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HEALTH ECONOMICS, POLICY and LAW

REVIEW ESSAY

Capitulating to populism: how American institutions enabled authoritarian drift

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Abstract
This paper contributes to this special issue by exploring the act of capitulation to populist authoritarianism, focusing on American universities under Donald Trump's second administration. Despite threats to funding and autonomy, especially around health-related issues, many universities capitulated. Yet, while universities might be seen as especially vulnerable due to their dependence on federal funds and international students, we show that actors with far greater power exhibited similar behaviour. Elements of the legal profession enabled authoritarian legalism, while corporations, once defenders of democratic norms, largely retreated into silence or complicity. Drawing on contemporary and historical examples, we situate these responses within broader patterns of democratic backsliding. Institutions are shown to be vulnerable to legal manipulation, financial coercion, and ideological alignment. Yet, resistance persists. Some universities have fought back through litigation, and judges have blocked unconstitutional orders despite personal risk. The paper reframes institutions not as passive structures but as active agents that can either resist or enable authoritarianism. It argues that democratic commitment is not inherent but must be cultivated and defended. Ultimately, democracy requires ongoing engagement, ethical leadership, and a willingness to bear short-term costs for long-term preservation.

Keywords: comparative authoritarianism; democratic backsliding; executive overreach; institutional complicity; institutional resistance

1. Introduction

This paper contributes to this journal's special issue on 'Populist Radical Right and Health: Misinformation and the Protection of Legal Systems and Democracy for Public Health'. It responds to the need to understand how populist radical right movements undermine democratic institutions and public health infrastructures. By focusing on the United States under Donald Trump's second presidency, the paper presents a series of detailed case studies examining institutional complicity and resistance, beginning with universities and then comparing them with the legal profession and corporate sectors. It complements other contributions that explore the erosion of public health systems and legal safeguards by showing how institutional actors, including those conventionally thought to have far greater power than academia and the health community, can, through coercion, opportunism, or ideological alignment, either enable or resist authoritarian populism. In doing so, it deepens the comparative perspective of this special issue by

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extending to other actors, reinforcing calls for proactive institutional resilience in the face of democratic backsliding.

The second presidency of Donald J. Trump has ushered in a period of profound institutional stress in the United States. While much attention has been paid to the administration's rhetoric and policy agenda, less scrutiny has been directed at how ostensibly independent institutions, such as universities, have responded to these pressures. In particular, it examines the phenomenon of capitulation to authoritarian pressure, where universities opt for accommodation over resistance, revealing a troubling willingness to compromise core values under political and economic duress.

The experience of US universities under Trump is not unique. Across the globe, democratic backsliding has often been facilitated not only by authoritarian leaders but by the institutions that fail to resist them. In countries like Turkey and Hungary, universities, as well as courts and media outlets, have been systematically weakened through legal reforms, financial pressure, and elite complicity. The US trajectory is not an isolated aberration but a broader pattern of institutional erosion in the face of authoritarian populism.

This is important because, in democratic societies, universities are not merely administrative bodies; they are the guardians of the knowledge that underpins constitutional norms, civil liberties, and the rule of law. Their integrity is essential to the health and resilience of democracy, particularly when executive power becomes overreaching or authoritarian in character. Levitsky and Ziblatt (2018), in *How Democracies Die*, argue that democracies falter when institutions fail to uphold norms and resist executive overreach. They stress that institutions must not only exist but act, rejecting complicity and defending constitutional principles even under pressure. Snyder (2017) warns that authoritarianism thrives when institutions fail to defend factual integrity and historical memory, while Applebaum (2024), in her work on post-communist Europe, shows how institutions can be captured through legalistic means, as seen in Hungary and Poland, where universities (and courts) were restructured to serve illiberal agendas.

Institutional resistance is vital because it provides a structural and normative counterweight to authoritarian tendencies. Universities are expected to uphold academic freedom and foster critical inquiry, even when such inquiry challenges prevailing political ideologies.

When institutions fail to resist, they risk becoming enablers of democratic erosion. Bermeo (2016), in her influential work on democratic backsliding, notes that 'executive aggrandisement' often proceeds not through overt repression, but through the quiet co-optation of institutions that choose accommodation over confrontation. This normalisation of authoritarian behaviour, often justified as pragmatism or neutrality, can have long-term corrosive effects on democratic culture.

Yet, there have also been powerful examples of institutional resistance. While this paper focuses on the second Trump presidency, there were many during and immediately after his first one. The University of California system publicly opposed the Trump administration's rescission of DACA (Deferred Action for Childhood Arrivals), filing lawsuits and issuing strong statements in defence of undocumented students (University of California, 2020). Federal judges, including some appointed by Trump, repeatedly ruled against executive orders that violated constitutional norms, such as the travel ban (Zapotosky, 2017) and attempts to overturn the 2020 election (Tillman, 2020). The US military leadership, including General Mark Milley, resisted efforts to deploy troops against civilian protesters in 2020, emphasising their oath to the Constitution rather than to any individual (Bender, 2021). The National Association of Secretaries of State and numerous state election officials, Republican and Democrat alike, publicly affirmed the integrity of the 2020 election, resisting pressure to overturn results (Cybersecurity & Infrastructure Security Agency, 2020). These examples demonstrated that institutional resistance was not only possible but was effective when grounded in principle and supported by legal and civic norms, although there is a risk that their success may have fostered complacency.

Institutional integrity is not a passive quality but rather an active position. It requires courage, clarity of mission, and a willingness to endure short-term costs for the sake of long-term democratic preservation.

