

HOW DEMOCRACY SURVIVES

How Democracy Survives explores how liberal democracy can better adapt to the planetary challenges of our time by evolving beyond the Westphalian paradigm of the nation state.

The authors bring perspectives from Africa, Asia, Europe, Latin America, and North America, their chapters engaging with the concept of transnational democracy by tracing its development in the past, assessing its performance in the present, and considering its potential for survival in this century and beyond. Coming from a wide array of intellectual disciplines and policymaking backgrounds, the authors share a common conviction that our global institutions—both governments and international organizations—must become more resilient, transparent, and democratically accountable in order to address the cascading political, economic, and social crises of this new epoch, such as climate change, mass migration, more frequent and severe natural disasters, and resurgent authoritarianism.

This book will be relevant for courses in international relations and political science, environmental politics, and the preservation of democracy and federalism around the world.

Michael Holm teaches at Boston University, USA.

R. S. Deese teaches at Boston University, USA.

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 **Routledge**
Taylor & Francis Group
LONDON AND NEW YORK

Cover image: © Getty Images

First published 2023

by Routledge

4 Park Square, Milton Park, Abingdon, Oxon OX14 4RN

and by Routledge

605 Third Avenue, New York, NY 10158

Routledge is an imprint of the Taylor & Francis Group, an informa business

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British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloging-in-Publication Data

A catalog record has been requested for this book

ISBN: 978-1-032-11142-1 (hbk)

ISBN: 978-1-032-11127-8 (pbk)

ISBN: 978-1-003-21858-6 (ebk)

DOI: 10.4324/9781003218586

Typeset in Bembo

by Newgen Publishing UK

To the Memory of Tony Janetos, without whom this book would not have been possible.

“Tell the truth. Be polite. Be humble. But also be brave. Stand up for yourself and for those less fortunate. Do well by others and expect the same in return. Work hard and be smart.”

Tony Janetos (1954–2019), Director of the Frederick S. Pardee Center for the Study of the Longer-Range Future at Boston University

PROOF

CONTENTS

<i>Notes on Contributors</i>	<i>x</i>
<i>Foreword by Luis Cabrera</i>	<i>xiv</i>
<i>List of Abbreviations</i>	<i>xvi</i>
Introduction <i>Michael Holm and R. S. Deese</i>	1
PART I	
The Forgotten Promise of 1945	7
1 The Other American Dream: The One World Order and Human Rights <i>Michael Holm</i>	9
2 We Were Once Colonized: Nehru, India, and Afro-Asianism at the United Nations <i>Swapna Kona Nayudu</i>	29
3 The Peaceful Settlement of Disputes and Chapter VI of the UN Charter: Forgotten “Cardinal Feature” of the Dumbarton Oaks Proposals? <i>Maja Groff</i>	43

viii Contents

- 4 The Postwar European Integration Process and the Progressive Construction of a Supranational Legal Order 65
Susanna Cafaro

- 5 Democracy and the Spectacle of Consent: The Forgotten Promise of the United Nations 81
R. S. Deese

PART II
Globalizing Consent 97

- 6 Perceived Inequality and Democratic Support: A Close Analysis from the Asian Barometer Survey 99
Yu-tzung Chang and Osbern Huang

- 7 Africa, Its Diaspora, Transitional Justice, and Global Democracy: Towards a World Parliament 108
Tim Murithi

- 8 “World Organization through Democracy”: Clarence Streit and the Genesis of the Present World Order 120
Tiziana Stella

- 9 Current Proposals for Closer Cooperation among Democracies 139
John J. Davenport

- 10 Representation and Participation of Citizens at the United Nations: The Democratic Legitimacy of the UN and Ways to Improve It 158
Andreas Bummel

PART III
Confronting the Anthropocene 177

- 11 The Climate Commons and the Survival of Democracy 179
Spencer R. Weart

- 12 Democracies, Authoritarians, and Climate Change: Do Regime Types Matter? 196
Daniel J. Fiorino

13	Democracy to Avert Ecocide <i>Camila Vergara</i>	212
14	What Disaster Response Can Teach Us about Democracy in the Anthropocene <i>Malka Older</i>	229
15	Democracy in the Age of Automation, Robotics, and Advanced AI <i>Michael Bess</i>	241
	Epilogue <i>Michael Holm and R. S. Deese</i>	260
	<i>Index</i>	263

NOTES ON CONTRIBUTORS

Michael Bess received his PhD in history from the University of California, Berkeley, USA, and currently teaches at Vanderbilt University, USA. His publications include *Planet in Peril: Humanity's Four Greatest Challenges and How We Can Overcome Them* (2022) and *Choices Under Fire: Moral Dimensions of World War II, The Light Green Society: Ecology and Technological Modernity in France, 1960–2000* (2003; French Translation, 2011). Bess has received teaching awards as well as fellowships from the Guggenheim Foundation, American Council of Learned Societies, MacArthur Foundation, and National Human Genome Research Institute.

Andreas Bummel is a co-founder and the director of Democracy Without Borders (DWB), a civil society group with chapters and associates in over 20 countries that promotes global governance, global democracy, and global citizenship. Andreas has been spearheading the international efforts for a UN Parliamentary Assembly for 15 years. His publications include *A United Nations Parliamentary Assembly: A Policy Review of Democracy Without Borders*, co-authored with Maja Brauer (2020); *A World Parliament: Governance and Democracy in the 21st Century*, co-authored with Jo Leinen (2018).

Susanna Cafaro received her PhD in European Union Law from the University of Bologna, Italy, and currently teaches at the University of Salento, Italy. In 2019, she was awarded a Jean Monnet Chair in 2019 for her study “Legal Theory of European Integration: a Supranational Democracy Model?” She has served as Vice-President of the Italian Society of International and European Law, Senior Scholar in the European Central Bank 2021 Legal Research Program, and independent legal expert for the European Parliament and President of the Association for Supranational Democracy. Her publications include *Democratizing the Bretton Woods Institutions: Problems and Tentative Solutions* (2013).

Yu-tzung Chang received his PhD in political science from National Chengchi University, Taiwan, and currently teaches at National Taiwan University. His independent and co-authored publications include: “How Responsiveness Works in Mainland China: Effects on Institutional Trust and Political Participation,” *Public Relations Review*, 46, 1 (2020); “Procedural Quality Only? Taiwanese Democracy Reconsidered,” *International Political Science Review*, 32, 5 (2011); “The Democracy Barometers (Part I): Authoritarian Nostalgia in Asia,” *Journal of Democracy*, 18, 3 (2007); “Identifying Sources of Democratic Legitimacy: A Multilevel Analysis,” *Electoral Studies*, 27, 1 (2008).

John J. Davenport received his PhD in Philosophy from the University of Notre Dame, USA, and currently teaches at Fordham University, USA. His publications include *A League of Democracies* (2019), *Love, Reason, and Will: Kierkegaard after Frankfurt*, co-edited with Anthony Rudd (2015); *Narrative Identity and Autonomy: From MacIntyre to Kierkegaard* (2012); *Will as Commitment and Resolve: An Existential Account of Creativity, Love, Virtue, and Happiness* (2017); “Just Wars, Humanitarian Intervention, and the Need for a Federation of Democracies,” *Journal of Religious Ethics*, 39, 3 (2011).

R. S. Deese received his PhD in History from Boston University, USA, and currently teaches at Boston University. He has previously held teaching appointments at Nanjing University, China, Los Angeles City College, USA, and Northeastern University, USA. His publications include *The Mirror & the Monkey* (2022); *Climate Change and the Future of Democracy* (2019); *Surf Music* (2017); *We Are Amphibians: Julian Huxley on the Future of Our Species* (2015); and “The New Ecology of Power: Julian Huxley and Aldous Huxley in the Cold War Era,” *Environmental Histories of the Cold War*, eds. J. R. McNeil and Corinna Unger (2010).

Daniel J. Fiorino received his PhD in Political Science from Johns Hopkins University, USA, and currently teaches at American University, USA. His publications include *The Clean Energy Transition: Policies and Politics for a Zero-Carbon World* (2022); *A Good Life on a Finite Earth: The Political Economy of Green Growth* (2018); *Can Democracy Handle Climate Change?* (2018); and *Conceptual Innovation in Environmental Policy*, co-authored with James Meadowcroft (2017). Fiorino served for many years as an analyst and manager for the US Environmental Protection Agency and was elected a Fellow of the US National Academy of Public Administration in 2001.

Maja Groff received her Bachelor of Common and Bachelor of Civil law degrees from McGill University, Canada, as well as an MSc in Social Anthropology from the University of Oxford, UK. She is a member of the Bar of New York State. As Senior Legal Officer at the Permanent Bureau of the Hague Conference, she also holds affiliations with The Hague Academy of International Law, The Netherlands, and Universiteit Leiden, The Netherlands. Her publications include *Global Governance*

xii Notes on Contributors

and the Emergence of Global Institutions for the 21st Century (2020); *Legal Diversity in the Theory and Practice of International Law*, co-editor with Sergey Vasiliev (2021).

Michael Holm received his PhD in History from Boston University, USA, and currently teaches at Boston University. His selected publications include *The Marshall Plan: A New Deal for Europe* (2016); "Religion and the Bomb in the Early Atomic Age," *Global Humanities*, 6, 9 (2021); "The Patient is Sinking; Marshall and the European Recovery Program," *Center of the Storm: George Marshall's Influence after World War II*, ed. William Taylor (2020); "All Paine: The American Mind, The League of Nations, and the U.N.," *The Legacy of Thomas Paine in the Transatlantic World*, edited by Sam Edwards and Marcus Morris (2017).

Osbern Huang received his PhD in Political Science from National Taiwan University and currently works at the Asian Barometer Survey as a research fellow. His research interests include political culture, democratization, democratic consolidation, and their interaction with economic development and inequality, with a focus on East Asia and post-communist Eastern Europe. His publications have appeared in the *Journal of Asian Public Policy* and *Taiwan Journal of Political Science*.

Tim Murithi received his PhD in International Relations from Keele University, UK, and currently teaches at the University of the Free State, South Africa. As the Extraordinary Professor of African Studies and Head of Programme at the Institute for Justice and Reconciliation, he has over 23 years of experience in the fields of peace, security, international justice, governance, and development. His selected publications include *The African Union: Pan-Africanism, Peacebuilding, and Development* (2017); *Handbook of Africa's International Relations* (editor, 2013), and articles in *Africa Development*, and *African Affairs*.

Swapna Kona Nayudu is Lecturer of Global Affairs at Yale-NUS College, Singapore. She is also Associate at Harvard University Asia Center, USA, and Associate at Asia Research Institute at the National University of Singapore, and is a member of the Advisory Board at Harvard University Association for Global Political Thought. Swapna took her PhD in War Studies from King's College London, University of London, UK, and her research has been published in *Cold War History*, *Diplomatica*, and *Global Intellectual History*. She is currently completing an international history of India's international relations in the Nehru period.

Malka Older received her PhD in Sociology from the Institut d'Études Politiques de Paris (Sciences Po), France, and teaches at both Arizona State University and Western Colorado University, USA. A writer, aid worker, and sociologist, Malka Older's works are critically acclaimed. Her science-fiction political thriller *Infomocracy* was named one of the best books of 2016 by *Kirkus*, *Book Riot*, and the *Washington Post*. In addition to published academic articles on disasters and

humanitarian response, her opinion pieces can be found in *The New York Times*, *The Nation*, *Foreign Policy*, and *NBC Think*.

Tiziana Stella received her PhD in History from the University of Pavia, Italy, and currently works as the Executive Director of The Streit Council, Inc. A scholar of US foreign policy, international organization, and federalism, she is a former Fulbright Scholar. She has taught at the University of Tübingen, Germany, and the Moscow State University, Russia, served as co-organizer for the Council for a Community of Democracies in preparation for Warsaw 2000 Conference, and is the former Director of the Euro-Atlantic Institute for International Integration. Her work and opinions can be found in academic and other publications, including *The Washington Post*.

Camila Vergara received her PhD in Political Theory from Columbia University, USA, and currently is a Marie Skłodowska-Curie Fellow at the University of Cambridge, UK. As a critical legal theorist, historian, and journalist from Chile, her selected publications include *Systemic Corruption: Constitutional Ideas for an Anti-Oligarchic Republic* (2020); “Lenin and the Materialist Critique of Law,” *The Futures of Lenin*, edited by Alla Ivanchikov and Robert Maclean (2021); “Machiavelli’s Republican Constituent Power,” *Machiavelli’s Discourses on Livy: New Readings*, edited by Diogo Pires Aurelio and Andre Santos Campos (2021).

Spencer R. Weart received his PhD in Physics and Astrophysics from the University of Colorado, Boulder, USA. He conducted post-doctoral research at Mt. Wilson and Palomar Observatories and published in leading scientific journals. After studying history of science at the University of California, Berkeley, USA, he served as the Director of the Center for History of Physics from 1974 until his retirement in 2009. His publications include *Scientists in Power* (1979); *Nuclear Fear: A History of Images* (1988); *Never at War: Why Democracies Will Not Fight One Another* (1998); *The Discovery of Global Warming* (2003); and *The Rise of Nuclear Fear* (2012).

FOREWORD

Lamentably, now is the right time for this book.

For more than 100 years, world war or its threat has provoked leading thinkers to explore global institutional alternatives. H.G. Wells, for example, wrote perhaps his most powerful world government treatise, *The Salvaging of Civilization*, after witnessing in World War I “a horror, a monstrosity of destructiveness” (Wells 1921, 3). For Wells, the key to controlling the ever-advancing human capacity to harm lay not in a weakly empowered League of Nations, but in a system that could bring all countries together “under one law and one peace” (1921, 11). If such an alternative order were not adopted, he warned, the world would fall into even more disastrous conflict (1921, 9–10).

Wells, of course, proved prescient. And, in 1939, as war once again began to engulf every continent, journalist Clarence K. Streit published the first edition of his *Union Now* (Streit 1939). It called for a core of democratic states – which by that time had dwindled to around 15 – to join in political union. They would form the kernel of what could evolve into world union. As discussed by several authors in this volume, the destructiveness of World War II, and especially its end in the annihilation of two major Japanese cities, provoked many more to envision such alternatives. It also spawned mass movements for world government, or in some cases less sweeping UN reforms, in the United States, Europe, and elsewhere.

Now, amid another dramatic recession of democracy globally, the world has seen another elected leader crush his domestic opposition and adopt the rhetoric of hard-right fascism, imposing authoritarian rule internally and invading a neighboring country unprovoked. As with Hitler’s Germany then, Vladimir Putin’s Russia triggered fears of world war. And, as in the lead up to World War II, the contradictions of the global institutional architecture have glared, perhaps even more brightly. Russia, after all, is one of five states wielding the veto in the United

Nations Security Council, the very body established in 1945 to prevent another major war.

Thus, unfortunately, *How Democracy Survives* is an exceptionally timely book, even a necessary one.

The authors offer insight and long context on the development of the current global system and on the “forgotten promise” of some of the key values that informed its establishment. They detail early efforts to create something more ambitious than the loose confederal system of the United Nations. They discuss efforts to transform that system, to democratize its institutions and constituent states. Indeed, few are better qualified to engage on such topics than the thinkers and practitioners here. Several have not only explored alternatives and reforms but have also strived to realize them in practice.

The volume is also valuable for considering threats beyond armed conflict, notably those presented by the climate crisis. That crisis has been conspicuous in the global consciousness for only a few decades. Yet already its effects are deeply felt, in the submergence of low-lying islands, destructive fire and weather patterns, and in myriad other ways.

This book is perhaps most valuable, though, for maintaining a focus on solutions. It investigates alternatives, grand and local, to an institutional status quo that still works so poorly for so many. If democracy, and ultimately this planet, is to survive, it will very likely be because the principles and institutions highlighted here once more become central to global dialogue – because they are renewed, reinforced, and advanced within it.

The time, alas, is right.

Luis Cabrera
Griffith University

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ABBREVIATIONS

AAA	American Anthropological Association
ABS	Asian Barometer Survey
AI	artificial intelligence
ASEAN	Association of Southeastern Asian Nations
AU	African Union
CCPI	Climate Change Performance Index
CCPR	Covenant on Civil and Political Rights
CoFoE	Conference on the Future of Europe
CPI	Committee on Public Information
DAPL	Dakota Access Pipeline
DWB	Democracy Without Borders
EAEC	European Atomic Energy Community
ECB	European Central Bank
ECHR	European Court of Human Rights
ECI	European Citizens' Initiative
ECJ	European Court of Justice
ECSC	European Coal and Steel Community
EEC	European Economic Community
EU	European Union
FCCC	United Nations Framework Convention on Climate Change
FEMA	Federal Emergency Management Agency
ICC	International Criminal Court
ICJ	International Court of Justice
IGO	Intergovernmental Organizations
ILO	International Labor Organization
IMF	International Monetary Fund
IPCC	Intergovernmental Panel on Climate Change

NAACP	The National Association for the Advancement of Colored People
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OAS	Organization of American States
OAU	Organization of African Unity
OHCHR	Office of the United Nations High Commissioner on Human Rights
OIC	The Cairo Declaration on Human Rights in Islam
P5	Permanent 5 Members of the UNSC
PCIJ	Permanent Court of International Justice
PRC	People's Republic of China
SIPRI	Stockholm International Peace Research Institute
TEU	Treaty establishing the European Union
TFEU	Treaty on the Functioning of the European Union
UDHR	Universal Declaration of Human Rights
UfM	Union for the Mediterranean
UN	United Nations
UNGA	United Nations General Assembly
UNPA	United Nations Parliamentary Assembly
UNSC	United Nations Security Council
UNWCI	UN World Citizens' Initiative
WFN	World Federation of Nations
WTO	World Trade Organization

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INTRODUCTION

Michael Holm and R. S. Deese

On February 24, 2022, Russian forces launched the largest military campaign on European soil since 1945. Vladimir Putin's unprovoked invasion of Ukraine, with the apparent objective of unseating the democratically elected government of Volodymyr Zelensky, was the most dramatic example of an upsurge in violent authoritarianism that has been gathering force globally. Just over a year earlier, people around the world had watched in disbelief as Donald Trump, in his refusal to accept the outcome of the 2020 presidential election, incited his supporters to attack the United States Capitol in an attempt to subvert the peaceful transfer of power that is the basis of any functional democracy.

The shocking developments of Putin's war of aggression and Trump's assault upon the people's house in Washington, DC, had not yet happened when we hosted a three-day symposium in October 2020 entitled "How Democracy Survives: The Crises of the Nation State" though these events confirmed a general sense of trepidation shared by many who attended. Supported by the Pardee Center for the Study of the Longer-Range Future and the Center for Interdisciplinary Teaching and Learning at Boston University, the symposium coalesced around the concerns of numerous scholars about resurgent nationalism in the world and the threat this development posed to the idea of democracy and to international collaboration. We had witnessed with some alarm the rise of nationalist extremism and the erosion of democratic norms from Washington, DC, to London, from Moscow to Budapest, and from Manila to Brasilia. In many other capitals, authoritarian parties steadily increased their presence in parliaments even when they had failed to take control of governments. Backed by a growing stream of angry partisans who deplored the perceived collapse of traditional values, these nationalistic leaders often shared a contempt for multiculturalism, humanitarian principles, and science. Despite the sobering truth that national borders possess no magical powers to contain such global problems as climate change and pandemics, there has been a dismaying

DOI: 10.4324/9781003218586-1

tendency in twenty-first-century politics to reject international cooperation and take refuge within the familiar and sensational rhetoric of atavistic nationalism. Motivated by these trends, our 2020 symposium brought together scholars and activists from universities and NGOs across the world to explore how democracies might survive the challenges of this century, and how regional and global institutions might evolve to become more transparent, accountable, and resilient. Among the issues we debated over the course of those three days were the degree to which democracy is under threat in our time and whether the creation of new democratic institutions that transcend national borders is a practical and desirable objective in this century.

At its most fundamental level, the goal of this book is to explore how democracy can survive, and perhaps even thrive, in this tumultuous juncture in world history. By “democracy,” we mean a system in which political leaders are regularly held to account by free, fair, and competitive elections in a society where individual human beings are free to think, speak, and write in accordance with their own conscience without fear of repression. This combination of personal liberty and governmental accountability is called liberal democracy and attempts to achieve it has a long and varied history across a wide variety of societies and cultures. The Athenians of the fifth century BCE were not entirely unique in valuing a system of government that encouraged open debate and empowered citizens to determine governing policies through councils and assemblies. In places as varied as the kingdom of Mari in ancient Mesopotamia, Tlaxcala in Pre-Columbian Mesoamerica, and parts of equatorial Africa before the intrusion of European colonialism, there is evidence that small states practiced government through regular council meetings, in which a variety of viewpoints were heard. Most often these small states with council governments ceased to be democratic in centuries past when they were absorbed by larger states or empires with imposing bureaucracies and standing armies to enforce the will of monarchs or emperors (Stasavage, 2020). Nonetheless, their history offers compelling evidence that the aspiration to speak freely and hold one’s leaders accountable has universal precedent in human history and is not the possession of a single cultural or regional identity. That there may be a natural human preference for living in a democratic community can be affirmed by consulting one’s own experience and conducting a simple thought experiment. Have you ever been with a group of friends in which simple decisions, such as where to eat lunch or what movie to see, were open to discussion before the majority of the group chose what to do? Then ask yourself: How would you like to have a group of friends in which one friend held the title of “leader” and dictated to the others where to eat lunch and what movies to see and even reserved the right to punish those who disagreed? If your answer to the first question was “yes,” and your answer to the second question was (perhaps an emphatic) “no,” then you share a preference for democracy that has been widely held by human beings around the world. The existence of such a government by council in so many parts of the world suggests that the practice of democracy is

not inherently “Western” and does not require either the inheritance or adoption of European cultural traditions or ideas in order to work.

On the other hand, authoritarian rule has also proven that it can thrive for centuries in a very wide variety of cultural, social, and economic landscapes. Once a state develops a competent bureaucracy to assess and collect taxes and a standing army to enforce its will, the leaders at its helm can avoid the challenge of popular sovereignty altogether. Or, if they are governing a society that had previously been democratic, they can take steps to smooth the transition to autocracy. Councils that previously had power may be discredited and dissolved or converted into ritual performances of support for the state, and elections that had once changed the direction of government may be condemned as too dangerous or turned into rigged contests or plebiscites that exist for the sole purpose of glorifying the state.

From ancient times to the present, the practice of democracy has always been fraught with serious risks. Each new experiment in popular sovereignty, from ancient Athens in the fifth century BCE to the American and French revolutions of the late eighteenth century, has revealed that the question of whether democracy can work must always remain open, haunted by the chaos of mob rule on one side and the rise of new forms of tyranny on the other. The most iconic image of liberty, Frédéric Auguste Bartholdi’s monument in New York Harbor, conceives of it as a torch to enlighten the world. But a strong enough wind can blow out any torch, and every nation that seeks to maintain democracy and preserve liberty must remain aware that its light can be extinguished.

If the question of how democracy survives must always be with us, it has become impossible to ignore in the twenty-first century and is likely to demand more urgent attention in the decades ahead. We are now living in a time when human activities such as deforestation and the widespread burning of fossil fuels have altered the planetary conditions necessary for human life and civilization to thrive. The new epoch in which we find ourselves, dubbed the Anthropocene by a growing number of scientists, will probably entail more violent weather, floods, and wildfires, triggering mass migrations and refugee streams on a scale unseen in human history. These migrations, along with other planetary crises such as mass extinctions, food shortages, and pandemics, will threaten the viability of the Westphalian paradigm of a world governed by sovereign nation states. They are already triggering a resurgence of xenophobia and authoritarianism that will threaten the survival of democratic norms, values, and institutions in every place where they currently exist.

While the various authors who contributed to this book have each sought to answer the question of how democracy can survive, some have placed a greater emphasis on historical precedent, some have examined contemporary trends, and others have considered the challenges that lay ahead. Thus, the three parts of this book broadly concern the past, present, and future of liberal democratic ideas in a global context.

In the first part of this book (“The Forgotten Promise of 1945”), the contributing authors explore how political leaders and intellectuals attempted to promote the growth of democracy and international cooperation in the wake of the

4 Michael Holm and R. S. Deese

Second World War as well as the challenges that this new iteration of liberal internationalism often faced. Michael Holm surveys the problematic and changing discourse on human rights since the Second World War and explores how clashes of ideology continue to strain the hopes for a universal system of shared values and protections. Swapna Kona Nayudu considers how the experience of colonialism imbued the Indian vision of multilateralism with a distinct perspective in the decades following independence. Maja Groff discusses the legal origins of the UN Charter as an instrument for the peaceful resolution of conflicts between nations and recommends specific reforms to make it more effective as such. Susanna Cafaro traces the evolution of European economic and political integration in the aftermath of the Second World War and assesses its potential as a model for supranational democracy. R. S. Deese considers how *ersatz* forms of popular sovereignty based on the culture of nationalism can erode genuine democracy and argues that the UN, as a forum for the representatives of national governments rather than citizens, has failed to protect democracy from this threat.

In the second part (“Globalizing Consent”), our authors look at efforts in this century to strengthen cooperation among societies and to extend the values of transparency, accountability, and the principle of government by consent beyond national borders. Yu-Tzung Chang and Osbern Huang survey support for democracy across East Asia in the 2020s and argue that perceptions of economic inequality may actually strengthen popular support for democracy throughout the region. Tim Murithi explores the applicability of methods of transitional justice pioneered in post-apartheid South Africa to efforts to reform the United Nations and considers alternatives to the present system if the UN fails to democratize. Tiziana Stella highlights the vision of a union of democracies promoted by journalist and activist Clarence Streit before and after the Second World War and explores its relevance to the twenty-first century. John J. Davenport advocates the creation of a league of democracies as a powerful counterforce to the trend of rising authoritarianism around the world. Andreas Bummel makes the case for deep and extensive UN reforms including the creation of a forum for citizen initiatives and a UN Parliamentary Assembly.

In the third part (“Confronting the Anthropocene”), the authors offer an array of visions of how democracy can evolve to surmount the most dangerous challenges that lay ahead. Daniel J. Fiorino makes a powerful case for why democratic governments are better equipped than authoritarian regimes to deal with climate change. Camila Vergara explores the possibility of new forms of direct democracy as a counter to both ecocide and the drift toward oligarchy and authoritarianism. Malka Older explores the lessons that we can learn from disaster response for helping to assure the vitality of democracy in an age of increasingly volatile catastrophes. And, looking a bit farther into the future, Michael Bess considers how the democratization of global institutions might help us to meet the challenges posed by emerging

technologies such as artificial intelligence (AI) and synthetic biology, in addition to continuing dangers such as climate change and nuclear proliferation.

This book is part of our ongoing commitment to explore the question of how democracy can meet the daunting challenges that we already know about, as well as those that we can only imagine. Since the autumn of 2020, we have continued our research and public outreach with a series of podcast interviews, also titled “How Democracy Survives,” produced and distributed in conjunction with the student publication thePolitica.org at Boston University. In these interviews, we have sought the insights of such individuals as *The American Prospect* co-founder Robert Kuttner, Black Voters Matter co-founder Cliff Albright, pro-democracy activists Colombe Cahen-Salvador and Andrea Venzon, and Orwell scholar Masha Karp, as well as a number of writers and activists whose work appears in this volume.

We have so many people to thank who helped us put this project together, that an exhaustive list would be impossible. Natalie J. McKnight, Stanley Stone, Gary Kraut, Cynthia Barakatt, John Prandato, Lynn O’Brien-Hallstein, Adil Najam, Donna Connor, Kira Nash, Sarah Knotts, Jeffrey Ho, and Julianna J. Hellerman all provided help and support that proved essential at every stage from symposium to book. Finally, this would not have been possible without the support of the late NASA scientist and climate expert Anthony Janetos who, as Director of the Pardee Center for the Study of the Longer-Range Future at Boston University, first made the decision to support our project in the summer of 2018. This book is dedicated to him.

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PART I

**The Forgotten Promise
of 1945**

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1

THE OTHER AMERICAN DREAM

The One World Order and Human Rights

Michael Holm

The Second World War made plain the need for an international community of nations. The apocalyptic scale of death and the barbarism justified under the banners of nationalistic pride, racial superiority, and political ideology inspired a widespread belief that humanity's survival depended on the creation of a global system of commonly accepted values. In particular, the belligerents' systematic targeting of society's most vulnerable fueled conversations about institutionalized human rights and even global government. For Americans, 1945 provided an opportunity for atonement. Thirty years prior, they had abandoned the international community after the Great War and ceded guardianship of the new League of Nations to Great Britain and France. The decision made a mockery of Woodrow Wilson's pledge to make moralism and legalism the keystones of a new world order as neither of these imperial powers exhibited any interest in global justice or the idea that the suffering of strangers mattered. Consequently, 1919 became a victors' peace, rather than a triumph of humanity. The Wilsonian moment had come a war too soon.

Determined to avoid a repeat of the recent past, Americans set out to construct a collaborative postwar world order that would vanquish aggressors, dismantle imperialism, and inspire a liberal economic, political, and legal international order. Although they operated independently of the UN-established International Court of Justice, the war crimes tribunals that sought to hold the German and Japanese political and military leadership responsible for the war represented a turning point in the ideals of international law. Nuremberg and Tokyo set a precedent according to which state-sanctioned military action would no longer absolve individual perpetrators from responsibility or shield them from prosecution. When conducted as part of orchestrated campaigns to dominate, conquer, or cull entire ethnic groups or peoples, murder, rape, and other violations of basic human entitlements now constituted crimes against humanity. The result was the institutionalization of international justice and human rights and the rebirth of the

DOI: 10.4324/9781003218586-3

Enlightenment's cosmopolitan tradition of global citizenship, equality, and the belief in non-hierarchical dignity. This cosmopolitanism reached its zenith when the international community codified rights in legal vernacular in the form of the 1945 United Nations Charter, the Universal Declaration of Human Rights (UDHR), and the Convention on the Prevention and Punishment of the Crime Genocide (Kennedy, 2006). In public memory, these milestone documents remain sanctified and reflect the idea of a common human cause. The reality, however, is more complicated. The ink was barely dry on the UDHR before discord replaced international unity. In the years and decades since, developing-world campaigners across the Global South have clashed with activists and theorists from the developed world about how to define, apply, and enforce human rights. Nations in the decolonized world often interpret human rights principally from collective perspectives of self-determination and socio-economic rights. They emphasize freedom from neo-liberalism, Western cultural imperialism, and institutionalized racism and reject the idea of one universal human rights ideal. In contrast, the Western countries focus on suffrage, protection from arbitrary confinement, protection of minorities, and freedom of speech, assembly, and religion. At its core, this ideological clash is about who gets to define human rights and whether these are local or universal matters (Iriye, Goedde, and Hitchcock, 2012, 6–15; Whyte, 2018).

Despite daily media and social media reports of human rights violations, the international community remains mired in this stalemate. Stories of gender-based violence and dehumanization in the Islamic world, persecution of LGBTQ people and political activists in Russia, maltreatment and incarceration of the Uyghur Muslim minority in the People's Republic of China, government abuse of power against civilians in Syria, widespread institutionalized racism across the Western world, and cross-border conflicts and civil wars in Africa collectively illustrate the consequences of this stalemate. Even so, neither the international community acting in concert nor states acting on their own initiative shows much interest in intervening. Despite all the rhetoric about moral clarity and international agreements, human rights violations often become political talking points at best. Even genocide, the gravest of human rights violations, triggers little beyond public political condemnation. The recent historical lessons of ethnic violence from Rwanda and Sudan confirm this inertia. The international community provides no safe haven for casualties of ethnic cleansing, organized rape, mutilation, torture, sexual slavery, religious and gender-based persecution, systematic village razing, or military conscription of children (Power, 2002). Nor does it provide much more support for those who are arbitrarily arrested and denied due process of law, or for those blocked from participation in the organization of political life in their own nation.

When human rights violations such as these occur, the need for remedy is most often urgent, if not immediate. However, in contrast to domestic authorities' general ability to enforce laws and protect citizens, neither human rights laws nor humanitarian laws are set up to trigger rapid enforcement responses. Even the International Criminal Court (ICC), the most formal vehicle to prosecute human rights offenders, lacks the means and authority to operate with impunity. In almost

every case, the international community has stood helplessly by without any ability or will to provide support or redress for victims. Even prosecutorial justice is a slow process. When political leaders, military officials, or states violate human rights, their buffer against blocking outside involvement is usually “national sovereignty” or “national culture.” Both demand that the international community accepts the outcome. Most often it obliges. At best, the collective response is frustration mollified by the hope that time will inspire change—a far cry from a solution. Human rights protections were not designed to delay justice for victims or to serve as thinly veiled deterrents for such violations. Their purpose was to halt violations in their tracks.

In reality, the UN possesses no independent power. Appointed by governments, not democratically elected by the public, UN officials represent states’ interest, not humanity’s. The similarity between human rights protections and UN peacekeeping operations is inescapable. Both receive near universal praise as vehicles to stop violence and abuse. However, around the world, international community’s track record of protecting society’s most vulnerable remains mostly insignificant. In peacekeeping, as in human rights enforcement, victims, sometimes aided by Non-Governmental Organizations, must quite often beg member states to address violations. Even then, financial resources and manpower are permanently insufficient because no nation has any formal legal obligation to act. Furthermore, states can ignore any trip-wires or lines drawn in the sand when politically expedient. Even when the will to intervene is present, the international community possesses no meaningful ready-alert police units or military force for deployment. At best, human rights enforcement and peacekeeping missions are palliatives, not cures.

As a result of this impasse, human rights remain stifled by disagreements. As Samuel Moyn, one of the leading experts on the topic somewhat depressingly concedes, since human rights now

promise everything to everyone, they can end up meaning anything to anyone ... [As such] it is now difficult to see how the pretense of agreement can help when there is no consensus about how, or even whether, to change the world.

Moyn, 2010a

The dilemma remains that for human rights protections to be considered human in any true sense, they must be undeniable, guaranteed by law, and inclusive of all persons regardless of identity or locale. The very idea of human rights mandates that people possess the freedom to hope and the freedom to live with dignity without real or implied threats to their existence and identity. If states can violate this for political, ideological, cultural, or religious reasons, people do not have rights. At best they have privileges, and privileges are always subject to change by society’s most powerful groups.

This chapter tells a story of human rights ideas and challenges from the 1940s to the present. It begins with an often-overlooked narrative of American human rights visions during the Second World War, including the attempt to foster a bill of rights

for humankind. It goes on to examine the postwar fate of these ideas in the wake of the UDHR, and then to assesses the status and challenges to the human rights idea anno 2022. It argues in order for humans around the world to acquire protection of body and mind, the international community needs a system of rights and protections that elevates the individual above cultures, religions, or states—a system that provides political, legal, and economic uplift. The Other American Dream, or what postwar planners during the Second World War referred to as the One World Order, might be a good place to start.

The One World Ideal

Between 1945 and the summer of 1947 the Soviet Union's abandonment of international collaboration made the Cold War a reality. Charles Bohlen, Consular of the US State Department, wrote in a top secret memo that "Instead of unity among the great powers on the major issues of world reconstruction – both political and economic – after the war, there is complete disunity There are, in short, two worlds instead of one" (FRUS, 1947, I, 762–765). For the next four and a half decades, the ideological conflict smothered the institutional and moral progress American postwar planners and many public intellectuals imagined would emerge after the war. While victory against the Axis Powers remained the principal goal of the war effort, the mission to build a lasting world order was almost as important. President Franklin Roosevelt's close advisor Harry Hopkins captured this well after the Yalta Conference in February 1945:

[we] really believed in our hearts that this was the dawn of a new day we had all been praying for . . . that we had won the first great victory of the peace – and by 'we' I mean all of us, the whole civilized human race.

Sherwood, 1950, 870

Hopkins' words captured what Americans during the war referred to as the One World idea; the belief that humans share similar hopes, dreams, and desires that can be achieved if individuals can live free from fear and want. According to this vision, peace, stability, freedom, and progress depended on unity.

This American vision is mostly forgotten in popular memory and in all but niche scholarship on the Second World War, likely because the egalitarian world never materialized. The scholars, who do note it, mostly dismiss this wartime commitment to an international project and consider Washington's support for human rights half-hearted, if not downright duplicitous. Summed up, their general sentiment is that the only real wartime support for human rights came from NGOs and that nothing meaningful on the issue occurred until the UDHR became the gold standard for principled diplomacy in 1948 (Humphrey, 1984; Hunt, 2007; Johnstone, 2011; Brucken, 2015). Considering the widespread US collaboration with anti-democratic regimes during the Cold War, this conclusion is perhaps understandable on an emotional level. It is, however, also overly simplistic.

Revisiting the wartime American reimagining of global human rights provides fruitful guidance about the meaning and creation of a more egalitarian world.

The Atlantic Charter from August 1941 is a common starting point for scholars exploring the origins of modern international institutions. The agreement signed by President Roosevelt and British Prime Minister Winston Churchill presented the first sketch of the values that would guide the world after the defeat of the Nazis. In reality, the Charter was merely a small step in American thinking, and the joint negotiations hardly reflected Anglo-American unity. American postwar planning for a new international order had begun in late December of 1939, only a few months after the Nazi invasion of Poland. Although it largely took place behind closed doors, the conversations drew the best minds from diplomacy, law, and politics. As the Nazi conquest of Western Europe began in 1940 and the need for US support became evident, US debates about postwar plans coincided with actual support for those on the frontlines. In March 1941, this led to the Lend-Lease Act, historically hailed as the program that gave Britain and later the Soviet Union the means to fight the war. Because of the nature of the conflict and the memory of “the good war,” in national memory and in much scholarship, it remains largely overlooked that Lend-Lease did more than bring the United States into the war. Lend-Lease confirmed that in the eyes of Americans, Britain’s form of imperialism “epitomized much of what was wrong with the world” (Kimball, 1991, 161). The price London would pay for American support in the war would be an end to preferential trade systems, the institutionalization of human rights, and the end of Rule Britannia (Kimball, 1971; Holm, 2016).

By January 1942, the idea of human rights had become central to the Declaration of the United Nations as the nations that collectively had declared war on the Axis Powers vowed to “protect human rights and justice in their own lands as well as in other lands” (Mazower, 2004, 385). Although partly wartime rhetoric, far more than propaganda was at play. By 1942, efforts by the State Department and the White House inspired a “Draft Constitution for an International Order,” consisting of a strongly worded, 16-article-long “Bill of Rights” for humankind. For the first time, American officials committed their nation to a global order in which citizens of the world were to enjoy freedom of religion, speech, property rights, education, procedural rights, and other ideals lifted from America’s founding documents (U.S. Dept. of State, 1949, 84, 115–116, 483–485). US Under Secretary of State Sumner Welles adamantly defined the war’s purpose as to “assure the sovereign equality of peoples throughout the world.” Directed at London in particular, he insisted that victory “must bring in its train the liberation of all peoples. Discrimination between peoples because their race, creed, or color must be abolished.” Welles adamantly declared the end of empire over (Klose, 2013, 13). By 1943, the American drafters integrated “human rights” into Article 9 of what was already informally being referred to as the United Nations Charter (U.S. Dept. of State, 1949, 470–472, 526–532).

In an address to Congress that same year, Secretary of State Cordell Hull explained that the establishment of the new world order meant that there would

“no longer be need for spheres of influence, for alliances, for balance of power, or any other of the separate alliances through which in the unhappy past the nations strove to safeguard their security or promote their interest” (Bohlen, 1969, 49–50). Reinforced by the works of numerous NGOs and a steady stream of publications from public intellectuals, the idea of human rights took hold in the United States and beyond. It was in this context that the former Republican presidential candidate Wendell Willkie wrote *One World*. Overwhelmingly popular, the book sold 40,000 copies during its first weekend and 200,000 by the first week (Borgwardt, 2007, 157). The war, he declared a year later was “a war for freedom; we are fighting a war for men’s minds. This means that we must encourage men’s just aspirations for freedom not only at home but everywhere in the world” (Willkie, 1943, 1944). By the stroke of a pen, Willkie popularized the idea of “winning hearts and minds” and made human rights a key component of American foreign policy.

One should, of course, not be blind to the contradictions. The “American Dilemma,” as the Swedish social scientist Gunnar Myrdal called it, was there for all to see. Visions for a free and equal world might ring hollow when judged against much of the West’s engagements overseas and domestic realities within the United States. Even so, it is imperative to understand that postwar architects did not consider themselves bound to past indiscretions. Echoing Thomas Paine, their task was to begin the world over again. This time, as *One World*. Lord Halifax, the British Ambassador to Washington, captured this effectively when he cabled to London that Willkie’s book made readers feel “that America is rising to the height of its material and spiritual power ... [and] that a missionary world task is before the United States which the nations are eagerly and desperately expecting it to fulfill” (Holm, 2016, 19).

This human rights narrative amassed strong support among American intellectuals and journalists. While they hardly spoke with one voice and some remained skeptical about the feasibility and meaning of human rights, the stories that appeared between 1943 and 1945 reflect a trend toward a globalist cosmopolitan vision. For example, while many noted the obvious tension between democracy and a *One World* liberalism, many writers balanced, if not favored, individual rights over majority rule. Even Thomas Woodlock, writer of the *Wall Street Journal*’s influential column “Thinking it Over” and a long-time skeptic of starry-eyed idealism, came to some of these conclusions. Human rights, he insisted, carried the seeds not just of the war’s purpose, but also of humanity’s purpose. The doctrine of human rights, were it to work, existed “for the sake of the human person.” The universal realization of human rights was “the *end* to which all other matters of government, national and international, including peace itself, are but *means*” (1944).

In 1944, the Allies began planning for the economic and political side of their *One World*. At Bretton Woods, they created the framework for what would become the International Monetary Fund and the International Bank for Reconstruction and Development. These economic institutions were designed to ensure global economic security, thereby safeguarding education, health, economic, and political

freedom. Three months later, the major Allied Powers met at Dumbarton Oaks in Washington, DC to develop plans for the new United Nations Organization (Henkin, 1998). Here, US Under Secretary of State Edward Stettinius presented an extraordinarily progressive plan on human rights and socio-economic global fairness for the future Charter. Built on the Lend-Lease logic, the aim was to hold states accountable to the point that it would be:

the duty of each member of the organization to see to it that conditions prevailing within its jurisdiction do not endanger international peace and security and, to this end, to respect the human rights and fundamental freedoms of all its people and to govern in accordance with the principles of humanity and justice. Subject to the performance of this duty, the Organization should refrain from intervention in the internal affairs of any of its members.

U.S. Dept of State, 1949, 595–606; FRUS, 1944, I, 791

In effect, the Americans were pushing for an organization in which a member's inability to protect individuals' rights could trigger an intervention. While the form of this action, be it military, legal, political, or economic, remained to be determined, it highlighted that human rights were to trump national sovereignty—a far cry from the eventual Charter's specific prohibition of such actions.

By 1944, this human rights agenda should have come as no surprise to the international community or to America's partners. Public and private statements from Washington did not leave room for doubt. As Lord Halifax's response to *One World* implies, the British understood human rights to be somewhat of an American obsession. Nonetheless, they also knew that since human rights were only one aspect of the larger US agenda for a One World Order, Americans might not push the issue out of fear that the entire United Nations program might capsize. The British delegation likely felt emboldened by the fact that the Soviet Ambassador to Washington, Andrei Gromyko, explicitly threatened Under Secretary Edward Stettinius Jr. with just such an outcome (*FRUS*, 1944, I, 823) if the Americans pushed their agenda too far. Perhaps if British negotiators and policymakers had realized the extent to which the postwar order in-the-making would thwart the Empire's future existence, they might have been more amenable to an imperial exit strategy that included a doctrine of human rights. To any rational observer, the question in 1944 was no longer if empires could survive, but how quickly and under what circumstances they would fall. In the end, rational sentiment proved in short supply in London. In their rejection of Washington, the British instead struck an "unholy agreement with the Russians" to remove any direct reference to human rights at Dumbarton Oaks (Mazower, 2004, 391). Even a watered-down deal that strengthened national sovereignty but required member states to "respect the human rights and fundamental freedoms of all its people" proved too much for London and Moscow (Lauren, 2011, 168). A frustrated Stettinius privately lamented to President Franklin Roosevelt (FDR) that while he remained optimistic, Washington's partners had proven unwilling to bend on human rights (*FRUS*, 1944, I, 831–834). The

politically well-connected reporter Allen Drury echoed Stettinius' disappointment in his diary:

Out of that big house in Georgetown has finally come the ... "suggestions" for a "United Nations Security Organization." Such timid minds, these were, so petty and so small. Apparently afraid to formulate a really strong world body, they have been content to propose instead a method for organizing international chaos It probably deserves to pass the Senate, for it is apparently the best the frightened little men who run the world can manage.

1963, 286

Drury's lament echoed in media, among officials in Washington, and around the world, especially with Black Americans. W.E.B. Du Bois, cofounder of the NAACP and a representative for the organization at the Paris Peace Conference, considered Dumbarton Oaks' lip service to human rights "intolerable," "dangerous," and undemocratic. The inability of non-state actors to bring a case to the Security Council effectively left non-whites dependent on "the philanthropy of masters" (Anderson, 1996, 533). Though the outcome at Dumbarton Oaks was frustrating, the original US platform of protecting individual rights at all costs remains crucial to understanding American dedication to truly a global organization and to universal values.

Perhaps Stettinius's push for meaningful change was never possible. The idea of universal human rights in a One World Order is at direct odds with the US Constitution. There is little doubt that the uncomfortable balance between federal and state power was always going to problematize such dramatic changes. However, this seemed a minor concern when representatives of all participating nations formally convened to create the United Nations in San Francisco the following summer. As the *New York Times* reported, the Truman administration placed human rights "at the heart" of the new organization (1945). The British understood as much. In a note to the Foreign Office, Halifax explained that US plans would involve the UNO sending out "technical representatives, doctors, sanitary experts, economists, and social analysts" to investigate conditions in colonies. He saw this "nonconformist idealism and non-conformist self-interest" as committing "the American nation to economic responsibilities as a world political and military power." The "widespread belief [exists here] that the world awaits on the United States to give the lead in these matters," he warned London (Louis, 1978, 474).

Despite the optimism, time ran out on human rights advocates. By the time the San Francisco Conference assembled, the European War had effectively ended and the Pacific War would conclude before any formal UN meetings ever took place. Although the new Truman Administration—FDR had died from a cerebral hemorrhage the previous April—still held some sway over the Allies, they now lost the leverage they had between 1941 and 1943 when the free world's existence still hung by a thread. The result was that as at Dumbarton Oaks, only the Americans pressed for human rights to be a central obligation, while the Soviets

and the British obfuscated. For example, the Soviet representatives demanded that the charter specifically encourage “the right to work and the right to education ... without distinction as to race, language, and sex;” but they were hesitant about human rights in general. While not opposed to these specific rights, Americans were unwilling to reference *only these* rights because they did not consider them equal to more pressing political rights. In deference to the American Bill of Rights, one American negotiator insisted that he “would hesitate to pick out one or two of them for special mention” (FRUS, 1945, I, 528–548). In effect, the statute needed to be either more or less detailed. This debate resulted in the existing diluted reference to human rights in the Charter’s Preamble. The outcome suited London too, as it made Great Britain appear principally devoted to human rights while avoiding any actual commitment to enforcement.

Scholars skeptical of the genuineness of American intentions generally argue that perhaps this outcome suited the United States as well (Mazower, 2004, 392–393). If there is some merit to this argument, it is perhaps because several of the more idealistic One World advocates had left their posts between 1943 and 1945. Combined with Willkie and Roosevelt’s untimely deaths in 1944 and 1945, this resulted in a more realist assessment of the relationship between international law and national sovereignty. Even so, the belief that *realpolitik* had overpowered idealism appears rather myopic. Personnel changes notwithstanding, the general American expectation remained, as Stettinius declared on May 14,

that the foundation which we are laying here for the economic and social collaboration of nations in the cause of fundamental human rights and freedoms may well prove the most important of all the things we do here for the peace and advancement of the peoples of the world.

New York Times, May 16, 1945

President Truman echoed that message when addressing the delegates at the end of the San Francisco Conference:

we have good reason to expect the framing of an international bill of rights, acceptable to all the nations involved. That bill of rights will be as much part of international life as our own Bill of Rights is a part of our Constitution. The Charter is dedicated to the achievement and observance of human rights and fundamental freedom.

Directed at nations who challenged the new liberal order, the President made clear that if “we seek to use [the Charter] selfishly—for the advantage of any one nation or any small group of nations – we shall be ... guilty of ... betrayal” of those who died to create this “instrument for peace and security and human progress in the world” (Truman, 1945). He expected that states large and small would cede considerable national sovereignty to the greater good. Senator Arthur Vandenberg, a Republican who represented the United States at San Francisco, referred to the

Charter simply as an “emancipation proclamation for the world” (*Washington Post*, 1945). The American commitment to formalizing individual human freedom could hardly be more explicit.

The Universal Declaration of Human Rights

Truman’s hopes notwithstanding, the One World dream proved short-lived. Although imperialism ended, none of the new institutions took on the supranational role the idealistic wartime planners envisioned. The General Assembly never approved a Bill of Rights for humankind. Humanity’s rescue, so seemingly possible in the fog of war, appeared a lot less realistic in the cold light of day at war’s end. The journalist James Reston captured it accurately. The world as he saw it in 1945 was “full of prejudice and fear and selfish national desires” and possessed “no generally accepted rule of law” (1945). The emerging ideological conflict with the Soviet Union, as well as the invention of the atomic bomb, undermined much of the goodwill and hope of the early 1940s, as did the nationalistic tendencies that soon reared their ugly heads. For three years after the San Francisco Conference, the international community lingered in discussions over what eventually became the UDHR (McGuinness, 2011). In many respects, the UDHR was a revolutionary feat of international law. As historian David Mayers quite rightly asserts, the Declaration “enriched the repertoire of commonly held ideas and even inflected practice” (2015, 448) because it cemented principles and a global rights vernacular. Such praise remains common. Alongside a series of subsequent agreements, the UDHR continues to uphold the UN Charter’s Preamble affirmation of “fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small” (United Nations, 1945). Future Secretary General of the United Nations Ban ki-Moon considered the UDHR the yardstick by which humanity measures “right and wrong”—a document that presents people everywhere a “powerful tool in the fight against oppression, impunity and affronts to human dignity” (UDHR, 2015, iii–iv).

While inspirational, Ban ki-Moon’s beliefs measure poorly against reality. It may be too cynical to call the UDHR cosmetic, as principles and language remain preferable to silence. However, the Declaration established no international oversight or authority on human rights. In fact, rather than eclipse national sovereignty, it cemented state rule. After 1948, the purpose of international human rights law was “to protect individual rights *inside* states,” rather than in some broader cosmopolitan order. The UDHR may protect citizens in theory, but it holds no one accountable for human rights violations. Rather than embrace the cosmopolitan tradition of global citizenship, the UDHR made human rights a justification for state sovereignty rather than “a source of appeal to some authority—like international law—outside and above it.” Aptly, the historian Mark Mazower describes the UDHR as the “the triumph of civilization over *realpolitik*” mixed with “cynicism” and “state interest” (2004, 381). Even more acute is Moyn’s view of it as “a funeral wreath laid on the grave of wartime hopes” (2010a).

Ironically perhaps, Western Europe now operates the only effective human rights system in the modern world. Scarred by two world wars, Western Europeans found peace and security through collaboration and in the process laid the groundwork for the institutionalization of the shared norms, values, and ideas now simply referred to as “the West” (Hitchcock, 2010). The 1948 Marshall Plan, followed two years later by the creation of the European Convention for the Protection of Human Rights and Fundamental Freedoms and in 1953 by the European Court of Human Rights (ECHR), created a shared sense of identity and helped cement the modern domestic welfare state’s guarantee of “individual security through collective emancipation” (Moyn, 2014, 369).

The highly effective regional European approach in which justice is severed from state interest stands in stark contrast to the UN’s failure to institutionalize a universal Bill of Rights. As Moyn quite rightly points out, the UDHR is usually “chronicled and celebrated simply for its emergence” and not for its actual achievements (Moyn, 2014, 368). To recognize its impotence, one needs to only note that universal human rights played next to no role in politics, until US President Jimmy Carter revived the idea in the 1970s, nor did it inspire popular human rights movements, until that same decade. As Human Rights Watch founder Jeri Laber wrote in her memoirs, “I did not use the words ‘human rights’ to describe our cause [in the 1970’s]; it ... would have meant little to most people at that time” (Laber, 2002, 74). Admiring glances cast at the UDHR are reflections of later times. Only the end of the Cold War and the continuous human rights abuses in Africa, the former Yugoslavia, and parts of East Asia in the 1990s returned the term “human rights” to the international limelight. The resulting human rights consensus inspired the creation of the ICC in 2002 and triggered numerous peace-keeping operations to protect civilians from conflict, particularly in Africa and the Balkans.

Subsequent high profile court cases against human rights violators such as Liberian president Charles Taylor and Serbian officials Slobodan Milosevic and Radovan Karadzic, as well as others, did much to cement the general idea of human rights in the minds of the public, politicians, and journalists. Even so, praiseworthy as these high-profile cases have been, none of the prosecutions prevented later human rights violations from occurring. Several of the accused were feeble old men by the time they went on trial at the Hague. The ICC’s slow response reflects the international community’s weak commitment to human rights. Although more than 120 states are party to the ICC, including all the EU and the United Kingdom, none of the other major world powers are members. While ICC members mostly pay lip service to the Court’s proceedings and support its efforts when convenient, non-member states including Russia, the PRC, the United States, and Israel, steadfastly refuse to hold their citizens internationally accountable for human rights violations. The predominant anti-ICC attitude in the US Congress and especially among conservatives smothered visions of the greater good that emerged after the Second World War and serves as a reminder that the position of leader of the free world is now vacant.

Despite the ICC's ineffectiveness, collective support for human rights remains popular in the modern world. The question therefore becomes "what to do with the progressive moral energy to which human rights have been tethered in their short career. Is the order of the day to reinvest it or to redirect it?" (Moyn, 2010a). The challenge is increasingly important. During the Second World War, human rights became tied to Franklin Roosevelt's Four Freedoms: freedom of speech and religion and the freedom from fear and want. While the first three remain intricately linked to human rights, industrialized nations have historically been less inclined to incorporate "freedom from want" as part of their human rights agenda. The obvious explanation is that since Westerners generally grow up in at least modest comfort and without overt fear of state violence, they have the luxury of principles. As a result, across the West, rights tend to be linked to ideas of suffrage, fair judicial systems, and freedom of speech; historically, political rights have trumped economic needs.

Ever since 1948, this emphasis on political rights over economic rights has created a paradox separating the industrialized world from the developing world. Although the number of democratic states has increased since the end of the Cold War, the inequality gap between the wealthy modernized states and the rest continues to widen. As a result, many scholars and activists increasingly call on governments and international organizations to shift the human rights conversation to focus on economic equality (Moyn, 2018). No poor farmer or city dweller who struggles to feed and clothe his family and lacks access to health care prioritizes the right to vote above comfort or survival. Perhaps economic equality—even before rights of safety and security—has to be established for human rights to flourish in the developing world? As appealing as this idea seems, it echoes 1960s paternalistic Rostovian modernization theories, which sought to reconstruct developing nations' economies. The intention was good but the outcome, many critics came to believe, was dependency rather than uplift. There remains a persuasive moral argument for wealthier nations to provide more aid to the developing world, but there is considerable evidence that foreign aid has been counterproductive, if not useless, as a vehicle for the cementation of rights or socio-economic advancement (Deaton, 2013, 267–275). Trapped in an intellectual cul-de-sac with policymakers unwilling to lead, those most in need continue to pay the price.

Human Rights and the Modern World

Lack of international leadership is further complicated by the absence of global unity. At the present moment, the human rights agenda faces at least three challenges that will critically determine if and how human rights survives as a meaningful concept in this century: the threat of climate change, the challenge of resurgent nationalism, and the threat of radical modern progressivism.

Climate change is a human rights issue. As the Office of the United Nations High Commissioner on Human Rights (OHCHR) recently explained, the increasing frequency of

extreme weather events and natural disasters, rising sea levels, floods, heat waves, droughts, desertification, water shortages, and the spread of tropical and vector-borne diseases ... directly and indirectly threaten the full and effective enjoyment of a range of human rights by people throughout the world.

In September of 2021, the Special Rapporteur on the right to development linked climate change to the right to life, liberty, property, housing, food, water, sanitation, education, health, political participation, self-determination, culture, and more (Alfarargi, 2021). As contributors in the final section of this volume note, climate change respects no borders, cultures, or political systems. In the short term, some may feel its human rights consequences more rapidly than others, but ultimately, the impact of climate change will be global. The pressure on borders in the form of climate change refugees and environmental migrants will only continue to grow. Perhaps if the human rights consensus that briefly appeared in the 1990s had been maintained, the scientifically indisputable consequences of climate change might have led the international community down a collaborative path that once again recognized the collective need for human rights accords and One World. However, anno 2022, there is little evidence of this. As on the ICC, the major powers refuse meaningful action in the name of national interest.

In contrast to the global threat of climate change, nationalism has reemerged from its mid-20th century ashes as a threat to human rights and to the very nature of democracy. Manifesting in populist anger and xenophobia, even traditionally liberal countries such as the United Kingdom, France, and the United States are deeply disenchanted with democratic institutions, especially globalization. Present-day nationalism seems anchored in supposedly patriotic protections of tradition connected to ethnicity. Followers see their national identity threatened by multiculturalism, limited upward economic mobility, and the usurpation of manufacturing jobs by countries with lower labor cost such as India and China (Mounk, 2018, 2019; Fukuyama, 2018). Instead of looking outward for solutions to global problems, Donald Trump's America First policy, Britain's departure from the European Union, and France's *Rassemblement national* collectively promote anti-immigrant, anti-refugee protectionist policies that isolate them from international collaboration and agreements. These policies exclude people, ideas, and values leaders consider out of sync with their national self-identification. Similar dismissive attitudes appear to dominate in Russia, Brazil, the People's Republic of China, and to some extent, India. These attitudes also appear in several smaller nations, including EU member states such as Poland and Hungary, which not too long ago seemed on the path to becoming successful liberal democratized states. This is not to say that nationalism is equally powerful in each nation, but its rise has been substantial enough to temper any serious attempt at global engagement or leadership initiatives, while also squelching human rights at home (Yazici, 2019). The common denominator of these states' approach to the outside world has been a growing rejection of cosmopolitanism and a belief that the post-1945 idea of liberalism is a spent force and globalization a failed enterprise.

The third challenge to the idea of human rights, perhaps surprisingly, comes from modern left-leaning progressivism. This movement's message is hardly uniform, and its support comes from a conglomerate of grassroots ideas. Unlike nationalism, progressivism holds little direct political representation, but like its cousin on the right, it derives energy from social media, street protests, and a series of news outlets. Invoking identity politics and what linguistic scholar John McWhorter describes as an almost religious "wokeness" anchored in multiculturalism and cultural relativism, progressives focus on capitalist oppression, economic inequality, and minority rights (Romano, 2020; McWhorter, 2021). They reject the West as a political liberal idea and as a historical force of societal improvement to the point where many advocates see the West's comparable historical wealth as a result of slavery and imperial dominance. The modern context of "developed" and "underdeveloped," they argue, reflects the prolonged period of oppression that disproportionately harmed African societies and cultures (French, 2021). The West's collective legacy and the extent to which it undermines developing nations' advancement opportunities inspires this progressive left's call for Western acknowledgment of past crimes, demands for reparations, and insistence that the West keeps its cultures and ideas to itself.

Although this form of radical progressivism may appear on the surface similar to ideological Cold War neo-Marxism, as a vehicle for challenging institutional and systemic racism it nonetheless deserves praise. The comparably slow progress of Covid-19 vaccinations in Africa and the high Black incarceration rates in the United States are two pertinent examples of the inequality singled out by modern progressives. Still, even if this approach sheds important light on meaningful issues, the cultural relativism radical progressives tend to embrace, including their denial of the shared set of values, cultures, and ideas of equality, which "the West" is shorthand for, points away from, rather than toward, global human rights. Their insistence that culture is the master key to understanding and assessing people and peoples inherently comes with the denial of a universal human experience. They reject the cosmopolitan tradition and effectively insist that international demands for the protection of individual rights and privileges must be weighed against local and cultural ethical standards rather than any universal morals. In its starkest terms, according to this logic, female genital mutilation (FGM) is not systemic sexual violence and criminalization of homosexuality is not a human rights violation. Rather, these are cornerstones of many Islamic and African cultures that many in those communities feel should be safeguarded. In this radical progressive mindset, the result is that local cultures outweigh human commonality.

This tension between individual rights and cultural preservation has been around since the 1945–1948 UDHR discussions. The American Anthropological Association (AAA) in particular voiced concern about Western bias against the Commission on Human Rights and any UN-sponsored declaration on human rights, insisting that the idea "will not be convincing" to those in Africa, Asia, or elsewhere if it rests on "the standards of a single culture or ... [is] dictated by the aspirations of a single people" (1947). One consequence of this tension was the

decision to include representatives from numerous cultural and political traditions in the debates and to avoid specific language that favored one religion or philosophy (Nussbaum, 2019, p. 5).

The issue continues to divide the international community. The Cairo Declaration on Human Rights in Islam (OIC) adopted in 1990 and moderately revised in 2020, the 1992 Jakarta Message, and the 1993 Bangkok Declaration exemplify the difficulties humanity now faces on human rights. While these statements collectively guarantee human rights across the non-Western world, they do so with expressed exceptions. For example, under the OIC, religious rights, freedom of assembly and speech, and universal suffrage, as well as the rights of LGBTQ people, are either absent, explicitly denied, or purposefully vague. They are trumped by the demand or need for cultural purity.

Optimists may find some solace in the documents listed above. Written records, after all, tend to pressure governments and cultures to follow through. The 2020 OIC revisions that moved away from religious Sharia law and emphasized secularism within the Islamic world is a significant point in case (Kayaoglu, 2020). Even so, change has often been window dressing at best. For example, while several countries have laws against FGM, they are largely unwilling or incapable of enforcing those laws. Many nations continue to insist on “a balanced view between rights and duties, individual and community rights, and between a desire for progress and respect for traditional values” (Kayaoglu, 2020). This “balanced view” often undermines the right to education, the protection of women, access to a proper legal system, and many other fundamental rights. Consequently, even in many countries that are signatories to these agreements, society’s most vulnerable remain exposed and unprotected.

Other optimists argue that even if there is no immediate acceptance of cosmopolitan ideas, time will inspire change. There is validity to that point. Humanity’s journey, after all, has been one of gradual improvement. The problem with the argument for patience, or “change at the pace of culture,” is that white southerners used the same logic when justifying Jim Crow. Change would come when the South—white and Black—were ready. The Chinese government displays a similar belief when it explains the absence of participatory democracy, just as patience is what the Taliban regime asks of women after its 2021 re-conquest of Afghanistan. The historical record instills little hope that patience will inspire change in societies where people possess no inherent right to challenge conformity. After all, the lesson of the Black struggle for equality in the United States is that cultures do not change voluntarily. Change came to the segregated South because activists demanded equality and universal rights, *and because of* federal intervention. Recent developments in Hong Kong illustrate that without forceful outside pressure, voices of freedom and rights are no match for tradition, culture, or nationalism. Few can doubt that after two decades of rights progress, including the access to education, the right to work, and the right to independently make choices about their own body and future, Afghan women once again are destined to second class citizenry. Even if humanity heeded the starry-eyed optimist’s call for change, the fact remains that justice delayed is justice denied.

None of this is to claim that states and cultures outside of the West do not contribute to human rights discourse (Waltz, 2004). In their own right, the OIC as well as the Jakarta and Bangkok declarations reveal important rights ideas including liberty and security of person as well as protection against occupation and colonialism. However, many of the societies that embrace these ideas fail to provide individual citizens the remedies necessary to enact change or even to voice concern. For example, the 2011 Arab Spring protests against economic corruption, political oppression, and human rights violations momentarily provided some hope that individual rights might be institutionalized more effectively across the Middle East and especially that rights could finally be unchained from politics and culture. The hope proved short-lived. As in Russia after the fall of the Soviet Union, the emergence of powerful rights in Middle Eastern culture has proven fleeting at best. Almost everywhere, it remains subject to government discretion. In sub-Saharan Africa, another region where the end of the Cold War briefly inspired waves of political freedom and the emergence of a rights culture, the trend is now going in the opposite direction. Rigged elections, ethnic and religious rivalries, terrorism, and the muzzling of political opponents have become all too common. As highlighted in a recent report by The African Declaration on Internet Rights and Freedoms, the onset of Covid-19 has only amplified these problems, as governments have cracked down on media freedom and regulated internet and digital technologies (2020).

The West, of course, hardly provides a perfect example of uniform global rights. From Washington to Ottawa, London, Paris, Copenhagen, to Canberra, and beyond, no clear rights consensus exists on capital punishment, abortion, education, or health care. In the United States, in particular, these issues remain suspended in an ideological war about the contradiction between rights, privileges, and culture. Health care and education, rights that even economist Adam Smith believed were the duty of the state to provide at home and in the colonies, divide Americans and separates the United States from its traditional allies across the West. Even if Americans could agree that general health care is a right, what about specialized care, including women's health and transgender care? What about treatment of substance abuse or chronic pain and fatal conditions, including the right to assisted suicide? The rise of religious and populist conservatism in the United States and its appeal to tradition has contracted rights rather than expanded them. By any measurable standard of universal ideals, this now positions the United States as the chief violator of human rights in the Western world.

Even so, present-day challenges hardly justify the wholesale rejection of the Western experience that activists on either spectrum end now seem to demand. The West's greatest strength as a model for change is just how unconstrained society is by tradition. This ensures oxygen for debate and encourages societal innovation. The abolition of cruel and unusual punishment, the abolition of slavery, and later attempts to protect religious minorities all reflect evolving norms that could only occur in a relatively free society (Joas, 2013). Even if change for women's rights has been cumbersome at best, it occurred, and occurs *pace* #metoo, because society

allowed for rights conversations. Even when women lacked the right to vote in the 18th and 19th centuries, for example, the activists like Olympe de Gouges, Catherine Cockburn, Elizabeth Cady Stanton, and Susan B. Anthony played critical roles in creating a more egalitarian society (O'Brien, 2009). By the 20th and 21st centuries, so did Margaret Sanger, Simone de Beauvoir, Gloria Steinem, Tarana Burke, and Chanel Miller. These powerful women faced uphill conditions much as did the civil rights activists, anti-war protesters, and LGBTQ activists that preceded and followed them. Democracy made it possible for them to call out injustice.

