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Institutional Guardrails

America's political institutions are the guardrails preventing our democratic system of government from plunging over the cliff into autocracy. But their durability and strength are not guaranteed, particularly when someone like the president of the United States – perhaps the most powerful person in the world – attacks them. Donald Trump laid siege to these institutions. Except for the Civil War, the damage Trump caused to the country's guardrails was unprecedented. This book describes what happened and assesses the damage. But it also does something else that's important.

The bread and butter for many sociologists and political scientists, including myself, is the study of institutions. Most of our work explores how institutions change in slow, incremental, and evolutionary ways. Rarely do we consider how institutions change more radically. Yet Trump's attack on our core political institutions was an attempt at radical change. So, by examining his attack, this book shows how radical institutional change happens. Understanding this is the first step in ensuring that the sort of damage Trump caused doesn't happen again.

The changes that occurred on Trump's watch stemmed in large part from two things often neglected by those who study institutional change: *tipping points* – gradually developing windows of opportunity; and *leadership*, which in Trump's case was frequently neither admirable nor conducive to sound policymaking. Trump's unique leadership style was on full display as he tried to capitalize on various tipping points, often but not always overcoming the resistance he encountered along the way. Much has been written – and will continue to be written – about the political strategies, interest group pressures, and congressional fights involved in what Trump tried to do. All of that is important and I don't mean to diminish its significance. But my intent is to shine a light on tipping points and leadership, which have received short shrift not

only in discussions of institutional change but also in the literature on the Trump presidency.

The damage Trump did to America's political institutions is serious. It stemmed from his attack on what his one-time senior policy advisor, Stephen Bannon, and other conspiracy theorists called the "deep state," a system of power allegedly hidden inside the government and its surrounding political apparatus and operating independently of elected political leadership.¹ Part of the damage was done to the country's democratic institutions, notably the electoral and political party systems. But another part of the damage, much less obvious and often neglected by observers but still terribly important, was done to the state apparatus, including the justice system, the federal bureaucracy and civil service, and the government's finances. Both democracy and competent, well-resourced states are integral to the success of any advanced capitalist society. Democracy provides the political stability that capitalism needs by preventing political disagreements from spinning out of control. The state provides the political management capitalism needs either to prevent or correct the harmful effects capitalism may have on society.²

Trump's rise to power was the culmination of decades-long changes in America. These included structural changes in the economy; rising racial and ethnic tensions; an ideological shift toward the right; and political polarization. Things had reached a historical tipping point by the time he arrived on the political scene and helped propel him to the White House. Once inaugurated, his leadership style came to light. He inspired, cut deals with and bullied people to get what he wanted, often acting in distrustful, inexperienced, arrogant, and self-centered ways, and often taking advantage of other tipping points.

Trump launched his attack on several fronts. First, he assaulted the nation's electoral institutions about which there had already been growing concerns. Trump turned a blind eye to Russian meddling in the 2016 presidential election, ignoring warnings from his intelligence agencies that it had happened and would likely happen again. Then he solicited foreign interference from Ukraine in the 2020 presidential election and tried to block millions of mail-in ballots in that election. When he lost, he refused to concede and consent to a peaceful transition of power, charged that the election was rigged and stolen from him, and tried to overturn the results. All of this helped set off a violent insurrection at the Capitol on January 6, 2021, as Congress was certifying the Electoral College vote. Looking to future elections, he also tried to manipulate the US Census in ways that would favor Republicans for a decade or more.

Second, even before Trump's arrival, the Republican Party had been drifting in more extreme directions. Trump's inflammatory rhetoric and disregard for political civility pushed the party even farther away from the norms and practices of traditional republicanism. His insistence that he had won the

¹ Abramson 2017. See also Green (2017, chap. 7). ² Campbell and Hall 2021.

2020 election and that it had been stolen from him – the Big Lie – stoked conspiracy theories galore. As a result, the party was badly split and had trouble functioning as a normal, rational political party – something that America’s two-party democratic system must have to work properly.