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This paper proceeds as follows. Reflecting its publication in a journal focused on health policy and law, the article begins by reviewing the Trump administration's attacks on universities, noting that their work on health and its determinants, as well as climate change, has been at the forefront. It describes how many US universities have capitulated to pressure. However, not all have capitulated, and as we will argue, those who fought back provide inspiration and lessons in tactics and strategy. The paper then adopts a comparative element, examining how institutions in other sectors have responded. Specifically, we look at actors in the legal and commercial sectors. Our reason for choosing them is that, compared to universities, they might be considered much more resilient. Universities are particularly vulnerable to actions by the federal government, which can withdraw federal funding, tax endowments, impose intensive regulatory oversight, and exclude or detain foreign students. In contrast, private law firms would seem, at first sight, relatively immune from such threats. Large corporations would also seem relatively safe. Indeed, a substantial body of literature on corporate power, including the commercial determinants of health, has long viewed these actors as more powerful than governments. Yet, as we will show, even they have capitulated to the demands of the Trump administration. In this paper, we argue that the second Trump presidency has revealed a much greater vulnerability in many American institutions than was previously anticipated. However, we will also show that it is possible to resist. Whether institutions such as universities serve as bulwarks or bridges to authoritarianism depends on the choices made by those who lead them.

2. Methods

This paper draws extensively on the Trump Action Tracker, a continuously updated database of authoritarian actions taken by the Trump administration during its second term (Pagel, 2025). The tracker was developed and maintained by CP and a volunteer collaborator, and is publicly accessible at www.trumpactiontracker.info. It was designed to document and categorise executive actions, legal changes, institutional pressures, and rhetorical escalations that collectively signal democratic backsliding.

The tracker is compiled through daily monitoring of a wide range of reputable news sources, including Reuters, Associated Press, The Guardian, The New York Times, BBC, and CNN. Supplementary information is gathered from Substack newsletters, Bluesky posts, and relevant podcast discussions. Each entry is assessed for inclusion according to whether it constitutes a meaningful authoritarian action. Actions are only included if they are verifiable through mainstream or official sources; social media content is used only when it references direct statements from administration officials or documented public events (e.g., press conferences or video evidence).

To ensure consistency and analytical clarity, the tracker team apply a set of criteria to determine what constitutes a new action. Escalations of previous actions (e.g., from threats to implementation) are logged as distinct entries to allow for tracing of authoritarian trajectories over time. Each action is categorised into one or more thematic domains, such as attacks on academic freedom, judicial independence, or civil liberties, though the developers acknowledge some subjectivity in domain assignment.

The tracker served as the primary empirical source for this paper's analysis of institutional responses. It enabled the identification of patterns of capitulation or resistance across sectors, including higher education, the legal profession, and corporate America. The use of this curated and systematically updated dataset enabled a structured yet flexible approach to mapping the erosion of democratic norms in real-time.

Other material, such as the section on the historical context, is based on the authors' existing knowledge and publications, especially by MM, who has studied political influence on science for many years (McKee, 2007; McKee and Novotny, 2003).

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3. Historical context

Authoritarianism is commonly defined as a system of governance characterised by the concentration of power in a single authority, the erosion of checks and balances, and the suppression of dissent. Unlike totalitarian regimes, authoritarian systems often maintain the façade of democratic institutions, elections, courts, and legislatures, but hollow them out from within. Democratic erosion, or 'backsliding,' refers to the gradual decline in the quality of democracy, often through legal and institutional means rather than overt coups or revolutions.

As Bermeo (2016) explains, 'Democratic backsliding today is more likely to occur through subtle institutional changes than through dramatic ruptures'. These changes often involve the manipulation of laws, the co-optation of independent institutions, and the marginalisation of opposition voices. In this context, institutions play a dual role: they can either resist authoritarian encroachment or become instruments of its consolidation.

3.1. The role of institutions in resisting or enabling authoritarianism

Institutions are the infrastructure of democratic governance. Universities, courts, media, and professional associations are expected to uphold norms of transparency, accountability, and pluralism (Van der Westhuizen, 2008). When functioning properly, they serve as checks on executive power and as platforms for dissent and debate. However, when these institutions are weakened, through political pressure, financial dependency, or ideological capture, they can become complicit in democratic erosion.

The vulnerability of institutions often lies not in their structure but in the behaviour of those who lead them. Institutional leaders may choose to accommodate authoritarian demands out of fear (whether for themselves or the viability of their institutions), opportunism (whether for themselves or their institution), or ideological alignment. This accommodation can take many forms: self-censorship, policy shifts, personnel changes, or public silence in the face of democratic violations.

3.2. Historical precedents

Understanding how institutions respond to authoritarian pressure requires a historical lens. Past episodes of democratic erosion., Nazi Germany and Stalinist Russia to McCarthy-era America, reveal how universities, courts, and professional bodies can either resist or enable authoritarianism. These precedents demonstrate that institutional collapse often occurs not through dramatic upheaval, but rather through gradual accommodation, legal manipulation, and ideological alignment. By examining these cases, we gain insight into the mechanisms of complicity and resistance, and the conditions under which institutions abandon their democratic responsibilities. This section explores how history informs the present, offering cautionary lessons for safeguarding institutional integrity today.

3.2.1. Germany in the 1930s

The Weimar Republic offers a stark example of institutional collapse in the face of authoritarianism. As Adolf Hitler rose to power in the early 1930s, many German universities and legal institutions failed to mount meaningful resistance to the Nazi regime (Ericksen, 2012). Instead, they became complicit in its consolidation. Academic leaders, eager to align with the new political order or fearful of reprisal, purged Jewish faculty and intellectuals deemed politically unreliable (Evans, 2006). Entire disciplines were reshaped to reflect Nazi ideology, with curricula infused with racial theory, nationalist propaganda, and anti-Semitic pseudoscience. Universities, once centres of critical inquiry, were transformed into instruments of indoctrination.

