

JANUARY 2023

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GLOBAL TRENDS

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COMING IN FEBRUARY

Latin America

BRAZILIAN VOTERS HAVE SWAPPED OUT their blustery right-wing president, Jair Bolsonaro, for a leftist predecessor, Luiz Inácio Lula da Silva. Colombia also took a rare left turn in a presidential election earlier in the year, prompting talk of a new “pink tide” in the region. Long-entrenched regimes farther to the left have tried adapting to turmoil, with mixed results. Venezuela’s Bolivarian revolution has morphed into crony capitalism under the pressure of sanctions, while Cuba’s Communists have struggled to retain legitimacy in the post-Castro era. The February issue of *Current History* will cover these developments and more across the region. Topics scheduled to appear include:

- **Venezuela’s New Authoritarian Capitalism**
Benedicte Bull, University of Oslo
Antulio Rosales, University of New Brunswick
- **Cuba’s COVID Crisis**
Hope Bastian, Wheaton College
- **Brazil Brings Back Lula**
Rebecca Atencio, Tulane University
- **How Colombia Took a Left Turn**
Will Freeman, Princeton University
- **The Fight Against Gender-Based Violence**
Juliana Restrepo Sanín, University of Florida
- **Religion and Power in Guatemala**
Virginia Garrard, University of Texas, Austin
- **Mexican Revolutionaries**
Alexandra Délano Alonso, The New School

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“Even when the forces of deglobalization are present, parallel forces of globalization, staggered and truncated, are at work in the world system.”

The Specter of Deglobalization

T. V. PAUL

Rising nationalism and protectionism, territorial aggrandizement by Russia and China, and the return of Cold War tensions in new forms have prompted predictions that the intensified globalization of the post–Cold War era is coming to an end, beset by atavistic forces. Historically, patterns of “two steps forward, one step back” (or vice versa) have often produced geopolitical convulsions, preceded by domestic conflicts cleverly used by political leaders who engineer social revolutions and wage war on their neighbors. But the world order needs to deteriorate much further, as it did in the 1930s, before countries will jettison globalization altogether.

Although the patterns we see today show many tendencies toward deglobalization, the globalization process has not yet completely broken down. Parallel trends in this ongoing process will continue, and a new form of “truncated globalization” may be emerging even amid the backlash under way in some regions. The deterioration of global market forces could produce more state regulation and control, in a reaction not unlike Austro-Hungarian economist Karl Polanyi’s concept of “double movements,” whereby the rise of the power of markets prompted demands for greater social protection.

No country can confront contemporary global and national challenges single-handedly. States are taking steps to burnish their nationalist credentials, often in the form of economic protectionism and national industrial production, particularly in the high-tech sector. But they are also promoting globalization in one way or another. The capacity of anti-globalization forces and actors to

fundamentally upset the globalization process may be overstated.

Globalization is a multilayered process in which economic, technological, social, and political changes lead to the intensification of relations among states and societies, with greater integration across borders. The most significant aspect of this process is the expansion of economic activities beyond national borders as companies spread their operations worldwide, generating manifold growth in global trade and investment. Increased labor mobility and technological diffusion were key manifestations of the intensified globalization that occurred in the aftermath of the Cold War.

Starting in the 1980s, and especially since the early 1990s, the neoliberal ideal of free markets and the associated policy prescriptions known as the “Washington Consensus” became the mantra of many countries. In the globalized world, states’ ability to manage and regulate their economies declined as corporations and other nonstate actors gained more clout. The social dimensions of globalization promoted the notion of global citizenship, while political globalization has resulted in the spread of democracy to all parts of the world. New technologies, especially in the information domain, link corporations, people, and societies in unprecedented ways, cutting across national boundaries.

Economic globalization increased the wealth of many countries, especially China and India. It produced a growing middle class in these and many other lower-income nations, adding momentum to globalization with new consumers. It also helped to stabilize inflation in advanced countries. As domestic production costs increased, offshore facilities offered cheaper goods to meet growing consumer demand.

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Deglobalization is the reverse process. It leads to diminished interaction and integration of national economies. It also brings a reassertion of nationalist policies among states, manifested in increased economic and technological protectionism and cultural atavism.

PROGRESS REVERSED?