Third, thanks to an unprecedented backlog of judicial vacancies Trump packed the federal courts with a host of conservative judges he believed would defend his agenda and personal political interests. He appointed three very conservative Justices to the Supreme Court solidifying a conservative supermajority on the high court that he presumed would also do his bidding. In addition, he meddled in the affairs of the Department of Justice, and in doing so tread perilously close to obstructing justice for which he was impeached by Congress.

Fourth, capitalizing on the public’s growing dissatisfaction with the size and functioning of government, Trump tried to eviscerate the federal bureaucracy, appointing people to top positions who were often woefully unqualified for their jobs. When those working for him disagreed with his views they often quit if he didn’t fire them first. This led to an administration that operated less like a place where people debated and formulated policy rationally and more like an echo chamber filled with sycophants telling Trump what he wanted to hear. Fact-based policymaking was often sidelined, and long-lasting vacuums of expertise and experience were created.

Finally, taking advantage of a rising tide of discontent with what many people believed to be high taxes and exorbitant government spending, Trump engineered a historic tax cut that disproportionately benefited corporations and the wealthy, reduced government revenues, and increased economic inequality. He also tried but failed to slash the federal budget. The result was an amplification of the state’s already growing budget deficits, which continued to increase the national debt despite his campaign promise to do just the opposite – a situation that only got worse after the COVID-19 pandemic hit and that may yet have serious implications for both domestic policy and US hegemony abroad.

The conspiratorial nature of the deep state is open to question. But there is no doubt that over the decades, the American state has grown deeper in the sense that its administrative, advisory, and policymaking capacities have expanded and are now marked more than ever by unelected yet professionally trained expert staff.³ By attacking the deep state, Trump weakened America’s electoral, party, justice, civil service, and fiscal institutions – core foundations of American politics and democracy. That said, his attacks weren’t always successful and sometimes had serious unintended consequences. That’s important not only for America’s democracy but also because it has implications for my argument about institutional change.

³ Skowronek et al. 2021, chaps. 1 and 2. See also Skowronek (1982).

To be clear, what I am talking about is not the kind of full-blown revolutionary change seen in the United States or France in the eighteenth century, in Russia in 1917, or in China in 1949. The country was not immersed in armed conflict. The state was not overthrown in a coup d'état. Political leaders were not executed or sent to reeducation camps. In short, what I am talking about did not involve overthrowing and replacing the entire political system but rather making substantial changes *within* it. Nor am I talking about the gradual or routine changes that often stem from the arrival of a new presidential administration or everyday politics, such as finetuning regulations, or modifying legislation and bureaucratic procedures. What I have in mind, then, is neither revolutionary nor evolutionary but something in between – yet still quite radical. The institutional change Trump sought was sudden, dramatic and, to a large extent, unprecedented within the American political system. It was also broad in scope and often likely to be long-lasting. And it was dangerous, which is another reason why understanding how it happened is so important.

Harvard government professors Steven Levitsky and Daniel Ziblatt warned that Trump was a clear and present danger to American democracy having fulfilled all four of their criteria of an ascendant autocratic leader.⁴ First, his commitment to democratic rules was weak, as shown by his attempts to undermine the legitimacy of the 2020 presidential election and his refusal to accept its results. Second, he denied the legitimacy of his political opponents charging Hillary Clinton, for example, his Democratic rival in the 2016 election, with having broken various laws and calling for her to be locked up. Third, Trump tolerated and sometimes encouraged political violence. For instance, he egged on protestors to “liberate Michigan” from its pandemic lockdown restrictions, which some of them tried to do by plotting to kidnap Governor Gretchen Whitmer and storming the statehouse. He also helped incite the January 6th Capitol insurrection. Fourth, Trump demonstrated a readiness to restrict the civil liberties of his opponents. Among other things, he accused the network news media of reporting “fake news” about his administration’s policies and wondered at what point it would be appropriate to challenge their broadcast licenses – a not-so-veiled threat to a free and independent press.