The legal profession followed a similar trajectory. Judges and legal scholars, many of whom had served under the Weimar system, adapted quickly to the new regime. Rather than defending constitutional rights, the judiciary became an enabler of repression. Legal norms were

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reinterpreted to justify racial purity laws, the suppression of dissent, and the militarisation of society (Stolleis, 1998). The principle of legality was hollowed out, replaced by a doctrine of Führerprinzip, where the will of the leader superseded all legal constraints.

3.2.2. Stalinist science

In the 1920s, Joseph Stalin began consolidating control over Soviet universities as part of a broader campaign to align all institutions with the ideology of the Communist Party. Following Lenin's death in 1924, Stalin intensified efforts to purge academia of dissenting voices and ensure that higher education served the goals of the emerging totalitarian state (Krementsov, 1996).

Universities were restructured to prioritise Marxist-Leninist doctrine. Curricula were rewritten to reflect party orthodoxy, and disciplines deemed ideologically suspect, such as sociology, philosophy, and genetics, were censored or eliminated (McKee, 2007). Faculty appointments became politicised, with loyalty to the Communist Party outweighing academic merit. Professors who resisted ideological conformity were dismissed, arrested, or exiled.

Student admissions were also politicised. Background checks ensured that only those from proletarian or politically reliable families could attend, while children of former elites or suspected counter-revolutionaries were excluded. Surveillance on campuses increased, and student organisations were transformed into tools of indoctrination.

Stalin's control over universities was part of a broader strategy to eliminate independent thought and create a cadre of loyal intellectuals who would reinforce state propaganda. This transformation of higher education into an arm of the regime stifled innovation and isolated Soviet scholarship from global developments, laying the groundwork for decades of intellectual stagnation under authoritarian rule.

3.2.3. The McCarthy era in the United States

In the early Cold War period, U.S. institutions also demonstrated how fear and political pressure can lead to complicity. During Senator Joseph McCarthy's anti-communist crusade, universities dismissed faculty suspected of leftist sympathies, often without due process (Schrecker, 1986). Corporations blacklisted employees, and media outlets avoided controversial topics. Many faculty sacrificed their academic freedom in the face of these attacks, and the American Association of University Professors, which should have defended this freedom, has been accused of timidity and acquiescence (Aby, 2009). Although the U.S. did not descend into authoritarianism, the episode revealed how quickly institutions could abandon liberal principles under pressure.

4. Implications for the United States

These historical examples underscore a central lesson: institutions do not automatically defend democracy; they must be willing to act. The willingness of some universities to accommodate political pressure in the past, including in the US, suggests that institutional integrity cannot be assumed. It must be cultivated, protected, and, when necessary, asserted. As Levitsky and Ziblatt warn, 'The tragic paradox of the electoral route to authoritarianism is that democracy's enemies use the very institutions of democracy, gradually, subtly, and even legally – to kill it' (Levistsky and Ziblatt, 2018). Understanding this paradox is essential to preventing its recurrence.

4.1. Universities

During the second Trump presidency, American universities found themselves navigating a treacherous political landscape. These organisations, long regarded as bastions of academic freedom and intellectual independence, were increasingly subject to federal scrutiny, ideological coercion, and financial retaliation. These pressures were exerted by a government that privileged

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ideology over evidence (Pagel *et al.*, 2024; Stolberg, 2025), at a time when federal agencies that produced, synthesised, and used research were suffering catastrophic damage (Kozlov, 2025; Van Deelen, 2025), and their leaders are being replaced by individuals holding extreme contrarian views (Schumaker, 2024). The university sector as a whole has experienced a significant decline in research funding. Health and its determinants have been at the forefront, along with the humanities and specific areas such as Middle Eastern studies, gender studies, and race studies. This can be seen in attacks on climate change research (Voyles Pulver, 2025), infectious disease research (Molteni *et al.*, 2025), misinformation research, and public health (Clayton, 2025). However, basic (Cartier, 2025) and social sciences (Kupferschmidt, 2025) have also been hit.

The intensity of these attacks has accelerated. Between July and September 2025, the federal government froze or terminated over $5 billion in NIH grants, disproportionately affecting research tied to diversity, equity, and inclusion (DEI) in public health and biomedical sciences. Institutions like the University of Pennsylvania, University of Oklahoma, and Ohio State have lost funding for projects on HIV prevention, minority mental health, and health disparities (Henry, 2025; Karbal, 2025; Murphy, 2025). Simultaneously, new state laws in places like Texas and Michigan have forced public universities to dismantle DEI offices, including those focused on health equity (Shaulis, 2025). Reproductive health education has also been curtailed, with many medical schools reducing abortion training due to legal and political pressures (Government Accountability Office, 2025). These actions collectively signal a significant rollback of support for inclusive, evidence-based health education and research in higher education.

Meanwhile, funding for international collaborations has been cut (Kozlov, 2025) while indirect payments for research have been reduced (Kozlov *et al.*, 2025). The result was a series of capitulations, some quiet, others dramatic, that are reshaping the contours of higher education.

Columbia University was subjected to swift and decisive external pressure. In the aftermath of pro-Palestinian demonstrations on campus, the Trump administration accused the institution of inadequately addressing antisemitic incidents. In response, Columbia agreed to a substantial financial penalty of $200 million and undertook a comprehensive revision of its student disciplinary procedures (Otterman, 2025). More controversially, the university adopted a federally endorsed definition of antisemitism, one that arguably conflated hate speech with legitimate political expression, and initiated investigations targeting students who voiced criticism of Israeli policies (Tait, 2025). These measures, implemented under the threat of forfeiting over $400 million in federal grant funding, have subsequently served as a precedent for other universities facing similar allegations. Columbia's experience exemplifies how financial coercion can be strategically employed to enforce ideological conformity, even within elite academic institutions.