Augmented globalization was facilitated by the United States' near-unipolar ascendancy during the first two decades of the post-Cold War era. It also reflected the strengthening of the liberal international order, characterized by three core elements: growing economic interdependence, an increasing role for international institutions, and widening democratic space. But recent trends have reversed progress in all three elements. This has raised fears of deglobalization in many quarters, especially among business leaders.

The United States itself has been retrenching and taking nationalist positions, repudiating the globalist policies it once upheld. Increasing protectionism and tariff wars, started by the Trump administration and continued by President Joe Biden, show the rising influence of anti-global forces in Washington. Two recently passed bills, the United States Innovation and Competition Act of 2021 and the America Competes Act of 2022, are intended to boost internal production capabilities and reduce reliance on China, particularly in high-tech fields such as semiconductors, artificial intelligence, quantum computing, biotechnology, and renewable energy development. In October 2022, the Biden administration also imposed export controls to choke off China's access to advanced semiconductor technology.

In geopolitical terms, the relative decline of the United States and the rise of China, as well as the aggressive reassertion of Russian power under Vladimir Putin, have brought fears of a new Cold War dividing the world once again. Some warn that these trends will result in a further reduction in interactions among states, with allies preferred as partners in trade and investment while adversaries are restricted or shunned. This new geopolitical competition, with intense jockeying over great power spheres of influence, is characterized by both hard and soft balancing coalitions. Hard balancing relies on military alliances and arms buildups, whereas

soft balancing mechanisms include restraining a threatening power through international and regional institutions and economic statecraft such as sanctions.

The process of deglobalization has intensified since the global financial crisis of 2008–9 with the protectionist policies adopted in its wake by the United States and other countries. Although concerted efforts by many countries, including the rising powers in the so-called BRICS grouping of five major emerging economies—Brazil, Russia, India, China, and South Africa—helped to dissipate the financial crisis, the trend line has been one of retrenchment by governments and the near collapse of global trade negotiations.

The financial crisis was just one of a series of global crises that were aggravated by the failure of states to respond effectively, adding to skepticism about globalization and its benefits in recent years. The biggest challenge has been the COVID-19 pandemic, which engulfed every corner of the world in 2020 and has continued since with the emergence of different variants of the virus. Increased

global interconnectivity, largely via growing air travel, spread the virus within months after it was first detected in Wuhan, China.

Though it has caused millions of deaths, the pandemic has been contained to an extent by the quick discovery of vaccines and their availability across the world on a staggered basis. But supply chain disruptions partially caused by pandemic restrictions have produced high levels of inflation; the cost of living has risen in all countries, especially in the West. In the global South, millions who were brought out of poverty, partially due to the benefits of globalization, have now fallen back to lower living standards.

Meanwhile, democratic backsliding has occurred worldwide, challenging the liberal order's political component. According to the 2022 *Freedom in the World* report issued by the US nongovernmental organization Freedom House, authoritarianism and other illiberal forces have been ascendent during the past 16 years; today only 20 percent of the world's population lives in fully free countries, with 41 percent in "partly free" and 38 percent in "not free" countries. The annual survey rates countries based on criteria such as self-government, human rights protection, and equality under the law.

*Globalization is not
a linear process.*

Even established democracies have witnessed the rise of populist leaders and movements that thrive on illiberal policies and nationalist rhetoric. The United States experienced this most vividly with the 2016 election of Donald Trump as president and the perpetuation of Trumpism by the Republican Party, despite revelations about his role in encouraging the January 6, 2021, riots at the US Capitol after he refused to accept his defeat in the 2020 election.

Other countries, such as Russia, India, Turkey, Hungary, and Brazil, have elected or reelected populist or authoritarian leaders, all of whom have employed nationalist rhetoric based on ethnic or racial majoritarianism. Extreme right-wing parties have increased their share of the vote in many European countries, including Germany, France, Sweden, and Italy, where a far right party placed first in September 2022 elections and heads the new government. This raises the risk of these countries tilting into illiberalism and losing their liberal-democratic credentials, weakening the European Union in the process.

TRADE TURBULENCE

While a certain level of retrenchment in globalization and its key components is apparent, many other trends suggest that the reverse is happening. The economic contraction in the first part of the pandemic was followed by an upsurge in global trade: after declining, the trade-to-GDP ratio is now increasing in many export-driven economies. In the third quarter of 2022, the challenge to supply chains continued; growing inflationary pressures led to sharp interest rate hikes by central banks. Yet many see the solution to the inflation problem not in more protectionism, but in strengthening the production base in parts of the world with lower labor costs. The Biden administration even lifted some of the tariffs that Trump had imposed on China, after initially retaining them.

