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Washington D.C. as a global center of power projection and its relevance for the interaction of State(s) and religion(s)

by

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Abstract

This contribution explores Washington D.C.'s unique role as a global epicenter in the production and dissemination of legal ideas, particularly in the context of U.S. power projection and the interaction between law and religion. From this perspective Washington D.C. represents a unique place in global legal culture and constitutional imagination.

Key-words

Washington D.C.; Law and Religion; Global legal culture; Mega-cities; Constitutional imagination



I. Introduction

In positive law, States have always been at the center of the analysis of legal scholars. Recently it has been highlighted how a “(...) stark gap in constitutional scholarship on cities, amid ever-expanding urban agglomeration worldwide, reflects a long-standing state-centered vision of constitutional order” (Hirschl 2020, 30). If one moves from a pure positivistic understanding of the law and tries to assess cities relevance in the production of legal ideas and legal imaginary, Washington D.C. is one of the few cities that cannot be missed from the selection. This contribution highlights the role of Washington D.C. as a global center of U.S. power projection and hub for the production of legal narratives with a particular focus on the interaction of law and religion at the global level. Paragraph II focuses on the role of power projection theories in understanding the law. Paragraph III situates Washington D.C. in the current debate on megacities, highlighting how megacities contribute to shaping legal narratives and imagination. Paragraph IV points at the unique role of Washington D.C. and American legal culture in global debates on role and religion. Paragraph V concludes.

II. The United States and power projection

The United States occupies a central role in power projection theories, which focus on the ability of a state to influence others and assert its interests across the globe. The United States are an essential case-study in understanding how states utilize different tools—diplomatic, cultural, economic, military, or legal—to project their influence and maintain hegemonic power in international relations. As highlighted by Katz: “The United States must campaign against adversarial states and nonstate actors, organizations, and individuals. The United States must successfully operate in environments of intentional ambiguity, opacity, and asymmetry, and do so without its most powerful weapons” (Katz 2018, 25). Power projection implies an interdisciplinary understanding since the tools deployed in this context are several (law, of course, can be one of them): “America must be able to orchestrate the interaction between its power and its projection of that power on guidance, delivery, and effects by employing spatial, nonspatial, hybrid, and complex projection means” (Katz 2018, 25). In this complex scenario, capital cities, especially Washington D.C., become sites for producing legal narratives and imagination. Washington D.C., for its history, architecture, and global position, is at the center of US power projection and can be analyzed as the main



place of production of legal imagination not only for the United States but, in different contexts, for the Western world. Since when with the approval of the Residence Act of 1790 Congress decided that a “district of territory, not exceeding ten miles square, to be located as hereafter directed on the river Potomac, at some place between the mouths of the Eastern Branch and Connogochegue, be, and the same is hereby accepted for the permanent seat of the government of the United States”¹¹ Washington D.C. has been the headquarters of the production of legal ideas and tools in the United States, being a central knot of American law and culture in the context of the special relationship that binds them together in the United States. (Rosen 2006). We could argue that law deserves an essential place in power projection theories in understanding how States and other actors try to influence the national and international arena. Law can legitimize power and States' actions on the global stage, but it can also serve as a site for contesting power and interests. Examples are constantly offered in cases of military crises and civil wars where law is used to justify the conduct of state and non-state actors through reliance on international treaties, United Nations resolutions, or customary legal norms. Legal norms are, therefore, essential tools not only at the technical level because of the concrete consequences they determine, but also because they help contribute legal narratives that shape legal and political frameworks and imaginaries. In producing these narratives, they support or undermine the different states' credibility in the context of international community. By examining the sites and contexts of legal production and dissemination, we can assess the role of law in different social contexts that escape a pure positivistic understanding that is traditionally adopted by legal scholars (Annicchino 2021). The concept of “lawfare” has been adopted to describe the extent to which legal norms are mobilized to reach political or military goals without direct confrontation (Kitttrie 2016). Lawfare acknowledges how law can be weaponized to project power more complexly yet effectively. The role of law in power projection is also illustrated by the influence that States seek in the context of international legal institutions like the United Nations and its agencies or the World Trade Organizations. Law often plays this dual role of power enabler and power constrainer, which is, therefore, at the core of power struggles. If one looks at the global influence of American legal culture in 1988, Antony Lester argued that: “The Bill of Rights is more than an historical inspiration for the creation of charters and institutions dedicated to the protection of liberty. Currently, there is a vigorous overseas trade in the Bill of Rights, in international and constitutional litigation involving norms derived from