Brown University experienced a comparable moment of institutional reckoning. In an effort to reinstate previously withdrawn federal research funding and to conclude investigations concerning alleged racial and antisemitic discrimination, the university consented to a financial settlement amounting to $50 million, directed toward state workforce development initiatives (Singh, 2025a). However, this monetary agreement represented only one dimension of a broader transformation. Concurrently, Brown revised its admissions policies by eliminating race as a consideration and adopting binary gender classifications – measures that signified a pronounced departure from its earlier commitments to diversity and inclusion. Although the university succeeded in maintaining autonomy over its curriculum, it allowed officials ongoing access to its admissions data (Dunbar, 2025). The settlement underscored the extent to which even institutions with progressive reputations may be compelled to relinquish foundational principles when subjected to sustained political and financial pressures.

The University of Pennsylvania was compelled to amend official records concerning transgender athlete Lia Thomas and to issue a public apology to female athletes, following the suspension of $175 million in federal funding (Moret, 2025). Government officials cited alleged violations of Title IX civil rights provisions as the basis for this action. The case illuminated a significant shift in the application of civil rights legislation, from a mechanism traditionally

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employed to broaden protections to one repurposed to advance a more conservative interpretation of gender and fairness in athletic competition. The University's compliance, undertaken under considerable duress, highlighted the susceptibility of academic institutions to politicised reinterpretations of legal frameworks.

Other institutions opted for quieter forms of compliance. Dartmouth College, for instance, hired the former chief counsel of the Republican National Committee to lead its immigration office, a move widely interpreted as aligning with the administration's hardline stance on immigration and birthright citizenship (Wang, 2025). The University of California at Berkeley passed the names of 160 staff and students accused of anti-semitism to the federal authorities, without their consent (Regalado, 2025). These decisions, though less visible than policy changes, reflected the subtle ways in which political pressure could shape institutional behaviour.

Yet not all universities capitulated. Harvard University chose resistance and paid the price. When the Trump administration demanded audits of academic departments and changes to hiring practices, Harvard refused to comply. In retaliation, over $2.6 billion in federal research funding was frozen, and the Internal Revenue Service began proceedings to revoke the university's tax-exempt status (Drenon, 2025a). It has also been threatened with seizure of the patents that it holds, and which provide it with a revenue stream (Perez, 2025), the loss of international students (Hawkins, 2025), the loss of degree accreditation (Blinder and Bender, 2025), and has been referred to the Department of Justice (Singh, 2025b). Harvard's defiance drew admiration from defenders of academic freedom, but has also made it a prime target of federal hostility, most recently by placing additional restrictions on Harvard's ability to access federal funds for student aid (Raymond and Singh, 2025). The episode highlighted the high stakes of institutional resistance and the need for solidarity and legal support in the face of executive overreach. It may yet decide to capitulate to the Trump administration's demands (Gibson, 2025), and recently cancelled an entire journal issue on Palestine shortly before publication (Speri, 2025).

Even large public systems were not immune. The University of California system, anticipating federal scrutiny, removed diversity statements from its hiring requirements (Patel, 2025). This pre-emptive adjustment was aimed at avoiding funding cuts and investigations, but it also signalled a retreat from equity-focused hiring practices. The decision demonstrated how institutions, even those with significant autonomy, could be nudged into ideological alignment through the threat of financial consequences. That said, the University of California, Los Angeles (UCLA) is resisting, with Governor Newsom's full support. The Trump administration has frozen almost $600m in research funding (Singh, 2025c), citing antisemitism, and is seeking a $1 billion settlement from UCLA (Klein, 2025). This escalation of attacks to public universities is recent (August 2025), and it remains to be seen whether UCLA can hold out, especially if Harvard capitulates.

Perhaps the most chilling development was the revocation of visas and deportation of over 1,300 international students and recent graduates from 210 universities (Drenon, 2025b). Institutions like Columbia, Brown, and Georgetown saw students involved in pro-Palestinian activism targeted for removal. In addition, the Trump administration has introduced social media vetting for current and new visas for students and academics from overseas (Roth, 2025), has promised to 'aggressively revoke' visas from Chinese students (Wong, 2025) or to any students criticising Israel (Montague, 2025). These actions sent a clear message: political engagement, particularly on contentious foreign policy issues, could lead to severe personal and academic repercussions. The crackdown had a profound chilling effect on campus activism and raised serious concerns about the erosion of academic freedom.

Together, these cases paint a sobering picture of how universities responded to the pressures of the Trump era. In an environment where federal funding and ideological conformity were tightly intertwined, it became clear that universities were especially vulnerable. A President who was willing to sign executive orders, regardless of their legality, had many mechanisms to attack them, including ones that had previously been virtually unimaginable, such as threats to their endowments and income streams from patents. In such circumstances, it seems unsurprising that

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many capitulated when confronted by the reality that institutional autonomy and academic freedom were no longer guaranteed.

Universities are not, however, unique in this vulnerability. The Trump administration has wreaked devastation on many federal organisations, from museums and national parks to scientific and health organisations. Yet, many other actors would seem much less vulnerable. How have they responded? We now extend our analysis of capitulation to the responses of two groups that have, conventionally, be seen as especially powerful, at least in the United States. Can the academic and health communities learn from their reactions?

4.2. Law firms and the legal profession: enabling and enduring authoritarian legalism

We have selected law firms to compare with universities because, *prima facie*, they might be expected to be well-positioned to resist demands from the Trump administration due to their structural independence, professional ethics, legal expertise, and financial resilience. Unlike public universities or federal agencies, law firms are typically private entities with strong internal governance and a tradition of defending constitutional principles, including free speech and due process. Many large firms have deep resources, influential clients, and reputations built on a foundation of legal integrity, making them less vulnerable to political pressure. Additionally, their expertise in litigation and regulatory matters equips them to challenge overreach through the courts, reinforcing their ability to push back against ideologically driven government directives.

Donald Trump's second Presidency has, however, seen many of these firms come under sustained attack. Like universities, they faced a choice. Should they resist or enable the demands of the administration? Many chose the latter.