You might think that the damage Trump caused is much worse than what I am suggesting. As one political scientist suggested to me, rather than radically changing institutions *within* America’s political system, Trump has revolutionized the political system itself. By leading the Republican Party in a direction where it is no longer committed to the core tenets of democracy, he told me, we have already had a fundamental regime change very much akin to a Latin American form of presidency with hollowed-out and politicized institutions in which a return to conventional democratic behavior is highly unlikely,

⁴ Levitsky and Ziblatt 2018.

especially because elections will no longer be accepted due to the politicization of vote counting. I agree that we may be headed in that direction, but I don't think we have arrived there yet or that we necessarily will because, as subsequent chapters explain, there are forces at work both inside and outside of the Republican ranks that are standing up to defend democracy and fighting against this sort of revolutionary institutional transformation. I hope they succeed.

I. I WHAT OTHERS HAVE SAID

Institutional change has not been the focus of most other books written about the Trump presidency. Some of these either attack or applaud Trump based on the author's personal experience with him. Those that applaud him are often written by close associates.⁵ Those that attack him are often written by former members of his team who have resigned, been pushed out or fired, and have an axe to grind.⁶ However, several authors have written more even-handed accounts of the Trump presidency. These take several forms.

Some were written early in the Trump administration and looked to the future, such as *One Nation After Trump*, written by syndicated columnist E.J. Dionne and think tank operatives, Norman Ornstein and Thomas Mann, who warned of the dangers that Trump posed to American democracy.⁷ David Frum's *Trumpocracy* was another warning cry.⁸ Robert Saldin and Steven Teles described in *Never Trump* how some Republicans were also alarmed and tried to stop him from getting elected in the first place before he could damage America's institutions.⁹

Other books reveal the political intrigue inside the Trump administration. For instance, columnist Michael Wolff's *Fire and Fury* exposed the very stormy and confused early days of the Trump White House.¹⁰ The award-winning journalist Bob Woodward gave us *Rage* and with his colleague Robert Costa *Peril*, books based on hours of interviews with hundreds of current and former members of Trump's administration, Congress and in the case of the first book Trump himself.¹¹ Carol Leonnig and Philip Rucker's two books *A Very Stable Genius* and *I Alone Can Fix It*, also based on interviews with Trump and dozens of insiders, provide another in-depth look at the administration.¹² So does Jonathan Karl's *Betrayal*.¹³ These books are rich in description, particularly about Trump's behavior as president, but have little to say about the broad range of institutional problems he caused or what enabled him to do so.

Other authors took a step in that direction, writing about the impact that Trump had on the presidency as an institution. Some describe the damage he

⁵ Lewandowski and Bossie 2017; Stone 2017. ⁶ Cohen 2020; Comey 2018.

⁷ Dionne et al. 2017. ⁸ Frum 2018. ⁹ Saldin and Teles 2020.

¹⁰ Wolff 2018. See also Green (2017). ¹¹ Woodward 2020; Woodward and Costa 2021.

¹² Leonnig and Rucker 2021; Rucker and Leonnig 2020. ¹³ Karl 2021.

caused to that office. For example, Bob Bauer and Jack Goldsmith's *After Trump* explored how Trump violated an array of rules and norms governing various presidential practices and suggested how normative and legal changes might fix the damage and prevent things like this from happening again.¹⁴ Similarly, Susan Hennessey and Benjamin Wittes' *Unmaking the Presidency* catalogued how Trump violated "the deepest normative expectations of the traditional presidency" including telling the truth, behaving presidentially, benefiting financially from holding office, conducting foreign policy, and handling special counsel investigations.¹⁵

