon lesbian, gay, and bisexual service members (and LGB people generally) through an invocation of stereotypical military attributes of violence, aggression, competence, and so on.³⁴ As observed by gender and sexuality scholar Jasbir K. Puar, the “exceptionalism” of participation in U.S. imperial war-making renders some minority identities socially comprehensible to the extent they are able to successfully perform heteronormative military masculinity.³⁵

Popular support for the repeal of DADT outside the military institution likewise referenced the normative relationship between service and citizenship. For instance, Ta-Nehisi Coates, a prominent cultural commentator, criticized Republican electoral candidates opposed to DADT’s repeal for the hypocrisy in declaring that they “support the troops” when, in his reading, a more honest accounting would be “I support some of the troops.”³⁶ As I have argued elsewhere, during the

GWoT, calls to “support the troops” came to form a core component of normative citizenship, indicating masculinized civilian solidarity with active military personnel.³⁷ Politically, “supporting the troops” helps put to rest the mythologized specter of U.S. civilian society’s ostensible betrayal of conscripted soldiers during Vietnam.³⁸

During the DADT debate, the affective weight of this history was used to argue for recognizing the military service – and thus full citizenship – of lesbian, gay, and bisexual military personnel. Advocates of LGB military participation framed it as a civil rights victory, emphasizing that exclusion from the armed forces reinforced broader marginalization from public life based on “private” sexual identities.³⁹ At the same time, mirroring the dual edge of formal liberal political inclusion above, lesbian, gay, and bisexual personnel are included within the military on circumscribed terms contingent on the performance of conventional military masculinity and conformity with heteronormative respectability in identity, relationships, and family life. Both the heteromasculinized military citizenship ideal and the underlying binary sex-gender order remain intact, though amended to incorporate a specific lesbian, gay, and bisexual ideal vouchsafed by military service.

The mutual constitution of citizenship with a binary sex-gender order is illustrated by the harsh and unsettled treatment of queer and trans military personnel during, and since, the global war on terror. In 2016, the Obama administration announced that the U.S. military would recognize the gender identities of trans military personnel, enabling open service. Later, in 2017, then-President Trump ordered the repeal of open service for trans service members in a series of tweets, an announcement that created significant uncertainty regarding the rights of trans Americans, a series of legal challenges, and a temporary “ban” on open service by trans people.⁴⁰ In January 2021, the Biden administration repealed the discriminatory “trans ban,” once again enabling trans people to openly serve in accordance with their gender identity.⁴¹ On January 27, 2025, the Trump administration issued an executive order, actioned in a February 2025 memo by the Pentagon, that reinstated the ban, arguing, “the Armed Forces have been afflicted with radical gender ideology.”⁴²

The ongoing contestation regarding the equal, formal inclusion of trans people within the military parallels the dynamics of military support for LGB service people. Opponents of inclusive service invoke ideas of military fitness, readiness, and cohesion, while support for trans military service members invokes ideals of heteromasculine military competence, skill, and gendered solidarity owed to all of “the troops.”⁴³

Notably, opposition to the open service of trans service people also explicitly revolves around questions of sex, gender, normative bodies, and the role of the state in their regulation. This emphasis on bodies exists in conversation with ear-

lier objections to ciswomen's military service and fears about physical strength, menstruation, pregnancy, and the specter that the military may be obliged to provide reproductive health care.⁴⁴ Congressional Republicans pressured Trump for the initial ban on the basis of opposition to the military (and thus the U.S. government) providing funding and support for gender-affirming care.⁴⁵ For a portion of the U.S. polity, reflected in subsequent rollbacks in trans rights across the United States throughout the 2020s, the seeming challenge posed by trans bodies, lives, experiences, and identities to a dimorphic, biologically essentialist understanding of sex is incompatible with the normative citizenship symbolically conveyed by military service.

The support of military leaders for the brief 2021 repeal of the "ban" indicates that some forms of trans lives, experiences, and identities *may* be made commensurate with the broader normative expectations of military heteromascularity.⁴⁶ Upon the announcement of the resumption of open service for trans Americans, the military personnel management director framed the decision as a win for formal equality, reiterated the military's need to recruit and retain all talented people, and noted pathways for personnel to receive medical supports.⁴⁷ The Biden-era reversal of this exclusion was, briefly, a gain for formal liberal understandings of citizenship and equality.

Both the reinstatement of the ban and the substance of Biden-era policies highlight a distinction in approaches to political belonging. While an LGB rights framework seeks inclusion and recognition within existing structures without challenging normative, binary, and cis understandings of sex/gender, queer and trans perspectives emphasize challenging, ignoring, or blurring these received accounts of gender and sexuality.⁴⁸ It is noteworthy that even the inclusive Biden-era U.S. military policy contains a limited, linear account of trans experience as a definitive shift from one identity to another. Though this experience is meaningful to many people, and vitally important from the perspective of equality, it does not encompass the whole of trans and queer lives, experiences, and identities.⁴⁹ The institutional military struggled to recognize nonbinary military personnel, as their gender identities do not align easily with the sex/gender binary upon which military policies and structures are organized.⁵⁰ The new "ban" exposes trans, genderqueer, and nonbinary people's fraught and uncertain access to normative citizenship. Even when qualified by obvious engagement with military heteromascularity, gender and sexuality diversity troubles the underlying cisheteronormative binary upon which the martial, liberal (and not-so-liberal) gendered division of labor rests.

The durability of this configuration between gender, martiality, and citizenship also has concerning implications for antiwar protest and anti-militaristic dissent. It suggests that legitimate political speech is condi-

tioned both by adherence to a particular form of cisheteronormative gender and by deference to masculinized martial citizenship. From 2002 through early 2003, the prospect of invading Iraq was broadly popular with a majority of Americans (between 58 and 65 percent).⁵¹ There were gender differences within this group: women were approximately 10 percent less likely to favor military action in Iraq than men.⁵² This aligns with a long-standing moderate gender gap (approximately 8 percent) in U.S. citizens' support for war.⁵³

At the same time, hundreds of thousands of Americans participated in mass protests against the war. During the transnational day of action on February 15, 2003, an estimated two-thirds of U.S. protestors were women.⁵⁴ As the GWoT continued, gender played an important role in radical antiwar protest. The feminist organization CodePink, for instance, used both conventional protests and direct action, such as vigils, spectacularized street theater performances, and meeting disruptions to oppose the war. In its founding statement, CodePink employed conventional understandings of femininity to qualify and assert their standing to protest:

We call on mothers, grandmothers, sisters, and daughters, on workers, students, teachers, healers, artists, writers, singers, poets and every ordinary outraged woman willing to be outrageous for peace. Women have been the guardians of life – not because we are better or purer or more innately nurturing than men, but because the men have busied themselves making war.⁵⁵

The strategic use of heteronormative, essentialist tropes regarding an ostensible affiliation between women and peace due to their “natural” role as mothers is an enduring feature of women’s antiwar protest in the United States and elsewhere.⁵⁶ It was a common, though not uniform, component of women’s antiwar protest during Vietnam.⁵⁷

Despite this attempt to draw on heteronormative feminine respectability, during both the GWoT and Vietnam, women antiwar activists were often denigrated as naive and disloyal. As illustrated by the now-infamous framing of actress Jane Fonda as “Hanoi Jane” in response to her antiwar dissent, women activists were subject to being labeled as “bad women.”⁵⁸ State condemnations of protest as giving “aid and comfort to the enemy” draw on an implicit sexualized logic of feminine loyalty to the masculinized military and specter of intimate infidelity and betrayal.⁵⁹

The antiwar activism of military family members – notably the mothers of deceased military personnel – can sidestep the gendered and sexualized discursive trap of disloyalty. Cindy Sheehan, for instance, became a prominent antiwar activist in the early GWoT, following the 2004 death of her son, Casey Sheehan, while in action in Iraq. Cindy Sheehan founded Gold Star Families for Peace (an organization comprising other bereaved military family members opposed to the

war) and established an antiwar encampment outside then-President Bush's Texas ranch in the summer of 2005.⁶⁰

Bereaved antiwar activists are constructed within broader social narratives as having "earned" the right to dissent through the military service, injury, or loss of their loved ones.⁶¹ Sheehan, and other grieving military parents, accrue the moral authority to oppose the war through their status within the heteronormative nuclear family – and the involuntary "sacrifice" of their children to the U.S. military and global war on terror. Sheehan fulfilled her gendered obligations to U.S. war-making as mother to a soldier and later through his military service and death.

Gold Star mothers such as Sheehan, though authentically anguished by their unwanted roles as bereaved mothers, find the radical potential of their activism limited insofar as it is grounded in the heteronormative family.⁶² As I have noted elsewhere, "the essentialistic, heteropatriarchal valorisation of a mother's love as a) private and b) above reproach" is what affords Sheehan the ability to oppose the war in Iraq.⁶³ But it also makes it difficult for Sheehan to be seen as anything *other* than a grieving mother.⁶⁴ The antiwar activism of grieving mothers is understood less as a political intervention than as an overwhelming emotional experience of private loss. (Here, it is important to note that Sheehan, like many Code-Pink activists, is white and granted more racialized leeway to break with existing norms of civility than activists, women, and mothers/parents of color.)⁶⁵

Through its emphasis on sacrifice, this form of activism reinforces the centrality of masculinized military service to normative citizenship. In contrast to other non-serving civilians, bereaved military family members' antiwar activism cannot be framed as a function of feminized ignorance or masculinized cowardice. Instead, bereaved military family members are symbolically "excused" from gendered expectations of deference to the military in wartime through their vicarious military service.

Politically, this works similarly to military veterans' antiwar activism. As veterans have fulfilled the expectations of masculine citizenship and actively contributed to U.S. war-making, their right to dissent is incontrovertible (and specific acts of dissent are often politically and symbolically powerful).⁶⁶ The authority granted veterans in antiwar dissent, however, as it relies on the continued valorization of the masculinized soldier as a model of citizenship, inadvertently undermines the legitimacy of protest by civilians. The intersection of idealized gender roles with military service also sheds light on the frequent public suspicion – or denigration – of conscientious objectors. Men who are conscientious objectors not only violate the presumption that military service earns the right to dissent but *base* their dissent upon their lack of service; women and genderqueer individuals who are conscientious objectors violate both this masculinized expectation of martial citizenship and feminized expectations of deference and loyalty.⁶⁷

The right to dissent that is central to political liberalism and U.S. civil rights is, in practice, conditioned by activists' proximity to military service and their related conformity with the cisheteronormative expectations of the existing binary gender order. Because most citizens do not, and will not, serve in the U.S. armed forces – as the essay by Rosa Brooks in this volume of *Dædalus* points out – this gendered, martial conditioning of dissent has troubling prospects for the meaningful civilian oversight of the military.⁶⁸ In a reversal of the democratic control of the armed forces, it suggests that only those with military experience are qualified to resist (and perhaps even govern) U.S. war-making.

Since September 11, 2001, U.S. war-making has been characterized by two dynamics with respect to gender, sexuality, and citizenship: one, the increasing participation and visibility of previously marginalized and minoritized groups within the institutional armed forces; and, two, the simultaneous reinforcement of existing martial ideals of citizenship and, with it, a sex-gender order that is binary and cisheteronormative. The gains made by women, lesbian, gay, and bisexual military personnel in securing formal equality in institutional military participation – and thus symbolic citizenship – especially in the current political moment of “antigender” backlash, are not insignificant. The continued struggles for rights, recognition, and dignity of trans and nonbinary U.S. military personnel, as well as these citizens more broadly, point to the perils of exclusion from equal citizenship.