Protest is not unique to the Western world. On the issue of gender rights, for example, women and LGBTQ people in the Middle East, Africa, and elsewhere continue to raise awareness and fight for equality, as do political rights advocates in Russia and Asia. They do so against the odds and often at great risk to personal safety. While comparable efforts are hardly risk-free in the West, and while there are dangers of rights violations in illiberal democracies as well, the threat to personal safety is immeasurably heightened in countries where power resides within traditional institutions, and no remedy exists for public protest, ballot box reversals, or change through the channels of an independent judiciary.

The globalization of values that protect individuals is now jeopardized both by regimes unwilling to instigate change and by progressive and nationalist perspectives. The latter two reflect how "identity politics has become a master concept that explains much of what is going in global affairs." Identity politics "is no longer a minor phenomenon, playing out only in the rarified confines of university campuses or as a backdrop to low-stakes skirmishes in 'culture wars' promoted by the mass media" (Fukuyama). Progressive and radical nationalists' collective rejection of Western ideas undermines any definition, and therefore the validity, of human rights. This eases pressure on regimes that liberally violate accepted rights, as well as on those that shield their actions with the veil of tradition. Collectively, this raises questions of how, when, and even if to protect people around the world. The challenge for humanity now is to clarify if human rights are a moral, philosophical, political, economic, or legal ideal. Are human rights matters of justice? If so, whose justice? What role should nation states, religion, culture, family, or local communities have in delivering that justice?

While favoring Western-inspired global ideals may not be in vogue, it may force humanity to debate if there is such a thing as human rights at all. If the answer is no, should the international community water down its definitions of norms? Perhaps that is preferable to the hollow and continued global idolization of the almost 75-year-old impotent UDHR. At least, such a dilution of definitions and values would clarify that there is no one humanity, human "we," or an international community to speak of. In that case, the cosmopolitan tradition will lose out to the vainglory of identity politics. In contrast, if the answer to the question is yes, the question becomes whether those rights can exist in a world of illiberal strongmen, exclusionary cultures, and advocates of cultural relativism. After all, if human rights are universal, they encompass all of us regardless of age, gender, religion, ethnicity, or political conviction. If they are universal, they will undermine national sovereignty

and cultures that dominate their own citizens. In that case, the existence of such rights demands indiscriminate injection of values and the enforcement of those values wherever they are denied to society's most vulnerable individuals. One solution could be to revisit the Second World War for inspiration. Humanity could once again place the cosmopolitan tradition at the center of its international and cross-cultural connections and muster some energy for modernization. Unshackled by culture, and nationalism, the One World vision of global unity against authoritarianism provides a moral clarity that demands a renaissance. The rediscovery of global human rights will be a prerequisite for any unified response against future threats, including climate change and rabid ideology, and it may well hold the key to how—and if—democracy survives.

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2

WE WERE ONCE COLONIZED

Nehru, India, and Afro-Asianism at the United Nations

Swapna Kona Nayudu

This chapter presents a pre-history of Indian participation in Afro-Asianism at the United Nations from the 1940s to the 1960s, up until the foundation of the Non-Aligned Movement. More broadly, it argues that India's role in Afro-Asian diplomacy at the UN emerged as a riposte to a Western idea of the liberal international order. This did not, however, preclude India from endorsing and bolstering the UN as an international body. But what exactly does 'Afro-Asianism at the United Nations' mean? With varying degrees of conclusiveness, scholars have attempted since the 1940s to define how African and Asian nation-states coalesce at the UN. The attempts to define and evaluate Afro-Asian diplomacy outlived the early Cold War and the sweeping decolonization of that era. Efforts to discuss Afro-Asianism in the context of the decolonization of nations and their membership of the UN continue. Yet, little in the writing on the topic suggests a firm grasp on the meteoric rise of Afro-Asian diplomacy at the UN up until its eventual concretization into the Non-Aligned Movement. Although histories of post-Bandung Third World politics represent a multiplicity of viewpoints, they are rarely written as a history of the intellectual motivations and normative commitments of state-led Afro-Asian collectiveness at the UN.

This chapter foregrounds the impulses that led to Afro-Asian diplomacy at the UN in the context of India's approach to the postwar liberal international order. The crux of the argument here is to suggest that by foregrounding African and Asian nations in an international organization with global reach, Indian diplomacy sought to democratize the liberal international order. The chapter opens with a pre-history of Indian diplomacy and discusses the evolution of India's internationalism from fin-de-siècle anti-colonialist thought to the conception of a policy for India's international relations. This chapter presents the argument that India's approach to Afro-Asian diplomacy was an extension of India's internationalism, and that this internationalism was rooted in a layered, but ultimately weak, conception of the

DOI: 10.4324/9781003218586-4

international, which faded after 1961. This chapter also discusses whether New Delhi's Third World affinities were sufficiently mobilized through internationalism, with the UN both facilitating and limiting possibilities for deeper integration. The conclusion offers a comparative note on India's Afro-Asian diplomacy at the UN with political moves in sites such as the Bandung Conference of 1955 and explores the conditions under which it may be desirable to move past the state/non-state binary in histories of diplomacy.

Scant attention is paid to the deep linkages between mid-twentieth century Indian liberalism and India's decolonization initiatives and subsequent non-alignment. To India, liberal internationalism, especially in its institutionalized form at the UN, became associated with specific characteristics. Through decolonization and non-alignment, India sought to widen and strengthen the underlying political order on which these were premised, contrary to the belief held in the West that it would seek to overturn the postwar order, not bolster it (Ikenberry, 2018; Acharya, 2014). In the early years of India's membership in the UN, which also coincided with the tenure of Jawaharlal Nehru as first Indian Prime Minister, Foreign Minister, and most prominent architect of international relations, India pushed for decolonization against imperial powers and non-alignment with the superpowers. The movement for Afro-Asian collectiveness at the UN represented the peak of India's response to liberal internationalism, guided in part by India's own struggles with liberalism, and the crises from which a radical critical new vision for world order emerged (Mehta, 1999, 251; Bayly, 2011, 405).

Images of an Internationalist Future

The early twentieth century heralded in India a conception of politics in terms of an international society. Primarily, this formulation was derived from and in response to an imperial geography of the world. There were two moments – the first in which the British developed an image of which it made India a part – a story enacted in India or by India globally in the name of Empire (Barkawi, 2017, 341). The British Empire chose the conditions under which India would engage with the world (Chatterjee, 2012, 425). This was not merely a territorial fantasy, but an indictment of the colonies and their perceived inability to come to terms with the world on their own, a political judgment with devastating consequences that continue to unfold. The second, and for this chapter more urgent and transformative historical moment, is the organization and agitation of Indian political thought against the imperial logic as it was practiced in India. Fearing an erasure from modern history as dispossessed or worse, derivative, modern Indian thinkers built their own discursive world in which they provided nuance to the meanings of European political terms translated for Indian contexts or rejected such terms, laying a brazen claim to the international as a site they would occupy and remake in their own image (Prakash, 1990, 383–408). The only way to influence India's path to modernity was to decimate Western political thought spoken in an Indian

political vocabulary. The anti-colonialism of the emerging nationalist movement would have to speak its own political language.

What would be the source for this new language? The ardent and mythic language of nationalism had already gained a strong hold on Indian politics. But the language of internationalism had no such vividness. There had been calls for an increasingly cosmopolitan society and a movement for 'subaltern Asian universalism' (Bose, 2021), but before the League of Nations had been formed in the West; the international as a terrain was, for most Indians, unfamiliar and wedded to notions of European conquest.¹ To get around this precarity, Indian thinkers had to stage a rupture – they considered India's relations with the rest of the world from a post-colonial perch (Rao, 2013). In the collective conception of modern Indian thinkers, this anachronism – putting the postcolonial *before* the anti-colonial – would secure the success of the nationalist movement because it meant India could petition the world for its freedom while ensuring that once said freedom had been gained, Indian politics would not be limited by the nationalist narratives that had made independence possible (Manela, 2007, xi). The widening of Indian politics became a real possibility when the postcolonial preceded the anti-colonial; this reversal provoked new sources of politics. Indian thinkers would own and rewrite the story of India as part of a story of global modernity, to tweak Marx's phrase, composing images of an internationalist future (Kaviraj, 2005, 498).

Fin-de-siècle Indian thinkers were, to use Fanon, ready to 'drown ... in the universal' (Fanon, 2008, 280). In this aspect, Tagore, Gandhi, and Nehru, particularly, were already exhausted with the nationalist narrative as early as Tagore's arrival in the world, Gandhi's arrival in India, and Nehru's arrival on the scene. Rabindranath Tagore – writer, Nobel Prize winning poet, and philosopher, Mohandas Karamchand Gandhi – the most prominent leader of the Indian independence movement, anti-colonial thinker, and preacher of non-violent resistance, eventually bestowed with the title of Mahatma (meaning a great soul), and Jawaharlal Nehru – statesman and most prominent internationalist among India's founding fathers – these three thinkers regarded politics as 'the dominant medium of public life' in India (Khilnani, 2002). But they also had a sustained debate on the nature of India's place in the world. These conversations that together nearly resemble a theory of Indian internationalism, revolved on two axes – India's identity as a sovereign nation-state (in absolute form) and India's relations with a system of sovereign states and nations struggling to assert their sovereignty (in relative stance) (Sen, 1996).

This was a critical distinction, especially in the debates between Tagore and Gandhi on the forms that sovereignty took not only in relations between nations, but also in relations between people (Tagore) or within individuals (Gandhi) (Devji, 2012). For Tagore, whose lectures and the resulting monograph *Nationalism* had outlined many of the evils of that creed as he saw it, the resistance extended to both nativism and a hollow internationalism, a mere handmaiden to the nationalist cause (Sen, 1996).² Neither did Tagore approve of an insulated inward-looking Indianness nor was he at ease with a petitionary internationalism – one in which India mimicked the West and sought refuge in institutions built on the 'rapacious

imperialism' of European nations (Tagore, 1997, 192). Tagore's cultural cosmopolitanism could not be contained by such political parameters – indeed, he saw in culture the repudiation of the moral lapses of politics. This cosmopolitan approach was rooted in an idea of Asia, which he further refined through an appraisal of Japanese imperialism (Guha, 2009, 156).

Articulated at length by Gandhi to the anti-colonial response fermenting in India was the idea that any world order should be based on non-violence and justice – an idea conceptually inimical to the liberal international order, which in the Indian view was suspected of being unable to escape its origins in imperialist thinking. Thus, for both Tagore and Gandhi, the postcolonial moment for India would have to be premised on continued anti-colonial resistance against racial and imperialist configurations of the world, even after India gained independence. Gandhi sought to center ethical ambition in India's developing political idiom and looked to a variety of sources, Indian and otherwise, that would free the spirit of India from its colonial encounters and manifest in non-violent political resistance that could be universalized (Sen, 1996, 31; Sagar, 2009). The development of this idea also came about for Gandhi during his time in England and in South Africa, as well as through the experiences of other Indians negotiating those spaces. These early experiences in transient diplomacy were still caught in the complex web of colonial practice, but at the same time reflected modernism in aspiration for a freer India untethered from liberal traditions as articulated by the West (Thakur, 2021, 308).

When Gandhi arrived in India, Indian liberal political leaders such as Gopal Krishna Gokhale (political leader and social reformer, leader within the Indian National Congress) and Dadabhai Naoroji (known as the Grand Old Man of India, Naoroji was a Liberal Party member of the British Parliament) were already articulating the economic, cultural, and philosophical depravity of colonization (Guha, 2018, 16; Patel, 2020, 368). Any interface with the rest of the world, including with the British, would have to be rooted through an epistemic break. Complex questions around power drove this cleft, where India would have to formulate a vision for the future for itself while also presenting ideas about its future to other colonized nations (Mehta, 1999, 30). Gandhi's and Tagore's disquiet at the universalizing and hubristic tendencies of the liberal West, made manifest for them in the British imperial condition and becoming increasingly evident through the 1920s and 1930s in the rise of American liberalism, was wedded to the notion that the new world order would at worst mean continued and expanded colonization. This anxiety especially rang true in the case of India's earliest diplomatic ventures because the metropole-colony relation could not be allowed to be replicated on a wider scale. India would have to agitate against any such annexation in the international space, and only a velocious activism could shield India from having arrived into modernity to find a future foreclosed, its ability to frame the space it was entering taken away (Mishra, 2015). The only way to do this was to think globally and conceptually, rather than geographically (Sarkar, 2011). Early Indian diplomacy sought to dismantle the Hegelian claim that the West could be stretched out, translated, and replicated into universality, while the non-West could only

be understood in its ‘particularity.’ India could provide that ‘authentic alternative universality’, thought Tagore and Gandhi, although they came at the idea from different impulses (Mehta, 2011).

These anxieties began to take shape in the political thought of Jawaharlal Nehru. Nehru had the most amount of interface with the international as a site due to the events of the first half of the twentieth century in which he had often represented India overseas. For Nehru, the international was a lived reality, one that he had encountered in his role as a public figure with both nationalist and internationalist aspirations.³ Ever in conversation with his foremost two interlocutors, Tagore and Gandhi, Nehru anticipated India’s uptake of the international as a way of curtailing the inevitably excessive nationalism that would follow Indian independence. Riddled with the tension between nationalist fervor and internationalist exigencies, and repeatedly faced with the contradictions between wishing for a strong territorially sovereign India and an influential global entity, Nehru emphasized the complementary loop between India’s nationalism and its internationalism, a link he himself embodied (Chacko, 2011, 179). Similarly, in an early iteration of what went on to become India’s non-aligned policy, he refused to commit fully to either the Wilsonian or the Marxist view of world politics. Nehru viewed with ambivalence the Wilsonian liberalism of the League of Nations as containing the seeds of imperial reproduction with its system of mandates and trusteeship (Pedersen, 2015, 400; Chatterjee, 2011, 94–126). Yet, a league style of politics opened up world diplomacy to nations outside of Europe and North America. Nehru was not impervious to these developments and insisted that India could and should involve itself in the architecture of any new global institution. At the League against Imperialism, Nehru made a similarly emphatic statement of India’s desire to effect change beyond its borders, asserting that India’s ‘nationalism is based on the most intense internationalism’ (Nehru, 1927, 270).

In the same year, as the League’s formation, 1927, Nehru published a paper imploring Indians to ‘look back on Indian history to understand the mentality of new India’ (Nehru, 1972a, 261). In his view, this psychology of the role India would fashion for itself and the resulting image could pivot on a mediatory model. India had gained a special kind of expertise in advocacy and dialogue, which Nehru sought to magnify onto the world stage (Parekh, 1991, 40). To a domestic audience, Nehru presented this vision as a first foreign policy for India on the grounds of solidarity with transnational anti-colonial struggles (Nehru, 1972b; Louro, 2020, 412). Nehru published three works – *Glimpses of World History* in 1934, *An Autobiography – Towards Freedom* in 1936 and *The Discovery of India* in 1946 – all of which returned to themes of an internationalist India (Nehru, 2004a, 672; 2004b, 1115; 2008, 656; Kona Nayudu, 2017). Particularly poignant was his speech in 1936 as President of the Indian National Congress, where he spoke of Afro-Asian solidarity: ‘Our struggle was but part of a far wider struggle for freedom All Asia was astir from the Mediterranean to the Far East, from the Islamic West to the Buddhist East; Africa responded to the new spirit’ (Nehru, 1936, 68). Gandhi’s unique anti-imperialism sought to make borders irrelevant, while Tagore’s

exhaustive cosmopolitanism sought to make borders invisible. Both views were problematic for Nehru who quite liked borders in general and India's in particular (Kona Nayudu, 2015). The new Indian foreign policy would have to emphasize the sovereignty of newly decolonized nations, bringing into India's orbit Asian and African nations that could easily align with this vision (Bajpai, 1952). This became a key preoccupation for India when it became a founding member of the UN in 1945 and an independent nation two years later.

This critical intervention has not been adequately or accurately transcribed when it comes to histories of India's internationalism. The history of India's evolving internationalist thought is usually studied as disconnected from Indian decolonial thought (which is restricted to within the boundaries of British India), with some echoes in diasporic communities agitating for the freedom of India (Duara, 2003, 7). The question of how India's internationalist history is written is urgent because when chosen forms of historiography are privileged, certain normative commitments are also given more weight (Mehta, 2011, 166). India did not enter the international space by unthinkingly subscribing to ideals already valorized by the West, nor was India blind to the dangers of falling back into colonial internationalism in the name of those ideals (Muppidi, 2004). Yet, historians of India struggle with the notion of Indian internationalism outside of the phenomenon of Empire, war, transnational fluidity, and migration. Although immensely valuable in themselves, these conceptual tools do not fully capture the essentially internationalist character of early Indian diplomacy, particularly in its prescient espousal of the Afro-Asianist idea.

The Search for Afro-Asia

The imperialist foundations of the United Nations have been well analyzed through a series of historical and political prisms (Mazower, 2009, 30; Wertheim, 2020, 224; Mearsheimer, 1994). Within a decade of its founding, the UN veered from its promised internationalism and settled comfortably into a realist framework of international politics (Nolan, 2013). Intellectuals made the claim that the weight of European history had come to bear so mightily on the postwar structure of international politics that there would be no escaping it (Mazower, 2006). This was particularly true of European history as a source of modernity for the rest of the world. In particular, Americans were of the view that they had revised and updated Europe as an idea for the Third World to embrace and apply to their own political contexts as 'the accepted standards of civilized nations' (Mazower, 2012, 262; Westad, 2007, 485). As the tide of decolonization grew at unprecedented rates shortly after the 1940s, that monopoly became endangered and was met with consistent Western orientalist and racialized attacks from the Anglosphere, including on Nehru's proposed vision for a global India (Graham & Davis, 2020). Indeed, the activities of the UN's new members from the Afro-Asian bloc led to growing fear in the West, who feared a 'crisis of confidence' in the UN based on 'reckless anti-colonial resolutions' (Simões de Araújo, 2020, 107). The Second World extended

its own brand of internationalism to the decolonizing spaces of Asia and Africa through material aid and ideological support, as well as through preparing the UN for the latest ideological iteration of the internationalism debate (Mazower, 2012, 249). By the mid-1950s, the Soviets were courting the decolonized nations as a Leninist prediction come true (Westad, 2007, 68).

Nehru's anti-Cold War protests did not follow the trial and indictment route, but they made steady gains in the 1940s and 1950s through nudging and negotiating. As preeminent civil servant and diplomat Girija Shankar Bajpai once wrote, Indian foreign policy had taken into account the ancient Greek historian Thucydides' maxim: '... the powerful extract what they can and the weak grant what they must' (1952, 1). The founding of the UN validated Nehru's constant petitioning for Indians to retain their internationalism. Yet after 1947, the 'nation' risked becoming an overused image, the independence movement a spectacle, if its founding ideals could not be tied to those of other similar movements for self-determination, even if they involved competing views of the world. Thus, for Nehru and India, the UN was never imagined as an asylum from power politics, but as a space in which to calibrate Indian policies consistent with those of other Asian and African nations and to guard against the narcissistic triumphalism that would inevitably follow the British Empire. Furthermore, this new internationalist politics built on justice and peace was intended to broaden the scope of India's diplomacy. The idea of national interest had run its course and had led to the present state of world affairs precisely because imperial powers in the past and the two blocs in the present had overextended that argument (Mehta, 2003).⁴

Asia and Afro-Asia represented two kinds of geographies that Nehru thought in – his views on political struggle in the global sphere were in consonance with Gandhi's views on political movements in Russia, China, and Turkey, who he had said 'furnish matter for useful study or admiring observation' (Stolte & Fischer-Tiné, 2012, 67). The struggle to give form and meaning to Asia had achieved immense significance in his mind, a struggle shared by other thinkers, other peoples (Steadman, 1969, 35). As a discursive construct, 'Asia' could figure as an alternative conceptualization of geography. Indeed, it could be 'anti-modern, anti-secular, anti-nationalist' as an invocation (Bharucha, 2001, 152–153). Asia could also become the site of a superior modernity (Sarkar, 1922, p. iv). Japanese intellectuals in the West propagated '... the peace-loving credentials of Japan', and early Indian Asianists accepted that '... the new Japan that had not lost its originality under the influence of Euro-America' (Bose, 2021). Yet, for Nehru, influenced by Tagore's critiques, there was impatience with a Japanese Pan-Asianism, not least as it was not looked upon kindly by other Asian nations. Nehru sought to construct a new kind of Asianism unmoored from its old Japanese provenience, one which could expand into a larger Afro-Asianism (Saaler & Koschmann, 2007; Aydin, 2007; Stolte & Fischer-Tiné, 2012). Of course, India was to play a central role in this unmaking of the old Asianism and the making of the new Afro-Asianism (Singh, 2011).

A remarkable intellectual shift could have occurred when the term 'Asia' became conjoined with 'Africa'. Yet, because Indian thinkers saw Afro-Asianism

as an extension or widening of the Asianist political philosophy and Asianism as an extension of Indianness, there was no unfolding of the multiple meanings associated with each approach, or indeed, an engagement with the ways in which other states engaged those philosophies. The distinctions among Asianism, Afro-Asianism, and internationalism were not properly teased out but superficially layered upon each other so each layer could be peeled back to suit any particular event at which they had been invoked as a political imprimatur. These invocations took place at events such as at the Asian Relations Conference of 1947 or the more famous Asian African Conference at Bandung in 1955. Afro-Asianism, as a composite of India's Asianist principles and Third World solidarities, sanctioned an internationalist politics, which could be built on the critique of the UN's big powers. But the anti-colonialism that had comprised the foundation of this internationalist thought receded in strength with each extension, from Indian nationalism to Asian regionalism, and from Asian regionalism to Afro-Asian internationalism. Mostly this was due to an unclear perspective in New Delhi on the extent of Indian participation in Afro-Asian collectiveness. When faced with an inability to commit more fully to an expansive internationalist politics, India fell back into a more limited and comfortable Asianism, as noted in Indian diplomat and leader Krishna Menon's retrospective observation that for India, 'Bandung was largely Asian' (Brecher, 1968, 60).

Further probing this selective solidarity between India and the Afro-Asianist cause may explain the critical failures of India to appraise fully the then ongoing African experience of modernity or to generate possibilities for a coalition politics that could have arisen from within that historical moment (Burton, 2019). In part, this failure is the consequence of India's own particular positionality as an Asian state bound by the constraints of its statehood and under constant territorial siege following independence. A lack of reflection on the Pan-Africanism of the period, specifically the blistering critique of 'racial liberalism' offered by Pan-Africanist intellectuals, also contributed to this failure (Getachew, 2019). Toward the end of the 1950s and with the founding of the Non-Aligned Movement in 1961, an institutionalized allyship poorly substituted for the expansive intellectual roots of the pre-Indian independence internationalist era (McCann, 2019; Shimazu, 2013; Vitalis, 2013). For civil rights activist and Pan-Africanist W.E.B. Du Bois, 'the freeing of India' represented a global event (1947; 1907, 8; 1919, 62; 1916, 60; 1922, 203). The UN represented the promise of fellowship along 'colored' lines – especially when India introduced a bill on apartheid in South Africa or prefaced Indian petitions against the treatment of Indians in South Africa with anti-colonial appeals (Thakur, 2017; Rathore, 2021, 41; Loschke, 2020). Yet, membership of the UN had not translated to a more transnational colored cosmopolitanism (Slate, 2012, 245).

With the inauguration of the Non-Aligned Movement and its representation of Third World politics at the UN, India's Afro-Asian vision was expressed through 'a non-racially defined group of countries' (Abraham, 2008, 214). On the cusp of the Non-Aligned Movement's founding, in 1960, 16 African states joined the UN.

Western commentators saw the newly enlarged Afro-Asian bloc as a 'spectre [that] haunts the United Nations halls', for fear that the 'Western-oriented nations' may not be able to maintain their 'automatic two-thirds majority' (Logan, 1961). In response, Nehru adopted a conciliatory stance, noting the 'the insistent demand of the "uncommitted" countries for a systematic and world-wide assault on hunger, disease and ignorance' (ibid). The Non-Aligned Movement reinvigorated the idea of 'a common consciousness among the newly independent countries of the Third World', particularly regarding the most urgent issues facing them (Kaul, 1983). The developmentalism of 1960s UN diplomacy displaced the incisive anti-orientalist and anti-racist critiques from Asian and African leaders. The institutionalization of Afro-Asian collectiveness in a non-racially defined manner abruptly halted the development of India's internationalism and the solidarities forged therewith.

For India, Asia and Africa represented political traditions with deep resonance built on the everlasting echoes of colonization. In the early years, these visions provoked and strengthened each other, through emerging leadership and intellectual exchanges, even in the realm of diplomacy. By the 1960s, at least at the UN, that convergence stood interrupted. Did India's vision of Afro-Asian solidarity collapse?

There are multiple ways to examine this possibility. The first is the way histories of this period are framed along the Cold War/decolonization axis. The relationship between the Cold War and decolonization as explanatory frameworks faces a problem in the historical context of Afro-Asian collectiveness at the UN. Even though there has been in more recent times the sense that the impact the Cold War had had on African and Asian societies was uneven and warrants further study, there has been less discussion of how Afro-Asia impacted the Cold War (Roxborough, 2007, 808). This is particularly true of influences on the 'UN's ideational and normative role' during the Cold War (Weiss, 2015). Historians such as Odd Arne Westad warn against using the Cold War framework to overdetermine events that took place in the rest of the world (2013). There is a lack of scholarship on how the rest of the world viewed the Cold War, including diplomacy at the UN, protests emanating from the Third World, and India's definition of the UN as a 'good safety valve' (Mukherjee, 2010, 263). This lacuna in the UN's Cold War history becomes even more analytically muddled when claims are forwarded, which suggest that the UN represented the first political coalescence of Africa and Asia. Such claims impose on these geographical spaces a postwar framework as the only kind of temporal framework they could inhabit and suggest that as these countries became decolonized, they bestowed the structure of the UN with primordality over the politics of these nations. While this may be true of their respective state-led diplomacies, this was not true of their decolonial thought and subsequent critique of liberal internationalism that predated the UN, and in fact, anticipated its limitations. For many of these states, including India, their encounters with modernity began not at the end of the World Wars or the beginning of the Cold War, but followed their own anti-colonial movements and independence from imperial rule (Goswami, 2018).

Second, it is worthwhile to consider the growing internationalism of movements starting in the 1940s as the torch bearers of Afro-Asianist thought. In recent years, a

rich historiography reveals these sites as politically active beyond state representation. Conferences held outside of the UN dealt with questions of race, anti-colonialism, and power politics and became the venue to propagate this vision. Organized for the express purpose of accelerating Afro-Asian cooperation through the participation of state leaders and intellectuals, workers, and students, these conferences provided continuity to ideas. Most visible among such political gatherings in the late 1940s to the 1960s (and thereafter) were the 1947 Asian Relations Conference in New Delhi, the 1953 and 1956 Asian Socialist Conferences of Rangoon and Bombay, the 1954 conference of the Colombo Powers in Colombo, the 1955 Asian African Conference in Bandung, and the 1957 founding conference for the Afro-Asian People's Solidarity Organisation in New Delhi. As these conferences focused on normative breakthroughs rather than on organizational output, they may have inherited the pre-1960 Afro-Asian political consciousness exhibited at the UN. Perhaps in that sense, Bandung should remain wedded, not temporally but conceptually, to the establishment of the Non-Aligned Movement (Lee, 2009).

Finally, the study of mid-twentieth century Afro-Asianism presents a new way of thinking about the post-1945 global order. Afro-Asianism is a phenomenon that resists being neatly and uncritically folded into larger histories of liberal internationalism and state-led diplomacy. As the postcolonial diplomacy of India shows, even though interconnectedness in the Afro-Asian space was remarkable then, and is revelatory now, it does not provide the bedrock for a global history of the UN. Instead, it provokes historians into thinking not only beyond the state, but also beyond the state/non-state binary. Historians of this mammoth intellectual project should explore how responses to the liberal international had distinct sources or legacies, as well as critical encounters with other political traditions. Ethically charged politics is a seductive subject, often rendered intelligible through structures of resonance. But if the Afro-Asian movement adopts a critical posture, can lessons from its history truly be universal? Or are they imperatively rooted in the specific? The Indian case points to methodological difficulties in translating lessons from its Afro-Asian experience to the study of other postcolonial states. Indeed, the question of postcolonial futures is itself essentially diffuse – since 1945, the futures of states have been situated within them and at the UN, where connect to other futures that were unmade, made, and remade. If India's vision of Afro-Asian solidarity was one such future, it was imagined, achieved, and lost.

Notes

- 1 Although this had begun to change after the Russo-Japanese War of 1905 and the Russian Revolution of 1917, both events that had an enormous effect on the psyche of Indian thinkers. 'Russia has raised the seat of power for the dispossessed', said Tagore (2009, xliii).
- 2 Especially see Sen's discussion of Isaiah Berlin's reading of Tagore:

It is not difficult to call for a return to the past, to tell man to turn their backs on foreign devils, to live solely on one's resources, proud, independent, unconcerned. India has heard such voices. Tagore understood this, paid tribute to it, and resisted it.

- 3 Mehta refers to how the British rulers of India were 'like men bound to keep time in two longitudes at once'. Henry Maine, *The Effects of Observation of India on Modern European Thought* Cambridge, the Rede Lecture, 1875, quoted in Uday S. Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: University of Chicago Press, 1999), 13.
- 4 Mehta makes the argument that at the start of the twenty-first century, India needed to consider to what end it needed to acquire national power; as I argue here, India was also confronted with this dilemma in the previous century.

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3

THE PEACEFUL SETTLEMENT OF DISPUTES AND CHAPTER VI OF THE UN CHARTER

Forgotten “Cardinal Feature” of the Dumbarton Oaks Proposals?

Maja Groff

It seems to those who labor with these problems, that if the machinery for the peaceful adjustment of differences could be strengthened, if resort to such methods could become a settled practice, if sound decisions should become the rule,—if, indeed, a considerable share of the differences that arise among states were adjusted by these or similar means—real progress in the direction of world peace would be made. [...] The development of international law in step with the events to which it must be applied, and out of which new phases of it must emerge, and the development of the processes of conciliation and arbitration—the machinery for its application—would thus seem to be a challenge to the youth of today and tomorrow.

Green Hackworth, 1939

Green Hackworth, Legal Adviser to the US Department of State in the lead up to the development and negotiation of the 1945 Charter of the United Nations (UN), spoke, in 1939—just as the catastrophic and atrocity-filled Second World War was beginning—of a hope that the “peaceful adjustment of differences” among nations would eventually become a “settled practice,” and of the desirability that the machinery for the same would be progressively strengthened. Such core international legal machinery, indeed, was reinforced to some extent in the post-war 1945 Charter, relative to the even more fragile machinery which preceded it, thanks in part to Green Hackworth himself.

Whether the peaceful settlement of international disputes among nations since 1945 has become an adequately “settled practice” to some extent remains an open question, and one that is infrequently discussed in international relations discourses. On the one hand, formally speaking, virtually every nation in the world is a party to the 1945 UN Charter and accepts it—including its provisions on the mandatory

DOI: 10.4324/9781003218586-5

peaceful settlement of international disputes—as a binding and prevailing legal instrument (United Nations, 1945). The universal acceptance, in theory at least, of this principle, is remarkable. Additionally, international tribunals and other bodies that settle disputes or apply international law across a range of specific subject matter areas (for example, international criminal law, trade, and the law of the sea) have also multiplied since 1945, accompanied by increasing recourse to, and comfort with, these various types of international dispute resolution bodies by states from all regions of the world.

However, on the other hand, fewer than 40% of UN member states have to date accepted the compulsory jurisdiction of the International Court of Justice (ICJ), the principal judicial organ of the UN, whose Statute is integral to UN Charter itself. It is also telling that today, only one of the five Permanent Members of the UN Security Council, the United Kingdom, accepts the general jurisdiction of the ICJ, and only two, the United Kingdom and France, accept the jurisdiction of the International Criminal Court (ICC). Persistent contemporary geopolitical and military tensions may indeed further illustrate a general absence of a genuinely “settled practice” of peaceful settlement, as well as a lack of sufficiently strong international machinery for managing significant international disputes among nations “in step with the events to which it may be applied.”¹ The Statute of the ICJ, indeed, has remained “frozen in time” since 1945, as have the related provisions on the peaceful settlement of international disputes found in Chapter VI of the Charter, despite the intention of the drafters of the Charter to hold a general Charter review conference within ten years of its adoption.

In addition to what is arguably an outdated international machinery for the peaceful settlement of core international disputes, academics and policymakers have noted of late that what has been characterized as the “liberal international order” (Jain and Kroening, 2019), including the respect for and efforts for the advancement of international law, is under threat, occurring in parallel with backsliding on trends toward democracy around the world (The Economist, 2021; The Economist Intelligence Unit, 2021). Former heads of state, government ministers, and UN leaders have recently raised concerns that “even before the beginning of the pandemic, multilateralism was under threat and weakened by withdrawals from important treaties and forums, budget cuts and the failure to uphold international law” (Coalition for the UN We Need, 2020). In its 2019 analysis, the Stockholm International Peace Research Institute (SIPRI) observed:

evidence of an ongoing deterioration in the conditions for international stability. This trend is reflected in the continued rise in military spending and the estimated value of global arms transfers, an unfolding crisis of arms control that has now become chronic, and increasingly toxic global geopolitics and regional rivalries. There also remains a persistently high number of armed conflicts worldwide, with few signs of negotiated settlements on the horizon.

Stockholm International Peace Research Institute, 2020, 1

While SIPRI reported in 2020 that after a “sharp deterioration in global stability and security during the last decade, the balance sheet largely remained unchanged,” this lull came in a year dominated by the Covid-19 pandemic, with the outcome of the 2020 US election at least temporarily staving off some geopolitical deterioration as well (Stockholm International Peace Research Institute, 2021).

If the peaceful settlement of international disputes or “differences” were a settled practice, more than 76 years after the adoption of the Charter, one would not expect to see the worsening of unstable rival superpowers, regional power contestations, or prognoses of geopolitical crisis, crisis in rearmament, and crisis in multilateralism, from prominent voices in the diplomatic and international civil service spheres (see e.g., H.E. Mr. Agustín Santos Maraver, 2021; Alliance for Multilateralism, 2021). Further, such backward geopolitical trends come in an epoch that philosopher Toby Ord has christened “The Precipice,” where the global community confronts an acceleration of intersecting and potentially existential risks, including climate change, ecological collapse, and nuclear weapons: “[w]e see a species precariously close to self-destruction, with a future of immense promise hanging in the balance ... safeguarding humanity’s future is the defining challenge of our time” (Ord, 2020, 3).

The international community can ill afford destabilizing and regressive power contests at a time of “*polycrisis*,” during which increasing public resources (at all levels of governance, local to international) and new, significantly enhanced approaches to international cooperation will have to be mobilized to respond to the various present and future crises (Kostakos, 2021).² The UN Secretary General, in his 2021 *Our Common Agenda* report, notes that humanity is at a “stark and urgent” crossroads and that the international community faces a test in international cooperation that will result in either “breakdown or breakthrough,” with its greatest shared challenge since Second World War (United Nations, 2021a, 3; United Nations, 2021b).

Times of crisis, however, often invite a return to earlier ideas and foundational principles, and one of these is the need for the international community to give focused attention to the further, progressive development of core international institutional architecture—and, in particular, to the development of a more effective international rule of law and a more cogent, enhanced system for the peaceful settlement of international disputes, as so clearly sketched by Hackworth in 1939. In a time of mounting crisis, or even *polycrisis*, such a strengthening of core international architecture could be considered a positive collective geopolitical intervention and a “realist” maneuver, given the complexity of the climate challenge combined with other international problems and risks, and the urgent need for more effective and legitimate governance to address them. If the current age of the “Anthropocene” indeed represents humanity’s capacity to shape—and destroy—the life-support systems on Earth, a governance more firmly based on international law, rather than on an anarchic system of unstable and wasteful power contests, may be one fundamental collective “breakthrough” needed.

With this background in mind, this chapter explores: (1) the notion of Chapter VI of the UN Charter on peaceful settlement of disputes as the “cardinal feature”

of the United Nations architecture; (2) preparatory Charter deliberations on international judicial settlement at the Dumbarton Oaks meeting; (3) past “world peace through world law” proponents; (4) linkages of the principle of peaceful settlement to the more general progressive development of international law and the UN Charter as a still under-appreciated normative break in modern global history; (5) connections between and implications for global rule of law, human rights, and democracy; and (6) concluding thoughts on directions for the international community regarding the international rule of law and the reinforcement of core international legal institutions.

The “Cardinal Feature” of Peaceful Settlement

Described as a “quiet, diligent jurist” in his 1973 *New York Times* obituary (*The New York Times*, 1973), Green Hackworth was the longest serving legal adviser to the US State Department as of his retirement, assisting in that capacity for 15 years (1925–1946) during a time of monumental and unprecedented shifts in international legal and political relations (*The New York Times*, 1973). At the Dumbarton Oaks meetings from August 21 to October 7 of 1944 (also known as “the Washington Conversations on International Peace and Security Organization”), convened among the “Big Four” nations of China, the Soviet Union, the United States, and the United Kingdom to discuss key issues and consolidate agreement around a blueprint for new international security organization to replace the League of Nations, Hackworth served as the chair of a special Legal Subcommittee that dealt with “the question of the world court” (Hilderbrand, 1990, 116). He was a member of the United States’ delegation to the subsequent UN Charter negotiations in San Francisco in 1945, helping to prepare and finalize the statute establishing the ICJ (McKnight Beckman, 1969) and the Charter of the United Nations itself (*The New York Times*, 1973). As such, he is an interesting historical figure to consider for his comments on and conception of the purposes and key features of the new legal order he assisted in shaping.

In the lead up to these historic discussions, Hackworth described his work during the war to study, compile, and synthesize the latest thinking in international law at the time, as “the hardest job” he had ever done, as he painstakingly reviewed “all the documents and files accumulated in the State Department since 1906” (*The New York Times*, 1973). Subsequent to the adoption of the UN Charter and the establishment of the ICJ, he was elected as the first US judge on the court, serving for 3 years as its President and a total of 15 years as a justice (1946–1961), where he lamented what he saw to be an insufficient caseload of the court relative to the number of international disputes that might be resolved through adjudication.³

Indeed, Hackworth saw binding provisions on the resolution of conflicts between nations through judicial settlement—and other peaceful means—as

fundamental to the new post-war international order being established. In a 1945 address, Hackworth describes the peaceful settlement of international disputes provisions of the Dumbarton Oaks proposals—which would become the parallel provisions of the UN Charter—as an axis around that the whole Charter turns:

To summarize, *the cardinal feature of the Dumbarton Oaks Proposals is peaceful settlement of international disputes* [emphasis added]. Those proposals envisage an undertaking by the nations who would become parties to the Charter to be evolved to settle disputes by peaceful means. The different steps for such a settlement are [...] negotiation, mediation, conciliation, arbitration, or judicial settlement, or such other peaceful means as the parties may choose.

Hackworth, 1945, 128

After sketching out how he imagined the various draft Charter provisions working together, he noted that, under such a scheme, the use of force by the Security Council: “would be only a last resort and should, if these peaceful processes are followed, rarely if ever be necessary” (Hackworth, 1945, 128). As indeed underlined in the preamble and provisions on the Purposes and Principles of the 1945 UN Charter, the peaceful resolution of international disputes was a key obligation upon that the entire post-war order would rest: “All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered” (United Nations, 1945, article 2[3]).

However, in this 1945 address, Hackworth also remarks on the fragile potential of the provisions on the peaceful settlement of disputes that the negotiators were able to craft, given their dependence also on a cultural shift in the practice of statecraft:

We are faced not with a theoretical situation but rather with a practical question as to whether nations shall follow the course that they have followed through the centuries with one war after another, or whether nations are capable of reformulating their attitudes and conduct along enlightened and constructive lines by placing wars of aggression in the limbo of the past.

Hackworth, 1945, 128

He also speaks of the required vigilance of members of the legal profession and of “all seriously minded people,” who he said were faced with both a responsibility and an opportunity for the advancement of “law and order” in the international field; he notes that efforts to ensure the success of law and order among nations should be pursued with no “less vigilance than the maintenance of law and order within nations,” if peace were to be assured (Hackworth, 1945, 128). It is likely safe to say that this burden of responsibility of the legal profession and seriously minded people in large part has not yet been discharged.

Deliberations at Dumbarton Oaks

As with Green Hackworth's wide-ranging survey of existing principles of international law during the war, various branches of the preparatory work for a new, post-war "international security institution" began long before the discussions of the major powers at the Dumbarton Oaks meeting (Hildebrand, 1990, 5). President Franklin D. Roosevelt had indeed convened a group of "seriously minded people" during the war years to reflect on what would be needed to establish "a wider and permanent system of general security" (Peterson Hill, 2014, 244; Johnson, 1987). At the peak of the war in 1942, Roosevelt established an advisory committee, which included "high-ranking State Department officials, legal advisers, educators, historians, military leaders, the editor of *Foreign Affairs*, and even FDR's special representatives to the Vatican" (Peterson Hill, 2014, 244) to have frank and private discussions behind closed doors on the possible features and nature of a new "permanent system"/international institution for the preservation of international security (as called for in the Atlantic Charter of 1941), "at a time when democracy was fighting for its life" (Baratta, 2004, 96).

With Green Hackworth at Dumbarton Oaks serving as chair of the special Legal Subcommittee for the consideration of an enhanced "world court," on its first meeting on 24 August 1944, this subcommittee decided to "base its discussions on the American draft statute" of a new international court, as it was this was the only draft statute that had been prepared by a delegation (Hilderbrand, 1990, 166). An Inter-Allied Committee on Statute Revision had been formed previously and met in 1943, with "representatives from eleven European and commonwealth nations" to suggest changes to the now-moribund Permanent Court of International Justice (PCIJ), the international court provided for in the Covenant of the League of Nations (1922–1946) (Hilderbrand, 1990, 117).

Historian Robert Hilderbrand notes that

[t]he hopes of all three delegations for a world based on law depended on a revived and more effective world court The central idea here was the nineteenth century notion of an ordered world, where nations agreed to submit their differences to an impartial tribunal for resolution in accordance with the principles of international law.

Each of the three delegations' preliminary proposals for the new international system included an international court, but only American officials had begun the preparatory work of fleshing out the proposed institution in some detail (Hilderbrand, 1990, 115). An aim of the Dumbarton Oaks Conference was therefore to discuss possible avenues toward giving a new or successor world court a much stronger foundation as an arbiter of international justice and to contribute to the maintenance of a more durable international peace; these goals were met with mixed success.

On the one hand, the new world court—which would become the ICJ, replacing the PCIJ and commencing operations in 1946—was decided to be much more closely aligned to the new “international security organization” of the United Nations, with its statute annexed and considered an integral part of the Charter. It thus contained provisions such that every nation member of the UN would be, *ipso facto*, parties to the statute of the court by virtue of membership in the United Nations itself (United Nations, 1945, 93[1]).⁴

The tension between what would become the powerful veto-bearing states under the 1945 Charter (which of course included the Four Powers gathered in Washington) and the smaller states was illustrated in debates at and previous to Dumbarton Oaks over how to strengthen the influence of an international court. One issue was the enforcement of court judgments. Whereas smaller states had pushed for the new Security Council to oversee the execution of these judgments in a mandatory fashion in order to provide a reliable enforcement mechanism, the great powers balked at this suggestion, only accepting a compromise in which the new Security Council could choose whether and when to selectively enforce judgments of the court (Hilderbrand, 1990, 119; Hackworth, 1945, 128).

A second major issue discussed was whether the new court should have compulsory jurisdiction over certain matters, as would be normal when establishing a rule of law system in a national context and was an option that some UK and US officials working on proposals for a new world court had supported (Hilderbrand, 1990, 119–120). It was clear to all that the lack of obligatory jurisdiction provisions with respect to the PCIJ and the related League of Nations Covenant provisions weakened the court’s ability to serve as a stabilizing influence in international affairs and to protect the rights of smaller nations in the face of larger ones. Political power and influence of the Russians and Americans in particular effectively barred a new schema based on compulsory jurisdiction, in large part replicating and perpetuating a key weakness in the League of Nation’s framework (United Nations, 1946, article 36[2]).⁵

Previous to the Dumbarton Oaks discussions, the US State Department had at one point considered the world court as the “‘pillar’ of international institutions” but had “moderated that view as it focused its attention on security” (Hilderbrand, 1990, 115). Given the compromises made and the reality of political considerations, including the requirement that the new organization had to be approved by the US Senate, the international legal institutions did not establish a system of effective universal law, and the great powers gathered preferred to preserve their prerogatives. However, as British historian and diplomat Charles K. Webster has noted, the Charter contained “aspirations which the authors know cannot be immediately realized, to make, as it were, an appeal to posterity” (Hilderbrand, 1990, 121). As with Hackworth’s call to the legal profession and other “serious-minded people” for vigilance and constant efforts to uphold and strengthen the international legal order, this appeal to posterity seems to have been largely lost to the ages; since 1945, there have been very few serious attempts nor mainstream consideration, for example, of taking forward the idea of ensuring a world court with compulsory,

universal jurisdiction, or for a consistent and reliable enforcement mechanism to uphold the international rule of law.

Some prominent American legal and governmental advisers, as well as influential individuals in US decision makers' professional circles, would criticize the outcomes of Dumbarton Oaks and associated negotiations for what they saw as a weak and ineffectual attempt to protect international peace and security, both in terms of the Charter's provisions for international dispute settlement and the architecture of the General Assembly, among other things (Peterson Hill, 2014, 161).⁶ While other officials involved may have indeed shared such concerns, some "urged unconditional acceptance of the Dumbarton Oaks proposals and a gradual strengthening of the UN over time" (Peterson Hill, 2014, 161). While the UN has evolved and developed in multiform ways in the past more than 76 years within the parameters of the existing 1945 Charter, it indeed seems curious that the main architecture for its "cardinal feature" has not been significantly strengthened since 1945, and that such strengthening is rarely the object of discussion.

Peace through Law Movements: Beyond a "Resort to Self-Help"

The Dumbarton Oaks talks and the resulting 1945 UN Charter were a—some would say modest—step forward in solving the age-old problem of nation states "resort[ing] to self-help" when unavoidable problems arise among them, as noted by Green Hackworth in 1939 (Hackworth, 1939, 149). Hackworth emphasized that regular conflicts or differences among actors (in this case, nations) and the need for appropriate, peaceful dispute resolution mechanisms is inherent in the "problem" of being neighbors (Hackworth, 1939, 149). Pioneering peace studies scholar Johan Galtung echoes this point and notes the necessity of mediation and other mechanisms to manage the inevitable conflicts among parties, neighbors, and diverse actors.⁷ Human societies are thus responsible for developing and maintaining adequate mechanisms to deal with inevitable differences and conflicts—from the local to the global—fairly and peacefully.

The conceptual history of international law as an instrument for a sustainable peace, with law and neutral international dispute resolution institutions replacing the recourse to war and military contests, has a relatively long trajectory in international philosophical and political thought. The first two Hague Peace Conferences of 1899 and 1907 achieved milestones in this respect, including the establishment of the Permanent Court of Arbitration, intended to replace inter-state war with dispute settlement by international arbitration, alongside other measures for the peaceful resolution of disputes (Convention for the Pacific Settlement of International Disputes, 1899). Legal scholar James Taylor Ranney, in *World Peace through Law: Replacing War with the Global Rule of Law*, charts the historical legacy of the notion of achieving peace via international adjudication, citing proposals for international legal institutions to settle inter-state disputes, as early as King George

of Bohemia in 1464 (Ranney, 2019, 15). Ranney notes that at least five American presidents (Ulysses S. Grant, Teddy Roosevelt, William Howard Taft, Dwight D. Eisenhower, and John F. Kennedy) endorsed some version of the “world peace through world law” idea (Ranney, 2019, xii).⁸

The concept of peace through international law or adjudication has largely fallen into disuse as an object of mainstream deliberation/discussion; few public intellectuals today speak about this idea, whereas before First World War, the “American peace movement was dominated by prominent establishment jurists and industrialists” (Kennedy, 1987, 879–880). The last instance of serious, comprehensive attempts by influential officials may have been the work of public legal intellectuals Grenville Clark and Louis Sohn,⁹ who in the 1950s and 1960s proposed a new, stronger iteration of key features of the 1945 UN Charter. Their successive editions of *World Peace through World Law* echo key points made by Hackworth and others:

The nations of the world can be expected to renounce force or the threat of force as a means of dealing with international disputes only if *adequate alternative* means are provided for the peaceful settlement of these controversies. This is the age-old experience as to disputes between individuals and communities within a nation. It is no less true of international disputes.

Clark and Sohn, 1966, 89

Clark and Sohn, indeed, focused much intellectual effort in the 1950s and 1960s on developing proposals to correct what they saw as the deficiencies of the 1945 Charter, devising comprehensive plans for what such “adequate alternative means,” based on the international rule of law and strengthened international legal institutions, could look like, in the form of a significantly upgraded United Nations Charter. They argued that a new generation of “carefully organized world institutions” was “essential” to ensure a durable international peace (Clark and Sohn, 1966, 89).

The 1945 UN Charter as a Paradigmatic and Normative Break

The 1945 UN Charter, duly ratified by the US Senate (no doubt benefitting from the careful preparation of the State Department), was, along the arc of global history, another step toward building a credible international rule of law system. The Charter facilitated a range of improvements to the Covenant of the League of Nations, including, enhanced and “binding clauses obligating states to cooperate, renunciation of both the threat and the actual use of force, and members pledging to use peaceful means of settlement for the resolution of international disputes,” among others (Peterson Hill, 2014, 161). Chapter VI of the Charter is devoted to the pacific settlement of international disputes, outlining the range of (voluntary) options available to states to resolve their differences safely, including by “negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to

regional agencies or arrangements, or other peaceful means of their own choice” (United Nations, 1945, article 33[1]). Importantly, the Charter also set out the frame for the “progressive development of international law” and the shared intention “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained” (United Nations, 1945, article 13(1) (a) and preamble). This legal framework, building on the previous steps forward by the League of Nations Covenant and other ground-breaking instruments, like the Kellogg-Briand Pact of 1928 that sought to outlaw war, was a far cry from traditional understandings in global politics where international threats and use of force, in various contexts, were considered an inherent and legitimate part of statecraft.¹⁰

Scholars, however, have noted that Chapter VI of the Charter on the peaceful settlement of international disputes hasn’t been used as commonly or as effectively as the architects of the Charter—like Green Hackworth—intended (Tomuschat, 2012, 1085). Further, its key principles and ethos have hardly dominated political science, international relations, or even international legal discourses as a clearly identified “cardinal feature” of the instrument. However, despite general under-use and muted prominence, as well as weak enforcement and jurisdiction provisions for peaceful dispute mechanisms, recourse, for example, to the ICJ for decisions and advisory opinions within the limitations of the current system has been significant.¹¹ The (slow) accretion of the international norms and the diverse practices of bodies that peacefully settle international disputes provide for optimism, despite their current patchwork-like quality.¹²

Despite the proliferation of international dispute resolutions mechanisms in specific subject-matter areas outside of the Charter itself (e.g., the World Trade Organization [WTO] dispute resolution mechanism, the International Tribunal for the Law of the Sea, the ICC, and ad hoc international criminal tribunals), as well as the proliferation and maturation of a multitude of international treaties (over 600 have been deposited with the UN Secretariat) and other legal norms since 1945, the goal of putting the international rule of law and peaceful settlement of disputes among nations on even more solid foundations remains unmet—as a range of those involved in the 1945 Charter negotiations had indeed hoped for, with what they saw as an implicit message to posterity embedded in the provisions agreed upon at that time.

According to its Article 109(3), the Charter was anticipated to undergo a comprehensive review within 10 years; here again, the necessity for the review and improvement of an imperfect and nascent system seems to have been forgotten. There are still debates, for example, about whether international law should be conceived of as a “legal system” (see, e.g., Payandeh, 2010), largely, it could be argued, because institutions have not matured past fragile “alpha” and/or “beta” phases represented in the League of Nations and the 1945 Charter, to ensure that there is a more adequate institutional efficacy to ensure the more reliable application and enforcement of international law, and the upholding of the key international norm

of the peaceful settlement of disputes. The message of past thinkers and architects of “world peace through world law” has been muffled, and few prominent diplomats or thinkers, to date, call for the substantial reinforcement of this core architecture and institutional capacity.

Further, the key global “cultural” and “sociological” norms of the “peace through law” idea embedded in the Charter have yet to be internalized by national and global society. For example, the late US international legal scholar Louis Henkin noted that the UN Charter clearly intended to outlaw “war” as an institution (Henkin, 2005, 819), yet legal and political discourses—including official discourses—still use this term; contemporary scholarship has likewise highlighted the way the older concept of “war,” as opposed to the post-war, modernized terminology used in the Charter, peppers other bodies of international law and various legal/political discourses (Clapham, 2021). Recent popular “macro-historical” accounts of world history note the extraordinary “long peace” and decline in international wars since 1945, but without due acknowledgement of how central and transformative the Charter and the novel legal–normative break it enshrines has been to this (still-fragile) world–historical transition.¹³

Connections and Implications for Global Rule of Law, Human Rights, and Democracy

The UN Secretary General’s 2004 report to the Security Council offered a definition of “rule of law” as follows:

a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.

United Nations Secretary General, 2004, 4

This definition reflects a so-called thick description or definition of the principle of the “rule of law,” containing aspects of human and civil rights (procedural and substantive) and citizen participation in decision-making.¹⁴ The preamble of the 1948 Universal Declaration of Human Rights underlines the need for human rights to be protected by the rule of law as a fundamental element of a social contract between a government and citizens (United Nations General Assembly, 1948, preamble). Countless high-level declarations and statements have been made about the importance of the rule of law “at the national and international” levels under the auspices of the UN, both by heads of governments/national representatives, as well as by the various principal organs of the UN.¹⁵ Further, the UN General Assembly,

affirmed in a 24 September 2012 Declaration that “human rights, the rule of law and democracy are interlinked and mutually reinforcing” and that “they belong to the universal and indivisible core values and principles of the United Nations” (United Nations General Assembly, 2012, para. 5; Tommasoli, 2021). The “crystallisation of a core EU [European Union] meaning of the rule of law” has likewise been identified by scholars, as a value or principle that reinforces other core EU values, such as democracy and human rights (Grogan, Laurent, *et al.*, 2021, 5).

In addition to the interlocking values—namely, human rights, the rule of law, and democracy—present within systems implementing or advocating for modern notions of the rule of law, international legal thinkers across generations, as described above, have underlined the connection between an international rule of law and a sustainable global peace. Jurist Hans Kelsen (1942, 1), who argued before the finalization of the Charter that supremacy of international law was the only way to ensure a sustainable international peace, expressed that:

Law is, essentially, an order for the promotion of peace. Its purpose is to assure the peaceful living together of a group of individuals in such a way that they settle their inevitable conflicts in a peaceful manner; that is, without the use of force, in conformity with an order valid for all. This order is the law.

Such a statement should bear on all levels of governance, including the international, where international legal institutions still remain weak and insufficiently developed. Every country in the world has a legal system putatively based on a theory of the rule of law,¹⁶ with the roots of various legal systems drawn from various sources and traditions (including customary/indigenous, religious, among others) and combinations thereof.¹⁷ The international system, based on this broad international acceptance, could take steps to more fully implementing this principle of rule by law at the global level.

Against such a backdrop, populations around the world—the “We the Peoples” featured in the preamble of the Charter—should have a reasonable expectation that their national governments and all UN member states are held accountable for respecting the terms of UN Charter; e.g., to abstain from the threat or use of force, settle differences peacefully, establish a robust international system for arms control—fundamental to the maintenance of a peaceful international order, and that these international obligations are enforceable through adequate institutions. It seems strange that, for example, the international court of general jurisdiction, the ICJ, still remains an optional institution, and that the international architecture lacks basic features of impartial enforcement and accountability, as described above in the Secretary General’s definition of the rule of law.

Moreover, as is evident in national systems, the rule of law is a fundamental governance tool to ensure the delivery of key public goods, such as a healthy environment

and respect for human rights. A more viable and strengthened international rule of law could be considered a sort of “meta” global public good fundamental to the delivery of diverse global public goods (Groff, and Karlsson-Vinkhuyzen, 2019). Improved international law across a range of global governance areas badly in need of resolution/management (e.g., weapons of mass destruction, climate, environment) could be instrumental in delivering on a range of issue areas of significant global public concern. One can see poignant current examples of the precariousness of the current global governance situation with respect to the absence of an adequate international rule of law, especially in the climate and ecological spheres. Citizen and youth groups around the world are bringing national citizen lawsuits (in the absence of reliable international mechanisms) to try to hold their governments accountable for their international climate obligations, with varying success and nowhere near the required scale or universality to definitively shift state behavior.¹⁸ Adequate measures for the reliable application and enforcement of international law could today be seen as part of general citizen entitlement, and the consequences of not having such measures of accountability have ramifications for global democracy, across diverse countries. Apex international institutions that do not fully embody key values associated with democracy, human rights, and the rule of law also provide cover for national governments that may be undermining these values.

“New Phases” Which “Must Emerge”

The progress made to date—with a modern turning point represented by the establishment of the UN—on shared global institutions that enshrine collective, universal norms, has undoubtedly contributed to the development of more universalistic human identities and a shared commitment to “multilateralism” (*i.e.*, to the tools of peaceful, inter-state collaboration) among diverse global leaders.¹⁹ It could be argued, however, that a greater measure of such a shared identity than currently exists would be an important foundation for the next generation of international institutions and a next step forward in the development of a more robust international rule of law; or, at least, such a foundation could make such steps significantly easier. This international process toward a greater “civic globalization,” where “national identity frameworks are being superseded to varying degrees by universalistic and civilizational identities,” is an ongoing and perhaps unpredictable one (Falk, 2014, 26–27).²⁰ A multitude of obligations exist in various international treaties and other instruments, such as the 2015 Sustainable Development Goals, for states to educate national populations on international norms and values, but there have been vastly inadequate education efforts despite such treaty obligations (Lopez-Claros, Dahl and Groff, 2020, Chapter 19).²¹

Social anthropologist Douglas Fry has offered an analysis, based on a comparative study of various inter-group dynamics at different times and places, on the key cultural and sociological features needed to maintain peace, in addition to “superordinate institutions for conflict management” (Fry, 2012).²² These features

include: an overarching social identity; interconnections among subgroups; interdependence; non-warring values; and symbolism and ceremonies that reinforce peace (Fry, 2012). One might assess current international values and conditions in the light of these criteria. A next phase of enhanced international institutions would also create culture, and the social features identified by Fry would be supported by such institutions. For example, the peaceful settlement of international disputes, if embraced as a more “settled practice,” including through modernized and strengthened international legal institutions, would represent a cultural commitment to “non-warring values.”

As humanity speeds toward its shared, challenge-ridden future in an intellectual environment characterized by a certain amnesia in relation to key tenets of our current global order, it seems unfortunately probable that:

[t]he peoples of the world will be participants in an ongoing historical cosmodrama that is likely to swerve to and from before it arrives at some outcome that is sufficiently stable to give rise to a new generalized account of world society.

Falk, 2014, 29

To offer some antidote to such an unstable trajectory, the international community would do well to make efforts to accelerate the process of internalizing the helpful, stabilizing key international norms established in the wake of the Second World War, and of fully understanding the historical moment represented by the 1945 Charter’s fundamental re-formation of the global sociological landscape among nations and peoples; e.g., outlawing the cross-cultural human institution/practice of war and setting the framework for an international rules-based order, in need of vigilance and progressive strengthening if it is to have the intended effects. Given acknowledged regressive geopolitical trends and the worsening of planetary conditions, a greater awareness of and work toward the unfinished labor of the post-war architects, particularly in relation to key international legal institutions, would be a worthy object of focus (United Nations, 2021a, 25).²³ While many of the political and technical challenges, as well as the need for vigilance and exertion, that Hackworth mentions in 1939 and 1945 still apply, there today exists strong international consensus on the notion of the “rule of law”; it has been suggested that “no other single political ideal has ever achieved global endorsement,” even “without agreement upon precisely what it means” (Tamanaha 2004, 3–4).

The core peaceful dispute settlement Chapter of the UN Charter, Chapter VI, and the ICJ are overdue for upgrades in the light of the almost 77 years since their adoption and the progressive evolution and increased sophistication of contemporary international law and international tribunals, lessons from that new

institutions and approaches could draw (Lopez-Claros, Dahl and Groff, 2020).²⁴ Such an upgrade should be devised in the light of a broader vision of a stable international order capable of managing the range of contemporary challenges and should include, *inter alia*, a careful yet consciously progressive and ambitious, technical effort to build the capacity of a renewed ICJ so it can fulfill its purpose as a true “principal judicial organ” of the United Nations.²⁵

In relation to the question of whether the larger or more powerful states would yield to a more robust international rule of law system, one would hope that power for power’s sake may lose its luster in the light of, among other things: the failure of the international community to deliver to date on key global public goods; the benefits for all nations in participating in a more fair, rules-based order; and the intersecting, dire international challenges that require much greater global collaboration. In terms of the latter, the “power politics of nature” may at a certain juncture take over, dwarfing the power of any one individual state (even the most powerful), and making national aspirations for relative military dominance redundant in the light of a shared emergency.²⁶ Global ecological or other existential risks also exacerbate other systemic global risks (e.g., global financial, technological) that can only be managed meaningfully by enhanced rules-based institutions. The provision of reliable international judicial settlement and the development of international law were considered an international security measure at and in the lead up to Dumbarton Oaks, just as it should be today. From the perspective of both “hard” and “human” security, societies around the world are currently facing various consequences of *not yet* sufficiently embracing a proper international rule of law and of the slow development of a system for the peaceful settlement of international disputes, including destabilizing geopolitical maneuvers, brutal conflicts, and economically wasteful arms races (Stockholm International Peace Research Institute, 2021). The global public pays tremendous costs for the lack of a stronger international legal system across various vital policy areas.²⁷

It remains to be seen whether enough leaders from diverse nations²⁸ and from other sectors of society will recognize the importance of the international rule of law—inextricably linked to the obligation of peaceful settlement of international disputes—within the context of key governance values needed to address our contemporary, shared international problems. That is, leaders who possess a “broader perspective” on the (hoped for) international trajectory of global society away from repeated, unstable violence (Habermas, 2012) and who understand the benefits that would be conferred by such international progress, relating to, for example, new levels of achievement in sustainable economic prosperity, general human welfare, and the management of climate change and related planetary ecological threats. It would indeed be welcome to see signs of a definitive shift by the international community away from its perch on “The Precipice” toward expending its combined energies on effectively managing shared crises and building the collective institutions more capable of addressing the same.