Trump-era trade policies—including promotion of inward foreign direct investment (FDI), local content requirements for government procurement, and domestic production capabilities for critical technologies—have had only limited impact. Some such policies have continued under Biden, but there is a growing realization that domestic production is not sufficient to meet the growing demands of the population or facilitate cost containment. Protectionism as a policy to boost competitiveness also has limitations:

corporations need export markets and global collaboration to maintain their lead in ever-changing tech industries.

Earlier phases of globalization were led by Western multinationals, but companies from China and elsewhere have increasingly engaged in global expansion. Some 133 Chinese companies are listed in the Fortune Global 500, exceeding the number of American companies, though Western companies score much higher than the average Chinese company in the Transnationality Index. Political challenges at home and abroad, as well as particular management cultures, may explain why more Chinese companies have not become fully multinational, despite efforts to do so.

China has benefited from globalization and from expanded ties with the West and the rest of the world. It has also been a contributor to globalization, despite its recent restrictive policies in various areas such as the cross-border flow of capital, goods, and migrants. The supply chain disruptions caused by Chinese COVID-19 lockdowns have generated pressure in some countries for renationalizing companies. But products, especially consumer goods and industrial components, can no longer be produced solely in any one nation's own manufacturing facilities without massive price increases.

Despite some major hiccups, there is no evidence that China has lost its supply chain leadership role for good, even though other countries, including Vietnam, Mexico, and India, have poached some of the businesses. It may take several years to see the extent of the shift of global production facilities out of China and judge whether that portends the end of globalization as we know it—or just re-globalization or truncated globalization in the economic and high-tech spheres.

In 2020–21, global trade underwent first a decline and then some resurgence, including an increase in trade with China. FDI has also been picking up momentum. According to the United Nations Conference on Trade and Development, global trade totaled \$28.5 trillion in 2021, an increase of over 25 percent from 2020, and up 13 percent from 2019. Global FDI flows sharply rebounded from \$929 billion in 2020 to \$1.65 trillion in 2021, a 77 percent rise.

These numbers show that economic globalization is here to stay, but its form and content might have been altered to some extent. Increasing regionalization in trade and investment has emerged at a time when global trade talks

shepherded by the World Trade Organization are showing little progress. Beijing's Belt and Road Initiative has created dependency relationships between China and some weak states. But however debilitating the effect of the debt burden on weaker participants may be, the additional infrastructure projects, and competing ones built by Western interests, in fact might help extend economic globalization by opening new markets, especially in Africa and Central Asia.

The war in Ukraine has had short-term impacts on global growth and poverty reduction. According to the World Bank, both global trade and the GDP growth rates of low-income countries will be reduced by 1 percent in 2022–23 as a result of the war, while total global GDP will be cut by 0.75 percent. The long-term impact will depend on how long the war continues and on whether governments, especially in Europe, will be able to implement effective mitigating policies, most urgently in response to energy supply disruptions. Geopolitical convulsions of this nature, if confined to a specific region, can have more short-term than long-term impacts since countries typically recover in subsequent years, as happened in Europe and East Asia in the post–World War II era.

India has been the second-biggest beneficiary of globalization, particularly in terms of GDP growth. Prime Minister Narendra Modi has attempted to achieve *Atmanirbhar* (self-reliance) through “Make in India” industrial policies, while pursuing a Hindu nationalist agenda at home. Yet India's trade has increased with a number of countries with which it has struck bilateral trade deals, including the United States.

Regional trading blocs are boosting globalization. The Asia-Pacific region is seeing more trade between China and its regional neighbors since the height of the pandemic. The 15-nation Regional Comprehensive Economic Partnership, which took effect in January 2022, and the 11-member Comprehensive and Progressive Agreement for Trans-Pacific Partnership, launched in 2018, are designed to reduce tariffs, liberalize trade in services, protect investors and intellectual property, and promote better labor and environmental standards. These agreements are likely to accelerate member states' growth and advance regional trade and investment in Asia even further, even though the United States has not joined either of them.