At the same time, however, this extension of normative, gendered martial citizenship to a greater (if partial) array of people, bodies, and social positions has an important, if subtler, role in upholding U.S. war-making. The continued gendering and sexualizing of citizenship and U.S. social order depends upon open military service, just as the normative elevation of the soldier as the idealized citizen relies upon a gendered and sexualized structural dynamic between ostensibly separate civil and military spheres. Understanding the perpetuation of cisheteromascularity as an ideal requires understanding its connection to military service and, increasingly, civilian support/deference as a condition of intelligible citizenship and normative public personhood.

The 2024 reelection of Donald Trump – and attendant moves to abrogate diversity, equity, and inclusion policies, revivify a caricatured hypercisheteromascularity “warrior culture” in the Department of Defense, and discharge trans service members – has brought these dynamics, latent under more liberal politics, to the fore.⁶⁹ The subtext has become text.

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Colonialism Turned Inward: Importing U.S. Militarism into Local Police Departments

Azadeh N. Shahshahani & Sofía Verónica Montez

Policing in the United States has become increasingly militarized, partly due to the transfer of military equipment to local police departments. Many law enforcement agencies throughout the United States have also received training in population-control tactics from Israel. Armed with these tools and tactics, police agencies often use excessive force against grassroots protesters resisting state repression. Across the country, proposals for urban warfare training centers, commonly known as Cop Cities, are on the rise. At the same time, the federal legal code for terrorism drafted to suppress domestic solidarity with Palestinian liberation has been weaponized, increasing the opportunities for police to victimize protesters. The struggle against increasingly militarized state force is intimately related to the Palestinian fight against settler colonialism. Awareness of this international connection is essential to combatting the offenses led or supported by Western imperialism.

Aimé Césaire observed that the colonialism of Western Europe, surpassed in his view by that of the United States, tends to return to the motherland “by a terrific boomerang effect.” The “colonizer, who in order to ease his conscience gets into the habit of seeing the other man as *an animal* . . . tends objectively to transform *himself* into an animal.”¹ U.S. imperial expansionism in the nineteenth and twentieth centuries required local policing in the colonized areas. This led to developments in domestic policing.²

From their inception as slave patrols, U.S. police have fundamentally served to enforce a domestic colonial order and white supremacy. Since the 1990s, U.S. military resources developed for combat and police tactics imported from abroad have been deployed by local law enforcement agencies (LEAs).³ These militarized practices have disproportionately targeted Black communities.⁴ Further, as associate professor of criminology, law, and justice A. Naomi Paik asserts, “racism is central to the U.S. settler colonial project that seeks to exclude and remove anyone who does not fit the ideal settler community – one based not only in a white racial identity, but also property ownership, patriarchal gender norms, and health and

ability, among multiple factors.”⁵ The most heavily militarized policing, charges of domestic terrorism, and surveillance have been deployed against the Black Lives Matter movement, people who have supported Palestinians, and protestors against the militarization of police.

In line with Robert Jay Lifton’s argument in this volume, we contend that U.S. wars not only beget other wars but foster human rights violations and the militarization of policing at home and abroad. The police killing of Michael Brown in 2014 in Ferguson, Missouri, drew national attention to the fear and anger of a Black community facing militarized LEAs and the deaths of hundreds of Black lives each year. Democratic Congresswoman Cori Bush of Missouri stated on the floor of the U.S. Congress in 2021 that “the same equipment that they used to brutalize us is the same equipment that we send to the Israeli military to police and brutalize Palestinians.”⁶ As the movement for Black lives evolved into the 2020 uprisings following the murder of George Floyd by Minneapolis police, protesters nationwide experienced police repression.

The U.S. Department of Defense (DOD) 1033 Program is a prime instance of U.S. military power intruding into local life.⁷ Named after section 1033 of the 1997 National Defense Authorization Act, the Clinton-era program authorizes the U.S. Secretary of Defense to transfer DOD property to state and local LEAs for “law enforcement activities,” preferably “counter-drug and counter-terrorism activities” in alignment with the ongoing wars on drugs and crime.⁸

As of the early 2020s, the DOD had transferred over \$7 billion worth of supplies to almost ten thousand LEAs, including local and university police.⁹ LEAs must submit a justification for their requests, typically offering such generic reasons as “‘FOR ACTIVE SHOOTERS,’ ‘FOR HIGH RISK OPERATIONS,’ ‘HIGH RISK WAR RANTS,’ and ‘COUNTER DRUG.’” Even towns with only a few thousand residents have LEAs armed with mine-resistant vehicles, sniper equipment, and sound cannons. The supplies range from office goods to “controlled property,” including military weaponry, aircraft, and armored vehicles.¹⁰

These weapons are routinely used for Special Weapons and Tactics (SWAT) raids against civilians – subverting the purported purpose of SWAT to specifically combat extremism – and have featured in the police crackdowns at Occupy Wall Street in 2011, the Black Lives Matter (BLM) protests in 2014, the Dakota Access Pipeline in 2017, and the nationwide uprisings against anti-Black police brutality in 2020.¹¹ Some LEAs have amassed such a vast arsenal that they have donated their surplus to the armed forces in Ukraine.¹² Former New York City mayor Michael Bloomberg once bragged about having “the seventh biggest army in the world” in the New York City Police Department (NYPD).¹³

Moreover, the militarization of LEAs countrywide disrupts and threatens not only protest-related activities but the lives and livelihoods of marginalized communities. The American Civil Liberties Union (ACLU) has documented various ways

in which LEAs victimize community members with unjustifiable violence: a SWAT raid burning a baby in his crib in the course of trying to stop a \$50 narcotics transaction; an officer accidentally shooting and killing a grandfather in his own home while pursuing a man domiciled elsewhere; a widespread trend to shoot household pets.¹⁴ These incidents reflect how police militarization “against (perceived/potential) threats . . . increases the amount of threat perceived by the police [and] their capacity to respond to those threats violently.”¹⁵

The first major attempt to limit the transfer of military equipment to local LEAs was Executive Order (EO) 13688, signed by President Obama in early 2015. This action came as a result of the militarized police response to the 2014 Ferguson uprising, which followed the murder of eighteen-year-old Michael Brown by a Ferguson Police Department (FPD) officer.¹⁶ Military veterans were shocked that the FPD was more heavily armed than they had been in Iraq and Afghanistan.¹⁷ The militarized repression was broadcast worldwide, revealing the alarming capabilities of the U.S. police.¹⁸ EO 13688 created the Law Enforcement Equipment Working Group – which included officials from the DOD, the U.S. Department of Justice, and the U.S. Department of Homeland Security (DHS) – that advocated banning transfers of grenade launchers, tracked armored vehicles and other equipment, and recommended increased oversight for certain items.¹⁹

Before President Trump revoked it in 2017, community advocates had criticized the limited effectiveness of EO 13688.²⁰ The ACLU determined that the restrictions “were too narrow in scope,” such as covering vehicles that were tracked, armored, and manned but excluding vehicles that met only one or two of these criteria. In fact, EO 13688 applied to less than 0.5 percent of controlled equipment. Some prohibited equipment continued to be issued, and some banned items already in circulation were not recalled. Overall, no more than 0.1 percent of all equipment transfers was actually recalled.²¹

The most substantial restriction on the 1033 Program to date was President Biden’s EO 14074, which gave executive officials the authority to grant or prohibit transfers of select items including grenades, grenade launchers, and weapons and ammunition exceeding .50 caliber.²² But EO 14074 ultimately failed to meaningfully curb the dangers of the 1033 Program, and would share a fate with its predecessor, Obama’s EO 13688: Trump revoked the order on the day of his second inauguration, January 20, 2025.

Further, for local LEAs, the 1033 Program is sometimes not even the primary source of military-grade supplies.²³ Its benefit lies in its expediency, delivering in months the same equipment that it would take years for other sources to provide.²⁴ If the 1033 Program were eliminated, agencies could still purchase supplies from private vendors using funds from their own budgets or funds from private police foundations, the DOD’s 1122 Program, the Byrne Justice Assistance Grant, the DHS Urban Areas Strategy Initiative, and civil forfeitures.²⁵ In fact, at least one agency

has boasted that it has successfully replaced all its 1033 equipment via alternative sources after ending its participation in the program.²⁶

During the Cold War, foreign military and police departments in Latin America that were notorious for violence, torture, and disappearances were often trained by the U.S. military at the Army School of the Americas (later renamed the Western Hemisphere Institute for Security Cooperation).²⁷ The United States continues to fund and train foreign police forces and militaries in counterterrorism and counterinsurgency.²⁸ But this is a two-way street. The U.S. government offers hundreds of thousands of dollars in Homeland Security grants for foreign police exchange programs. In this way, U.S. LEAs are trained by, and alongside, foreign military and police partners who themselves routinely engage in human rights abuses.

These exchange programs can take various forms. We focus here on exchanges with Israel, which account for 80 percent of the total. Since the first George W. Bush administration, organizations like the Anti-Defamation League (ADL) and the Jewish Institute for National Security of America (JINSA) have administered police exchange programs for thousands of law enforcement officers (LEOs), both hosting U.S. officers in Israel and bringing Israeli instructors to the United States, for extremism and counterterrorism seminars.²⁹ Over half of U.S. states participate in such exchanges with Israel, with New York and Georgia among the most prominent participants.³⁰ The NYPD even operates a permanent branch in Israel.³¹

By arrangement with the United States, Israel has armed and trained repressive military forces the world over, prominently in Central America and Colombia, to neutralize resistance movements seeking to undermine U.S. hegemony over the region.³² Critics argue that the Israeli military industry can offer an assurance: “that its products [have already been] ‘field-proven’ on Palestinians” by the time of purchase.³³

Since the end of the Second Intifada in 2005, the Israel Defense Forces (IDF) have used the Urban Warfare Training Center in the Negev Desert, financed with \$45 million provided by the United States, to train in counterinsurgency tactics.³⁴ The facility, dubbed *Mini Gaza* by trainees, simulates Gazan urban infrastructure across 7.4 square miles of “narrow streets and around 600 structures that include storefronts, schools, apartments and mosques.”³⁵

Israel’s continuous “state of emergency” (in effect since May 1948) permits it to forgo civil liberties by (among other things) detaining people, including journalists, for indefinite periods of time without informing them of the charge, blocking their access to courts, and preventing those detained from challenging their incarceration.³⁶ Geographer Omar Jabary Salamanca, political scientist Mezna Qato, anthropologist Kareem Rabie, and economist Sobhi Samour describe Israeli police and military using these emergency powers to conduct “aerial and maritime

bombardment, massacre and invasion, home demolitions, land theft, identity card confiscation, racist laws and loyalty tests, the wall, the siege on Gaza, cultural appropriation, [and] dependence on willing (or unwilling) native collaboration regarding security.”³⁷

The Israeli military framework regards Palestinians within Israel and the Occupied Palestinian Territories as inherently suspect of terrorism to justify disproportionate searches and interrogations. Palestinian participation in political spaces serves to justify surveillance and detentions. Palestinian protests for self-determination are “categorically forbid[den],” and the IDF often responds with lethal militarized force.³⁸ LEOs returning to the United States after receiving instruction within this paradigm have adopted similar levels of suspicion, arguing that intrinsic racial characteristics can serve as markers of latent terroristic tendencies. Moreover, in addition to these tactics, LEAs across the country have deployed Israeli-manufactured weapons like Skunk gas alongside other military capabilities during various protests for Black lives in the United States throughout the past decade.³⁹