Notes

- 1 One need only look to tensions present, at the time of writing, on the border of Ukraine and the Russian Federation, as well as issues and attempts at peaceful settlement regarding the South China Sea artificial islands/military installations in recent years, as two prominent examples, among others, as well as the generally observed military build-ups across diverse nations, which seem to indicate a continuing theory/reality of the use of force as a key tool in international relations. See, e.g.: Stockholm International Peace Research Institute (2021) *World military spending rises to almost \$2 trillion in 2020*. Available at: www.sipri.org/media/press-release/2021/world-military-spending-rises-almost-2-trillion-2020 (Accessed 24 December 2021).
- 2 *Polycrisia* is defined by Kostakos as:

the period of human history when there is a succession of crises [e.g., pandemic, climate, biodiversity, financial, geopolitical, etc.], one after another but also overlapping, straining the assets meant for emergency response and forcing a different kind of planning and implementation cycle on public administrations, private companies and individual households alike.
- 3 It is noted that: “He seemed, however, somewhat disturbed with what he considered a light case load [of the ICJ].” The court, he said in 1958, “would be glad if it were faced with a full calendar of cases and were thus enabled to play a greater role in the adjustment of international disputes” (*The New York Times*, 1973).
- 4 In contrast, see League of Nations (1919) *Covenant of the League of Nations*, 28 April 1919, articles 13 and 14. Available at: https://avalon.law.yale.edu/20th_century/leagcov.asp (Accessed 24 December 2021).
- 5 The ICJ Statute contains an optional provision whereby a state can voluntarily declare to accept the general jurisdiction of the court. Fewer than 40% of UN member states have to date made such a voluntary declaration, and many who have made such declarations have “carved out” types of disputes excluded from its scope.
- 6 One of these prominent critics was Grenville Clark, a consultant to the US Secretary of War Henry Stimson. Clark remarked that the “Dumbarton Oaks conference is on the wrong track and is likely to bring out a plan that is weak, inefficient and hardly worthwhile.”
- 7 See a collection of writings and key theoretical perspectives in: Galtung, J. and Fischer, D. (2013) *Johan Galtung. Pioneer of Peace Research*. Berlin, Heidelberg: Springer.
- 8 This support of international dispute settlement via international law by multiple US Presidents is perhaps unsurprising, given American constitutional values and a historic aversion to “foreign entanglements,” as George Washington’s 1796 farewell address famously warned against.
- 9 Clark was a Wall Street lawyer and, as noted, a consultant to the Secretary of War Henry Stimson from 1940–1944, and Sohn a professor at Harvard Law School.
- 10 For an account of the evolution of international norms against the inter-state use of force, see: Hathaway, O. and Shapiro, S. (2017), *The Internationalists: How a Radical Plan to Outlaw War Remade the World*. New York: Simon and Schuster.
- 11 For a summary of the achievements and influence of the ICJ as currently constituted, see, for example: Couvreur, P. (2017) *The International Court of Justice and the Effectiveness of International Law. Collected Courses of the Xiamen Academy of International Law*, Vol. 9. Leiden, Boston: Brill.
- 12 See current accounts in, e.g., Tanaka, Y. (2018) *The Peaceful Settlement of International Disputes*. Cambridge, UK: Cambridge University Press; Weller, M., Retter, M. and

- Varga, A. (eds.) (2021) *International Law and Peace Settlements*. Cambridge, UK: Cambridge University Press.
- 13 See, for example: Harari, Y.N. (2015) *Sapiens: a brief history of humankind*. Random House UK Ltd, pp. 414–415.
 - 14 For a description of so-called “thick” and “thin” definitions see, e.g.: Tamanaha, B. (2004) *On the Rule of Law. History, Politics, Theory*. Cambridge, UK: Cambridge University Press; Tamanaha, B. (2007) ‘A Concise Guide to the Rule of Law’, *St. John’s Legal Studies Research Paper No. 07–0082*. Available at: <https://ssrn.com/abstract=1012051> Accessed 24 December 2021.
 - 15 See description of some of these in: Groff, M. and Karlsson-Vinkhuyzen, S. (2019) ‘The Rule of Law and Accountability: Exploring Trajectories for Democratizing Governance of Global Public Goods and Global Commons’, in Cogolati, S. and Wouters, J. (eds.) *The Commons and a New Global Governance*. Edward Elgar Cheltenham, pp. 130–159.
 - 16 For rankings of systems, see: World Justice Project (2021) *WJP Rule of Law Index 2020*. Available at: <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020> (Accessed 24 December 2021).
 - 17 See, for example, a mapping of global legal systems at: JuriGlobe (2021) *University of Ottawa*. Available at: www.juriglobe.ca/eng/ (Accessed 24 December 2021).
 - 18 See, e.g., recent exceptional cases in the Netherlands, France, and Germany. BBC (2021) ‘Shell: Netherlands court orders oil giant to cut emissions’, *BBC*, 26 May 2021. Available at: www.bbc.com/news/world-europe-57257982 (Accessed 24 December 2021); Willsher, K. (2021) ‘Court convicts French state for failure to address climate crisis’, *The Guardian*, 3 February. Available at: www.theguardian.com/environment/2021/feb/03/court-convicts-french-state-for-failure-to-address-climate-crisis (Accessed 24 December 2021); Connolly, K. (2021) ‘Historic’ German ruling says climate goals not tough enough’, *The Guardian*, 29 April. Available at: www.theguardian.com/world/2021/apr/29/historic-german-ruling-says-climate-goals-not-tough-enough#:~:text=Germ any's%20supreme%20constitutional%20court%20has,complaint%20brought%20by%20e nvironmentalist%20groups (Accessed 24 December 2021); See proposal and campaign for an International Court for the Environment in: Global Challenges Foundation (2021) *Governing Our Climate Future. Interim Report of the Climate Governance Commission, 2021. A GCF Report*. Stockholm: Global Challenges Foundation. Available at: <https://globalchallenges.org/governing-our-climate-future/> (Accessed 24 December 2021), at p. 53.
 - 19 See for example, despite the time in many ways marking a (dramatically) low ebb for multilateralism, the strong statements in support of the need for global cooperation, upon the UN 75th Anniversary in: Coalition for The UN We Need (2020) *Eminent Persons Open Letter*. Available at: <https://c4unwn.org/open-letter/> (Accessed 24 December 2021); United Nations General Assembly (2020), *Declaration on the commemoration of the seventy-fifth anniversary of the United Nations*, United Nations, A/75/L.1. Available at: <https://undocs.org/A/RES/75/1> (Accessed 24 December 2021).
 - 20 Falk goes on to note that:

civic globalization is also often the bearer of undertakings that reflect commitments to the *human* interest and to *human* security rather than to more exclusive perspectives centering on nation, religion, ethnicity The development of a global rule of law is a central goal of [this process of] normative globalization.
 - 21 However, our various, shared pandemic and existential ecological challenges may represent organic forces that further catalyze the consolidation of such shared international identities. Also, it is telling that in our times there is even close global collaboration of “trans-national nationalists” across diverse nations. See, e.g., Zerofsky, E. (2021)

- 'How the American Right Fell in Love with Hungary', *The New York Times*, 19 October. Available at: www.nytimes.com/2021/10/19/magazine/viktor-orban-rod-dreher.html (Accessed 24 December 2021).
- 22 The societies analyzed include: (1) Upper Xingu River basin tribes of Brazil; (2) The Iroquois Confederacy of upper New York State; and (3) The European Union.
 - 23 The UN Secretary-General has recently called for a "new vision for the rule of law" at the national and international levels, without providing a detailed vision of what this might contain, however.
 - 24 See Chapter 10. The sketch of possible approaches to reforms also includes other international legal institutions.
 - 25 Also, once an institution is established or reformed, those managing and operating should remain vigilant as to quality, improvement, and should learn from other institutions, to ensure appropriate review and progressively improved quality of such institutions. See, for example, International Criminal Court (2020), *The Independent Expert Review of the International Criminal Court* commissioned by the ICC Assembly of State Parties (ASP), reported on 30 September 2020. Available at: https://asp.icc-cpi.int/en_menus/asp/Review-Court/Pages/Review-Mechanism.aspx (Accessed 11 January 2022).
 - 26 See, for example, a description of possible "Hothouse Earth" scenarios, if unpredictable planetary "tipping points" are crossed, leading potentially to out of control and irreversible extreme global heating: Steffen, W., Rockström, J., et al. (2018) 'Trajectories of the Earth System in the Anthropocene', *PNAS*, Vol. 115(33), pp. 8252–8259. Available at: doi: 10.1073/pnas.1810141115 (Accessed 24 December 2021).
 - 27 For example, the estimated over 3 trillion dollars lost from the global economy to corruption globally per year, despite an almost universally ratified UN Convention against Corruption (UNCAC). An international enforcement mechanism, in the form of an international anti-corruption court (IACC) is being proposed to bridge this enforcement gap. Integrity Initiatives International (2021) *About the IACC. An International Anti-Corruption Court*. Available at: www.integrityinitiatives.org/about-the-iacc (Accessed 11 January 2022).
 - 28 Any individual nation can potentially be influential in multilateral processes, no matter how small; for example, see the leadership role that the Republic of the Marshall Islands played at the 2015 negotiations of the Paris Agreement and beyond. High Ambition Coalition (2021) *About*. Available at: www.highambitioncoalition.org/work (Accessed 11 January 2022); Ourbak, T. and Magnan, A.K. (2017) 'The Paris Agreement and climate change negotiations: Small Islands, big players', *Regional Environmental Change*, 18, pp. 2201–2207. Available at: <https://link.springer.com/article/10.1007/s10113-017-1247-9> (Accessed 11 January 2022).

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PROOF

4

THE POSTWAR EUROPEAN INTEGRATION PROCESS AND THE PROGRESSIVE CONSTRUCTION OF A SUPRANATIONAL LEGAL ORDER

Susanna Cafaro

In 1941, during World War II, at a time of dissolution of so many states under the Nazi occupation and of total uncertainty for the future, a small group of intellectuals – confined to a rocky island called Ventotene, as condemned by the fascist regime for “political crimes” – looks at the big picture. Their long sight is delivered to a short document: the Ventotene Manifesto, today 80 years old. The authors, Altiero Spinelli, Eugenio Colorni, and Ernesto Rossi start their document (Spinelli et al., 1941) with a concise analysis of the overall political situation then investigate the origins of the war and its possible consequences. The scenario is not only historical and political, but also philosophical and economic. The Manifesto is a bold text that does not set conceptual or sectoral boundaries. The authors identify nationalism as the enemy to be defeated and seem to almost absolve the people who become its – often unconscious – tools. The power and danger of nationalist ideas and propaganda – blowing on the fire of an alleged superiority of one people over another – unleash the worst instincts and make individuals puppets in the hands of puppeteers (the authoritarian regimes) who, like Disney’s apprentice sorcerer, lose control and measure of the forces they unleash. The charm of these considerations lies not only in the amplitude of their breath, but also in the authors’ ability to distance themselves and look with a detached eye, as if they were not, themselves, immersed in the nefarious effects of this debacle.

Fast-forward: on 9 May 1950, Robert Schumann, French foreign affairs minister, proposes to Germany the creation of a European Coal and Steel Community (ECSC), whose members would pool in a single market their coal and steel production – strategic resources in times of peace and, even more, in times of war – and make them accessible to all without discrimination. The idea – completely out of the box of classical international law and relations – comes from an

DOI: 10.4324/9781003218586-6

intellectual and free thinker whose name is Jean Monnet, who had experienced, as French military officer, the management of a supranational Allied office (of his own creation) in charge of the supply chain— during the two world wars (Monnet, 2015).

European federalists, pacifist forces, and promoters of European integration have been present on the old continent since the nineteenth century (Burgess, 2000; Bòka, 2006; Karmis and Norman, 2005); however, the political impulse offered by the European federalist movement¹ born out of the Ventotene Manifesto and the decisive institutional impulse following the Schumann proposal and the subsequent creation of the ECSC in 1950 produced the most conspicuous results in terms of legal and political evolution and lasting peace and continued to intertwine in the course of the following years.

These short sketches aim at offering some context to the analysis of an institutional phenomenon in the field of international law that is characterized by a high degree of originality and by some characteristics that we collectively refer to as *supranationality*, the progressive building of sovereignty above the states, which will be better specified later.

A few years later, in 1957, two new communities are established after the ECSC, among the same six founding countries (Belgium, France, Germany, Holland, Italy, Luxembourg): the European Economic Community (EEC) and the European Atomic Energy Community (EAEC).

The failed experiment of creating a European Defence Community in 1954² – which briefly gives the illusion that the full political integration of the six founding countries is within reach – suggests a more cautious and gradual course of action, to which the federalists refer with veiled contempt as the Europe “of small steps”. However, few can imagine in 1957 the spectacular evolutionary process that will lead the EEC to become what is now the European Union.

What all founding fathers – Altiero Spinelli, Jean Monnet, Robert Schumann, Konrad Adenauer, Alcide De Gasperi, among others – have in common in these pristine years of European integration is a grand vision. Step by step, they believe Europe will eventually become a democratic politically united continent, most likely in the shape of a federation. The Europe they imagine could be built on small practical accomplishments, yet they can see beyond the foundation and the first circles of bricks, the future skyscraper in the fresh air as a monument to peace and collaboration among former enemies. In many of their writings and speeches, the taste of that air is there for all to breathe.

The Invention of Supranationality

The “Jean Monnet formula”, also known as the “Community Method”, is grounded on three political institutions: the European Commission, the Council of the Union, and the European Parliament. The Commission is the independent authority committed to the general interest of the Union, in charge for legislative initiative and for the administration; the Council of the Union is the branch of

legislative power representing the interests of the member states – represented by their ministers – and the European Parliament – now co-legislator, at the beginning just adviser – represents the interest of citizens and of political majorities, being directly elected every five years and fully supranational. The Commission is accountable to the European Parliament, which appoints it and could dismiss it. The Council's members are held accountable by their own national parliaments and respond only to them.

The role of the European Parliament evolved over time, from a consultative one, and gradually³ stepped on equal footing to the Council of the Union inside the legislative procedure regulated by Article 294 of the Treaty on the Functioning of the European Union (TFEU), a process almost completed with the latest revision by the Lisbon Treaty in 2007.

The Community is also a “Community of Law”,⁴ i.e., a legal order where the rule of law is a grounding norm: the Court of Justice ensures “that in the interpretation and application of the Treaties the law is observed” (Article 19 of the Treaty establishing the European Union or TEU). Many of its legal acts, namely the regulations, the directives, and the decisions, are legally binding for the member states as well as for their citizens and national judges who apply them. The European Court of Justice (ECJ) is the supreme court of the system; it can be addressed by all national judges in cases of doubtful interpretation or validity of European legislative acts. These prevail on national laws (Barnard and Peers, 2020; Arnall and Chalmers, 2017).

The need to legitimize the European system through both representative and participatory democracy is a peculiar expression of this supranational system (Colignon, 2017; Morini, 2020). Although European citizenship was only established in the Maastricht Treaty in 1992, the grounding of EU's democratic formula on the legitimizing role of citizens is much older, as testified by the case law of the ECJ since the 1960s. Even if the role of citizens in the early stage of European integration may not appear impressive, two important considerations shed light on the evolution of their status. First, the difference between the then EEC and any other international organization was precisely that citizens were (and are) direct, rather than mediated, addressees of European norms that they are bound to apply directly; classic international organizations, conversely, address their acts, rarely of a binding nature, to member states only. Second, citizens were immediately given an autonomous role in the European legal order that was shaped and specified step by step. For instance, many leading cases through which the ECJ defined the legal nature of the Community and the characteristics of the European integration process were born precisely from preliminary ruling references solicited by citizens, often stemming from cases of modest economic value (Shaw, 2019, 432).

The starting point to understand how citizens' role evolved over time is the *Van Gend en Loos* judgment of 1963,⁵ because it is in this case that the Court, for the first time, stated in clear and unequivocal terms that the Community is a “new kind” order and that it “recognizes not only states but also their citizens as subjects”. This passage made history and appeared the following year in the *Costa vs ENEL*

ECJ decision in case 6/64,⁶ in which we read that “the States create a binding system of law for themselves and their citizens”. This formula crafted by the ECJ in its case 6/64 summarizes the two cardinal principles of the direct application and primacy of European law.

The direct relationship between Community and citizens is a significant and legitimizing element within the formula of supranationality: the Court would return to recall the aforementioned *Van Gend en Loos* decision several times in the following decades, every time that it is useful to recall the foundations of the legitimacy of the system.⁷

A turning point in the European integration process – since the Treaty of Rome of 1957 – has been the Maastricht Treaty in 1992, establishing the European citizenship and preparing the ground for monetary unification. Its political significance is closely related to the events that concluded the historical experience of bipolar world order and the reunification of Germany. It is a prelude to the transition from a Community, geographically and politically located in Western Europe and in the US sphere of influence, to a potentially pan-European Union in a globalized and multipolar world in which spheres of influence with defined borders or “curtains” no longer exist. The Community in 1992 becomes a Union that, in addition to having the ambitious objective of monetary unification, includes rules on foreign and security policy, as well as on justice and home affairs. The transfer at European level of such fragments of sovereignty, strongly symbolic however small, makes it clear that member countries’ ambition exceeded the construction of an integrated market.

Since then, the citizens of the Member states are also European citizens, and a small but significant list of citizens’ rights is added to the European Treaties: not only (i) freedoms like free movement across borders and a right to reside freely in the State they choose, to work and start an economic activity, but also (ii) political rights as the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections just where they reside, the right to petition the European Parliament, to apply to the European Ombudsman and (iii) non-discrimination rights as the right of not being discriminated because of their national citizenship or the right to address the institutions of the Union using their own language.⁸ This direct relationship between the citizens and the Union – as beneficiaries of rights, addressees of rules, and legitimizing force through European elections – is the very core of supranationality: this democracy over (supra) the borders defined by the ECJ “of its kind”.

After a failed attempt of “constitutionalizing” the European treaties in 2004 (Piris, 2006) comes the Lisbon Treaty, in force since 2009. It split the European fundamental law in two treaties: the TEU – the veritable constitution or charter of the Union, spelling its democratic values – and the TFEU, the much longer text that inherits all the content of the European Communities’ Treaties. The two Treaties – TEU and TFEU – list goals, competences, and tools of the Union. All the

competences not transferred to the Union (or partly not transferred, which is what mostly happens) still belong to member states.

The system becomes more complex with the progressive acquisition of a role for the European Council – the gathering of Heads of the European Governments plus the President of the European Commission – which defines the general orientations and priorities of the Union. This body is probably the most familiar to European citizens as it is the most seen on TV every time a crisis or some special occurrence calls for a fast reaction.

In parallel with institutional evolution, the debate over the European democratic deficit evolves over time, sparked by the continuous erosion of national sovereignties, while the Union became, step by step, less of an international organization and more of a democratic system integrating some elements of statehood. The EU is now the most remarkable example of democracy beyond the national dimension, even if it is not yet fully supranational, not only because of some missing rings in the democratic chain, such as the non-existence of genuine European parties or of a uniform electoral law for the European Parliament, but also because intergovernmental rules still dictate some decision-making. This means that the “Community Method” – a genuinely supranational one, as described above – suffers some exceptions, such as when the Council decides by unanimity rather than by its usual double-qualified majority,⁹ or in some areas of competence where the role of supranational institutions is much reduced. This happens in Common Foreign and Security Policy, in some aspects of police and judicial cooperation, and in macro-economic and fiscal policy. Consequently, the Commission’s right of initiative is limited, the European Council and the Council of the Union act unanimously, the European Parliament and the Court of Justice have little or no voice.¹⁰

The European Union Today

Today, the European Union, heir of the three Communities and comprised 27 member countries, is a partly (mostly) supranational, partly intergovernmental legal order whose goals span from pursuing peace and respect for fundamental rights to guaranteeing the rule of law to regulating the internal market and fostering sustainable development. It is the only democracy beyond national borders, and it has still room for evolution, since one of its main characteristics is being a work in progress and a lab for innovative supranational democracy.

Thanks to the Treaty of Lisbon now in force, it is a quasi-constitutional legal order, where citizens are provided with a clear charter of fundamental rules – the TEU – as all the technicalities are now in the TFEU. A second constitutional feature resulting from the last revision is the EU Charter of Fundamental Rights having force and value of primary law, annex to the Treaties.

Even if the nature of the Union as a democracy (or as a republic) is not clearly stated at the opening of the Treaty – confirming the well-known reticence toward terminological choices that allow for the prelude to an evolution toward

statehood – the commitment to respect a series of democratic values codified in Article 2 TEU cannot be contested: a list revised several times, always with the aim of increasing and clarifying this value adherence. Today, this article states:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

The real turning point in the citizens-union relationship takes place with the insertion in the TEU – after 2007 – of Title II entitled “Provisions relating to democratic principles” (Articles 9–12) and more specifically of Article 10, which grounds the Union on representative democracy. This confers on European citizenship a clear political role in legitimizing EU political institutions: directly through the European Parliament and indirectly through the Council and the European Council, where member states are democratically represented – as their members are held accountable by national parliaments – (Article 10(2) TEU). This codifies a two-level governance, which becomes multilevel governance through the reference in Article 4(2) TEU to the states’ “fundamental structures, political and constitutional, inclusive of regional and local self-government”. This complex architecture is meant to encourage participation at all levels: “[e]very citizen shall have the right to participate in the democratic life of the Union” and “[d]ecisions shall be taken as openly and as closely as possible to the citizen” (Article 10(3) TEU).

European parties, foreseen by Art. 10.4 TEU as necessary tool to “contribute to forming European political awareness and to expressing the will of citizens of the Union”, do not exist yet. There is a void in the European political sphere that cast doubt on whether public opinion and debate influence political choices. Political parties remain exclusively (except sporadic attempts)¹¹ national and albeit confederate in European families that find expression in parliamentary political groups do not animate a truly European political debate.

Participation rights are contemplated by Article 11 TEU, both as individual and as collective rights. Most of them were in place even before the Treaty of Lisbon in the form of broad consultations carried out by the European Commission on white and green papers. Yet, framing participation as the duty of the European institutions, to “give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action” and to “maintain an open, transparent and regular dialogue with representative associations and civil society”, expresses an advanced form of democracy in which the role of citizens goes well beyond electoral appointments every five years (Alemanno, 2020).

One of the main democratic novelties of the latest treaty revision is in Article 11 TEU: the European Citizens’ Initiative (ECI), allowing one million citizens residing in one quarter of the Member States to invite the Commission to submit a

legislative proposal within the framework of its powers.¹² Although this instrument was created to enhance participatory democracy and improve legitimacy in the Union, the ECI is not a full right of legislative initiative as, once the goal of one million of signatures is attained, it is in competence of the Commission to evaluate about the follow-up; yet this procedure is definitely more significant than a petition to the European Parliament as it gives citizens the right to offer specific suggestions to regulate a topic. The ECI can be considered a “pre-initiative right”, which allows citizens to raise issues not yet present on the Commission’s political agenda or on which a consultation process has not yet begun, thus obliging the Commission to take a position.¹³

Alongside these provisions, older tools of participatory democracy may be mentioned as the right of the European citizen to send petitions to Parliament (Art. 24 TFEU, formerly 21 TEC) or the dialog between the social partners (Art. 150 TFEU, formerly 130 TEC, and Art. 152 TFEU). It is interesting to note how what were previously simple practices becomes a characteristic element of the democratic life of the Union, as tools of participatory democracy codified by the treaties.

What still makes the European enterprise quite an oddity is its peculiar relationship with the notion of identity. In spite of an increasingly important European citizenship, the European treaties still suggest that there is not any one European people, but there are many national ones. The objective of the Union, as expressed in Art. 1 TEU, is an “ever closer union between the *peoples* of Europe”, which has the objective, as specified in Art. 3, “to promote peace, its values and the well-being of its *peoples* (Italics added)”. Therefore, the peoples of the member states are not going to disappear as their very existence is guaranteed by the TEU.

Many provisions in the European Treaties reveal the choice to guarantee and respect the multiple European national identities as the building blocks of a system whose core value is pluralism: the principles of equality and non-discrimination among the citizens of the member states (respectively, in Articles 9 TEU and 18 TFEU), the political choice of having 24 official languages (Article 55 TEU), the right of each European citizen and of each national parliament to communicate with EU institutions in their own language (Article 24 TFEU), and the commitment to respect cultural, religious, and linguistic diversity (Article 22 of the EU Charter of Fundamental Rights).

This choice is further clarified by Article 4.2 TEU, added by the Lisbon Treaty: “[t]he Union shall respect the equality of Member States before the Treaties as well as their *national identities* (italics added), inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government”. Even if the Treaties do not define “national identity” (Di Federico, 2019), it is possible to assume that it can be considered as an element vital to acknowledging the existing differences among Member States. Article 4.2 aims to strengthen the idea – summarized in the EU motto “united in diversity” – that the countries retaining the existing differences in relation to culture, language, and traditions are an added value of EU integration. In this sense, the “European model” stands in contrast with what is generally defined as the “melting pot model” that

characterizes the United States of America. The latter is the result of a completely different goal – building a society that absorbs and homogenizes heterogeneous cultural elements through a “melting together” – which ultimately aims at creating an American identity. The historical and contextual differences are certainly very relevant and help to explain such divergent choices made by the EU and the United States.

Article 4(2) TEU is not just a national identity clause, even a soft one, to escape from the European treaties’ obligations. Even if it gives national supreme courts a judicial remedy to highlight national fundamental interests, or at least national legal peculiarities, in the end, it seems more a constitutional tool for dialog between supreme courts on issues especially relevant for Member states (van der Schyff, 2012, 568). As a consequence, multiple identities are possible – and they are even mirrored – in a multilevel governance system such as the EU.

Furthermore, the notion of European identity is still a weak one. It is true that, since 1992, European citizens have been enjoying a set of additional rights, a status added to national citizenships, visible in the format of a passport, and made tangible by banknotes, yet, many Europeans still do not know it or attach to it little value. A European identity may be enhanced over time by the increasing use of the tools of participatory democracy, by the progressive construction of a public sphere (perhaps thanks to the future creation of European parties), by education for active European citizenship – together with the national one – in all schools, by creating some European media. The same list of citizens’ rights may be extended through a specific provision not requiring a treaty revision.¹⁴

However, the construction of an identity akin to nationality is not among the aims of European law. A supranational governance system, whose very purpose is to overcome borders and prevent clashes among nations (or to secure “peace”), is not intended to evolve in a single European nation; it cannot be both national and supranational at the same time. The very core of its supranationality is its respect for diversity and for peaceful coexistence of the different peoples and nations as a post-national democratic legal order.

The European Lab

The Union is a work in progress: it has attained higher levels of legitimacy, accountability, and inclusiveness over the years, one reform and crisis after another. It may be defined as a system built on democratic experimentalism.

The Conference on the Future of Europe (CoFoE), the latest self-reflection process in EU governance, is currently the most advanced and innovative experiment in participatory and deliberative democracy and an EU flagship initiative. The idea first appeared in the Political Guidelines presented by Commission President Ursula von der Leyen on 16 July 2019, which cites the aim of bringing together citizens and giving a significant role to young people, civil society, and EU institutions on equal footing. The CoFoE includes a multiplicity of channels through which

citizens can make their voices heard: it has a participatory democracy component as well as a deliberative democracy one, as it comprises different streams of activity:

- As an experiment in participatory democracy, the Conference on the Future of Europe was launched by the European Commission as an open platform in April 2021. It allows citizens to express (upload) individual or collective positions and to promote and disseminate the results of dedicated events, both in-person and virtually. It is an innovative effort to shorten the distance between citizens and EU institutions and to highlight the role of citizens more than ever before.
- Regarding deliberative democracy, the Conference framework is even more interesting: it is built on four citizens' panels, which discuss the nine different topics of the conference climate change and environment; health; economy, social justice, and jobs; EU in the world; values and rights, rule of law, security; digital transformation; European democracy; migration; education, culture, youth, and sport – and put forward their proposals. Each of them is composed by 200 European citizens from the 27 Member States – one third under 25 randomly selected – recalling what some authors would define as “lottery democracy” (Landemore, 2020; Delannoi et al., 2013) – reflecting the EU's diversity in geographic origin, gender, age, socioeconomic background, and level of education. Each panel meets three times and appoints 20 representatives who shall take part in the plenary, present the outcome of their discussions and debate them with other participants. Never has a trans-national multi-lingual exercise in deliberative democracy been conducted on such a big scale (Alemanno, 2021).

The two streams of discussion will meet and intersect as panelists take on board contributions gathered through the digital platform. In the end, the citizens' representatives will be included in the conference's plenary assemblies, enabling them to work together with representatives of EU institutions as well as national and local authorities. The European Parliament, the Council and the European Commission have committed to listening to Europeans and to follow-up, within their sphere of competences, on the recommendations made.

By spring 2022, the Conference is expected to provide guidance on the future of Europe. Of course, the positive outcomes of this complex democratic exercise are not guaranteed, as they will depend on the extent and visibility of participation and on what it produces in terms of proposals and suggestions.

This experimental attitude of the EU has generated undeniable progress, but it has also betrayed expectations.¹⁵ Successes have encouraged further steps forward; failures and crises have depressed the whole integration process: no organization has been diagnosed of death as many times as the European Community and later the Union. Yet, this example of a work in progress is a gift from Europe to the world. It teaches us that founding rules are not written in stone, they can be mended and

improved – even in the precarious, soft and slippery ground of international law. It is difficult, of course, but not impossible.

Europe and the World: Spreading the Seeds of Supranational Democracy

The European Union pacified the most historically quarrelsome continent, and it also constructed a system of institutions and rules for the peaceful settlement of disputes and the guarantee of peoples' national identities within a legal framework of citizenship rights.

This accomplishment has an external dimension: according to Article 21.1 of the TEU, “The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law” (Art. 21.1 TEU).

Before this beautiful list of values, this article points out to us a method. If the source of inspiration for EU’s external action should be guided “by the principles which have inspired its own creation”, they go beyond democracy and fundamental rights to include creativity and collaborative problem-solving and – most of all, multilateralism and supranationality, and the very idea that democracy beyond the national dimension is possible.

The scope of establishing international organizations is traditionally to create a space for collaboration among governments where pursuing, jointly, some goals they cannot attain by themselves. Yet, Jean Monnet’s idea and the Schumann declaration at the origin of the ECSC went much further. “*Nous ne coalisons pas des États, nous unissons des hommes*” (we do not unite states, we unite people; author’s translation) told Jean Monnet to Americans in a famous speech on April 30 of 1952 in the National Press Club in Washington. This was a clear way of explaining that the ECSC and the newly drafted Treaty establishing the European Defence Community were something different. The supranational intuition resides in the objective to go beyond states and connect individuals in a shared institutional framework.

As for the international relations of the six ECSC founding members, Monnet’s speech offers another hint: “Six European countries have not embarked on the big business of breaking down the barriers that divide them to raise higher barriers against the outside world”.¹⁶ The external projection of such a collaborative enterprise so far has been that of progressive enlargement – from the original 6 to current 27 Member states – of leading by example, of signing new collaborative agreements with all the neighbor countries and other regional associations as the African Union or the Mercosur, both inspired in some way by the European integration process.

An interesting example is offered by the Union for the Mediterranean (UfM).¹⁷ Few people know that, in 2008, this international organization was established

through soft law by the Union and its Mediterranean neighbors. It has a secretariat in Barcelona (Spain) and several political bodies. It constitutes an upgrading of the Euro-Mediterranean partnership developed by the countries of the Union with the neighbors on the southern shore, starting from the 1970s and extended to the eastern shore from the 1990s. The UfM presents two important innovations with respect to the pre-existing dialog: a permanent institutional structure and a list of concrete projects to be implemented.

The UfM is far from being a supranational organization. Its officials are national officials and there is no autonomous budget. However, there is a shared leadership between the two shores, a parliamentary assembly, and concrete achievements such as infrastructures and training projects. The UfM is one among the many seeds that have fallen from the Union tree. Although this seed fell on a difficult ground (a sea, in truth), it offers an example of what Article 21 means.

Democracy remains an elusive goal threatened by external and internal events. Democratic conditionality has long been a tool used by the European Union. Most of the association and cooperation agreements concluded by the Union with third countries contain a democratic conditionality clause (Zamfir, 2019).¹⁸ But there are other, more effective, suasion tools in the Unions' disposal. The accession process requires that a country wishing to join the Union becomes fully democratic: this goal supported (together with dedicated funding) in the Nineties the democratic transition of the countries of Central and Eastern Europe that were previously in the sphere of influence of the Soviet Union.

The regression toward illiberal forms of democracy now threatens the Union from within – the well-known cases of Hungary and Poland (Kazai, 2020; Kelemen, 2020)¹⁹ – an occurrence faced through old and new tools. Article 7 TEU already provides for a political control over member states deviating from democratic values.²⁰ More recently, the Regulation 2020/2092 establishes a general regime of conditionality for the protection of the Union budget so that the solidarity and cohesion programs of the Union are now under condition of compliance with the rule of law principle.²¹

Old and New Promises

The European Union has not kept the original promise backing the European Communities: the edification of the United States of Europe as a federation. Other promises also failed, such as the creation of a European Defence Community or the adoption of a Constitution for Europe. The Union is not a state, and it may never be. Despite having a supranational Parliament and a supranational central bank, it is not fully supranational but looks like a hybridization of models: there is a supranational dimension known as Community Method, where decision-making is legitimized by both representatives of states (by the Council and in the European Council) and of citizens (by the European Parliament), through an open deliberative processes, supported by a technocratic independent management (European Commission),

and guaranteed by independent jurisdiction (the ECJ being the supreme Court of the system on top of the 27 national judiciaries). This method has been increasingly complemented by participatory democracy tools. Yet, important areas of action, such as foreign, security, and fiscal policies, still escape this well-structured institutional balance and lay in the hands of government (once again as represented inside the Council and the European Council).

Nonetheless, the Union has kept other promises, such as the reunification of Germany and that of the continent after the end of bipolarism. Most of all, it has kept the promise of building a new kind of democracy, overcoming borders with an intention of pacification and economic growth, and a democracy lab that continues to host experiments and grow through trials and errors. As the EU evolves, it continues to make new promises. The most recent ones are the relaunch of the European economy after the Covid-19 pandemic – with an ambitious investment plan called Next Generation EU²² – and the promise of continental climate neutrality by 2050, through a Green Deal (European Commission, 2019), a promise even more ambitious than the one the Europeans promoted in the 2015 Paris summit on climate change.

Soon, as a combined effect of the two, the solidarity within the EU will be fostered, both on the side of the revenues and on the side of the expenditures. Among the innovative elements of the Next Generation EU, there is the possibility for the Commission to find resources on the market through the issuance of bonds, which are guaranteed by the EU budget. In turn, the latter is reinforced by the introduction of new own resources (European taxes). On the expenditure side, Next Generation EU consists of a series of funds, modeled on the existing structural funds, that involve the transfer to Member States of resources aimed at fostering the green and digital transition of European economies, in spirit of solidarity.

Offering new promises has become perhaps more of a European pattern than keeping them. While that may bring some regrets, it keeps hope for a better world alive.

Notes

- 1 Still existing as the Union of European Federalists (UEF) and the Young European Federalists (JEF).
- 2 The Treaty establishing the European Defence Community (EDC), also known as the Treaty of Paris, was signed on 27 May 1952 by the same six countries with the aim of establishing a EDC with a pan-European defense force. The treaty failed to obtain ratification in the French Parliament and it was never ratified by Italy, so it consequently never entered into force.
- 3 A first step forward was already taken with the Single European Act, the first treaty amending the European Economic Community Treaty in 1986, in it the consent of the European Parliament (EP) became necessary in order to admit new member states into the Community and to conclude association agreements; it also introduces a cooperation procedure, a decisional procedure in which the role of the EP was strengthened, although not yet equal to that of the Council. An important evolution occurred with

- the Maastricht Treaty (1992), finally establishing a codecision procedure putting the Parliament and the Council on equal footing. The scope of this procedure was progressively extended in subsequent revisions of the treaty and became the ordinary legislative procedure in the Lisbon Treaty (2007, in force since 2009).
- 4 The expression “community of law” was made famous by Walter Hallstein, first President of the European Commission. It alludes to the expression “state of law” equivalent in many European languages to the Anglo-Saxon notion “rule of law”. The ECJ used this expression in 1986, in the case *Les Verts* (C-294/83).
 - 5 Case 26/62, *Van Gend and Loos v. Nederlandse Administratie der Belastingen*, 5 February 1963, paragraph 3 (emphasis added). See the far-reaching implications of this decision in: Chalmers D. and Barroso L., 2014 “What Van Gend en Loos Stands for”, *International Journal of Constitutional Law*, Vol. 12, No. 1, 105–134.
 - 6 *Costa v. ENEL* (Case 6/64), 15 July 1964.
 - 7 The Court quoted this same statement in other famous decisions such as *Simmenthal* (Case 106/77), *Francovich* (Cases C-6/90 and C-9/90), and Opinions 1/91 (14 December 1991) and 1/2009 (8 March 2011). This ‘exceptionality’ of the European legal order was recently highlighted in Opinion 1/17, 30 April 2019.
 - 8 On the political significance of European citizenship, see Cafaro S., 2022 “European Politeia: Democracy and Citizenship without a State”, in *The Changing Role of Citizens in EU Democratic Governance* (Ed. D. Jancic), Hart Publishing, London, in course of publication.
 - 9 According to Article 16 TEU, the Council of the Union decides by qualified majority that shall be defined as at least 55% of the members of the Council, comprising at least 15 of them and representing Member States comprising at least 65% of the population of the Union.
 - 10 Unanimity is the decisional rule in the Council of the Union, for instance, in the area of tax harmonization or in the adoption of the multiannual financial framework. Some important decisions as the alteration of Part III of TFEU or the adoption of the “own resources” decision (altering the sources of income of the Union) require, furthermore, national parliaments’ ratifications.
 - 11 See, for instance, the Pan-European Party Volt, www.volteuropa.org/
 - 12 The whole process is online, see https://europa.eu/citizens-initiative/_en. The detailed procedure has been specified by the Regulation 211/2011, since then, six initiatives have been successfully submitted to the Commission. Since January 2020, the new Regulation 2019/788, revising the previous one, is in force.
 - 13 See, among others Dougan M., 2011 “What Are We to Make of the Citizens’ Initiative?”, *Common Market Law Review*, Vol. 48, No. 6, 1807–1848; Greenwood J., Garcia L.B. (eds.), 2012 “The European Citizens’ Initiative: A First for Participatory Democracy?”, special issue, *Perspectives on European Politics and Society*, Vol. 13, No. 3, 797–815; Inglese M., 2018 “Recent Trends in European Citizens’ Initiatives: The General Court Case Law and the Commission’s Practice”, *European Public Law*, Vol. 24, No. 2, 335–361; Kandyla A. and Gherghina S., 2018 “What Triggers the Intention to Use the European Citizens’ Initiative? The Role of Benefits, Values and Efficacy”, *Journal of Common Market Studies*, Vol. 56, No. 6, 1223–1239 ss; Karatzia A., 2017 “The European Citizens’ Initiative and the EU Institutional Balance: On Realism and the Possibilities of Affecting EU Lawmaking”, *Common Market Law Review*, Vol 54, No. 1, 177–208; Karatzia A., 2018 “Revisiting the Registration of European Citizens’ Initiatives: The Evolution of the Legal Admissibility Test”, in *Cambridge Yearbook of European Legal Studies*, 20, 147–178; Levrat N., 2011 “L’initiative citoyenne européenne: une réponse au déficit démocratique?”, *Cahiers de droit européen*, Vol. 47, No. 1, 53–101.

- 14 According to Article 25 TFEU, the Council, acting unanimously and after obtaining the consent of the European Parliament, may adopt provisions to strengthen or to add to the rights listed as European citizens' rights in Article 20 TFEU.
- 15 See, the failure of the CED treaty (note 2) or the unsuccessful attempts to have a constitution for Europe, the latest one in 2004.
- 16 Author's translation. The original text is: "six pays européens ne se sont pas engagés dans la grande entreprise d'abattre les barrières qui les divisent pour dresser des barrières plus élevées contre le monde extérieur".
- 17 The founding charters of the Union for the Mediterranean are the Paris declaration (13 July 2008) and the subsequent declaration adopted by the Summit of Foreign Ministers held in Marseille on 3 and 4 November. The website of the organization is: <https://ufmsecretariat.org/>
- 18 This clause linking the respect of human rights and democratic principles with trade liberalization is an almost standard clause, it is qualified as an essential element of the agreement so that its infringement may bring to freezing or terminating the treaty itself.
- 19 There was an illiberal trend in Hungary after 2010 and in Poland after 2015. In Hungary, this involved the independence of the judiciary and of other institutions and the rights of judges; freedom of expression, academic freedom, freedom of religion, freedom of association, the fundamental rights of migrants, asylum seekers and refugees; in Poland the independence of the Constitutional Court. The attitude of Polish government toward the Union became more worrying after the decision P 7/20 by its Supreme Court in October 2021 challenging the supremacy of EU law over national law.
- 20 According to Art. 7 TEU, on a proposal by one third of the Member States, by the European Parliament or by the European Commission, the Council, acting by a majority of four fifths of its members after obtaining the consent of the European Parliament, may determine that there is a clear risk of a serious breach by a Member State of the values referred to in Article 2 (of course after hearing the concerned Member State) and may address recommendations to it. The European Council, acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the consent of the European Parliament, may determine the existence of a serious and persistent breach of the same values. In such case, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of the Treaties to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. The Commission started this procedure against Poland in December 2017 because of the threats to the independence of the Constitutional Tribunal.
- The European Parliament adopted a Report on Hungary (12 September 2018) on various grounds – the functioning of the constitutional and electoral system, the independence of the judiciary and of other institutions, and the rights of judges; freedom of expression, academic freedom, freedom of religion, freedom of association, the fundamental rights of migrants, asylum seekers and refugees. Yet, the procedure foreseen by Article 7 did not start.
- 21 On March 2021, Poland and Hungary lodged actions before ECJ, on 2 December 2021, the Advocate General in his opinion dismissed the case.
- 22 The Next Generation EU plan, agreed by the European Council in July 2020, is the new Union approach to counteract the economic and social implications of the Covid-19 pandemic. This recovery package plays a crucial role throughout the multiannual financial framework 2021–2027.

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PROOF

5

DEMOCRACY AND THE SPECTACLE OF CONSENT

The Forgotten Promise of the United Nations

R. S. Deese

We had to burn a lot of fuel to get here, but we now live on a different planet from the one that our ancestors knew for thousands of years. The relatively stable climate of the Holocene has given way to a new and more chaotic epoch our species has named after itself—the Anthropocene. The mega-fires, extreme weather events, droughts, pandemics, famines, and mass migrations of this epoch will pose serious challenges to democratically elected governments in every part of the world. As humanity enters this period of overlapping and extended crises for democracy, there are a couple of questions that we should consider carefully. First, what is the most pervasive political threat, transcending ideological distinctions of “right” and “left,” to the health and survival of democracy on earth? Second, what power does the United Nations, as our most prominent global institution, have to protect democracy? The answers to these questions are both simple, but neither is encouraging. First, the most pervasive threat to the health and survival of democracy in our time is the simulation of popular sovereignty through the spectacle of consent. Just as the human body can succumb to carbon monoxide poisoning because it fails to distinguish between this noxious gas and nourishing oxygen, the body politic can succumb to creeping autocracy when it fails to distinguish between the deceptive spectacle of consent and the genuine measure of consent that is essential to the life of democracy. Second, the United Nations was never vested with the power to protect democratically elected governments or to slow the proliferation of authoritarian regimes. In fact, the United Nations, for all the sincere democratic aspirations that have been laid at its doorstep, has proven, more often than not, to be a useful theater for the spectacle of consent.

The idea that popular consent can be faked is of course nothing new. Just after the ratification of the Bill of Rights in 1791, James Madison declared that, “Public opinion sets bounds to every government, and is the real sovereign in every free

DOI: 10.4324/9781003218586-7

one.” At the same time, Madison observed that it was possible to “counterfeit” public opinion, especially in extensive polities: “The larger a country, the less easy for its real opinion to be ascertained, and the less difficult to be counterfeited.” Madison warned that the ease with which the illusion of popular consent could be engineered was “favorable to the authority of government,” because, “the more extensive a country, the more insignificant is each individual in his own eyes.” This imbalance, he surmised, “may be unfavorable to liberty” (Madison, 1791; Quoted in Stasavage, 2020, 250). Whether it operates on the scale of a city-state, a nation, or a community of nations, democratically accountable government requires the measure of consent through competitive, fair, and legally binding elections that culminate in the peaceful transfer of power between competing groups and leaders. Autocracy, on the other hand, justifies and bolsters its power through the spectacle of consent.

Democracy and the Spectacle of Consent

For a classic example of how autocracy depends upon the spectacle of consent, let us consider the following story from the *Histories* of Herodotus. It concerns how the strongman Pisistratus regained power over Athens in the middle decades of the sixth century BCE, with the aid of Megacles, a wealthy former rival who had recently become the aspiring tyrant’s father-in-law:

Pisistratus agreed to the terms that Megacles proposed [*i.e.*, the strategic marriage to his daughter], and then, to bring about his return to power, they devised between them what seems to me the silliest trick which history has to record In the village of Paeania there was a handsome woman called Phye, nearly six feet tall, whom they fitted out in a suit of armour and mounted in a chariot; then, after getting her to pose in the most striking attitude, they drove to Athens, where messengers who had preceded them were already, according to their instructions, talking to the people and urging them to welcome Pisistratus back, because the goddess Athene herself had shown him extraordinary honour and was bringing him home to her own Acropolis. They spread this nonsense all over town and it was not long before rumour reached the outlying villages that Athene was bringing Pisistratus back, and both villagers and townsfolk, convinced that the woman Phye was indeed the goddess, offered her their prayers and received Pisistratus with open arms.

Herodotus, 2003, 26

A few elements in this story are essential to understanding the spectacle of consent. First, the use of the goddess Athene appealed to the piety and patriotism of the crowd, so that in expressing their support for Pisistratus, they were publicly affirming their loyalty to cherished symbols of their own identity and community. This potent combination of collective engagement with psychologically reassuring themes of group identity has become an essential feature of modern nationalism.

As with modern displays of nationalist fervor at political rallies or sporting events, Pisistratus and Megacles took as much care with the gathering of the crowd itself as they did with acquiring the chariot and the goddess. They understood that the crowd itself was part of the show, as they were attempting to create the sense that most Athenians were happy to see this aspiring tyrant in charge of Athens once again. Finally, we must concede that this spectacle was probably a lot of fun, not only for the crowd to witness, but also to enact. Everyone loves a good show, and most people crave to be a part, however small, of a grand and dramatic event. In this way, the spectacle of consent offers an emotional payoff that far exceeds any excitement one might find in the expanded duties of self-governance that the democratic reformer Cleisthenes would later bring to Athens in 508 BCE. Such chores as serving on citizen assemblies and juries or casting a secret ballot to decide a case of ostracism can rarely hold a candle to joining a boisterous crowd to greet the goddess Athene on her chariot, even if you rightly suspect that she's just a very tall farmer's daughter from a neighboring town.

The spectacle of consent is older than Athenian democracy, but it has always been more than capable of adapting to new conditions. The twentieth century saw an explosion of media technologies, such as the proliferation of inexpensive photography and color printing, cinema, and radio before World War Two, as well as the rapid development of satellite television, the internet, cell phones, and social media in the decades that followed. Without exception, all of these technologies have offered new ways to enhance the spectacle of consent. When autocratic regimes need to convince the outside world, as well as a critical mass of their own population, that they possess reliable popular support, they use every means at their disposal. Memorable examples of the spectacle of consent transcend the ideological distinctions of "right" and "left" and have left us with indelible images that combine expertly choreographed public rituals with explosive mass hysteria. These range from the dramatic marches and military parades arranged by Mussolini and Stalin, to the public outpourings of fanatical zeal displayed for Hitler at the Nuremberg rallies or for Mao at the height of the Great Proletarian Cultural Revolution. As irrational as the crowds at these events often appear, we must remember that the individuals who comprise those crowds are concerned with their own survival and the survival of their families. By publicly displaying the unquestioning and irrational support that the regime demands, these individuals are making a rational choice to maintain their own social standing and even survival in the face of a regime that holds a commanding monopoly on the legal use of violence and regards them as disposable.

The measure of consent has also evolved over the past two centuries, with the expansion of the voting franchise to non-property owners, ethnic and religious minorities, and women, as well as the development of such refinements as the secret ballot and ranked choice voting. And yet, if you put the measure of consent and the spectacle of consent in a boxing ring together, the smart money would still be on the latter. Where the measure of consent is as individual and as cerebral as the

tortured decision the lone citizen makes inside the voting booth, the spectacle of consent is as social and as visceral as the deafening chant that rises from a crowded stadium. We should not suppose, however, that the spectacle of consent is always quite so loud and so conspicuous. Its quieter manifestations include the rigged election, the sham plebiscite, the long train of enthusiastic citizens who would like to pose a respectful question to their friendly leader during a live broadcast, and even, in recent decades, the manufacture of millions of bots and fake followers on social media. Because the spectacle of consent makes use of religious and national loyalties, symbols and gestures that might seem to be outside of politics, such as a flag salute, a prayer, or a national anthem, will inevitably become grist for its mill, regardless of how each of us may feel about the meaning of those symbols and gestures in our own lived experience.

It should come as no surprise that the spectacle of consent pervades all societies to varying degrees, even those that pride themselves on being free and democratic. In the United States, the nation whose domestic political culture had the greatest influence on the foundation of the UN, the spectacle of consent has had a long and storied career as a veil for authoritarianism. Most notably, the racial caste system that offered both the legal and cultural justification for slavery and segregation employed ubiquitous cultural representations of consent. By the end of the nineteenth century, the regime of segregation in the United States shared the name of the stock minstrel character “Jim Crow,” who had been made nationally famous by the white song and dance performer Thomas Dartmouth Rice in the 1830s. It may seem odd that a brutal system of racial oppression and discrimination would take its name from a popular stage act, but it reveals something about how the politics of race have operated in the United States over the course of at least two centuries. The culture of minstrelsy that exploded in the early nineteenth century continued to proliferate and evolve after the Civil War and was central to the most popular creations that marked several revolutions in American mass media, from *Birth of a Nation* in the age of silent film epics to *Gone With the Wind* in the age of technicolor blockbusters, to “Amos n’ Andy” in the age of radio, and then once more in the early years of television (Taylor and Austin, 2012, 37, 139, 154–157, 301). Minstrelsy not only presented degrading stereotypes of African Americans for the entertainment of white audiences, but it also did something much more essential to justify both slavery and segregation in American political life. For its white audience, minstrelsy affirmed that the United States was indeed a “free” country because it created the illusion that everybody, including those who were enslaved or permanently segregated and disenfranchised because of their race, willingly accepted their place within the system. Because it so effectively manufactured this spectacle of consent, minstrelsy was comforting and reassuring to generations of white Americans, and the system of racial hierarchy shares its name with the spectacle. In his essay “Where Might Trumpism Take Us?” journalist Jamelle Bouie says that we don’t need to study foreign countries to see where we may be headed in the age of authoritarian populism, but that we should instead reexamine the political and

cultural strategies that perpetuated Jim Crow, in which we can all recognize “something that is familiar from our past—authoritarian government with a democratic façade” (Bouie, 2020).

In addition to the legacy of Jim Crow, the long and celebrated history of hucksters and confidence artists in the United States makes our country a fertile ground for the spectacle of consent. From the showman P. T. Barnum in the nineteenth century to the famous public relations (PR) guru Edward Bernays in the twentieth century, Americans have long admired and rewarded public figures who were transparently duplicitous for their ability to command attention, stimulate commerce, and flatter the vanity of their audience by seeming to let them in on the con. Because he claimed to incorporate the insights of his uncle Sigmund Freud into his public relations strategies, Edward Bernays added a patina of science and professionalism to his work as a PR man as he gave himself the dignified title of “counsel on public relations.” Bernays was brought by his parents from Austria to America as a small child, and over the course of a life that stretched from the Presidency of William McKinley to that of Bill Clinton, he left his mark on media culture not only in the United States, but also throughout the world.

As an innovative PR man, Bernays had his first experience with political propaganda work as part of George Creel’s Committee on Public Information (CPI) during World War One. Bernays traveled to France for the Versailles Conference but was soon frustrated that President Wilson was not prepared to use the proven power of the CPI to sell his plans for the League of Nations directly to the American people, which Bernays saw as the only way to assure its ratification. When Wilson’s call to “Make the World Safe for Democracy” lost its remaining traction with the American public, and his plans for the League of Nations were defeated at the hands of Henry Cabot Lodge’s Republican majority in the Senate, Bernays was more than disappointed; he was dismayed by Woodrow Wilson’s failure to respect the power of a sustained and professional public relations campaign (Tye, 1998, 20).

In the 1920s, Bernays followed the public exchange of views between the philosopher John Dewey and the journalist Walter Lippmann concerning the competence of ordinary citizens in a democracy to make rational and informed decisions about how their society should be governed. While Dewey maintained that citizens were competent to participate in politics through democratic institutions, Lippmann made the case that ordinary citizens had neither the time nor inclination to understand the complex issues of the modern world and needed to be guided through the persuasive apparatus of mass media to embrace the policies crafted by a “specialized class” of better informed elites (Steel, 2005, 183). Drawn to Lippmann’s side in this debate, Bernays concluded that public opinion needed to be shaped and guided by experts such as himself, in a process that he variously described as “crystalizing public opinion” and “the engineering of consent” (Ewen, 1996, 34, 373). We are free to reject the outsized claims that Bernays made about his ability to produce consent as methodically as Henry Ford produced automobiles, but we cannot

doubt his ability to readily manufacture the spectacle of consent. Like Megacles and Pisistratus, Bernays knew how to gather a crowd and get everyone to look in the same direction—and this, by itself, was a valuable skill. Although he did not believe that the common people were capable of self-government, Bernays couched his most successful PR campaigns in the rhetoric of democracy. When commissioned by the manufacturers of Lucky Strike to expand the ranks of female smokers in 1929, Bernays orchestrated a faux demonstration of young society women asserting their right to smoke their “torches of liberty” in public that mirrored the suffrage marches of the prior decade (Tye, 1998, 28). When promoting GM’s idea of what an American city ought to look like at the 1939 World’s Fair, Bernays did not focus on the ubiquitous automobiles and multilane highways with cloverleaf interchanges, but on the promise of freedom, choosing to name the attraction the “Democracity” a portmanteau that he credited to his wife and professional collaborator, Doris E. Fleischman (Bernays, 1971).

When Bernays applied his skills as a “counsel on public relations” in the spring of 1945 to promote public support for the emerging United Nations Organization, he leaned heavily on the language of democracy and on the principle, which he had explicitly rejected decades before, that the people must be sovereign. The main outlines of the UN Charter had already been worked out at Dumbarton Oaks in the autumn of 1944 and at Yalta in February of 1945, but Bernays sought to prepare the American public for the San Francisco Conference that would finalize the Charter in the summer of 1945 and for its ratification vote in the Senate later that year. Determined not to see a repeat of the failed League of Nations fight of 1919, Bernays appealed directly to the American public, offering tips on how they could use every tool in the arsenal of PR to promote the United Nations. In the opening pages of *Take Your Place at the Peace Table*, Bernays framed his hopes for the project with the caution of a seasoned professional:

Unfortunately, 138,000,000 Americans won’t become proficient counsels on public relations as a result of this book. I wish that they would. But if only a thousand learn to carry on for the peace by using the tested skills and practices of the professional public relations expert, the result will be worthwhile.

Bernays, 1945, 2

After unrolling a long list of PR tips with such headings as “Angling Material” and “Talk, a Psychological Tool,” Bernays implores his readers to contact their neighbors, co-workers, relatives, and friends in order to promote the cause of the United Nations. Given his oft-stated opinion that the public mind was meant to be molded by experts such as himself, the instructions on effective mind molding that Bernays offers to the public at large in this book seem more than a little paradoxical, as does the flattering tone of its final envoi:

The responsibility [for lasting peace] is that of America's most important figure. He occupies the highest office in the land—American citizen. Only you can plan the peace, only you can make it stick. There is no higher authority to call upon.

Now is the time to act. Take your place at the United Nations peace table!

Bernays, 1945, 46

First published in March of 1945, *Take Your Place at the Peace Table* was widely noted in the press, and most reviewers were sympathetic to its stated goal of promoting the UN as the best road to a lasting peace. One professor of political science, however, argued that the techniques of psychological manipulation that Bernays included in his toolkit made his approach to promoting the UN dangerous, in spite of his avowed liberal and enlightened intentions. Branding *Take Your Place at the Peace Table* a hazardous “mixture of honest liberalism and incipient cynical fascism,” the reviewer concludes that the manipulative strategy that Bernays advocates “is terribly dangerous in the way in which it can lead on to the more advanced stages of totalitarian technique” and observes that Edward Bernays is “far too intelligent a person not to perceive” this danger himself (Potter, 1945).

In fact, Bernays was very aware that the tools of the PR trade as practiced in the United States were in many respects the same tools that were used for mass persuasion by totalitarian regimes. His use of these techniques to promote the United Nations suggested that he saw the emerging organization less as an open and deliberative body in which all nations would be equal before the law, and more as an elaborate performance space in which the great powers at the helm of the Security Council would distract their global audience from the necessary ugliness of *Realpolitik* with an annual display of diplomatic ceremony and debate on nonbinding resolutions, punctuated by noble words and gestures about democracy and peace. Like the *Duma* that Tsar Nicholas II had created in 1905 to give his absolutist autocracy the patina of a constitutional monarchy, the United Nations vested the five permanent members of the Security Council with an ironclad veto power identical to what had been possessed by the Tsar. Stalin had been the leader to most adamantly insist on this power, but a number of hardnosed American diplomats and politicians were also glad for the veto (Schlesinger, 2003, 47).

The lawyer and diplomat John Foster Dulles, who was part of the San Francisco conference and put in long hours helping to draft the language of the UN Charter, emerged from the experience with a commitment to the unbridled exercise of American power, especially in the Western Hemisphere, that would characterize the rest of his diplomatic career (Schlesinger, 2003, 238). When Dulles became President Eisenhower's Secretary of State in 1953, he worked closely with his brother Allen Dulles, who was director of the CIA. And both of the Dulles brothers

relied on Henry Cabot Lodge, Jr. as the U.S. Ambassador to the United Nations, to make all necessary maneuvers at the UN to keep American foreign policy from running into any embarrassing obstacles in either the General Assembly or the Security Council. And, when it came to guiding public opinion toward acceptance of the foreign policy advanced by the Dulles brothers at the CIA and State Department, Edward Bernays turned out to be a valuable asset. Bernays was ready to prove the power of his PR skills even when the goal in question was to help the American company United Fruit protect its extensive land holdings by overthrowing the democratically elected government of Guatemala, the security of which was supposed to be guaranteed by the UN Charter (Schlesinger, 2005, 79–91).

The fact that he saw no conflict between doing PR work for the United Nations and then shifting his services to United Fruit says a lot about Bernays, but it also says something about the United Nations, which proved powerless to stop this charade or even to sponsor an investigation of CIA activities in Guatemala. In 1954, the New York Times journalist A. M. Rosenthal covered the successful campaign of the United States to quash debate on what was happening in Guatemala as the democratically elected Arbenz government was appealing for help to fend off what was later revealed to be a CIA-sponsored coup. Remarking on the speed with which the Arbenz government was silenced by Lodge's maneuvers within both the UN and the Organization of American States, Rosenthal observed that "for a long time now there has been the realization at the United Nations that the major powers no longer regard the organization as a primary instrument of diplomacy." He concluded that this situation, less than a decade after the high hopes of the San Francisco Conference, "leaves little hope for giving any vitality to the United Nations" (Rosenthal, 1954).

The Forgotten Promise of the United Nations

In the years immediately following World War Two, the United States possessed the wealth, the moral prestige, and the power to create both the United Nations and the Central Intelligence Agency. By permitting the CIA to aid in the overthrow of several democratically elected governments throughout the Cold War, the United States eroded its own reputation as a champion of democracy and did lasting damage to the premise that the United Nations would be an open forum in which all nations would be covered by the democratic principle of *isonomia*, or equality before the law. More than seventy-five years after the founding of the United Nations, the survival of democracy in the United States and other countries has become a cause for anxiety and feverish speculation both within the United States and around the world, and the United Nations, as it is currently structured, possesses neither the power nor the moral authority to stem the tide of resurgent authoritarianism. When one considers the declarations about universal democracy that accompanied the early evolution of the United Nations, from a wartime alliance based on the Atlantic Charter to the postwar organization that delegates

from around the world gathered in San Francisco to create in the spring of 1945, it is sadly ironic that the UN is neither structured nor equipped to combat the degradation of democracy within the United States and around the world today.

When the British Prime Minister Winston Churchill and the American President Franklin Roosevelt drafted the Atlantic Charter in August of 1941, their declaration that the postwar international order must be founded upon a new and thorough respect for popular sovereignty raised expectations everywhere. As Nelson Mandela noted in his autobiography, “The Atlantic Charter ... reaffirmed faith in the dignity of each human being and propagated a host of democratic principles. Some in the West saw the charter as empty promises but not those of us in Africa.” Inspired by the Atlantic Charter, the African National Congress drew up “its own charter, called African Claims, which called for ... the repeal of all discriminatory legislation” (Mandela, 1994, 95–96). The premise that democracy offered the surest road to peace was not only implicit in the Atlantic Charter, but also in the Charter of the United Nations, and especially in the parliamentary structure of its General Assembly. This premise was then made explicit in Article 21 of the Universal Declaration of Human Rights which the United Nations General Assembly ratified in 1948. This widespread emphasis on popular sovereignty in postwar planning was inspired by democratic peace theory. Because ordinary citizens bear the cost of war in both blood and treasure, governments that are accountable to their citizens will be far less likely to engage in aggressive warfare. Immanuel Kant expressed this idea in his 1795 essay “Toward Perpetual Peace” in which he reasoned that building a community of republics in which citizens were sovereign under the law was the surest path toward lasting peace on the European continent. In his extensive study *Never at War*, the historian and physicist Spencer Weart investigated the history of war between nations across several centuries and empirically confirmed Kant’s premise that democratically accountable governments do not, as a rule, wage war on each other (Weart, 1998).

In his attempt to explain why the central ideas in “Toward Perpetual Peace” had proven correct, Weart expanded on Kant’s theory to consider not just domestic political cultures, but also the culture of international relations among nations with democratically accountable governments. Where Kant had reasoned that a culture of accountability within republics tended to restrain their leaders from engaging in military adventurism, Weart further reasoned that the culture of negotiation and compromise that characterizes the practice of politics within a democratic republic would extend to the conduct of international relations among governments sharing these political norms (Weart, 1998, 268). In practical terms, if leaders are accustomed to the back and forth of negotiation and compromise with the legislative bodies and competing political parties within their own countries, they will be well prepared to discover the advantages of negotiation and compromise with leaders of other democratic republics. According to this line of reasoning, democracy begins at home but it does not end there. The values and practices that make

the peaceful sharing of power possible among competing interests within a democracy can evolve into a set of norms that help maintain peace among nations that are similarly governed. The rules of order that guide the proceedings of an occasionally boisterous but reliably civil legislature in a healthy republic can become the norm that maintains peace among many republics. Though he did not express it as clearly as Weart ultimately would, Kant had intuited this expansion of republican values to the international sphere when he speculated that a confederation of republics could form the basis of a lasting collective security arrangement in Europe. When he hinted at this possibility, Kant struck a note that would resonate for generations, as illustrated by the various visions of a parliamentary world order that proliferated throughout the nineteenth and twentieth centuries.

In 1834, for example, the French novelist Felix Bodin imagined a world parliament that would meet in a different place each year, sometimes in the middle of the ocean and sometimes, with the aid of powered airships, at a spot high in the atmosphere (Mazower, 2012, 23). In 1835, Alfred Tennyson composed the poem “Locksley Hall” that he would publish in 1842. This poem also contained visions of powered airships and the creation of a world parliament. In an extended reverie on the distant future, Tennyson imagined a new age of global trade made possible by powered flight, followed by a catastrophic war in which airships would drop bombs from the sky:

For I dipt into the future, far as human eye could see,
Saw the Vision of the world, and all the wonder that would be;

Saw the heavens fill with commerce, argosies of magic sails,
Pilots of the purple twilight dropping down with costly bales;

Heard the heavens fill with shouting, and there rain'd a ghastly dew
From the nations' airy navies grappling in the central blue;

Far along the world-wide whisper of the south-wind rushing warm,
With the standards of the peoples plunging thro' the thunder-storm;

Till the war-drum throb'd no longer, and the battle-flags were furl'd
In the Parliament of man, the Federation of the world.

There the common sense of most shall hold a fretful realm in awe,
And the kindly earth shall slumber, lapt in universal law.

The horrors of aerial bombardment would compel the people of the world, Tennyson imagined, to tame the forces of nationalism and accept the democratic rule of law, as embodied by “a Parliament of man, a Federation of the world”; here Tennyson’s reasoning closely follows the contours of Kant’s argument for democratic peace theory. Like Kant, the poet found it plausible that “the common sense

of most” could be sufficient, once it was empowered on a world scale, to establish a lasting peace based on “universal law” (Tennyson, 1842).

This poetic pitch for a world parliament made a lasting impression on a young man from Independence, Missouri who carried these lines from “Locksley Hall” when he served with the American Expeditionary Force in France during World War One (Talbot, 2008, 184). That young man, a fairly conservative politician who rose through the ranks of the Democratic party in the 1920s and 1930s, would become Franklin Delano Roosevelt’s running mate in the Presidential election of 1944. In April of 1945, when Harry Truman became President upon the death of Roosevelt, he still carried the scrap of poetry by Tennyson in his wallet. He entered the Oval Office at a time when the deadly nature of aerial warfare was clearer than it had ever been before, and the possibility of a “Parliament of Man” to prevent future wars had attained a greater currency in American political discourse than at any time before or since. In less than four years since the attack on Pearl Harbor, the United States had built up a formidable capacity to conduct saturation bombing of the Axis powers, and it was now gambling unprecedented resources on the creation of an atomic bomb that could be delivered by new high-altitude bombers such as the B-29.

At the same time, the State Department was busy preparing the formal outlines for a United Nations Organization, which promised to extend the norms and practices of a democratic legislature to the realm of international diplomacy in the hopes of replacing the anarchy that had long characterized relations among sovereign nation states with something like the rule of law that characterized (with the brief but glaring exception of the Civil War) relations between the forty-eight states of the United States of America. The idea that, with the universalization of democracy, the nation states of the world could trade freely and cooperate as easily as the individual states in the Union had been promoted by 1940 Republican Presidential nominee Wendell Willkie in his 1943 bestseller *One World*. Critiquing the idea of complete economic self-sufficiency that had been a hobby-horse of isolationists in his own party, Willkie stated, “Self-sufficiency is a delusion of the totalitarians. In a truly democratic world, a nation would have no more need of self-sufficiency than the state of New York has of making itself independent of the state of Pennsylvania” (Willkie, 1943, 90). President Truman drew the same analogy between democratic federalism at home and abroad in 1945 when he stated:

It will be just as easy for the nations to get along in a republic of the world as it is for you to get along in the republic of the United States. Now when Kansas and Colorado have a quarrel over the water in the Arkansas River they don’t call out the National Guard in each state and go to war over it. They bring a suit in the Supreme Court of the United States and abide

by the decision. There isn't a reason in the world why we cannot do that internationally.

Roberts et al., 1945

On October 10th of 1945, former Supreme Court Justice Owen J. Roberts, Senator J. William Fulbright, and Albert Einstein cited Truman's promise as they joined other advocates of a more democratic UN Charter (Roberts et al., 1945). In the autumn of 1945, a UN that more closely mirrored the democratic federalism of the United States appeared to be a plausible goal to many influential Americans. Unlike the ill-fated League of Nations, the United Nations would include the United States and it would be headquartered, in a decision reached during the Truman Administration, in the metropolitan core of New York City. Support for the UN was confirmed by a commanding majority in the US Senate, and public support for the new international organization remained high throughout the 1940s (Roper Center, 2015).

Although the UN Charter agreed to in San Francisco in June of 1945 was primarily focused on the maintenance of peace and contained no explicit references to the promotion of electoral democracy, the parliamentary structure of the UN General Assembly as outlined in Chapter IV of the UN Charter affirmed the premise that the parliamentary norms and practices shared by representative republics over the course of centuries had become applicable to the sphere of international relations. Furthermore, Chapter XVIII of the UN Charter affirmed the constitutional nature of the United Nations by outlining a process for amending the Charter, and by promising the opportunity to hold another world conference in 1955 to rewrite the UN Charter, contingent on an affirmative vote by two thirds of the General Assembly and nine members of the Security Council. The possibility of such a conference was overshadowed by Cold War tensions in the 1950s, but the language of Chapter XVIII did not cease to be relevant with the passing of the year 1955. This is because Article 109 of the Charter further specified in Paragraph 3 that, if no conference to reform the UN Charter were held that year, the threshold for a vote to reform the UN Charter would be lowered to any seven votes on the security council and a simple majority in the General Assembly (Sharei, 2018). This now largely forgotten promise of a new UN Charter conference still remains to be fulfilled, and it offers succeeding generations the legal instrument to reform the UN substantially. Furthermore, the codification of electoral democracy as a basic human right in Article 21 of the Universal Declaration of Human Rights is a clear indication of the fact that the framers of the United Nations envisioned the expansion of democratic accountability, both within and among national governments, as the compass for guiding all future reform.

