Death and the War Power

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In scholarship on the war powers, the practice of war usually happens in the background. Presidents, Congress and courts are in the foreground. Killing in war is thereby a background phenomenon – an aspect of the social context within which the war powers are exercised. This essay instead puts war’s carnage and death at the center of the story. I draw upon the insights of important recent scholarly works on death to argue that the dead body has a political life. The political history of American war dead recasts an important problem in the history of American war powers: the atrophy of political restraints. Ultimately, I will argue, a crucial factor underlying the contemporary military-civilian divide and the atrophy of political restraints on presidential decisions about the use of military force is the distance between American civilians and the carnage their wars has produced.

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