Among the most well-known of the police exchange programs is the Georgia International Law Enforcement Exchange (GILEE), founded within the Andrew Young School of Policy Studies at Georgia State University in 1992 by Robert Friedmann, professor emeritus of criminal justice.⁴⁰ GILEE hosts partnerships with foreign states in the Americas, North Africa, and various regions of Asia, Europe, and Australia, but its first and by far most meaningful partner has historically been Israel.⁴¹ GILEE has trained over eleven hundred officials across two hundred ninety programs in partnership with the Atlanta Police Department (APD) and the Atlanta Police Foundation (APF), the biggest police foundation in the United States.⁴² The specific topics of study are undisclosed to the public, but advocates have discovered they involve at least twenty-eight disciplines such as “urban policing, community policing, and border policing.”⁴³ The number of fatal shootings by Georgia law enforcement has increased during the course of exchange programs with Israel.⁴⁴

Much of the work of GILEE is characterized by anti-Muslim bias. In 2017, for example, Friedmann gave a presentation relying on a map depicting a world conquered by Islam, sourced from anti-Muslim websites.⁴⁵ He baselessly asserted that the “silent majority” of Muslims failed to disavow anti-West terrorism; he condemned the United Nations for scrutinizing the pretenses for the 2003 U.S. invasion of Iraq; he lamented that the First Amendment protects mosques from FBI targeting; and he denied the very existence and nature of Islamophobia by referring to it as “knife-o-phobia.”⁴⁶ GILEE perpetuates anti-Muslim sentiment through partnerships with organizations like the International Institute for Counter-Terrorism, whose founder Boaz Ganor infamously stated that World War III has already commenced and is a “religious war . . . within the religion of Is-

lam” that, if not contained, will spill over throughout the world.⁴⁷ This indoctrination permeates LEAs; former Georgia Bureau of Investigations (GBI) Director Vernon Keenan, for example, said he learned from a GILEE partner that “the primary threat to democratic countries was terrorism by radical Islam.”⁴⁸

Surveillance is another area in which collaboration with Israel has influenced U.S. policing. Israeli surveillance technology trickles down to U.S. LEAs. According to Friedmann, much of Atlanta’s surveillance system – the largest in the United States – is inspired by Israel’s own.⁴⁹ The Atlanta surveillance network includes the Atlanta Police Foundation’s Operation Shield: a network of more than twenty thousand “public and private sector cameras” that monitors “Atlanta’s neighborhoods, business centers, major public spaces, and thoroughfares” and feeds video to the APD, which provides “real-time monitoring and dispatching of police to trouble spots.”⁵⁰ The APD, largely through its “Homeland Security Unit,” also monitors hundreds of social media posts of perceived political opponents including invitations to study groups on abortion rights, pizza nights about community safety, and information on the proposed Atlanta Public Safety Training Center, colloquially dubbed “Cop City.”⁵¹ The NYPD utilized similar technology in its now inoperative Demographics Unit, designed after Israeli surveillance tactics in the West Bank, to profile, track, and infiltrate Muslim communities in New York and surrounding states.⁵² U.S. Customs and Border Protection has collaborated with Israeli contractors to set up technologies including “blimps outfitted with high-powered radar, underground sensors, and facial recognition software,” as are used in Palestine.⁵³ The entirety of the U.S. policing apparatus, from federal crime and immigration agencies to state and local LEAs, then aggregates the data in at least seventy-nine fusion centers to produce a national surveillance colossus.⁵⁴

The surveillance data are used, among other things, in preemptive prosecutions that criminalize the lawful expressions of Black, migrant, and Muslim people.⁵⁵ One report found that from the onset of the war on terror in 2001 through December 2015, 93 percent of the 608 “terrorism” convictions by the U.S. Department of Justice were either purely preemptive or involved elements of preemptive prosecutions.⁵⁶

Two organizations, Researching the American-Israeli Alliance (RAIA) and Jewish Voice for Peace (JVP), jointly produced a fuller review of the many ways in which these police exchanges undermine the civil and human rights of vulnerable communities, including undue racial profiling and use of force.⁵⁷ At a minimum, argues JVP chapter coleader Connie Sosnoff, the exchange programs with Israel lend credibility to the atrocious practices of U.S. LEOs even independent of the exchanges.⁵⁸ This scheme has inspired religious leaders, academics, and other advocates of Black and Muslim civil liberties to demand the abolition of GILEE.⁵⁹

Cop City, the Atlanta Public Safety Training Center being built across eighty-five acres of the Weelaunee Forest, is set to become the largest police training facility nationwide. It also has links to the police exchanges.⁶⁰ The center is to host “military-style training facilities, designated explosives testing areas, and shooting ranges” plus “a ‘vehicle skills pad,’ a ‘burn building,’” and “a mock city, complete with greenery and a replica of an Atlanta city block” for training in “urban warfare.”⁶¹ The proposal projects that 43 percent of trainees will come from outside Atlanta, presumably including Israeli forces through the GILEE and other exchange programs.⁶² GILEE already brings some Israeli LEOs to Georgia to train in various disciplines, prominently “community policing.”⁶³ In the United States, almost all cities report holding community policing – which the U.S. Department of Justice defines as “a collaboration between the police and the community that identifies and solves community problems” – as central to their governance, but positive outcomes have proven elusive to measure and police misconduct remains rampant across the country, often to lethal effects.⁶⁴ Justin Hansford, law professor at Howard University and executive director of the Thurgood Marshall Civil Rights Center, argues that community policing further entrenches the colonial violence of the United States upon its marginalized Black communities.⁶⁵

Cop City’s approximately \$90 million funding has come from the City of Atlanta (near \$30 million) and funds raised privately by the Atlanta Police Foundation. The APF receives significant funding from some of the same billionaires who finance the American Israel Public Affairs Committee (AIPAC). This includes Home Depot CEO Bernie Marcus, who likely contributed about 38 percent of GILEE’s funding between 2008 and 2013 – donating \$350,000 to GILEE since 2022 and \$500,000 to the APF over the past decade – and who in the 2024 election cycle was the fourth highest contributor to the AIPAC super PAC United Democracy Project.⁶⁶ The board of the APF itself includes the CEO of Waffle House and the Atlanta Hawks as well as the vice presidents of Home Depot and Delta Air Lines.⁶⁷ Another major APF donor is Cox Enterprises, an Atlanta media conglomerate and owner of *The Atlanta Journal Constitution*, the city’s top newspaper and source of various editorials supporting Cop City.⁶⁸ Notably, corporate donations to police foundations circumvent the oversight that accompanies public funding of LEAs.⁶⁹

Since the proposal for Cop City was announced, protesters have attempted to shut down the project with actions that have ranged from peaceful marches and canvassing to property damage. In response to their efforts, protestors have faced arrest, surveillance, and intimidation. The violent response included the killing of twenty-six-year-old forest defender Manuel Esteban “Tortuguita” Paez Terán by state troopers and local police in January 2023 about a mile away from the Cop City site.⁷⁰ In 2023, the Georgia Attorney General indicted sixty-one people, from organizers to passersby to bail-fund liaisons, on racketeering charges.⁷¹ Forty-two were additionally charged with domestic terrorism.⁷² The expansion of the defi-

dition of terrorism to increase the penalties of those convicted is also discussed in Shirin Sinnar's contribution to this volume, and is a practice that the Trump administration has embraced.⁷³ In this instance, the bulk of those arrested were apprehended at the South River Music Festival, located nearly a mile away from the Stop Cop City protests and organized purely in support of the movement.⁷⁴

Since February 2024, the APD has been waging a campaign of surveillance and intimidation of protesters.⁷⁵ It started with raids on three homes of Stop Cop City organizers, searching for evidence of arson of police and construction machinery.⁷⁶ LEOs have since "follow[ed] people in cars, blast[ed] sirens outside bedroom windows and sh[one] headlights into houses at night," targeting roughly a dozen homes across four neighborhoods.⁷⁷ A resident of a raided home once awoke at 3 a.m. to find a flare igniting his porch's wooden railing.⁷⁸ Moreover, the Brennan Center has acquired thousands of pages in internal communications detailing the breadth of the APD's surveillance of Stop Cop City activists.⁷⁹ This neighborhood surveillance and harassment seem redundant when the city already possesses the most intrusive digital surveillance network in the country. It is likely intended to intimidate, as much as the law permits, the dissenters of Cop City.⁸⁰ If that was the goal, it seems to have worked: city residents have since reported that they are avoiding related organizing out of fear of the police response.⁸¹

The Atlanta arrests of Cop City opponents and others are highly questionable. The arrest warrants mention no specific incident giving rise to the arrests, but rather center on circumstantial conduct, like having worn muddied clothes or having shared a hammock with someone who was also arrested.⁸² A number of the warrants falsely alleged that DHS had classified Stop Cop City as a "domestic violent extremist" group, a claim that DHS itself refuted as it only so classifies *individuals* (not groups) "who seek to further social or political goals, wholly or in part, through unlawful acts of force or violence."⁸³ Georgia Bureau of Investigations' public affairs director Nelly Miles nevertheless defended this fabrication by claiming that individual Stop Cop City protesters fall within DHS's description and, therefore, it can be extended to the group as a whole.⁸⁴ For its part, the DHS Office of Intelligence and Analysis accused the protesters of being violent antipolice domestic extremists, a claim that the State of Georgia cited, alongside social media posts by the group inviting the public to join the protests, to frame the protesters as "an organized criminal gang" culpable of racketeering.⁸⁵ None of those charged with domestic terrorism were accused of injuring anyone: some were accused of arson and vandalism; others of activities including canvassing, distributing flyers, and setting up town halls; and nine were accused of misdemeanor trespass.⁸⁶

The domestic terrorism charges rely on a 2017 state law reportedly drafted in response to the 2015 white-supremacist massacre that took the lives of nine people at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina.⁸⁷ The law amended the state definition of terrorism to include damage to

property.⁸⁸ The law has now been used to prosecute Stop Cop City protesters for their political activities and festivalgoers caught in the government's crosshairs. Those accused of damaging construction equipment face a mandatory minimum sentence of five to thirty-five years behind bars.⁸⁹

Justifying the charges, APD Assistant Police Chief Carven Tyrus mischaracterized the indictees as outside agitators "from Los Angeles, California."⁹⁰ This rationale perpetuates a historical pattern of characterizing local resistance as imported. Segregationists infamously accused Dr. Rev. Martin Luther King, Jr., of being an outside agitator bringing an insurrectionary mindset to a Black Southern population otherwise content with their oppression, and public officials are now pushing this line against students in Georgia protesting their colleges' complicity with the Israeli genocide of Palestinian people.⁹¹ Meanwhile, the LEAs that are silencing local grievances have themselves adopted suppressive tactics developed and perfected by outside local, state, federal, and foreign agencies through exchange programs like GILEE.

Police have similarly designated protesters for Palestinian liberation as threats to national security – a practice that has now become common during the Trump administration. Georgia State University students experienced it firsthand in 2011 when they filed Open Records Requests to access public records on GILEE.⁹² Robert Friedmann, the organization's founder, accused the students of having "ties to known terrorists" and insisted the information must remain secret to prevent "mak[ing GILEE] a target" because "the working assumption should be that people are conspiring to cause harm."⁹³ Georgia attorney general Sam Olens suggested the students were operating not of their own accord but under outsider influences, and that complying with the request might "aid terrorists."⁹⁴ Georgia state legislators then enacted House Bill 261, restricting the disclosures of records that may "compromise security against sabotage or criminal or terrorist acts."⁹⁵

Labels have legal consequences. Environmentalists, Black liberation advocates, and antifascists have sometimes been branded "extremists" and "terrorists."⁹⁶ Anthropologist Darryl Li argues that "early U.S. antiterrorism legislation evolved specifically to oppose Palestinian liberation struggles."⁹⁷ The U.S. Congress responded by codifying an antiterrorism framework to diminish their voices.⁹⁸ This series of congressional initiatives is suggestive:

- The 1969 Foreign Assistance Act referenced "terrorism" in the federal code for the first time to curtail funding to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).
- The 1979 Export Administration Act vested authority in the U.S. Secretary of State to classify foreign states as State Sponsors of Acts of International Terrorism, which disproportionately involved countries in Southwest Asia and North Africa deemed sympathetic to Palestine.