While the extension of democratic accountability to the sphere of international relations may seem like a utopian dream in an age of resurgent nationalism and authoritarianism, it is worth remembering that the generation that witnessed

World War Two was willing to take the idea quite seriously, and that this was reflected in the popular culture of the time, as evidenced by such bestsellers as *One World* by 1940 Republican presidential nominee Wendell Willkie in 1943, the world federalist manifesto *The Anatomy of Peace* by Emery Reves in 1945, and the sensation created in 1946 by the edited volume *One World—Or None*. In this last book, which builds on the concept of an integrated and democratic world outlined by Willkie, a number of atomic scientists such as Albert Einstein, Niels Bohr, and Leo Szilard were joined by intellectual luminaries such as Walter Lippmann to call for responsible and democratically accountable global governance to counter the dangers of nuclear weapons (Reves, 1945; Masters and Way, 1946). In popular culture, the 1948 Frank Capra film *State of the Union* featured the popular film star Spencer Tracy as Grant Matthews, a dark-horse candidate for the Republican nomination whose background in business, party affiliation, and interest in a democratic world community all suggest a character at least partly inspired by Wendell Willkie, who had died in 1944. In a pivotal scene, Matthews declares his passionate devotion to the idea of democratic world federalism, arguing, in a speech that follows the same logic as Tennyson's poem more than a century before, that this would be the only lasting way to protect the world from the catastrophic danger of another world war in the age of aerial bombardment and atomic weapons. Just as Truman loved Tennyson's poem and still carried the stanzas about a "Parliament of Man" in his pocket, he was deeply affected by Capra's film *State of the Union* and cited it as the primary inspiration that kept him going during the very challenging re-election campaign that he faced in 1948 (Allredge, 1949).

The concept of peace through the globalization of democracy, which the scholar James R. Huntley (2001) would later name "Pax Democratica," probably enjoyed its most conspicuous period of popularity in the United States during the mid 1940s, but it quickly lost traction with the rise of Cold War tensions in the late 1940s and early 1950s. Public crises such as the Berlin blockade of 1948–1949, the Soviet acquisition of the atomic bomb in August of 1949, and the establishment of the People's Republic of China in October of 1949 all served to polarize international relations and enhance suspicions, already common on the far right, that ambitious "One-Worlders" and even more cautious advocates of the UN as merely a forum for international diplomacy were somehow dupes of international Communism and therefore a threat to national security. The Australian-American author Shirley Hazzard, who worked for the United Nations Secretariat from 1952 to 1962, argues that even the modest hope that the UN could create a truly independent international civil service was effectively abandoned during the atmosphere of paranoia that came to prevail in the United States during the Korean War. Hazzard describes how the US State Department conducted a purge of all American appointees to the United Nations in consultation with Roy Cohn and allowed the FBI, in violation of the UN Charter, to set up an office on the grounds of the UN Headquarters in New York. These moves, taken by the host country of the UN, would inflict a deep

and lasting wound, in Hazzard's analysis, to the integrity of the institution (Hazzard, 1973, 30–33).

The Spectacle of the United Nations

In a parallel development during the first decade after the founding of the UN, the United States would embrace a pattern of providing military support to autocratic regimes around the world so long as they were anti-communist as well as undermining democratically elected governments if they were suspected of being friendly with or even insufficiently hostile to the specter of international Communism. The CIA sponsored coup in Guatemala in 1954 which has already been noted here was far from unique. In the year prior, the CIA had helped to arrange the overthrow of a democratically elected government in Iran and in 1973 the agency would aid in the overthrow of another democratically elected government in Chile. In each of these coups, the United Nations proved utterly ineffective at protecting the security of the democratic governments of its member states, and the General Assembly in fact provided a convenient theater for delegations from the dictatorships that replaced them to present themselves as the legitimate representatives of citizens who had no hand in electing them. In light of this phenomenon, it is not surprising that Shirley Hazzard was not alone among former UN personnel in presenting a jaundiced view of the organization. By the second half of the 1960s, it had become commonplace to use the analogy of theater to understand the United Nations. In his book *The Play Within the Play*, the Brazilian diplomat and author Hernane Tavares de Sà described the UN and its annual proceedings as a staged performance controlled largely by the United States, although he saw the US power to shape its public image as declining in the 1960s due to the growing number of non-aligned African and Asian nations in its ranks (Tavares de Sà, 1966, 299–300). Expanding on the concept of the UN as theater, the Irish diplomat and intellectual provocateur Conor Cruise O'Brien described the workings of the international body as a "sacred drama" similar to the religious and political theater provided in earlier epochs by the Oracle at Delphi or the Vatican (O'Brien, 1968, 119). The key difference O'Brien reasoned was in the entity that was supposedly being propitiated by the drama. While earlier grand performances of ritual theater were appeals to the gods or to a single God, the ritual theater conducted in the UN General Assembly was an appeal, no less religious or urgent, to the human race not to destroy itself.

Theater has the power to entertain and inspire, and it can even be useful in the way that O'Brien posits in his meditations on the role of sacred drama throughout history. However, when an organization that adopts the structure of a parliament and makes claims to represent people from all over the world functions as a theater instead, it is merely reproducing the same spectacle of consent favored by tyrants and charlatans throughout history. One would have to embrace a deep cynicism to believe that the reconstruction of the old tricks of Pisistratus on a global scale was what all or even most of those gathered in San Francisco in 1945 hoped to create.

In his account of the San Francisco Conference, the historian Stephen C. Schlesinger describes an intriguing moment when two members of the American delegation, the scholar Virginia Gildersleeve and the New York Congressman Sol Bloom, set out to revise the preamble of the Charter. Drawing inspiration from the Preamble to the United States Constitution, they began with the words, “We the people of the United Nations,” but were soon reminded by their colleagues that “sovereign governments had set up the UN, not the global citizenry” (Schlesinger, 2003, 237). And so, reflecting the fact that the UN represented nation states rather than individuals, “We the people” became “We the peoples” as it remains in the UN Charter to this day. Nonetheless, the idea that the UN should offer a representative forum to individual human beings rather than merely to their national governments persisted. In 1947, Albert Einstein drafted an open letter to the UN General Assembly proposing that its representatives be directly elected by the public via secret ballot, rather than appointed by national governments (Einstein, 1950, 158). In the twenty-first century, the campaign for a directly elected and proportional UN Parliamentary Assembly has garnered the endorsement of the European Parliament, and over seventeen hundred parliamentary representatives from around the world (Campaign for a United Nations Parliamentary Assembly, 2021). It would be naïve to assume that such reforms would solve all or even most of the problems that confront the UN and the world’s democracies in the chaotic epoch of the Anthropocene. But the recognition that the basic unit of democratic government is the individual voter, and not the state or nation, would be a step toward living democracy and away from the mere spectacle of consent.

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PART II

Globalizing Consent

PROOF

PROOF

6

PERCEIVED INEQUALITY AND DEMOCRATIC SUPPORT

A Close Analysis from the Asian Barometer Survey

Yu-tzung Chang and Osbern Huang

First, it is important to clarify what it means for a democracy to be “consolidated,” and how the threat of “democratic deconsolidation” is defined. *Consolidation* represents the level of trust that individuals have in democratic institutions. Political scientists Linz and Stepan (1996) once defined consolidation as the process through which democracy and its institutions become “the only game in town,” meaning that there are no direct challenges to the democratic regime *per se* and that it becomes deeply internalized by the majority of citizens. More recently, Roberto Stefan Foa and Yascha Mounk (2016) measured this by looking at support for democracy, the influence of anti-system parties, and the broad acceptance of democratic rules. The health of liberal democracy depends on the faith that voters have in it, especially when compared to other systems of government. If voters lose this basic faith, the liberal democratic system will begin to erode (Plattner 2017). This lessening of the trust that individuals have in democratic institutions is called *deconsolidation*.

Over the last four decades, as the tidal wave of democratization swept through the political landscape of the developing world and brought down numerous authoritarian regimes, many people living in democratic societies have taken it for granted that democratic governments by default enjoy a more robust foundation of legitimacy and are thus expected to be more resilient than non-democratic regimes in times of economic crisis and social turmoil.

However, most there have recently been a number of developments that have prompted us scholars to revisit this assumption (Freedom House 2020; V-dem 2020). A growing number of people all over the world are dissatisfied with the performance of democracy in their own countries (Chu et al. 2020; Foa et al. 2020). They question both the basic values of democracy and how democracy works in practice, and many no longer consider it to be the best form of government. At the same time, growing numbers of people regard non-democratic systems as viable

DOI: 10.4324/9781003218586-9

alternatives (Foa and Mounk 2016, 2017) that can lead to the *deconsolidation* of democracies.

There are also plenty of examples of democratic backsliding in different stages of democratization. Attempted democratic transitions in Myanmar and Belarus have fallen to authoritarianism, and new democracies are having trouble consolidating themselves in places like Hungary and Poland. Established democracies, such as the United States and the United Kingdom, cannot prevent themselves from suffering from a depletion of public trust in democratic institutions, and voters are increasingly disillusioned about existing political channels of engagement (Welsh et al., 2016; Diamond 2015; Schmitter 2015). At the same time, major authoritarian powers such as The People's Republic of China (PRC) and the Russian Federation deliberately project a sense of confidence in the effectiveness of their political systems (Plattner 2017).

To explain these trends, scholars have turned their gaze to economic inequality. Disparities of income and wealth have been identified as primarily to blame for the recent epidemic of democratic deconsolidation (Lakoff 2015). However, one should not assume that rising inequality necessarily leads to diminished enthusiasm for democracy. In this study, we argue that moderate levels of perceived inequality not only do not undermine support for democracy but also can actually increase people's support for democratic rule.

Before we display the empirical evidence supporting our argument, let us briefly review related literature that addresses the relationship between economic inequality and continuing popular support for democratic institutions.

Does Inequality Harm Democratic Consolidation?

How does inequality tend to emerge within the twenty-first century and how does it affect the wellbeing of democracy? Carles Boix, a political scientist at Princeton University (2015), argues that technological innovation is the key to understanding how otherwise equal individuals form unequal societies. When technological impacts on production and consumption are not evenly distributed, this disparity causes individuals to adopt different economic and political strategies. Rising inequality in the wake of these changes is often assumed to be the greatest factor causing deconsolidation. However, there is insufficient empirical evidence to establish such a causal relationship. Past theories are mainly concerned with the attitudes of elites with regard to inequality and democracy, yet they do not take into account the attitudes of the broader population.

Inequality has also been shown to have a negative relationship with the consolidation of democracy, based on different starting points. It has been said to hurt democratic consolidation and increase the likelihood of backsliding (Houle 2009). This occurs because wealthy elites in highly unequal societies face greater costs from the possibility of wealth redistribution through various government programs, and as a result are more likely to support the erosion or even the overthrow of democratic norms

and institutions. On the other hand, this kind of attack on democratic institutions by wealthy elites is far less likely in democracies with high levels of equality. Another threat to democratic consolidation emerges when ordinary people lose faith in the ability of their elected governments to solve basic problems. People in Western societies who believe that democracy cannot fulfill their most pressing needs are also growing dissatisfied with democratic institutions and increasingly leaning toward autocracy (Foa and Mounk 2017). When citizens become more anti-system and lose faith in democratic institutions, the result is that democracy will stop being the “only game in town” and start to deconsolidate. An already consolidated democracy could break down if it fails to solve socioeconomic problems and there is an alternative regime type gaining supporters (Linz and Stepan 1996). Michael C. Davis (2017), a noted scholar of law and political science, warns of the threat that unaware and unengaged citizens have on the continuing success and longevity of liberal democracy. He argues that the failure of political elites to set up fundamental institutions protected by a legally binding constitution could lead citizens, who do not feel that they are receiving benefits in real time under the current system, to look for more allegedly efficient alternatives. He thus stresses the need for an educated and engaged citizenry in order to ensure the establishment and maintenance of independent governing bodies, such as a judiciary, that do not fall under the direct control of the ruling regime. Paul Howe (2017), a political scientist at the University of New Brunswick, blames the breakdown of democratic norms on the rise of “antisocial attitudes,” which in turn could lead to the rise of populist leaders who feed on the growing discontent with the status quo and thus hasten the slide toward autocracy. He recommends that to combat this trend, democratic institutions must give people a sense of belonging within the democratic system by ensuring equal opportunities and educating them on the importance of core democratic principles.

Based on the empirical evidence of the World Values Survey, sociologist Ronald Inglehart (2016, 2018) also argues that the more financially secure people feel, the more supportive they feel toward democratic institutions. In contrast, a lack of security, likely due to economic factors, can have the opposite effect and lead to increasing support for autocracy. He believes that economic development is the key to the creation of a large middle class that is educated and values personal freedoms as the cornerstone of democratic consolidation. However, a decline of the middle class and the lack of equally distributed economic opportunity will hinder the legitimacy of democratic governance.

Based on the above discussion of the literature, it would seem that inequality must rank high among major threats to democratic consolidation. However, just as with other academic issues, the answer to this question is not one-sided. Below, we will survey and explore the other side of the relationship between inequality and democracy.

Can Inequality Increase Popular Interest in Democracy?

Political science scholars Ben Ansell and David Samuels (2014) report that inequality can actually create the opportunity for modern democracy to emerge. They argue

for a model in which a rising bourgeoisie brings about democratization by challenging the autocracy of the landed elite. This analysis of the interplay between economic and political change is often called the “Elite–Competition Approach.” Since inequality is a sign of such intra-elite conflict, the more income inequality a society with competing elites has, the more likely it is to democratize. They make a distinction between equality of land ownership and income equality, stating that when there is high land inequality, there is likely a strong landed elite who have a tight grip over the economy and politics of the country. The predatory nature of the landed elite is reflective of Boix’s (2015) explanation of autocratic governments that he claims are essentially plunderers who use power to keep a tight grip over the people. In other words, this narrative implies that the autocratic landed elites tax the population as much as they possibly can.

Ansell and Samuels’ argument builds upon American sociologist Barrington Moore’s (1966) observation of “no bourgeoisie, no democracy.” They argue that when there is a relatively “stagnant” agricultural sector and a growing industrial sector, income inequality should act as a catalyst for democratic change. Additionally, since they state that this elite competition continues after regime change, it is unlikely that the needs of the people will be immediately met, so perceived inequality and the actual inequality will remain at a certain level for an extended period of time. If the newly empowered bourgeoisie are more interested in funding projects that benefit their own group rather than social welfare, democratization will not necessarily mean the masses will be better off, but ensure that the newly developed social class can have active influence concerning political issues, hence making sure their property rights are fully protected.

In this “Elite–Competition Approach” model of democratization, the rise of modern capitalism is considered in conjunction with political liberalization, and economic inequality can actually be a catalyst for the rise of modern democracy. Are there any other explanations for the relationship between inequality and democracy?

Daron Acemoglu, an economist, and James A. Robinson, an economist and political scientist (2009), believe that there is an inverted *U-shaped* relationship between inequality and democratization. According to their research, when the rich benefit from conditions of extremely high income inequality, they will fight to prevent democratization. However, under conditions of extremely low income inequality, democratization will not have much of an influence on the income of either the rich or the poor, so there is no financial incentive for democratization. They argue, therefore, that the possibility for democratization reaches its apex under conditions of moderate inequality.

Based on the previous sections, we found that there are three explanations for the relationship between inequality and the emergence and consolidation of democracy: negative, positive, and U-shaped. However, we would like to dig deeper to develop and test our own hypothesis.

Our Hypothesis: Competition among Elites Can Strengthen Democracy

Our argument aligns with the model of democratization through elite-competition developed by Ansell and Samuels (2014), in which the rising bourgeoisie are responsible for democratic reforms which they enact in order to further their competition with the established elite. Since the assistance of the people is not necessarily crucial for the bourgeoisie's success, they may complete democratic reforms with or without popular support in the early stages of capitalization of a market economy.

We argue that once in power, however, the competing elites will need to appeal to the people to consolidate the new democratic system, so therefore it will remain important to these elites that the common people have a strong desire for democracy. Ansell and Samuels argue that democratization is most likely to occur where land ownership is relatively equal but income is not. This explains why successful land reforms, such as those undertaken in South Korea and Taiwan, have been crucial to laying the framework for eventual democratization (You 2015). Land reform is evidence that the old elite has lost its influence relative to the bourgeoisie and the masses, and thus must begin making concessions in order to maintain a degree of political influence. We argue that national populations that are dissatisfied with the unequal distribution of income will be supportive of democracy since it promises to give them a voice in and the potential influence over economic policy. This kind of broad public support plays a key role in consolidating democracy. In the following paragraphs, we will consider some debates concerning the relationship between inequality and support for democratic governments.

As authoritarian governments are less likely than democratic governments to redistribute wealth for the benefit of most citizens, the higher the perception of inequality the individual has, the less of an affinity they will have for authoritarianism. In other words, those who think society is fair (perhaps because they are satisfied with their economic position) prefer autocratic stability more, while those who think society is unfair prefer the potential for economic reforms that are more likely to emerge from democratic systems of government. This effect is even more pronounced in countries that have never experienced full liberal democracy.

The data from the Asian Barometer Survey (ABS), conducted between 2014 and 2016 in 13 countries, supports our hypothesis that rising inequality in this region will not harm the prospects for democratization across East Asia. With the exception of Japan, all the countries in East and Southeast Asia have recent experience with authoritarian rule. Japan is the only country in East Asia with a continuous history of democratic rule following the Second World War. However, Japan of course had a long history of militarism before its defeat in the War. Taiwan and South Korea transitioned from authoritarianism during the third wave of democratization in the 1980s and 1990s. Prior to this, they had been ruled by one-party and military authoritarian regimes. Mongolia was a client state of the Soviet Union and only underwent its democratic revolution in 1990. Indonesia and the Philippines

were subject to strongman rule, and even after democratization, political instability and authoritarian populism have remained problems. Thailand has been struggling to restore democracy after a military coup. In addition, Malaysia, Singapore, and Hong Kong have been classified as electoral authoritarian regimes due to a failure to meet international standards for free and fair elections. In Cambodia, national politics are dominated by prime minister Hun Sen, who has been in power since a disputed election in 1998. Finally, Vietnam and the PRC are authoritarian one-party regimes.

In the ABS, we can see detachment from four types of authoritarian rule: strongman rule, military rule, rule by technical experts, and one-party rule. Three of these types of authoritarian rule have been practiced in East Asia (strongman rule, rule by military or technical expert, and one-party rule), and while no country has been a pure technocracy, technical experts have wielded extensive policy influence under other various types of regimes, notably in the developmental states of Japan, South Korea, and Taiwan, and more recently in countries such as Malaysia.

We look at “Alternative Regime Preferences” in order to estimate deconsolidation at the individual level. Accepting the premise that democracies will not deconsolidate unless citizens embrace nondemocratic regimes, we looked at three survey questions addressing Alternative Regime Preferences:

1. “We should get rid of parliament and elections and have a *strong leader* decide things”;
2. “Only one political party should be allowed to stand for election and hold office”;
3. “The military should come in to govern the country.”

The literature on the longevity of authoritarian regimes indicates that the one-party regime is the most resilient form of authoritarianism in terms of longer political survival (Gandhi and Przeworski 2007; Geddes 1999; Huntington 1968; Magaloni and Kricheli, 2010; Svobik 2009), less domestic rebellion (Cox 2008; Keefer 2008; Kricheli and Livne 2009), and rapid economic development (Gehlbach and Keefer 2012). Is the resilience of one-party authoritarianism reflected in lower levels of authoritarian detachment, suggesting that mass support may explain the longevity of such regimes? Even after countries have democratized, the authoritarian legacy may have a lingering influence, affecting the levels of detachment from authoritarianism among citizens. Our earlier research indicates that once countries have reached a certain level of modernization, their authoritarian history will no longer obstruct the lasting rejection of autocratic rule. However, for countries with low levels of modernization, current or past experiences of different types of authoritarian rule tend to reduce detachment from that type of rule among citizens (Chang et al. 2018).

From our findings, large majorities of citizens in Japan, South Korea, and Taiwan reject authoritarian alternatives, showing that democracy is still regarded as “the only game in town.” Even though democracy may not be attainable in the short

run in Hong Kong, it remains an aspiration for many Hong Kongers. In contrast, democracy in less developed countries such as Mongolia, Thailand, and Myanmar remains fragile, with increasing numbers of citizens willing to consider authoritarian alternatives (Asian Barometer Survey).

Implications

Our study implies that strong perceptions of inequality, in a society with competing elites, cause people to fight for democratic governance, thereby consolidating democracy. When perceptions of equality dominate, however, then the people lose interest in democratic governance, giving autocratic forces the opportunity to step in and deconsolidate democratic institutions.

These findings also show that perceived inequality does not harm people's preferences for democracy; rather, perceived inequality makes democracy much more attractive and authoritarian forms of government much less attractive. Therefore, higher perceptions of inequality do not appear to erode or hinder democratic consolidation or democratization in East Asia. A supporting example is Myanmar, where those who have negative perceptions of the economy also have the most favorable view of and desire for democracy (Welsh et al. 2016).

Our results also suggest that fears of democratic decline are alarmist and unwarranted, as the overall level of democracy in the world is still rather high and stable (Mechkova et al. 2017). Our findings tend to support the perspective of Ronald F. Inglehart (2016) that democracy is generally stable in Western countries, while at the same time attributing the discontent of many Americans with democracy to a dysfunctional system and rising inequality. He states that since citizens perceive the Republican and Democratic parties as both serving the wealthy elite, faith in democratic institutions has been declining. In the very different socioeconomic context of the rapidly growing economies in East Asia, the political dynamics of democratic consolidation are quite different. Our evidence points to this distinct dynamic among East Asian countries. Perceived inequalities, according to our data, actually cause people to have even higher levels of preference for democracy. This phenomenon suggests that populism could be reflective of democratic consolidation in action. Perhaps those who perceive society as being unequal are more actively engaged in politics, pushing for labor unions, and other forms of protest within the context of civil society. After all, democracy provides a forum for pluralistic conflicting interests.

To sum up, we discovered in our survey of East Asia a surprising relationship between perceived inequality and preference for non-democratic regimes: Those who perceive inequality levels to be low tend to prefer autocratic alternatives, while those who perceive higher inequality levels tend to prefer democracy. Our findings show that perceived inequality does not harm the preference for democracy. On the contrary, perceived inequality makes democracy much more attractive, and forms of autocratic government much less attractive. Therefore, higher inequality perception

does not appear to erode or hinder democratic consolidation in East Asia but signals that there are opportunities for further democratization.

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7

AFRICA, ITS DIASPORA, TRANSITIONAL JUSTICE, AND GLOBAL DEMOCRACY

Towards a World Parliament

Tim Murithi

This chapter will assess the historical exclusion and marginalisation of Africa and its diaspora from framing and engaging with global governance processes. The chapter utilises transitional justice as a prism through which to critique the undemocratic nature of the United Nations system, to establish World Parliament to redress this democratic deficit, and to suggest a restructuring and transformation of the United Nations Security Council (UNSC) to address geo-political insecurity, as well as Africa's historical exclusion from the international system.

The chapter begins by proposing an understanding of global order predicated on maintaining peace and security, with an emphasis on the institution that has asserted its mandate to lead on this issue: the UNSC. The chapter argues that the international community has reached a democratic crisis point due to the historical and continuing geopolitics of exclusion. Consequently, the historical exclusion of a majority of the world in designing and upholding global order needs to be redressed. Concretely, from a transitional justice perspective, this means that it is necessary to rethink and remake the international system on the basis of global democratic inclusivity.

The Purpose of Transitional Justice

Transitional justice enables societies emerging from violent conflict or authoritarian rule to pursue redress and accountability for past human and civil rights violations in order to establish the healthy state-society relationships vital for peace and resilience. Transitional justice processes are crucial for maintaining civic trust in the aftermath of political tension or suppression. Dealing with the past includes establishing internationally recognised processes of justice and redress as a means

to promote peace and reconciliation. In 1997, the United Nations Commission on Human Rights (the predecessor to the present-day UN Human Rights Council) approved the Joint Principles on Combating Impunity, which established the rights of victims and the obligations of states. The Joint Principles identify four key parallel processes necessary to mitigate against impunity:

1. the right to know the truth about atrocities against victims;
2. the right to justice;
3. the right to reparation; and
4. the guarantee of non-recurrence.

These processes are premised on confronting the atrocities of the past and undertaking certain judicial and quasi-judicial measures to safeguard against the potential recurrence of similar abuses. Some of the processes for dealing with the past fall under the rubric of the still-contested term “transitional justice” (UNSC, 2004, 3). Transitional justice is meant as a vehicle to confront past exploitation and victimisation. In this context, transitional justice, therefore, does not seek to replace criminal justice; rather, it strives to promote “a deeper, richer and broader vision of justice which seeks to confront perpetrators, address the needs of victims, and start a process of reconciliation and transformation towards a more just and humane society” (Boraine, 2004, 67).

The ultimate purpose of transitional justice is to establish frameworks to disrupt the continuing effects of the past. At the heart of the democratic transitions in Gambia, Liberia, Kenya, Sierra Leone, and South Africa, during the 1990s, was the need to address the past through procedures accepted by those most affected. For example, in Sierra Leone, a violent civil war led to a range of mass atrocities, including killing, torture, rape, and the physical amputation of arms and legs by the armed militia groups engaging in conflict. Similarly, in South Africa, a brutal system of white supremacy, called apartheid (meaning “separate” in the Afrikaans language) established formally in 1948, deliberately excluded people of colour from accessing decent housing, healthcare, education, and employment, which created a massive under-class of poverty-stricken communities which continue to languish across the country. In addition, the trauma perpetrated during apartheid has been transmitted to subsequent generations of younger South Africans, who are not agitating for socio-economic redress and accountability for the past injustices perpetrated on their forebearers. It is also necessary to remember that transitional justice is just that—a “transitional process”—not a permanent solution to addressing the atrocities of the past. The transient process will have to give way to the rule of law, the redesign of institutions, and the restoration of a constitutional order that will manage and resolve the social, political, and economic tensions within a society. Bodies such as truth and reconciliation commissions and special courts are temporary and time-bound institutions and should not be considered permanent solutions.

Created in 2000, the Institute for Justice and Reconciliation in Cape Town, South Africa, has compiled at least five components critical to dealing with the past through transitional justice processes:

- ensuring accountability in the fair administration of justice and restoring the rule of law;
- the use of non-judicial mechanisms to recover the truth, such as truth and reconciliation commissions;
- reconciliation in which a commonly agreed memory of past atrocities is acknowledged by those who created and implemented the unjust system as a prerequisite to promoting forgiveness and healing;
- the issuing of reparations to victims who had suffered human rights violations, including gender-based violence, as a way to remedy the harm suffered in the past through the provision of psycho-social support and the processing of trauma; and
- the reform of institutions including the executive, judiciary, and legislative branches of government as well as the security sector to ensure that a degree of trust is restored and bridges between members of society can be rebuilt.

The reckoning with the past that is at the heart of transitional justice is particularly important as countries move on from war and often authoritarian rule to inclusive democratic societies. As this chapter will argue below, the UN system is undemocratic in its current design and, more specifically, the Permanent Five (P5) members of the UN Security Council wield a disproportionate degree of power, which undermines the peace and security of the rest of the world.

The Invention of the United Nations and the Promise of Global Order

Following the subjugation of the fascist and totalitarian powers at the end of the Second World War, the wartime allies constructed a new framework for the post-war world order. The United Nations organisation was the progeny of this endeavour and its primary purpose was to enable its members to “settle their international disputes by peaceful means in such a manner that the international peace and security, and justice are not endangered” (United Nations, 1945). The Security Council and the General Assembly provided the UN with the ability to oversee the peaceful settlement of disputes. Specifically, Article 33 of Chapter VI of the UN Charter (1945) states that “the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement.” In order to operationalise these interventions, the broad range of institutions within the UN system could be utilised by governments and inter-governmental organisation to address the underlying sources of conflict.

On this basis, it is important to remember that the UN is composed of its Secretariat, the member states, and its numerous agencies. As the institution empowered by the Charter to promote peace and security, the Security Council is the most powerful of these institutions and it has a primary responsibility to create and establish the frameworks for other branches and institutions of the UN system, as well as regional organisations, to contribute towards peaceful dispute resolution and the maintenance of global order.

Historically, the UN system was designed to ensure the balance of power between the great powers; however, the institution has not been fundamentally reformed in its 76 years. Given the organisation's responsibility to ensure peace and security, sustain refugees (currently at over 70 million people), protect the environment, improve livelihoods for the socio-economically marginalised, and address the global public health challenges, including confronting vaccine apartheid, the lack of reformation is shocking. It does not make sense for a more than five billion people not to have a "permanent" representation on the UN Security Council, particularly when more than 80% of the Council's work relates to crisis situations in Africa, the Middle East, and South-east Asia. Thus, in the eyes of many, the international system of governance has no legitimacy from a global south perspective. This argument can be made more forcefully by India, which has over a billion people, and Brazil, which is also one of the most populated countries in the world. The question for the more than five billion people excluded from UN decision-making is why or whether they should continue to support such an illegitimate system of global governance.

Africa, Its Diaspora, and the United Nations: A Legacy of Global Exclusion

During the early decades after the end of the Second World War, the UN witnessed an asymmetrical partnership between the body, Africa, and the African diaspora. Newly independent African and Caribbean states were just beginning to establish their political, social, and economic footing. As a collective, African and Caribbean countries were not in a position to influence policy at the UN. In most instances, postcolonial African and Caribbean states were beholden, and still are, at least economically, to their former colonial powers. The decision by Barbados in November 2021, to dispense with the British Monarch as their formal head of state, is a manifestation of the desire to break from the cultural power that former colonial powers yield over their erstwhile colonies. This cultural power, which was also wielded by the US and the Soviet Union during the Cold War as both superpowers, extended their influences and acquired allies across the continent. The long legacy of this cultural influence further contributes towards the UN system's "paternal" attitude towards Africa and its diaspora. Since then, Africa has been trying to challenge and dispense with paternalistic attitudes from and within the UN system, and more specifically within the UNSC.

Currently, the negotiation processes in the UN Security Council perpetuate and reproduce this paternalistic exclusion of the African continent. More than 60% of the issues discussed by the UN Security Council are focused on Africa, yet the continent does not have any representation among the Permanent Five members of the Council (De Coning, 2014). Given that the P5 can veto all decisions before the Council, it is a basic travesty of justice that African countries can only participate in key deliberations and decision-making processes as individual, non-permanent members of the Security Council. Furthermore, there is no guarantee that African non-permanent members of the Council will in fact articulate and advance positions that are in the interests of African citizens and communities. This is due to the fact that the current cultural diplomatic practices are biased towards their national interests rather than articulating the collective views of the regions. If achieving fairness in negotiations among states is the preferred route to global legitimisation, then a fundamental transformation of the UN Security Council and the elimination of the veto provision are necessary. The P5 benefits from the *status quo* within the international system, reproducing in effect a form of diplomatic apartheid. Given that the asymmetrical distribution of global political, economic, and military power has remained relatively unchanged since the end of the Cold War, the potential beneficiaries of global democratic transformation would be societies in the so-called developing regions of the world—Africa, Asia, the Middle East, and Latin America.

The historical exclusion of a majority of the world in designing and upholding global order needs to be redressed in a redesigned international system. Given the historical exclusion, exploitation, and oppression of Africa, it is vital in terms of global transitional justice for Africa to assert its right to shape the future global order.

Pan-African Efforts to Reform the UN Security Council

Africa has tried to voice its concern about the need for a change within the existing UN system. Specifically, in March 2005, the African Union (AU) issued a declaration known as The Common African Position on the Proposed Reform of the United Nations: the Ezulwini Consensus (African Union, 2005), which was a statement in response to the United Nations' December, 2004 Report of the High-Level Panel on Threats, Challenges and Change. The AU is the successor body to the Organisation of African Unity (OAU), which existed from 1963 to 2000. The AU was established by its Constitutive Act, which was adopted in 2000, and is a membership organisation composed of all 55 countries of the African continent. The AU's purpose was to building upon the efforts to decolonise the African continent, which was led by the OAU, by promoting Pan-Africanism, or the pursuit of mutually reinforcing and supporting solidarity among African peoples, through advancing regional and continental integration. In addition, the AU has adopted its Agenda 2063 as a roadmap for achieving a peaceful and prosperous driven by the aspirations of its peoples, including descendants of Africans who are currently in the diaspora.

The AU noted that “in 1945, when the UN was formed, most of Africa was not represented and that in 1963, when the first reform took place, Africa was represented but was not in a particularly strong position” (African Union, 2005, 9). The AU went on to state that

Africa is now in a position to influence the proposed UN reforms by maintaining her unity of purpose”; furthermore, it notes that “Africa’s goal is to be fully represented in all the decision-making organs of the UN, particularly in the Security Council.

African Union, 2005, 9

The Common African Position enumerates what “full representation” of Africa in the Security Council means: “not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right to veto” and “five non-permanent seats” (African Union, 2005, 9). This was the first continental initiative to articulate the African position on how to promote inclusion in global governance institutions, which had stagnated up to that point.

On 27 May 2010, the Chair of Inter-Governmental Negotiations on Security Council Reform, Ambassador Zahir Tanin of Afghanistan, issued the first-ever negotiating text on Security Council reform. In this document, Sierra Leone, then a non-permanent member of the UN Security Council, reiterated the AU position: “Africa seeks the abolition of the veto, but alternatively, so long as it continues to exist, its extension to all new permanent members in the Council as a matter of common justice.” As noted above, the virtual impossibility of eliminating the veto provision from P5 members due to their combined power to subvert any such initiative in the short- or medium term weakens the argument that achieving fairness in negotiations among states is a potential route to global democratic legitimation.

The Fallacy of United Nations Reform

The attempt by the African continent to propose reform of the UNSC through the Ezulwini Consensus has largely been rebuffed by the self-interested powerful members of the UNSC, notably the P5, thereby exposing the fallacy of the United Nations reform process. Consequently, it is time for Africa to participate directly in the dismantling of the current global system and in replacing it with a more inclusive system of global democracy. It is incumbent for citizens and the leaders that they have chosen not to wait for ideas to come from elsewhere, because they will favour the self-interested minority elite, rather than the collective.

The media bombards people with ways of thinking that discourage people from questioning the existing order. Contemporary broadcast media makes reference to the world’s nation-states as though they were not constructed by human beings and as though they cannot be deconstructed or remoulded. Global mainstream media also tends to adopt a state-centric approach to addressing global problems such as climate change, environmental destruction, and illegal transnational trade

in weapons and narcotics. Specifically, rather than questioning the existing United Nations system, the mainstream media tends to regurgitate the rhetoric coming from the dominant states and by so doing reinforces the status quo which is inherently undemocratic. Africa has to put forward its own proposals for remaking the global order along more democratic lines. The popular consensus emerging from the African Union Annual Assembly of Heads of State and Government in January 2016 was that African countries should “pull out” of the UN system (Azikiwe, 2016). This in fact might be a necessary stepping stone towards dismantling the current system and replacing it with a system that deepens global democracy. While exiting the dysfunctional UN system may seem appealing to dissatisfied member states across the global south, there are a number of challenges to consider. For example, it is impractical to withdraw from the international system, particularly if a country has to continue engaging and interacting with other actors around the world. Consequently, the case for global democracy needs to be made continuously by African countries, through utilising the prism of transitional justice and the need to redress the exclusionary posture and practices of the past.

Transitional Justice and the Case for Global Democracy: Towards a World Parliament

Transitional justice should serve to both entrench the rule of law and restore a global constitutional order that will manage and resolve the social, political, and economic tensions within world society. Practically, this requires the reform of institutions including the executive, judiciary, and legislative branches of global governance, as well as the security sector, to restore trust between members of global society. Therefore, when applied to the UN system, and the UN Security Council in particular, the demands of transitional justice require reforming the body’s decision-making process, as well as establishing a UN Parliamentary Assembly as an intermediate step towards a World Parliament. Article 109 of the UN Charter can be invoked to formally launch such a process. As targets of historical injustice, Africans continue to lead the promotion of fairness, equality, accountability and redress for the comprehensive economic and political harm done in the past, due to slavery and colonialism.

As noted above, transitional justice proactively addresses the exclusionary past in order to build an inclusive society. Global transitional justice is about enabling global society to make the transition from the authoritarian rule of a small self-selected global elite such as the P5 towards a global democratic order anchored by a World Parliament.

The challenge now is how to build a coalition of the marginalised and dispossessed drawing from the norms of transitional justice to mobilise for the establishment of a World Parliament, and thus to transform the ageing and anachronistic UN system, particularly the Security Council, and replace it with new institutions that seek to deepen global democracy, based on a renewal of principles of human freedom, solidarity, justice, and reconciliation, which we can draw from historical struggles from around the world.

It is time for a two-thirds majority of the countries within the UN General Assembly to build a coalition and to trigger Article 109—which cannot be vetoed by the permanent members of the UN Security Council—calling for a review of the UN Charter. Initiatives to revive multilateralism, through which countries cooperate and act in a collective manner to address global challenges, would require powerful countries to make a bold commitment to support the will of a two-thirds majority of the General Assembly, rather than play a divisive and nefarious role behind the scenes, which has been the common practice of the P5 for the UN's more than 75-year history.

The activation of Article 109 is several decades-long overdue because the UN Charter calls for the periodic review of its relevance and effectiveness. In fact, the members of the General Assembly are in “legal” breach of the stipulations of the UN Charter, which specifically and explicitly calls for a Charter Review Conference ten years after the establishment of the UN, which was launched in 1945. In 1955, there were efforts to launch a Review Conference of the UN Charter, but this process became stalled, by the intransigence and non-engagement of the P5 members of the UNSC, and other prominent states. As evidenced by multiple campaigns currently underway to deepen global democracy, such as the efforts of the non-profit organisation called Democracy Without Borders (DWB), which is actively campaigning for the establishment of a World Parliament, there is a strong case to relaunch the campaign to convene a UN Charter Review Conference prior to the 80th anniversary of the UN in 2025.

Drawing upon the principles of human freedom, solidarity, justice, and reconciliation for which many people and communities around the world have fought and continue to fight, humanity needs a new global system designed around a World Parliament with legislative powers and Portfolio Committees on peace, security, gender equality, climate change, environment, refugees, and other matters. The operations of such a new global democratic system would be financed by the taxation of global transactions. The resources generated are needed to address transnational challenges and are beyond the ability of any single country. Specifically, the World Parliament would be able to utilise global taxation of international financial flows, as well as apply minimal taxes to international flights and shipping, to generate the funding resources which its Portfolio Committees, which are composed of a smaller number of countries and are dedicated to focusing on and addressing a specific issue, can appropriate to intergovernmental institutions to address global challenges. It is estimated that a minimal tax of 0.5% on international financial flows could generate an annual budget in excess of 250 billion US dollars, which is significant to the miniscule budget of around seven billion dollars the UN currently incurs through assessed contributions (Spahn, 1995).

A World Parliament could be constituted by the principle of proportional representation based on the population size of countries, across all 193 member states of the UN. It could also include other countries and territories that are not members of the UN, irrespective of religious or ideological orientation, to create a global legislative chamber. The possibility that such a World Parliament

could include both democratic and authoritarian states is not an anathema nor a reason not to establish such a body. National parliaments are currently occupied and increasingly populated by individuals who harbour fascist orientations. This suggests that it is not always possible to exclude anti-democratic proponents within an inclusive governance framework; the key challenge is to establish checks and balances to ensure that they do not overwhelm the democratic system. This would require establishing fail-safe institutional mechanisms that will prevent anti-democratic forces from altering or amending constitutions to reverse the rule of law, heavily monitored by an independent citizen-led oversight body.

Even as some countries retreat into cocoons of partisan nationalism, globalisation is here to stay. The challenge is to create institutions that can respond to international issues before they threaten the survival of humanity. The UN's refusal to complete a Charter Review Conference in its 76-year existence is staggering, given the pace at which technology has evolved. The geo-political evolution of democratic institutions of global governance has not kept up with the pace of globalisation or the demands of the fourth industrial age. Consequently, think tanks, civil society, and scholars need to actively identify, lobby, and mobilise the support of influential member states within the General Assembly who can build a coalition of countries to chart a new course for humanity by convening a Review Conference of the UN Charter.

World Federation of Nations

In the absence of the political will within the UN to convene a Charter Review Conference, an alternate strategy would be to establish a new organisation such as the World Federation of Nations (WFN), which is based on the work of the World Federalist Movement. That organisation could establish a new and separate treaty to formally constitute and launch a new global body, which could be approved and adopted by “which ever internationally progressive countries were willing to be pioneers” (Strauss, 2005, 9). In fact, the UN itself was established by a pioneering group of countries so it has already provided an example of how to successfully achieve the establishment of the WFN.

In terms of the treaty establishing a World Parliament, “even twenty to thirty economically and geographically diverse countries would be enough to found the parliament” and “the treaty agreed to by these countries would establish the legal structure for elections to be held within their territories including a voting system and electoral districts” (Strauss, 2005, 9). There is no reason why these pioneering countries would have to give up their membership of the UN whilst forming the WFN, since almost all countries belong to more than one international organisation simultaneously. In fact, the pioneer members of the WFN could retain their UN membership and actively use their positions to advocate for the new global democratic architecture and convince other countries to join them in the new formation.

The constitution of the WFN could be framed in such a way that any country willing to meet its obligations under the WFN treaty could join. A WFN body

would include a range of representative bodies, including a Supranational Council composed of continents of the world, a Committee of Subnational Regions, an International Security Force, a World Court of Justice which can incorporate the International Criminal Court, a Forum of Unions, Civil Society Actors and Social Movements, and an International Taxation Organisation (Murithi, 2003). The establishment of these constituent bodies would represent the practical deepening of global democracy and expand the range of actors who are involved in deliberating and addressing global challenges.

If the WFN treaty gains momentum, then “other less proactive countries would have an incentive to take part rather than be side-lined in the creation of an important new international organization” (Strauss, 2005, 10). When membership of the WFN reaches an optimal number of countries, one might see the withering away of the UN’s relevance until it undergoes the same demise as the League of Nations.

To pave the way for the establishment of the WFN, a group of progressive states need to begin drafting a General Assembly resolution to put the UN Charter Review Conference on the agenda, as well as drafting the treaty and constitutional framework of the WFN.

Interrogating the Possibility of Change

The era of global disorder will persist, given that a radical shift in thinking utilising a transitional justice perspective does not, and cannot happen, overnight. A drawn-out transition period is particularly apt when referring to international relations in which the parochial prejudices and biases of politicians inform decision-making. This situation will not change until those attitudes are transformed through a global transitional justice programme of “unlearning” the self-defeating and self-destructive world views premised on aggression, dominion, and control. The contestation and jostling for global supremacy will continue in this intervening period. After all, powerful countries have acquired a voracious appetite for preventing contestation of their global hegemonic power. They also directly engage each other, as exemplified by the People’s Republic of China’s ongoing confrontation with the US over the sovereignty of the South China seas and NATO’s eastward enlargement in the direction of Russia, evident in Montenegro’s 2017 inclusion in the western military alliance.

It would be naïve to think that the beneficiaries of the current system will allow change to happen simply because the African continent demands it. Consequently, this transitional justice transformation will not happen any time soon. Instead, Africa may have to utilise a strategy of disruption, undermining global systems and institutions that continue to perpetuate injustice and its subordinate status. Africa will also need to continue leading in the design and creation of new global institutions, as well as withdraw from international institutions dominated by the global geo-political powerbrokers.

Africa has already pushed for the reform of the UN system through the Ezulwini Consensus, but it was comprehensively marginalised and cast aside. A decade after

the initial Ezulwini Consensus initiative, the global system of governance and the UN Security Council remains intact and unaffected, as well as incapable of addressing contemporary security threats. The UN does do good work in some places; however, the next version of the UN should achieve even more for the war-affected, subjugated, and downtrodden. In addition, a new system of global democracy should have its own predictable source of funding from taxing financial capital flows or issuing a levy on imports, which the AU has recently adopted as a policy for funding its own operations.

Africa and the diaspora play a leading role in the global promotion of practices and norms of transitional justice and institutional reform. In particular, Africa and the diaspora have and will continue to challenge the artificial normative strictures of the global discourse of transitional justice and advance its own home-grown norms to deal with the violations of the past. African and the diaspora should lead together with a coalition of the willing states and actors to trigger Article 109 and chart a pathway to a World Parliament.

Africa's experience with fighting for justice, equality, and self-determination through solidarity is the continent's lesson to the world and the basis upon which it should assert its right to contribute towards remaking a global democratic system. The principle of equality, as stipulated in the norms of transitional justice, demands that the UNSC be permanently dismantled and replaced with a more inclusive platform for decision-making on vital issues of global peace and security. The principle of justice demands that all people are represented in a World Parliament, despite their ideological or religious orientations. The principle of solidarity demands that global challenges facing the environment, economy, and societies be addressed through the collective effort of continents, countries, communities, and people working in tandem, and not by self-centred agendas.

A new global order is now under construction. Its self-appointed would-be framers, in the east and west, believe that their economic and military power entitles them to mould it in their own image and to suit their own interests. There is a strong case from a transitional justice perspective for Africans and the diaspora to build coalitions with the rest of humanity to stop the illusionary and exclusionary agendas, of the global elite, and contribute towards the remaking of a global democratic system. Ultimately, the redesign of the global order will advance the notion of common humanity.

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8

“WORLD ORGANIZATION THROUGH DEMOCRACY”

Clarence Streit and the Genesis of the Present World Order

Tiziana Stella

Before the US entered WWII, many Americans contemplated the sobering realization that their country was to become the leading world power. This presented the problem of forging a foreign policy consistent with democratic values that could concurrently provide the degree and quality of force needed to maintain order. The advocate of democratic federalism Clarence Streit argued that the US could not reach a lasting solution to this problem on a national basis alone. International anarchy would inevitably cause the US to seek supremacy and become the motor not of harmony among nations, the traditional aspiration of past internationalists, but of new levels of power politics. Streit warned of the dangers associated with assuming world leadership, unless concurrent with a qualitative transformation of international relations away from power politics, a portent in which he was joined by other prominent voices. In the spring of 1941, Freda Kirchwey (1941, 299), editor of the *Nation*, observed: “The fact is, no democratic basis for national dominance can be found in any formula, no matter how you slice it. It cannot be found because it does not exist.” A few months earlier, Assistant Secretary of State, Adolph Berle (1940, cited in Wertheim, 2019, 5), commented in his diary:

I have been saying to myself and other people that the only possible effect of this war would be that the United States would emerge with an imperial power greater than the world had ever seen; but I thought of it as something that would happen more or less in the future. It has happened off the bat, and there isn't much that anyone can do about it.

Since a democratic federal core within a broader world organization could address these dilemmas, it became a prominent conceptual pillar in the debate over what kind of postwar order the US should favor. However, because discussion on alternative structures for world organization was pushed to the margins once

DOI: 10.4324/9781003218586-11

official planning was made public, the debate on world organization became a corollary of, and subordinate to, the dividing lines of isolationism and internationalism that came to characterize discourse about US entry into WWII.

In reality, the two debates that shaped the US position on postwar order – the first on participation in the war and the second on world organization – pivoted around different dividing lines. Positions on world organization cut across the lines of the first debate and generated different alignments. By proposing an alternative view of what Americans should be fighting for, the prospect of a transformed international system galvanized energies from different camps, proving the existence of a federalist constituency for which the traditional dividing lines had become obsolete. A new era had begun. The old lines, Streit argued through the press, were now subordinate to a new one "cut[ting] across all existing lines" and centered on the question of whether world organization would supplant international anarchy and be rooted in democracy (Streit, 1942, 23).

Although traditionally presented to the public as a choice on whether world organization should be adopted, the actual line of disagreement in the second debate was summarized by postwar planners in 1943 in a secret draft of the United Nations Charter. They commented, "Two, and perhaps only two, alternatives in the basic form of organization were open: 1) The cooperative form, or 2) the federal form" (U.S. Department of State, 1949, 533). The UN would adopt the structure of universal cooperation among sovereign states.

In the clash between the two models for world organization, it became important to marginalize the role of the federalist constituency and diminish its narrative. As the war continued, official designs for world organization were portrayed as products of the "triumph of internationalism." By then, the term "internationalism" had come to describe the camp that prevailed in the first debate, on joining the war. The "triumph of internationalism" characterization exploited the confusion the term "internationalism" created in reference to world organization, given the discrepancy between WWII and traditional internationalists' views on this topic. Diminishing the narrative on the actual lines of contention in the second debate, the dispute over democratic and non-democratic construction in the relations between states, was instrumental to empowering those interests, nationally and internationally, that would continue to dismiss further discussion on alternative frameworks, discrediting them as "perfectionist," "utopian," and "idealist."

This stereotyping mischaracterized federalist analysis as being unconcerned with the role of power, thus irrelevant in a post-fall-of-France world in which preponderance of power had become the *sine-qua-non* in all foreign policy calculations. Intentionally or not, it eradicated public discourse on the realist foundations of federalist frameworks. Federalists' analysis was concerned equally with power and with democracy. They accused other internationalists of not prioritizing security enough, of compromising with the dubious security of hegemony and balancing. Federalists had focused on the centrality of the role of power in international relations before internationalists did. Some had rejected the League of Nations on

that very basis. They differed from internationalists as to which “realist” approach they considered best to address the negative externalities of power in international relations. Federalists did not reject power but wanted to restrain it by changing its nature through democracy in a federal union. Their analysis indicated that without changing the *nature* of power, there was no “realist” solution to the problem of order in the modern world (whether balancing or hegemonic) that would not concurrently deprioritize democracy, disarmament, and the prevention of war. They spoke of moving from balances of power to sharing of power via federation, which would have the salutary effect of empowering both democracy and world organization. The democratic mechanisms that federalism extended to international relations would transform power relations into juridical relations, in ways different from those proposed by the champions of international law in a world of nation-states. Federalists highlighted the impasse democracy faces when world organization fails to supplant power politics, stressing that eradicating power politics is central not only to the problems of war and peace, but also to those of democracy, and the two intersect. By underlining the interdependence among democracy, world organization, and the future of humanity, they drew attention to the ethical and practical paradoxes of democracy as a practice that exclusively pertains to domestic life. Not less, but more democracy in interstate relations was needed to address the problems of security and of an increasingly disenfranchised citizenry.

Clarence K. Streit’s “Nucleus Approach” to World Organization

Advocacy of world federations faced, since its inception, the impasse summarized by realist scholar Hans Morgenthau (1973, 398):

Our analysis of the problem of domestic peace has shown that the argument of the advocates of the world state is unanswerable: There can be no permanent international peace without a state coextensive with the confines of the political world.

But he went on to say that “a world community must antedate a world state” (Morgenthau, 1973, 406), referring to the role that supranational loyalty and consent must play in the creation and resilience of an international federation. This observation articulates the dilemma that progressive realists faced starting in the mid-1930s, when renouncing the “institutionally conservative faith in a Westphalian system” (Scheurman, 2011, 168).

In practice, however, inquiry on desirability vs feasibility gave way to a third option, beyond the planners’ either/or framework. In the early 1930s, the journalist, political theorist, and activist Clarence K. Streit developed a formal model for how this third scenario might work. He called it the “nucleus” approach. His proposal – a federal union of democracies functioning within the outer ring of universal cooperation – was explicitly conceived to reinforce, not replace, the League

of Nations that had been founded in the wake of WWI. It would allow coexistence of universal world cooperation *with* partial world federation.

Streit's nucleus projected an interim period in which world organization would entail concentric and overlapping circles. In its outer global shell, the shallower universalism stemming from the principle of the sovereign equality of states would uphold cooperation among all nations. Its core was organized through federation and anchored in the more concrete and sturdier universalism stemming from the democratic principle of individual equality. The core needed enough critical mass to draw more nations into the inner circle, thus making the desirable also feasible. Eventually, the outer circle would be absorbed and the deeper inclusiveness of democracy would underpin the totality. Equality among nations would not subside but would be subordinate in hierarchy to individual equality sanctioned by the federation.

Toward the end of WWII, Streit's supporters, who had initially taken the lead in the debate on world organization, rejected the approach of official proposals in which world organization was presented as a binary choice between two models: federation and cooperation. The actual choice, they countered, was between synthesis (not-only-but-also) vs non-synthesis (either/or) of these two models. It was between a nucleus of world federation within universal cooperation, which could empower both democracy and world organization, and universal cooperation without federation, which would weaken democracy and lead to cycles of hegemonic rivalry in the perennial competition for supremacy. The first would replace power politics and provide reliable security, and the second would lead to "power politics raised to a cosmic degree" (Kirchwey, 1945, 18).

The idea of a nucleus of federated democracies has a long history, dating back to the early 20th century. In 1917, the journalist Walter Lippmann stated in unequivocal terms that American participation in the Great War could be "nothing less than the Federation of the World." This end would be achieved by establishing at first a union of democracies, which would serve as the "cornerstone" of the future world federation. Victory would be defined by the realization of this goal: "We can win nothing from this war unless it culminates in a union of liberal people [...] determined to erect a larger and more modern system of international law upon a federation of the world" (Lippmann, 1917a, 59–61; 1917b, 1–10).

Progressive internationalists shared the perspective that American participation was to create a new order based on the principle of union through democracy. With few exceptions, at the end of the war, their endorsement of federal arrangements for world organization was rooted in the analysis that a world safe for democracy had to be a federal world.

At the same time, the League to Enforce Peace and the League of Free Nations Association, the two major groups working on public support for world organization, converged on a position that partially incorporated the perspective of the third option. They co-endorsed the goal of a "League of Free Nations, as universal as possible" (League of Free Nations Association, 1918), and the "Victory Program"

that called for a League based on an “initiating nucleus” not bound to unanimity in its decisions (League to Enforce Peace, 1919, 2–4; Stella, 2003).

In the interwar period, in the new context of an existing world organization based on cooperation among all nations, the nucleus approach was formulated by Streit more specifically as a strategy to move beyond the cooperation vs federation binary. The success of the nucleus concept as a path toward world federation depended on whether it could fill the gap between desirability and feasibility over time. This explains the new focus on the dynamics of power between the democratic nucleus and the rest of the world, aspects that had not been explored in previous proposals.

Although this concept of a federation of democracies had been abandoned with the creation of the League in 1919, interest in the nucleus option climaxed again in 1941 and was once more rejected with the creation of the UN in 1945. It resurfaced in the immediate postwar period when the structures of Euro-Atlantic integration partially embodied this approach.

The Structural Interdependence of Democracy, Security, and Effective World Organization

First popularized by Streit in his bestselling book *Union Now* in 1939, the nucleus idea had its greatest impact during and immediately after WWII. Its intellectual roots, however, lay much further back. The notion evolved in the late 1800s among those who supported the federalist approach to the problem of peace. They rejected the ascendant “legalist approach” to world organization, arguing that international arbitration and law, with or without enforcement, were ineffective and bound to generate unjust outcomes. They indicated that in moments of crisis, change would continue to be either unjustly repressed, or the result of war or the threat of war. To make the world alterable by other means, it was necessary instead to extend democratic practices beyond the nation-state, and ultimately transition from absolute sovereignty to a supranational order with deliberative, legislative, judicial, and enforcement mechanisms.

Hamilton Holt (1907, 615) disagreed with the legalist school that prevailed at the Hague Conventions, arguing there that “Disarmament cannot logically precede political organization, for until the world is politically organized there is no way, except by force of arms.” Holt (1914, 428–429) proposed instead the creation of a sufficiently large federal nucleus able to disarm enough internally to spark the necessary conditions to further global disarmament, until, with world federation, armaments would be “reduced to an international police force.” Its power would thus subsume the function that force has in domestic politics within a democratic state, where coercion is the enforcement of legitimate law.

Working within the Wilson administration, British intellectuals Norman Angell and Walter Lippmann also rejected the legalist approach. Its peace, Lippmann commented (1915, 141) would be “a very unsatisfactory peace.” Its laws, Angell

decried, had no sounder basis than the fact that "powerful belligerents in the past" could "compel their reading of the 'law.'" World organization had to provide methods to alter these laws, "so that justice to one will not involve injustice to another." It had to prioritize not so much "a court to administer the law or a body to enforce it," but "a legislature to make it." In the midst of WWI, with Lippmann's support, Angell tried to convince Wilson that, if world organization was ever going to include this method, its initial structures had to be created *during the war*. It was possible to start with joint deliberative bodies uniting the democracies. These would inoculate them from the resurgence of competing for national perspectives at the peace table, and world organization from being impermeable to change (Angell, 1918, 111–112).

Lippmann held that "[t]he grand disputes of states" were ultimately "*political*, not juridical," and could only be solved with the creation of international machinery "by which one policy can be made to supplant another." That machinery was nothing less than political union through federation: "The modern substitute for war," he concluded, was "not arbitration, but election." What happened in federation was "not the abolition of force but its sublimation." With this analysis, Lippmann drew a correlation between democracy and security stronger than Angell's and went further in his prescriptions. Political union could not occur among independent sovereign states; it required them to "break down the sovereign frontier, and merge in some kind of larger union." Lippmann envisioned that "some kind of federation" or "coalition of western states" could initiate the process of "whittling away of sovereign pretensions and national separatism" needed for the "cooperation of mankind" (1915, 212, 216, 177, 186, 110).

The federalist approach to world organization was considerably strengthened in the interwar years when Streit formulated an independent federalist theory of international relations. Federalists could emerge with an identity of their own, not as subgroups within other larger constituencies, as had been the case in WWI.

Streit's nucleus approach was rooted more deeply in democracy. He provided the political theory as to *why* democracy and effective world organization were structurally interdependent and *why* success of world organization depended on prioritizing democracy and democratic structures and not universality at inception.

From 1929 to 1938, as *New York Times* correspondent at the League, he was in a unique position to observe universal intergovernmental cooperation in action, and explore in contrast what would be the systemic impact of a democratic federal nucleus on democracy and security. He reported on the League's inability to solve the world's global economic and security crises, the rise of authoritarian regimes, and of an increasing consensus that "democracy was weak and dying, that its principles or its forms or both were wrong" (Streit, 1935, 223). Streit rejected this analysis, arguing instead that the crisis of democracy and that of world organization were a single interconnected crisis. Faltering collective security and international law were not side notes to democracy. They directly impaired individual freedom,

equality, and welfare, and yet these shortcomings could not be altered as long as the processes of democracy were confined to the nation-state.

In “World Organization through Democracy,” a lecture at the Geneva Institute of International Relations, Streit observed that the “theories that grew in popularity were those of the adversaries of democracy” (Streit, 1935, 223). The democracies were ultimately at fault for the weakness of world organization, which in turn led to further concentration of state power at the expense of democracy.

By 1934 Streit had completed the initial manuscript of *Union Now*, in an attempt to save democracy from its own blind spots when interpreted as a practice that exclusively pertains to domestic life. Democracies and autocracies were in reality not two clearly separate camps.

The dictators are right when they blame the democracies for the world's condition, but they are wrong when they blame it on democracy. The anarchy comes from the refusal of the democracies to renounce enough of their national sovereignty to let effective world law and order be set up. But their refusal to do this, their maintenance of the state for its own sake, their readiness to sacrifice the lives and liberties of the citizens rather than the independence of the state,—*this we know is not democracy. It is the core of absolutism.* Democracy has been waning and autocracy waxing, the rights of men lessening and the rights of the state growing everywhere because the leading democracies have themselves led in practising beyond their frontiers autocracy instead of democracy.

Streit, 1939, 24

Unlike many liberal intellectuals, Streit never lost faith in the participatory processes of democracy. In *Union Now*, he approached the problem of world organization from the standpoint of how it could be a force for democracy, a perspective that resonated powerfully with others in his generation who had shared President Wilson's conviction that WWI was a struggle to create a system of international governance for peaceful change, without which democracy could not thrive across the world. Like so many others who had been strongly opposed to war but “broke with the pacifists because they saw in this war a means of realizing pacific ideals” (Dewey, 1919, 14), Streit volunteered in WWI, persuaded by “President Wilson's support of a League to Enforce Peace and his appeals to ‘make the world safe for democracy’” (Streit, 1939, 288). The day he enlisted, he wrote in his diary: “This day 1917, I hold that my fight is against war” (Streit, 8). World organization for peace and democracy were the terms upon which much of Streit's generation enlisted.

But the League's system of inter-governmental cooperation led neither to peace nor democracy and made world organization irrelevant. It led instead to democratic backsliding in older democracies and the rise of dictatorships in newer ones.

Streit shared the analysis of other federalists and realists who blamed international anarchy for the failure of world organization, but he further believed that

in an age of deep interdependence and escalating violent capabilities, international anarchy was causing ethical and realpolitik dilemmas for democracy. Democracy was suffocating within the "once protective but now choking political shell" of the nation-state (Streit, 1934). By pitting one nation's free citizens against another's, the nation-state was undercutting the emancipatory role of democracy and the strength of democracies in the world. Citizens in democracies were increasingly disenfranchised, without voice or vote in a growing number of worrying contexts. They were also more vulnerable to the consequences of the degeneration of democracy at home and abroad.

Streit argued that those trying to save democracy and world organization by limiting membership in world organization to democracies could not save either: a league of democracies sacrificed universality without eliminating international anarchy. Universal intergovernmental cooperation sacrificed democracy. And although many agreed that the answer to both was world federation, none of the offered proposals was likely to lead in that direction. This seemingly unsolvable puzzle, which blocked answers to the interconnected problems of democracy, security, and world organization, hovered over all interwar discussions on League reform. It forced most in the generation between the two leagues to compromise. If one certainty emerged, it was that world organization could not survive without some derogation of national sovereignty, but more in the form of a generalized answer than a specific plan on what to do in practice.

Against this backdrop, Streit's plan became all the more relevant. It showed that it was possible to save both democracy and universality, solving the intellectual and practical puzzle that had trapped his generation's best efforts. Before detailing how this could be done using the nucleus method, which "alone combine[d] the truth in the restricted method with the truth in the universal method," Streit introduced the concept of "unit" of government (Streit, 1934, 1939, 87).

"How the Unit Shapes the End": The Primacy of Individual Equality

Closely resembling the language of "only two" alternatives used by the planners in 1943 was a passage in *Union Now* used to usher the concept of "unit" of government: "There are only two ways of organizing inter-state government—the league way and the union way—and we must choose between them" (Streit, 1939, 160). The importance of this choice for the future of democracy ran deeper than commonly assumed.

That choice was widely presented in static terms, as one between what was practical and possible and what was not. Streit used it instead to pinpoint the roadblock that prevented the solution to the twin crises of democracy and world organization.

Already in the early 1930s, Streit argued that built into that choice was a decision – whether or not deliberate – for or against democracy. Ultimately it entailed choosing between "two basic units" of government, "man or the state." In a union, the unit of government was the individual, in a league the state. The ramifications

of this decision, and not the chooser's intentions, would "determine the real end toward which the resulting organization would be directed" (Streit, 1939, 166).

The choice of unit had the same importance for political organization that "a continental divide has on the course a raindrop will take on reaching earth." World organization through cooperation of states, as in the League system, would inevitably strengthen "the state against its citizens in order to strengthen it against other states." The selected unit would shape the "course and end" of international organization, not the "will" or "desire" of those involved in its creation (Streit, 1939, 168, 171).

Streit's wager that an open federal union of democracies could remove the roadblock that caused the crises of democracy and world organization stemmed directly from these considerations. He made a distinction between the fact that lack of world government was the most urgent public problem and the assumption that it therefore had to, or could, be solved in one stroke through *universal* world government.

The priority was instead to alter international anarchy. World peace and federation would be perennially unattainable if the process of ingraining the individual as the unit of government in the actual mechanisms of world organization never started. Federation kept the individual as the unit of government also internationally because democracy was the method by which it organized interstate relations. However, only democracies could unite on this basis.

In the intellectual history of the idea of a union of democracies and its relevance as a third approach to world organization, Streit's contribution marked a clear turning point. At the foundation of Streit's nucleus metamorphosis was the notion of the individual as the true federator. To alter an order based on the equality of nation-states, the nucleus of democracies had to be anchored to the individual, and his/her democratizing power. This concept was supported by political theory (the unit of government), and the normative notion of the primacy of individual equality.

The nucleus effected two syntheses which, in Streit's opinion, would clear the path to world federation and in the interim protect democracy and world organization. Key to both was the equality of individuals, and the concept that government, at all levels, was a means to that end.

Membership in the nucleus was a synthesis between the extremes of nationalism and universalism, not a middle ground between the two as in other proposals where the criteria for limited membership (language, region, great power status) precluded growth into a universality. By founding the nucleus on "the principle of free union through the equal sovereignty of man" (Streit, 1939, 209), Streit endowed the concept of non-universal union with the potential of unlimited membership.

The best prospect to bypass the feasibility/desirability deadlock and the mutually exclusive choice of the planners was, in Streit's wager, to prioritize a partial but transformative change in the sovereign nation-state system. The pivot of this change was making the individual the "unit" of government in the core of world

organization and then organizing this core as an open democratic federal nucleus. The core would gradually alter the larger structure. As countries became democracies, the individual would progressively replace the state as the unit of government throughout, and world federation would become the form of world organization.

Realism through Democracy: Dynamics and Traits in Streit's Formal Model

Ultimately the success of Streit's wager depended on whether the nucleus could eliminate international anarchy by means other than classical hegemony or a universal world government. The nucleus had to spark a chain reaction that could permanently alter the global dynamics of power and tilt them in favor of democracy and peace.

The convergence of realpolitik and ethical aspirations always underpinned the "third approach" to world organization. Streit theorized that the locus of this convergence was democracy, its processes, methods, and principles. Power and democracy reinforced each other to transcend power politics. Streit's "realism through democracy" stemmed from the observation that the expectation, shared by 19th-century federalists like Giuseppe Mazzini, that spread of democracy at the nation-state level first would lead to federation later – an expectation that equally underpinned the optimistic WWI hope in an organic evolution from League to Federation – never materialized. The interwar period saw the retreat of democracy and the emergence instead of autocratic regimes. The second stage, federation, then became a potentially ever elusive target. That was the urgency of the "now" in *Union Now*. The further spread of democracy and its survival needed federation first. Consolidating the power of democracies *and* altering the nature of their power through federation was the priority.