Although opposition to illegal migration remains strong, the globalized workforce is still propelling immigration to advanced countries. Whereas the United States has imposed some restrictions on foreign workers and students settling in the country, states such as Canada have increased their immigration and foreign student intake. Decreases in population growth and shortages of skilled labor are pushing many Western countries to their accept more migrants, partly to address the needs of businesses. Due to domestic electoral pressures, a form of truncated globalization is likely to occur in migration patterns, especially to some of the advanced countries.

CONFRONTING THE WEST

In recent years, several noneconomic avenues for globalization—particularly in the social and political spheres—have witnessed retrenchment. The most arresting development is the global trend toward democratic backsliding. Traditional democracies are implementing illiberal policies, often aimed at minorities and migrants.

Yet parallel trends exist: social movements in many countries are demanding better-quality democracies. The 2022 Freedom House report showed that there is strong demand for rights in many countries, along with some successes in advancing democratic reforms in South America and Africa. But that is not likely to become a global trend without a major push by supporters of democracy and freedom.

The Russian invasion of Ukraine, launched in February 2022, has brought down a new Iron Curtain. Western countries immediately imposed sanctions on Russia. But the fact that Russia's economy is not especially globalized, except in oil, gas, and weapons exports, indicates that the constraints on militarism that interdependence can impose on globalized states may be missing in this case.

Expansionist efforts by a more globalized China, meanwhile, are creating potential flashpoints in Taiwan, in the South China Sea, and along the India–China border. But escalation of those conflicts may be constrained by China's greater economic interdependence in comparison with Russia. Restrictive policies implemented by Xi Jinping's regime have depressed Chinese economic growth and curtailed the limited freedoms

*The United States itself has
been retrenching.*

that Chinese citizens had gained since the reforms of the Deng Xiaoping era. Hong Kong has lost its limited autonomy as Beijing has tightened its grip on the special administrative region and removed many of the constitutional and political liberties that its residents had enjoyed.

Nonetheless, China has a great interest in the continuation of high levels of global trade, of which it will be the chief beneficiary as its geopolitical ambitions increase. Even when offshore production centers are opened in competing countries, China is likely to continue promoting economic globalization—though more on its own terms than before. As for the Russia–China military alignment, it is not yet clear whether it has teeth. Both nations have reasons not to form an active hard-balancing coalition. They seem to agree on the virtues of authoritarianism and share a desire to overthrow the Western-led international order, but they differ on how to do it. Each harbors suspicions of the other's geopolitical ambitions.

Among all factors, increased unpredictability in great power relations will have the most debilitating effect on globalization. Geopolitical convulsions could further accentuate deglobalization—for example, if Russia expands its aggressive policies toward other former Soviet republics and China follows suit with an attack on Taiwan. But none of this is inevitable. Defensive and deterrent capabilities prevent outright conquest in most situations, even though “salami slicing” tactics of more incremental territorial aggression could continue. China may well be restrained by the forces globalization has unleashed, particularly the prospect of economic decline if Western markets are closed to Beijing in the event of a protracted war.

International institutions, the third pillar of the liberal peace, have declined in performance. The UN Security Council has been moribund in major security crises. But the EU and NATO have made efforts to strengthen themselves in response to the Russian invasion of Ukraine and possible further threats to Europe. And increased international cooperation has been visible in global health and other areas, such as global warming.

BACKLASH AGAINST NEOLIBERALISM

In a boomerang effect, the trend toward deglobalization is partially caused by a backlash against liberal policies, especially the neoliberal agendas that were actively supported by Washington and key international lending institutions. Though neoliberal policies have spurred overall economic

growth in some countries, they have accentuated inequalities to an unprecedented level, creating massive dislocations for the working class.

In 2020, the top 1 percent of the world population accounted for over 46 percent of global wealth, whereas the poor and the lower middle class have seen relatively marginal improvements in their economic fortunes. In countries like China and India, globalization has lifted millions from poverty. But many have fallen back during the pandemic, with unemployment remaining high.

Intensified globalization has helped to increase popular expectations in rising powers, but class divisions have generated opportunities for savvy politicians to invoke ethnic and racial varieties of nationalism to build support for illiberal policies. In previous eras, working-class solidarity produced social revolutions, but in today's world, other identities, including race, are becoming more prominent. Illiberal politicians have sought to suppress the political and economic rights of minorities whose presence they find threatening to their majoritarian agendas.