- After the largely nonviolent First Intifada, a series of protests involving civil disobedience in Palestine, Congress enacted the 1987 Antiterrorism Act, producing the federal Foreign Terrorist Organizations list and denoting the Palestine Liberation Organization (PLO), the internationally recognized political representative of Palestine, as a terrorist organization – the only time Congress had so targeted a named group.
- The 1990 Immigration and Nationality Act was amended to add “terrorism” to the grounds for deportation, particularly of PLO members.
- The 1992 Antiterrorism Act, enacted in reaction to the Palestine Liberation Front’s execution of Jewish American Leon Klinghoffer during the hijacking of the MS *Achille Lauro* cruise ship, introduced civil liability for acts of international terrorism.
- And, following the 1995 Oklahoma City bombing by white antigovernment domestic terrorists, organizations including the ADL lobbied Congress to enact the 1996 Antiterrorism and Effective Death Penalty Act to criminalize “material support” of *international* terrorist organizations – by now the most common charge in terrorism prosecutions.⁹⁹

In October 2023, the Biden administration compared pro-Palestine protesters to the white supremacist Unite the Right rallygoers who in 2017 chanted “Jews will not replace us” in the streets of Charlottesville, Virginia.¹⁰⁰ It further called on federal agencies to monitor protesters as “domestic threats,” fostering a rise in FBI presence at U.S. mosques and increased DHS abuses of Palestinian migrants.¹⁰¹ In November 2023, U.S. Congressman Ryan Zinke introduced the “Safeguarding Americans From Extremism Act” to “expel Palestinians from the United States.” The bill included provisions to strip Palestinians in the United States of their visas, refugee status, asylum, and temporary protected status granted on or after October 2023 and to prohibit Palestinians abroad from entering the United States.¹⁰² Among the most notorious proposals was H.R. 6090, titled the “Antisemitism Awareness Act,” which sought to render criticisms of Israel indistinguishable from legally actionable antisemitism.¹⁰³ The 2024 Republican platform listed, among its twenty policy promises, to “deport pro-Hamas Radicals and Make Our College Campuses Safe and Patriotic Again,” seemingly referring to the students participating in Palestine solidarity encampments nationwide.¹⁰⁴ Much of this agenda is now being carried out by the Trump administration.

Police crackdowns were on full display in 2024 as law enforcement agencies assaulted peaceful Gaza solidarity encampments nationwide, subjecting thousands of protesters – students, professors, and staff – to physical, chemical, and legal attacks.¹⁰⁵ The disproportionate use of force against protesters at Columbia University was replicated on campuses across the country.¹⁰⁶ At Indiana University, po-

lice snipers were stationed on university rooftops.¹⁰⁷ In contrast, acts of force by counterprotesters saw significantly less retaliation; in one instance, nonstudent Zionists assaulted pro-Palestine student protesters with “pepper spray, wooden planks, and fireworks” at the University of California, Los Angeles, while LEOs stood by for hours. Thousands of students were arrested by midsummer, and some universities revised their policies to limit protest areas, prohibit tents, and otherwise penalize students and student organizations decrying the genocide.¹⁰⁸

At the state level, antiprotest legislation and enforcement have been underway for years. Between 2017 and August 2024, forty-five states cumulatively considered over three hundred antiprotest bills, with twenty-four states collectively enacting fifty-six, imposing new or augmented charges against protestors for disorderly assembly, public nuisance, demonstrating in front of residential property, and even wearing a facemask in public.¹⁰⁹ Conspicuously, some states are reviving age-old anti-mask statutes against protesters wearing masks, regardless of reason, whether as COVID-19 precautions or protection from mass government surveillance or simply as part of their religious expression.¹¹⁰ Inescapably, the growing criminalization of protest activities heightens the likelihood that protesters will face further victimization by militarized LEOs.

Victims of unconstitutional police abuse often have no redress. Nominally, they may invoke Section 1983 of the U.S. Civil Rights Act of 1871, but over half a century of qualified immunity jurisprudence has effectively elevated police misconduct above judicial reproach.¹¹¹ Since the 2020 uprisings, several states considered bills to restrict qualified immunity, but police lobbying defeated or critically altered nearly all of them by arguing that the threat of financial ruin would paralyze officers into inaction and thrust society into anarchy.¹¹² Of the bills that were enacted, the overwhelming majority avoided abridging qualified immunity and some even reinforced it, such as the New Mexico version that dropped the mechanism for suing individual officers and instead shifted the financial burden of civil lawsuits from the police to local budgets and, by extension, taxpayers.¹¹³

On June 9, 2020, as the Black Lives Matter protests following the killing of George Floyd ramped up, ADL senior vice president George Selim and vice president for law enforcement and analysis Greg Ehrie questioned, in a draft memo, whether the ADL should continue its support of trips by U.S. law enforcement to meet Israel National Police. Selim and Ehrie wrote,

in light of the very real police brutality at the hands of militarized police forces in the U.S., we must ask ourselves difficult questions, like whether we are contributing to the problem. That is, we must ask ourselves why it is necessary for American police, enforcing American laws, [to] meet with members of the Israeli military. We must ask ourselves if, upon returning home, those we train are more likely to use force.¹¹⁴

The ADL has since disavowed this memo, though its police exchange program was later paused reportedly for COVID-19 concerns.¹¹⁵ Still, the legacy of the exchanges continued. On the night of June 12, 2020, for example, Atlanta local police murdered Rayshard Brooks. Protestors of Brooks's killing were met with kettling, flashbangs, and tear gas by police in riot gear, all known tactics of escalation previously used by Israeli forces in the West Bank.¹¹⁶

The proposal for Atlanta's Cop City and the harsh reaction against those protesting it are alarming, and even more so is the push since for dozens of such facilities from coast to coast. As of July 31, 2024, over eighty such centers have been proposed or begun construction in every state in the country except Wyoming, with dimensions of up to eight hundred acres.¹¹⁷ The temporal proximity to the 2020 uprisings indicates an intention to supply militarized LEOs anywhere at any time to crack down on civilian discontent. Journalist Radley Balko has explained that "a disproportionate amount" of police training is already "about use of force, and there's too little emphasis on de-escalation and negotiation."¹¹⁸ The American Bar Association has noted that de-escalation as a component of police training has inevitably "ebbed" as militarization grows.¹¹⁹

As this militarization of the government's legal monopoly on violence continues to escalate, grassroots organizers mobilizing against a colonial status quo must ready themselves to respond to it. Campaigns including JVP's Deadly Exchange have existed since 2017 to end law enforcement exchange programs with Israel, and they have succeeded in pressuring localities like Durham, North Carolina, to ban such participation by LEAs within their jurisdictions.¹²⁰ Diligent examination of such successes will doubtlessly prove invaluable to advocates fighting to keep themselves and their communities safe from the persistent threat of state repression.

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From the Battlefield to Behind Bars : Rethinking the Relationship between the Military- & Prison-Industrial Complexes

Jacob Swanson & Mary Fainsod Katzenstein

Some decades following U.S. President Dwight D. Eisenhower's 1961 reference to a military-industrial complex (MIC), its cognate, the prison-industrial complex (PIC), became foundational language for understanding mass incarceration in the United States. To date, scholars have generally treated the MIC and PIC as analogous but separate structures. We argue, by contrast, that they have important interdependencies. For one, there are linkages that take the form of "seeding," through which the military and the prison each transmit resources, practices, and personnel crossinstitutionally. For another, there is a "mimetic" relationship in which both institutions develop processes and practices in parallel, with each likely gaining legitimacy from comparable developments in the adjoining institution. These cross-pollinating and mimetic connections, sometimes inflected by and reproducing racial inequalities, accentuate troubling nondemocratic practices within both military and carceral institutions.

Both the military-industrial complex (MIC) and the prison-industrial complex (PIC) are terms that reflect attempts to grapple with the increasing dominance of economic imperatives in defense and carceral sectors as both transformed in the post-World War II era into complex networks of government institutions, legislators and politicians, and private corporations. Scholars, journalists, and activists using these terms focus on how profit drives expansion in both sectors and contrast this economic cause with narratives about national security needs (MIC) or individual criminal conduct (PIC). Thus, both terms highlight how national (MIC) and domestic (PIC) security arenas are at least as much, if not more, about the business of profit-making as they are about addressing concrete problems or the public interest. These terms illuminate central ways that public and private networks of actors coalesce, expand, and operate with increasing independence from the actual defense and carceral needs they purport to address, raising critical questions about their impact on American democracy.

The first interdependency we address is the crossfertilization – what we call “seeding” – of infrastructure, objectives, and personnel between military and pris-

on institutions. The closure and repurposing of military infrastructure, specifically military bases, into sites for prison construction beginning in the 1970s helped to galvanize the onset of mass incarceration. In the next three decades, over 40 percent of federal prisons came to be located on former military installations. By the mid-1990s, approximately eighty-six thousand incarcerated individuals were housed within seventy-nine federal institutions, thirty-four of which were located on current or former military installations. A total of 28,577 incarcerated individuals were confined in these current or former military installations, representing 33 percent of the total Bureau of Prison's population.¹

The decommissioning of military bases facilitated the construction of additional prison space not just in federal but also in state facilities. By the 1990s, thirty-seven states and the District of Columbia were under court order to alleviate overcrowded conditions at existing facilities. With federal institutions at 164 percent and state and local facilities at 150 percent capacity nationwide, there was urgent pressure to construct new facilities.² The acquisition of bases for purposes of prison construction was sometimes obtained free of cost, sometimes at market cost, and sometimes through eminent domain. Invariably, states saw themselves as realizing considerable savings and reducing the financial burden of mass incarceration.³ The interinstitutional seeding was framed as a "win-win" with the ebbing of the Cold War and the prospect of base closures resulting in large employee layoffs coinciding with a perceived need to expand the prison sector.⁴ The prison boom that tripled the number of prisons built between 1970 and 2000 offered a means to assuage communities facing severe employment loss brought on by base closures.⁵

The interdependence of the military- and prison-industrial complexes, however, goes well beyond the location of carceral facilities on former military bases. When facing recruitment challenges, the military has expanded its enlistment to include people with criminal records. While the U.S. armed forces (unlike Russian President Vladimir Putin's armed forces) have not rewarded prisoners with release in exchange for being forcibly enlisted via military impressment, it has elevated its felony waivers particularly in periods when recruits have been in relatively short supply. For example, from September 30, 2006, to September 30, 2007, coinciding with the troop surge in the Iraq War, the army granted so-called conduct waivers for felonies and misdemeanors to 18 percent of its new recruits, an increase of three percentage points from the previous year.⁶

Such waivers were double-edged. While they offered a valuable opportunity to men and women who otherwise might face occupational hurdles, they also exposed recruits with misdemeanor and felony records to heightened danger, as those with criminal records were more likely to serve in military occupations exposed to combat. After adjusting for combat exposure, one study found that enlisted soldiers with misdemeanor or felony records faced 1.13 and 1.25 times higher odds of disability and injury, respectively. Those with misdemeanor records also had 1.4

times higher odds of death. The odds of death for those with felony records were 1.74 times higher.⁷