Some academics put the Trump presidency into historical context. Political scientists William Howell and Terry Moe show in *Presidents, Populism, and the Crisis of Democracy* how Trump rose to power in the first place on a wave of populist discontent driven by trends in American society that took decades to develop and that shaped Trump's management of the presidency.¹⁶ Focusing more on the situation in which Trump found himself upon taking office, Stephen Skowronek and colleagues argue in *Phantoms of a Beleaguered Republic* that Trump's power to disrupt the presidency stemmed from the mounting tensions between deep-state professionalism and presidential authority – tensions that were exacerbated by the decades-long centralization of executive branch power that came to a head during the Trump administration.¹⁷ Echoing the theme of rising presidential power, Daniel Drezner turns to psychology to explain how Trump abused that power. He argues in *The Toddler in Chief* that Trump's stunted and infantile cognitive and emotional development led to his rash, unpredictable, and deeply flawed leadership, which caused tremendous harm to the presidency.¹⁸

All these writers agree that much of what Trump did was a radical break from past institutional precedent. Drezner, for instance, explains that many people believed that Congress, the courts, and the bureaucracy would "tie [Trump] down like Gulliver," but that this didn't happen. More than any previous president, he argues, Trump escaped these constraints and wrought havoc on the presidency.¹⁹ Bauer and Goldsmith write that "Trump operated the presidency in ways that defied widely held assumptions about how a president might use and abuse the powers of the office . . . [and] he did so unlike any of his predecessors."²⁰ Hennessey and Wittes agreed that Trump's behavior was a "radical departure from the traditional presidency."²¹

One notable exception is *The Ordinary Presidency of Donald J. Trump*, written by political scientists Jon Herbert, Trevor McCrisken, and Andrew Wroe, who argued that judging by what Trump managed to do in the first half

¹⁴ Bauer and Goldsmith 2020. See also Jones (2017). ¹⁵ Hennessey and Wittes 2020.

¹⁶ Howell and Moe 2020. See also Campbell (2018).

¹⁷ Skowronek et al. 2021. See also Fukuyama (2014, chaps. 34 and 35). ¹⁸ Drezner 2020.

¹⁹ Drezner 2020, pp. 21–22. ²⁰ Bauer and Goldsmith 2020, p. ix.

²¹ Hennessey and Wittes 2020, p. 11.

of his term, not much unusual happened in the sense that many of his policies were consistent with what other Republican presidents had done for years, including cutting taxes and regulations, beefing up military spending, and appointing conservative judges.²² Yet critics of their book point out that there was nothing normal about Trump's rhetorical style, his treatment of democratic and diplomatic norms, his ideological inconsistencies, his treatment of America's allies, or his unpredictable and temperamental behavior.²³ In short, Trump's administration did in fact represent a radical break from the past. Similar criticisms apply to *The Myth of the Imperial Presidency*, written by Dino Christenson and Douglas Kriner, who argue that the Trump presidency wasn't all that remarkable insofar as his attempts to change policy were often constrained by public opinion, Congress, and the courts. Yet, like Herbert and his colleagues, their book looks only at the first half of the Trump presidency and so misses some of the most egregious and consequential aspects of his attack on America's political institutions.²⁴

What is missing from all this literature is any discussion of the implications of the Trump presidency for our general understanding of institutional change. These books are rich in the detailed description of what Trump did. But they don't connect to the literature on institutional change, which is ironic because much of what Trump did transformed institutions in a remarkable fashion. The same is true for much of the literature in academic journals about the Trump presidency. For example, virtually none of the articles about Trump published in *Presidential Studies Quarterly* during his tenure in office addressed theories of institutional change. Nor did those in a special issue of *Perspectives on Politics* devoted to the Trump presidency.²⁵ This book aims to correct that omission by drawing out lessons from the Trump presidency for broad theories of institutional change. In doing so, it helps us better understand how Trump caused that change and the damage he inflicted on America's political institutions.

1.2 WHAT'S AN INSTITUTION?

Before going any further, we need to be clear about what we mean by an institution. When people talk about institutions, they are often really talking about organizations.²⁶ They say, for example, that Congress is an institution or that Harvard University is an institution or that the General Motors Corporation is an institution. That's not quite right. On the one hand, as economic historian Douglass North explained, *institutions* are formal rules and informal norms, the monitoring and enforcement mechanisms that make them work, and the meaning systems associated with them – that is, the often-

²² Herbert et al. 2019. ²³ *Journal of American Studies* 2020.