Neoliberal policies have also diminished the reach of the state, weakening the protective role it once played. Without welfare programs, the lower and middle classes suffer most, further threatening the security and integrity of fragile states. In some cases—an extreme example is Sri Lanka, where an elected government was toppled in the summer of 2022 as a result of an economic collapse—the weaker sectors of society have none of the cushioning that was once provided by the state in times of crisis.

At the global level, a lack of leadership is clearly visible in a series of issues, such as finding solutions to geopolitical convulsions, climate change, and global health challenges, particularly those caused by the pandemic. Defenders of democracy are scarce; the United States itself is faltering in democratic rankings, making its rhetoric less credible around the world. Democracy previously spread to different countries partly due to supportive policies of the United States and the EU countries. The weakening of its own democratic credentials has undercut America's leadership role in this area.

In previous eras of crisis, the liberal world saw US presidents such as Franklin Roosevelt, Lyndon Johnson, Bill Clinton, Barack Obama, and even Richard Nixon taking leadership roles. During the 2008 financial crisis, the BRICS countries showed much leadership in helping restore global

economic growth, in tandem with easy money policies adopted by Western central banks.

The rise of authoritarian China as a potential model has also challenged democracy, but few other countries have actually followed the Chinese example. Even populist leaders have not fully abandoned democracy, but rather have tinkered with liberal ideals such as minority rights. Expanding membership and tightening relations among the G-7 and NATO may be dual effects of globalization and geopolitical tensions in the years to come, creating a more truncated globalization model. These patterns need not last forever, however. Democratic backsliding could fuel another series of pro-democracy movements in authoritarian states, and social forces could succeed in restoring some of the democratic achievements of past decades.

Despite the nationalist and protectionist policies of states, multinational corporations have an interest in continuing globalization. Many of them will find that domestic markets and internal labor and production facilities are not sufficient to support their survival and expansion. Global technology diffusion, especially among national partners and multinational corporations, is likely to continue. Although political elites are failing to cooperate, multinationals have found ways to shift their operational bases from one country to another and overcome some of the constraints imposed by protectionist policies.

PARALLEL FORCES

In 2022, global travel increased dramatically as pandemic-driven restrictions were relaxed in many countries. People around the world with resources are likely to keep boosting travel and connectivity among countries, even though this

may mean quicker spread of diseases like COVID-19. The relaxation of travel restrictions in countries such as the United States, Canada, Australia, New Zealand, and Japan occurred as a result of the realization that closing national borders cannot stop disease. Vaccination diffusion to different parts of the poorer world was slow, but it did occur, and there has been a growing awareness of the global nature of the challenge presented by the pandemic.

Even when the forces of deglobalization are present, parallel forces of globalization, staggered and truncated, are at work in the world system. Major geopolitical crises and substantial setbacks involving global health and climate change can upset progress. But historically a pattern of “two steps forward, one step back” has prevailed, though intermittently the process has been reversed or arrested.

There is definitely not a linear progression toward unimpeded globalization, but rather a curvilinear pattern—marked by ups and downs, yet persisting. Even countries that adopt deglobalization policies may have no choice but to revert to globalization. That has been evident in the supply chain crisis and the unwillingness of countries to go fully national.

Intermittent victories by authoritarian and populist forces are possible in this period of uncertainty and change. But democratic and progressive forces could reassert themselves globally once again, given that populists have rarely offered sustainable solutions for the national problems they face. This could bring violence and further crises, which will need to be managed and contained. But globalization is here to stay, however truncated it may become. ■

“Resolving the coming wave of debt crises will require not only changes to the international financial architecture . . . but also attention to the domestic political dynamics of countries in crises.”

The Unfolding Sovereign Debt Crisis

LAYNA MOSLEY AND B. PETER ROSENDORFF

A new wave of sovereign debt defaults and restructurings is under way. Lebanon, Russia, Sri Lanka, Suriname, and Zambia are officially in default; Argentina, Ghana, Pakistan, and El Salvador are likely on the brink of debt crises. A decade of easy money has come to a crashing end, the result of the COVID-19 pandemic, the war in Ukraine, surging import prices, and rising interest rates globally as central banks respond to inflationary concerns. Many emerging markets are at risk of default, austerity, and economic and political upheaval.