Just as the military draws from formerly incarcerated populations, correctional institutions recruit from former military populations. State correctional facilities, often challenged by a scarcity of officer recruits, have long sought out personnel with military backgrounds to staff prison and jail officer ranks. A purported 75 percent of states recruit from retired military personnel to fill prospective correctional officer jobs.⁸ An estimated 10 to 35 percent of the correctional officer workforce has a military background.⁹

Interinstitutional seeding is also evident in the disproportionate number of veterans among the incarcerated population. Military personnel are more likely to be arrested and to serve time in prison than the public in general. Data from 2015 – the most recent available from the Department of Justice – report that one-third of veterans have been arrested at least once, compared to fewer than one-fifth of all nonveterans. A full 8 percent of the carceral population are veterans, representing over 180,000 individuals. Most striking, more than two-thirds (or 69 percent) of veterans in prison were serving time for violent crimes, in contrast to 57 percent of nonveterans in prison.¹⁰ The reasons why those with military service experience a disproportionate incidence of criminal behavior are complex. Anecdotally, some formerly incarcerated veterans say that they “learned violence” as a solution to problems in the military itself.¹¹ Studies point to mental health issues derived from combat-related trauma, such as posttraumatic stress disorder, as well as to outright traumatic brain injury and alcohol and drug use attributable to military service.¹²

Additionally, seeding between defense and carceral institutions takes an economic form. The military has long benefited from low-cost labor production in prisons. Between 2018 and 2022, Federal Prison Industries (commonly referred to as FPI and by its trade name UNICOR) annually produced about \$163 million of goods purchased by the Department of Defense (particularly, special-purpose clothing, furniture, and electronics). In 2022, the Defense Department accounted for over 50 percent of FPI’s revenue. Production happens at bargain wages: incarcerated FPI employees make between \$0.23 and \$1.15 per hour.¹³

Finally, the interinstitutional influences of the military and carceral state are manifest in military prisons themselves, such as in Abu Ghraib during the Iraq War, one of the most brutal sites of American punitive history. Rightfully, most analyses have rejected the portrayal of Abu Ghraib as an instance of “out-of-control individual army reservists,” instead focusing on the social, political, and cultural contexts that give rise to abuse and torture.¹⁴ Investigative journalist Seymour Hersh has argued that one set of roots of Abu Ghraib grew “not in the criminal inclinations of a few army reservists” but from the extreme military response to the 9/11 terrorist attacks.¹⁵ This converged with the domestic socialization and carceral education

that some Abu Ghraib perpetrators (such as Ivan Frederick and Charles Graner) had received as correctional officers prior to deployment.¹⁶

In sum, interinstitutional seeding includes:

1. Base decommissioning and the galvanizing of the early stages of mass incarceration,
2. Staffing of prison correctional officer ranks with retired military personnel,
3. Disproportional imprisonment of individuals with military backgrounds,
4. Use of cheap prison labor for Department of Defense production, and
5. Convergence of international military and domestic carceral practices.

These five policies make up a powerful narrative documenting the mutual reinforcement of military-carceral norms and structures.

A mimetic relationship between military and carceral institutions has recently emerged alongside the reciprocal seeding process outlined above. Its core has been the rapid and parallel growth of private equity–owned corporations in both military and carceral spaces. Both institutional venues – whose missions represent the very essence of the public charge to protect the people’s safety – have ceded significant parts of their operations to private equity–controlled and profit-maximizing enterprises.

Private equity (PE), once a “niche industry,” is now a major presence in corporate America.¹⁷ PE-owned firms, distinct from publicly traded corporations, face limited reporting requirements with the U.S. Securities and Exchange Commission.¹⁸ According to a recent article in *The Atlantic*, “Private-equity firms managed about 4 percent of total U.S. corporate equity” in the year 2000. By 2021, “that number was closer to 20 percent. In other words, private equity has been growing nearly five times faster than the U.S. economy as a whole.”¹⁹ PE’s growth within the military sector has been noteworthy. The Stockholm International Peace Research Institute estimates that PE engaged in 25 percent of the 3,700 U.S.-based arms company deals between 2000 and 2021.²⁰ Other estimates suggest that the U.S. defense sector has “absorbed \$27.65 billion in private equity investment since 2017, about 2.5 times the \$10.18 billion that flowed to the European defense sector” and that PE-controlled firms have acquired over five hundred U.S. arms companies since the early 2000s.²¹ Such rapid expansion is only likely to intensify further in the coming years.²²

In the last decades, the carceral sector has also embraced private equity. PE-controlled corporations have staked out monopoly control over vendor operations, such as prison and jail phones, digital communications, commissary sales, and health operations.²³ Just two phone corporations run by private equity manage the \$1.2 billion prison phone industry; two correctional service companies run

by private equity merged in 2016 to monopolize the \$1.6 billion commissary sales industry; and in 2017, two of the largest private-equity health care corporations serving prison populations were estimated to bring in a combined \$2.5 billion in profit annually.²⁴

Given the halving of publicly traded firms in the general economy between 1996 and 2023, the parallel – or mimetic – development of private equity’s growth in the carceral and military sectors should not be surprising.²⁵ It is not the mere concomitant expansion of private equity, however, that warrants our attention, but the fact that private equity’s increase has penetrated two of the preeminent security domains (defense and carceral), raising fundamental questions about the consequences of private equity’s ascendance for American democracy.²⁶

Studies of PE in the military point to a decline in democratic accountability shaped by two interconnected developments: diminished business transparency and the risk of financial default.²⁷ Although PE-owned defense firms with over \$150 million of private assets under management must report to the Securities and Exchange Commission, the reports are limited in scope and the PE-firm transactions involve minimal disclosure. According to political scientist Charles W. Mahoney, the limited availability of accounting information, unusual accounting methods, and arbitrary valuation of companies until PE firms decide to sell them make for incomplete oversight.²⁸ This in turn leads to higher risk-taking together with an elevated level of bankruptcy, with “the potential to affect the security of the United States and its allies” precisely because it makes national security vulnerable in its dependence on financially fragile companies.²⁹

In the context of the carceral domain, private equity raises similar and different issues of transparency and public accountability. Whether in the management of the prison phone industry and digital transactions, commissary sales, or health care delivery, private equity is likewise characterized by irregular and inadequate public scrutiny and reporting. In the case of prison health care delivery, the largest health care provider, Wellpath, owned by the private-equity corporation H.I.G. Capital, faced rising labor and other costs and took on high levels of debt, filing for bankruptcy in November 2024. Although crises affecting incarcerated individuals, grievances pursued by prisoner families, and congressional hearings have drawn public attention, there is no regularized mechanism to ensure that PE-owned health care delivery is held publicly accountable.³⁰ A similar lack of transparency affects PE-owned businesses that manage prison and jail commissaries, resulting in the outright financial exploitation of prisoner families.³¹ Given the general lack of accountability, any regularized public accountability is significant. Take prison and jail telephone rates. In the last decade, these rates have been subject to public scrutiny and accountability through Federal Communications Commission (FCC) hearings and regulation, resulting in a reduction of the excessive fees charged to prisoner families.³² No similar democratic accountability applies,

however, to the role of private equity in most other arenas of prison operations. Nor has the issue of transparency itself – along with the risks of financial precarity and/or bankruptcy for PE-owned firms that have intruded into these domains and thus become important to the public interest – become a feature of public policy debates in mainstream America. In short, the striking mimetic (or parallel) development of private equity in military and carceral institutions has accentuated antidemocratic developments.

Rather than reproducing the mimetic pattern seen in the case of private equity, through which democratic accountability has been compromised in both the military and carceral spaces, the relationship between race and democracy in the United States is sometimes seen as manifesting a dissimilar history in these two spaces: While the carceral sector is often decried for institutionalizing racial inequalities, the military, by contrast, is sometimes heralded for developing pathways toward racial equality. The perspective we advance here, however, tells a different story.

Whether the narrative is one of “Masked Racism” (Angela Davis), the “Deadly Symbiosis” of prison and ghetto (Loïc Wacquant), or the “New Jim Crow” (Michelle Alexander), race and racism are embedded in carceral practices.³³ The military, however, presents a more complicated landscape. In general, the dominant narrative about the military and veterans is one of improvement, especially for Black Americans and other veterans of color. For example, a 2006 study by the RAND Corporation demonstrated that Black veterans experienced “improved economic stability” compared to Black nonveterans in the form of increased levels of income and home ownership rates.³⁴ Relatedly, labor economics scholars Christos A. Makridis and Barry T. Hirsch found that Black veterans “receive roughly 2.5 percent higher earnings than their nonveteran counterparts.” Considering the recent large drop in labor participation, the number is likely now higher.³⁵ In 2020, 63 percent of Black veterans owned homes compared with 42 percent of the overall Black population in America, and the Black-white housing wealth gap was roughly \$20,000 less for Black individuals with former military experience.³⁶ Interestingly, white veterans do not seem to experience similar levels of benefits. White veterans have been associated with lower levels of income and decreased wealth prospects compared with their white civilian peers.³⁷ From this vantage point, military service provides a clear socioeconomic benefit to Black individuals on average while reversing, to some degree, certain racial inequalities.

This story of racial progress, however, needs to be seen against the backdrop of a normative foundation – made visible by examining MIC-PIC links – informed by paternalist assumptions, if not fully racist practices. Before an August 1966 gathering of Veterans of Foreign Wars in New York City, U.S. Secretary of Defense Robert McNamara announced a new program that he claimed would simultaneous-

ly increase enlistment numbers while providing domestic social benefits. Called “Project 100,000,” McNamara’s plan reflected the need for more troops at a consequential moment in the Vietnam War. Some contend that McNamara’s program was an instance of government-based racist exploitation in which socioeconomically disadvantaged people of color were disproportionately channeled into fighting a losing war: indeed, upward of 40 percent of those who enlisted through Project 100,000 were people of color, far outpacing their proportion of the U.S. population.³⁸ In the early stages of the war (1965), Black military members suffered a casualty rate of 24 percent, more than twice their representation in the active-duty military force (12 percent).³⁹ Across the war as a whole, however, the mortality rate for Black military members was 12.4 percent, close to their share of the active-duty force.⁴⁰ This suggests that Project 100,000 contributed to the disproportionate casualty rate of Black military members early in the war, but that as the war effort proved to require a larger military force, general conscription beyond the program appears to have reduced this effect.

At the very least, paternalist assumptions inflected the origins of Project 100,000. McNamara sought to enable the “subterranean poor” and “so-called low aptitude” individuals (relative to the broader military-eligible population) to pass the requirements for entrance into the military.⁴¹ In this way, the argument proceeded, the vast resources and rigorous regimens of the Pentagon could be used to educate and reform American citizens. Central to McNamara’s proposal, as his 1966 speech and later remarks made clear, was the idea that the Pentagon was the world’s largest and most efficient and effective educational institution. Such capacity, he argued, could instill in the poor – and in Black men especially – a set of norms, beliefs, and behaviors otherwise lacking. McNamara’s speech followed the release of the Moynihan Report in 1965, which had proposed military service as a way to address what it perceived as core problems facing Black Americans. “The ultimate mark of inadequate preparation for life,” the report stated, “is the failure rate on the Armed Forces mental test . . . fifty-six percent of Negroes fail it.”⁴² The report anticipated that military service would provide a space of equality for Black men by teaching them “what it feels like to be a man” – a martial and masculine sense of self, the lack of which was viewed by the report as a fatal flaw within “matrifocal” Black communities.⁴³ These benefits would ultimately remake and fortify the Black nuclear family, thereby providing a foundation for improved socioeconomic success.

At issue for these developments, the report contended, were Black Americans’ inner lives and sense of self, since, it asserted, these men lacked what the report considered to be the correct “feeling” of being a man. Receiving military training, the report suggested, would foster a new sense of self among Black men, one that would not only improve their standing in American society but also counter what

it identified as holding them back: the women-dominated, “matrifocal” structure of Black social life.