The warnings were already apparent by the end of his first term. Some prominent law firms attempted to confer legitimacy upon post-election legal challenges initiated by the Trump campaign (Barnes, 2022). Firms such as Jones Day and Porter Wright provided legal representation for lawsuits seeking to overturn certified election outcomes in key battleground states, although Porter Wright would later withdraw unexpectedly (Gerstein, 2020).

Although these cases were widely criticised for their lack of evidentiary foundation and reliance on conspiracy-based claims, the involvement of such prestigious legal entities lent them a degree of institutional credibility. Yet while the first term revealed troubling signs of complicity, the second term marked a deeper institutional alignment with executive power. Some of the law firms that had engaged in challenges to the 2020 election result advised on executive orders that circumvented congressional oversight and defended controversial policies in court. These policies included legal justifications for mass deportations of student activists, reinterpretations of Title IX to restrict transgender rights, and efforts to shield federal agencies from judicial review.

The law firm Jones Day exemplifies this behaviour (Enrich, 2022). The firm represented Trump's campaign in multiple lawsuits challenging the election results in Pennsylvania, Michigan, and Arizona. Courts uniformly rejected these suits for lack of evidence, but the damage had already been done. By participating in the litigation, Jones Day helped perpetuate the narrative of a stolen election, a narrative that would culminate in the January 6th Capitol riot. In 2025, the firm advised on executive actions targeting academic institutions and civil society organisations deemed hostile to the administration. Internal dissent within the firm was reportedly widespread, with some attorneys threatening to resign. Yet the firm's leadership stood by its decision, citing the principle of legal representation, even for unpopular clients.

The American Bar Association (ABA), long regarded as a guardian of legal ethics, remained largely passive during the early weeks of Trump's second term. Despite mounting evidence of legal malpractice and politicised attacks on judges, the ABA refrained from issuing formal condemnations. It was only in March 2025, after judges who ruled against the administration faced personal threats and harassment, that the ABA broke its silence, warning that 'if lawyers do not speak, who will speak for our judges?' (American Bar Association, 2025). This belated response

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underscored the profession's reluctance to confront executive overreach until the integrity of the judiciary itself was visibly endangered.

Retaliation against dissenting lawyers intensified. Attorneys who opposed the administration's legal tactics, whether through internal firm channels or public commentary, faced marginalisation, forced resignations, and reputational damage (Parker *et al.*, 2025). Law firms considered to be misaligned with Trump's priorities were directly targeted with Executive Orders, and their business model was threatened through restricted access to federal buildings (Palma and Ring, 2025). Whistleblowers within firms reported pressure to withdraw from cases or alter legal opinions to align with political objectives. This climate of fear stifled ethical debate and reinforced a culture of compliance.

State bar associations also faltered. Complaints against lawyers who advanced baseless claims or participated in politically motivated prosecutions were often delayed or dismissed. In some states, disciplinary boards were restructured to include political appointees, further eroding their independence. The result was a legal environment increasingly shaped by partisan loyalty rather than professional standards.

The broader legal community's failure to mount a coordinated response reflected a deeper crisis of professional identity. Legal institutions, once seen as bulwarks of constitutional norms, increasingly prioritised institutional stability and client retention over ethical clarity. The invocation of neutrality became a shield for complicity, allowing firms to justify their involvement in actions that subverted democratic principles. Legal representation is not an endorsement of a client's views, but it does carry responsibilities. Lawyers are officers of the court, bound by rules of candour and integrity. When those rules are bent to serve partisan ends, the legal profession risks becoming an instrument of authoritarianism rather than a check against it. More than this, many law firms have actively settled with the Trump administration, offering hundreds of millions of dollars in 'pro bono' work for the Trump administration or scaling back pro bono work in areas the administration is against, such as civil rights cases (Levine, 2025a).

The judiciary in Federal and State courts, however, provides many examples of resistance to executive overreach, with judges appointed by both Democratic and Republican administrations equally willing to uphold the law (Rahman, 2025). Loren AliKhan, a Biden appointee, blocked President Trump's plan to pause federal funding programmes minutes before it was due to come into effect. John Coughenour, a Regan appointee, blocked President Trump's executive order denying birthright citizenship, describing it as 'blatantly unconstitutional'. Joseph Laplante, appointed by George W Bush, also blocked the order on birthright citizenship in a subsequent hearing. Carl Nichols, appointed by Trump in his first term, ordered a temporary halt to the President's plan to place USAID on paid leave. The consequence has been a judiciary increasingly under attack (Stone, 2025), with judges being fired where the administration has the power to do so (Uranga, 2025), arrested (Breunginger and Mangan, 2025), vilified (Reilly, 2025), and sued (Feuer, 2025). Federal attorneys who are not aligned with Trump's priorities have been fired or targeted for investigations (Levine, 2025b). The Trump administration has defied the orders of a third of judges ruling against it (Jouvenal, 2025). Meanwhile, the Supreme Court has overwhelmingly supported the executive (Bonica, 2025; Yang, 2025), limiting federal judges' power to block Trump orders (Gedeon and Singh, 2025). Supreme Court Justice Sotomayor, a strong dissenting voice in the Supreme Court judgments, has warned that America 'will lose [its] democracy' (Orton, 2025) and that 'The President is now a king above the law' (Johnson, 2025).

Although, for the reasons noted above, law firms should have been in a more powerful position than universities to resist the demands of the Trump administration, this brief review shows that many did not. The second Trump term revealed the fragility of legal ethics under sustained political pressure. The retreat, by many parts of the legal profession, from its role as a defender of the rule of law, contributed to the erosion of democratic accountability. Yet, this capitulation contrasts markedly with the courage of many judges in the judiciary, including those appointed by

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Republican administrations. It seems that many parts of the legal profession have behaved little differently from the universities.