²⁴ Christenson and Kriner 2020. ²⁵ *Perspectives on Politics* 2019.

²⁶ See, for example, Thelen and Steinmo (1992).

taken-for-granted interpretations of what these rules and norms mean and how they should be implemented. On the other hand, *organizations* are groups of people using their resources to accomplish certain goals, such as passing legislation, educating students, or manufacturing automobiles and trucks.²⁷

But there are complexities here. To begin with, institutions structure the behavior of goal-oriented actors like organizations, but organizations also shape institutions. Congress, for instance, must abide by the rules imposed upon it by the US Constitution, but Congress also passes laws that others must follow. Moreover, organizations, such as the courts, interpret the meaning of laws and make sure that we comply with them. So, although organizations create institutions, interpret, and abide by them, and make sure that others abide by them too, they should not be equated with them. Organizations help institutions function but are not institutions in their own right.

Furthermore, institutions involve more than just rules, monitoring and enforcement, and meaning systems. They also involve two other things. The first is people, often in organizations, with the technical know-how, operational experience, professional expertise, managerial skill, and institutional memory necessary to make institutions work and come to life. People are, in sociologist Arthur Stinchcombe's view, "the guts of institutions."²⁸ The second is resources with which these people carry out their duties.²⁹ Both people and resources are necessary to create and sustain institutions. How?

First, people use their resources to affect how institutions are *structured*. They do so by writing rules, formulating norms, devising monitoring and enforcement procedures, and interpreting what institutions mean. Second, people use their resources to affect how institutions *function*. This includes influencing institutional *efficacy* – how effective institutions are in fulfilling their intended purposes; how well they work. But it also includes institutional *orientation* – defining the institution's purpose in the first place; what it is supposed to do. The bottom line is that without people and resources, institutions are inert and meaningless. How long would drivers obey speed limits if they knew that there were no police with fast patrol cars to enforce those rules? So, I am arguing that for us to understand how institutions operate we need to pay attention to how people and resources support them or not. I'll have more to say later about how important this is for understanding institutional change but for now, the crucial point is that to understand institutional change, you must pay attention to rules and norms, monitoring and enforcement mechanisms, and meaning systems, but also the people responsible for them and the resources available to them. This book is about how Trump tried to change all of these things in his assault on the so-called deep state.

²⁷ North 1990, chap. 1. See also Campbell (2004, p. 1) and North (2005).

²⁸ Stinchcombe 1997. ²⁹ Skowronek et al. 2021, p. 6.

There is a vast literature on institutions and institutional change written by sociologists, political scientists, and economists.³⁰ Much of it focuses on the formal aspects of institutions like constitutions, laws, regulations, and official standards. But the informal aspects of institutions – that is, norms – are just as important.³¹ Why? As Peter Katzenstein and Lucia Seybert show, norms are sites of great uncertainty because their meanings are inherently indeterminate, which means that they present all sorts of possibilities for norm-defying innovation and improvisation.³² Furthermore, as Robert Lieberman and his colleagues recognize, “institutional restraints are only as strong as the norms that undergird them, binding political leaders to routinized patterns of behavior and instilling in citizens expectations about how democratic governance is to be carried out.”³³ In other words, norms help anchor institutions. Several writers that I discussed earlier have noted that much of the damage Trump did to America’s political institutions involved shattering long-established norms, not written or enforceable in any formal sense but nonetheless powerfully important.³⁴ I agree. In fact, it may be harder to fix the damage that Trump did to norms than it will be to fix the damage he did to the more formal aspects of America’s political institutions. Some speculate that Trump’s norm bashing has made it impossible to return completely to conventional political behavior.³⁵

1.3 INSTITUTIONAL CHANGE

Social scientists know that institutions are “sticky.” It’s hard to change them once they are in place, especially if they’ve been there for a long time. There are several reasons for this. For example, change may be expensive; constituents may emerge to defend the status quo; and alternatives, even if they can be envisioned, may be deemed impractical and out of reach. In other words, once in place when someone tries to get rid of institutions or dramatically alter them, they are rarely successful. Moreover, institutions don’t exist in isolation from each other but rather come in sets. As political scientists have shown, institutions in these sets tend to depend on and complement each other.³⁶

³⁰ For reviews, see Campbell (2004, chap. 1), Campbell and Pedersen (2001a) and Jupille and Caporaso (2021).