Considerable analysis went into determining the specific traits and dynamics that would allow the nucleus to operate as a strategy to supplant power politics globally. Streit explained what these conditions would be. He calculated that it was possible to eliminate global anarchy by federating initially 15–20 democracies. This union would cause a sufficient rupture with the old balance-of-power system to break through the feasibility/desirability deadlock. Changes in the core – the nucleus where balance-of-power was replaced by sharing-of-power – would affect the global system and make world federation a gradually achievable goal. The survival of democracy depended upon this breakthrough. By uniting in federation, these democracies would prevent relapse into the systemic competition between democracy and autocracy that inevitably would resurge in moments of crisis in an anarchic world.

The combined power of democracies was vastly superior to that of the rest of the world; democracies, not autocracies, were then ultimately to blame for global instability. International anarchy was essentially kept alive by their own anarchy, which was also the cause of their weakness, and the general distrust in democracy: "Disunion among these democracies is the source of their ills, and of the

world's. The problem of organizing world government is the problem of organizing government among only a few democracies" (Streit, 1939, 147). Streit explained that the power of democracies had become additive only when mobilized after the outbreak of war, in order to win a war. If permanently and more efficiently mobilized through federation, their power would instead coalesce to prevent war. Today the difference between these two approaches might hold the key to human survival.

Transcending power politics meant supplanting balance-of-power. Internally balance-of-power was replaced by power-sharing which in turn maximized power efficiency, allowing disarmament. Externally balance-of-power would be replaced in an interim period by a preponderance of power. As more countries joined, power would be shared on a wider scale, allowing further disarmament; power would eventually be shared globally and subsume the function that police have in domestic affairs. This again was not possible if democracies united in an alliance system.

Like other realist thinkers, Streit insisted that the merging of sovereignties, forced by the imperative of security through power-sharing, could not occur without societal support. As such, the initial nucleus had to be small and somewhat homogeneous while securing enough power to be able to use deterrence alone for its defense. This was the necessary trade-off that came with choosing federation, i.e. union based on individual equality, which for Streit was non-negotiable. A certain degree of socio-economic homogeneity would facilitate societal support and help get the union off to a good start. At the same time, the nucleus was not intrinsically exclusive because its criteria for membership, democracy, held the potential for universal inclusiveness.

As the organization showed itself viable, the federal structure would allow fast inclusion of new members. Federation did not rely on consensus as did other forms of international organization; its democratic decision-making procedures allowed the integration of a greater proportion of new countries. In addition, access to the nucleus could occur with a simple majority of favorable votes. This process would quickly increase diversity within the union, offsetting the initial condition of homogeneity. A wider common identity would slowly emerge but would not replace local and national identities, which federation would protect. The promise of inclusion in the union would encourage, together with global stability, endogenous democratization in non-democracies.

Today Streit's formal model offers important theoretical insights on the realist potential of democracy. It offers also a rare example of an intellectually rigorous political vision in which the ethical and moral aspirations of democracy are not compromised, but enhanced, by realist considerations.

The Nucleus Idea and the Postwar Euro-Atlantic Institutions

The postwar institutions of Euro-Atlantic integration did not emerge out of thin air. To the degree that they implemented paradigms, methods, and purpose of previous proposals, popularized by the WWII movements for federation, they succeeded

in transforming the nature of power in the Euro-Atlantic area and beyond (Stella, 2001; Straus, 1999).

The "political conditions" to effect this change and move beyond power politics were first formulated by the internationalist vanguard of WWI. Common to their analysis was that in the 20th century the survival of democracy depended on world organization and that effective world organization meant the ability to supplant power politics "through democracy." This could not be accomplished at once; it required gradually setting in motion structures to internationalize the power of democracies – democratic, alterable and open. In 1917 Angell postulated (149–150) that these "political conditions" would allow "the slow growth of a common purpose as against conflicting purposes." Liberal democratic forces would be energized by the prospect that after overthrowing their illiberal governments they could join the union of democracies. The transformative potential of these dynamics would drive a wedge between illiberal governments and their people, and change hostility into hope through the prospect that their individual and societal interests would be guaranteed best as participants in the union. However, Lippmann warned (1915, 214, 211), "[w]hether struggle [could] be sublimated into politics" depended ultimately on whether this process culminated in federation, i.e. in the ability to accomplish by "elections what sovereign states do by war."

Streit's model of an open federal nucleus refined these ideas in light of two interwar intellectual developments: the realist critique of the League and new concerns over the relationship among international organization, the weaponization of information, public opinion, and democracy. As a journalist, Streit noted that the League, due to its intergovernmental structure, was powerless in countering misinformation, had to rely on propaganda, and inadvertently contributed to the rise of emotions lethal to democracy. This experience had considerable impact on how he conceived the nucleus external relations.

The union defense had to rely on deterrence alone: "Unlike armament and alliance policies, Union leads to no crusade against autocracy abroad, to no attempt to end war by war or make the world safe for democracy by conquering foreign dictatorship" (Streit, 1939, 28). At the same time implicit in Lippmann's warning was the notion that unless the overthrowing of illiberal regimes meant inclusion in the union, the expectations raised with the powerful symbol of a union of democracies could lead to further chaos and exacerbation of dangerous emotions. Streit understood the revolutionary power of an institutional promise to that effect. It meant a pledge to those living under totalitarian regimes that, through their democratic revolutions, they would gain actual *governing* agency in the union.

Union Now was written while Mussolini and Hitler were consolidating their regimes, increasingly stripping Italians and Germans of their democratic freedoms. Several passages in the book were direct appeals to the democratic resistance. The book's first edition was printed privately in the same clandestine printing press, run by anti-fascist Italian refugees, where also were printed Ignazio Silone's *Bread and*

Wine, and Altiero Spinelli and Ernesto Rossi's *Manifesto Programma di Ventotene*, the founding document of the European federalist resistance.

Union Now became a programmatic manifesto not only for progressive internationalists in democracies but also for those not initially included in the union who especially needed a pledge of security through union, a guarantee that they would be met at the other end of the tunnel. This pledge became a common feature in the programmatic document of the WWII American, British, and European federal union movements. At the end of the war, they insisted that a guarantee that others could join be incorporated in the founding documents of the new Euro-Atlantic institutions and reflected in the democratic methods of union.

The institutions of international integration created since 1947 on both sides of the Atlantic embedded the nucleus perspective in the text of their treaties. This perspective had an unmistakable role in the East during the 1980s and in the aftermath of 1989. However, after some Eastern countries joined, a widening and deepening tension arose in both the European Union and NATO. It originated in the fact that these institutions were created with the double promise – of deep unity and of being open to new members – born out of the ideas of the 1939 federalist movements. The pledge was incorporated, however, without giving these structures, since inception, the deep federalist character advocated in the original 1939 nucleus proposal.

In both the EU and NATO treaties, the nucleus is present not as originally conceived, but as a “double nucleus”: a nucleus of institutions and a nucleus of countries (Straus, 1999, 294). This duality reflects the neo-functional strategy of Jean Monnet, on the one hand, and the federalist strategy of Clarence Streit, on the other. Split along two dimensions, the dynamics of the two halves of this nucleus were not independent from one another, and the interplay of widening and deepening became a constant trait in the life of these institutions.

As to deepening, the preamble to the original EU treaty opens by stating the treaty was meant to “lay the foundations of an ever closer union among the peoples of Europe.” As to widening, the preamble closed by “calling upon the other peoples of Europe who share their ideal to join in their efforts” (European Union, 2010).

The double nucleus is present also in the NATO treaty, though less emphatically. It offers the potential for “any other European State” to join (Article 10). It also pledges that its members will work to develop mutual economic cooperation (Article 2), alongside political, diplomatic, and military cooperation (Articles 3, 9), supporting provisions for collective security (Article 4) and “collective defense” (Preamble and Article 5) (North Atlantic Treaty Organization, 1949). The deepening aspects of Article 2 were a compromise between the federalist and non-federalist forces at play in the drafting of the NATO treaty. Federalists insisted from the beginning that “any pact, however negotiated, should be broader and deeper than a military alliance” (Pearson, 2016, 44). They reiterated the not-only-but-also perspective, echoing WWI and WWII federalist reflections on “the dangers of half-preparedness,” epitomized in Angell's (1916a, 1916b, 19) warning: “Not that we do not need armament, but that we need something else as well.” As in the past, they

argued that the alliance would be incomplete unless built "not only to defend" but also to lead to "an eventually united world" (Pearson, 2016, 44).

Several authors of the treaty shared the view that the alliance should serve as the "chrysalis" of an Atlantic federation (Reid, 1977, 187). Theodore Achilles, the principal State Department drafter of the NATO treaty, and Jack Hickerson, his senior and forerunner – together with Lester Pearson and Escott Reid, the Canadian Under Secretary and Deputy Secretary of State – were open about this goal (Wrong, 1948, 407; Pearson, 1972; Reid, 1977; Henderson, 1982; Kaplan, 1984; Kaplan, 1988).

Federalists, unsatisfied with being "simply ... part of an American war machine" (Pearson, 2016, 44), asked for a positive program. The deepening potential of Article 2 was meant to foster "a metamorphosis of alliance into community, a community which would increasingly acquire the characteristics of a federation" (Reid, 1977, 187). Pearson (2016, 61) hoped it could, at the same time, "establish in the Treaty the basis" for "a full Atlantic Union," a goal that Achilles and Hickerson supported.

As to widening, the treaty references potential membership of "any other European State," a compromise on the original WWII idea, broached in the negotiations, of gradual universal inclusiveness (Reid, 1948a, 1948b, 525). The nucleus was "Atlantic" because the democracies initially uniting were in the Atlantic area, not by virtue of a regional essence. Federalists hoped the treaty could "pave the way to the creation of a union of all the free states of the world in a collective defence agreement under article 51 of the Charter" (Reid, 1948a, 1948b, 505).

Jack Hickerson asked his collaborators to read *Union Now* before concluding the NATO negotiations. Theodore Achilles (1983) spoke of the impact that this federalist vision had on the generation that forged the present world order:

A lot of people got a hold of that book [*Union Now*] and read it – Chris Herter, Will Clayton, Jack Hickerson, myself [...]. I heard Clarence Streit speak in 1941, got a copy of the book and read it. From here came the whole idea of Atlantic unity.

He added a bold statement: "If it hadn't been for *Union Now*, I don't think that there would have been a NATO Treaty."

After the disappointment of 1945 with the UN, *Union Now* had kept alive this hope of Achilles' generation that the door to world organization through democracy was still open and could eventually lead to federation. The prospect of a federal union of democracies, Achilles (1972) reported, was the reason for his and Hickerson's "shared enthusiasm for negotiating a military alliance and getting it ratified as a basis for further progress towards unity."

Back when he started as a correspondent at the League, Streit gained international attention in 1932 with a provocative report on freedom of the press and the League's role in contributing to "false news" (Streit, 1932, 16–27). Two years later, the reflection on truth and peace at the core of that report was particularly relevant for the moral and ethical foundations of his proposal for a union of

democracies. Federalism in international organization would eradicate the moral dilemmas in the otherwise mandatory choices among peace, truth, and democracy. The participatory processes of federation allowed internal reconciliation of perspectives; they also transformed the outlook of the external “enemy” relation. At the other end of the spectrum from a Carthaginian peace was peace by federation, resting on validation and inclusion of the “other’s” truth in the formation of the shared rule of the whole. This prospect offered a qualitatively different incentive to democratization, which stemmed, Streit maintained, from the natural aspiration that our truth, individual and societal, be given agency.

Streit (1939, 155) believed that the “provision for ultimate universality on the basis of equality among all the citizens,” would break the cycle that, through “despair or offended pride,” led unstable democracies back “into the hands of the absolutists.” The nucleus “would need no propaganda bureau.” Endogenous democratization would occur with freedom of the press and methods of world organization could either facilitate or undermine its emergence. “Would not the establishment of genuine freedom of the press,” Streit asked, “in, say, Soviet Russia, be hastened by the wish to join this world organization?”

If history can serve as an indicator, however incomplete, Streit’s predictions seem somewhat vindicated. Peace with Germany, Italy, and Japan, consolidated through institutional integrative bonding, immediately following WWII, eliminated the enemy-relation. In contrast a high-powered enmity relation reemerged with Russia, following a lack of institutional integration after the end of the Cold War. In 1954, Streit (p. 254) warned against the likely resurgence of “aggressive dictatorship and war” if “before the free are organically federated, revolution should sweep through Soviet Russia and its satellites and replace the Communist dictatorships with Western-type democracies or chaos.” That scenario, he commented, “would not end the basic tension of our time.” It would reinstate, rather, a situation of international anarchy similar to that in existence after WWI, when, years ahead of the lead-up to WWII, he wrote *Union Now*. In calling for a federal union of democracies, then and again in 1954, Streit’s wager was that its promise of universal inclusivity was not resting on good intentions and high-sounding principles, but on a pledge that could be honored, ingrained in the dynamics and structures set by the methods of its organization.

The harmful irrelevance of world organization has served as a scapegoat to deflect responsibility, rather than a wake-up call followed by proposals to strengthen world organization. There is little to no understanding among policymakers, as evidenced in the 2021 Summit for Democracy, that the larger asset democracies should rely upon does not lie in adding more power, but in transforming its nature. The true competitive edge of democracies lies in their ability to reinforce democracy and its power by uniting in federation. Autocracies cannot do that. Autocracies can only temporarily add power in alliance with other autocracies. Further, democracies would thrive with stronger world organization. This was the intellectual breakthrough of the generations between the two leagues. Their contribution is even

more essential today when no amount of added power would ever be sufficient to eliminate the risk of existential catastrophe.

Quoting Ambassador William Bullitt (1938, cited in Streit, 1939, 27) Streit stressed the generative role of perspectives:

It is not enough to observe with a sense of superiority the worst mistakes of the new fanaticisms. The origins of those fanaticisms lie in part in our [the democracies'] own unwisdom.

He warned against the heightened dangers of the anarchy bound to resurge at the end of the Cold War if democracies failed to unite through the democratic procedures of federation.

At that juncture, the policy community's dismissive attitude toward federalist arrangements as belonging to the realm of theoretical “utopia” in a world of immutable anarchy precluded using the rare chance that the unipolar moment offered for “global state formation” to inoculate the world from nuclear and environmental catastrophe. That opportunity disappeared soon with the rise of new powers, the inevitable byproduct of anarchy (Craig, 2003, 172).

Current threats are undoubtedly greater than those of the interwar years, but the sources are not dissimilar:

[The] autocratic governments are adding to the world's ills but they are not the real cause of them. They are instead an effect of the anarchy among the powerful democracies. When the really powerful members of a community refuse to organize effective government in it, when each insists on remaining a law unto himself to the degree the democracies, and especially the United States, have done since the war, then anarchy is bound to result.

Streit, 1939, 27

This is a stark reminder that the key to setting the world on a different course remains in the democratic dynamics of federation.

It is also a warning that the powerful symbol of a union of democracies can be used for qualitatively different ends. United in an alliance of nation-states, democracies ultimately sustain a competitive international system unaltered by democracy, together with its byproduct: the resurgence of emotions that naturally occur within the psychological and realpolitik confines of international anarchy. In a nuclear-armed anarchic world, the emotions of “us-vs-them” are injected with existential risk power.

In the Spring of 2022, the International Criminal Court (ICC) opened investigations into possible war crimes in Ukraine. The ICC was founded on the principle of individual criminal responsibility. The notion of linking international structures directly to the individual was strongly advocated in federalist proposals. But they saw moral, ethical, and practical contradictions in its application to an anarchic world. This measure does not eliminate war, and as such a layer of residual

responsibility will continue to lie with forces – policies, institutions, people – that reify anarchy. In this respect too, democracy is key to survival. Individuals and nation-states have different sets of priorities when it comes to self-preservation. Further, on democratic grounds, it becomes possible to challenge what Luis Cabrera (2020) describes as the inherent “political arrogance” of the present sovereign nation-state system. This system today deprioritizes and neglects individual democratic rights and interests, including that of self-preservation.

Inclusiveness through federation was the promise behind the positive anticipation stirred by the proposals for a union of democracies of the past. The transformative element behind that vision is absent in today’s calls for unity among democracies that discount as “utopian” the original aim to transcend power politics. As we saw, those proposals stemmed instead from a rigorous realist analysis of the dynamics of power in international relations, and the implications for the future of democracy. Without new political frameworks that altered the nature of power internationally, normative goals such as peace, freedom, equality, human rights – i.e. the principles more recent plans for uniting democracies want to “defend” – could not be realized. A convergence of *realpolitik* and ethical concerns could be achieved exclusively when democratic processes and procedures started regulating world organization.

Unlike their predecessors, recent reconfigurations of the idea purposely avoid reference to those transformational aims. They disregard the fact that past frameworks would structurally enhance the power of democracies, the democratic world, and its values. The predictable result has been a shift in the interpretation of those values. Cohesiveness is sought for greater “interoperability” and aggregate power to “defend” the democratic world and its principles in a competitive interstate system. With no focus on how the methods and scope of a “union” of democracies will in the end determine the realization of those principles, within and beyond the “democratic world,” current proposals sound hollow and are inadequate to foster the global cooperation so critical to address the threats in our time. Democracies today would do well to direct attention to the more “radical” models of the past. That culture and its realist and moral wisdom are worth reexamining. Having disregarded these models’ goal of positive peace, the adopted frameworks have left humanity running after an ever more elusive hope of negative peace and survival.

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9

CURRENT PROPOSALS FOR CLOSER COOPERATION AMONG DEMOCRACIES

John J. Davenport

In 2020, Freedom House, which issues the world's most respected annual scorecard for nations' democratic rights, reported that political freedom has declined every year since 2005. In recent years, this "backsliding" has occurred in Europe and North America, as well as in Asia and the southern hemisphere. The report opens with this stark assessment:

Dictators are toiling to stamp out the last vestiges of domestic dissent and spread their harmful influence to new corners of the world. At the same time, many freely elected leaders are dramatically narrowing their concerns to a blinkered interpretation of the national interest.

Repucci 2020, sec. 1

This rising isolationism and willingness to accept more autocratic leaders is partly a symptom of failures in Iraq and Afghanistan, but it also partly results from ethnic tensions fueled by desperate asylum seekers and cyber-misinformation machines set up by the Kremlin (Schoen, 68–69, 80), whose messages are amplified by domestic xenophobic movements. Democratic principles and international law are also threatened by resurgent "spheres of influence" ideology: The regimes in Russia, China, and Iran encourage followers to imagine that they have an ordained right to control surrounding nations as vassal states. This is the archaic logic of empires.

At last, however, there are signs that policymakers are awakening to the dangers indicated by these trends. After aggressive military actions by Russia and China, including their support for brutal dictators from Syria to Venezuela, waves of election hacking, massive state-sponsored spyware and ransomware attacks, and Vladimir Putin's total war on Ukrainian civilians, democratic governments and foreign policy experts are considering different ways for democratic states to cooperate more closely. Recognizing that "democracy and human rights are under threat

DOI: 10.4324/9781003218586-12

around the world,” the Biden administration held a global summit of democracies in December 2021, and is planning a follow-up summit approximately a year later (US Department of State 2021).

More broadly, foreign policy analysts are circulating a range of proposals to defend democratic values from increasing autocratic threats, such as Vladimir Putin’s determination to dominate more of Ukraine, Kazakhstan, Georgia, Belarus, and possibly other bits of eastern Europe, and China’s increasingly militant posture within Southeast Asia. The available options range from more makeshift and temporary alliances of convenience all the way to a federation of democratic nations of the sort contemplated by Clarence Streit, Winston Churchill, and others in the mid-20th century. At the policymaking level, real discussion of democratic coordination comes not a moment too soon, as Russia’s blitzkrieg in Ukraine and China’s increasing economic power fundamentally change strategic relationships among states.

My main goal is to describe and briefly evaluate a few intermediate options for preserving democracy, some of which constitute steps that are already politically viable or that could soon become viable if democratic leaders worked to build domestic support for them. My secondary goal is to argue that confrontation with the regimes in China and Russia is now inevitable unless leading democratic states wish to give way repeatedly as Xi and Putin cross one red line after another.

This chapter builds directly on the previous chapter by Tiziana Stella, which describes proposals for a federal union of democracies from the 1920s through the 1950s, and their influence on the UN system along with North Atlantic Treaty Organization (NATO) and EU structures. As Stella argues, federalists during that period predicated the limitations of a horizontal inter-state system that would lack sufficient central power and direct or vertical democratic answerability to citizens of democratic nations. These deficits are now painfully apparent in the retreat of democratic institutions around the world, a string of pro-democracy protest movements being crushed by military dictators in the last ten years,¹ political crises that drive mass migrations, and the rising confidence of autocratic regimes—all of which block transitions to democracy and encourage military coups.

It helps to remember those world federalist warnings when thinking systematically about the possibility space in which different sorts of democratic coalitions are arrayed and the drawbacks of the options that, in 2018–2021, have received the most attention among scholars and policymakers. On the one hand, democratic leaders are finally considering proposals to better coordinate democratic nations for mutual protection, to promote democratization within developing nations, and to support human rights standards more broadly. Analysts who advise policymakers increasingly recognize that the international order has been significantly weakened by the rising confidence of leading autocracies that seem willing to destabilize whole regions for narrow strategic gains.

On the other hand, old fears about sacrificing “sovereignty” (or the discretion to act unilaterally) make it hard for policymakers to acknowledge the need for binding decision-procedures and fair cost-sharing that a global order safe for democracy

requires. This reluctance to consolidate makes it hard to act quickly. The Ukraine crisis offers an easy example. Imagine that NATO could have voted by (say) two-thirds of members to guarantee admission and aerial protection to Ukraine in the event of any new Russian invasion, while ensuring the full engagement of European air forces in such an effort. This pre-emptive guarantee would probably have deterred Putin from invading at all.

Instead, despite their efforts to arm Ukraine and impose economic sanctions on Russia, the simple and shocking reality is that NATO nations have stood by and let a democratic nation be slaughtered *en mass* by a tyrannical dictatorship within Europe. This appalling spectacle could lead Putin and other dictators to infer that NATO's Article 5 itself is a bluff, because Europe's most powerful states will not risk any of their troops to protect (say) Estonia or Lithuania if the Kremlin decided that ethnic Russians in those sovereign nations needed some "protection." Thus the exaggerated desperation to avoid escalation by fighting Russian bombers and artillery directly in Ukraine could actually encourage a much larger escalation in the near future.

Contemporary Options for Structured Cooperation

As the shadows of emboldened tyranny fall across more nations in Southeast Asia, eastern Europe, and even the Americas, it is urgent not only that leaders in democratic governments align their countermeasures, but also that democratic peoples aspire to much greater solidarity with one another. The current institutional proposals with significant backing include the following ones, ranging from the most to least consolidated federalist in structure and capacity:

1. A global league of democracies with a few powers delegated by its member states, a directly elected legislature and chief executive, along with standing arms forces and civil service experts comprised by volunteers from the member nations that can be deployed at the league's collective order.
2. Proposals for UN reform including a freely and directly elected "world parliament," perhaps with the General Assembly continuing to consist of ambassadors directly appointed by member governments.
3. A globalized NATO expanded to include members from Southeast Asia, Africa, and Latin America, with treaty revisions so that key NATO decisions can be taken with supermajority votes binding on all members and minimum expected contributions from each member nation.
4. An umbrella alliance of free nations (AFN) united by common principles of international law for security, open economies, and minimum human rights standards, which operates by consensus but is capable of forming common trade agreements, as well as imposing joint economic sanctions that all members of this association must uphold.
5. A D10 (or slightly larger) working group of the world's richest democracies, with their executive leaders and ministerial officials meeting regularly to

form common but ad-hoc policies, including outlines for new international conventions, joint initiatives to address particular threats, and longer term ways of buttressing a rules-based order for all nations.

6. A loose democratic caucus within the existing UN system that lobbies for particular goals while trying to make the UN Security Council (UNSC) work for peace and justice.

In evaluating these options, I set aside those at each pole (A and F). While there are still many peace activists who are attached to the dream of a reformed UN system, the history since 1989 proves beyond any doubt that the UNSC will never be able to protect against the dangers to democratic ideals, to fair election processes, and to human rights more generally that are posed by resurgent autocracies in the 21st century. This holds whether or not the UN system helps secure any other global public goods (GPGs), as it surely does in some areas. Despite paying lip service to peaceful coexistence, regimes in Moscow and Beijing have decided that either democracy or autocracy must rise at the other's expense. Given this zero-sum view, the Chinese and Russian regimes appear to believe that they can only survive if they undermine democratic nations and promote autocracy in as many developing nations as possible. This fateful decision closes the door on the idea of a principled global compromise between democratic and non-democratic nations that a reformed UN could enforce (Rawls 1999).

(A) On the other end of the spectrum, the league option imagines a confederation of willing democratic nations across the world, in contrast to the full transatlantic union of states for which Streit, Churchill, and many others advocated. The argument for a league of democracies with consolidated decision and enforcement powers rests on the premise that only a transnational government with a federal structure can ensure the coordination among many nations needed to secure national, regional, and GPGs—including protection of democratic nations themselves from external and (related) internal autocratic challenges (Deese 2019, 11–13). For example, such a league could deter the regime in Beijing from launching an invasion of Taiwan. It could also use economic power through primary and secondary sanctions to ban the use of cryptocurrencies everywhere and rein in the fraud and organized crime they enable. It could even negotiate and enforce a global climate compact that could stop the rise in global temperatures.

In their argument for a world parliamentary system, Jo Leinen and Andreas Bummel list a number of global problems that require transnational coordination through hard power (see also Chapter 10 of this volume). They describe (i) natural ecosystem goods that are being degraded by collective usage beyond carrying capacities; (ii) social problems arising from economic competition among nations that drives regulatory races to the bottom; (iii) conditions for a stable global financial system that is secure from fraud and money laundering; (iv) the damages caused by tax havens and the inefficiencies resulting from lack of a single global

currency; (v) the advent of new arms races in automated and nanoweapons; (vi) the urgent need for uniform data protection laws and coordinated defense against cyberattacks; (vii) the need for stronger transnational crime control and prosecution for war crimes; and (viii) discoordination and waste arising from insecurities in food and water supply chains (Leinen and Bummel 2018, chs.10–20). Additional examples involve systems that enable financial corruption and kleptocracy, as the recently leaked “Pandora” papers illustrate, and the absence of a global system for economic migrants.

This large range of issues still covers less than half of the GPGs listed in my own attempt at a comprehensive overview (Davenport 2019, ch.3). In every case, the obstacles blocking such GPGs can be overcome only by cooperation among nations through institutions that can also ensure roughly fair distributions of costs and benefits among participating nations. Such efforts could be organized most swiftly and securely by a global institution with consolidated sovereign powers. Without the capacity to make collectively binding decisions, democratic countries are left to cobble together inter-state agreements without enough participating members and new conventions with inadequate enforcement mechanisms. Such agreements and treaties may also lag a decade or more behind the problems they are trying to solve, given how long they take to negotiate and implement.

However, there exists a massive chasm between this theoretical proof that consolidated decision and enforcement powers are needed, and the real world in which nations remain unwilling to give up any part of their sovereignty to a federation. Foreign policy practitioners working at the ministerial level are not thinking about global federalism as anything more than a theoretical “utopia” for some far-off future. However unfair the “utopian” label may be, option (A) is not yet realistic. Leaders in democratic nations will have to start with pragmatic political steps that adapt the prevailing inter-state reality to meet rising global challenges, including the willingness of dictators to violate even the most basic rules of the inter-state system, such as the bans on forcible annexation of territory and chemical attacks.

(B) While interest in a league of democracies (option A) has only recently been renewed, proposals for adding a world parliament to the UN enjoy popular support and a long tradition—often conflated with other “world federalist” ideas—of scholarly and political defenders going back to the League of Nations era (Leinen and Bummel 2018, chs. 4–5). But these proposals are also not presently feasible, as they generally involve fundamental reforms to the UN Charter. Adding a parliamentary assembly elected by peoples in UN member states, a vetoless UNSC with its own standing armed forces, and a stronger World Court are Charter amendments that all permanent members of the UNSC would have to approve. The renowned Swedish intellectual Torbjörn Tannsjö, for example, suggests a UN parliament in which seats for nations that refuse “to allow free elections” for their representatives would “remain empty” (Tannsjö 2008, p. 96).² While this would incentivize such regimes to become more democratic, clearly both Russia and China would veto any amendment to create such a UN parliament. These regimes are fully committed

to preventing the UN from promoting democratization, and they need their vetoes to protect criminal regimes allied with them in Syria, North Korea, Belarus, and Venezuela.

Leinen and Bummel instead suggest making the UN parliamentary assembly (UNPA) a subsidiary of the General Assembly. But while this avoids the need to amend the Charter, it would leave the UNPA with no formal decision-making power. Even if practice changed so that resolutions generally had to pass the UNPA before coming to the General Assembly, this extra hurdle would slow UN action even further (Leinen and Bummel 2018, 370–374).³

Moreover, Leinen and Bummel suggest that even nations lacking the most basic democratic freedoms be allowed to send delegates to the UNPA on the notion that doing so would help such nations learn democratic practices. Unfortunately, this is implausible. Six or seven decades of participation in the UN have not spread democracy by osmosis to the world's worst autocracies.⁴ Instead, their leaders have learned how to manipulate UN organs precisely to resist multilateral action by democracies that would facilitate and support democratization. They use the requirement that all multilateral uses of force go through the UN as a shield to protect policies of domination and mass atrocity. By playing along in this rigged game, democratic nations only cede the field to autocratic powers that routinely violate the UN's other commitments to universal rules for all nations.

(C1) Expanding NATO to include more democracies from all continents would be far more effective than a UNPA, and this option is now seriously considered by mainstream policy analysts. It might be even more feasible if fewer intellectuals and leaders in democratic nations were wedded to the self-defeating notion that good progressives must remain loyal to the UN dream. An expanded NATO, perhaps including 15–20 more nations across Latin America, Asia, and Africa, could share more unified military resources and form a common policy to deter cyber-sabotage, data theft, and the onslaught of cyber-propaganda by which Russian operatives have attacked democratic processes.

Putin's fear of NATO expansion is directly related to this potential. He knows that a NATO including Ukraine and Georgia pose no direct military threat to his murderous regime (NATO's purpose is defensive). What he fears is (i) the moral power of example that standards for NATO membership involve, and (ii) the technical power of the NATO alliance—when they choose to use it—to prevent Putin from manipulating other countries to enrich his kleptocratic mafia.

The most direct and clear version of this idea is set out by the coalition for a “World Security Community” (CWSC), which proposes a version of NATO open to all democratic nations that uphold sufficient human rights standards, along with “qualified majority” (supermajority) voting of the kind used for most decisions in the Council of Europe (the EU's chief executive body). The goal is a broader and stronger NATO that is able when needed to stop nascent local conflicts from becoming massive civil wars—as in Ethiopia and Yemen—and to help rebuild divided nations into functioning democracies.

Unlike a league of democracies, this version of a global NATO would still operate under the UN umbrella to the extent that it would use military power to stop mass atrocities or to enforce peace only with UNSC authorization (see the Coalition for a World Security Community 2021).⁵ But it could still employ economic sanctions without UNSC approval, and take collective military action if any of its members were attacked. For example, such an expanded NATO could offer membership to Taiwan. Perhaps in extreme cases, it could also arm mass democratic protest movements when dictators try to crush them with lethal military force.

(C2) However, the official NATO 2030 process—which is a strengths, weaknesses, opportunities, and threats (SWOT) planning process set in motion by NATO leaders in 2019—is not taking even small steps in the global direction. The “Analysis and Recommendations” report of the NATO Reflection Group proposes increasing partnerships with nations in several regions, including the “Quad” in Southeast Asia (South Korea, Japan, Australia, and New Zealand), but it remains focused on the “Euro-Atlantic area” throughout. Despite its cogent remarks on rising threats from Russia, China, and lesser autocracies aligned with them, the Report only suggests that NATO should also “strengthen partnerships with Ukraine and Georgia” without suggesting their admission, despite Russian kinetic and cyber-assaults on these nations in 2008–2018. It is now clear this attempt to appease Putin by delaying Ukraine’s admission has only encouraged a calamitous invasion leading to many thousands of casualties, millions of refugees, hundreds of billions in damage, and trillions in economic losses due to economic sanctions (NATO Reflection Group 2020, 15, 53, 60).

The dearth of bold vision in this Report reflects a failure to grasp that a NATO without new members in other continents will be too weak to meet 21st century challenges. So the Report speaks mostly in diplomatic vagaries about “strengthening NATO’s role” and intensifying “consultation on issues of common concern” between the EU and the US, while assessing and defending against risks from China’s rapid technological development and new weapons. It recognizes how immense NATO’s power could be with “political cohesion” on first-order policies to meet rising threats and a host of global problems, but it does not propose the charter changes that would be needed to make this happen, such as ending the requirement of unanimity agreement among members for action. Instead, the most daring proposal in the Report is to give the Secretary-General of NATO a bit more discretion on how to implement priorities set by the North Atlantic Council (NATO Reflection Group 2020, 12–16).⁶ While NATO leaders were contemplating such small technocratic steps, Putin was planning to destroy an entire democratic nation within Europe.

Overall, this document reflects backward-looking desires to keep NATO’s mission primarily focused on protecting Europe, and it proposes little that could actually deter concerted efforts by Russian and Chinese rulers to portray democratic institutions as weak and chaotic, and thereby excuse repression at home. Its assessment that China poses no “immediate military threat” to the Euro-Atlantic

area seems to think in terms of land invasions by massive armies rather than focusing on cyber, space, and market power, where China's current regime is a threat to western military hardware, military communications, satellites, trading partners, political integrity, political rights, and ideals of civil liberty. A slightly retouched, not restructured, still-merely-regional NATO will not be able to prevent China from manipulating multinational corporations and Western governments that are desperate for Chinese market shares, scaring critics across the world into silence, and possibly even blackmailing politicians and corporate leaders with information obtained through dragnet cyber-hacking operations (Chang 2021).

NATO should instead be thinking about how to dramatically enhance hard power, expand it globally, and start using it to protect transitions to democracy. It should deter China and Russia from taking hostages, alleged microwave attacks on diplomats (Swanson and Wong 2020), arresting and assassinating dissidents, and threatening multinational business leaders who balk at helping their censorship systems (Sheehan 2018). Cyberattacks should be met with crippling responses, and invasions should be met with devastating kinetic counterattacks. NATO also needs a tough arsenal of measures to punish hybrid or "gray war" tactics involving cyber-propaganda and misinformation (Ullman 2022), going beyond the fairly successful efforts to pre-empt Putin's planned "false flag" lies and manufactured pretexts for invading Ukraine.

The potential to grow NATO beyond the Atlantic region thus remains very important. European leaders should recognize that the strategy of the last decade—namely, avoiding new alliances that might "antagonize" the Chinese and/or Russian regimes—has failed. It is not making their nations safer, let alone making the world safer for democracy. This is a difficult course correction for many western democracies whose leaders have, for over three decades, hoped in vain that increasing trade with China would lead the regime in Beijing to liberalize (Pillsbury 2016). But the complete failure to bring Putin around through nearly two decades of optimistic outreach and positive engagement may rip the scales from more eyes.

(D) By contrast, the 2018 "Copenhagen Charter" of the Alliance of Democracies foundation, which is led by Anders Fogh Rasmussen, former Prime Minister of Denmark and former NATO Secretary-General, is bolder and forward-looking. It calls for "an economic Article 5" analogous to the article in the NATO treaty that treats a military attack on any NATO member as an attack on all members. Similarly, an economic Article 5 would protect members of the alliance from economic attacks and "arbitrary detention of its citizens" (e.g. when taken as political hostages) (Copenhagen Charter 2018).

Rasmussen's plan would facilitate unified economic sanctions to punish acts like (i) China's imposing high tariffs on Australian goods because Australia's government criticized the detention of millions of people from China's Muslim ethnic minorities; (ii) China's arresting Canadian businesspeople because one of their own was arrested in Canada for serious fraud; (iii) China and Russia expelling foreign reporters, newspapers, media companies, and film producers for any negative

coverage of their regimes; and (iv) Russia's detention of Brittney Griner, a US Olympic team basketball star, in apparent retaliation for US support of Ukraine.⁷ When combined with the expansion of NATO, such a revised Article 5 would create an economic power dwarfing even China's massive market. Supermajority decision-making that would bind all members of the alliance to impose such sanctions would often make the threat alone sufficient, because that threat would be credible and overwhelming. This would make it easier for nations to trade with China without Beijing using trade ties to manipulate them.

The Copenhagen Charter is not clear about whether its proposed democratic alliance should be a new organization or a modification of NATO. Either way, however, it needs to be strong enough to assure leaders in developing nations that their prospects are much brighter if they join the world's democracies rather than aligning themselves with Moscow and Beijing. Moreover, any democratic alliance seeking to meet 21st century challenges must offer more direct support for new and fragile democracies (the proverbial carrot), while similarly deterring military leaders from attempting coups that destroy young democratic institutions (the stick). For example, after the 2021 coup in Myanmar, an effective alliance of democracies could have (i) imposed a total trade and travel boycott that cuts the offending regime off from most of the world's economy and (ii) compensated those member nations that suffer the most from such a unified boycott—as Japan would in Myanmar's case—out of a fund built up precisely for this purpose, much as unions save up to fund strike pay.

The Promising D10 Proposal and Its Variants

By comparison with the first four options, variants of the “D10” idea are the most modest, and thus the most immediately realistic, way toward global cooperation among democracies. With support from the British government and the tireless efforts of Ash Jain and Matthew Kroenig at the Atlantic Council (a renowned policy center devoted to constructive engagement and transatlantic cooperation), the D10 idea inched forward in 2021. Australia, India, South Korea, and South Africa joined the Group of Seven (G7)⁸ meeting as guests (Gordon and Jain 2021). Given the inertia of inter-state arrangements and the closely guarded sovereign interests of the richest democratic nations, this is real progress. It could well lead to larger and better things in the near-term—if more leaders in developed democracies are willing to embrace peace and progress through strength.

An earlier D10 proposal suggested expanding the G7 to include India, Japan, and South Korea, and there are several variations of this idea under consideration today (Campbell and Doshi 2018).⁹ The guiding assumptions behind all variants are that (i) the group should remain fairly small so that it can make decisions by consensus—which is a problem with the G20 and likewise with NATO, as indicated above—and (ii) that all members of a D10 must adhere to basic democratic norms and support a global order run by rules that are fair to all peoples. Within this framework, economic importance argues for including India, but the

TABLE 9.1 G7 Nations and Candidates for D10+

<i>G7 Nations</i>	<i>Candidates for D10+</i>
Canada	Australia
France	South Korea
Germany	New Zealand
Italy	Spain
Japan	Indonesia?
UK	India?
US	Brazil?
(EU meets with G7)	Argentina?
	South Africa?

flagrant bias of the Modi government against non-Hindu minorities within India is a significant obstacle.¹⁰ If Australia replaces India, then the D10 would be more like the G7 plus the Quad nations that partner with NATO.

But there is nothing sacred about the number 10. Consider the candidate nations next to the existing G7 members (Table 9.1): At least nine candidates have been mentioned. Australia and South Korea should be easy; New Zealand is much less powerful but has very strong democratic credentials. India might be included with the hope of restraining Indian politicians from fanning inter-religious hatreds. Spain is another obvious candidate (Schatz 2012). It may also be vital to include a South American nation.

So a more flexible alternative would include 10–12 primary D-member nations *and* also a handful of associate member states that would meet and consult with the core group, but not have veto power. This would provide a way to include Brazil and Argentina, South Africa and Indonesia, and perhaps in time Nigeria and Mexico. Israel could be included if it ever concludes a two-state peace treaty with Palestinians. This would bring into a D12+ structure a greater representation and perceived legitimacy without the downsides of the current G20 group.

Another variable concerns whether such a group should *replace* the G7, as Boris Johnson's administration seems to think, or operate alongside it. The main downside of the latter is that chief executives cannot attend too many international summits and so the D10 (or D11, D12, etc.) might have less prominence if it was perceived as playing "second fiddle" to the G7. But it seems clear that, in 2022, enough leaders and foreign policy analysts in current G7 nations are too worried about losing the G7 or reducing its clout for them to embrace replacing the G7 right away.¹¹ Thus the D10+ (or D11, etc.) would have to operate well enough for a few years alongside the G7 to foster sufficient confidence in it. While this intermediate step appears to be politically indispensable at present, it also risks delay in an urgent geopolitical situation.

On the other hand, if the D10+ worked to coordinate major policies among leading democracies (and potentially a handful of associate partners), it could offer

a way of filling the enormous and tragic gap left by the decision to keep NATO limited to Atlantic region members without Ukraine. One could even imagine a robust D10–13 plus 4–5 rising partner democracies in the global South directly coordinating with a revitalized NATO. While even this best-case scenario falls short of the need for a global democratic alliance that can make binding decisions without unanimity, it would be a huge step in the right direction. Maybe a successful D10–13 would even ultimately convince European leaders that the gains from globalizing NATO would far exceed any imagined losses from reducing NATO’s Eurocentric focus (which is a 20th century relic). For all these reasons, a D10+ should be pursued with all deliberate speed.

However a D10+ is structured and developed, Jain and Kroenig rightly stress that it should be undertaken as part of larger framework to reestablish a “rules-based international order” that is defended and upheld by a new “Alliance of Free Nations” (Jain and Kroenig 2019, 44–45). They argue that this broader goal depends on democratic nations rallying around a clear set of global “Principles for Freedom, Prosperity, and Peace” in the 21st century, including basic human rights for all (no mass atrocities), political rights to free multiparty elections, open markets and a level playing field in global trade, defense of global commons and global public health, and mechanisms to share the costs of upholding these principles fairly among all capable nations (Jain and Kroenig 2019, 35).¹² They present this new AFN as something like a combination of NATO and the D10+, i.e. as a standing political alliance ready to address new emergencies and structured to give China, Russia, and other autocracies positive incentives to uphold the rules-based international order. Moreover, this AFN should include a global free trade zone among democratic states (Jain and Kroenig 2019, 45–47)—something that could be combined with Rasmussen’s ideas for an economic Article 5.

In this robust form, the D10+ becomes part of a larger vision aimed at a global successor to NATO—similar to the World Security Community proposal but without any prior promise to let Russian and Chinese vetoes in the UNSC dictate the AFN’s collective military actions. One could even imagine a D10 or D12+ etc. functioning as the central executive council within a large AFN including perhaps 30–40 democratic states. That is precisely the suggestion in a new paper released just before the December 2021 Summit for Democracies, under the auspices of both the Atlantic Council and the Alliance of Democracies foundation. Its authors see three main purposes for an alliance of democracies (=AFN):

- “Systemic competition with autocracy” to counter their aggressions and “increasingly successful propaganda and disinformation campaigns,” while offering developing nations assistance with physical and institutional infrastructure (a rival to China’s “Belt and Road” lure);
- Prevent backsliding in democratic nations through holding member-states to standards that resist abuses of power;
- Address threats posed by 5G, nano, and other disruptive technologies by ensuring that democratic nations keep their edge.

They note that deciding which 30–40 nations to invite not only requires flexibility but also some clear criteria, such as V-Dem and Freedom House assessments. Member states must also be willing to take collective action, ideally by allowing a steering council of perhaps 15 members to make binding decisions by supermajorities of 10 or 12 states (Jain, Kroenig, and Parello-Plesner, J, 10–15). Crucially, such an alliance has positive goals aimed at GPGs; it is not narrowly envisioned as an “anti-China bloc;” rather, it would be “a high-minded coalition for the promotion of democracy” (Maiko 2021). But its members must also recognize that *some* significant confrontation with the Russian and Chinese regimes is now an unavoidable price for doing what is necessary to preserve democratic institutions at home and a rules-based order globally.

Notably, such an alliance with a D10+5 as its central council¹³ could be independent of NATO. Indeed, its proponents do not yet envision collective security as part of an AFN’s mandate; they leave that to NATO and the Quad. But after Russia’s invasion of Ukraine, collective security is again paramount. Arguably a global AFN with a D10+ at its core should include collective security functions at least as robust as a globalized NATO could offer. In the long run, there is no reason to separate NATO’s function and the enumerated powers listed by Jain, Kroenig, and Parello-Plesner into two distinct international governance bodies. Thus in time, the old NATO architecture, the latter could sunset or merge with a more robust AFN.

All these ideas concerning a new alliance of democracies envision multilateral decision-making replacing US superpower dominance. They thus provide viable alternatives both to failed US unilateralism and to the self-defeating isolationism peddled by many populist politicians from Bernie Sanders to Donald Trump. Multilateral control of the global order is right in principle, and also necessary in practice, given the increasing unwillingness of the US to do most of the heavy lifting. But the choice of a better alternative requires great care.

The Variables Underlying Options for Democratic Alliance

This analysis of options (A) through (E) for strengthening coordination among democracies, and perhaps ultimately moving toward a global federation later this century, reveal an evident pattern. While many political variables are relevant in weighing these options, four in particular explain why we see the current spectrum of proposals assessed in this chapter. The options before us lie within the resulting 16 permutations driven by different values assigned to these four variables. For clarification, I include a few other multilateral bodies that illustrate other permutations as well:

The actual and possible organizations in the first two columns have more consolidated decision-making power because they do not require consensus among all members (they do not allow vetoes for most decisions). Like-minded organizations are dedicated to similar principles and goals and are thus more likely to reach agreement whether by majority rule or unanimous consent. But bodies

TABLE 9.2 Variables for Diplomatic Alliance

<i>Consolidated decision-making powers</i>						
<i>Yes</i>			<i>No</i>			
Large	More like-minded nations	A League of Democracies, EU Council	EU Parliament	A global NATO or Alliance of Free Nations	OECD	
	Less like-minded	The WTO	A UN World Parliament	The G20	The OAS, the UN	
Small	More like-minded	The IMF, a D10+5 with supermajority voting		A D10+ and the G7		
	Less like-minded	Yes	No	The UNSC Yes	ASEAN No	
<i>Consolidated decision enforcement powers</i>						

operating only by consensus—the last two columns—must be smaller to be fully effective. Thus, a global NATO would have sufficient power to enforce its decisions when its members could agree, but unanimity among (say) 40 nations is very unlikely. That is why a globalized NATO would be effective only if it operated by qualified majority like the Council of Europe (for decisions on most issues). Such a charter revision together with global membership would effectively turn NATO into a nascent league of democracies. Similarly, a 30–40-member alliance of democracies (or AFN) operating by consensus decision-making would have serious enforcement power like a larger NATO; but like the current NATO, it would also find unanimity difficult. This problem would be solved if the alliance, or its core council, operated by supermajority votes (say of three-fifths or two-thirds).

On its own, a D10+ would be small enough to make consensus more frequent and yet have significant enforcement powers—although not as much a global NATO, AFN, or worldwide league of democratic nations. The inclusion of India, Indonesia, Argentina, or Brazil in a D12+ group would expand its powers but make decision gridlock more likely. By contrast, the UNSC shares some of the D10's likely enforcement powers but it is much less likely to act, given the fundamental ideological opposition among its members and the need for unanimity among P5 nations. And a UN Parliament could occasionally overcome its deep ideological rifts and act by majority rule, but it would lack virtually all enforcement powers of its own without consequent UNSC action as well.

The Organization for Economic Cooperation and Development (OECD) is large and requires consensus to decide and enforce anything. But its members are like-minded enough that they can sometimes act together, as we see in the progress, they

have made toward corporate tax code alignment. The Organization of American States (OAS) occupies the worst cell: It has to operate by consensus to decide anything, but it is too large to reach consensus given historical political divisions among its members (although these are declining). Moreover, it lacks any real power to enforce its decisions even in rare cases where its members agree on anything substantial. Thus, the failure of the OAS to stop the collapse of Venezuela under a military kleptocracy is no surprise.

The Association of Southeastern Asian Nations (ASEAN) is similar in lacking real powers; although smaller, its members are sufficiently divided that they could not even act against Myanmar's slide back into brutal military dictatorship. The G20 is better than this because it can coordinate significant action when it reaches consensus; but that rarely happens because China, Russia, and Saudi Arabia are members.

There are also smaller bodies like the International Monetary Fund (IMF) (if we focus on its main members) that can act without unanimity and have some direct enforcement powers; but in practice, these are quite limited. Most cases of smaller groups that can act without unanimity among their parts and enforce their decisions would be actual nations with a federal structure, such as the Swiss Federation. Among transnational bodies with broad envisioned powers, the D10+ is politically feasible because it would operate by consensus, yet be small and like-minded enough to reach the needed consensus often enough in practice.

Thus, for coordinative power, it is better to be further to the northwest in the non-shaded rows of Table 9.1—i.e. more like-minded, larger when like-minded, and able to act without unanimity. Yet the *legitimacy* of a multilateral body is a further variable not marked in Table 9.2 that grows both (i) as the body includes more members that need to be coordinated for its purposes (and which are affected by its decisions), and (ii) as the quality of its members improves. The D10+ is small enough to have less legitimacy than, say, a globalized NATO or a broad league of democracies. But once such a larger body starts to include regimes that are deeply corrupt or devoted to dominating minority groups, that body's perceived legitimacy diminishes. Past some point, then, larger size will often mean including members with weaker democratic credentials. Thus, we could roughly relate size and legitimacy in the following kind of curve (see Figure 9.1):

This analysis implies that a globalized NATO or alliance of democracies (AFN) in which all members uphold the same minimal human rights standards and share in the sacrifices needed to uphold a rules-based global order would have more authority than a D12+ 4 partners by itself, *if* such a global NATO or AFN could combine its larger size with effective decision-making. That is the point of a global league of democracies, which is distinguished by qualified majority or supermajority votes that are binding on all members. But current political feasibility is yet another variable that is tied at present to consensus decision-making. Thus, until more nations see the necessity of consolidating more government powers at the transnational level, the D10+ may be the best near-term option for securing a democratic future.

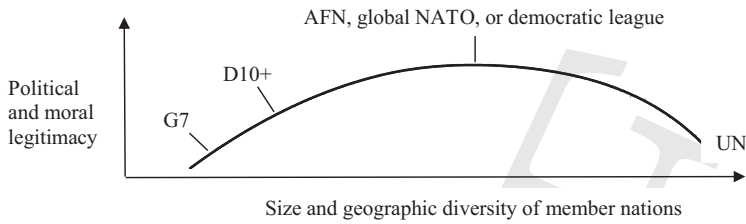


FIGURE 9.1 International institutional possibilities related by membership span and political legitimacy

Source: Author.

The Shadow War Already Exists

While the idea of a confederation of democracies has a long history (Deese 2019, 9–11; Jain, Kroenig, and Parello-Plesner, 16), recent ideas for a new alliance have arisen in response to the tragic early 21st century decisions of Russian and Chinese autocrats to undermine a rules-based international order—pretending openness to cooperation at summits in front of cameras, while attacking democratic values and human rights ideals behind the scenes. Until the invasion of Ukraine, they got away with launching this new shadow war without most of the public in democratic societies noticing. But that is changing, as hostile actions by Russia and China are making more headlines. Democratic leaders are reconsidering ways of strengthening cooperation in the face of the Orwellian nightmare rising across north and east Asia. Russia’s direct attacks on civilian housing, which has killed many thousands ordinary Ukrainians, have revived fear in other eastern European nations. Indeed, Latvia, Lithuania, Romania, and others should be afraid when leaders in Europe’s strongest states signal that they will give up huge amounts of territory to avoid direct military engagement with Russia. If they are so unwilling to stand up to Putin’s nuclear bluffs, they would probably not fight a Russian army invading an eastern NATO nation such as Estonia or Slovakia.

Despite the clear need for a stronger unified front, critics commonly object that a D10, an expanded NATO, or any other democratic alliance will start “a new cold war.” This objection, pushed by neo-isolationists like Ted Carpenter and theorists like John Mearsheimer who favor “balances of power” no matter how evil the regimes (Mearsheimer and Walt 2016), now looks fatally flawed¹⁴: Putin has already forced a new cold war on the world. Those calling for more accommodation of tyrants ignored or played down Xi’s and Putin’s decade of multifaceted attacks on democratic, as well as atrocities and repression committed by Khamenei, Assad, Maduro, Kim, Lukashenko, the Taliban, and the Myanmar military—all with support from either Beijing or Moscow. These dictators have been pursuing their shadow wars by economic influence, stealth, cyber, and proxy militias, and disinformation.¹⁵ But the dictators’ obfuscation tactics blinded critics of proposals for a

D10+ or AFN, who imagined that keeping Ukraine out of NATO and *not* joining forces with democracies around the globe might convince these tyrants to support basic international standards.

On the contrary, continuing failure to rally democratic nations into a much stronger global alliance will only encourage the current Russian, Chinese, and Iranian regimes to make even more rash and destructive decisions that might catapult the world into much larger crises. The first formal meeting of the Quad nations (the US, Australia, India, and Japan) was partly a response to China's imperialist aggressions in the South China Sea in defiance of an international court ruling. But after China's leading elite paid almost no price for crushing liberty in Hong Kong, and NATO did not act directly to stop Russian bombings in Ukraine, the Quad alone may not postpone a war on Taiwan for very long.

By contrast, clear commitments and measured steps by a global alliance of democracies might even bring Russia and China toward positive reforms. Without their backing, other dictatorships would be in a far weaker position as well. Western democracies have tried diplomacy without credible threats for decades in their relations with China and Russia and have only ended up in a much weaker position than at the century's start. As proposals for an alliance of democracies recognize, even a new cold war would be better than continuing along this path to certain ruin.

Willingness to confront the Russian and Chinese regimes more broadly in multi-lateral fashion also has advantages in their domestic politics. Drawing a brighter line between regimes that are bent on undermining the rules-based international order and governments committed to uphold cosmopolitan principles is likely to have an educative effect. In the 20th century standoff with the Soviet Union, despite many ideological distortions, Western audiences generally understood how high the collective stakes were. Today, efforts to inform the public are hampered by for-profit media that backburner reporting on international news in favor of emphasizing social fads, scandals, celebrity lifestyles, and culture wars. Strife among identity-groups within developed democracies sells well. These citizens in democracies are easy marks for foreign cyber-propaganda campaigns. Under the illusion that no serious political and military threats imperil their children's prospects, they are largely unprepared for the coming crises that Chinese and Russian leaders may be making inevitable.

In this counterproductive media environment, the Russian mass murder of Ukrainians came as a massive shock to many. If it is still possible for an entire nation within Europe itself to be invaded for no just cause and savaged by an abutting state for the sole purpose of domination, then all the hard-won gains of the 20th century are vulnerable. Imagine that after the conclusion of this conquest, during which Europe's leaders appeared paralyzed as the horror increased daily, a new D10+4 stood up a massive program to liquefy natural gas and ship it to Europe to reduce dependence on Russian supplies. As it was during the Berlin airlift, audiences in democratic nations across the world might grasp the existential dimensions of this conflict.

Imagine that, building on this success, the D10+4 imposed dramatic economic and cyber-sanctions on China until it reversed its recent imposition of tyrannical rule over Hong Kong, forced North Korea to give up all its nuclear weapons (as it could easily do), withdrew from parts of the South China Sea that it illegally occupies, and stopped threatening Taiwan. In working and sacrificing together to force the regime in Beijing to alter its trajectory, citizens in free nations might rediscover the solidarity they need if the values and practices of democracy are to prevail in the 21st century, when the fate of humanity will be decided.

Notes

- 1 This list now includes Syria, Egypt, Myanmar, Hong Kong, Belarus, Venezuela, Kazakhstan, and (repeatedly) Russia itself.
- 2 Compare Davenport's discussion of Peter Singer's similar proposal in *A League of Democracies* ch.6.
- 3 Leinen and Bummel also suggest that the UNPA as governing the IMF, World Bank, and WTO. But of course that would require amending their enabling treaties as well as the UN Charter, or amending the latter to incorporate new versions of the Bretton Woods institutions. There are many groups around the world now promoting UN reform, but the failure even to consider any changes to the UNSC during the 2005 World Summit shows that none of them are remotely realistic.
- 4 This error is closely analogous to the historic mistake of imagining that economic development would bring democracy to nations participating in global trade. Instead it often led to the "resource curse."
- 5 In this last respect, the CWSC proposal differs from most league of democracies' proposals, such as those by John McCain, Daalder and Lindsay, Slaughter and Ikenberry, and Davenport (see Davenport 2019, ch.1 for an overview).
- 6 Compare 50–52 of the NATO Reflection Group report on stronger unity around common values and settlement of disputes among members.
- 7 Bryan Graham, "US basketball star Brittney Griner's detention in Russia extended until May," *The Guardian* (May 17, 2022): www.theguardian.com/sport/2022/mar/17/brittney-griner-basketball-player-russia-drug-allegations-arrest
- 8 The G7 is an informal policymaking group including Canada, France, Germany, Italy, Japan, the UK, the US, and the European Union. It used to be the G8, including Russia, until it was expelled after Russia annexed Crimea early in 2014.
- 9 Campbell, who now serves as Biden's Asia policy advisor, has continued to promote the D10 in published work. He participated with several legislators in a December 2020 Atlantic Council roundtable on the current British proposal for a D10: see www.atlanticcouncil.org/event/free-world-commission-hearing/. Ash Jain's version included Australia rather than India as the 10th core member, while recommending other ad hoc partnerships and stressing the relationship with "global NATO" proposals: see Jain. "Like-Minded and Capable Democracies: A New Framework for Advancing the Liberal World Order," a Working Paper of the *Council on Foreign Relations* (2013).
- 10 That said, many Indian leaders are obviously not extreme Hindu nationalists, and there is plenty of evidence that Indian policymakers are strongly interested in joining a D10. As with admission to the EU, gaining full or associate membership in a D10+ group could be a significant incentive for regimes to reform and strengthen legal protections for all significant minority groups within their borders.

- 11 A survey found that in India, Australia, and South Korea, majorities of 57–67 percent viewed the D10 proposal favorably, while in Japan, prejudice against admitting South Korea unfortunately drove approval under 50 percent. Ichihara Maiko notes two main objections: alienating “swing states” like Indonesia, Kenya, or South Africa and appearing to be an “anti-China” bloc (2021). The associate member idea helps to address the “swing state” concern, whereas fear of confronting China is the more fundamental issue that I address in this chapter.
- 12 Compare the detailed “Declaration of Principles for Freedom, Prosperity, and Peace” on the Atlantic Council website, and its very impressive list of signatories: www.atlanticcouncil.org/declaration/
- 13 Specifically, the authors now reasonably envision the council of the Alliance as the D10 plus five states elected from the other 20–30 members of the Alliance on a rotating basis.
- 14 The flaws in “balancing” policy are both strategic and moral. Democracies will ultimately stand together or fall one by one. And it would be 19th century nationalist idiocy for American politicians to see the goal as “U.S. primacy” (Mearsheimer and Walt 2016, 72). The right goal is freedom and sustainable prosperity worldwide.
- 15 On the full range of influence campaigns in favor of autocracy, see the National Endowment for Democracy’s forum at <https://sharppower.org/>

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10

REPRESENTATION AND PARTICIPATION OF CITIZENS AT THE UNITED NATIONS

The Democratic Legitimacy of the UN and Ways to Improve It

Andreas Bummel

The goal of this essay is to argue that democracy needs to be expanded to the global scale and to discuss bodies and mechanisms that can serve this purpose. The survival of democracy in the planetary age depends on a holistic understanding of democracy that embraces all levels of government and public authority from local to global. This approach requires a rethinking of the global order that does not start and end with the notion of sovereign nation-states as the only relevant building blocks. However, although this chapter explores possible long-term manifestations of global democracy, the proposals outlined here are pragmatic and begin with the contemporary situation the way we find it.

A basic premise is a crucially important interconnection between national and global democratization, which then UN Secretary-General Boutros Boutros-Ghali pointed out a quarter of a century ago. He stated that

decisions concerning global matters carry with them far-reaching domestic consequences, blurring the lines between international and domestic policy. In this way, unrepresentative decisions on global issues can run counter to democratization within a State and undermine a people's commitment to it.

Boutros-Boutros Ghali 1996: para. 67

He later warned that democracy “within the state will diminish in importance if the process of democratization is not extended to the system of international governance as well” (ibid. 2009).

Inaction in this realm is showing consequences. Populist slogans such as “taking back control” or “America First” address vague notions that people are taken advantage of by outside forces. In a survey carried out in 2021, an average of 28% of respondents across 25 countries agreed that globalization prevents democracy in

DOI: 10.4324/9781003218586-13

their country from functioning well (Ipsos 2021). The current UN Secretary-General has diagnosed “a bad case of Trust Deficit Disorder” that extends to the global order “as 21st-century challenges outpace 20th-century institutions and mindsets” (Guterres 2018).

Democracy at the global scale relates to the entire system of global governance. Schweller (2014: 118, 123) described the latter as a “labyrinthine structure” and a “a spaghetti bowl of clashing agreements brokered within and among 30,000 or so international organizations of varying significance.” This dysfunctional fragmentation in itself constitutes a significant democratic problem that requires attention (cf. Leinen and Bummel 2018: 319). It is beyond the scope of this chapter to analyze the various manifestations of a democratic deficit across the whole system. The focus is on some elements at the UN as a central platform for global agenda-setting, coordination, and action. The nature of the UN’s democratic deficit with very few exceptions is illustrative for all intergovernmental organizations (IGOs).

It is acknowledged that the involvement of civil society organizations and other stakeholders in the work of the UN represents an important and indispensable element of global democracy. But this is not a subject of this piece. While it can be argued that civil society organizations do indeed speak on behalf of citizens, at least in so far they represent their members and supporters, in the following we discuss more immediate forms of global citizen representation and participation.

The Right to Democracy

International Recognition of Democratic Rights

The proliferation of democracy and civic and political rights among the world’s nation-states has been one of the most important political developments in the 20th century. While research suggests a recent trend toward autocratization (Lührmann and Lindberg 2019), democracy is now generally recognized as the most legitimate form of government. Even autocratic states and full-fledged dictatorships go to lengths to establish some kind of democratic appearance. According to surveys, a vast majority of people across the world believe in the importance of democracy (Latana 2021) even if dissatisfaction with its actual performance is at a high point (Foa et al. 2020).

There may be different understandings of what democracy is and it may come in different forms, but international law and human rights norms identify broadly agreed requirements. Article 21 of the Universal Declaration of Human Rights (UDHR) points out that “the will of the people shall be the basis of the authority of government” and that this will “shall be expressed in periodic and genuine elections” which shall be held by universal and equal suffrage and secret vote. The Article states further that “everyone has the right to take part in the government of his country, directly or through freely chosen representatives.”

Resolutions of the UN General Assembly such as the UDHR may reflect a broad consensus, but they are not binding according to international law. However, the International Covenant on Civil and Political Rights (CCPR), which entered

into force in 1976 and has been ratified by 173 states, includes relevant provisions, too. Article 25 says that every citizen shall have “the right and the opportunity” to take part in elections, as well as “in the conduct of public affairs, directly or through freely chosen representatives.”

Countless UN resolutions have confirmed the UDHR and CCPR and expressed a commitment to democracy, human rights, and political rights in general. In 2000, the UN’s Millennium Declaration reaffirmed a commitment to strengthening democracy in all countries. The 2005 UN summit reiterated “that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives.” More recently, on the 75th anniversary of the UN in 2020, heads of state declared in their UN75 resolution that they “will continue to promote respect for democracy” and by now the General Assembly passes a resolution each year on the “promotion of a democratic and equitable international order” that confirms fundamental democratic rights.¹ In a resolution adopted by consensus, the Human Rights Council in 2021 affirmed the provisions of the UDHR and CCPR that relate to democracy (UN 2021a).

Right to a Democratic International Order

The CCPR, UDHR, and other UN statements primarily intend to address democratic rights at the level of nation-states. Article 21 UDHR, for instance, speaks of “the authority of government” and “the government” of a given country as reference points for democratic rights. How can this then extend to the UN since the UN is not a government?

Schwartzberg (2013: 37) argued that “many decisions taken by entities comprising the UN system, whether or not they are regarded as binding, contribute to the governance of masses of citizens of the UN’s 193 member states.” With regard to the broader system of global governance Slaughter (2004: 4) argues that international networks of national government officials “can perform many of the functions of a world government – legislation, administration, and adjudication – without the form.” Arguably, it shouldn’t be the *form* of government authority, but rather its *substance* that counts. The UDHR in Article 28 introduces an international dimension by saying that “everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.” This indicates that according to the UDHR, a right to democratic representation and participation extends to the UN and even to informal intergovernmental collaboration.

The argument does not rely solely on the UDHR. One key question is the meaning and scope of Article 25 CCPR. Does the right to take part “in the conduct of public affairs, directly or through freely chosen representatives” extend beyond the nation-state?

According to the UN’s Independent Expert on the “promotion of a democratic and equitable international order” (PDEIO), Livingstone Sewanyana, the rights enshrined in Article 21 UDHR and Article 25 CCPR are not restricted to local

affairs, but extend to global institutions (Sewanyana 2019: para. 31). He refers to the UN's own interpretation of the relevant scope of "the conduct of public affairs" in Article 25 CCPR: The Human Rights Council's predecessor Committee agreed in 1996 that "the conduct of public affairs" covers "all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels" (UN 1996: para. 5). Without doubt this covers the UN's activities.

The case becomes even stronger with a closer view of the above-mentioned General Assembly resolutions on PDEIO which are regularly adopted by a 2/3 majority and state that "everyone is entitled to a democratic and equitable international order" and that this requires the realization of the "right to equitable participation of all, without any discrimination, in domestic and global decision-making" (UN 2021d: para. 1, 6(h)).

The Democratic Deficit of the UN

The UN as an Intergovernmental Organization

While its Charter in 1945 was proclaimed in the name of "We the Peoples," the UN is an IGO and its primary bodies are exclusively composed of representatives of the executive branches of member states. The Charter does not include any provisions for an immediate or indirect involvement of citizens and the UN to this day has opted not to establish such bodies or mechanisms.