American constitutional law. When life or liberty is at stake, the landmark judgments of the Supreme Court of the United States, giving fresh meaning to the principles of the Bill of Rights, are studied with as much attention in New Delhi or Strasbourg as they are in Washington, D.C., or the State of Washington, or Springfield, Illinois”. Today, as a result of the new polycentric nature of the world, this influence is probably diminishing (Liptak 2008) and the capacity to project power of the United States is as well. Washington is becoming globally less relevant, but it is still at the center of Western legal developments. The recent decision of the U.S. Supreme Court in the case involving the social media platform Tik Tok^{III} is, for instance, yet another example of how legal ideas and doctrines elaborated in Washington D.C. will affect legal developments and debates in other countries especially in the West. It is for these reasons that if we look at law as culture what happens in Washington deserves special attention.

III. Washington in the context of mega-cities

Washington, as such, cannot be characterized as a mega or global city (Sassen 2001). It has been argued that we can identify a North-East Megalopolis or Boston-Washington corridor, which, in fact, served as the first example when the word megalopolis was coined^{IV}. As Richard Florida has argued: “Bos-Wash, which extends from Boston through New York and Philadelphia down to Washington, D.C., is the world’s largest mega-region of nearly 50 million people, generating almost \$4 trillion in economic output. If this mega-region were its own country, the economy would be equivalent to the world’s seventh largest, bigger than the United Kingdom’s or Brazil’s” (Florida 2019). As the seat of the U.S. federal government, the city is home to institutions such as the White House, Congress, and the Supreme Court. These institutions make it a hub for policymaking far beyond national borders. The city’s international relevance is further amplified by the presence of global organizations like the World Bank, the International Monetary Fund (IMF), and numerous embassies. Washington’s legal culture and the legal profession have caused scholars to ask themselves why Congress has so many lawyers. (Bonica 2020). A simple fact that brings distinctive cultural consequences on how public policies are thought and designed. Therefore Washington D.C., in the context of the study of the production of legal ideas and imaginary, deserves a unique place. Decisions like *Roe v. Wade*^V or *Obergefell v. Hodges*^{VI} are the products



of a distinct elite legal culture of Supreme Court specialists that affects the United States and the world (McGuire 1993). This legal culture produced in Washington D.C. in litigation, adjudication and law-making has an effect not only in legal circles, but also in popular culture. As Maxwell Bloomfield noted already in 1981: “In surveying the cultural scene today, one is most forcibly impressed by the continued outpouring of Court-related materials of all kinds. The public, it appears, has an insatiable desire to know more about the institution and its personnel” (Bloomfield 1981). The global influence of Washington D.C. and, for legal scholars, of the U.S. Supreme Court, still has ripple effects worldwide, shaping other legal orders, global governance structures and celebrity culture (Posner 2013). To that extent, if we analyze Washington D.C. it might be true that we may not meet the strict population criteria of a mega-city but, from the perspective of projecting power theories, Washington ascends to a status of global relevance in global constitutionalism.

IV. The impact on the interaction of State(s) and religion(s)

The interaction of law and religion as a distinct field of legal inquiry (Berman 1974) witnesses the relevance and influence of legal ideas and imaginaries produced in Washington D.C. This is also the result of the amount of the advocacy efforts of religious groups^{VII} that make of Washington one of the global epicenters for the productions of laws with a distinct focus on freedom of religion or belief (Annicchino 2016). The city’s legal institutions think tanks, and international organizations collectively generate, refine, and disseminate ideas that influence governance worldwide and the laws on the religious phenomenon are a distinct example of this contribution (Hertzke 1988). Scholars have also used the distinctive place of Washington as the city of secular power to argue that religious groups are present and part of the process, but they are not of it. A book from 1995 was, in fact, titled “*In Washington but Not of It: The Prophetic Politics of Religious Lobbyist*” (Hofrenning 1995). However, as Allen Hertzke has argued, reviewing the book: “But if we look at the actual agenda, we find religious groups battling over such issues as single-payer health care or a \$500 child tax credit. Perhaps they are more *of Washington* than they would like to admit” (Hertzke 1996, 431). When the author suggests a distinctive approach by religious groups to lobbying and advocacy, Hertzke rightly points out: “But do they really live like prophets in the biblical tradition? Are they immune to the blandishments of power, such as an invitation to the White