The mechanisms in place for resolving debt crises are insufficient and in need of reform. But such reform will not succeed without taking account of domestic political constraints in both debtor and creditor countries.

BOOM TIMES

Most governments borrow money; these funds are used to improve infrastructure, to smooth spending across the economic cycle, and in many cases to buy political support and help governments remain in office. Governments borrow from other governments, from multilateral development institutions such as the World Bank, from commercial banks, or by issuing bonds in private capital markets.

Debt—a future obligation—is often more attractive to governments than are current taxes. Though debt obligations eventually require repayment, the burdens fall not on current voters or supporters (or even those important for the next election), but on future ones. Even then, many governments can roll over existing debt into new obligations that mature beyond the political time horizons of incumbents.

The sources and terms of government borrowing are varied. Governments that are deemed to be lower risk tend to borrow from private capital markets, and to do so at low rates of interest and with long maturities. Investors have little worry that such governments will default on their debt contracts. The riskiest of governments, by contrast, can borrow only from official creditors—other governments with a desire to provide finance on concessional terms, perhaps because of their strategic or economic interests, or multilateral banks with a mandate to finance development projects at below-market interest rates. Most low- and middle-income countries fall somewhere between these two extremes, borrowing from a range of official and private creditors, on terms which account for their perceived riskiness.

During the past decade, the supply and nature of sovereign finance shifted significantly. Central banks in the US and Europe lowered interest rates in response to the 2008–2009 global financial crisis; consequently, interest rates in private markets remained low for the next decade. Low interest rates in mature markets resulted in many investors turning to so-called emerging and frontier markets, attracted to the higher returns available.

Many governments, including several in sub-Saharan Africa, were able to issue international bonds for the first time. Rather than borrow from traditional sources such as the World Bank, or from the governments of rich countries, these governments now had access to capital from private markets. Private investors tended to pay little attention to political risk; some governments further reduced investors' perceived risk by securing their debts with natural resource revenues.

Developing countries also became more able to borrow globally in their own (local) currencies, paying slightly higher interest rates or borrowing at shorter maturities in order to do so. Prior to the

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2000s, countries with a reputation for volatile exchange rates, unstable politics, and poor histories of fiscal management rarely found investors willing to buy debt instruments denominated in domestic currency. In 2005, economists Barry Eichengreen, Ricardo Hausmann, and Ugo Panizza described this as the “original sin” faced by emerging markets: even with solid economic policies and stable politics, developing nations were viewed as too risky for domestic currency borrowing.

The expanded global liquidity of the post-2008 recession era, however, brought a reduction in “original sin” concerns. By the mid-2010s, as much as 90 percent of international bond issuance by developing countries occurred in domestic currencies. Left-leaning governments were, all else equal, especially inclined to choose domestic currency denomination, shifting currency risk from governments to investors.

Aside from bondholders and commercial banks, sovereigns also borrow from private companies that have directly made resource-backed loans, or led syndicates making them. Though this type of lending is not new, it too expanded during the previous decade. For instance, approximately one-third of Chad’s debt is owed to commodities trader Glencore and other commercial creditors, and is repaid in part via crude oil shipments.

The post-financial crisis period also was marked by the rise of China as a significant source of credit. China’s Belt and Road Initiative (BRI), formally launched in 2013, provided financing for a range of infrastructure projects in a large set of developing countries. BRI loans were part of a broader program of Chinese economic diplomacy that included making direct foreign investments through state-owned and state-linked Chinese firms, expanding export markets for Chinese products, and securing Chinese access to resource-based commodities abroad. As of 2022, 146 countries had signed BRI cooperation agreements. China (and the policy banks that provide much of the credit associated with BRI) now stands as the largest bilateral official (government) creditor.

NEW LENDERS, NEW PROBLEMS

External debt has reached record levels. In 2021, the overall external debt burden of developing countries stood at \$11.1 trillion, compared with \$4.1 trillion in 2009 and \$2.1 trillion in 2000. Of

this external debt, \$6.5 trillion was owed or guaranteed by governments. Relative to national income, external debt stood at 23 percent of gross domestic product in 2008, and 31 percent in 2021, among developing countries. The share of external debt accounted for by bond financing grew from 27 percent in 2000 to 51 percent in 2020.