³¹ By one count, there are as many as eighty definitions of “institution” in the social science literature (Jupille and Caporaso 2021). Although there is plenty of overlap, sociological theories of institutions have tended to emphasize the importance of informal rules, norms, and the taken-for-granted cognitive aspects of institutions (e.g. DiMaggio and Powell 1983; Dobbin 1994; Meyer et al. 1987; Scott 2001, chaps. 1 and 2) whereas political scientists and economists have tended to emphasize formal rules, laws, regulations and property rights (e.g. Barzel 1989; Knight 1992, pp. 66–73; Ostrom 1990; Streeck and Thelen 2005b, pp. 10–12).

³² Katzenstein and Seybert 2018a, p. 40.

³³ Lieberman 2019, p. 475. See also Christenson and Kriner (2020, p. 213).

³⁴ Kaufman and Haggard 2019, p. 428; Mayer 2021, p. 83. ³⁵ Howell and Moe 2020, p. 168.

³⁶ Campbell and Pedersen 2007; Crouch 2005; Hall and Soskice 2001.

For example, German labor market institutions depend on educational institutions to produce highly skilled workers without which German companies would have trouble maintaining the flexible production methods that enable them to compete successfully in international markets for high-quality products like automobiles and machine tools. Conversely, German educational institutions depend on input and resources from manufacturers and labor unions operating in the labor market institutions to help shape the apprenticeship and worker training programs that produce and sustain those highly skilled workers in the first place. Given the institutional complementarities involved in a political system, it is hard to change one institution without changing the others, which is another reason why institutions tend to be sticky.³⁷ The point is that for all these reasons change usually occurs at the margins.

Those who have made arguments like these assume that institutions typically evolve incrementally.³⁸ For example, once welfare programs like Social Security, Medicare, Medicaid, and food stamps were established in the United States, there were periodic attempts to cut them back. We saw this when Ronald Reagan was president. But the so-called Reagan revolution failed to get rid of these programs. In fact, the changes Reagan caused turned out to be rather marginal. And, although budgets and staff were trimmed, the programs themselves survived and were later beefed up by different congresses and administrations. Something similar happened when Margaret Thatcher was Britain's prime minister and she tried to roll back various welfare programs there.³⁹ Even the much more dramatic changes in post-communist Russia and Eastern Europe during the 1990s were not wholesale departures from past institutions. Instead, they contained echoes of each country's unique institutional history.⁴⁰

As such, institutional change is typically a process of baby steps. And sometimes it involves taking two steps forward and one step back, repeatedly in an incremental fashion. Rare is the case when a giant leap forward happens. Yet when it came to the Trump administration, many institutional changes were not incremental; several key institutions experienced much more radical change. And although some of these changes may be reversed in the short term, others are likely to persist much longer as are their consequences, both intended and unintended. In other words, some of Trump's institutional changes are likely to be stickier than others.

Years ago, I wrote a book titled *Institutional Change and Globalization* in which I suggested that two factors went a long way in determining whether attempts at institutional change succeeded and, if they did, whether these

³⁷ Deeg and Jackson 2007, p. 167; Hall and Thelen 2009. See also Campbell (2010, pp. 102–106).

³⁸ Campbell 2004; Douglas 1986; Greif 2006; Kenworthy 2014; Mahoney and Thelen 2010; Steinmo 2010; Streeck and Thelen 2005a; Thelen 2004.

³⁹ Kenworthy 2014; Pierson 1994. ⁴⁰ Campbell and Pedersen 1996.