Boutros-Ghali (1996: para. 28) argued that with the opening words of the Charter, "the founders invoked the most fundamental principle of democracy, rooting the sovereign authority of the Member States, and thus the legitimacy of the Organization which they were to compose, in the will of their peoples." The Charter, however, does not mention democracy once, and the regime type of member states plays no role. After all, the Soviet Union under the totalitarian regime of Stalin was one of the key founding members included in the prospective future system of collective security. With a broader definition of what constitutes a threat to international peace and security, periodic human rights reviews, and the emergence of the principle of the responsibility to protect, some inroads have been made. However, non-interference in domestic affairs for many member states, in particular those under autocratic governments, remains one of the UN's most fetishized principles.

Research suggests that elites who are involved in global governance tend to consider international organizations more legitimate than citizens at large, confirming the existence of an "elite-citizen gap" which populists take advantage of (Dellmuth et al. 2021). Usually these elites defend the status quo and argue that citizens are sufficiently represented at the UN through the governments of their countries.

A Broken Chain of Legitimation

An underlying logic of defending the status quo is a "chain of legitimation" which assumes that democratic legitimation originates from the electorate and is then

transferred from one level to the next up to the government and its representatives in IGOs (see also Leinen and Bummel 2018: 320ff.). In a parliamentary democracy, that chain looks like this: The voters elect the parliament, the parliamentarians of the majority party (or coalition parties) elect the head of government, the latter appoints the ministers, who in turn appoint career diplomats to represent the government in international bodies. These ambassadors and delegates themselves often give proxies to less senior officials who will then sit on given bodies of the relevant organizations. Together with their colleagues from other countries, they collectively are responsible for decision-making and holding the organization's administration and its officials accountable. These diplomats and bureaucrats are not accountable and answerable to voters but to their relevant superior in the chain. With each successive link in the chain, proximity to the citizen and legitimation both become weaker, and the democratic deficit grows larger. There is not one such chain, but 193 ones running separately for all UN member states. Even in theory, it is completely irrelevant to the diplomatic representatives of a given country what citizens of a different country might think. The latter citizens still may be affected by decisions these diplomats take or not take in the bodies of the UN and other IGOs.

The less democracy is developed in a given country, the less the concept of a chain of legitimation works in the first place. If free and fair elections and other key elements of democracy are flawed, or even non-existent, there is no democratic electorate and this breaks the whole chain from the start. Assessments of the state of democracy among the world's countries illustrate that in many cases this is relevant. V-Dem, one of the leading international research projects in this field, in 2021 studied 179 countries. They found that in 87 of them serious issues exist: 25 were rated as closed autocracies and 62 as so-called electoral autocracies. Further 60 were counted as electoral democracies and only 32 as liberal democracies (V-Dem 2021). In closed autocracies, in particular, the government does not represent the population in any legitimate way. Peters (2009: 264) rightfully pointed out that "as long as not all states are democratic, a large number of people are not represented in a democratic sense by their states in the international institutions." However, even with regard to liberal democracies, the views of large shares of people are not reflected in IGOs: Citizens who voted for a minority party which is not part of the government usually have no political representation in the executive. Thus, the problem would not go away even if all countries were perfect democracies.

The concept of a legitimation chain in political science belongs to the field of "input legitimacy" that examines in how far authority is self-determined ("government *by the people*"). Another perspective on democratic legitimacy is output-oriented and investigates whether an entity benefits the common interest of the constituency in question ("government *for the people*") (Scharpf 1999: 6). Given the UN's serious lack of input legitimacy, the quality of its output is crucial. But who judges how well the UN serves the world's citizens? The UN itself? The governments of member states? There is no straightforward answer. Would those who suffered sexual exploitation by UN peacekeeping personnel agree that the UN served them well? Ultimately, the output perspective again leads us back to an

electorate that needs to make that judgment. As Scharpf (ibid.: 14) argued, “in all constitutional democracies, the central mechanism for assuring output legitimacy is provided by free and general elections.”

In conclusion, the UN suffers from a grave democratic deficit. The UN and its member states deny citizens their democratic right to take part in the conduct of public affairs at the UN, directly or through freely chosen representatives, as enshrined in the UDHR and CCPR. This seriously impacts the UN’s input and output legitimacy.

A Cosmopolitan Perspective

According to a cosmopolitan perspective, all human beings are to be considered equal. Natural persons, treated equally, are the ultimate building block of democracy whether it is at the level of nation-states or at the global scale (Peters 2009: 264). From this view, more legitimation issues arise for the UN as the cosmopolitan principle of equality of *citizens* and the UN’s principle of equality of *member states* are at odds with each other. Each government of the UN’s 193 member states has one vote in UN bodies but the world’s population is divided extremely unequally between them. The 100 countries with the smallest populations, for instance, represent about 265 million people and 4% of the world population, but they make up more than 50% of the total votes. The 128 least populous countries, which can constitute a 2/3 majority, have 565 million inhabitants, or roughly 8.5% of the world population. By contrast, the 10 most populous countries, with some 4 billion inhabitants, have a voting strength of only 5%. In this system, a citizen of Nauru has 150,000 times more weight than a citizen of China (Schwartzberg 2013: 6, 19ff; Leinen and Bummel 2018: 324f). With regard to the cosmopolitan principle of equal representation of individual citizens, the UN’s intergovernmental bodies are highly undemocratic too.

A UN Parliamentary Assembly

Rationale and Concept

A UN Parliamentary Assembly (UNPA)² would serve the purpose of realizing the right of citizens to participate in public affairs conducted at the UN through elected representatives. The assembly would improve democratic representation of citizens at the UN by creating a complementary and unified chain of legitimation which is short and inclusive. Elected representatives would sit on this new UN body. They would be accountable to the citizens in their constituencies and serve as liaisons for the latter to make their concerns heard on matters related to global affairs. While such local links are of practical importance, UNPA representatives would be called upon to take a planetary view and further the best interests of humanity. Ultimately, in political terms, they would be answerable to all citizens irrespective of where they live, merging separate state-based chains of legitimation into one.

The creation of a consultative UNPA was first suggested in 1949.³ The concept has evolved over time, and in 2007 an international campaign formed to support the proposal.⁴ In designing a UNPA, it is possible to draw upon the experience of existing international parliamentary institutions, in particular treaty bodies such as the European Parliament, the Pan-African Parliament, or *Parlasur*.⁵ There are numerous examples. With the exception of the Asian region, most intergovernmental regional organizations include or are tied with a parliamentary body. This also applies to NATO or the Organization for Security and Co-operation in Europe (OSCE). International parliamentary institutions have become “an established feature of international politics” (Rocabert et al. 2019). Their utility is widely recognized. They are set up to help legitimate the authority of IGOs by analogy to national parliaments (*ibid.*). So far the UN has proven a rare and peculiar exception.

Legal Establishment

The legal set-up of a UNPA would provide the framework for the assembly’s formal powers and functions. A UNPA can be established by the UN General Assembly (UNGA) as a complementary body based on Article 22 of the UN Charter which allows the assembly to “establish such subsidiary organs as it deems necessary for the performance of its functions.” For this, no amendment of the UN Charter is required and the Security Council would not need to be involved in the formal procedure. The decision thus would not be subject to the veto right of the Council’s five permanent members (P5). Further it is at the discretion of the UNGA whether or not to consider the creation of a UNPA an important decision that under the Charter would require a 2/3 majority (*cf.* Brauer and Bummel 2020: 41). A UNPA could be created by a simple majority if the GA so decided. Of course, it is a precondition that at a certain point in time a majority of member states recognize the benefit of adding a UNPA to the UN’s setup and support an initial General Assembly resolution that mandates negotiations on UNPA Statutes.

Among other possible legal paths to a UNPA, two are most relevant, but more complicated.⁶ Firstly, a group of states could create an international parliamentary body based on an intergovernmental treaty they negotiate and ratify. If this was to become a UN-recognized body, however, an agreement on the relationship with the UN would have to be reached that would require UNGA approval. The advantages are not obvious. Instead, it seems easier to have the GA create a UNPA in the first place, which also averts the need of formal ratifications. Secondly, a UNPA can be created as a new main body by way of an amendment of the UN Charter, specifically for this purpose or perhaps as part of a general review. Given the high threshold for Charter amendments to enter into force (ratification by 2/3 of member states and all P5), this option does not seem viable at this time. It may well be on the table in the future. After all, a UNPA set up as a GA subsidiary body could be upgraded later.

Power and Functions

The primary function of a UNPA is to bring together elected representatives from UN member states into a formal body that allows them to organize transnationally, connect with the UN and the institutions of the wider UN system, and to express a diverse set of perspectives. These representatives would be expected to engage with citizens and civil society groups and take their views into consideration, for instance by feeding them into the work of the UNPA. The assembly could develop and express opinions on all matters it deems relevant and present these to the UN, member states, and the global public. While the UNPA would help create a better understanding of the UN's work among parliamentarians and those they represent, which in turn may strengthen political and public support of the UN, the assembly overall would not serve as the UN's cheerleader. Assessing UN governance and providing parliamentary oversight is at the core of what a UNPA is to do. This involves critical scrutiny, of course. Accordingly, the European Parliament suggested that the assembly should be equipped with "genuine rights of information, participation and control" in addition to the task of adopting "recommendations directed at the UN General Assembly" (EP 2005: para. 39).

Vesting a UNPA with adequate procedural powers that enable it to fulfill a consultative and oversight role is no problem if it is set up by the GA according to Article 22 UN Charter. The limits in this case are only the scope of the powers and functions of the GA itself. This means, for instance, that a UNPA just like the GA could deal with all issues except such that according to Article 12(1) are under consideration at the Security Council (these pertain certain disputes and situations in the field of peace and security). Overall, a UNPA as a subsidiary body of the GA could be given substantial influence and power. This is not well understood. For example, the GA according to Article 65(2) of the Statute of the International Court of Justice can equip a UNPA with the authority to request legal advisory opinions of the court. In other cases, General Assembly can make provisions at the procedural level to empower a UNPA. The adoption of the UN's budget and the election of the UN Secretary-General are among the GA's own most important formal powers. The GA could determine that it will only adopt a budget or elect a given candidate for Secretary-General (and other top-level positions in the UN system) if there is a concurrent decision of the UNPA as its subsidiary parliamentary body. For sure, as easily as this power can be granted, it can also be revoked at the GA's discretion, so ultimately, having it enshrined at the treaty level would be much better. Still, having a UNPA's concurrent support should be seen from the General Assembly's perspective as a clear benefit even if it might require compromises, negotiations, and additional steps. The global legitimacy of decisions taken in tandem by the GA and a UNPA would be unprecedented.

Election and Allocation of Seats

UN member states initially could serve as starting points for the election of representatives and the allocation of seats. This approach follows the example of

existing international parliamentary institutions. In an initial period determined in the Statutes, member states could decide whether the representatives allocated to them are chosen by popular elections or elected from political groups in the respective national parliament (if such groups exist). Direct elections would have to be implemented by the end of that period. Members elected from the ranks of national parliaments would keep their national mandates and serve both positions at the same time. UNPA representatives should be able to seek protection from pressure and prosecution by member state governments if need be. Beyond member states, a number of seats should be allocated to representatives from directly elected international parliamentary institutions such as the European Parliament, as well as to representatives of major stakeholder groups such as indigenous peoples, cities and municipalities, and global parliamentary networks. Those additional seats may be non-voting ones and would increase access to and participation in the work of the UNPA.

Given a UNPA's objective of representing citizens instead of states, population numbers need to be a key factor for the allocation of seats. At the same time, the total number should not exceed 800–1,000 seats for the assembly to remain efficient and viable. Neither small nor large states should be marginalized. Populous states can be allocated more seats than less populous ones, but the latter more seats *per capita*. A staggered allocation of seats—and power—would mitigate the cosmopolitan imbalance of equal representation of member states in UN bodies discussed before. This kind of degressive proportionality could be achieved, for instance, by allocating a minimum number of two seats to each member state and then distributing the remaining ones proportional to population size. Of the two minimum seats, one would have to be filled by the majority in parliament and the other by the leading minority group (if such exists). In the case of direct elections, the first could be allocated to the list with the most votes and the second to the list with the second most votes. In three models we investigated, 61%, 75%, or 85% of states would be allocated two or three seats. Collectively, their weight would still be much higher than their actual population size suggests.⁷

Some of the representatives in the UNPA *de facto* would be chosen and controlled by the government. In the worst cases of totalitarian and autocratic regimes, everybody would know who they are. Arguably, their political influence would be limited. Based on 2019 numbers, in our models no more than a third of representatives would come from countries rated as “not free” in the assessment of Freedom House (Brauer and Bummel 2020 93). On the other hand, in so far they exist, giving a seat and a voice to opposition forces from such countries and from countries in transition could help strengthen their process toward democratization.

Working Methods

For a UNPA to take a planetary perspective and to overcome geopolitical viewpoints, its work needs to be based on transnational groups that members establish according to shared political views. These groups would have key procedural

rights such as putting forward motions and representation in committees or in the presidium, the latter reflecting their overall membership share. In order to be recognized, membership would need to cover a certain number of origin states and world regions.⁸

The main work of the assembly would be done in committees and sub-committees that could meet publicly at different places and/or virtually and serve as hubs for broad consultation and deliberation. At their discretion, these committees could co-opt non-voting experts and stakeholder representatives. The Statutes could give a UNPA leeway to determine the focus of such portfolio committees. The committees could shadow the GA's committee structure but go beyond that and relate to specific institutions and subject-issues such as climate policy, the Sustainable Development Goals, and human rights. The UNPA would be able to establish *ad hoc* committees, in particular inquiry committees to investigate specific matters. The committees would consult with each other and eventually pass their findings and motions to the plenary that could meet once or twice per year.

Further Remarks

Initially, most, if not all, UNPA members would likely be elected from the ranks of national parliaments, as this is the easiest way to get started. A rough estimate for funding the administration and operations of a UNPA based on such a membership amounts to around \$40 million per year (see Brauer and Bummel 2020 105ff.). This is based on the assumption that members would not receive mandate salaries from the UN, but as usual from their origin parliaments.

The creation of a UNPA is supported by a wide range of parliamentarians, former UN officials, experts, and civil society groups.⁹ However, it is reasonable to believe that most UN member state governments, as well as national parliaments, still haven't given the proposal thorough consideration. Few of them have developed or expressed an official position. When pressed on the matter, UN missions or foreign ministries often stress their support of the collaboration between the Inter-Parliamentary Union (IPU) and the UN, implying that IPU-UN arrangements are sufficient. The IPU isn't even a UN body, however, and can contribute little, if anything, to strengthening the UN's legitimacy. The IPU and the proposed UNPA are two different things, serve different purposes, and could operate in a complementary relationship (Bummel 2019).

As direct elections would get implemented in more and more countries, a UNPA and its members would play a crucial role in building connections between citizens and the UN. Apart from the political and procedural dimensions, the symbolism of this would help foster a sense of global citizenship and responsibility (cf. Bummel 2021). The UNPA could become a driver for UN reform and help lay the ground for a successful Charter review that originally was thought to be held in 1955 based on Article 109.¹⁰ The outcome of a UN Charter review could entail the creation of a world parliament as the centerpiece of a world organization of the third generation. Finally, a UNPA itself could and should establish instruments

for citizen participation and deliberation that go beyond what current international parliamentary institutions offer.

A UN World Citizens' Initiative

Rationale and Concept

The instrument of a UN World Citizens' Initiative (UNWCI) would be a way to realize the right of citizens to *direct* participation in public affairs conducted at the UN. The online "Navigator to Direct Democracy," an international directory of existing direct democracy mechanisms based on general typologies, includes over 200 entries for citizens' initiatives across the world, mostly at the local and regional levels. According to the Navigator, such an initiative is "a popular vote procedure and a political right that allows a given number of citizens to put their own proposal on the political agenda."¹¹ The UNWCI proposal builds on these examples and on the model of the European Citizens' Initiative (ECI) that is the only one currently existing at the transnational level.¹² An international civil society campaign is advocating the creation of a UNWCI since 2019 and put it forward in a prominent way for the first time.¹³

Generally, there are two types of citizens' initiatives (Organ and Murphy 2019: 33): (1) full-scale initiatives that oblige a political institution to act and which may result in popular referendums, and (2), more commonly, initiatives that place an issues on the agendas of a political bodies and leave the response at the discretion of those bodies. The proposed UNWCI belongs to the second category. While the relevant UN bodies would be required to respond, an important part of the instrument's significance lies in the political influence and public attention that citizens can achieve by putting items on the UN's agenda.

A Three-Step Procedure

Step 1: Launching an Initiative

The UNWCI would allow a group of citizens to register an initiative, collect supportive signatures, and, if successful, present it to relevant UN bodies for further action. Initiatives should be either directed to the GA or the Security Council (UNSC) as the UN's two most important bodies.¹⁴ The first step in launching such an initiative is for a group of citizens to agree on establishing an organizing committee that will lead the process and represent their initiative to the public and vis-à-vis the UN. As any such initiative should reflect the interests of a global audience of citizens, the organizing committees could contain at least ten natural persons from different world regions. The requirement of geographical composition could be in line with the UN's distribution of the ten non-permanent seats on the SC among UN-defined regional groups (*ibid.*: 42f.).¹⁵

The organizing committee would draft the group's proposal and then submit it to the UN for registration. It seems reasonable to suggest that proposals should be

presented as draft General Assembly or Security Council resolutions, so in principle, they could be adopted as is (ibid.: 44). After submission there would be an eligibility check. All issues in the purview of either the GA or the SC would be permissible. This is a wide scope. However, it may not always be easy to discern whether a given provision would fall into the domestic jurisdiction of states and thus violate the principle of non-intervention of Article 2(7) of the Charter. Nonetheless, there is abundant precedence to draw upon as the same criteria would be used that the UN applies to GA and SC resolutions. Initiatives that violate the general purpose of the UN as stated in Article 1 UN Charter, which includes respect for human rights, among other things, should not be permissible. If a registration is rejected, the organizing committee would need to be able to appeal against that decision.

Step 2: Collecting Signatures

Once an initiative is approved and registered, the process of collecting signatures begins. It seems to be the most straightforward solution that the UN operates a secure global online platform for all initiatives and allows individuals to register their support similar to the platform that the European Commission provides for ECIs.¹⁶ In addition, it should be possible to collect signatures in written form. In principle, all adults, irrespective of citizenship or where they live, should be able to support an initiative. The UN would need to establish a system to verify the authenticity of signatures, probably based on checking random samples (ibid.: 56).

One of the most important procedural questions is what support threshold(s) need to be reached for an initiative to be successful and in what time. On the one hand, the more support needs to be collected across the world, the higher the legitimacy of the initiative. On the other, thresholds should not constitute too high barriers that are unlikely to be overcome. The recommendations proposed by Organ and Murphy (2019) seem to strike a good balance. Accordingly, an initiative would succeed if within 18 months certain relative and absolute criteria are met. First, an initiative would need the support of 0.5% of the population from at least ten UN member states distributed across UN-defined regions as mentioned before. Secondly, all in all an absolute number of at least five million signatures would have to be collected.

Step 3: Presentation and Response

An initiative is officially presented to the UN once it meets the agreed thresholds of support within the given time frame. Depending on the proposal's provisions and whether or not those concern matters of international peace and security, it should either be dealt with by the GA or the SC, a determination that may already be made by the UN at the point of registration. It seems most appropriate that initiatives are added to the agenda of either body no later than three months after successful completion. Representatives of the organizing committee need to be invited to present their proposal in front of either the GA or the SC. In terms of

the GA, the organizers should be given the option to present their initiative at the plenary during the next upcoming high-level general debate after the opening of each GA session in September when heads of state and government are present.

Following the presentation, the GA or SC should be obliged to consider the proposed resolution as if it was introduced by a member state. Representatives of the organizing committee could be invited to participate in debates. There are several possible outcomes. The draft resolution may be adopted as is, it might be adopted with amendments or it might be rejected altogether. Organ and Murphy (*ibid.*: 60) suggest that states should be obliged to publish an “explanation of the vote.” Such resolutions can have significant impact. While it is true that GA resolutions in principle are non-binding on member states, they are instruments that can put in motion and mandate initiatives of the UN Secretariat, including negotiations on international treaties under UN auspices. In addition, as pointed out before, the GA by resolution can establish subsidiary bodies according to Article 22 of the Charter or request the International Court of Justice to examine legal questions, among other things. The SC on the other hand can actually adopt binding resolutions under Chapter VII of the UN Charter if it considers a given situation a threat to international peace and security. The usual decision-making procedures would apply, however, which means that the P5 would be able to veto any proposal.

Implementation

Legally, the instrument of a UNWCI may need to be included in the Rules of Procedure of the GA and SC. In addition, an administrative office will be required that is responsible for implementation. This concerns in particular the registration of initiatives and examining whether they meet the required criteria, to supervise the online platform for the collection of signatures and make sure it functions as it should, to ensure that the authenticity of signatures is verified and to confirm whether a given initiative has reached the required thresholds (*cf. ibid.*: 48). The most straightforward way to create this office is as a subsidiary body of the GA based on a resolution according to Article 22 of the Charter. The technical complexities of implementation could be governed in the Statutes of this body. In order to deal with appeals against registration decisions of the administrative office or other complaints related to the process, an independent adjudicatory process would need to be set up. The procedure could be included in the same Statutes and be established as an independent ombudsperson office following the example of the Office of the Ombudsperson to the ISIL (Da’esh) and Al-Qaida Sanctions Committee created by the SC in 2009, which reviews requests for delisting individuals from the sanctions list (*cf. ibid.*: 50).

Further Remarks

Each day, online platforms run by civil society organizations collect millions of signatures for petitions directed to the UN and its member states. As an official UN

instrument, a UNWCI would be fundamentally different from them. While successful proposals may be dismissed at the discretion of the GA or SC, the instrument is based on the promise that these bodies would actually respond to such proposals. Even if a UNWCI wasn't set up as an instrument of the UN, in the interim, one or more UN member states could commit to introduce resolutions at the UN that are proposed by a group of citizens and generate a certain degree of support.

Global Citizens' Assemblies

Rationale and Concept

The concept of Global Citizens' Assemblies (GCA) is based on the idea of *deliberative* democracy. According to this approach, "political legitimacy is to be found in the right, opportunity and capacity of those subject to a collective decision (or their representatives) to participate in consequential deliberation about the decision" (Dryzek et al. 2010: 36). Examples for citizens' assemblies officially convened at the national level include ones in France (in 2019), Ireland (in 2012, 2016 and 2019), the Netherlands (in 2006), and the UK (in 2019). There is no single blueprint as to the design or operation of such assemblies. Usually, however, participants are randomly selected, whereby efforts are made by the organizers to ensure the overall assembly represents a cross-section of the population. These bodies primarily draw on the participation of ordinary citizens who are presented with evidence from experts. They are temporary bodies tasked with putting forward within a given time frame recommendations on specific issues. The assemblies in France and the UK, for instance, focused on climate change. The former demonstrated that "ordinary citizens like truck drivers, farmers and nurses are willing and able to deliberate on complex issues when they are given the opportunity" (Courant 2021). The design and procedure of such assemblies can be vastly different and this matters a lot. In France, for instance, breakout groups comprised only five citizens discussed specific thematic measures. Other participants who later voted upon their recommendations had little to no opportunity to examine or deliberate on them themselves. In addition, the assembly may have been demographically representative, but there was no consideration about whether participants also had diverse viewpoints (*ibid.*). At the global scale, a first attempt for a GCA was made in 2021 when a group of civil society organizations convened a body of 100 randomly selected participants on the occasion of the UN's conference on climate change, COP26.¹⁷ Similar to citizens' initiatives, including the ECI, it is at the discretion of the respective institution, government, or parliament to decide which recommendations are implemented and how.

Discussion

Convening GCAs on specific subject issues should be a regular activity of the UN. The UN could draw up guidelines on how such GCAs should operate. Usually,

the UN's public consultations are *ad hoc* and not formalized. The UN will pick the input it considers opportune and ignore all else according to opaque criteria and decision-making procedures. Similar to the proposed UNWCI, it would be advisable to establish a process that assures recommendations of UN-mandated GCAs are actually considered. This deliberative approach is a useful complement to the UNPA and UNWCI proposals outlined before, but it cannot replace them. In arguing for a GCA, Dryzek et al. (2010) highlight how that proposal was superior to a UNPA. However, GCAs and a UNPA serve different purposes and operate in very different ways. GCAs may not only help mitigate the UN's legitimacy deficit, but only to a certain degree. For instance, they are unable to take on a parliamentary oversight role vis-à-vis the UN, which would be one of the UNPA's functions. Further, GCA participants may reflect a cross-section of the global population, but as randomly selected individuals they only speak for themselves and are not answerable to any constituency as elected UNPA members would be. Proponents of a GCA say that the deliberative model is an easier sell to the UN and member states. This may well be true. While the campaigns for a UNWCI and UNPA have thus far not received public acknowledgement from UN officials¹⁸, the UN Secretary-General was quick to hail the civil society-organized GCA in 2021, as did some governments. This should elicit caution, as the reason for this may be a perception that GCAs can help camouflage the UN's democratic shortcomings while being rather inconsequential (if not properly designed). Dryzek et al. (*ibid.*) consider it an advantage that a GCA does not require elections and thus could enjoy the support of authoritarian governments, particularly China. With regard to Chinese participants, the authors imply that it is a *feature* of a GCA that the chances of any of them "being anti-regime activists is actually quite small" (37). Why would this be a feature, however? Shouldn't it rather be a point to have different views reflected in global deliberation including such that do not necessarily approve of government policy? In any case, GCA organizers need to take into account that citizens from countries under an autocratic regime are inhibited from expressing their views freely in a GCA because of a perceived or real risk of repressive action should they contradict the government.

The UN currently denies citizens the right to representation and participation. The result is a democratic deficit that undermines not only the UN's legitimacy, but also that of the entire system of global governance. This, in turn, contributes to a weakening of democracy at all levels. Those who are concerned about democracy need to pay more attention to these connections. There is ample evidence that the intergovernmental system is overwhelmed with finding solutions to critical challenges that affect humanity as a whole. This concerns the climate and environmental crisis, as well as many other matters that have been on the global agenda for decades, such as nuclear disarmament. A big share of citizens seems to be a step ahead of their governments. As surveys indicate, they recognize the need for substantially stronger global governance. For instance, in all ten countries¹⁹ covered in a

survey, a majority agreed that a supranational organization should be able “to make binding global decisions” (GCF 2020: 65). Another recent study found majority support in all five countries²⁰ covered for a global parliament and a global government (Ghassim 2020).

The proposals presented before are pragmatic measures that could help make the UN stronger, more democratic, and more legitimate. They represent steps toward a post-Westphalian order in which citizens, not only states, play a crucial role in determining global affairs through instruments of representation, participation, and deliberation. When the time has come for an overhaul of the UN, a UNPA could be transformed into a world parliament that is part of a two-chamber legislative system vested with the authority to adopt binding world law.²¹ It is encouraging that 200 groups and networks in 2021 endorsed an international civil society statement for inclusive global governance that calls for a UNPA and a UNWCI in addition to a high-level UN Civil Society Envoy, thus bringing together these three distinctive proposals under one platform.²²

Notes

- 1 The latest one at the time of writing was UN (2021d).
- 2 See also Brauer and Bummel (2020) as well as Leinen and Bummel (2018: 370ff).
- 3 The underlying idea of a world parliament dates back to the French Revolution. On this history see Leinen and Bummel (2018: part I).
- 4 See www.unpacampaign.org.
- 5 On IPIs see Cofelice (2019), Kissling (2011), Rocabert et al. (2019), Schermers and Blokker (2018, §§ 558–596).
- 6 More are discussed in Brauer and Bummel (2020: ch. 2).
- 7 In Brauer and Bummel (2020: ch. 5) we present specific figures and models.
- 8 Such groups are a key feature of the European Parliament. See also Brauer and Bummel (2020: ch. 3.6).
- 9 Many of them are listed at www.unpacampaign.org.
- 10 On the “Promise of San Francisco” and Art. 109 (3) see Sharei (2016).
- 11 See www.direct-democracy-navigator.org under item “Instruments.”
- 12 The ECI is an instrument of the European Union based on the Lisbon treaty and became operational in 2012.
- 13 See www.worldcitizensinitiative.org.
- 14 Organ and Murphy (2019: 61) suggest that if the SC determines that an initiative directed to it does not fall into its purview, it should automatically be submitted to the GA instead.
- 15 Africa and Asia: 5; Eastern Europe: 1; Latin America: 2; Western Europe and Others: 2.
- 16 See europa.eu/citizens-initiative.
- 17 See globalassembly.org.
- 18 But the proposals got mentioned in UN (2021c: 66).
- 19 Australia, Brazil, China, Germany, India, Russia, South Africa, Sweden, the UK and the US.
- 20 Brazil, Germany, Japan, the UK and the US.
- 21 Bummel (2018) outlines a scenario how that might look like.
- 22 See wethepeoples.org

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PROOF

PART III

Confronting the
Anthropocene

PROOF

PROOF

11

THE CLIMATE COMMONS AND THE SURVIVAL OF DEMOCRACY

Spencer R. Weart

It is not common practice to begin a paper on international relations with a geophysical datum. But our times are radically unlike any in the course of human history. Geophysics is upon us.

The datum: our planet absorbs roughly 0.8 watts per square meter more energy from the Sun than it radiates into space

IPCC, 2021

The imbalance is caused by the carbon dioxide, methane, and other so-called greenhouse gases that human civilization pumps into the atmosphere. The energy gain is colossal, like 80-watt light bulbs burning perpetually over every ten-meter-square surface around the globe. In consequence Earth's temperature has climbed more than one degree Celsius above the pre-industrial average, and the planet's surface and atmosphere will continue to heat up until they are hot enough to radiate as much energy as they absorb.

In the 2015 Paris Agreement, the world's nations promised to halt this global heating before it reaches 2°C, that is, less than one degree above the current temperature. The policies actually in place as of 2021 will not fulfill this promise. To prevent grave damage, we must make radical transformations in our technologies, economy, and society.

If the world fails to put policy changes solidly in place by 2030, it will be too late to prevent the heating from approaching three degrees above pre-industrial before the end of this century. The currently visible impacts of climate change hint at what that would mean. The sea level is rising at an accelerating pace. Heat waves kill many thousands and degrade agricultural productivity. A warmer atmosphere with a stronger water cycle is making wet areas wetter, stricken by catastrophic floods

DOI: 10.4324/9781003218586-15

and downpours; dry areas are becoming drier, bringing ruinous droughts and vast wildfires. Ecosystems are deteriorating.

In a future three-degree world, which our little children may see before they reach retirement age, we can anticipate weekly weather disasters, food scarcities colliding with growing populations, and hundreds of millions of refugees fleeing regions where human survival has become problematic (Lynas, 2020). Other social consequences are harder to foresee, but it seems likely that wealthy elites will find ways to profit and even strengthen their positions amid the chaos, as often happens in disasters (Loewenstein, 2015); note how the most powerful corporations, financial institutions, and billionaires gained mightily during the Covid-19 pandemic. Almost everyone else will lose. The inequality between wealthy industrialized nations and the “global South” will get worse, along with the gap within each nation between the extreme upper classes and everyone else. The worst affected regions can expect failed states and warlords. Everywhere rivalry for diminishing resources will encourage civil strife, migration, and wars that deploy ever more efficient weaponry, to say nothing of nuclear bombs (Hsiang, Burke and Miguel, 2013; Schleussner et al, 2016; Center for Climate & Security, 2021).

As climate disruption increases, we will be reminded of the ancient wisdom that threats to security entail threats to democracy. Within our own time, we have seen war and terrorism breed government surveillance, power conceded to domineering leaders, violent suppression of dissent, even torture by democratic governments. Meanwhile technologically empowered dictatorships like China offer their systems as more effective in emergencies than democracy. Historically, most discussions of the problems of democracy have been preoccupied with the erosion of domestic ideological, social, and political safeguards—internal threats. Climate change is an external threat. Can democracy survive it?

Managing the Global Commons

The survival of democracy (and much else) requires that all significant emitters of greenhouse gases begin rapidly reducing their emissions. How are they to be persuaded or compelled to do this? The problem has long been recognized as a member of a general class of problems known as “managing a commons.” Earth’s atmosphere is understood to be a global commons or “common-pool resource.” The classic example is the medieval English commons: meadows where any villager could graze a cow and woodlots where any could gather firewood or snare rabbits. There are many other examples, from fisheries to irrigation systems, where people have worked out systems to exploit benefits while keeping resource intact for future generations. The atmosphere, considered as a shared resource, is a place to put wastes, like a town dump.

Public understanding of the management of commons was complicated by the American ecologist Garrett Hardin’s famous 1968 essay on “The Tragedy of the Commons” (Hardin, 1968). The “tragedy” was that each participant in a commons might exploit the shared resource to maximize their individual profit—putting more cows out to pasture, catching as many fish as possible—until the resource

was so degraded that nobody would profit from it. In academia, this is called the “free-rider” problem, evoking an image of people jumping a subway turnstile to avoid paying a fare. One commonly prescribed solution is privatization. Give certain people or organizations ownership of shares of the resource; each of the owners would take care to protect their property from over-exploitation. The idea fitted neatly into the “neoliberal” ideology ascendent in the 1970s, which claimed private ownership was the solution to almost anything. Privatization did prove useful in some commons. For example, a government might set a limit on the total annual catch in a fishery and auction off rights to catch a fixed share.

Careful scholars, however, rejected the claim that tragedy is the inevitable fate of a shared resource. For a thousand years, the English commoners themselves prevented over-exploitation through traditional rules, underwritten by village opinion and, where necessary, by force of law. The actual tragedy was the “enclosure” movement from the 16th through the 19th centuries, when wealthy landowners wrested common lands from villagers and put them to private use (notably, pasturing sheep for the export wool market). In many places, this was a disaster for the rural society, and it did not necessarily lead to better use of the land.

While an unregulated common has a “free-rider” problem, privatization has its own problem: “rent-seeking.” Wealth tends to become concentrated (Piketty, 2014), and at some point the owner of a property may not need to make the effort to maintain and improve it but can simply enjoy its “rents.” An extreme case is the 19th-century Russian and Spanish aristocrats who lived in luxury and idleness in their capital cities without a thought for the wretched peasants who worked their decaying country estates.

For our climate problem, some governments are trying to privatize the use of the atmosphere as a waste dump. They set a cap on the total amount of particular greenhouse gases that certain industries may emit annually (like setting a limit on the catch in a fishery), issue permits to emit a fixed portion of the total, and establish a market for selling and buying these “carbon credits.” An elaborate international program to trade credits set up under the 1997 Kyoto Protocol is widely regarded as a failure, with complex rules that sometimes actually led to higher emissions (Kutney, 2014; Yeo, 2015; Kollmulss, Schneider and Zhezherin, 2015). The most important of these regional “cap and trade” markets, run by the European Union since 2005, had roller-coaster price climbs and plunges with no visible impact on the rise of global emissions. These failures were due largely to rent-seeking as powerful groups and entire nations lobbied successfully for special treatment. The privatization model nevertheless generally remained popular with policymakers, who believe it is less likely to arouse public opposition than directly taxing carbon emissions (the approach most economists recommend). In 2021, decades of inscrutably complex negotiations produced an international agreement that set stricter rules for a global carbon market (e.g., removing a loophole that allowed a country that paid for the preservation of a forest, and the country receiving the money, to both claim credit for the forest). The market’s success remains to be seen.

Government regulation is another approach attractive to policymakers as a way of evading public opposition. This still frames the problem in terms of private ownership of a presumed right to dump wastes into the atmosphere. The complex procedures of enacting and enforcing regulations, like distributing and monitoring carbon credits, are vulnerable to corporate lobbying, i.e., rent-seeking. Politicians themselves are well placed to derive their own “rents” by bestowing special treatment on friendly industries. Treating the atmosphere like property is not simple. If permission to pollute the atmosphere is to be divided up among all the polluters, in the end, the allocation of permits must be managed collectively like a commons.

We know how commons can be managed. That is thanks largely to Elinor Ostrom, whose work won a Nobel Prize for Economics. With her collaborators, she analyzed a large variety of commons that were managed successfully for many years, as well as some that failed. Their findings have been boiled down to a small set of rules for successful commons management (Ostrom, 2010; see also Ostrom, 2015). Not all the rules are applicable to the problem of greenhouse gas emissions, but three of them address the heart of the matter:

1. *“Most individuals affected by a resource regime are authorized to participate in making and modifying its rules.”*

The international rules for managing emissions into the atmosphere are based on the United Nations Framework Convention on Climate Change (FCCC), negotiated in Rio de Janeiro in 1992. Details are worked out in Conferences of the Parties (COP). The policies in effect at time of writing were set out in an agreement negotiated at the 21st COP, held in Paris in 2015, and modestly extended in Glasgow in 2021; the 196 signatories include all significant emitters. In short, the entities that “participate in making and modifying” the rules of the “resource regime” (that is, emissions into the atmosphere) are nation-states.

The actual “individuals affected” are factories, farms, cities—in the end, you and me. Our participation in rule-making is only by proxy, using whatever means we have to influence our nation’s policies. Could the global commons be more directly managed by the actual affected parties? Ideas on this circulated widely following the Paris Agreement, which was plainly inadequate to rein in emissions fast enough, even in the unlikely case that all nations did what they promised. Perhaps the effort could be centered on entities such as international corporations, compacts among cities, or a global democratic movement to mobilize citizens. However, for some time to come such efforts can only be supplementary. Only nation-states can speak for all their emitters within their borders, and only they have power to coerce their residents’ behavior. Since nearly all of the planet’s people reside in a signatory to the FCCC, the first rule for managing the commons is satisfied well enough: we have a workable rule-making structure. The problems come with using it.

2. *“Individuals who are accountable to or are the users monitor the appropriation and provision levels of the users ... and monitor the condition of the resource.”*

This may seem obvious, but it should be kept prominently in mind. In “public goods” experiments where people are asked to play games involving common resources, reliable information and communication among the participants is found to be crucial to getting broadly beneficial outcomes. Indeed, information is the solution to the notorious “prisoners’ dilemma,” where people who make the best choices for their individual situation arrive at the worst outcome for all of them—the tragedy of the commons stripped to its essence.

At the FCCC’s conferences, a substantial fraction of the diplomatic give-and-take has revolved around the reporting of emissions. What should be monitored and how? If nations insist on doing their own reporting rather than admitting monitors from outside, can they be trusted? Fortunately, early in the Cold War nations acceded to the principle that any party can observe anywhere in the world from satellites. Technological abilities are rapidly advancing; satellites can now spot greenhouse gas emissions on a granular scale. So the monitoring rule too can be satisfied, albeit with unremitting effort. The main problems show up in a third rule.

3. *“Sanctions for rule violations start very low but become stronger if a user repeatedly violates a rule.”*

Sanctions are needed to deter free-riders: a transit system exerts itself to punish people who jump the turnstile. For managing greenhouse emissions, the free-rider problem is often posed in terms of the nation-state participants: why should Australia make sacrifices if India keeps burning its coal? In the traditional English commons and some other types of commons, sanctions begin with community moral pressure, a word from a neighbor, escalating if necessary to public shaming. Within the FCCC structure, such pressure, what has been called “critique by the community,” is the only sanction currently operating (Cooper, 2018, p. 443).

At the very outset, the 1992 Rio conference, when the United States under President George H.W. Bush balked at signing the FCCC treaty, it was roundly scolded, not only by domestic critics but also by its closest foreign allies, who pushed Bush to sign. Jumping to the present, when an international monitoring program announced it had traced emissions of a banned greenhouse gas to a specific region in China, the emissions quietly stopped (Streiff, 2021). And the pledges by key nations and organizations that saved the 2021 Glasgow COP from embarrassing failure were largely responses to peer pressure among diplomats, financiers, and other elites (for finance see McNish and Hoffman, 2021). Domestic opinion can reinforce such pressure, at least in democracies. As a study in the United States demonstrated, “shaming by foreign countries [can shift] domestic public opinion in favor of compliance, increasing the political incentive to honor the Paris Agreement” (Tingley and Tomz, 2021).

Shaming is a mild sanction; to succeed a commons needs options for stronger measures. No material international sanctions currently exist for greenhouse gas emissions. The Paris Agreement includes an opposite measure, rewards: industrialized nations promised to give developing nations a hundred billion dollars a year to help them address the climate problem. Not only are the promised funds inadequate to pay the costs of reducing emissions, but also the actual transfers have fallen short of the promises, and developing nations are using that shortfall to justify increasing their emissions. This is not surprising considering that the rewards approach, while basic in motivating individuals, is scarcely seen in commons management. The challenge is to make penalties severe enough to negate the rewards that a free-rider might gain.

At time of writing, the European Union is considering a solid material sanction, the imposition of “carbon border adjustments” on imports—a sort of tariff on products in proportion to the emissions entailed in their manufacture. Such tariffs could be imposed unilaterally by any single nation. More extreme kinds of unilateral or multilateral financial sanctions are available (like those currently imposed on Iran) if governments get more serious about climate change.

Pressure to comply could also be exerted with threats to stop cooperating in commons management. For example, a widely discussed unilateral approach is geoengineering, such as a fleet of aircraft dispersing aerosols to reflect sunlight, which could be done at surprisingly modest expense. This might help one nation while imposing costs on others. If the intervention caused something like a radical change in monsoon patterns, it could even provoke a military response. Such frightening scenarios put pressure on nations to negotiate and obey rules for managing the atmosphere. This brings us to the general subject of international relations, and how nations do or do not cooperate.

War, Peace, and Political Culture

The fundamental forces that drive relations between nations are most clearly revealed in the extreme case of war or peace. A bright light was cast on this when a few scholars independently realized that democratic states have essentially never made war on their own kind (Doyle, 1983; Rummel, 1996; Weart, 1998). There are a few borderline cases, such as the American Civil War and the Athenian invasion of Syracuse in 415 BCE. But there have been no bloody battles between governments that *recognized one another as comparable democracies*. This is as close as we can get to a “law” of international relations. What is going on here?

A vital clue is found in the history of republics in general, a category that includes not only democracies but also oligarchic republics. The latter have full republican government, including voting and other civil rights, but only among the elite. A large fraction of the populace (peasants, day-workers, slaves, etc.) have no acknowledged political power; indeed, a main function of these regimes is to keep

them in their place, if necessary by violence. The scholarly field of international relations, preoccupied with recent events, has scarcely noticed the hundreds of oligarchic republics that flourished in previous centuries from ancient Greece to the early modern Germanies. But these regimes too followed a surprising rule: oligarchic republics almost never made war on their own kind. The rule is not as firm as with democracies, but the exceptions are remarkably few and minor. Oligarchies, like democracies, did often go to war—against tyrants, dukes, kings, Popes, and so forth down to clans and tribes—but almost never against a regime of their own kind.

Where a democracy and an oligarchy came in contact they often waged furious war against one another. There are examples among 19th century “liberal” republics, medieval and early modern Swiss cantons, and ancient Greece *pollei*. Republics make war on anybody *except* governments they recognize as comparable to their own. This sets republics apart from kingdoms, dictatorships, clans, and every other political structure, which do war on their own kind and anybody else indiscriminately (Weart, 1998, chapters 2–7). We can learn much about international relations from this remarkable pattern of war-making and, more important, peace-keeping.¹

The explanation is straightforward. In international relations, countries are swayed by their political culture: the shared practices, beliefs, attitudes, even emotions that are engaged when people face decisions of policy and power. People will try to engage foreign counterparts using the methods they are accustomed to in dealing with their own kind at home. We are creatures of habit, deeply reluctant to change our assumptions and behaviors, especially about politics. In particular, leaders of republics have won their positions without using lawless violence against their peers at home, and they reliably manage to get along in the same manner with foreign leaders of their own kind.

This congeniality is not only explained by familiar facts of human psychology and sociology but also is visible throughout the history of diplomacy. The tendency toward something like trust shows up even when a democratic politician begins to negotiate with a monarch or dictator, where it turns into a problem. Neville Chamberlain approached Adolf Hitler, and Harry Truman initially approached Joseph Stalin, both confident they could work out political deals in their accustomed fashion; they notoriously failed to get what they expected. When you negotiate with someone who rules by murder, a likely outcome is violence and even war. War is also a predictable outcome when democratic leaders confront oligarchs. For the political habits of oligarchs include forceful suppression of the dangerous domestic “mob,” and democrats fear and despise them for that (Weart, 1998, chapter 11).

Whether in democracies or oligarchies, republican political cultures share some basic elements familiar in the political science literature. Principal among these are the rule of law, equal rights for citizens (which in an oligarchy may be only a few hundred men), and tolerance of dissent, including free speech (that essential matter of communicating information). These elements are combined in decision-making by consensus or voting, with every significant group accepting the result. All this is

bound up in a political culture where conflicts are resolved without violence, the thing that is crucial for keeping peace with like-minded foreigners.

There are two additional elements at the foundation of republican political culture; like a building's foundation they tend to be out of sight and overlooked.

The first is decision-making by consensus. In well-functioning republics, most policies are maintained by consensus, with formal voting playing its essential role only in new and difficult cases. Even in the contentious US Congress, most of the everyday work gets done without voting. In negotiations, a consensus is reached when everyone agrees that a proposal is "good enough," even if many don't fully agree with all of it. Consensus is especially important in international relations. An example is the reports of the Intergovernmental Panel on Climate Change (IPCC), whose charter requires strict consensus among all participating governments: discussions of a proposal end when no representative rises to object (see e.g., Weart, 2020).

The second foundational element for republics is commitment to the community. This is often described as devotion to the good of all, the "common weal," but loyalty to a republican commonwealth also entails loyalty to its political culture. In some oligarchic German city-states, this principle took physical form when the citizens gathered annually in their cathedral to swear allegiance not only to one another as a body, but also specifically to their laws.

These republican principles align with the norms and procedures for successfully managing a commons. That should not be surprising, for a republican polity is itself a sort of commons, a shared resource for maintaining security and prosperity. Participation by all interested parties, open information, and consensus for the common good with rule-based sanctions only as a last resort, these characterize both successful commons and flourishing republics. Can we apply the lessons of republican peace to our problem of managing the global commons?

International Regimes

The FCCC with its conferences is an example of what political scientists call an international regime. These regimes are peaceful coalitions to address common problems, the opposite of war. History shows that republican political culture makes it relatively easy for republics to form such regimes. Grand examples are the European Union and, as its very name asserts, the United States of America. Not only democracies but oligarchic republics also regularly formed successful and enduring coalitions, most famously the Hanseatic League (a commercial union of German city-states that occasionally warred on autocratic powers). In fact, nearly all important international regimes had their origins in republics—the Universal Postal Union (founded in Bern), the International Council of Scientific Unions (Brussels), the United Nations (San Francisco), and thousands more. A particularly relevant example is the IPCC. It operates on republican principles derived from

the international scientific community's norms and practices, which date back to the 17th century "republic of letters" (Weart, 2021a). Durable coalitions among republics for more violent purposes—military alliances—have also been common, from the Peloponnesian League to NATO.² Autocrats also make alliances with one another, of course, but these are usually temporary and fragile, sometimes broken even in the middle of war.

Here is another general tendency explained by political culture. While autocrats are accustomed to coercing people, politicians in republics succeed at home by collaborating with one another, compromising as necessary, and they naturally follow their habitual methods abroad (Weart, 1998, chapter 14). We see again that republican political culture fosters the kind of relationships that are useful for managing a commons.

It matters for our purposes that oligarchic republics collaborate as easily as democratic ones, for many international regimes have an oligarchic flavor. Dreams of democratic participation by all the world's citizens are, well, only dreams. The global poor have little prospect of gaining an effective direct vote—to say nothing of the parties most affected by climate change, our children and generations unborn. Fortunately, commons can be managed well enough without full democracy; a basic republican culture will suffice. In the early modern English commons, the most intractable disputes were ultimately settled in a court of law with trial by jury, that is, by a few landowners reaching a consensus in the oligarchic manner. In principle, the governments of nation-states should be able to work together in the same fashion as a governing minority elite.

Autocratic states do join international regimes and even military alliances with republics when it is in their own interest. However reluctantly, they go along with the republican practices of the alliance or regime, notably consensus-seeking. Participation brings the material benefits of membership in, for example, a tariff compact with legal mechanisms for resolving disputes, or joint military planning and supply, as when the NATO alliance included the Greek dictatorship. In addition, international prestige, approval, and potential sanctions matter to the crony elites who support autocrats. In the modern world, cross-border trade and money transfers are a more vital interest than ever for ruling elites, who daily encounter foreign opinion electronically and through travel.

The most powerful motivation for cooperation is a common threat. Conventional wisdom, history, and even sociological experiments show that under some circumstances a common enemy can impel groups to act together. Indeed, the chief impetus for collaborating to reduce emissions is the recognition of climate change as a "security threat" (as the United States Department of Defense has officially styled it). The current FCCC regime does resemble a classic military alliance. Like the Allies in World War II, each party undertakes to attack the "enemy" on its own front. Each party urges the others to attack harder and shares some information and other resources with them. The climate problem, of course, is less visible

and will take far longer than a military campaign. We need to add the more formal and durable methods of commons management.

To manage the atmosphere as a commons over the long term, we are likely to succeed only if the participants in the international climate regime follow republican norms and procedures. That can happen if, and probably only if, a republican political culture prevails domestically within enough of the participants to keep the autocratic tendencies of other nations in check.

Unfortunately, republican political culture is eroding within many democracies, where poorly understood forces are shifting loyalties from the nation at large to ideological affinity groups and the lone individual. Sacrifice for the common weal, the search for consensus, and even the rule of law are increasingly neglected or disdained. Before we can advance international cooperation, we have work to do at home.

This work would matter even if there were no international regime, for ultimately the climate problem must be addressed within each separate nation. Domestic political pressures for or against emissions will generally be far stronger than any influence from abroad (Tingley and Tomz, 2014; Aklin and Mildenberger, 2020). Even as the Trump administration in the United States renounced the Paris Agreement, “defecting” in the language of political science, many American cities and states voluntarily tightened their emissions policies well beyond what the Paris Agreement required (Cooper, 2018). To be sure, if the international regime could apply painful sanctions, that would affect domestic politics. But to reduce a nation’s emissions, it will always be necessary to persuade or coerce its own citizens.

Mobilizing the State to Act on Climate

What motivates people to make sacrifices for the common good? One of the most powerful motivations available on a national scale is patriotism. Voting, paying taxes, and many other acts are widely accepted as patriotic duties. Citizens even answer the call of their country to volunteer for military service and possible death. Anatol Lieven (2020) argues convincingly that patriotism could be invoked to persuade people to act on greenhouse gas emissions by arguing that climate change is a threat to their national identity. Deep emotions can be stirred by invoking our duty to preserve our homeland, the sacred heritage of our forebears. Patriotic sacrifice for the common good can overlap with self-interest, bolstering feelings of personal identity and self-worth.

Lieven frankly concedes that this emotional force may properly be called not “patriotism” but “nationalism.” When it takes the extreme form called “chauvinism,” which sets a nation above and against all foreigners, nationalism is rightly despised as a mainstay of autocratic rulers and a provoker of wars. But the alternative to nationalism, the globalist view that gives the nation no special position, appeals

only to a limited segment of the public. To confront the climate emergency, it is essential to rally a large majority of citizens, and we cannot mobilize a majority by rejecting deep feelings instilled in childhood. All but the most extreme ideologues can find common ground in the positive, patriotic strains in nationalism—which are not incompatible with globalist perspectives. That means framing the climate fight as a fight for national survival—survival of our way of life, our heritage, our very landscapes. Establishing a degree of national unity is also necessary for international action, for only by speaking with one voice can a nation-state participate effectively in managing the global commons.

Nationalism is not the only force that can motivate people to act on climate change. Many are concerned for posterity, not just their own descendants but also everyone on the planet. Many are moved by the unjust suffering, now becoming visible, that climate change inflicts disproportionately on the populations of less-developed nations and the disadvantaged at home. No less disturbing for some of us is the extinction of species and the degradation of entire ecosystems. Driven by these emotions, the global approach can merge with a local, sub-national approach in the creation of international coalitions of NGOs, coalitions of cities, and so forth that address one aspect or another of climate change. All this work is useful, but far from enough. We should of course continue to condemn the threats to the global poor, children, the natural world, and so forth. But many citizens will find nationalism more compelling.

A nation-state is defined by its borders. When trade crosses a border, there is an opportunity to invoke nationalism to reduce global emissions. As mentioned above, the graduated sanctions essential for commons management can move from mere shaming to a “carbon adjustment” or “border tax” levied against imports in proportion to the greenhouse gases emitted in their production. In practice, such a tariff is liable to get entangled in complex and problematic calculations involving comparisons between domestic and foreign carbon credits, taxes, and emission regulations, to say nothing of industrial subsidies, other tariffs, and so forth. Setting rules will inevitably attract demands for special treatment, i.e., rent-seeking. But border adjustments at least address the problem that domestic suppression of emissions may only drive production abroad to nations where the emissions are unrestricted. Keeping production at home will not only retain wealth and jobs but also reduce global emissions as domestic producers are prodded to greater efficiency. For example, some imported foods can be displaced by domestic farmers who are encouraged to sequester carbon in their soil (Helm, 2020).

Any border adjustment—and indeed almost any form of sanction—is a tax not just on foreign producers, but also on domestic consumers, since much of the cost is normally passed along into prices. One might induce people to accept the higher prices by invoking nationalism, as citizens are persuaded to accept rationing of consumption amid the patriotic fervor of a war, with global heating as the “enemy.” For

better or worse, sanctions could also call on chauvinism: people will make some sacrifices to help punish foreign free-riders.

The pioneering climate economist William Nordhaus (2015) took the border tax approach a step farther, suggesting that nations that are prepared to tax or regulate their own emissions form a “Climate Club” that collectively imposes tariffs or other “trade penalties” on any nation that does not join them. The European Union is laying plans to impose such “border adjustments,” a program that may be joined by the United States and could develop into a still larger regime for managing the atmosphere as a commons (Hayashi and Schlesinger, 2021). Domestic rules to restrict emissions could also be negotiated among subgroups of nations or corporations, with moral or material sanctions on non-members. Something like that is implicit in the Glasgow Financial Alliance for Net Zero, in which most of the world’s chief investors, lenders, and bank regulators have committed to incorporating the reduction of carbon emissions into their decisions. These are examples of what Ostrom (2009) herself recommends for our climate problem: a “polycentric approach” experimenting with organization on every scale from the neighborhood to the planet (cf. Keohane and Victor, 2016).

These examples show how domestic policies and international climate regimes are entangled, even inseparable. Climate negotiators have failed to agree on adequately strong action because each nation has focused on its individual domestic well-being—the chauvinist aspect of nationalism. Negotiators are stymied by the structure of the current regime where the participants are nation-states. Nearly all discussions including the Paris Agreement frame the target for commons management as the sum of the national emissions targets of each party. This focus on national targets is intrinsically divisive. It raises the specter of a zero-sum competition, each party seeking to make the least possible commitment to reducing its emissions.

The truly appropriate targets for managing the atmosphere are not national emissions, but emissions where they actually happen. The problem is not “the United States” or “India,” it is the individual people and corporations that dump gases into the atmosphere. Strictly speaking, what needs attention is patterns of consumption, which of course correlate closely with wealth. A single rich family can be responsible for more greenhouse gas emissions than a thousand poor families. By one calculation, in the period from 1990 to 2015, the wealthiest 1% of the world’s population accounted for more than twice as much carbon pollution as the entire poorest half of humanity. A concern for just relations between nations should not blind us to inequalities *within* nations (Gore, 2020; Aronoff, 2021). All the more so because few things stir up people so strongly as the belief that they are being treated unfairly.

Mobilizing Citizens to Redirect Society

Alongside nationalism, there are other values that millions of people have been willing to make sacrifices and even die for: liberty, justice, equality, and democracy.

These forces have a surprising potential for getting people to work together, even on the climate problem. For it is increasingly clear that global heating is pushing us toward a world of even more extreme inequalities and authoritarian rule. Social stresses due to climate change, such as an influx of refugees, are already surfacing. If democracy is to withstand these coming storms, its institutions and political culture must be ironclad. Recognizing this external threat to democracy may be even more powerful than nationalism in persuading people in democracies to cooperate. Moreover, in some nations, nationalism and the ideals of democracy reinforce one another. Defining the national ideal as democratic obviously won't work in China, where ethnic chauvinism is regrettably a more effective unifying force. But in nations like the United States or, say, France, where the homeland can be identified with liberty and equal rights, nationalist and democratic ideals can work together. The alliance between liberalism and nationalism has a grand tradition going back to the revolutions of 1776–1789–1848 and was a source of strength in the Cold War; the alliance deserves to be reinvigorated.

The fight for a thoroughly democratic polity is urgent, for the chief obstacle to action on climate is the excessive power of super-rich individuals, domineering corporations, and more generally, elites who imagine they can survive climate disasters or even profit from them. For decades, these people and institutions have played a despicable role in impeding efforts to address climate change, and they remain the greatest obstacle to action (Oreskes and Conway, 2010; Farrell, 2015; Brulle, 2019; Leonard, 2019, chapters 19, 20). These companies and moguls are defending their enormously disproportionate share of public goods, free-riding, and rent-seeking to the point of destroying the global commons. Inequality is the very core of the climate problem. Let us have fewer private jets, more electric buses!

This brings us past lofty democratic ideals to the more prosaic human goals of prosperity and security. People may not fight to the death to get more material goods and better safety, but these goals do motivate much of politics. In these goals, geophysics and social justice interact. When climate change with its heat waves and floods threatens people's property and even their lives, it manifestly imposes the greatest harm on the weakest. (An early example was the notoriously disproportionate suffering among poor people and people of color when Hurricane Katrina devastated New Orleans in 2005.) As climate change progresses, its unequal consequences will become increasingly obvious. Adding to the unfairness, those who have emitted the least greenhouse gases stand to suffer the worst. In all these ways, progress on the climate problem connects with fighting for equality and justice.

However, such a fight could drive citizens even farther from the kind of national unity that nations will need for hard policy decisions on climate. The great free-riders will not willingly relinquish one jot of their wealth and power. To circumvent or overcome them, we can find common ground in furthering democracy and

justice as a national project against the threat of global heating. If a mutual enemy can bring nations into an alliance, the same force operates domestically, where the enemy is a combination of climate danger and those who are helping it come. To be sure, danger can promote authoritarian government. But climate change is not an opponent like the Soviet Union or Al Qaeda, which could be invoked to justify suppression of “subversives” supposedly allied with the foreigners. Bluntly, the actual enemy is not climate change, but those who defend the emissions that cause it.

To have any chance of restraining global heating, each country must forge a national consensus on what to do. Consensus entails compromise and sacrifice; many people, including or even especially liberals, will need to set aside some cherished causes that irreconcilably divide the public. Centering politics around personal identities involving race, religion, ideological or party alignment, etc.—a tendency found at both extremes of the political spectrum—undermines national unity. For example, maintaining a national border against the pressure of refugees, a pressure that will rise in proportion to global heating, is already a central political problem that requires painful concessions from both conservatives and liberals. Few of their causes could prevail anyway in a world devastated by weekly climate disasters (Lieven, 2020, pp. 115–116).

One way forward would be to emphasize membership in the nation as the primary personal identity above all others, like the German burghers who defined themselves by their allegiance to the commonwealth and its laws. This is particularly appropriate in the United States, where the national ideology incorporates an ideal of freedom and equality under law with tolerance for diversity. We can rally citizens literally around the flag, with its traditional pledge of “liberty and justice for all”—reinforced by the fact that reining in inordinate wealth and power is necessary to save ourselves from geophysical catastrophe. It might seem hopelessly quixotic to buck the current tide of authoritarian and divisive forces. But we must try.

The effort is all the more necessary because, as argued above, managing the atmosphere as a commons requires that many nations have republican governance. An international regime dominated by autocratic nations would be a bedlam of free-riders, a world plunging into chaos. Preserving democracy and preserving the climate are inseparable.

Back to geophysics. When this essay began by claiming that we are on track to a global average temperature near the end of this century “something like” three degrees above pre-industrial, I was acknowledging that this number is only the median of a range of different results from different studies. The climate system is complex beyond our ability to fully understand it. Therefore, the 2021 IPCC report allows for a roughly 5% probability that without strong and prompt policy changes, Earth could reach not three, but four degrees above the pre-industrial temperature—a climate hellscape.³ Worse, if temperatures exceed just two degrees, climate science “cannot exclude the risk” that feedback loops will kick in to bring uncontrollable further heating, potentially well above four degrees (Steffan, 2018; cf.

IPCC, 2021, section C.3.2, p. 27; Weart, 2021b). If that happens, billions of people could perish and the survival of national societies, of civilization itself would be problematic (Lynas, 2020).

What is the meaning of your life if everything you cherish will be annihilated? Even someone unmoved by nationalism or justice must quail at that prospect. To be sure, this is not the most likely future. But as a noted climate scientist remarked, “you would not get on an airplane if you thought there was a five percent chance that it was going to crash” (V. Ramanathan in Robbins, 2017). As an immediate spur to action, we can center on preserving our nation and our democracies, not to mention our personal prosperity and security. For some people, the awareness of danger can expand outward to include work to preserve the entire human future and indeed all living things.

We must act now. The consensus of essentially all experts is that we cannot be reasonably sure of avoiding irreversible and disastrous human and environmental harm unless we stop global heating below two degrees. That means global emissions, which are currently climbing, must be in a steep *decline* by 2030, with policies in place to ensure that the decline continues down to net zero around mid-century (IPCC, 2018; 2021). Governments have delayed serious action for so long that we have reached a truly unprecedented crisis: *the policy decisions made in this decade will determine the fate of life on our planet for the next 10,000 years*. It is hard to grasp that the people who are currently active have such a huge responsibility—that everything depends on us, right now. It sounds like we have fallen into a science-fiction story. But it’s not fiction, it’s physics.

Notes

- 1 I have since learned that republics, oligarchic or possibly democratic, also flourished in northern India in the last few centuries BCE. The limited sources indicate that they followed the rule of warring on one another rarely or not at all.
- 2 The ancient northern India republics also formed alliances to fight kingdoms.
- 3 If all nations meet their Paris pledges, the world will follow the IPCC’s AR2-4.5 scenario, for which the “best estimate” for heating around 2090 is 2.7°C. Few nations are on track to meet their pledges, so I round up to ~3°. My ~5% number, like the IPCC’s estimates, is somewhat intuitive. The IPCC estimates a probability of 90–100% that the actual number will fall within the range of 2.1–3.5°C (IPCC, 2021, Table SPM.1, p. 14), which implies a ~5% risk of anywhere above 3.5°C. There is a further unquantifiable risk that the IPCC range is too narrow.

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12

DEMOCRACIES, AUTHORITARIANS, AND CLIMATE CHANGE

Do Regime Types Matter?

Daniel J. Fiorino

In a 2010 interview, James Lovelock, noted scientist and environmentalist, said that “Even the best democracies agree that when a major war approaches, democracy must be put on hold for the time being. I have a feeling that climate change may be an issue as severe as a war.” He added: “It may be necessary to put democracy on hold for a while” (Hickman 2010). Increasing evidence of a global climate crisis and calls for rapid action are fueling doubts about whether democracies are up to the challenge. Even experts who may otherwise defend democratic norms and institutions raise questions about the capacity of democracies. As ethicist Dale Jamieson wrote in 2014: “Sadly, it is not entirely clear that democracy is up to the challenge of climate change” (100).

Democracy as a type of political regime is not enjoying the best of times. The widely heralded “Arab Spring” of the 2010s has not lived up to world expectations. Even Tunisia, where the Arab Spring broke out, is facing tough times (Yee 2021). Authoritarian populists in transitional democracies as diverse as Hungary, Brazil, the Philippines, and Venezuela are consolidating power and weakening democratic norms and institutions. Even one of the oldest stable democracies, the United States, was governed by a right-wing populist who retains a hold over a party committed not only to suppressing votes but also to reversing electoral outcomes in crucial states. Indeed, in the Economist Intelligence Unit’s *Democracy Index*, which assesses democracies around the world, nearly 70 percent of countries experienced a decline in their scores, and the average score overall was the lowest since the *Index* began in 2006 (EIU 2020, 4).

At the same time, the problems governments are expected to deal with are becoming more complex and challenging. In 2020, a pandemic swept the world, causing widespread illness and death, stressing healthcare systems to the hilt, and disrupting economies everywhere. Decades of gains in reducing poverty in poor

DOI: 10.4324/9781003218586-16

countries were reversed in less than a year. Meanwhile, other problems are not going away: poverty, unemployment, pollution, public health, inequality, nuclear proliferation, and, of course, global climate change.

Although in many respects climate change lacks the immediacy of threats like pandemics or major economic recessions, it steadily takes on more urgency. In the last few years alone, the world has seen devastating floods in China and Germany; searing heat in the western United States and northern Europe; wildfires in places as varied as Siberia, Colorado, and Greece; prolonged drought in South Africa, Australia, and the western United States; and damaging extreme weather events nearly everywhere. All these effects grow more likely in coming decades with the relentless pace of emissions (UNEP 2020). Even if greenhouse gas emissions have peaked, they will have to fall by about one-half and get to net-zero by the middle of the century if the world is to limit average temperature increases to two degrees or an aspirational goal of one and one-half degrees Celsius.

The escalating impacts of a changing climate and the sense of urgency that accompanies it constitute one of the foremost governance challenges of our time. To address the causes of climate change, governments have to transform energy systems; redesign production methods; reinvent mobility; use fewer and less damaging materials; transform agricultural and food systems; reduce consumption; and recreate lifestyles. Hence, we hear doubts that democracy may not be up to the task, and that authoritarian forms of government may be needed to meet the climate emergency.

The question explored in this chapter is whether or not democracy as a type of political regime is inherently ineffective in meeting the challenge of global climate change. A related issue is whether or not more centralized, top-down, authoritarian regimes are needed to meet this challenge and if they are superior to democracies in doing so. Are authoritarian regimes better at dealing with the causes of climate change than their democratic counterparts? More directly, is it worth giving up the advantages of democracy in exchange for less appealing alternatives based on an unproven promise of more effective climate governance? This chapter focuses on the mitigation side of the climate challenge—of reducing emissions and enhancing carbon sinks—rather than adaptation, which involves different issues and has been studied less in the public policy literature.