4.3. Corporations and business leaders: from resistance to complicity

Big business is another sector that one might expect to be relatively impervious to attacks by an autocratic administration. Corporations, both individually and collectively, possess enormous economic power, a significant degree of legal autonomy, and extensive global exposure. Many large companies operate across multiple jurisdictions in diverse markets, making them less dependent on federal favours. Their internal governance structures, shareholder accountability, and brand reputation also incentivise resistance to policies that could alienate employees, consumers, or investors, especially in sectors like healthcare, technology, and finance. Moreover, corporations often have robust legal teams and lobbying power, enabling them to challenge or negotiate unfavourable directives. This combination of independence, resources, and public scrutiny should act as a buffer against coercive political demands.

In Donald Trump's first term, this did happen. Corporate America initially positioned itself as a bulwark against authoritarianism. CEOs publicly opposed policies like the Muslim travel ban(Barr, 2025) and the withdrawal from the Paris Climate Agreement (Pierson and Penn, 2017). However, this resistance quickly gave way to silence and complicity as Trump's attacks on democratic institutions intensified. Economic incentives, such as deregulation, tax cuts, and market access, began to outweigh civic principles. Social media platforms amplified misinformation, delaying action until after the January 6th Capitol riot. Political donations, briefly suspended in protest, resumed quietly, revealing the limits of corporate ethics under pressure. While a few companies maintained principled stances, the dominant trend was one of retreat. Corporations that once championed democratic values increasingly prioritised profit and access over accountability. Their silence and funding choices helped entrench undemocratic behaviour, contributing to the erosion of democratic culture.

During his second term, the relationship between corporate America and the presidency evolved from cautious disengagement to strategic alignment. While the first term was marked by initial resistance followed by retreat, the second term saw many corporations actively recalibrating their public posture and internal strategies to align with the administration's priorities, often at the expense of democratic norms.

The second term began under the shadow of the January 6th insurrection and the contested 2020 election. Despite widespread public condemnation of the violence, corporate responses remained largely symbolic. Many corporations suspended political donations to election objectors but resumed them quietly within months (while the lobbyists they employed continued to contribute throughout this period) (Birnbaum *et al.*, 2025). This pattern of performative accountability continued throughout the term, as companies sought to maintain access to power while managing reputational risk.

Trump's second administration doubled down on deregulation, tax incentives, and protectionist trade policies. In response, corporate lobbying intensified. Industries ranging from fossil fuels to tech and finance saw unprecedented gains, often facilitated by direct engagement with administration officials. The price of access was silence, or, in some cases, complicity. Few companies spoke out against the administration's continued attacks on the judiciary, the press, or electoral institutions. Instead, many adopted a posture of strategic neutrality, prioritising stability and profit over civic responsibility.

Social media platforms, having faced intense scrutiny for their role in the first term's democratic backsliding, implemented stricter content moderation policies. However, enforcement remained inconsistent. While Trump's personal accounts were permanently banned, allied influencers and political actors continued to spread misinformation with limited oversight (Paul, 2025). Once Elon Musk bought Twitter in 2022, now X, President Trump's account was reinstated

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(Bond, 2025) and the platform has become a haven for populist right-wing content (Molloy, 2025). Facebook's Zuckerberg, once a Trump critic, has notably changed his tune (Stanton, 2025), appearing at Trump's inauguration and on right-wing podcasts, while Meta (Facebook's parent company) has drastically reduced its fact-checking and content moderation (Duffy, 2025). The platforms' reluctance to confront systemic disinformation reflected ongoing tensions between engagement metrics and democratic accountability.

Corporate involvement in political funding became more sophisticated. Rather than direct donations, many firms channelled support through dark money networks and trade associations, obscuring their political influence while maintaining leverage (Isenstadt and Dale, 2025). This shift allowed companies to support policies favourable to their interests, such as weakened antitrust enforcement and environmental rollbacks, without attracting public scrutiny.

Once President Trump launched his campaign of economic warfare, using tariffs, or the threat of them, to signal his displeasure with the policies of other countries (McKee *et al.*, 2025), many corporations vociferously promoted their patriotism. They reshored manufacturing, adopted an American-first messaging approach, and publicly endorsed trade barriers, often in coordination with administration talking points. This rhetorical shift masked deeper structural alignments with executive power, reinforcing the administration's narrative while distancing firms from global norms and multilateral commitments.

Companies aligning themselves with the Trump administration are getting rich (Miller and Kinder, 2025). They are getting access to decision-making in the White House (Vogel and Yaffe-Bellamy, 2025). They are paying off Trump where necessary, with unprecedented deals to give Trump a share of their business (Swanson and Hirsch, 2025), settling spurious lawsuits with large payouts (Nowell, 2025b), or even tacky, expensive gifts (Peters, 2025).

The Trump administration has aggressively targeted media companies with spurious lawsuits and threats to revoke licenses (Mastrangelo, 2025), covering both broadcast and print media (Savage, 2025). Many have settled with the administration, or tempered factual if critical coverage of the administration (Nowell, 2025a; Stelter, 2025), although some, like the New York Times, are winning in court (Grynbaum, 2025). More insidious will be the temptation to avoid drawing the ire of the president in the first place (Aratini, 2025).

Despite these trends, a minority of corporations maintained principled opposition (Leung, 2025). Some refused to engage with administration officials, upheld commitments to diversity and sustainability, and supported civil society initiatives. These outliers, however, were exceptions to a broader pattern of accommodation. Any CEO deemed an opponent comes under direct attack from the president (Davidson, 2025). A high-profile example is Lisa Monaco, whose firing as Microsoft's president of global affairs has been demanded by President Trump because she was involved in investigating him when at the Department of Justice in the Biden administration (Pellish, 2025).

The second Trump term underscored the fragility of corporate ethics under sustained political pressure. It revealed how quickly civic commitments can be subordinated to economic calculus, and how corporate silence, or strategic alignment, can accelerate democratic erosion. As political polarisation deepened and institutional norms weakened, corporate America became not just a passive observer but an active participant in reshaping the public sphere.