House or a citation in the *Washington Post*? These are questions left unanswered” (Hertzke 1996, 431). The presence of this secular power is a fundamental characteristic of Washington D.C., which is the seat of the U.S. Supreme Court, Congress, and the Executive Branch, all of which play pivotal roles in formulating and interpreting legal norms. The Supreme Court, for instance, produces landmark decisions that redefine the constitutional framework of the United States. Cases such as *Brown v. Board of Education* (1954)^{VIII} and *Roe v. Wade* (1973)^{IX} not only transformed American society, but also inspired global debates on equality and human rights with direct consequences in other legal orders (Annicchino 2015). These decisions, emerging from Washington’s legal ecosystem, often serve as reference points for other countries grappling with similar issues and strategic litigation engineered by American religious groups has also shaped legal developments in other countries. The well known *Lautsi* case decided by the European Court of Human Rights^X has been a classical example of this process which is also confirmed by the relevant amount of American NGOs and public interest law firm that contribute to the European legal discourses with interventions before the European Court of Human Rights (Annicchino 2011). A distinctive contribution made especially to European legal developments has been the culture of strategic litigation which religious groups have largely embraced making of it a distinctive feature of transnational culture wars (McCrudden 2015). To this extent transnational culture wars can be understood as a transplant of American culture wars on a global scale. Not a repetition, because the cultural context always different. But a paradigm to understand societal cultural and political development in the context of which mobilization and change through the strategic use of legal tools plays a distinctive role (Annicchino 2018).

V. Conclusion

Washington, D.C., stands as a pivotal nexus for producing and disseminating legal ideas that resonate far beyond its geographic confines. Its institutional density and its unique place right at the center of the developments of power projection in the Western world have made it a distinctive place to study the role of law in this context, which shapes legal narratives and imagination on a global scale. Washington’s legal ecosystem is key to this process and deserves unique attention, especially for those with a particular interest in the interaction of law and religion.



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^{II} U.S. Congress, *An Act for establishing the temporary and permanent seat of the Government of the United States-Residence Act*, 16th July 1790, Section 1.

^{III} U.S. Supreme Court, *TikTok Inc., et al., Petitioners v. Merrick B. Garland, Attorney General* (24-656)

Brian Firebaugh, et. al., Petitioners v. Merrick B. Garland, Attorney General (24-657), (2025).

^{IV} As Richard Florida has argued: “Back in 1961, the economic geographer Jean Gottmann coined the term “megapolis” to describe the emerging economic hub that stretched from Boston to Washington, D.C. The term came to be applied to a number of regions in the world, including the vast Midwestern megapolis that extends from Chicago, through Detroit and Cleveland, and south to Pittsburgh, which Gottmann dubbed “Chi-Pitts”, R. Florida, *The Real Powerhouses That Drive the World's Economy*, Bloomberg, 28/2/2019, available at: <https://www.bloomberg.com/news/articles/2019-02-28/mapping-the-mega-regions-powering-the-world-s-economy>.

^V U.S. Supreme Court, *Roe v. Wade*, 410 U.S. 113 (1973).

^{VI} U.S. Supreme Court, *Obergefell v. Hodges*, 576 U.S. 644 (2015).

^{VII} The Pew Forum has defined religious advocacy as encompassing “(...) a wide range of efforts to shape public policy on religion-related issues. It includes lobbying as strictly defined by the Internal Revenue Service - attempts to influence, or urge the public to influence, specific legislation, whether the legislation is before a legislative body, such as the U.S. Congress or any state legislature, or before the public as a referendum, ballot initiative, constitutional amendment or similar measure. But it also includes other efforts to affect public policy, such as activities aimed at the White House and federal agencies, litigation designed to advance policy goals, and education or mobilization of religious constituencies on particular issues”, Pew Forum on Religion & Public Life, *Lobbying for the Faithful: Religious Advocacy Groups in Washington D.C.*, 2012, disponibile su: https://www.pewresearch.org/wp-content/uploads/sites/20/2011/11/ReligiousAdvocacy_web.pdf.

^{VIII} U.S. Supreme Court, *Brown v. Board of Education*, 347 U.S. 483 (1954).

^{IX} See supra at footnote 5.

^X European Court of Human Rights, *Lautsi v. Italy*, 30814/06 (2011).

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