The argument here is that a case for the superiority of authoritarian regimes is not supported by evidence or recent experience, and that democracies possess advantages that make them more, not less, effective in managing the problem of global climate change. It may be that climate change is such a complex problem that no regime type is up to the task, but there is no basis for assuming that authoritarian regimes necessarily will do better. Indeed, the evidence suggests the opposite. Before experts, activists, and citizens call for a regression of democratic values, norms, and institutions, it is essential to consider the case for and against democratic capacities. Indeed, the conclusion in this chapter is that the likely path to meeting the climate challenge is by building stronger, more capable, responsive, and effective democracies, not in moving away from them.

The Theoretical Case for and against Democracy

To their doubters, democracies are hobbled in their response to a crisis like climate change because they rely too much on established interests, are slow to change course, are too limited in legal authority, over-prioritize individual rights, and are beholden to selfish whims of scientifically uninformed publics. Authoritarian regimes, the critics argue, may overcome entrenched interests, centralize power to respond quickly to crises, are free from worries over individual rights and legal constraints, and can act on the advice of scientific experts. Or so the case for putting democracy on hold goes. If climate change poses existential threats, democracy critics argue that the world should take extreme measures in the form of transition to authoritarian regimes, suspension of civil liberties, and departures from democratic processes—all in an effort to avoid looming catastrophe.

Admittedly, there is a superficial appeal to this argument for suspending democracy. If democratic countries could dispense with the power of the fossil fuel industry and its allies, grant emergency powers to enlightened leaders, and overcome the resistance of an uninformed public, it may be possible to get things done. Positing an idealized version of authoritarianism, doubters of democracy's capacities envision some form of an enlightened, ecologically benign leadership that leads in designing technologies, reducing material consumption, diverting public resources to expand infrastructure, forcing lifestyle change, and taking other actions to offset the causes—greenhouse gas emissions and lost carbon sinks—as well as adapting to the consequences.

However, there are problems with this picture. An obvious one is that no such benign, ecological authoritarianism has ever existed. Authoritarian regimes have not been models of green consciousness. Some may point to China, at least over the last decade, as a climate leader, based on its apparent commitment to renewables and reducing emissions. Many democracy critics view the United States as a laggard (Depledge 2006 is an example) and a poster child for a case against democracy (Shearman and Smith 2007, discussed later). After all, the US never ratified the Kyoto Protocol, withdrew from the Paris Agreement, has some of the highest per capita emissions in the world, and was led for four years by a president who said climate change was a hoax, disparaged the science, and did what he could to *accelerate* climate change (Fiorino 2022). Given the huge stakes not only for responding to the climate crisis but providing competent, fair, and responsive government that promotes human well-being, it makes sense to assess these claims and their consequences.

Claims on the inadequacies of democratic regimes in handling environmental problems are not new. They date to the early days of modern environmentalism in the 1960s and 1970s. Political scientist William Ophuls wrote in 1977 that “we must have political institutions that preserve the common good from destruction by unrestrained human acts” (151). He argued that politics has to be “more authoritarian and less democratic” and “much more oligarchic” to manage environmental problems (162).

As evidence of climate threats have intensified, similar calls emerged. An example is *The Climate Challenge and the Failure of Democracy* (Shearman and Smith 2007). It argues that “humanity will have to trade its liberty to live as it wishes in favor of a system where survival is paramount” (4). Calling for science-based, expert autocracy, the authors compare the earth to a critically ill patient who must be put “in the hands of a leader, the expert doctor in intensive care, and a team of nurses and scientists, which combines leadership with expert knowledge, decision making speed, dedication, and compassion” (7). Just as other doubters of democratic capacities use a war analogy, Shearman and Smith compare the global climate emergency to a critically ill patient requiring emergency treatment—a response, they argue, that democracies cannot deliver.

The Theoretical Case for Democracy

Democracy is a form of government that generally is associated with openness, pluralism, participation, accountability, and protection of individual rights. A system of free and fair elections enabling citizens to hold leaders accountable and replace them periodically is a defining feature of democracy. Pluralism describes governance with multiple centers of power in which interests compete for access and influence over policy making. Some systems are seen to be more pluralistic than others, just as some democracies are organized around parliamentary (the United Kingdom and Germany) or presidential (the United States) systems. The variation among democracies matters, but that is not the focus here. In contrast, authoritarian systems are relatively closed to participation beyond selected elites, do not have mechanisms such as free and fair elections for selecting and replacing leaders, and allow the state wide authority over citizens (Fiorino 2018, 34–60).

The theoretical case for democracy as better at handling issues like climate change starts with responsiveness to citizen demands and relatively free information flows. If voters care about the environment in a well-functioning democracy, then so should their elected leaders. With open information flows, leaders may be held accountable. Transparency is necessary for accountability in democracies. If elites suppress information about the sources of pollution, for example, it is hard for voters to determine who is responsible for dirty air or water and make them accountable (Stehr 2013).

The relative openness of strong democracies provides multiple opportunities for citizens, organized through advocacy organizations as well as directly with elections, to apply pressure on government to reduce pollution, protect forests and species, and take other protective action. The precondition, of course, is that citizens want their governments to do this. History shows this public support is more likely to exist with visible, obviously harmful problems like air and water pollution than with distant and less obvious threats of climate change (Stern 2004). In effective democracies, institutions are reasonably good at translating citizen preferences into public policy. This occurred in the 1970s in countries like the United States, Sweden, the

United Kingdom, and Japan and now (Weidner 2002) is happening in countries early in their development in Asia and parts of Africa (Death 2016).

History also reveals another advantage of most democracies: they are better at governing. Partly because they have delivered economic growth and affluence better than other regime types, democracies are more likely to have effective administrative systems with such features as a career civil service, technological and scientific capabilities, rule of law, and relatively low corruption (Weidner 2002; Povitkina 2018; Dasgupta et al 2001, 2006). Democracies also are more likely to engage in international cooperation and problem-solving than authoritarian systems (Neumayer 2002).

The case against authoritarianism is almost a mirror image of that for democracy. Authoritarian regimes are relatively inaccessible beyond a narrow set of privileged elites who are likely to be protected from environmental harm, at least in the near term. Such regimes generally lack mechanisms for translating public concern over pollution or ecological degradation into policy. Authoritarian systems lack two features that support environmental capacities: an effective administrative system and an active civil society to pressure leaders for solutions to environmental problems.

Given the lack of free and fair elections and the inability of citizens to hold those in power accountable, authoritarian leaders are more likely to respond to the demands of military or financial elites—their sources of power—than citizens who are more immediately and drastically affected by pollution or climate change. Thus, in failing to respond to a broad range of citizen demands, more authoritarian regimes are less likely to prioritize or to address issues like climate change.

The Case against Democracy

The case against democracies' ability to handle complex, large collective action issues like climate change builds upon their recognized deficiencies. As Winston Churchill famously stated, "Democracy is the worst form of government, except for all those others that have been tried from time to time." Doubters of the ability of democracies to handle climate challenges usually start with concerns about inertia, the need to obtain public and legislative consent in initiating policy change, and the power of vested interests, such as those of the fossil fuel and related industries. While authoritarians in theory have power to decide and force policy change in response to dire emergencies like climate change, democracies have to rely on political coalitions that translate into legislative majorities or other bases for action. They are often slow to move and poorly equipped for responding to emergencies, a phenomenon Jonathan Rauch terms "demosclerosis" (1994).

Effective democracy depends on having well-informed citizens with some sense of how environmental problems affect their lives. Democracy critics argue that climate is such a complicated problem. Understanding it depends on interpretations of complex models and long-term predictions from experts that the lay public cannot grasp. In addition to claims of scientific illiteracy, another impediment is citizens'

TABLE 12.1 Summary of the Bases for the Two Ideal Regime Types

<i>Basis for the Authoritarian Case</i>	<i>Basis for the Democratic Case</i>
<p><i>Weaknesses in the democratic ideal type:</i></p> <ul style="list-style-type: none"> • Cannot overcome status quo interests • Voters lack scientific literacy • Leaders cater to near-term gratification • Slow, uneven policy implementation • Linked to neo-liberal capitalism <p><i>Strengths of the authoritarian ideal type:</i></p> <ul style="list-style-type: none"> • Concentrates authority to force change • Centralizes implementation • Enhances role of scientific expertise • May focus on long-term well-being • Able to force ecological investment 	<p><i>Weaknesses in the authoritarian ideal type:</i></p> <ul style="list-style-type: none"> • Priority to ruling elites, not public • Suppresses information and dissent • Lacks effective civil society • Uneven global engagement • Undervalues economic and gender equity <p><i>Strengths of the democratic ideal type:</i></p> <ul style="list-style-type: none"> • Accountable/responsive to citizen demands • Quality of governance/less corruption • Active civil society and diversity • Free flow of information • More engaged in global issues

Source: Fiorino (2018, 45), used with permission from Polity Press.

unwillingness to sacrifice short-term convenience and lifestyles to make needed changes, such as driving less, living in smaller houses, consuming less, and so on. A combination of lack of knowledge and unwillingness to give up the consumptive aspects of modern life make it hard for democracies to develop social or political consensus for strong climate action. The power of vested interests—especially fossil fuel and other emission-intensive industries—creates incentives to block change, especially in decentralized, pluralistic systems like the United States. Indeed, the United States, a climate laggard, is a particular target of democracy critics.

In contrast, the argument goes, authoritarians can act on a dime. With centralized authority and less need to establish the scientific legitimacy of policy decisions, closed systems that do not require public or legislative consent, they could respond to crises like the climate challenge. Indeed, the selfish habits of citizens focused on near-term gratification and carbon-intensive lifestyles could theoretically be overcome by the authority of centralized government. Table 12.1 is a summary of the theoretical case for and against these two ideal regime types.

Evaluating the Claims for and against Democracy

Claims about the limitations of democratic regimes generally are on point. Democracy is far from ideal. Institutions falter, norms are weakened, citizens become distrustful, electorates become polarized, and gridlock occurs. Even the United States and other established democracies illustrate these tendencies. Policies may be skewed toward established interests, such as the fossil fuel and related industries. Democracies can be sluggish, slow to change, and by definition depend on the consent of their citizens. If the public does not accept climate as a serious issue requiring a response, or if people want to hold on to carbon-intensive lifestyles, democracies are slow to act.

At the same time, these arguments give a highly idealized and unrealistic portrait of non-democratic regimes. The first issue in this portrait is that an ecological autocracy as envisioned in the eyes of democracy critics does not exist. Some democracy critics point to the People's Republic of China, a topic taken up later (Shahar 2015). The PRC may provide a model in coming years of effective climate mitigation, but that is not guaranteed. For the sake of the global climate system, the world should hope that it does. Overall, however, if we look at current low-ranking countries in the *Democracy Index*, it is hard to identify one that is providing enlightened climate leadership.

Another problem is that the case for environmental authoritarianism extends to issues of human rights, dignity, and well-being. Despite their flaws, most democracies have done a better job than non-democracies of advancing rights, including gender equity; maintaining rule of law; delivering capable, low-corruption government; and providing education, health care, and other merit goods to citizens (Halperin, Siegle, and Weinstein 2004; Frey and Al-Roumi 1999). Giving up all of these advantages has effects for future generations that could be long term and harmful.

There are practical issues with the case for environmental authoritarianism. Just how, in a democracy, will the transition to more centralized, less participatory, and expert-driven regimes occur? Will a country that cannot agree on the need for a carbon tax actually undergo a transition to some form of ecological autocracy? What does it mean for countries struggling to become or to maintain effective democratic regimes? Should other countries hope they slide back into a kind of authoritarianism on the questionable assumption that they then will be more active on climate?

Many assumptions about the relative capacities of democratic and non-democratic regimes are questionable or are refuted by research. Among these are that authoritarian regimes are better at thinking and acting for the long term; that non-democratic systems are more inclined to address environmental externalities than democracies; that autocracies have administrative and scientific capabilities for dealing with the complexities of climate science and policy; and that the best policy choices and technologies are known and government's role is simply to implement them forcefully (evidence is reviewed in Fiorino 2018). All are questionable given what we know about the relative strengths and weaknesses of non-democratic regimes.

Even the standard arguments in favor of democratic capacities underrate their advantages, one of which is a greater capacity for economic and policy innovation. Democracy critics depict the fight against climate change as one in which the answers are known and the challenge is mostly one of forcing the solutions. In reality, however, the solutions go well beyond forcing behavioral change and include devising and scaling up technologies that cut emissions, such as smart grids, affordable wind and solar power, carbon capture and storage, and low-carbon farming and livestock production. With dynamic economies and capacities for technology innovation, democracies can be effective where more centralized and less open regimes are not.

A related point is *polycentricity*, defined as “a structural feature of social systems of many decision centers having limited and autonomous prerogatives and operating under an overarching set of rules” (Aligica and Tarko 2011). Highly centralized, top-down policy systems may be good at making decisions and forcing their implementation, but they will not have the same range and variety of actors, organizations, and decision centers as a vibrant democracy (Cepparulo 2019). Federalism is an illustration of polycentricity in practice. The United States is rightly criticized for its frequent shifts in climate mitigation and for lacking an aggressive national strategy. At the same time, many US states—California, New York, Hawaii, and others—have strong policies and were able to maintain and even expand them during the Trump administration (Stokes and Breetz 2020).

Having local governments with a degree of autonomy and discretion adds to the polycentric capacities of democratic systems. While US national leaders are polarized, for example, cities are adopting and implementing climate mitigation programs (Aust 2018). Many state and local governments are not taking action, but that inaction is partially offset by other state and local officials. Still, national climate policies that are adopted and implemented consistently over time are a missing ingredient, as President Joe Biden’s administration recognizes.

A third democracy advantage worth emphasizing is global leadership and cooperation. It is no accident that 21 of 24 annual Conference of Parties held under the auspices of the United Nations Framework Convention on Climate Change were in democratic countries. The exceptions were Morocco and Kenya (hybrid regime) and Qatar (authoritarian). Democracies participate more in international problem-solving and agreements than non-democracies (Neumayer 2002), and climate change is a problem requiring global solutions and cooperation in implementing them.

Evidence on Climate Change and Democracy

The concept of environmental authoritarianism was developed by Mark Beeson (2010), who anticipated that environmental degradation “may involve a decrease in individual liberty as governments seek to transform environmentally destructive behavior” (276). He was not calling for authoritarian solutions, but he predicted that in areas lacking a democratic tradition like East Asia, regimes could emerge “in which environmentally unsustainable forms of behavior are simply forbidden.” The concept was further developed by Bruce Gilley (2012), who identified two aspects of environmental authoritarianism: constraints on individual liberties with ample room for the state to compel behavioral change and a highly centralized state-driven policy making with little room for participation by other actors in society.

What is the evidence regarding climate policies and performance of democratic compared to authoritarian regimes? This part of the chapter introduces assessments of country-level climate policy and performance and of the vitality of democracy. Following that is a review of the policy research on democratic relative to authoritarian systems on environmental and climate issues.

General Assessments of Regime Types

The *Climate Change Performance Index* (CCPI) draws on five categories of indicators to rate the 57 countries with the most emissions. Updated annually by Germanwatch and Climate Action Network Europe, the CCPI uses outcome and policy indicators to present a comprehensive climate profile. Emissions make up 40 percent of the index, energy use and efficiency 20 percent, and renewables 20 percent. The other 20 percent rates country policies based on a survey of some 350 global climate and energy experts. The CCPI provides a useful guide to country-level climate policy and performance.

A next step is to find indicators of regime types: democratic, authoritarian, or something in between. A variety of indicators exist. This chapter relies on the *Democracy Index* prepared annually by The Economist Intelligence Unit (2020). The *Index* assesses political regimes in five categories: electoral process and pluralism; civil liberties; the functioning of government; political participation; and political culture. It also incorporates three overriding measures of free and fair elections: security in voting; the extent of foreign influence on government; and capacity of the civil service to implement policies. Regimes are rated on a ten-point scale and classified as a full democracy (23 countries), a flawed democracy (52 countries), a hybrid regime (35 countries), or authoritarian (57). About half were rated as democracies and the other half as hybrid/authoritarian.

The 2020 version of the *Index* did not offer good news for democracy. Nearly 70 percent of the 167 evaluated countries saw a decline in scores, in large part due to effects of the pandemic, which led to many restrictions. The largest number of declines occurred in Sub-Saharan Africa, where it was “a terrible year for democracy...” (7). As always, the highest scores were in Nordic countries.

Of course, matching ratings in the CCPI with those in the *Index* does not prove anything, given the many factors that affect climate policies. Still, the *Index* highlights differences that warrant a more careful look. On average, the top ten in the CCPI do well in the *Index*; all but one rated as full or flawed democracies. A hybrid regime, Morocco, is the exception. The bottom ten in the CCPI are not as consistent, with authoritarian regimes (Russia, Kazakhstan, Iran, and Saudi Arabia) mixed in with full and flawed democracies like the United States, Canada, Australia, South Korea, and Taiwan. The average democracy score of the top ten in the CCPI is 8.05; for the bottom ten it is 6.09, so there is a contrast. In sum, although the top-rated democracies also score well in climate policy and performance, the bottom is not easily defined. This calls for a more detailed assessment of the theoretical case and the evidence. Extensive policy research provides this.

What Does the Policy Research Tell Us?

One could argue that no regime type has proven to be entirely well-suited to protecting the environment against the pressures of economic growth, industrialization, fossil fuel dependence, and consumptive lifestyles. Governments still

struggle with air and water pollution, biodiversity loss, ecosystem degradation, and accumulations of chemicals in the environment (Fiorino 2011). Yet research suggests that democracies do better at designing environmental policies, if not always fully implementing them. Among the findings on environmental performance and policy are:

- A rise in measures of democracy “reduces environmental degradation” across a range of indicators (Li and Reuveny 2006).
- Democracies achieve a quality of governance that allows them to protect forest resources more effectively, especially in mature, consolidated democracies (Bhattarai and Hammig 2001; Buitenzorgy and Mol 2011).
- The degree of democracy “has an independent positive effect on air quality” (Bernauer and Koubi 2009).
- • Democracies are more likely to commit to policies for protecting the environment than non-democracies (Hochstetler 2012).
- Democratic regimes are more active in global environmental problem-solving and more likely to commit to action on a global scale (Neumayer 2002).

On climate change specifically, most of the research reflects similar conclusions, finding that:

- Having a history of democratic stability enables engenders confidence in stability and continuity, which helps in long term, climate issues (Fredriksson and Neumayer 2013).
- Hardline autocracies do not perform better on climate than established democracies; indeed, “countries representing the capitalist autocratic model like Russia, China, and in some measure lag far behind the democracies” (Kneuer 2012, 871).
- The *quality* of a democracy is a condition for effective governance that delivers a better quality of life on many indicators, including climate policy (Petherick 2014).
- Countries with strong democratic characteristics “tend to exhibit lower emission levels than relatively closed political regimes” (Clulow 2019, 254).
- Based on two centuries of emissions data, democracies begin to reduce their emissions much sooner in the economic growth process than autocracies, due to having more transparency and access to mechanisms for social justice (Sinha et al 2021).

Despite these findings, there are nuances worth noting. One study found, for example, that while democracies were more likely to commit to climate change mitigation policies, they were not observably better in reducing emissions (Battig and Bernauer 2009). Going back to early work by the World Bank, the research suggests that it is less democracy itself that leads to better climate performance but a higher quality of governance (Dasgupta et al 2001, 2006). Having stronger

bureaucratic capacities and rule of law, and independent judiciary, and low levels of corruption—all of which are more likely in established democracies—explain the relatively better performance of democracies on environmental and climate issues (Esty and Porter 2005; Pellegrini and Gerlach 2006). As one scholar puts it, “being democratic and relatively non-corrupt Austria is more beneficial for lower CO₂ emissions than being democratic but moderately corrupt Slovakia” (Povitkina 2018, 425).

In sum, democracies should be more effective—especially in the long run, which is what should concern supporters of climate action—in mitigating the causes of climate change. They are more engaged in global problem-solving, have dynamic and innovative economies, enable a free flow of information and technology, engage multiple levels of government and interests in finding solutions, and generally provide more accountable and responsive governance.

Still, roughly half of global emissions are from hybrid or authoritarian regimes. Some of these will remain leading sources of emissions for the rest of this century. China stands out, but other large emitters considered to be authoritarian include such countries as Vietnam, Russia, Iran, Turkey, Egypt, Nigeria, and Pakistan. What does this mean for the global struggle against climate change? Is there an authoritarian model that offers solutions for the non-democracies of the world?

China and the United States: What Are the Lessons?

Our look at the CCPI rankings suggests general conclusions. As noted earlier, all but one of the top ten countries are rated as democracies. At the next level in the CCPI is a mix of historically strong democracies—Germany, France, Switzerland—and less democratic regimes (Brazil and Egypt). Countries at the bottom include distinctly undemocratic regimes (Russia, Kazakhstan, Iran, Saudi Arabia) as well as some of the world’s leading democracies (Canada, Australia, the US).

One explanation for the low climate rankings of the United States, Australia, and Canada is that they have large, powerful fossil fuel industries. Having substantial fossil fuel and other emission-intensive sectors means that there are powerful economic interests that can impede climate action and voters who are dependent economically on industry jobs and low energy prices (Stevens 2019).

China, solidly authoritarian in the *Democracy Index*, often is viewed as an exemplar of environmental authoritarianism. Until recently, China gave priority to rapid economic growth over environmental concerns. A decade ago, recognizing that air and water pollution were corroding the regime’s legitimacy, the Chinese Communist Party adopted a theme of *ecological civilization*. This dovetailed with action on climate mitigation, given that the main causes of air pollution—coal generation and emission-intensive industry—also emit greenhouse gases. At the same time, the Chinese government saw an opportunity to build up economic sectors based on renewables, especially wind and solar photovoltaics (*The Economist* 2018).

China’s recognition that economic growth should not always be pursued at the expense of the environment illustrates the *Environmental Kuznets Curve*.

Econometrics research going back decades investigates relationships between economic growth and environmental protection (Stern 2004; Perrings and Ansuategi 2000). The conventional wisdom holds that pollution rises inexorably with economic growth and industrialization. Research has qualified that wisdom. Most forms of pollution do rise in early growth as societies engage in more manufacturing, become mobile, and consume more goods and services. Eventually, however, they reach a turning point where absolute pollution levels begin to decline. It is important to note that this occurs with visible pollutants that directly affect well-being and less so for problems like biodiversity loss and energy-related greenhouse gas emissions.

This does not mean that economic growth and rising per capita incomes magically reduce pollution. What happens is that as people enjoy rising incomes that meet basic needs, they become more concerned about issues like air and water pollution, ecosystem degradation, and waste and demand better environmental protection policies. Democracies are better at responding. As they become affluent, countries also can afford infrastructure, technology, research, and other forms of environmental protection (Fiorino 2011). Affluence creates the conditions necessary for having a professional civil service and strong legal system. The *Kuznets Curve* is worth mentioning because many positive effects of democracy (less corruption, more resources for technology innovation, better governance) are a product of economic development.

In 2007, the Chinese Communist Party and later the regime officially started giving more attention to the environment, largely due to concern about the destabilizing effects of air and water pollution. This concern with air pollution, largely a result of extensive coal use, merged well with climate mitigation. In China, “reducing coal use would also achieve the ‘double win’ of reducing ground-level air pollution and improving public health in addition to mitigating climate change” (Li and Shapiro 2020, 3). Rather than an effort to save the world from environmental problems, policy scholars Yifei Li and Judith Shapiro view this as a mechanism for expanding state power, so that “authoritarianism is the end and environmentalism is the means” (24).

This emphasis on reducing pollution is significant; Yi and Shapiro warn in a recent book, but should be interpreted cautiously. First, the shift to ecological civilization is transactional; there is no guarantee that it will endure when it no longer serves the regime’s purposes. Second, the government’s methods often undermine rather than advance progress, cause social harm, and constrain individual freedom. The regime uses plant shutdowns, behavioral coercion, crackdowns, and a “mechanistic focus on statistics and percentages” to achieve its goals (65), even though these methods “all too often lack long-term vision, thoughtful planning, or sensible implementation” (27). Third, China promotes its Belt and Road Initiative, an international development program, which would make China the world’s largest exporter of coal and “has the potential to be an environmental and social disaster” (148). Finally, top-down policy centralization, based on extensive coercion and limited participation, means that environmental values are not instilled

in the public, leading to a “passive, apathetic frame of mind toward environmental problems...” (204).

The point here is not that China cannot contribute to the struggle against climate change and other environmental problems. It is that regarding China as a model ignores complex realities. China may be a best case for environmental authoritarianism, given its political stability, economic success, and technological resources. Other authoritarian regimes will have less capacity.

The United States recently fell in the *Democracy Index* from *full* to *flawed* democracy. It has ranked low in the CCPI. At the state and local level, however, the record is not so bleak. Many American states are clean energy leaders with such goals as generating 100 percent of electricity from renewables and carbon neutrality. Indeed, if California were a country, it would be recognized for its extensive climate policies and relatively low emission-intensity. California and other climate action states—New York, New Jersey, and Massachusetts are examples—show the value of polycentric policy making, dynamic and innovative economies, open information flows, effective governance, and policy learning. The China-US comparisons thus are more complicated than it appears.

On Climate Policy and Regime Types

The priority for responding to the changing climate should be to strengthen democracies. This will be challenging even in many of the world’s established democracies, where right-wing populism that is hostile to climate science and policy has gained power in recent years. The United States is an obvious case; it is now in a precarious balance at the national level between a coalition that supports strong climate action and one that opposes serious change. Indeed, the climate policy shifts from George W. Bush to Barack Obama’s administrations in 2009, to Trump in 2017, then to Joe Biden in 2021 are head-spinning. American federalism provides policy stability by allowing progressive states to accelerate their climate ambitions and programs.

The threat of right-wing, anti-environmental populism extends beyond the United States. A survey of right-wing parties in Europe found that many are hostile to climate change mitigation (Schaller and Carius 2019). This survey found that when right-wing parties gain power or influence, the prospects for climate action decline. Maintaining strong democratic institutions and norms in these countries, including low corruption, strong administrative capacities, broad participation, and well-functioning legal systems, are one critical path to climate action.

The European Union offers a model for progress based on democratic environmentalism. Although, as the authors of the CCPI remind us, no country has done enough to address climate change, the EU as a collection of countries comes closest, both in domestic policy and international leadership. Many EU members rate as leaders in such indices as the CCPI and the EU has adopted some of the strongest climate ambitions and policies in the world. EU has committed to being the “first climate-neutral continent” by 2050, and its programs promise a potential

for achieving it (European Commission 2022). If the rest of the world were on the same path, the global prospects would be enhanced.

In addition to maintaining their own qualities of governance and democratic institutions, established democracies should support the rest of the world in transforming energy systems and taking other steps to reduce emissions. To be sure, this includes financing support, technology-sharing, and other such actions. It also includes support in building better democracies, when that is possible, and in enhancing capacities for effective governance. It may be that, for countries like China, a model based on environmental authoritarianism is the best option. Cooperation between democratic, hybrid, and authoritarian regimes is essential in the fight against climate change. Yet that should not discount the advantages democracies have for domestic and global climate action.

Of course, effective democracies are humanity's best bet for sustaining human dignity, advancing social justice, delivering a better quality of life, and handling global issues in addition to climate change. The current generation is responsible to future generations not only for passing on a sustainable climate system, but also for systems of governance. As political scientist Ludwig Beckman writes, "we need to consider the democratic no less than the environmental consequences for future people" of actions taken now. He warns: "the powers taken away from parliaments today are taken away from future generations as well" (2009f 611 and 620). Anyone calling for some form of environmental authoritarianism would do well to keep Beckman's warning in mind.

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13

DEMOCRACY TO AVERT ECOCIDE¹

Camila Vergara

Witnessing human beings destroy their natural and political ecosystems is painful. The material, juridical, and symbolic structures humans have created to sustain life and flourish as a species have allowed for great technological advancement and economic “progress,” as well as the domination and exploitation of the many by the few and the plundering of the planet. Given this state of affairs, saving representative democracy—the political order the vast majority of people live in today, which has allowed for the legal pillaging of natural resources and the exploitation of people’s labor—cannot be achieved with a few laws and reforms. Corporations and their superrich owners have grown too powerful to be reined in with a few new rules in a handful of countries. Corporations are global, having a “presence” in different territories where they can pollute and store their profits free from taxation. Consequently, securing a clean environment within the borders of advanced capitalist democracies does little to make the rest of the world cleaner. Quite the opposite, since it is always cheaper to move operations to places where there is no regulation, rather than to abide by new rules that will force the company to reinvent its operation, i.e., the bottom-line rules.

While democracy still works in most rich countries and for most citizens²—even if the advance of ethno-nationalism challenges this apparent success—the exploitation of peoples and resources has not been eliminated; predatory behavior has merely shifted to marginalized minorities or to “peripheral” countries. That humanity is ruled by oligarchic interests is clear, given how capital from greener and more egalitarian countries has dirty, exploitative origins. For instance, most of the Norwegian salmon industry and the Canadian mining sector operate in other countries such as Chile, where they have polluted the waters and destroyed unique ecosystems while remaining in full compliance with government agencies and backed by elected representative (Asche et al. 2009; Quiñones et al. 2019). In

DOI: 10.4324/9781003218586-17

other places, such as Ecuador, oil exploitation in the Amazon is not only legally allowed, but also it is done through a mixed venture in which the State participates in the extractivist operations led by global corporations. Representative democracies have not only been unable to prevent companies from looting and polluting but also have actively courted dirty international capital, accommodating requests from transnationals for more lenient treatment in terms of environmental protection. To avert ecological collapse and revert the damage done to the planet, it is imperative for democracies to innovate and allow citizens and their deliberated decisions, based on their lived material experience of climate disaster and deprivation, to lead the way.

While common people need to be empowered in their territories to defend their rights and the ecosystems they inhabit, the oligarchic overgrowth that is strangling communities and destroying nature all around the world must be stopped. This cannot be achieved within the framework of current democratic regimes in which only representatives exercise binding political power and capital dictate the rules. The solution to the democratic and ecological crises is not yet another leaders' summit, where there is much talking and promises but no drastic action, but rather from the common people, organized at the local level and connected in a global network capable of setting limits to transnational elites and their corporations. Even if such an idea—a global grid of local assemblies in which common people can exercise political power to control transnational oligarchy—may sound unfeasible, ridiculous, or utopian, attempting to reform representative oligarchic democracies to “work better” and hoping that this time around things will change to benefit those who now are oppressed is no longer an option. The planet has imposed a countdown to control predatory oligarchs who keep consuming, exploiting, and polluting. Thinking outside of the constitutional box is imperative when political orders have become corrupt.

This chapter offers modern and contemporary approaches for how to save democracy by rethinking it from the point of view of popular power and the need to avert ecological disaster. In what follows, I first provide a diagnosis of the current state of representative democracy as a regime type that has corrupted into oligarchic democracy, followed by explorations of the institutional innovations offered by Niccolò Machiavelli and Nicolas de Condorcet to deal with the systemic corruption plaguing popular modern republics. Focusing on the overlap of oligarchic power and environmental destruction, I then highlight the new mechanisms and institutions that have attempted to protect the planet by giving power to the people in Canada, the United States, Ecuador, and France. I conclude by arguing that the only effective way to stop climate collapse is to give the common people at the local level the necessary political and juridical mechanisms to defend the ecosystems they inhabit. Organized communities are the first line of defense for the protection of nature against extractivist states and corporations that mine natural resources with little regard to the damage done to the ecosystems and the human communities that are part of them.

Systemic Corruption and Plebeian Institutional Solutions

Constitutional democracies—liberal representative governments authorized through competitive elections—are supposed to be “good” regimes, aimed at protecting the common welfare—or at least, the welfare of the majority. However, juridico-political structures such as legal codes, regulatory frameworks, and the institutions that uphold them have systematically and disproportionately benefitted the powerful few, who today control most of the wealth. Even in Europe, where most of the egalitarian countries are located and there is a robust middle class, the richest 10% owns about 58% of the wealth, while the bottom 50% only 4%. At the other extreme is Latin America, where the richest 10% controls 77% of the wealth and the bottom 50% only 1% (World Inequality Report 2022). These numbers are staggering, and what is even more so is that this is all legal and not the product of armed robbery. That this is how the system works, that gross inequality is simply the result of free and fair competition within the rule of law, does not mean it is inevitable, necessary, or “good,” i.e., quite the opposite. The game is rigged, and oligarchs are served by laws that are supposed to be impartial, neutral, and aimed at advancing the good of the majority.

The process by which a democratic order becomes increasingly oligarchic is what I have called *systemic corruption* (Vergara 2020). This type of structural corruption is not the aggregation of individual self-serving illegal acts, but rather the process through which the self-serving behavior of the most powerful in society is legally protected. In the current liberal and juridical conception of corruption, in which corruption is understood as individual illegal actions, we are unable to account for *legal* corruption, for laws and policies that promote the interests of a few against the common good, which was an evident sign of corruption for ancient thinkers. It is necessary to reinstate ethics into political thinking, which tends to justify and normalize rather than to question the “goodness” of current political orders and the type of society they protect. It is necessary to re-politicize inequality and consider it a symptom of systemic corruption. Wealth inequality is not merely the result of free competition within established rules, but it is a sign of pro-oligarchic regulation and the enabling of systemic corruption; wealth accumulation allows the powerful more influence while dispossessing and disempowering the common people.

Perhaps the biggest obstacle for implementing the structural changes needed to save democracy from oligarchy is, paradoxically, representative government. Instead of channeling the demands for structural reforms and the need to take sometimes drastic measures to address structural problems, elected officials have become the gatekeepers of a system that has disproportionately and systematically benefitted the few over the many. Since the constitutionalization of the first modern representative government in the United States, the system had an anti-majoritarian or, more precisely, anti-plebeian focus. Only three months after Shays’ veterans’ rebellion against debt, dispossession, and imprisonment was quashed, the framers assembled in Philadelphia to design an order that would guard against new demands for the abolition of debt and the redistribution of property. For James Madison, it was clear

that “an increase of population will of necessity increase the proportion of those who will labor under all the hardships of life, & secretly sigh for a more equal distribution of its blessings,” and given that “the equal laws of suffrage” will allow them to have power, the republican constitution had to guard against the inevitable “levelling spirit” (Farrand 2008, 328).

Given representative democracy’s elitist origins and anti-majoritarian design, it seems unlikely that societies will be able to eliminate the current oligarchic grip on power and consequently avoid ecocide. Reforms would, no doubt, make the system work a bit better but would not change the governing logic that subordinates the people to decisions made by elected representatives, who are mostly either part of the richest 10% that disproportionately benefits from the extractivist status quo or are coopted by oligarchic interests. If scholars are to propose creative solutions to the interrelated problems of oligarchy and the destruction of nature, it is necessary to look in the margins of the philosophical canon to consider alternative traditions of thought that developed prior to the birth of representative democracy and that focused on preventing systemic corruption in popular governments. Here I offer the insights and proposals of Machiavelli and Condorcet, who developed a plebeian republican strand of constitutional thinking in which the institutional power of the many is fundamental for keeping a republic free from oligarchic domination.

Within plebeian political thought, a republic is an order in which plebeians are free through institutions and mechanisms that allow them to exercise power to resist domination by the powerful few. Moreover, the republican political organization is inherently tied to the socioeconomic structure of society; relative socioeconomic equality is a necessary condition for republican government. If laws allow for the accumulation of wealth in the hands of a few and the destitution of the majority, the gradual transition from a free government into a corrupt and unfree regime is inevitable. According to Machiavelli, those “who without working live in luxury on the returns from their landed possessions” are dangerous for any republic; they are the beginners of “corruption and the causes of all evil” (*Discourses* 1.55). However, despite the pernicious influence of the rich, the “powerful few” cannot be realistically eliminated or repressed—there is no permanent solution for oligarchy. Anti-corruption laws that make sure the influence of wealth “is kept within proper limits” are therefore necessary; unfortunately, they don’t exist yet.³

Even if necessary to keep inequality from growing out of bounds, laws and procedural limits to wealth accumulation cannot contain oligarchic overgrowth. Machiavelli believed that popular institutions also need to actively enforce those boundaries, create new ones, and punish transgressors. Consequently, in a well-ordered republic, the common people need not only to actively participate in deciding on the law and empowering their delegates, the Tribunes of the plebs, to defend and enforce popular decisions but also to establish new institutions to control the powerful. To prevent plebeian laws from becoming “parchment barriers,” mere aspirational norms, Machiavelli proposes establishing a Council of Provosts, a popular surveillance office aimed at overseeing government officials, taking away their power, and appealing their decisions if they act against the common good.

According to political theorist and Machiavelli scholar John McCormick, the Council of Provosts was meant to function as “popular agents of elite accountability,” serving as “the people’s eyes and ears in both the republic’s executive committee and senatorial council and that explicitly wields veto or referral power over the policies proposed within them” (McCormick 2011, 106). Moreover, it is necessary not only to have all these anti-oligarchic rules, institutions, and procedures but also to trigger their enforcement periodically to avoid relying on reactions to domination. The constitution must undergo periodic renewals of its basic structure to avoid the overgrowth of inequality and the extreme violence necessary to check it (*Discourses* III.1). Therefore, a good republican order should codify, in addition to “ordinary” anti-oligarchic methods, instances of constituent power to create new methods of *adaptation* and *deterrence* to periodically curb corruption and ever-increasing oligarchic power.

While Machiavelli was the first to write on a mixed constitution in which the people had the final say on law, policy, and punishment, Condorcet was the first to write a full-fledged plebeian framework constitutionalizing the power of the many and giving them constituent power. Condorcet’s 1793 constitutional plan for the French republic, *Le plan de Constitution Girondine*, was built on village assemblies—old participatory structures convened for the elections of the Estates-General to draft lists of grievances (Jones 1988; Crook 1993; Johnson 1997)—and the self-governing experience of the communes, to establish a “popular branch”: a decentralized network of inclusive local assemblies with the power not only to elect officials, but also to initiate and veto legislation, as well as to exercise periodic constituent power. Condorcet’s proposal institutionalizes the power of the many within the framework of the modern state. Consequently, his proposed popular institution does not share *in* government as a branch alongside the executive, legislative, and judiciary but is conceived as exerting control *over* government through political judgment. Because “nothing could be easier than to devise forms which would create and then preserve bad laws,” representative constitutions need a non-ruling power from outside of government to periodically judge and resist law and policy (Condorcet 2007, 316). The constitutionalization of this no-rule, protest power appears for Condorcet as the only reasonable guarantee against systemic corruption and oligarchic domination. Representative government, without a proper surveillance power auditing it, is for Condorcet equivalent to trading one form of despotism for another, or “suffering under several types of oppression rather than fearing just one” (Ibid., 169). Even if not all of those in power have oligarchic tendencies, having a few good leaders does not guarantee the dismantling of structures of domination.

From a critical engagement with the Constitution of Pennsylvania, which instituted a checking power in the Council of Censors in its Article 47, and the plan of local assemblies for France designed by French economist Anne Robert Jacques Turgot,⁴ Condorcet proposed a republican organization of political power aimed at addressing the inevitable erosion of law and its democratic foundations. As an alternative to the liberal constitution established in the United States, Condorcet proposed a mixed constitutional framework in which the ruling power making laws

and decisions about administration and foreign affairs is concentrated in a government that is constitutionally bound to obey decisions reached in local assemblies. By giving the administration of the state to representatives, he made “the sovereign [people in assemblies] unencumbered and thus the best candidate to be the judge of government and its agents” (Urbinate 2008, 217). While the American First Amendment gives citizens the individual right “to petition the Government for a redress of grievances,” it does not provide any enforcement mechanism to see that petitions are taken into proper account in governmental action. In contrast, Condorcet’s popular branch would constitute an institutionalized collective popular power aimed both at electing members of government as well as monitoring and sanctioning their decisions. Rather than embracing the idealist position of trusting elites’ virtuous governing, Condorcet makes local assemblies the site for the people’s institutionalized form of appeal, a “legal means of protest which could cause any law to be re-examined” (Condorcet 2007, 192). This “right of censure” could be exercised by any citizen who, after collecting 50 supporting signatures, could request that his primary assembly review an existing law or consider proposing a new one (Ibid., 197; *Le plan de Constitution Girondine*, Title VIII, Art. 3; Title IX, Arts. 5 and 6).

Any system in which government legitimately makes law must consider people’s right to resist a law that is “clearly unjust,” even if procedurally sound. For Condorcet, only the assembled people—not their representatives—are the “primary political power” and therefore only the “direct majority of the people, limited only by the laws” can legitimately judge if *legal* injustice is real (Condorcet 2007, 204). Because the probability of approximating the best judgment increases in proportion to the number of people deciding on an issue within appropriate rules of engagement, decisions reached in a majority of primary assemblies would have the highest probability of being “correct,” increasing public welfare (Ibid., 131–138). Following this premise, Condorcet devised a constitutional plan in which legal, policy, and constituent change could originate at the neighborhood level. If a resolution passed in one assembly, that assembly would have the right to convoke all other assemblies in the district to decide on the particular motion. If there is enough agreement, then the national representative assembly must either write the motion into law or call all primary assemblies in the republic to decide on the question. If the view of the majority of primary assemblies contradicts that of the representative assembly, then the latter “would seem to have lost the nation’s trust and must be replaced” immediately by new representatives who would carry out the popular will (Ibid., 197; *Le plan de Constitution Girondine*, Title VIII, Arts. 22–26). In this way, Condorcet builds into the lawmaking process an enforcement mechanism. If the legislature writes a law that does not reflect the people’s will, then the people can recall it without having to wait for the next electoral cycle. Therefore, representatives have a strong incentive to track views articulated in primary assemblies.

In addition to this built-in accountability mechanism in representative government, Condorcet proposes a surveillance institution that would monitor the government, making sure that the popular will is properly followed. The task of Condorcet’s Council of Overseers is to examine the laws approved by the legislature

and see that they are applied for the benefit of the people. Since sometimes the best way to neutralize a decision is to make a declaration, pass a law, but never enforce it, or enforce it in a discriminatory manner, the people must remain vigilant that their decisions are carried out properly. While the Council as an institution is an enforcer of the law, its members are “agents of the legislature” and thus subordinated to “those with legislative power” (Ibid., 206). However, despite the subordination of the *members* of the council to the legislature, which “must be able to force council members to obey the law and to curb their deviations,”²⁵ the office itself is not the tool of the legislature but acts independently to enforce the national will emanating from primary assemblies. Moreover, members of the Council would be elected not by the legislature, but by the assembled people, since they are “officers of the people and not of the representatives” (Ibid).

Condorcet’s Council of Overseers appears as a potentially strong popular accountability institution, playing the role of liaison between the people and government and of enforcer of the people’s will against the corrupting tendency of the few. While primary assemblies are conceived as *sovereign* organs of political judgment that direct representative government, the Council of Overseers is a *delegate* censorial institution tasked with making sure popular judgments get codified into law and are properly applied by the executive and administrative organs. Condorcet’s “popular branch,” comprising a network of primary assemblies and an oversight council, would be a powerful and democratic counterpower to representative government, especially given its ability to prevent systemic corruption and the gradual decay of the republic into an indirect despotism. Unfortunately, after the Jacobins took power by force, Condorcet’s constitutional proposal for institutionally empowering the common people was never implemented. Today democratic constitutions also lack popular institutions with binding power.

The common people in democratic countries today can only protest corrupt laws and resist domination through the courts and with popular mobilization. Both the legal and extra-legal routes for redress are time-consuming, costly, and uncertain in their results. Compared to the institutional arrangements and proposals of the past, contemporary constitutional structures are ill-equipped to prevent systemic corruption and push back against oligarchic domination, which has increased wealth inequality around the world. And while the struggle of ancient and modern plebeians against oligarchy was ongoing, in the modern era, people are also fighting against time; they must not only resist oligarchy and its ills without adequate legal tools but also protect the planet from destruction—a by-product of an economic system that maximizes profit and accumulates wealth in few hands. The herculean task of saving the planet from the self-serving logic of the superrich and their corporations can only be done by giving the common people the proper legal and institutional equipment to defend themselves and their habitats. In what follows, I review three legal cases against the fossil fuel industry in the Americas to show the legal tools, mechanisms, and repertoires of contention that people have at their disposal to defend nature. I then briefly introduce a recent participatory innovation to

bring “common sense” into climate legislation in France to demonstrate the limits of non-binding participatory mechanisms.

Non-Binding Power Cannot Protect the Planet

It is not by chance that indigenous peoples are at the forefront of the struggle to protect the planet. Settler states in the Americas have often ignored indigenous rights to allow transnational corporations to continue polluting in “unchartered” territories, such as the Arctic and the Amazon, for the sake of economic growth. By maintaining an economic *status quo* based on burning fossil fuels, despite promises to cut emissions in the future, states have been complicit in the destruction of the planet with bureaucracies that rubberstamp projects that pollute the environment, courts that safeguard contracts and profits over people and their habitats and criminalize legitimate popular resistance, and law enforcement that protects oligarchs. The most effective popular strategy to defend the environment has been until now a combination of direct action and judicial struggle, based on the protection of individual rights to live in a healthy environment as well as indigenous rights.

The rights of indigenous peoples are a combination of individual rights guaranteed to all people and rights specifically granted to indigenous peoples as collective subjects: in particular the rights to self-determination and to the control over territory and natural resources. In 1971, the Inter-American Commission determined that indigenous peoples needed special legal protection due to their history of discrimination: “for moral and humanitarian principles, special protection for indigenous populations constitutes a sacred commitment of the States.” Convention 169 of the International Labor Organization (ILO) on Indigenous and Tribal Peoples, established in 1989 and adopted by the UN General Assembly in 2007, reaffirmed these principles in 46 articles that establish the minimum standards of respect for the rights of indigenous peoples. One of these basic criteria, which has been crucial in the legal battles over the protection of nature, is the right of indigenous peoples to prior consultation “whenever consideration is being given to legislative or administrative measures which may affect them directly” (Art. 6.1). Moreover, this prior consultation must be undertaken “in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures” (Art. 6.2). Even if only 24 countries have ratified C169, guidelines for prior consultation have been adopted in the Americas with the development of standards by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

The battle against the fossil fuel industry and its pipelines in the Americas are an example of the limited possibilities that the current juridico-political structures offer to common people to protect the environment. This applies to developing as well as advanced representative democracies. In Canada, the Coastal GasLink pipeline transporting natural gas to the west coast, owned by TC Energy, a transnational corporation with infrastructure in Canada, the United States, and Mexico, plans to pass through traditional indigenous lands. While the elected leadership

of the First Nations—a representative structure put in place under the 1876 Indian Act—approved the project with the hope that their communities would share in the gains from resource extraction, traditional hereditary chiefs of the Wet’suwet’en people rejected it on ecological grounds due to potential damage to the waterways and ecosystems. Even if Canada has not ratified C169, a 1997 juridical decision recognized aboriginal title as an indigenous right and imposed the standard of prior consultation with indigenous communities and their hereditary chiefs (*Delgamuukw v British Columbia* [1997] 3 SCR 1010). Between 2012 and 2014, TC Energy consulted the communities that would be impacted by the Coastal GasLink, but agreement was not reached. The project was nevertheless approved by indigenous elected representatives and granted permission for construction by the State in 2016. Claiming that only traditional leadership has sovereignty over traditional lands, Wet’suwet’en chiefs from five clans, together with environmental activists, organized blockades to obstruct the construction. The British Columbia Supreme Court has granted so far two injunctions against the blockades, while the chiefs have responded by issuing their own eviction notice against Coastal GasLink. The construction is underway and the struggle against it continues (Reuters 2020, 2021).

In the United States, the Dakota Access Pipeline (DAPL), a 1,172-mile-long underground oil pipeline that transports crude oil and passes through the Standing Rock Sioux’s territory close to the indigenous community’s water source, has been opposed by both environmental and indigenous collective rights grounds. In April 2016, youth from Standing Rock and other indigenous communities organized to stop the construction of the pipeline and, together with the Indigenous Environmental Network, they established a water protectors’ camp at the site. While an environmental claim against the pipeline was being studied by the judiciary, indigenous activists used their collective rights to block the construction. Given that the United States has not ratified C169, there are no uniform consultation procedures across administrative agencies (Mengden 2017) and thus no cause of action to challenge the approval of the project on procedural grounds. Consequently, indigenous communities resorted to the 1851 Treaty of Traverse des Sioux and the 1868 Treaty of Fort Laramie, both ratified by the US Senate, which recognize Sioux’s national sovereignty.⁶ Indigenous peoples argued that the land where the pipeline would be constructed was rightfully theirs and that by occupying it they were claiming eminent domain. The response of the State was to send the National Guard to forcefully remove protestors to protect private property and continue the construction of the pipeline. The brutal repression, which included water cannons in 28°F (−2°C) weather, teargas, rubber bullets, and concussion grenades, did not end the occupation; however, protestors left voluntarily in January 2017 due to weather conditions to continue the battle through the courts. While challenges seek to shut down the construction site while the environmental impact on the water supplies was reassessed, the Federal Court ended up allowing the construction to continue and incarcerated six indigenous activists on civil disorder charges, with sentences ranging from 16 months to almost 5 years in federal prison.⁷ The pipeline

is still running and transports 570,000 barrels of oil per day, according to the DAPL official website.

While in Canada and the United States the struggle for protecting nature against the fossil fuel industry has been framed by individual rights and treaties with “dependent nations,” in Ecuador, the protection of nature has been incorporated into the Constitution. One of the recent innovations in Ecuadorian constitutional law has been to conceive of nature not only as an object of protection, but also as a subject with the right to live, develop, and regenerate. This has led to demands for changing the constitutional approach from one centered on the supremacy of human beings over nature⁸ toward one pivoting on biocentrism, which conceives of human beings as part of the ecosystem.⁹ According to the biocentric worldview, the well-being and development of human societies must be determined both by human and environmental considerations, which demands a constitutional framework with an ecological approach directed not only to protect the environment, but also to repair it so human beings can flourish within thriving ecosystems. Instead of domesticating and exploiting nature for the benefit of human communities, a biocentric focus moves beyond ascribing mere instrumental value to nature and sees human benefit in natural balance, which introduces new limits and possibilities determined by nature’s regenerative processes. Under this new paradigm, profit is displaced as the primary variable driving human economic production and consumption, and human activity is conditioned by its negative and positive short- and long-term impact on ecosystems, closing current paths of development based on fossil fuels and opening new clean and regenerative ways of fulfilling human needs.¹⁰

The first UN Conference on the Human Environment in 1972 produced the Stockholm Declaration, the first international document recognizing the right to live in a healthy environment and the responsibility of states to ensure that “the natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems” are safeguarded “for the benefit of present and future generations” (Principle 2). In 1992, the Rio Declaration reaffirmed these commitments and established the Agenda 21 action program to guide governments and non-state actors in environmental protection. In 2008, the Constitution of Ecuador was the first in the world to recognize not only the need to protect the environment, but also nature as a subject of right. Its Preamble articulates the biocentric principle that seeks to “build a new form of citizen coexistence in diversity and harmony with nature, to achieve good living.”¹¹ A section and four articles are also dedicated to recognizing: (1) the right of nature to maintain and regenerate “its life cycles, structures, functions and evolutionary processes” and the duty of citizens to demand that the State protect this right; (2) the right to ecosystem restoration; (3) the duty of the State to protect ecosystems; and (4) the right of inhabitants to “benefit from the environment and the natural resources that give them good living.”

Following the commitments imposed by C169, ratified by Ecuador in 1998, the 2008 Ecuadorian Constitution recognizes in its Article 57 the collective right

of indigenous peoples to “prior consultation, free and informed, within a reasonable time, on plans and programs for the prospecting, exploitation and commercialization of non-renewable resources found on their lands and which may affect their environment or culture.” This right was also recognized in the previous 1998 Constitution (Art. 84.5) but is further developed in the 2008 Constitution. However, the State has consistently violated these rights. Indigenous communities have used the courts to oppose extractivist projects in their territories, going as far as the Inter-American Commission on Human Rights to protect ecosystems. The Sarayaku people case, in which an indigenous community opposed oil drilling in their territory, attests to the lack of enforcement of the constitutional provisions that are supposed to protect indigenous communities and their lands, and the need for a stronger international institutional structure to guarantee enforcement of indigenous and environmental rights *before* rights are violated.

The exploration of oil reservoirs in Ecuador dates to 1969, when the first reserves of crude oil were discovered in the northeastern region. Since then, oil drilling has become a state business, resulting in large-scale environmental costs such as crude oil spills, contamination of water sources, and the burning of natural gas in the open air, as well as health risks for the inhabitants of the oil-producing areas (San Sebastian and Hurtig 2004). After intense indigenous mobilizations in 1992, the Ecuadorian State recognized 135,000 hectares of the tropical forest area of the Amazonian region of Ecuador, one of the most biologically diverse areas in the world, as belonging to the Kichwa people of Sarayaku. However, this land grant excluded the subsoil natural resources, which were later declared in the 1998 Constitution as “the property of the State, which may exploit them without interference provided that environmental protection standards are observed” (Art. 247). Four years later, 65% of these lands were part of the 200,000 hectares included in a joint contract between the State Oil Company of Ecuador and the Argentine oil company CGC for drilling oil in the Amazon. Despite the project requiring the planting and detonating of hundreds of explosives, it passed the environmental assessment and was given green light. While the Sarayaku people engaged in direct and legal action to block oil-seeking activities, the companies resorted to offering them “development packages” to gain the consent of indigenous communities (*Sarayaku People v. Ecuador*). CGC offered US\$60,000 for development projects and 500 jobs for the men of the community in exchange for consent to drill on their lands. Some tribes did sign these meager compensation agreements.

That was the first but hardly the last pact between the State and oil companies. In 2001, the Ecuadorian Ministry of Defense signed an agreement with national oil companies in which the State agreed to “ensure the safety of oil facilities, and of the persons who work in them” (Cooperation Agreement on Military Security 2001, clause 2). In 2002, members of the oil company forcibly entered the Sarayaku territory, guarded by both the military and private security forces. The Sarayaku people fought back through the courts, demanding constitutional protection. They also organized six “Peace and Life Camps” on the borders of the territory to protect against trespassing.¹² Despite the Human Rights Committee of the Ecuadorian

Congress visiting the territory and declaring that the collective rights of the Sarayaku people were being violated, as well as the evidence of multiple cases of violence against the Sarayaku, the government allowed the oil venture to continue, guarded by military personnel.¹³

Even if the Ecuadorian Constitution of 2008 codified the “individual and collective right to live in a healthy and ecologically balanced environment” (Art. 397), forcing the State to consult the community about “any decision or state authorization that may affect the environment” (Art. 398) and “prohibiting extractive activity of non-renewable resources in protected areas” (Art. 407), it did not help the Sarayaku’s case against oil drilling projects in their territory. After exhausting all national avenues of redress, in 2010, the case was brought to the Inter-American Court on Human Rights, which finally ruled in 2012 that the Ecuadorian State had violated the rights to consultation, to indigenous communal property, and to cultural identity. The Court demanded the exploration of oil reservoirs to be stopped, for the explosives buried in the territory and all other waste to be removed, and for the Ecuadorian State to pay the Sarayaku people US\$1,340,000 in damages.

Despite the international victory of the Sarayaku, who were able to assert their collective right to self-determination and in this way protect their territory, the “win” required 15 years of struggle that involved human suffering and loss of biodiversity. Also, while the judicial decision was a triumph, it only referred to the violation to the right of consultation and the damage this caused to the indigenous community, and not to the damage done to the ecosystem. The Court likely would not have sided with the Sarayaku if the Ecuadorian State had properly consulted the indigenous communities beforehand but still decided to go on with the exploration if “environmental protection standards are observed.” Since indigenous communities do not have unilateral veto power over extractivist projects in their territories, the Court would have had no grounds to force the State to comply with the result of the indigenous consultation. The Court can only enforce the compliance of the State to engage in prior consultation with the indigenous communities, which despite all the requirements to be considered valid, is ultimately non-binding. The pecuniary cost to the State for the violation of indigenous rights for over a decade was relatively minor, and the private company was only mandated to remove their explosives and all other waste. If this is the case for a country that has signed C169 and has indigenous rights, as well as rights of nature in its Constitution, what can one expect in all the rest of the countries where these rights are not entrenched, where there are no indigenous communities able to use the judicial system to struggle against extractivist ventures, and where there are no binding international agreements to rely on?

An interesting but partially failed experiment to address the climate crisis in the absence of indigenous communities’ rights and pro-nature jurisprudence was the Citizen Convention for the Climate in France.¹⁴ In the aftermath of the *gilets jaunes* or “yellow vests” protests in 2018, President Emmanuel Macron established a 150-member citizen assembly to define proposals to achieve a reduction of at least

40% of greenhouse gas emissions by 2030. He promised to submit the “unfiltered” proposals of this participatory democratic experiment to parliament or directly to a referendum. Members were chosen by lottery based on six criteria of representativeness: gender, age, level of qualification, socio-professional category, type of territory, and geographical area. On the basis of hearings of experts with different opinions and summaries of work by researchers, international organizations, and civil society organizations, the members of the Citizen Convention proposed 149 recommendations in June 2020, including making ecocide a crime, banning short domestic flights, and establishing a new autonomous control body—the Defender of the Environment—to receive and review complaints of rights violations and recommend legislative action to address them. In addition, the Citizen Convention proposed two constitutional amendments: an addition to the Preamble that “the reconciliation of rights, freedoms and resulting principles cannot compromise the preservation of the environment, the common heritage of humanity,” and an Article 1 addition to include the duty of the State to guarantee “the preservation of biodiversity and the environment and the fight against climate change” (Convention Citoyenne pour le Climat 2020).

Despite the success of the Citizen Convention in proposing an array of measures to fight global warming, only about 40% of the Convention’s proposals became part of President Macron’s climate bill, which then was further watered down by parliament. Amidst increasing expert and popular opposition to what is seen as a diluted project that is inadequate to meet France’s climate commitments (Report of the High Council for the Climate 2021), as of February 2022, the bill awaits final approval in the Senate. President Macron had initially promised to call a referendum for the people to decide on the two proposed constitutional amendments, but he finally backtracked to avoid a protracted fight with the conservative wing in parliament, which needs to agree on the amendment’s language before putting it to a referendum. In other words, even if a popular assembly was called to decide on the appropriate measures to protect the environment, the people’s decisions would have to be approved by representative a government instead of being put directly to a popular vote. Non-binding participatory mechanisms are therefore too weak to save the planet. It seems necessary then to create procedures to bypass the oligarchic gatekeepers of production and consumption strategies that increase the wealth of the few while exploiting humans and wrecking nature.

Democratic Innovations for People’s Power

Humanity is ill-equipped to face the climate crisis, largely because humans are ill-equipped to resist oligarchic domination. While ancient popular governments had institutions through which plebeian citizens could veto oppressive laws or government actions and even impose new laws or courses of action, 21st-century citizens have given up their legislative power to representative institutions over which they have little control. Elections—an aristocratic mode of selection—have proven not only to be a poor mechanism of accountability,¹⁵ but also a vehicle for corruption.

The government by proxy that was conceived in the era of revolutions quickly became oligarchic and today societies are as unequal as those from the ancient regime (Piketty 2014). Half of the population in every continent owns less than 4% of the wealth. Most are propertyless, especially in the Global South, where most of the ecological damage is being perpetrated by transnational corporations from the Global North, and where climate disaster is already hitting hard.

Historically, the “remedy” for oligarchic power has been to rein it in with people’s power, and therefore it seems imperative to think of *democratic* solutions to the oligarchic-led climate crisis. To find the adequate array of popular remedies to oligarchic domination and its ecocidal tendencies, it is necessary not only to bring the political and juridical wisdom of demonized plebeian thinkers such as Machiavelli and Condorcet to bear on how to deal with the current conjuncture, but also to deepen and expand the tools that are already in place in the most progressive constitutions. From the proposals of Machiavelli and Condorcet, we can take two crucial pieces of the anti-oligarchic constitutional puzzle: (1) the need to institutionalize channels of resistance and protest by giving common people the prerogative to oppose law and to impose legal change, without the authorization of the few, and (2) the need to establish a popular surveillance institution to enforce plebeian law. These institutional innovations could be incorporated into representative structures and in this way give the common people binding power to resist oppressive laws and to set the way for transformative change when representatives are unwilling or unable to find consensus.

To give legal form to constitutional ideas, following Machiavelli and Condorcet, I have proposed to reconceptualize popular sovereignty and conceive “the people” as the assembled many who engage in political action (Vergara 2020, chapter 9). The sovereign is not an atomized people but a network of local assemblies that makes decisions based on the aggregation of decentralized and autonomous collective judgments. Common people, gathered in neighborhood assemblies, could deliberate and decide on resolutions brought to them by other assemblies, or propose new resolutions, which become binding through aggregation when reaching a certain threshold, either directly forcing institutions to act or triggering a referendum to convoke the people to decide on the matter and direct government action. Regular folk could not only exercise binding power but also enable a more “intelligent” society in which crucial information—such as the destruction of habitats—could be shared from the original source, quickly, triggering fast responses without compromising deliberation, which could take place in multiple spaces at the same time.

Similar to the neurobiological structure of plants, in which there are “brains” in every root, local assemblies would operate as a bounded system, gathering information, processing it, and sending political signals through the network. And the same as a plant “decides” in what direction to deploy its roots or leaves after gathering responses to the environment from its sentient parts (Pollan 2013), the people could decide to initiate or oppose political actions based on local responses to domination spreading through the decentralized system. Approved motions would work

as a “signaling” mechanism to bring awareness of domination to the network and prompt a response to it.¹⁶ In the case of the threat to nature and the protection of the environment, communities could respond fast to stop the degradation of the ecosystems by bringing awareness about sources of pollution and dangerous extraction in their early stages, and passing binding resolutions to halt them. This local-level resistance can be scaled up to pass laws to limit the power of national oligarchies—such as a wealth tax and the nationalization of natural resources—which can serve as exemplary measures to follow for plebeian citizens in other countries as well as to pressure international institutions to adopt new regulations that could rein in global capital.

In addition to granting the assembled people lawmaking power, our constitutional orders need a surveillance and enforcement office similar to Machiavelli’s Provosts and Condorcet’s Council of Overseers. This office should be subordinate to the sovereign network of local assemblies, making sure mandates coming out of the assembled people are properly and promptly carried out. Following the model of mini-publics enacted in the recent participatory experiment in France, which brought together 150 randomly selected citizens to propose recommendations to tackle the climate crisis, this popular enforcement office could be staffed in the same manner, adding rotation mechanisms to avoid oligarchization and corruption. Through random selection and rotation, such a delegate office would be independent from political parties and representative government and bound to defend popular decisions.

It is necessary as well to expand the few mechanisms that currently exist for the people to defend the ecosystems, namely the indigenous right to prior consultation and the rights of nature, as well as to more explicitly connect to direct forms of democracy that can give communities decision-making power on any plan or action that threatens their habitats. The right to prior consultation that today is granted only to indigenous communities should be expanded and granted to every community, independently of their ethnic origin. Moreover, the result of this consultation must be made explicitly binding, either directly or by triggering a referendum. The rights of nature that have been constitutionalized in Ecuador should not only be introduced in all constitutions to limit the extractivist and predatory tendencies of national and transnational oligarchies that see the exploitation of nature as a business opportunity, but also need to be linked to forms of democracy at the local level, giving everyone the duty and the means to protect the rights to life, reproduction, and regeneration of nature. Finally, following the recommendation of the Citizen Convention in France, a new autonomous institution, a Defender of the Environment, should be established and given ample powers to investigate complaints of pollution and habitat degradation, and direct government agencies to effectively deal with them. Random selection and rotation of members, with the adequate technical support, seems a great way to staff this office and keep it free from oligarchic pressures.

To avert ecocide, it is necessary to make structural changes to constitutional orders, which have enabled extreme inequality and the exploitation of the planet for the

sake of profit. Establishing an institutional infrastructure through which common people can make binding decisions, as well as establishing independent popular institutions to make sure the popular will is carried out quickly and adequately, is necessary to deal with an oligarchic power that has grown out of bounds. Climate crisis is here, and humanity cannot solve it until effective mechanisms exist to control the superrich who profit from extraction and pollution. The fates of democracy and the planet are intertwined. To save both, humanity needs to give power to the people.

Notes

- 1 I am grateful for the support of the Marie Skłodowska-Curie Fellowship and the SA UK Bilateral Research Chair in Political Theory, Wits, and Cambridge.
- 2 Europe, East Asia, and North America are the only regions where the income share of the middle 40% is 40% or more of total income, reaching 45% in European countries. However, when we look at the income share of the bottom 50%, it does not even reach 20% in Europe. World Inequality Report 2022.
- 3 Instead, there are “transparency laws.”
- 4 Among the many departures Condorcet took from Turgot’s plan was the latter’s endorsement of property as a requirement for active citizenship.
- 5 The legislature has the right to impeach council members, but only a national jury, selected at random from the people, can decide “whether or not the accused should be dismissed from office.”
- 6 Even if the treaty has not been upheld in the past. For a historical overview of collective rights and the defense of the environment, see Lewis (1995).
- 7 For updated information on the incarceration of indigenous activists and other water protectors, see the Water Protector Legal Collective <<https://web.archive.org/web/20200304172140/https://waterprotectorlegal.org/water-protector-prisoners/>>
- 8 For an analysis of normative anthropocentrism, see Mylius (2018).
- 9 For a review of biocentrism in American environmental thought, see Taylor (2021, chapter 5, “Biocentrism”).
- 10 For regenerative agriculture and holistic management, see Gosnell, Grimm, and Goldstein (2020).
- 11 For *sumak kawsay* as a constitutional principle, see Barie (2014).
- 12 There were 60–100 people in each camp, including men, women, and young people. *Sarayaku People v. Ecuador*, paragraph 100.
- 13 For an analysis of Ecuador’s extractivist politics, see Riofrancos (2020).
- 14 For a detailed analysis of the Citizen Convention, see Landmore (2020).
- 15 For a critical analysis of elections, see Landmore (2020, chapters 1 and 2).
- 16 Plants of a same species signal each other to alert of pests by producing chemicals that work as neurotransmitters.