If the Moynihan Report makes a direct link between the military discipline of Black Americans and social reformation, so too does McNamara’s project. The secretary of defense revealed more details about the ideology informing Project 100,000 in another speech in 1967 entitled “Social Inequalities: Urban’s Racial Ills.” There, he asserted that the project aimed to help Black men who “badly need a sense of personal achievement – a sense of succeeding at some task” to overcome “not simply the sometimes squalid ghettos of their external environment . . . but an internal and more destructive ghetto of personal disillusionment and despair.”⁴⁴

The ideological project evident here was the task of reshaping Black men’s internal and external environments, to rehabilitate them “inwardly and out.” As it were, the disciplinary causal pathway that McNamara outlines is clear: the Defense Department’s educational resources can 1) reform the inner man, then 2) reform the outer, social, and working man, in order to 3) return them to civilian life prepared (disciplined) with new “skills and attitudes” that will 4) break “the self-perpetuating poverty cycle” (that is, transform Black social life) and thereby 5) improve the broader social body. The norms learned in military training were meant to travel to specific racial and racialized communities within society and further transform them from within.

A mimetic process of discipline and self-control thus undermined the possibility of democratic approaches to address racial inequality in both carceral and military institutions. Part of French philosopher Michel Foucault’s work in *Discipline & Punish: The Birth of the Prison* sought to analyze a transition in which the “disciplinary methods” of Western European armies (among other institutions) began to be transformed into a “general formula” applicable to society as a whole.⁴⁵ The prison, like the military barracks, became a laboratory for such methods. Observing the operations of the carceral system, Foucault developed the concept of discipline to refer to “the ways in which individuals are coerced into accepting standards for behavior they believe constitute *the norm*.”⁴⁶ Within the prison, this was achieved through a variety of techniques that included the organization of space (cells, segregation), the organization of time (controlling activity via schedules, fixed routines), standardization (the distribution of examinations, tests, and classification based on performance), and surveillance (the “hierarchical observation” of behavior).⁴⁷ For instance, and as illustrated in Foucault’s use of Jeremy Bentham’s prison model of the panopticon, the effect of surveillance is to produce subjects who act as if they are always observed, who constantly surveil *themselves* and regulate their behavior accordingly. In this way, discipline instills norms that travel: its subjects are trained to act, think, move, and behave in particular ways and reproduce these effects in their personal lives. In turn, society is shaped by

such disciplinary power as its members are disciplined – by institutions and, accordingly, themselves.

Overall, the populations most affected by the carceral state are managed in two ways: forcefully, with prison bars and punishment, and normatively, via their conduct. It is also worth emphasizing that the backdrop for these accounts of prison discipline is the profit imperatives of neoliberal capitalism, some aspects of which we detailed during our earlier discussion of private equity. Institutional forms of social control are not only regulative but increasingly profitable; likewise, financial maneuvers gradually produce socially regulative effects. With the carceral state today, social regulation or management frequently occurs through corporate actors that make financial demands on the carceral impacted poor in ways that shape gender norms and the family.⁴⁸ For the military, as in Project 100,000, it is similarly the instilling of behavioral norms in racialized populations that is thought to ensure that these populations “integrate” more effectively into a dominant idea of American society.⁴⁹ Project 100,000 was effectively ended in late 1971, though comparable projects of racial exploitation and social regulation have continued since. For example, in *Prisoners After War: Veterans in the Age of Mass Incarceration*, historian and educator Jason A. Higgins argues that multiple domestic programs leading to higher levels of incarcerated Black Americans, like Nixon’s “War on Drugs” and the Clinton-era “three-strikes” laws, were natural extensions of Project 100,000.⁵⁰ McNamara’s project remains instructive, however, not only because it raises the issue of how military education and discipline might continue to mimic the carceral state and influence American social and democratic life today, but because it also highlights the underexplored yet racially harmful normative foundation underwriting that influence.

In this way, separate but mimetic processes developing in parallel within carceral and military institutions complicate the narrative that the military’s impact on American society is primarily one of racial progress. Of equal importance, however, is how the direct interaction of these sectors also upholds *existing* racial inequalities. An important interconnection between the MIC and the PIC takes the form of contact between former service members and the criminal justice system. In particular, the racial dimensions of this interconnection negatively impact American democracy by perpetuating racial inequalities.

Specifically, distinct racial disparities characterize the overall incarceration of veterans. These disparities have decreased since the opening stages of mass incarceration in the 1970s and the 1980s. In the late 1970s – and speaking to the broader failure of Project 100,000 and its goals of social reformation – a shocking “one out of four people” in state prisons were military veterans, a disproportionate number of whom were Black men.⁵¹ While less stark today, the numbers remain troubling. A 2023 RAND study found that incarcerated male veterans are less likely to

be white compared to the overall population of male veterans; it also found that, from 2011 to 2012, Black veterans made up 27 percent of the incarcerated veteran population but only 12 percent of the overall veteran population.⁵² Relatedly, between 2002 and 2019, a greater proportion of Black veterans reported being arrested and booked into jail than white veterans (37 percent to 31 percent, respectively).⁵³ A 2023 study published in *Population Research and Policy Review* found that Black veterans were more likely to have a history of incarceration and to have been incarcerated for longer periods of time than white veterans.⁵⁴ And, while Black veterans were less likely to be incarcerated than Black nonveterans, they were more likely to be incarcerated than white veterans, who, in turn, were more likely themselves to experience incarceration than their white civilian peers.⁵⁵ Thus, military service appears to confer some benefit to Black veterans compared with their civilian peers, yet distinct racial differences in incarceration rates between Black and white veterans remain.⁵⁶

But as noted earlier, serving in the military does provide socioeconomic benefits to a not insignificant number of Black Americans. This gives an example of how a major American institution such as the military can work in small ways to address racial inequalities and the racial wealth gap. This effect is by no means comprehensive, nor is it a solution to the pernicious and outstanding racial problems in America, but it is valuable to those individuals and families that benefit from it. By highlighting how the MIC and PIC interact to reproduce racial inequalities that exist in society, we also seek to illuminate how the connection between the two complexes works to undermine the potentially positive effects offered by one of them (the military, in this case). Here, as the military “supplies” the carceral system with people, it also undoes the key benefits it provides to some of its service members – benefits capable of traveling into society at large and improving not only the lives of former personnel but their families and future generations. In this way, an interconnection between the MIC and PIC preserves the kinds of existing racial inequalities that continue to restrict and undermine Black Americans from equal participation in American society. American democracy’s struggle to overcome such endemic inequalities is only made more difficult when powerful institutions like the military and the prison system persist in hindering it.

Few studies have attempted to understand and theorize the implications of the relationship between the military-industrial complex and the prison-industrial complex. In a series of articles, however, carceral researchers Dominique Moran, Jennifer Turner, and Helen Arnold developed the concept of the “prison-military complex” to describe – not unlike the first section of this essay – how military and prison environments converge and influence one another, as well as how military practices and personnel have shaped carceral operations.⁵⁷ Our focus in this essay has been on how these complexes form two separate but

meaningfully interconnected sectors, linked both through what we call interinstitutional seeding mechanisms – such as decommissioned bases, personnel, training, and equipment production – and mimetic development – such as the introduction of private equity profit-maximization and racially harmful norms into society that disproportionately impact Black veterans. Rather than view these two complexes as a single entity, we have inquired into some of the ways in which these national and domestic security sectors interact, and how they shape American democracy through that interaction.

Recently, Higgins has argued for the integration of Black veterans' experiences into broader narratives about the Black experience in America, making the case that these veterans' struggles against systemic racism in the defense and carceral systems – from Project 100,000 through today – are essential to understanding the country's history of racial oppression and resistance to it.⁵⁸ Higgins's project is broader than our own, but we share his concern with the normative and material implications of how the military-industrial complex, in parallel with the prison-industrial complex, has negatively impacted this segment of Black Americans. Our reflection has identified two instances of such impact: directly, the institutional interaction cuts into the financial gains made by Black veterans through their disproportionate punishment; mimetically, the two sectors manifest a parallel history of producing racialized norms harmful to the social bases of democratic life. While neither outcome vitiates the distinct degrees of racial progress accomplished by the military, both complicate our understanding of such progress and point to additional challenges, historical and contemporary, that remain unaddressed. The military- and the prison-industrial complexes comprise enormously powerful institutional spaces, and while they have enabled some racial progress, sustaining and deepening that progress amid continuing obstacles will require reckoning with the challenges we have identified.

AUTHORS' NOTE

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Conclusion

It Can Happen Here

Matthew Evangelista

As we suggested in the introduction, the question that motivated this volume concerned the relationship between U.S. wars and the quality of American democracy, especially since the terrorist attacks of September 11, 2001, and the subsequent global war on terror. We wondered about both the positive and negative effects of the period of “forever war,” post-9/11. Did military service, for example, promote equality and diversity and boost the socioeconomic prospects of minority and immigrant communities? What were the costs and benefits of military spending for the overall economy, as well as its impact on income inequality? We sought to explore the evident negative effects of this era’s preoccupation with terrorism and war, such as suspicion of and discrimination against Muslim Americans at home; a congressional blank check for military intervention abroad in the form of the 2001 Authorization for Use of Military Force; the politicization of the armed forces, including regional and partisan divides within the military; and the economic consequences (including hidden and long-term costs) of funding endless war without raising (and instead often decreasing) taxes.

This work was inspired in part by the extensive emerging literature in political science on democratic “backsliding,” but also by the impression that scholars working on that topic had little to say about war or its influence. Several months into Donald Trump’s second administration, for example, a conference at Cornell University in May 2025 brought together many of the leading figures in the American Democracy Collaborative, including Robert C. Lieberman, one of the authors in this volume, to discuss the impact of political divisions and cleavages on U.S. democracy. But the topic of war and militarization did not arise.¹ The same is true of the collaborative’s most recent comparative work on global challenges to democracy produced by government scholars at Cornell.² This absence is somewhat surprising, considering how popular culture has long linked militarism and war with threats to democracy – for instance, in dystopian novels from Sinclair Lewis’s *It Can’t Happen Here* (1935) to Philip Roth’s *The Plot Against America* (2004). The

lack of attention to this topic is also notable because the four factors that scholars have identified as key components of democratic backsliding – excessive executive authority, restrictions on who constitutes the political community, increasing economic inequality, and political polarization – are linked to war and militarization, at least in the United States. In these concluding remarks, I elaborate on these links with reference to the essays in this volume and to antidemocratic developments during the early period of Trump’s second presidency.