Just as with law firms, we see that individuals and organisations that, one might think, should be able to defy autocratic decisions often do not. Yet, once again, their responses were mixed, with many capitulating to the administration's demands and only a few resisting.

5. Lessons from elsewhere

The erosion of democratic norms in the United States during the Trump presidency did not occur in isolation. Similar patterns of institutional decline have played out in other countries, offering valuable lessons about how democracies falter and what might be done to prevent it. Two particularly instructive cases are Turkey under Recep Tayyip Erdoğan and Hungary under

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Viktor Orbán, where democratic backsliding has been facilitated not only by strongman leadership but by the complicity of institutions that once served as checks on executive power (Grigoriadis and Işık Canpolat, 2024).

In Turkey, the failed coup attempt of 2016 marked a turning point. Erdoğan responded with sweeping purges across the judiciary, academia, and media. Over 6,000 academics were dismissed, entire universities were shuttered, and the judiciary was restructured to ensure loyalty to the executive (Vatansever, 2018). Independent media outlets were closed or taken over, and dissenting voices were criminalised. The institutions that might have resisted authoritarian consolidation instead became instruments of it, either through direct coercion or voluntary alignment. As political economist Dani Rodrik observed, Turkey's democratic decline was not inevitable; it was enabled by the failure of institutions to stand firm.

Hungary presents a more gradual, legalistic erosion. Orbán's strategy of 'illiberal democracy' has relied on incremental changes to laws and regulations that hollow out institutional independence while maintaining the appearance of democratic legitimacy (Bánkuti *et al.*, 2012). The judiciary has been packed with loyalists, public media have been brought under state control, and universities, most notably the Central European University, have been targeted through legislation designed to marginalise foreign-funded institutions. Orbán's success lies in his ability to normalise authoritarian practices through legal means, with only limited resistance from the country's elite institutions (Enyedi, 2022).

These cases offer sobering parallels to the American experience. In each, the decline of democracy was not marked by dramatic coups but by the quiet accommodation of institutions, universities, courts, media, and professional associations that chose pragmatism over principle. The lesson is clear: democratic erosion often proceeds not through force, but through normalisation.

For the United States, the key takeaway is the importance of institutional courage. Resistance must be active, not passive. Institutions must be willing to endure short-term costs, from loss of funding, political backlash, and reputational attacks, to preserve long-term democratic integrity. The risks of incremental erosion are profound: each concession, each silence, each compromise contributes to a broader culture of complicity.

Ultimately, the survival of democracy depends not only on laws and constitutions, but on the behaviour of institutions and the people who lead them. The experiences of Turkey and Hungary remind us that once democratic norms begin to unravel, rebuilding them becomes exponentially more complicated. The time to act is not after the collapse, but during the slow, quiet moments when resistance still has a chance to prevail.

6. Discussion

This paper contributes to theory on democratic erosion by shifting the analytical focus from authoritarian leaders to the institutions that enable or resist them. Building on the foundational work by Levitsky and Ziblatt (Levistsky and Ziblatt, 2018), Nancy Bermeo (Bermeo, 2016), and others, this work deepens our understanding of how democratic backsliding occurs not only through overt repression but also through the quiet, often legalistic, co-optation of institutions. It challenges the assumption that institutional resilience is inherent, arguing instead that integrity must be actively maintained through principled leadership and civic engagement.

Ideally, we would be able to explore the precise reasons why each institution either capitulated or resisted, even if, in many cases, several factors likely contribute to the outcome. However, many of the answers will only emerge over time, requiring careful scholarly analysis of internal documents, testimonies from witnesses, perhaps in future Congressional inquiries, and, as are already available from Trump's first term, interviews with those present or their memoirs (Bolton, 2024; Woodward, 2018). Only through this deeper exploration of the historical record

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will the true nature of complicity and resistance be fully revealed. Notwithstanding these constraints, the literature offers several explanations, each of which may play a role in particular cases.

The first is fear and coercion. Many institutions, particularly universities, face direct threats from financial penalties, regulatory scrutiny, or reputational damage. Examples included Columbia University's acceptance of a $200 million fine and agreement to revise its disciplinary procedures under threat of losing $400 million in federal funding. Levitsky and Ziblatt (2018) note how resistance requires leaders to uphold democratic principles even at personal or political cost, something many will be reluctant to do. Bermeo's work on executive aggrandisement notes how acquiescence often reflects fear of losing influence, exacerbated by elite complacency (Bermeo, 2016). Fear of institutional collapse or personal reprisal can be a powerful motivator, leading leaders to feel that they have no viable alternative but to comply. This does not mean that they necessarily agree with what they are doing. Timur Kuran introduced the concept of preference falsification, whereby individuals publicly express views that they privately reject (Kuran, 1987). This has important consequences, as it may lead people to adopt a view that they incorrectly believe is widely held.

Until 2025, one might have thought that the Ivy League universities had the resources, both financial and political, to resist, but, as we have seen, a government willing to act rapidly and with dubious legality while waiting for the courts to reverse its decisions can achieve a lot, for example, by taxing endowments or seizing intellectual property. This is similarly true of corporations. As Russia under Putin shows, those with control over the levers of state power can be virtually unassailable, even in the face of challenges by oligarchs with immense riches or individuals controlling private armies (Pomerantsev, 2017; Sauer, 2023). This also challenges the widespread view, for example, in the literature on corporate determinants of health, that some of these organisations, like multinational corporations, can defy governments. When those governments reject established norms of behaviour and the rule of law, they will often win (Gilmore *et al*., 2023). This helps to explain why, as Dickinson (2025) has argued, academic and corporate entities 'had the power to create friction for fascism. They have instead created a glide-path'.