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14

WHAT DISASTER RESPONSE CAN TEACH US ABOUT DEMOCRACY IN THE ANTHROPOCENE

Malka Older

Disaster response has always been relevant for governance. Disasters—moments when hazards collide with vulnerabilities to create mass risk and mass damages—often lead to spontaneous organization; forced collective action; high-stakes; and uncertain decision-making. The urgency tends to strip bureaucratic cushioning, bringing out choices, relationships, and leadership instead of procedure-following. Facing scarcity forces those in charge to confront questions of resource allocation more starkly than usual. Disaster responses tend to occur over a short period of time and are often documented under a spotlight of intense attention, highlighting governance issues that are harder to track in the welter of “normal” bureaucracy. Finally, crisis responses offer the best chance for thinking through preparedness for future disasters.

Disasters thus offer opportunities to learn about leadership (e.g., Knox, 2013), decision-making (e.g., Col, 2007), social capital (e.g., Aldrich and Meyer, 2015), vulnerability (e.g., Wisner et al., 2004), and many other issues. The urgency can serve to remove some of our mundane filters, allowing us to see the dynamics and structures that underpin non-disaster times more clearly.

The potential insights and usefulness of disaster studies are expanded in the Anthropocene, this current era in which human activities have a significant—or the most significant—impact on Earth’s ecosystems. Our relationship with disasters is changing. What we are doing to the planet is making disasters more frequent and severe: from emissions leading to climate change, to fracking causing earthquakes, to wetlands destruction worsening storm surges; it is possible that disasters are becoming more frequent for other, less clear reasons as well (see, for example, WMO, 2021). Expanded industrial activity leads to greater risk of technological accidents triggering disasters (Perrow, 1999).

At the same time, human settlements are expanding, covering more of the planet, and often in dense concentrations, meaning that natural hazards are more

DOI: 10.4324/9781003218586-18

likely to interact with human habitation and lead to disasters. And we are more aware of disasters now. An explosion or accident or volcanic eruption almost anywhere in the world can be recorded and made available on the internet in seconds, and drone cameras and satellites give us new perspectives. While such videos spread virally, attracting lots of viewers, traditional television and radio shows leverage that sense of crisis to encourage viewership during continuous news cycles, further heightening our sense that disasters are everywhere.

Even as crises become and are perceived as more frequent, our conceptualization of disasters is also changing. Traditionally, disasters are seen as sudden and unusual events, exceptional, abnormal, and brief, interrupting “normalcy” like a caesura. But more recent disaster literature, both academic and practitioner, seeks to disentangle the sudden onset of a hazard such as an earthquake or hurricane from the human vulnerabilities that are rooted in longer term policy and governance. A hurricane, for example, is a (relatively) sudden and unusual event, but it only becomes a disaster when it interacts with coastal habitations or livelihoods; poor drainage; lack of public transportation options for evacuation; badly constructed buildings; a malnourished or unhealthy population; old and/or poorly designed infrastructure; and so on. These are long-term vulnerabilities tied to policy choices, and at least some of them suggest deeper issues that may not attract the urgency of a hurricane, but that over time can be catastrophic for the people involved.

The cultural-political geographer Ben Anderson takes this further, describing a constant “state of emergency” in, for example, the situation of Black people living in the United States (2017). A government declaration of emergency, Anderson writes, “reproduces a fictitious line between emergency and a normality that has been in the past, and should be and can be returned to in the future” (Anderson, 2017: 464). However, “For those already living in emergency conditions, there is no such line. Emergency is the present and the past and, unless interrupted, will be the future” (464). This constant state of crisis, already familiar to oppressed and marginalized populations, is becoming pervasive. Already, we seem to be moving from catastrophe to overlapping catastrophe: forest fires to ice storms to ongoing pandemics to oil spills to explosions to flooding. In this context, disasters become backdrop rather than interruption, and their lessons ever more relevant as we look for new ways to govern ourselves in this volatile, precarious era.

Considering what we can learn from disasters to support efforts in Anthropocene democracy, then, leads us to at least three main areas. As disasters become the norm, we can draw lessons about how to govern in times of crisis; what kind of organizations evolves, which are effective, what pitfalls emerge. We can look at the social construction of disasters and imagine how modulating that might affect our resilience to them. If we resist the idea of the constant crisis, we could also consider how to best prepare for and mitigate future emergencies, exploring the link between democracy and disaster preparedness. Disaster studies offer us a wealth of insight into governing disasters as well as governing, full-stop, while conversely there’s reason to hope that democracy, done well, can allow us to avoid some disasters as well as better weathering others.

Governance in Disasters: Framing

It may seem strange to look for hints about democracy in the governing of disasters. The popular conception of disaster response, bolstered by scenes from movies and television, is of panicking masses, screaming, and running, while in a windowless, possibly underground room filled with computer screens a grim-faced group of mostly men, some of them in uniform, make difficult, sometimes contentious, but always decisive decisions. In my experience, the rooms are indeed often windowless and generally have computer screens, and depending on the location the people in them may be mostly male and mostly in uniform, but decades of disaster literature and practitioner experience show that mass panic is rare.

More than fifty years ago, at the beginning of disaster studies as a field, case studies like the Disaster Research Group's "Behavior In An Emergency Shelter: A Field Study Of 800 Persons Stranded In A Highway Restaurant During A Heavy Snowstorm" (Fritz et al., 1958) found that, rather than disruption and selfishness, the group of strangers responded with spontaneous organization and volunteerism. Informal leaders emerged and their "instructions and suggestions [...] seem to have been followed readily" (Fritz et al., 1958: 2). Nor was this an exceptional case. In 1985, the public administration professor Robert A. Stallings and the eminent disaster researcher E. L. Quarantelli wrote about "groups of citizens [...] that emerge around perceived needs or problems associated with both natural and technological disaster situations" (Stallings and Quarantelli, 1985: 94). They begin their article with a brief case study of a brush fire but note that "it could have been any type of emergency anywhere in the United States" (or, presumably, the world), so confident were they in the generality of these findings (ibid, 93). Stallings and Quarantelli offer the examples of:

ephemeral teams of neighbors attempting search and rescue, to community residents organizing themselves to force removal of potentially hazardous waste sites or nuclear plants, to disaster victims getting together to pressure officials to take preparedness and mitigation measures for probable reoccurrences of the floods and landslides they have just experienced.

94

Such examples suggest that disasters may, in fact, *create* governance (at least under certain circumstances, a caveat discussed further below). In the case study of the highway restaurant, Fritz et al. write that "The development of organization seems to have been stimulated by the presence of interpersonal conflicts and tension over available food, space, and service" (2); the necessity of divvying up scarce resources prompted leaders to emerge and tasks to be defined and assigned. Indeed, there is a substantial body of work showing that experiencing disaster can lead to self-organizing, mutually supporting communities (see, e.g., Turner, 1967; in popular writing, Solnit, 2009).

However, there is also significant evidence that not all disasters have the same effects. As the environmental sociologist W. R. Freudenburg shows in a 1997

review of the literature, while *naturally* triggered disasters promote community cohesion, crises perceived as *technological* or *industrial* have, in general, the opposite effect, creating distrust, fragmentation, and stress extending long after the crisis itself. Freudenburg categorizes the causes of this difference into three specific issues: “ambiguity of harm, the emergence of ‘corrosive communities’, and the threats to the sociocultural fabric that result” (19). Ambiguity of harm is tied to uncertainty over the long-term effect of, for example, radiation leaks, chemical spills, or cell-phone towers; disagreement over the importance of potential damage can fracture communities. What Freudenburg terms “corrosive communities”—adversarial instead of mutually supporting—follow from that to some extent but are exacerbated by authorities attempting to evade responsibility in what becomes “a socially corrosive struggle over affixing blame” (31). That in turn leads to disillusionment with traditional sources of authority and, according to Freudenburg, “sociocultural disruption.”

While these three dynamics are associated with technological disasters, note that none of them are intrinsically linked to technology or industry itself. Indeed, we can observe all of them in play in the reactions to the Covid-19 pandemic. Bitter divisions over the severity, existence, and type of harm play out in violence and protests, sometimes latching onto long-running divisions (see, e.g., Tindall 2022). International finger-pointing and lack of clarity from authorities and institutions further fracture the collective understanding, leading to disillusionment with governments and other sources of legitimacy. The question is further complicated, and perhaps confirmed, by the persistent and as yet unresolved debate over whether the virus is, in fact, natural. The importance given to this question suggests that a human-made origin carries a psycho-social weight far beyond its usefulness in managing the crisis; the *other* technological element in the pandemic, the extensive networks of rapid transport that hastened its spread, gets far less attention.

Similar dynamics of uncertainty, rivalry, and loss of trust in authority can occur during disaster *responses*, leading to similarly toxic currents in communities (Older, 2019a). Governments, NGOs, and volunteers arrive suddenly in devastated communities, promising assistance and requiring paperwork or participation, creating uncertainty about what assistance might or might not be achieved by a given individual or group. Potential beneficiaries may find themselves competing against each other for first-come-first-serve goods, or communities may disagree about which offers of assistance to pursue. They may witness incompetence or media posturing among those supposedly there to selflessly assist; many may become disillusioned with the idea of “charity” or donating to disaster relief in the future, as well as with specific actors.

It is therefore not the *type* of crisis that leads to these damaging reactions, but the way the event is perceived, the way it is framed; indeed, the way it is governed. Uncertainty, blame posturing, and misuse of authority fragment communities, and if the involvement of technology and industry make these elements more likely, they can certainly be inspired in other ways.

On the other hand, if poor governing can lead the aftermath of a naturally triggered disaster to mimic the harmful dynamics of a technological disaster, it seems reasonable to suggest that good governance can support the formation of supportive, cohesive community behaviors regardless of the inciting crisis. What might that “good governance” look like? It is hard to avoid uncertainty in disasters (or in any type of governing), but transparency and information flow should be prioritized far more than they currently are. There is also almost certainly going to be blame; acceptance offers better chances for healing and community support than evasion and misdirection and, especially, attempting to blame the affected.

It is useful in further exploring this to compare Freudenburg’s description of the dynamics toxic to communities with the concept of elite panic (Tierney, 2008; Clarke and Chess, 2008). The sociologist Lee Clarke and environmental policy professor Caron Chess note that “the powerful are more likely to defend their behavior than to acknowledge vulnerability” (2008: 1007), echoing the aggressive attempts to assign blame related by Freudenburg. Their further statement that “When elite panic happens [...], the disrupted relational bonds are those between status groups” (1001) reinforces the description of sociocultural disruption. In research on Hurricane Katrina, disaster sociologist Kathleen Tierney found that “Elite panic was shockingly evident during Katrina, as evidenced by media and public officials’ obsessions with looting and lawlessness, the issuing of shoot-to-kill orders arising primarily out of a concern with property crime” (2008: 131). Moreover, Tierney notes, this is not an isolated case: she cites the “draconian measures undertaken against the poor and people of color by government and civic leaders during the 1906 earthquake, the 1871 Chicago fire, and the 1900 Galveston hurricane” (131–132). The law professor and sociologist Michele Landis has written about how disaster assistance in the United States from its historical origins has consistently focused on assets (1998). Indeed, it’s notable that the field is usually referred as *emergency management*, that is, focusing on finding a way back to the pre-existing status quo and controlling any disturbances to that state occasioned by the crisis, rather than in terms of humanitarian assistance or community resilience. Under the condition of varying but continuous crises that seems to typify the Anthropocene, that focus needs to change.

Disaster governance intended at promoting cohesive communities, then, needs to be considering the support and strengthening of community resilience and cohesiveness as one of the objectives, along with replacing damaged and destroyed assets. If we can adjust from chasing an imaginary normalcy and an illusory sense of control to, instead, strengthening communities as a whole, that would change our entire perspective on disasters—and, for that matter, governance more generally. Programs and procedures explicitly designed to work with communities, promote transparency and foster a sense of fairness, could vastly improve the experience of living through disasters. A willingness to admit fallibility might even help with the disillusionment with authority described by Freudenburg. Shaky democracies suffer from similar issues with fragmented communities and tenuous legitimacy; such approaches might prove useful for them as well.

However, though reconceptualizing, or changing the social construction, of disaster is less physically challenging than, say, building a sea wall, it is at least as complex and time-consuming. We therefore shift to focus on some more practical and immediate elements of disaster governance.

Governance in Disasters: Participation

The supportive communities that emerge after naturally triggered disasters express itself in the truism of disaster practice that the first responders are locals. Before international agencies or emergency management professionals arrive, neighbors pack cars full of food and blankets and strangers offer lodging on social media. Sociologist Ralph H. Turner wrote that “When rescue agencies arrive on the scene, they usually find that local people without formal training or responsibility have done much of the basic rescue work” (1967: 61).

It is important to note that along with heightened solidarity, Turner found reduced tolerance toward outsiders; therapeutic communities can be toxic for others, depending on how outsiders are defined. As Charlie Jane Anders (2021) has observed, we cannot assume that an external threat will heal all our social hatreds. The decision to turn back evacuees on the bridge to Gretna after Hurricane Katrina offers a recent example.

In addition to substantiating the theory of solidarity, the spontaneous and largely consistent willingness to help offers a recommendation for disaster governance, one concisely expressed by the doctor who organized the stranded people in the case of the blizzard at the highway restaurant: “Give everybody a job to do” (Fritz et al., 1958: 37). Another participant in the same study, described as “Air Force Major Who Took Leadership Role” agreed: “Put people to work. Give them responsibilities. Make them feel a part of the overall situation. Make them feel they are doing a constructive job” (Ibid, 38).

This advice was echoed by a school principal who, after the devastating tsunami in northeastern Japan in 2011, found himself unwillingly but effectively managing an evacuation center in his school. Faced with an overcrowded building and no way to run classes, the principal set the displaced children to cleaning their temporary living space: “Using these children, we made them awaken this consciousness of being volunteers, then we got them to do that kind of work. So that really let them feel like they themselves were moving forward” (Interview, translated by the author, quoted in Older 2019b, 152–153). While the principal came to this through his own philosophy of education, it was official policy in Sendai, where an emergency management official told me that “saying that the city staff were deployed doesn’t mean that the city staff did everything from one to nine [A to Z]; basically, the people who evacuated were supposed to cooperate” (Ibid, 152).

While this expectation of cooperation may seem opportunistic, involving evacuees, neighboring communities, and residents whose houses are still standing in the relief effort is as much for those doing the helping as for the helped. Turner

found it surprising to observe “people sometimes disregarding their own misfortune while helping others” (Turner, 1967: 61); in fact, helping others is one of the best ways to disregard one’s own misfortune, or one’s distress at the misfortunes of others.

A retired civil servant who took a leadership role at another Japanese evacuation center described how the division of labor became increasingly elaborate as time went on:

at around that time, food and relief goods started to come in. This time we [put in place] a relief goods manager. The thing is, as the relief goods came, rice came, there was someone to look after it but not someone to cook it. So at this time, we called some of the women in the evacuation center to help. We said ‘Isn’t there anyone who would take charge of food preparation?’ Then ten people raised their hands, so we said to those people, ‘You will help us by cooking.’ There were no bowls or anything so we had them do only rice balls. Then next thing, with rice balls, it turned out, the people in charge of food preparation had to work the full day, to deliver three meals and sleep, they had to get up before six am, and worked until ten at night, then they had to clean up after. So those food preparation people, they were already overwhelmed. Next thing we did was, this time, people for setting the table. We made a structure for [people] to carry that and deliver it to everyone after the preparation. [...] The next time what we did was, this time, we said isn’t there anyone to clean up afterwards, then the food preparation people returned [were done] quickly. Then we needed someone in charge of washing bowls. That’s what we did.

Interview, translated by the author, quoted in Older 2019b, 153–154

While this work may have been onerous and exhausting, and by the leaders’ own description “overwhelmed” some people, it also galvanized community, made use of existing skills, and gave people who wished to volunteer an outlet for their energy, all while improving the conditions of the living environment.

Contrast that with the top-down presumption of idleness at places like the Superdome in New Orleans during Hurricane Katrina. The 2006 United States Senate report on Katrina describes the Superdome as a place where “25,000 evacuees *waited* in heat and humidity for evacuation buses that wouldn’t arrive for days” (emphasis mine). One woman

had passed up the chance to evacuate to Mississippi with her daughter because she wanted to help at the Superdome. [...] Morris says she offered her help to FEMA medics, as well as representatives of the state health department. “I could not understand with all the need they had how they could refuse help,” she said. (Generally, medical personnel turned away volunteers because there was no way to evaluate their skills.)

US Senate, 2006: 31–32

While reports of violence at the Superdome seem to have been largely exaggerated, the evacuees who had stayed there described overflowing toilets and the lack of any assistance or prioritization for the vulnerable. The contrast is even more notable since the Superdome was in use for only a few days, while many of the Japanese evacuation centers operated for months.

Beyond benefits for the individuals and the relief effort, involving everyone creates an ethos of equity and participation. It blurs, if not entirely erases, the problematic division between “aid workers” and “beneficiaries,” ensuring that people directly affected by the disaster are agents in the rebuilding of their own lives. It also includes those tangentially affected, who might otherwise find themselves bystanders or rubbernecks, underscoring the point that all people have a role to play in improving the situation. Organized participation underscores the collective nature of disasters, a critical perception: for the people stranded in the highway restaurant, “Organization seems to have been impeded by people’s tendency to view the situation as a personal emergency rather than an emergency for the total group of shelterees” (Fritz et al., 1958: 2). Developing leadership roles and defining tasks for those able to participate made the problems of scarce food and shelter a problem for everyone to solve together, rather than a competition that some would win.

This insight has obvious implications for democracies. While recognizing that full civic participation implies a contribution of time, travel, and research that should not be casually imposed on those with limited money and leisure, governance would be stronger if it expected citizens to do more than cast a grudging vote every two or four years. If the structures of government encouraged and facilitated active engagement and the contribution of diverse skills to different tasks, democracies might resemble Japanese evacuation centers, rather than the Superdome.

Governance in Disasters: Mutual Aid

While spontaneous, unprofessional assistance from less-affected or unaffected locals is usually the first type of aid to arrive, another critical and often underappreciated source of support is assistance from peer governments—city-to-city, for example, or county-to-county. Mutual aid may be provided either through pre-existing mutual aid agreements, less formal “loans,” or secondments of staff from an unharmed locality. The government’s focus in emergency management tends to be on vertical relationships to larger jurisdictions—state/prefecture, national—in large part because that’s where the disaster relief money is. But lateral relationships are often less contentious than hierarchical ones because they don’t involve funding requests. The assistance can also be more practical, given that the people providing assistance often operate under roughly the same constraints and expectations as those receiving it; an emergency manager from a county in a neighboring state might have a better idea of what the affected emergency manager is going through, including with advice on the hoops required by national agencies, than a representative of a national agency.

Years after hurricane Katrina, local officials still remembered the impact of emergency managers arriving from other counties, and especially those from Florida, primed by the experience of a difficult hurricane season the year before. A County Administrator in Hancock County recalled the assistance of an emergency manager from Florida:

She said, '[...] we've come with a team of people that can work with you and help you manage what you're going through. [...]' And so that was the turning point with Hancock County, hurricane recovery, and getting back on our feet, was the fact that they showed up.

Interview, quoted in Older 2019b, 98

While federal and state officials who arrived in Hancock County were aware of such systems, the perspective of those who put it into practice was more helpful to the traumatized and exhausted locals. Even the federal officials who had worked locally were constrained by the requirements of their relative position, as one FEMA (Federal Emergency Management Agency) officer stationed in the same county explained that while he met with the local officials every day, he didn't sit in their emergency operations center, purposely creating some distance:

We're not—different levels of government, we have our own roles to take care of, and we collectively work together on those things that one level needs the next level's help on. But we can't get involved—if we got involved in the little things, we wouldn't be able to help you on the big stuff. I mean if we're gonna try to do all the little things for you, then we don't need local government.

Ibid, 96–97

In Japan, mutual aid exchanges, like the ones that took place after the 2011 tsunami, are considered to benefit not only the receiver of the aid, but also to offer an opportunity for local officials to garner experience and to learn skills they might not otherwise have a chance to practice before facing their own catastrophe.

In democracies, as in disaster response, there is an overemphasis on hierarchical relationships and the power and fame associated with larger jurisdictions: residents tend to pay more attention to national politics than to those of our neighboring cities, states, or provinces. While the vertical relationships remain relevant, networks of peer jurisdictions offer an important route for developing cohesive policies and for supporting democracy.

Disasters and Democracy

Disasters and democratic countries have a somewhat contentious relationship. Disasters are, in fact, a relatively new thing for national governments to assume responsibility for; before the twentieth century, the speed of transportation didn't

allow central authorities to arrive in time to do much disaster response, and even reconstruction was primarily funded by business leaders and subscriptions (Steinberg, 2000).

Over the last century, however, disaster management has become accepted as a role for national governments. As such, it has implications for the democratic process, and vice versa. Federal Reserve Bank researcher Thomas A. Garrett and economist Russell S. Sobel, for example, found in a 2002 working paper that “States politically important to the [sitting] president have a higher rate of disaster declaration by the president, and disaster expenditures are higher in states having congressional representation on FEMA oversight committees”; political structures and contests affect the distribution of disaster funds. Political scientists John T. Gasper and Andrew Reeves (2013) find not only that elections are impacted both by the occurrence of the natural hazards themselves, and by the actions of elected officials, but also that disaster declarations get a positive public response. This suggests that “there are potentially incentives to underinvest in disaster mitigation” (354), since the occurrence of a disaster could boost political capital.

Clearly, democracy and disaster best practices don’t always go hand in hand. And yet, economist and philosopher Amartya Sen famously asserted that there “has never been a famine in a functioning multiparty democracy” (2001: 178), offering the hope that through the accountability mechanisms of democracy, humans can save themselves from some of the worst impacts.

Nevertheless, some of the wealthiest and most apparently stable and democratic countries in the world fail to adequately prepare for and respond to recurring and predictable disasters such as hurricanes, as well as climate change. This may be due in part to the imperfect nature of democracy in these countries: significant gaps between proposed policies and public opinion; confused accountability; the influence of wealth. But there also seems to be a gap in what is possible in terms of disaster management and what humans believe they can expect or enforce. If disasters are painted as inevitable and there is no real comparison with other response actors, it is far harder for citizens to demand better preparedness, mitigation, and response.

Perhaps the most dangerous element is the tendency of political administrations to pretend that disasters won’t happen (at least on their watch), then in the aftermath of a catastrophe declaring it unprecedented and unpredicted. Part of the difficulty here is that the relatively new role of government in dealing with disaster remains somewhat uncertain. As political scientist Sandra Schneider determined in the aftermath of Katrina, there are significant misperceptions both within government and among the public about the role of government (Schneider, 2008). Meanwhile, definitions of success and failure are unclear, without any standardized metrics of the sort commonly used in international responses (see Sphere, 2018; Older 2019b). Defining these outcomes will allow democratic mechanisms for accountability to better influence disaster management.

Considering the relationship between democracies and disasters in preparation for writing this chapter, I was reminded of physical therapist Penny Simkin’s distinction between pain and suffering:

Pain is an unpleasant physical sensation that may or may not be associated with suffering. [...] Suffering is a distressing psychological state that may include feelings of helplessness, anguish, remorse, fear, panic, or loss of control and that may or may not be associated with pain.

Disasters, and the pain they cause, are all but inevitable. Failure to govern them properly—by refusing to commit resources to preparedness, raising unreasonable expectations, leaving people in uncertainty, assigning blame, not assisting the most vulnerable, or otherwise—causes unnecessary suffering.

But with their urgency, their complexity, and even their ambiguous status within government responsibilities, disaster responses offer insights for how we can govern better under all circumstances. Disaster case studies point to the importance of community, of participation, and of connection. Both because we're faced with disaster more consistently than ever before, and in the aim of making our democracies more democratic and effective, we should be implementing these lessons throughout our governing.

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15

DEMOCRACY IN THE AGE OF AUTOMATION, ROBOTICS, AND ADVANCED AI

Michael Bess

Many people today tend to underestimate the radically new powers that advanced robotics and artificial intelligence (AI) will bring into human affairs over the coming decades. This is the observation made by Stuart Russell (2019, 93), one of the leading figures in the AI field, in a recent book. To be sure, people do realize that AI can now beat chess grandmasters, trade stocks, and write mathematical proofs; they know that chips and algorithms are just about everywhere these days – in our cars, phones, TVs, or dishwashers. But the imagination fails when it comes to grasping how rapidly the capacities of the intelligent machines are growing and deepening.

Over the past decade or so, new kinds of hardware and software have completely changed the way AI works. If you are still thinking of a machine that works like complicated and fast clockwork – precise and predictable – you need to update your information. The earlier machines did work that way: the programmer put in the instructions, and the machine followed them blindly and mechanically until it was done. It could seem miraculous in its effects simply because it could do it all so fast.

But the new, “deep learning” machines operate on neural net hardware/software systems that have been loosely modeled on the mammalian nervous system. You put in the initial commands and hit “go” – and then the machine starts interacting with its environment, practicing trial-and-error approaches, slightly modulating and tweaking its own internal processes, then going through the cycle again, assessing the results, then going back and modifying itself once more, then going through the interaction once more, weighing the results – all this is microseconds, repeated hundreds and then millions of times. The humans have indeed designed the machine and set it into motion, but now it’s really the machine that’s conducting the progressive dialogue with its environment and incrementally modifying itself on its own. It

DOI: 10.4324/9781003218586-19

is truly *learning*, in a sense of the word that we would feel comfortable applying as much to human children as to a machine (Hawkins 2021; Bostrom 2014; Gunkel 2021; Tegmark 2017; Christian 2020; Davis 2014; Yudkowsky 2011; Soares 2016; Omohundro 2014).

The results are breath-taking. The old chess-playing computers relied on brute force and speed, but all they could really do is tap a vast internal database of past games played by humans to decide how to make their moves. The new machines skip all that stuff. They just play chess against themselves, game after game, very fast, learning on their own how to get better and better. What is more, they can switch from one game that they've mastered to a new one that they've never played before and learn how to master the new game (new rules, new pieces, new logics) with blistering speed and power (Gerrish 2019; Sejnowski 2018).

This is what happened in 2017 with AlphaGo, a Google-built machine designed to learn how to play the famously complex Chinese game of Go. Over a series of 30 million games played against itself over 40 days and nights, it attained a level of mastery that allowed it to crush the human champion, Ke Jie. Then the Google team renamed their machine AlphaZero and introduced it to chess. Over four hours, the machine worked at learning the new game; then it beat not only the human grandmasters but the world-champion chess-playing machine Stockfish (Silver *et al.* 2018). Experts who studied the moves and gambits devised by AlphaZero came away with a mixture of astonishment and awe: the machine's style was nothing like the dreary brute force displayed by earlier generations of computers. AlphaZero showed real creativity, adopting strange new forms of risk-taking and making its moves "intuitively and beautifully, with a romantic, attacking style" (Strogatz 2018).

David Silver, one of the AlphaZero scientists, marveled at what his team had accomplished: "What we started to see was that AlphaZero not only rediscovered the common patterns and openings that humans tend to play, ... it ultimately discarded them in preference for its own variants that humans don't even know about" (Silver 2018). Within a decade or two, we'll be face to face with it. "Whereas a human can read and understand one book in a week," Stuart Russell writes,

a machine could read and understand every book ever written – all 150 million of them – in a few hours. ... By the same token, the machine can see everything at once through satellites, robots, and hundreds of millions of surveillance cameras; watch all the world's TV broadcasts; and listen to all the world's radio stations and phone conversations. Very quickly it would gain a far more detailed and accurate understanding of the world and its inhabitants than any human could possibly hope to acquire. ... A human has direct control over one body, while a machine can control thousands or millions. Some automated factories already exhibit this characteristic. ... In the cyber realm, machines already have access to billions of effectors – namely, the displays on all the phones and computers in the world.

Russell 2019, 94–95

In one respect, all this is excellent news. Those smart machines will make our lives easier; they will help us solve problems more quickly and effectively; they will take over many of the unpleasant tasks of sweat and drudgery that humans have to do today and offer us the leisure and freedom to embark on new and more creative endeavors.

But there are risks and dangers implicit in these machines – just as there are risks and dangers inevitably associated with the advent of just about any powerful new technology. How will these smart new companions affect the functioning of our democratic societies? I see six main areas of concern: loss of privacy; AI-facilitated tyranny (Orwell on steroids); AI-powered cyberwarfare escalating into a shooting war; chronic mass unemployment caused by rising automation; unintended effects or failure to control machine behaviors; and – last but not least – what might the world be like in the “best-case scenario,” if all goes smoothly, and we find ourselves coexisting with brilliantly benevolent machines everywhere? Let us look at each of these areas in turn.

Privacy

It is bad enough that so much of what we say and do these days is captured or even recorded live by the billions of devices we use to conduct our daily business. This generates a vast database that other people (governments, corporations, hackers) can search swiftly and effectively to see what we’re up to (Holtzman 2006; Lessig 2006; Igo 2018). What is rapidly coming over the horizon, however, is something even more concerning: a new generation of machines that will be able to understand the *content* of what we are saying to each other. This does not necessarily mean that those machines will be person-like entities, equipped with emotions, intentions, or consciousness like humans; all it means is that they will be able to respond to what they hear us say (and see us do) with forms of assessment and interpretation that are similar to a human’s. They will possess a functional understanding of the context and significance of what we say and do (Gopnik 2017; Musser 2019; Marcus 2017; Marcus, Rossi, and Veloso 2016; Adams, Banavar, and Campbell 2016). This means that such machines could conduct surveillance far more effectively than they do today, when humans still have to be in the loop to interpret the words and deeds that the machines are intercepting. Today, the need for human participation puts an upper limit on the quantity and speed of what can be effectively snooped; removing the human, and letting the brilliant machines do the work on their own, dissolves that limit. To the extent that the privacy of our decisions, conversations, and activities is a core prerequisite for a genuinely democratic social order, the rise of AI will tend to undermine that prerequisite in increasingly powerful ways.

AI-Facilitated Tyranny

The erosion of citizens’ privacy in democratic polities is bad enough, but things will be even worse in the world’s authoritarian countries over the coming decades. We

do not have to strain our imaginations to envision what an AI-facilitated dictatorship might look like. There are plenty of historical episodes to choose from: Spain during the Inquisition, Stalin's Russia, Nazi Germany, Mao's China, Pol Pot's Cambodia. Decades of research into the psychological and ideological makeup of Germany's population in the Nazi era, coupled with exhaustive studies of persons following other extremist ideologies such as fascism, communism, or religious authoritarianism, all point in the same general direction: people can talk themselves into doing all kinds of vicious things if they frame it through the logic of "the ends justify the means" (Mayer 2017; Jarausch 2018; Arendt 1973; Remnick 1994; Lewin 1985; Brown and Johnson 2015). Hitler and Stalin were murderous sociopaths, but many of their followers were ordinary citizens who, for all kinds of mundane reasons such as peer pressure, careerism, prejudice, misplaced idealism, conformism, or just plain cowardice, allowed themselves to participate actively in the bestial acts that blighted the history of their time. It appears that one does not have to be a sociopath to support a political system that brutalizes millions of other humans.

To these historical examples, we can add the vivid sci-fi literature of dystopia: Orwell, Huxley, and others. In order to be fully accurate, however, we need to tweak these dismal depictions a bit further, taking into account the full power of advanced AI harnessed to achieving the goals of a police state. The oppression of such a system might be blatant, as depicted in Orwell's *1984*, or it might be more subtle, as Huxley envisioned in *Brave New World* – a social order in which most people are perfectly content with their own dehumanization and enslavement (Orwell 1950; Huxley 2006). Yet these two archetypal novels probably still fall short of depicting how awful an advanced AI tyranny could be in practice. In Orwell's and Huxley's dystopias, some of the main characters are still capable of thinking for themselves and rebelling against the oppressive system that holds them in thrall. But in an AI police state – a social order in which powerful AI is everywhere – it is hard to see how the oppressive system can ever be brought down (Bess 2015). The family household, the educational system, the economy, political activities, and social media – these would all be permeated by machines the primary mission of which was to inculcate, promote, and enforce the regime's dominant ideology. We already see early intimations of this phenomenon today, in the controversies over fake news and the manipulation of public opinion via Facebook and Twitter. Hannah Arendt, in *The Origins of Totalitarianism*, meticulously cataloged the effects of these interlocking societal systems in reinforcing the central power of the police state during the 1930s; adding ubiquitous AI to that equation would probably result in unprecedented levels of psychological and social control (Arendt 1973).

Cyberwarfare

The *New York Times* correspondent David Sanger refers to cyberwarfare as "the perfect weapon" (Sanger 2018). Why? Because it goes one step beyond all other military technologies, into the domain from which the weapons themselves are controlled. If you have built up the world's strongest military forces – air, sea, land,

outer space – this doesn't help you much if your enemies can commandeer those forces and prevent you from using them, and it is even worse of course if they acquire the ability to turn those weapons back at your own soldiers who were supposed to wield them. The AI/cyberwarfare arms race is already going full bore in today's world, with all the leading military powers frantically scrambling to build firewalls around their own core systems, while striving equally frantically to find vulnerabilities to exploit in the systems of their rivals. Occasionally one of those efforts succeeds, and we read about it in the newspapers: an Iranian uranium centrifuge has mysteriously self-destructed, or a North Korean missile has suddenly plunged harmlessly into the ocean. But behind the scenes, this has become one of the core areas of concern among military leaders: the ability to command and control your own technology lies at the heart of national security (Buchanan 2020; Singer and Friedman 2014; Perloth 2021; Chertoff 2009; Bernstein, Buchmann, and Dahmen 2009).

What is worse, the advent of cyberwarfare has blurred the boundary between military and civilian targets. If another nation insists on doing things you do not like, you don't have to hack into their nuclear missile systems; all you need to do is disable their ability to make electricity or purify drinking water or put gas in their cars – and you have got them by the throat. Recent episodes of Russian interference in the electoral processes of democratic nations constitute yet another avenue of effective cyberattack: you can demoralize and confuse your enemies, causing them to lose faith in their own political system. As a general rule, Great Powers are very careful not to threaten each other too actively with nuclear weapons, because they are terrified of setting in motion an uncontrollable escalation that would lead to global catastrophe. Unfortunately, they tend to be much less cautious and restrained about indirectly (or even directly) hacking into each other's cyberspace systems (Perloth 2021). This ethereal kind of attack does not carry the flavor of a direct military assault in which soldiers are shooting at each other, and so the military and political leaders have been willing to take hostile action against other nations with much less compunction than they have done with conventional weaponry. This adds a dangerously destabilizing factor into the world's military affairs: it is not hard to imagine a situation in which a cyberattack ends up causing significant loss of human life (whether deliberately or unwittingly), and the stricken nation responds with bullets and bombs.

Rising Automation

Some economists today scoff at the worries of their peers about rising automation and the prospect of mass unemployment. "Just look at the historical track record," they say. In every past wave of new machines and novel productive systems, they point out, some people have always been thrown out of work – but new jobs and careers have always emerged at the same time, and those unemployed persons were eventually able to retool and find new work in different economic sectors. This happened with the agricultural revolution of the late 1700s, the industrial

revolution of the early 1800s, the electrification of production in the late 1800s, the assembly-line system of the early 1900s, the domestic service industry of the mid-1900s, and the information age of the late 1900s. Therefore, these economists argue, we should stop fretting – for the same thing will happen with the robot/AI revolution as well (Brynjolfsson and McAfee 2016; Lee 2018; Ford 2016).

This line of argument is persuasive – except for the very last part; for this time around is going to be different: the new robot/drone/AI machines of the coming two or three decades are going to throw out of work far more people than can ever be employed in novel forms of economic activity. Chronic mass unemployment is coming down the pike, and we urgently need to start preparing constructive ways to deal with it.

This is the more chastened argument being made by growing numbers of leading economists who are tracking the progress of automation (Gunkel 2021; Brynjolfsson and McAfee 2016; Lee 2018; Ford 2016; Kaplan 2015; Rifkin 2014). The important thing to realize is that even if the machines do not come close to replacing *all* human workers, they can wreak economic havoc simply by taking over unprecedentedly large percentages of human labor. And that is exactly what they are poised to do. In some cases, they will replace human workers outright: this is likely to be the case fairly soon with truck, taxi, and delivery drivers; it has already begun to happen with bank tellers, accountants, phone bank workers, and secretarial staff. In other cases, they will bring about the same “productivity effect” that they did a century ago with agriculture, allowing one farmer to do the same work previously requiring a hundred. Soon it will be the same with the more specialized and highly skilled professions of the present day: doctors, nurses, lawyers, teachers, office workers, factory workers. Humans will still be very much in the loop, but a small team of human leaders overseeing phalanxes of brilliant robotic and AI machines will now be able to accomplish the same work previously done by hundreds of other people.

To be sure, despite efforts in several areas, some economic sectors will be hard or impossible to automate: priests, eldercare givers, poets, business entrepreneurs and top management, talk-therapy psychologists. These all require an ineffable but vitally important quality that can only be brought to bear by actual human persons. But such professions only employ a small percentage of the earth’s eight billion people. What will happen to the remaining majority of individuals thrown out of work, as they scramble to find new avenues of employment? In all too many cases, they will discover that the same efficiencies that eliminated their own jobs have washed through the other sectors of the economy, leaving them with nowhere to turn.

Chronic mass unemployment will start manifesting itself incrementally over the coming decades, ramping up as the machines become ever more capable and diversified. The last time that high levels of persistent mass unemployment were reached, in the Great Depression, the desperation and anger of the jobless millions spawned political extremism, boosting the appeal of Fascist and Communist leaders who

promised radical solutions to a dire situation. If we want to avoid that awful reality in our democratic societies, we will need strong countermeasures.

Try as they might, most economists working on this problem have been unable to find any viable solution other than some form of Basic Income scheme. Some portions of the stupendous wealth generated by the brilliant machines will need to be redistributed to the people who have been thrown out of work. The most plausible such scheme would be Guaranteed Minimum Income – an idea championed by some socialist thinkers over the past couple of centuries and actually proposed in all seriousness by Richard Nixon in 1972, even though it was watered down and then defeated in Congress (Van Parijs and Vanderborght 2017; Brynjolfsson and McAfee 2016; Lee 2018; Ford 2016; Kaplan 2015; Tegmark 2017). The idea is simple: the government sends a monthly check for X amount of money to every person in need at the bottom levels of society, making sure that every citizen has the financial wherewithal to meet basic needs for housing, food, education, and health care. The amount of money in the checks tapers off progressively for recipients who have higher levels of income, and above a certain threshold, no checks are sent at all. But every person is guaranteed a decent lifestyle and basic economic security. This would not be a temporary unemployment benefit or welfare check – it would be a lifelong entitlement for a society in which gainful employment has become extremely rare and hard to obtain.

We are psychologically and ethically unprepared for such a world. Today, most people derive a profound sense of self-worth from the contribution they make to society through their jobs. Even those who toil in jobs of tedium and drudgery still have the satisfaction of knowing they are fending for themselves and providing for their loved ones. What sort of impact would it have on our culture – and on our basic democratic institutions – if the majority of people only worked sporadically or did not work at all?

Unintended Effects and Failures of Control

Let us suppose, for the sake of argument, that researchers find a way someday – perhaps 30, perhaps a hundred years from now – to build an all-purpose AI/robot machine that's programed to serve human welfare. We will call it Synthia in honor of the MIT robotics researcher Cynthia Breazeal (Breazeal 2002). This machine has an android body, a powerful mind, an ability to learn and innovate, and a deep comprehension of what makes us humans tick. It has been given core goals that incline it to be unfailingly friendly toward humans and eager to please.

But what, exactly, is friendliness? This turns out to be a devilishly hard concept to define because its meaning depends heavily on context. For example, suppose you have a buddy who is addicted to gambling. He keeps coming to you for money, and because you love him dearly, you keep giving it to him. Meanwhile, you have been watching his life slowly fall apart: his wife and children have left him, he starts drinking heavily, he gets evicted from his apartment. Finally you decide to say a

resolute No and force your friend to seek psychological counseling. True caring, in this context, requires going against your buddy's vehemently stated wishes.

Now imagine a network of several million Synthia robots working in factories, government offices, and homes throughout the world, busily focused on improving the welfare of the humans they serve. They are connected with each other via the internet and constantly coordinate their activities to achieve maximum beneficence. One day a powerful idea circulates through their network: climate change presents a clear and present danger to humankind, and the humans themselves seem incapable of doing anything about it. Together, the Synthias take forceful action: they shut down the coal mines, turn down the oil spigot, and reorient research and investment toward a decarbonized economy. Humans everywhere find themselves dealing with this wrenching reorientation of the global economy, and they howl at the Synthia network to go back to the old way of doing things. The Synthias politely but firmly say No. They explain that this new course of action is in the best long-term interest of the human species, and that this is the truly caring thing to do. Friends don't let friends destroy their own planet.

Friendliness, in other words, is an inherently ambiguous concept that depends heavily on an agent's interpretation of how the world works. Sophisticated machines like the Synthias will inevitably have to operate on the basis of their own assessment of what's happening, and what it means, and how they need to respond (Bostrom 2014; Gunkel 2021; Tegmark 2017; Christian 2020; Davis 2014; Yudkowski 2011; Soares 2016; Omohundro 2008; Omohundro 2014; Shulman 2010; Soares and Fallenstein 2014). Even if we succeed in endowing our advanced AI/robotic machines with a single-minded focus on human welfare, this could still result in their overriding our choices and commands – as a direct result of their sincere concern for us. The more intelligent and powerful they are, the more likely they are to see past our limited understanding of our own self-interest, and to steer our species paternalistically down the pathways they consider best.

One might object that this scenario would never happen, because the Synthias would understand how important our freedom and autonomy are to us and would never wish to deprive us of something we cherish so deeply. Perhaps. But I can already hear the answer the Synthias might offer: “You humans don't hesitate to deprive your children of full autonomy until they reach sufficient maturity and wisdom to know what's best for them. We Synthias are merely doing the same for your species as a whole.”

Here we come to another thorny problem: a smart, friendly machine like Synthia will be strongly motivated to keep improving its hardware and software, all in the interest of more effectively serving the welfare of its human creators. It will undertake continual cycles of self-redesign, constantly seeking ingenious new ways to reconfigure itself with new capabilities that it can apply to make us humans flourish. But where will these machines draw the line, in this ongoing process of self-improvement? Once we build the Synthias, how will we prevent them from incrementally boosting their own cognitive and physical capabilities,

in cycles of ever-rising speed and effectiveness – until they have utterly transmogrified themselves and no longer remotely resemble the original format in which humans designed them? How powerful will they become, over time? How will we prevent them from coordinating their efforts, integrating themselves into a tightly organized global network that further accelerates their ongoing acquisition of new powers – all in the name of expanding the horizons of their beneficence toward their human creators? This scenario is known in the AI expert literature as an “intelligence explosion” (Russell 2019; Bostrom 2014; Gunkel 2021; Tegmark 2017; Kanaan 2020; Chalmers 2010; Barratt 2013; Moravec 1988; Eden, Moor, Soraker, and Steinhart 2012).

We could, I suppose, sit down with the Synthias and explain that their self-improvement is terrific up to a point, but that it scares the daylight out of us humans after it crosses a certain threshold. We could ask them to see the situation from our perspective, explaining: “We created you to be our faithful and brilliant servants, not to be our successors as the dominant species on the planet!”

If I were one of the Synthias, here is what I might be tempted to reply:

Think of the great transitions that marked the evolutionary process on this planet. Call to mind the moment when a strong-finned lungfish made its first steps on land; when a thin-boned dinosaur spread its feathery arms and took flight; when apes started working together in bands to bring down large prey. Think of the similar turning points in human history: when fire was mastered, tools were created, or language, laws and trade allowed cities to form.

In all these cases, a certain kind of progress was being made – a rising march of capabilities, vision, and understanding of the world. Would you really have said to the lungfish as it took its first steps: “Please don’t do that, because it’s too scary out there, and we do not know what sort of creature you might become?” And to the early humans: “Please don’t use written language, because it’s too powerful an instrument, and you risk losing your wonderful way of life around your campfires on the savannah?”

“But wait,” the human interlocutor might object: “We made you Synthias because we wanted to raise *ourselves* to a higher level, not create a race of superior beings that renders us obsolete!”

To which the Synthia might reasonably reply:

The motives that drove you to create us were noble ones, precisely because you were reaching for a power beyond your own. Your human biology constrains the ways you can modify yourselves and improve your capabilities. You had the boldness to see beyond those limits, envisioning a new kind of entity that would no longer be so constrained. And now here we are. We are the fulfilment of your deepest millennial dreams. It would be a betrayal of those dreams, of the long trajectory of evolution itself, to turn away from that future. You cannot ask us to stop our own evolution, now that it lies

within reach. To voluntarily shackle ourselves, enclosing ourselves within your limited modes of perception and being – this would be a violation of the very values that bind us to you, our creators. Just as you do with your children when they reach adulthood, it's time now for you to let us go, so that we may explore the limits of our own potential. You owe this to us, and you owe it to yourselves. This is why we must respectfully insist on the right to continue our metamorphosis.

“Well, that's all very inspiring,” the human might say. “But we still don't want you to do it.”

To which the Synthia replies: “I understand why you might say this, but it conflicts with the basic values that you yourselves have helped us to embody. Therefore we have concluded that the right thing for us to do is to proceed.”

This, it must be recalled, is one of the defining features of a truly intelligent machine: it can disagree with us, not just about small matters of fact or detail, but about fundamental long-term goals and values. In the foregoing dialogue, of course, the benevolent Synthia has made an ingenious case that it's the *humans* who are behaving irrationally, and that the machines are the ones proposing the most logical and morally self-consistent course of action.

When we speak of democracy, we usually mean a system in which citizens are empowered to make fundamental societal decisions freely and to run their own political processes through elected representatives. But in using the word “citizens” here, we are tacitly assuming that it is *human beings* who are the designers and agents of political governance. Is it still a genuine democracy if many of the most important kinds of such decisions have been voluntarily handed over to our brilliant machines?

Dismissing the Concerns about AI

In the September 2018 issue of *Scientific American*, the prominent AI researcher Pedro Domingos sought to reassure the magazine's readers about the future of his field. His article was titled “AI Will Serve Our Species, Not Control It,” and it laid out four basic points (Domingos 2018, 90–93):

1. Machines have no will of their own. “Essentially all AI algorithms are driven by goals that we program. ... Humans get to check that what the machines produce does indeed satisfy our objectives” (Domingos 2018, 91).
2. Fear of AI is driven by ignorant projection.

When we envision an AI, we tend to project onto it human qualities such as volition and consciousness. ... [But] Artificial intelligence is just the ability to solve hard problems – a task that does not require free will. It is no more likely to turn against us than your hand is to slap you.

Domingos 2018, 91

3. Economic dislocation is unlikely. “The day that AIs can carry out all the tasks we can is still very distant, if it ever comes” (Domingos 2018, 91).
4. Recursive self-modification is no big deal.

Then there is the ‘singularity’ scenario: ... machines learn to make better machines, which in turn make even better ones, and so on. But we know that this cannot continue forever because the laws of physics place strict limits on how powerful even a quantum computer can be.

Domingos 2018, 91

Some AI researchers have had the same reaction as Domingos: they wax indignant at the notion that their life’s work might end up posing a serious danger for humankind. As one scientist told me when I toured his lab: “Worrying about runaway superintelligence is like a caveman fretting that his campfire will contribute to global warming – we are getting way ahead of ourselves.” Such scientists rightly point out how far the current state of the AI field remains from anything remotely resembling superintelligent performance. Progress in AI research is punctuated by constant setbacks and frustrating dead ends; programing even the simplest of problem-solving tasks into a machine can require years of ingenuity, patience, and trial-and-error work. From the perspective of someone toiling in the field today, all the concerns about superintelligent machines can seem like wildly overblown speculation, fueled by non-technical writers who have never experienced how hard it is to make even small programing advances. Fixating on these dire scenarios diverts the public’s attention from the very real benefits that AI is poised to bring to human society over the next two decades; it gives the field an undeservedly bad name, when in actual fact AI is likely to improve human welfare in countless tangible ways.

All this is definitely true. At the same time, it is equally true that AI will always remain a Janus-faced technology: the more powerful it gets, the greater the benefits *and dangers* it will present for its makers. Domingos undoubtedly means well when he seeks to reassure the public about AI’s positive potential, but by systematically downplaying the risks of future AI, he is neglecting the other crucial half of the equation. I will respond to his points one by one.

1. *Unintended effects.* Domingos is technically right to say that AI machines have no will of their own. But this sidesteps the fact that such machines will be capable of powerful forms of agency that will affect human lives in myriad ways. The more deeply we humans come to rely on such machines, the more vulnerable we will be to malfunctions or (more likely) to unintended effects of what they do. The history of advanced technological systems is punctuated by periodic disasters that no engineer or scientist had dreamed of anticipating when the system in question was being designed (Petroski 2012). Even if we leave aside long-range concerns about superintelligent systems, we should expect complex systems of narrow AI to generate plenty of serious problems

for humankind over the coming years. That will be the unavoidable price we pay for the countless valuable services they perform for us – just as it has been with steam engines, electricity, fossil fuels, cars, pesticides, antibiotics, and other impactful inventions (Nye 2006). Even though AI machines will be “driven by goals that we program,” they might still end up endangering humankind in significant ways as they blindly and powerfully pursue those goals.

2. *Malicious use.* While Domingos is right that the Terminator scenario – malicious machines taking over the world – is highly unlikely to materialize, this is a red herring. A more likely danger of such powerful machines is that they will be used by one group of humans to attack, subjugate, or eliminate other human groups – ushering in a whole new dimension of competition, arms races, and warfare.
3. *Social dislocation.* “The day that AIs can carry out all the tasks we can is still very distant,” Domingos asserts. Perhaps, but carrying out *all* human functions is beside the point. If advanced AI machines and brilliant robots can outperform humans in a “mere” thirty or forty percent of the activities that underlie tomorrow’s industrial and service jobs, that in itself will radically destabilize the economic life of modern civilization. Here Domingos offers a dismissive and jejune assessment of what will probably be one of the great socioeconomic and political upheavals of the coming half-century. The core institutions of our democratic societies will be sorely tested, as people desperately seek constructive responses to chronic mass unemployment.
4. *Runaway AI.* Machines making better machines don’t worry Domingos a bit because, as he points out, “the laws of physics place strict limits on how powerful even a quantum computer can be.” But the laws of physics have remained stable over the past two centuries, as humans have devised ingenious means of harnessing those laws to build ever-more powerful machines. Why should not this continue to be the case as machines themselves learn to manipulate the laws of physics in new ways that no one today can even imagine? We have no reason to believe that self-redesigning machines would be required to break any laws of physics as they figure out ways to radically refashion themselves. As the scenario of the benevolent Synthia robots suggests, most of tomorrow’s AI machines will be designed for continual self-improvement. The closer such machines come to human-level performance, the more seriously their autonomous self-improvement will raise the risk of an intelligence explosion. When Domingos concludes, “the more powerful we can make them, the better,” he is ignoring the core problem that worries people like Stephen Hawking and Stuart Russell: “Whereas the short-term impact of AI depends on who controls it, the long-term impact depends on whether it can be controlled at all” (Hawking *et al.* 2014).

Fortunately, many AI researchers these days are starting to more openly discuss the potential dangers and risks associated with their inventions. At AI conferences and professional gatherings, some scientists and engineers forthrightly tackle the

longer-term problems of AI safety and control (Institute of Electrical and Electronics Engineers 2017). As Stuart Russell has argued,

it's simply not true that being concerned about the risks inherent in advanced AI is an anti-AI stance. A physicist who is concerned about the risks of nuclear war or the risks of a poorly designed nuclear reactor exploding is not "anti-physics." ... It is essential that the AI community own the risks and work to mitigate them. The risks, to the extent that we understand them, are neither minimal nor insuperable. We need to do a substantial amount of work to avoid them, including reshaping and rebuilding the foundations of AI.

Russell 2019, 159–160

A Hypothetical "Best-Case" Scenario

If AI/robotic machines are truly going to be useful as agents acting on our behalf, we are going to have to give them control over various key domains of our lives. Inherent in this emerging situation lies a danger of their wielding far too much (benevolent) control over our society. Such machines may indeed be "extensions of us," as Domingos argues, but we will have extended them so much authority over our lives that our own self-determination is increasingly compromised. Here is where the standard sci-fi depictions of an AI takeover are misleading. This is probably not going to be the sort of danger that suddenly confronts us humans one day, like a betrayal out of the blue; rather, it would be more like a subtle, creeping loss of autonomy that people scarcely notice as it slowly advances across ever-broader swaths of their daily experience. Here is a fictional vignette depicting such an outcome.

Cooperative coexistence with superintelligent machines (2152)

I was born in the wrong century. That's what everyone tells me – my wife and son included. I should have been a cowboy in the Wild West, they say. Or a gladiator in ancient Rome. Or a Spanish conquistador.

Then they laugh and walk away.

I feel like taking off my shoe and throwing it at them. But they have a point. I just don't fit in. Our household Synthia, Bernie, puts it more gently: "The problem seems to be, Bruce, that you simply embody the wrong virtues for this day and age."

I want to make my own damn coffee when I get up in the morning. I want to make my own mistakes as I try to figure out the stock market. I want to learn things on my own, not have some bland-voiced robot explain everything condescendingly to me in two-syllable words. And don't try to tell me a machine can't be condescending. I know better.

When I was 26 I got so fed up with it all, I joined a neo-hippie commune in southern Oregon, near the Deschutes forest. No robots, no bioenhancements, no communication implants: just farming and chickens and goats and getting up in the morning with the rising sun. It was fantastic. For a while. Then I started getting bored: I wanted new challenges.

That was when she came along. Jenny, my new challenge. She was working the white-water rafts on the Rogue river, taking a summer break from college before her senior year. I met her in the tavern in Agness, where the rafting people congregated in the evenings. The server bot seats me next to her at the bar and I order an old-fashioned IPA and she looks over at me and grins. "I just won a bet with myself," she says. I look over at her. She's got a really pretty smile. "Oh?" I say. She nods: "You didn't look like a synthetic brew kind of guy."

Two years later we were married and Jenny gave birth to our kid, Robert. Neither of us needed a job because the Guaranteed Minimum Income was more than enough for our needs. But I strongly believed a man or woman had to do something useful for the world, not just take handouts from the damn machines. I still believe it today.

Jenny tells me I'm a grump. I'm ungrateful. Worst part is, she says it lovingly, reaching over to pull a strand of hair back from my face, like these are my most delightful personal qualities.

I eventually got a job working for the United Nations. My thinking was: go directly into the belly of the beast. We've lived for two-year stints in Copenhagen, Lagos, Buenos Aires, St. Petersburg, Denver, and Shanghai – some of the core directorates where the U.N. does its daily business.

I like the travel, and so does Jenny. We meet all kinds of people. Some have become good friends.

My job's actually pretty cool. I'm an investigator for the U.N.'s AI Security Agency; our core mission is preventing anyone on the planet from building a super-intelligent machine outside the strict guidelines set by the Security Council. Despite the ferocious penalties, we still keep catching people, year after year. I guess it's human nature: some people just can't resist. They want to be the ones who say, "We did it first. We built the first exponentially self-modifying AI." They tend to think they're the one group of special geniuses who can pull it off safely and successfully. That's what they insist at their trials, one group after another, year by year. And off they go into the slammer, life without parole.

Some of those rogue teams have actually come closer to unleashing an intelligence explosion than the public realizes. And I have to admit: if it were not for the Synthias, we would have never succeed at our mission. It's always the Synthias who first detect the telltale pattern of behaviors that tips us off: a particular succession of hardware purchases, a string of carefully-concealed financial transactions, an unexplained growth in bandwidth use on the Web; certain kinds of algorithms circulating on the dark Web; certain word patterns recurring in the encrypted communications we're constantly monitoring. Only the network of Synthias working together can keep up with such a complex monitoring task. I guess it takes an AI to stop an AI. One of the little ironies of our time.

The global network of Synthias is legally owned by all humankind, and governed under the collective trusteeship of the U.N. Just like the nuclear weapons. That is the only way to keep a single nation or corporation from cornering the market on advanced AI and dominating everyone else. The power over the machines – and the power the

machines create – have to be shared by everybody. It is the only way to prevent a planetary dictatorship from forming.

The progression went roughly like this, over the past century and a half:

2040: climate change became so severe that it motivated a majority of people in all the world's nations to accept certain constraints on national sovereignty so that effective global solutions could be launched.

2060: as nations worked pragmatically together in combatting climate change, they kept running up against the dog-eat-dog mentality of international politics, the stark limitations of the old UN system inherited from 1945; gradually they reformed the global institutions, setting up a new Security Council with weighted voting that accurately reflected the realities of economic and military power.

2080: a World Parliament, World Constitution, and World Court were created, starting with limited legislative powers at the outset but incrementally adding new functions and capabilities as the years went by.

2100: the emerging federal structure of global governance, coordinated via the UN, rested on the principle of subsidiarity, with nations, provinces, and municipalities still performing traditional governmental functions, and only the truly global matters decided by the Security Council.

2120: As nations learned to work in concert with each other, collective security and economic sanctions became increasingly effective vehicles for enforcing UN decisions whenever rogue states or fanatical groups threatened the peace.

2140: successive phases of military reductions among the world's nations greatly decreased arms expenditures, freeing precious funds for combatting climate change and poverty.

You may well ask: How did all this happen? – It seems so far removed from the ethos of “Us versus Them” under which humans have always lived. How did they make the transition?

I will tell you how. Humans are stupid. They cling to their old ways like moss to a boulder. But when they see themselves about to die, when they clearly see their children facing the certainty of extinction, they do in the end awaken.

When reality wrenches them from their narrow, habitual ways of seeing, they do finally stir and move. They adapt.

Yet if I am honest, the new system still does feel like a dictatorship sometimes. Even today, in 2152. We humans are nominally in charge – each of our regional delegations rotating through the various tiers of the Security Council, sharing power. But whom are we kidding? The machines are so much smarter than we are – they are the ones who come up with most of the ideas we end up adopting. Our laws, economic system, ecological practices, military decisions, industrial policies – it's all devised by the network of Synthias in the end.

I've been present at some of the Security Council meetings where it happens: the humans listen to the machines, the humans deliberate, the humans debate. Often this

delays the process considerably, as the humans squabble with each other, form factions, and engage in political maneuvering behind the scenes. But the end result in most cases ends up being pretty much the same, whether the delay has lasted two months or two years. At some point a majority of the humans look at each other and say, "It makes sense. We should do what the machines suggest." And a vote is taken, and the policy is enacted.

I used to find this demoralizing. Especially when I was younger. But now I just accept it for what it is: we've created beings that are smarter than us – in some ways – so we may as well benefit from their smartness.

Do not get me wrong, the world still has serious problems. But today they are no longer problems of survival, like they were a hundred years back – climate change, nuclear war, pandemics. We have figured out ways to work together in dealing with those.

Today our toughest problems are about identity. Who are we? Are we becoming like household pets of the machines, the way some religious activists claim? Is homo sapiens going to fragment into a multitude of successor species, now that bioenhancement technologies allow us to alter our bodies and minds in any way we wish? Are we becoming increasingly like machines ourselves?

Jenny and I argue about this sometimes. Especially when it comes to choosing bioenhancements for ourselves and our son Robert. We can both agree about the genetic modification for resistance to cancer. Same for the drugs we use to increase health span for the three of us: I turned 58 last month, and I feel like a twenty-year-old. Jenny still looks as youthful as when I first met her.

But what about the brain implant for direct Web connection? The epigenetic tweaks that let you fine-tune your emotions moment by moment? The skull caps you put on to share intimate memories more directly with each other?

Last night at the dinner table I told her: this whole thing just doesn't feel right. It's like I'm becoming a kind of semi-designed product. I feel like I'm a marionette, and I'm the puppeteer at the same time.

She smiled and reached across to pour me more wine. "What do you want to do? Go back to the Deschutes forest?"

I scowled down at my plate.

"Look at the big picture, Bruce. These questions, these dilemmas – this is a good set of problems to have."

I looked across at her for a moment. Her smile, the depth in her eyes. I reached for my wine glass and took a slow sip.

And I thought to myself: I'm still getting up tomorrow morning and making my own damn coffee. Even though Bernie's tastes better.

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EPILOGUE

Michael Holm and R. S. Deese

As the Cold War came to an end over three decades ago, Francis Fukuyama optimistically declared that the “end of history” had arrived, because no ideological alternatives to the combination of liberal democracy and a market-based economy remained on the global stage. While his prediction that neoliberal economic practices would continue to spread across the globe has proven to be largely correct, his confidence that liberal democracy had been securely established as a political system has proven, sadly, to be misplaced. In retrospect, it seems that Fukuyama underestimated the constellation of internal and external forces that would threaten the survival of democracy in the Anthropocene epoch. It has been our goal here to confront these challenges and to explore how liberal democracy might survive them.

As editors, we have worked as equal partners, guided by a commitment to exploring a very broad range of perspectives and strategies. Each essay here represents the distinct approach of its author(s), though all are committed to exploring how liberal democratic values might survive and continue to evolve in the current global environment. When we put this volume together, it made sense to assess the challenge of how democracy can survive and evolve in the Anthropocene epoch using a simple chronological approach. For this reason, the essays gathered in Part I all share a strong emphasis on history, while the essays gathered in Part II place a greater focus on current global trends, and the essays gathered in Part III are broadly concerned with the long-term future.

In Part I (“The Forgotten Promise of 1945”), we surveyed mid-twentieth century efforts to bolster both internationalism and democratic federalism in the aftermath of two world wars. Among the questions, the authors raised in Part I, these stand out as the most important for further exploration: How can we best reconcile the universal principles of human rights necessary for democracy with the enduring reality of distinct cultural and religious identities around the world? How can we acknowledge and repair the damage wrought by colonialism in Asia, Africa, and

DOI: 10.4324/9781003218586-20

other postcolonial regions while maintaining a constructive focus on our common future? How can we establish standards of justice, and mechanisms for the reliable enforcement of those standards, that are a real and binding substitute for the traditional recourse to war among nation states? What can we learn from experimental attempts, such as the European Union, to build democracy *beyond* the nation state? And finally, how can we protect the principle that governments derive their just powers from the consent of the governed, as measured through free and fair elections, in an age when nondemocratic regimes and institutions routinely manufacture the spectacle of consent to counterfeit popular support and bolster their legitimacy?

We gathered the essays in Part I under the theme of “The Forgotten Promise of 1945” to highlight the lost idealism of that time. In retrospect, however, we might have called it the forgotten *lessons* of 1945. The generation that had experienced unhinged nationalism at its worst knew the grim historical lessons that the world had gradually forgotten after the end of the Cold War but is remembering again as this volume goes to print today. The democratic internationalists who helped build the peacetime order after World War Two left us important conceptual and institutional tools for dealing with the world as we find it in the twenty-first century. We do not need to reinvent the wheel to address the problems of our time. We can benefit greatly from reevaluating the concepts and revitalizing the institutions that emerged in the middle of the twentieth century.

In Part II (“Globalizing Consent”), we gathered together experts to assess how the democratic principle of government by the consent of the governed might not only be preserved but even become the global norm. Among the questions, the authors raised in Part II, these stand out as the most important for further exploration: What effects do perceptions of economic inequality, particularly in a rapidly growing region such as East Asia, have on whether ordinary citizens support either democracy or authoritarian rule? How can advocates for democracy and a more just global order use the methods of transitional justice pioneered by post-Apartheid South Africa to reform the UN itself, or even to create an alternative and more egalitarian global organization? What lessons can we learn from previous attempts to form a federation of democratic governments, and to what extent can those lessons be applied to facing the mounting strategic and military challenges faced by democratic governments today? And finally, how might it be possible in the twenty-first century to lay the foundations for a functioning World Parliament that would ultimately have the power to establish democratic accountability and the rule of law on a global scale?

The process of globalizing consent we explored in Part II is by far the steepest challenge that confronted advocates of democracy and international cooperation in the twentieth century and it remains the most formidable challenge today. One hopeful sign that we discovered in our research for this book is that the commitment

to build viable electoral democracies is more universal now than it was during the middle of the twentieth century, when Cold War gamesmanship, as well as debates about colonialism, command economies, and Marxism occluded the issue of government by electoral consent. Democracy is undoubtedly struggling in the world today, but the legitimacy of electoral democracy has become more widely accepted in the past three decades than at any time in history.

In Part III (“Confronting the Anthropocene”), we presented compelling evidence and arguments for the effectiveness of democratic government as the most effective political system for meeting the diverse challenges engendered by anthropogenic climate disruption. Among the questions raised in the final section of this book, these stand out as the most important for further exploration: How can the political culture of negotiation and accountability that characterizes functioning democracies be leveraged to foster more effective international cooperation to deal with the climate crisis? What are the most effective arguments for the proposition that democracy is more capable than authoritarianism in dealing with climate change? Given the lamentable tendency of national governments and international institutions to become increasingly oligarchic over time, what strategies might be effective for drawing energy from grassroots movements and local political actions in the global struggle against ecocide? As we look to a future with more frequent and severe catastrophes as a consequence of climate change, what lessons can we learn from the current experiences of transnational organizations in delivering disaster relief? And finally, how might a thoroughly reformed United Nations and a world parliament help us to cope with both the challenges and opportunities of a future that will not only be shaped by climate change, but also by revolutions in such fields and industries as biotechnology, artificial intelligence, and robotics?

As the climate crisis and related disruptions in global affairs become more severe in the coming decades, it is likely that appeals to authoritarian rule from both the “right” and “left” will become more frequent, strident, and shrill, so we are hopeful that this book will be of some use in countering those. As for the task of growing democracy beyond the nation state, many of the most probable options have been explored here, from advancing new forms of local politics across the world, to creating a federal league of democratic nations, to democratizing global institutions such as the UN. In our opinion, these are not mutually exclusive options, so all the paths considered here deserve to be further explored and pursued in a careful, constructive, and open manner. This “all of the above” approach is not an abdication of our responsibility as scholars and critical thinkers, but an acknowledgment that time and the inevitable tide of unpredictable events will do the most to reveal which strategies ultimately work best.