

FOREWORD: “THE SAVAGE WARS OF PEACE”

The purpose of this edition is to continue a debate surrounding security, law, and identity that has characterized American political culture since September 11, 2001. While numerous works in recent years have discussed American foreign policy, immigration, or the scope of executive authority, the legal literature has rarely drawn explicit connections between these disparate sub-fields.

“The Savage Wars of Peace” is a conscious reference to Rudyard Kipling’s *The White Man’s Burden*.¹ Kipling’s work not only characterizes the racist attitudes of the colonial era, but also points to how the maintenance of empire frequently involves continuous engagement in conflict. Written in 1899, *The White Man’s Burden: The United States and the Philippine Islands* memorialized British imperial ideologies, as well as the beginning of American empire. That same year marked the beginning of the Second Boer War, a bloody guerilla insurgency that challenged British rule and would eventually be reconsidered by the United States as it searched for an effective strategy in Iraq and Afghanistan.² Years later, Alistair Horne drew on Kipling’s poem in his seminal work on the French-Algerian War,³ in which he describes the demise of French rule in Algeria in ways that echo contemporary American debates about foreign policy, immigration, and security. The backdrop of this edition is thus the “imperial maintenance” that has characterized American foreign policy since September 11.⁴ The title was selected by the editors of the *Tennessee Law Review* to emphasize recognition that the discussion of these policies is embedded within a broader discussion of American empire. The so-called “Global War on Terrorism” and the military engagements that have been undertaken to ensure American security inform this edition’s discussion of public policy and political events.

The election of President Donald J. Trump has intensified debates about security, immigration, and the role of the United States in the world. Trump’s bombastic rhetoric, restrictive immigration policies, and conceptions of executive authority have deepened a bitter and divided political process. The works in this

1. Rudyard Kipling, *The White Man’s Burden*, XII McClure’s 4, 249 (Feb. 1899).

2. Peter Mansoor, From Baghdad to Kabul: The Historical Roots of U.S. Counterinsurgency Doctrine, 3 ORIGINS 1 (Oct. 2009).

3. ALISTAIR HORNE, A SAVAGE WAR OF PEACE: 1954–1961 (1977).

4. ROBERT D. KAPLAN, IMPERIAL GRUNTS: ON THE GROUND WITH THE AMERICAN MILITARY, FROM MONGOLIA TO THE PHILLIPPINES TO IRAQ AND BEYOND 5 (2006).

edition were selected because they provide important context for these debates.

In conceptualizing the topic of this symposium edition, the editors wished to compile works that both recognized legitimate national security risks and critically engaged American security policies. In the years since September 11, coercive interrogation and torture, the demonization of Muslims, and the perception that the United States is engaged in a war with Islam may become constitutive of American identity and define American engagement in the world. The works selected in this edition are meant to be complementary and demonstrate the intersectionality of various areas of law and policy. The editors wish to thank the contributors to this edition for their willingness to critically engage in this debate and engage in scholarship that will advance the legal community's knowledge about this important discussion.

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