The growth of executive authority provides a key instrument for undermining democratic norms and institutions. In their presentation of the eponymous “four threats” to democracy in their 2020 book, political scientists Suzanne Mettler and Robert C. Lieberman connected the exertion of U.S. executive power to war, particularly to the war in Vietnam.³ They also addressed other issues throughout U.S. history that linked war to democratic decline: the Alien and Sedition Acts, the intermittent threat of civil war in the early years of the republic, the Bonus Army crisis of the 1930s, the expansion of executive power during World War II and the Cold War, and the creation of the “national security state” after 9/11. In their treatment of the first Trump administration, they explain how the president benefited from the resources and executive authority accumulated by his predecessors, including the “vast and increasingly opaque web of intelligence operations that has unprecedented capacity to investigate, harass, spy on, and disrupt not just suspected enemies but American citizens as well, ostensibly for the purposes of finding and suppressing subversive or otherwise dangerous activity.”⁴

From the start of Trump’s second presidency, he made clear his administration’s ideological commitment to expansive executive authority. His political appointees have consistently amplified his view that a close win of a presidential election – at least in Trump’s case – confers a mandate for the president to do whatever he chooses. In his essay in this volume, Harold Hongju Koh depicts the growth of executive power and its relationship to the “unitary executive theory” primarily in the realm of foreign affairs.⁵ Returning to Mettler and Lieberman, we concur with their expectation that the president would rely on the vast resources of the executive branch for domestic policies as well, to confront internal political enemies he deems dangerous to America. As Trump self-referentially put it, “He who saves his country does not violate any law.”⁶

The second Trump administration is showing that a U.S. president with authoritarian inclinations can wield executive power to exacerbate the other three threats to democracy: namely, by enforcing exclusionary definitions of citizenship, increasing income inequality, and promoting political polarization. By signing executive orders and co-opting a Republican-dominated legislature and Supreme Court, Trump has employed the first threat – excessive executive power – to carry out policies that embody the other three, starting with limitations on who belongs

to the political community. As the American Democracy Collaborative authors explain, “democratic backsliding in the modern world often starts with the unwinding of a consensus about who is a ‘true’ citizen and whose voice should legitimately be heard in democratic politics.” They describe how Trump “capitalizes on the idea of a ‘real’ American people under threat from outsiders entering the country.”⁷ War might not be a prerequisite for such exclusionary policies, but it is striking how often in U.S. history anti-immigrant measures were connected to ongoing wars and how frequently these efforts evoked the language of national security.⁸

Even though U.S. military activity in the two major post-9/11 wars in Afghanistan and Iraq has wound down, Trump avails himself of the powers accreted to the presidency during that period, as well as the rhetoric of war, to carry out mass deportations. He has expanded the already extensive presidential power over immigration to refashion American society to conform to his nostalgic vision of a white, male-dominant, Christian nation by expelling immigrants, including those convicted of no crimes. His main instrument for deportation is Immigration and Customs Enforcement (ICE), founded in 2002 along with its parent agency, the U.S. Department of Homeland Security. The department received an additional \$170.7 billion through H.R. 1, Trump’s “one big beautiful bill,” passed on July 4, 2025. The ICE share, \$74.8 billion, is higher than most countries’ military budgets, while the portion of its funding allocated to building new detention centers – \$45 billion – rivals the budget of the entire federal prison system, as discussed in the essay by Jacob Swanson and Mary Fainsod Katzenstein in this volume.⁹

The United States has experienced several periods of anti-immigrant sentiment, including when the Alien Enemies Act of 1798 was used to deport radicals and anti-war activists such as Emma Goldman during World War I, and when it was used to justify the mass internment of Japanese Americans during World War II. In the wake of the 9/11 attacks, some five thousand U.S. residents of Muslim or Middle Eastern background were rounded up as suspected terrorists and held in detention or deported without due process or access to lawyers or family members.¹⁰ These abuses were carried out during wartime. Trump’s innovation is to invoke the metaphorical language of war in peacetime, as he did by denouncing “invasions” of immigrants during his presidential campaigns. The Alien Enemies Act as written provides no justification for his actions, however. As Koh explains in his essay, the Trump administration invoked the law “to dispatch alleged members of a Venezuelan drug cartel to El Salvador . . . even though that law does not authorize government immigration enforcement against a claimed drug cartel, which is not a ‘foreign nation or government,’ carrying out an ‘invasion’ or ‘predatory incursion’ required to trigger the statutory authority.”¹¹ In a recent opinion piece, law professors Erwin Chemerinsky and Laurence H. Tribe have also argued that “by invoking the Alien Enemies Act, the government claims it can circumvent the usual procedures for deportation, including due process.”¹²

Even in the best of times, those usual procedures provide rather weak due-process protections, given the courts' deference to claims that immigration is the president's foreign-policy prerogative. A case in point is Trump's arrangement with president of El Salvador Nayib Bukele to fly Venezuelan immigrants in the United States to Bukele's country, where they are imprisoned as terrorists in the notorious Centro de Confinamiento del Terrorismo (CECOT, or Terrorism Confinement Center) prison. Trump defied court orders not to send them, as well as a district court judge's ruling that he should "facilitate and effectuate" the return of one man – Kilmar Abrego García – who the government acknowledged was deported by mistake. The judge in this case asserted that Abrego García's "continued presence in El Salvador, for obvious reasons, constitutes irreparable harm" (he had fled gangs in El Salvador and was then imprisoned with hundreds of suspected gang members) and ordered that the government "restore him to the status quo." The Supreme Court seemingly endorsed the judge's decision to effectuate Abrego García's return, but provided the Trump administration a big loophole, consistent with the judicial branch deference to executive authority described by Koh and by Shirin Sinnar in their contributions to this volume.¹³ As the justices claimed, "The intended scope of the term 'effectuate,' . . . is, however, unclear and may exceed the District Court's authority. The District Court should clarify its directive, *with due regard for the deference owed to the executive branch in the conduct of foreign affairs.*"¹⁴ Conducting foreign affairs at his White House meeting with Bukele in April 2025, President Trump nodded in agreement as the Salvadoran president told reporters that "of course" he would not return Abrego García.¹⁵ The administration subsequently arranged his release from the Salvadoran prison and return to the United States only to have Abrego García arrested and held in detention in Tennessee on various criminal charges of dubious credibility.¹⁶

Tump made little distinction between deporting legal immigrants on unsubstantiated charges of terrorism or criminal activity and extending the same treatment to citizens born in the United States. Here we see an effort, combined with Trump's executive order to eliminate the "birthright citizenship" enshrined in the Constitution's Fourteenth Amendment, to exclude native-born Americans from the political community. U.S. citizens had been caught up in Trump's mass deportations from the start – a consequence of haste, willful incompetence, and the lack of due process or any kind of oversight.¹⁷ In his April 2025 meeting with Bukele, Trump made clear that he had now set his sights on U.S.-born citizens: "Homegrown criminals next," he said. "You gotta build about five more places."¹⁸ The analysis of the prison- and military-industrial complexes by Swanson and Katzenstein in this volume provides a valuable framework for understanding how Trump could carry out his plans.¹⁹ He had already hired out CECOT reportedly for \$6 million. The next step would be to privatize the operation, dispensing

funds from ICE's generous budget. Blackwater founder Erik Prince put forward a proposal to "handle the logistics of gathering '100,000 of the worst criminal offenders' from U.S. prisons, holding them at a 10,000-person detention camp and flying them to El Salvador." According to an article in *Politico*, the "proposal includes sample language for a 'Treaty of Cession' so that a portion of the prison complex can become U.S. territory, arguing that 'transferring a prisoner to such a facility would not be an Extradition nor a Deportation,'" so there would be no need to meet ICE's already low standards of evidence to justify seizing and deporting people.²⁰

Trump's funding of ICE comes in the same bill, H.R. 1, that boosts military spending substantially and transfers a fortune in tax breaks to the ultra-wealthy (\$4.6 trillion over ten years) while depriving low-income citizens of Medicaid benefits, nutrition subsidies (food stamps), and student loans.²¹ In his analysis of the bill's consequences, journalist John Cassidy explains that the bill will "decrease the financial resources of households in the bottom twenty per cent of the income distribution by about seven hundred dollars a year and increase the resources of households in the top 0.1 per cent by more than a hundred thousand dollars annually," in what he calls "a reverse-Robin Hood mechanism."²² In her contribution to this volume, Heidi Peltier finds that the preponderance of theory and evidence supports the claim that military spending increases income inequality.²³ Thus, in one single piece of legislation, Trump threatens democracy in two ways: by funding militarized deportations to redefine the political community in a narrow, exclusionist fashion and by directly exacerbating economic inequality.

Trump's policies have also exacerbated the fourth threat to democracy, political polarization. He has menaced any Republican politicians who do not follow his dictates with a vow to support their opponents in primary elections, thereby ensuring compliance. He has selected Supreme Court justices whose deference to Republican preferences is consistent with, and extends beyond, the pattern that Sinar identifies in her essay.²⁴ Trump's secretary of defense Pete Hegseth – now calling himself the Secretary of War, after Trump signed an executive order renaming the Department of Defense (another abrogation of a congressional prerogative) – has sought to purge the military command of any officers suspected of disloyalty to the Trump ideology. His words and deeds exacerbate the partisan divide that Heidi A. Urben describes in her essay on civil-military relations.²⁵ In a way that Katharine M. Millar's essay helps us understand, Hegseth has also done his part to reinforce a white, masculinist norm for military leadership by firing senior Black and female officers and anyone he deems "woke."²⁶

In September 2025, Hegseth summoned hundreds of senior officers from around the world to Marine Corps Base Quantico in Northern Virginia. He claimed that diversity within the armed forces was responsible for U.S. military failures since World War II and he denounced "the insane fallacy that 'our diversity is our strength.'" Women, he asserted, should be held to the "highest male

standard,” and “if that means no women qualify for some combat jobs, so be it.”²⁷ After listing by surname the military leaders appointed by Democratic presidents whom Donald Trump had fired, Hegseth called the members of his captive audience “great Americans.” “But,” he added, “if the words I’m speaking today are making your heart sink, then you should do the honorable thing and resign.”

President Trump invited himself to the Quantico meeting and spoke after Hegseth. He began with a comment on the total silence that met Hegseth’s remarks – a tribute to the military leaders’ effort to resist the secretary’s partisan tone: “I’ve never walked into a room so silent before.” He urged the audience to “just have a good time. And if you want to applaud, you applaud.” The generals remained stone-faced, as Trump delivered what *The Economist* called a “nakedly partisan speech.” Trump assailed the “radical left Democrats” and “Sleepy Joe Biden” for incompetence, for an increased crime rate, and for welcoming criminals from Congo and Venezuela into the United States. Trump partially credited the armed forces for his electoral victory: “We did really great, and part of it is because of our success with the military, the rebuilding of the military, the vote that I got from the military.”²⁸ Even if the officers remained unmoved, the Quantico speeches offered further evidence of the Trump administration’s contribution to narrowing the political community and to partisan polarization.

Linking the literature on democratic backsliding to the wars of the post-9/11 era does not encompass the entire relationship between militarization and growing authoritarian rule in the United States. The Trump administration has invoked national security to justify other antidemocratic practices that go well beyond the four threats described in the literature. They include efforts to control the internal governance and content of academic research at universities and to cancel the visas of foreign students. Trump has recruited Secretary of State Marco Rubio to bar students from receiving visas if their political views are seen as harmful to U.S. foreign policy. In March 2025, Rümeyşa Öztürk, a Turkish PhD student at Tufts University, was surrounded on the street in her neighborhood in Somerville, Massachusetts, by six plainclothes agents, later revealed to be ICE, and driven away in an unmarked car. Accused of no crime, she nevertheless ended up in an ICE detention facility in Louisiana.²⁹ Apparently, she had caught the attention of a vigilante organization called Canary Mission for having coauthored an article in the student newspaper that cited credible reports of Israel’s “deliberate starvation and indiscriminate slaughter of Palestinian civilians and plausible genocide” in the course of the war in Gaza that was launched following the Hamas terror attacks of October 7, 2023.³⁰ Canary Mission – an anonymously run and funded organization known for making false charges (including against one of the present guest editors) – denounced Öztürk for engaging in “anti-Israel activism.”³¹ Although the State Department acknowledged it could find no evidence that she supported

Hamas or terrorism, it authorized her arrest anyway.³² It has subsequently revoked hundreds of student visas on similarly shoddy grounds, without formally informing their universities.