A second motivation is opportunism. Corporations have benefited from deregulation, tax cuts, and market access, often choosing silence or complicity over civic responsibility. Law firms may lend legitimacy to dubious legal claims, possibly to maintain influence or access. In these ways, they make a calculated trade-off: sacrificing democratic norms for economic or political advantage. In academia, authoritarianism has long provided opportunities for those who felt unfairly treated by their peers. The Make America Healthy Again movement has propelled many scientists who were simply wrong about many aspects of the COVID-19 response into senior posts (Howard, 2023). Some display the characteristics of what Turza describes as 'conspiracy entrepreneurs' who attract large (social) media followings by promoting bizarre theories (Turza, 2023).

This type of motivation has many historical parallels. Philip Lenard, who had held a chair in physics at Heidelberg, despised his pupil Wilhelm Röentgen for beating him to the discovery of x-rays and accused J.J. Thomson of stealing and suppressing his work, creating a mindset that led to 'undisguised fury' when the Jewish Einstein's theory of general relativity was validated and his 'unbridled enthusiasm' for the coming of the Third Reich (Evans, 2006). His collaborator Johannes Stark, whose rejection of many of the emerging ideas in theoretical physics damaged his career prospects, an experience he instead attributed to the Weimar Republic and which encouraged him to collaborate with Nazi ideologues, a decision that led to several very senior appointments (Evans, 2006).

A third is a desire to conform to the new order rather than rock the boat. Hannah Arendt argued that ordinary people can commit or enable atrocities not out of fanaticism, but through thoughtless conformity and bureaucratic obedience (Arendt, 1963). She suggests that acquiescence may stem from a failure to reflect on one's actions within a system critically. Antonio Gramsci's concept of cultural hegemony sees institutions as playing a role in this, making resistance difficult because they encourage people to come to see the status quo as natural or

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inevitable (Gramsci, 1992). Acquiescence, in his view, is often unconscious and rooted in social conditioning. There is also a body of psychological research, some contested, on why people conform (Asch, 1951; Milgram, 1963).

A fourth is genuine ideological alignment. This is perhaps the most difficult to identify with certainty. Even now, there is debate about whether Trofim Lysenko genuinely believed what he wrote or took the opportunities offered by Stalin (Krementsov, 1996).

The historical lessons also provide some reassurance. As Canute and Galileo showed, in different ways, one cannot indefinitely defy the laws of nature. Evans describes how the ideologues appointed to academic positions in the Third Reich were often marginalised by their students or spent so much time immersed in administration that they were virtually invisible. However, those who capitulate can do real damage and, in some cases, the pursuit of profoundly false beliefs can, as Jared Diamond has shown, lead to the collapse of civilisations (Diamond, 2011).

The paper extends Bermeo's concept of 'executive aggrandisement' by illustrating how institutions can be strategically pressured into compliance through financial coercion, regulatory threats, and ideological alignment. It adds nuance to existing theories by documenting how even elite institutions with reputations for independence may capitulate when confronted with sustained political and economic pressure.

While primarily focused on the United States, we add a comparative dimension, drawing parallels between the American experience and those in Hungary and Turkey, as well as in Germany and the Soviet Union, historically. This comparative lens reinforces the idea that democratic erosion is a transnational phenomenon, shaped by similar patterns of institutional complicity and elite accommodation. It also contributes to the literature on institutional behaviour by highlighting the role of individual actors, such as judges, university presidents, and corporate executives, in shaping institutional responses to authoritarianism.

Finally, we offer a normative framework for institutional resistance, arguing that autonomy, transparency, and ethical clarity are not passive traits but active commitments. We reframe institutions not merely as structures but as sites of contestation, where the future of democracy is negotiated. In doing so, we hope that we have provided a valuable theoretical foundation for understanding how institutions can either serve as bulwarks against authoritarianism or become its enablers. Looking ahead, these insights are informing our work on the resilience of institutions in the United Kingdom.

7. Conclusion

The Trump presidency is exposing deep vulnerabilities within American institutions that were long assumed to be resilient guardians of democratic norms. It has been able to do so by rejecting one of the founding principles of the country, that of separation of powers, set out by James Madison in The Federalist Papers (Madison, 1788). Madison argued that governmental authority should be divided among three coequal branches: legislative, executive, and judicial. Each branch should operate independently, with a system of checks and balances in place to ensure mutual oversight and accountability. Madison envisioned this structure as a bulwark against tyranny, where 'ambition must be made to counteract ambition.'

Under the second Trump administration, this principle has been rendered inoperative. Congress has complied with the President's instructions. The Supreme Court has become highly partisan, with a majority of its justices seemingly deferring to the executive branch on every matter brought before it. The government now operates by executive order, while the ability of federal courts to challenge these edicts is being constrained. The Department of Justice, traditionally expected to operate independently of partisan influence, is being criticised for acting in ways that appear to serve the president's personal and political interests. As this paper was being finalised, the killing of a prominent far-right activist was being exploited to justify widespread attacks on

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civil society and free speech (Leingang, 2025), but it has also spurred some organisations to band together to defend their independence (Schleifer, 2025).

Ultimately, the survival of democracy depends on institutional courage. As Levitsky and Ziblatt note, institutions alone are insufficient; they must be animated by principled leadership and civic engagement (Levistsky and Ziblatt, 2018). Bermeo's insight that backsliding often occurs quietly underscores the need for vigilance. (Bermeo, 2016). Ultimately, the Trump era is a stress test for American democracy. It has revealed not only the ambitions of authoritarian leadership but the weaknesses of the institutions meant to contain it. The lessons of history and contemporary experience converge on a single point: institutions must choose between being bulwarks of democracy or bridges to authoritarianism. Democracy does not survive on autopilot. It requires active, courageous, and principled engagement from the institutions that shape public life. The time to rebuild is now, before the next crisis arrives.

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