A key contention of Koh's essay is that all three branches of the U.S. government share responsibility for the demise of constitutional checks and balances that threatens U.S. democracy. We saw an example of this in April 2025, when a U.S. judge accepted the administration's justification for deporting Columbia University student Mahmoud Khalil. As an article in *The Guardian* described, "The decision sides with the Trump administration's claim that a short memo written by the secretary of state, Marco Rubio, which stated Khalil's 'current or expected beliefs, statements or associations' were counter to foreign policy interests, is sufficient evidence to remove a lawful permanent resident from the United States." Despite Rubio's undated memo – the core evidence submitted by the government – containing "no allegations of criminal conduct," Judge Jamee Comans "ruled that Rubio's determination was 'presumptive and sufficient evidence' and that she had no power to rule on concerns over free speech." She added, "There is no indication that Congress contemplated an immigration judge or even the attorney general overruling the secretary of state on matters of foreign policy."³³

The Trump administration's attempts to criminalize speech and employ the tools of foreign policy and immigration to do so were revealed in a social media promotion posted by ICE (even if officials claimed it had been done in error): "If it crosses the U.S. border illegally, it's our job to STOP IT: PEOPLE, MONEY, PRODUCTS, IDEAS."³⁴ In the spirit of protecting the country against ideas, the United States ordered "consular offices to significantly expand their screening processes for student visa applicants, including through comprehensive social media investigations, to exclude people they deem to support terrorism."³⁵

At an April 2025 hearing in Boston's federal district court, government lawyers exposed the Trump administration's view that the U.S. Constitution does not protect the rights of free speech and free assembly of "aliens," even noncitizens legally residing in the United States. ICE's boast to ban "ideas" was not made in error, after all. The case pitted the American Association of University Professors (AAUP) and additional claimants against Marco Rubio and other government officials for violating the First Amendment by arresting students such as Khalil and Öztürk for exercising free speech.³⁶ The presiding judge was eighty-four-year-old William G. Young, appointed by Ronald Reagan in 1985 to the U.S. District Court for the District of Massachusetts. He asked Trump's lawyers whether they "agree that a noncitizen lawfully in the United States has the same constitutional rights under the First Amendment as a citizen?" At first, Victoria Santora, one of the lawyers, argued correctly that "the First Amendment does refer to 'persons,' and that people in the United States share the same rights under the First Amendment." She then asked "to add one qualification to my answer to the question you

posed at the beginning. I apologize if I misspoke earlier. But I do want to say that there are nuances to the First Amendment.”

“Like what?” Judge Young asked.

“I’m sorry?”

“Like what? What are the nuances?”

“The nuance,” Santora tried, “is that this context involves issues of national security, foreign policy, immigration enforcement.”

Two weeks later, the government’s concluding statement left no doubt: “The answer to the question of whether aliens and citizens have equivalent rights under the First Amendment is no.”³⁷ In particular, aliens – including foreign-born university professors and students – lack the right to criticize Israel for policies of destruction and starvation of the civilians in Gaza if the government deems such criticisms evidence of antisemitism and support for Hamas terrorism.

The Trump administration’s broad definition of what constitutes terrorism is perhaps the clearest legacy of the two decades of continuous war addressed in this volume. Already during the administration of George W. Bush, courts began applying terrorism statutes to extend the prison sentences of animal-rights and environmental activists who damaged property, even if they harmed no people.³⁸ As Sinnar recounts, during the Biden administration, prosecutors in Georgia used a new domestic terrorism law to charge more than forty people demonstrating against the Atlanta Public Safety Training Center (colloquially known as “Cop City” in the press and discussed in this volume by Azadeh N. Shahshahani and Sofía Verónica Montez), to elevate “trespassing, vandalism, or other property crimes to offenses with steep penalties.”³⁹ In the wake of protests from 2016 to 2017 by the Standing Rock Sioux tribe and environmental activists against the Dakota Access Pipeline, Sinnar writes that “elected officials in at least thirty states introduced legislation to curb protests of oil and gas pipelines, including by defining protest-related activity as terrorism.”⁴⁰ In March 2025, critics of Elon Musk’s enabling of Trump’s authoritarian takeover carried out demonstrations and boycotts against his Tesla electric car company’s dealerships. When some protests resulted in vandalism, Trump vowed that the perpetrators would “go through hell.”⁴¹ His attorney general Pam Bondi accordingly charged three suspects with “domestic terrorism” and threatened them with jail sentences of twenty years.⁴² The practice of invoking terrorism charges against political opponents is a clear legacy of the war on terror and an evident connection between war and the demise of U.S. democracy.

Perhaps the most direct link between militarization and the demise of democracy in the United States came with Trump’s deployment of troops against Americans on U.S. soil and his threats and use of violence against political opponents. A few days before staging the \$30 million military parade in

Washington, D.C., to celebrate the U.S. Army's two hundred and fiftieth anniversary on June 14, 2025 (Trump's seventy-ninth birthday), the president gave a speech at the Fort Bragg military base. The audience of soldiers, almost exclusively male, had been vetted for physical appearance ("no fat soldiers" a note to one unit prescribed) and political allegiance (discouraging attendance if "soldiers have political views that are in opposition to the current administration," according to another note). During the speech, Trump criticized and ridiculed the media and Democrats, as "soldiers roared with laughter and applauded Trump's diatribe" in what *Military.com* called "a shocking and rare public display of troops taking part in naked political partisanship."⁴³ In a rambling hour-long speech, Trump described the protesters against the ICE raids in Los Angeles as a "vicious and violent mob" of "rioters bearing foreign flags with the aim of continuing a foreign invasion of our country." He invoked California Governor Gavin Newsom and Los Angeles Mayor Karen Bass in his remarks, drawing boos from his selected audience of soldiers. "They're incompetent," he said, "and they paid troublemakers, agitators, and insurrectionists."⁴⁴

Trump's mention of insurrection was intentional. In June 2020, during his first term, he had asserted his right to deploy troops under the Insurrection Act of 1807 in response to protests against the police murder of George Floyd. Most legal authorities, including Harold Hongju Koh, judged that the circumstances did not permit overriding the statutory *posse comitatus* ban on using military forces for civilian law enforcement on U.S. territory, although there were others, such as legal scholar and former deputy assistant attorney general John Yoo, who disagreed. Yoo, author of the "torture memos" defending the United States' use of torture in the war on terror on the grounds of expanded executive authority during wartime, suggested that the courts would support Trump's action.⁴⁵ In 2020, military authorities balked at the prospect of using soldiers against civilians and talked the president out of it. On the first day of his second term, however, Trump issued an executive order declaring an emergency on the border with Mexico that "requires use of the Armed Forces," describing the situation as an "invasion" and granting the secretary of defense authority to deploy forces accordingly at his discretion.⁴⁶ Particularly controversial was Trump's claim that he can deploy the armed forces against the wishes of local civil and police authorities. In the case of Los Angeles, both Governor Newsom and Mayor Bass rejected the deployment, which is why his heaping scorn on those elected officials before an appreciative audience of soldiers was so concerning. In response, a former member of George W. Bush's Defense Department claimed that "What worries me most are the normalization of political involvement by troops, and novel and expansive interpretations of executive power," as Trump described the military deployment to Los Angeles as "the first, perhaps, of many." He warned other cities that might become the sites of anti-ICE or anti-Trump protests, "they're going to be met with equal or greater force than we met right here."⁴⁷

Less than two months later, Trump ordered military forces and federal law officers onto the streets of Washington, D.C., including eight hundred National Guard troops, and took control over the district police. In this case, the deployment did not respond to, but rather provoked, protests. Trump justified the deployment as necessary “to rescue our nation’s capital from crime, bloodshed, bedlam, and squalor,” even as violent crime there hit a thirty-year low. When district police and masked ICE agents set up a traffic checkpoint, stopping cars for minor violations and questioning drivers about their immigration and citizenship status, spontaneous protests broke out among passersby.⁴⁸ Such actions, justified on grounds of security, exacerbate political polarization (some protestors yelled, “Go home, fascists!”) and represent a further aggrandizement of executive authority.

In his speech at Quantico in September 2025, Trump invoked “the enemy from within” to justify the deployment of troops to Washington, D.C., and blamed George Soros and the “radical left” for funding “insurrectionists.”⁴⁹ He then ordered National Guard troops to Portland, Oregon, and Chicago, Illinois, against the objections of both states’ governors and with uneven opposition from the courts. Trump’s decision to deploy troops from “red,” Republican-majority states to “blue” cities governed by Democrats demonstrated his intention to pursue partisan political objectives to the point of violence – especially given evidence that the presence of the troops provoked and exacerbated violence, rather than containing it. He again vowed to invoke the Insurrection Act. “We have an Insurrection Act for a reason,” Trump said. “If I had to enact it, I’d do that if people were being killed and courts were holding us up, or governors or mayors were holding us up.”⁵⁰

The aspiration for democracy was present at the founding of the United States. In many respects, and despite major setbacks, democratic norms, institutions, and practices have been functioning and expanding overall, with occasional regressions, since then. The rule of law has often provided a basis for expanding rights or seeking redress if those rights have been violated. Like any living organism, democracy thrives in some conditions and suffers in others. This volume on war and democracy has explored how more than two decades of war and military preparations in the wake of the terrorist attacks of September 11, 2001, have contributed to the deterioration of U.S. democratic norms and institutions. Links between war and immigration, dating to the Alien and Sedition Acts of 1798 and the Insurrection Act of 1807, provide the historical context and ready pretexts for would-be authoritarian rulers to restrict the rights of citizens and non-citizens alike.

War and militarization exacerbate all four threats that scholars of democratic backsliding have identified: executive aggrandizement, narrowing the definition of who belongs to the political community, economic inequality, and political po-

larization. Most worrying of all is that the system of constitutional checks and balances established with the founding of the republic might prove inadequate to stem the demise of American democracy. Scholars of democracy and authoritarianism have recently introduced the concept of “democratic resilience” as a way to measure democracies’ capacity to resist the “autocratization” of political systems that has characterized the period since the 1990s. As with the kindred literature on democratic backsliding, there is little mention of the impact of war or preparation for war.⁵¹ By contrast, a group of scholars in Europe, concerned about the impact of remilitarization precipitated by the February 2022 Russian invasion of Ukraine and the growing danger of nuclear war, have highlighted the connections between the strength of democratic institutions and national security. They stress the risks of military spending that comes at the expense of social welfare and robs resources from efforts at combating climate change and economic inequality. Paradoxically, militarization can render states less secure, making them vulnerable to “hybrid warfare” and other forms of external intervention, as well as domestic efforts to stoke political polarization and inflame anti-immigrant and xenophobic sentiment to make way for authoritarian rule.⁵²

Preparing for and fighting wars can hollow out democratic institutions and weaken democratic norms, as this volume has suggested. Bolstering democratic resilience requires countering the four threats to democracy by containing executive power, expanding the political community, and reversing economic inequality and political polarization – all the while recognizing the risk that endless war poses to democratic survival.

ABOUT THE AUTHOR

Matthew Evangelista is the President White Professor of History and Political Science (Emeritus) at Cornell University. He is the author of six books, including *Allied Air Attacks and Civilian Harm in Italy, 1940–1945: Bombing Among Friends* (2023), *Gender, Nationalism, and War: Conflict on the Movie Screen* (2011), and *Law, Ethics, and the War on Terror* (2008).

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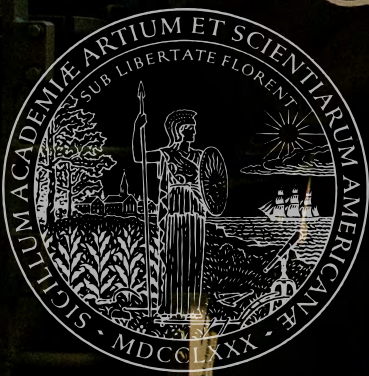
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