Countries have borrowed more, and from a wider range of creditors. For instance, in 2007, following its discovery of oil, Ghana issued its first internationally listed bond and secured its first large loan from China. As political scientist Alexandra Zeitz’s research details, this financing allowed Ghana to reduce its dependence both on foreign aid (rather than on loans) and on traditional sources of aid and loans (including the World Bank). The government touted its new access to capital markets as a validation of the country’s economic progress and its climb up the development ladder. But Ghana today finds itself in need of a debt restructuring.

Credit from private capital markets or from Chinese policy banks also allowed governments to avoid the conditions typically attached to funds borrowed from the International Monetary Fund (IMF), the World Bank, and various regional development banks.

These conditions—some specific to a funded project, others related to macroeconomic policy—often were viewed as constraining debtor governments’ autonomy. Loans from China or international bond issues typically were more expensive, in interest rate terms. But they came without formal conditionality, though they might have included implicit promises to grant favorable market access to China, among other things. (And countries facing debt problems now sometimes turn to China, as Sri Lanka did in 2020, rather than to the IMF.)

Debt instruments are diverse not only in their sources, but also in their transparency. Loan amounts, terms, and conditions sometimes are disclosed publicly; in other cases, they are known only to the debtor government and the creditor entity. Some governments are drawn to debt instruments with significant opacity—citizens, legislatures, and members of the political opposition may be unaware of the terms, or sometimes even the existence, of the loans. Our recent research found that governments with a general inclination to opacity in their fiscal practices

The pandemic only added to debt-related challenges.

tended to access credit from commercial banks rather than from bond issues, and from bilateral official creditors (including, but not limited to, China) rather than from multilateral financial institutions.

In 2013 and 2014, government officials in Mozambique created three new state-owned enterprises, which then borrowed more than \$2 billion (approximately 12 percent of Mozambique's GDP) from commercial banks Credit Suisse, VTB, and BNP Paribas. These loans were taken out without parliamentary approval, in violation of Mozambican law as well as the IMF lending program in place at the time. When the loans came to light in 2016, Mozambique lost access to budget support from various multilateral development lenders, and a corruption probe ensued.

Though Mozambique is an extreme case, linked to a massive scandal involving private bankers as well as government officials, many sovereign loans also involve some degree of nondisclosure. Governments may not disclose all their existing debts; the terms of their debts (the amount, interest rate, maturity structure, and the like) may not be available to their publics or their creditors. In some cases, debt burdens are greater than official statistics indicate.

RISING DISTRESS

Creditor diversity and debt opacity make dealing with emerging debt distress more difficult. Low-income developing countries saw their debt service burdens rise from 3.3 percent of government revenues in 2012 to 9.4 percent in 2019. This rise was partly due to an expansion of the amount of debt, and partly the result of greater reliance on more expensive commercial (especially bond market) and Chinese credit. In 2020, private creditors accounted for nearly 62 percent of developing countries' external debt, up from 43 percent in 2000.

In December 2019, the IMF warned that more than 40 percent of low-income developing country governments were at high risk of debt distress, or already experiencing it. In 2020, 51 countries (including 44 emerging/developing economies) suffered downgrades to their sovereign credit ratings, which measure a country's ability and willingness to repay its debts.

The pandemic only added to the debt-related challenges, as developing country governments faced larger expenditures related to public health, declines in demand for their export products, and

reductions in tourism revenues and remittances from overseas diaspora members. At the same time, as global investors sought safety rather than returns, the supply of available credit declined. This increased risk aversion made the refinancing of existing debt more expensive.

The dire predictions of debt crises made on the eve of the pandemic as well as during its first year did not play out immediately. But 2022 brought yet another round of challenges to developing countries, and a greater sense that such crises are imminent. The newest problems include Russia's invasion of Ukraine, which has exacerbated a rise in global commodity prices.

While such price increases are a boon to commodity exporters, they present difficulties for most developing countries. Sri Lanka, for instance, struggled to pay for food and fuel imports, experiencing severe shortages and record levels of inflation after a decade of fiscal mismanagement by its government. In April 2022, the government suspended payment on all sovereign bonds, initiating what would become the first default in the country's history. The broader economic crisis in Sri Lanka generated mass protests, forcing President Gotabaya Rajapaksa to flee the country in July.

Another recent challenge is rising global interest rates. As the US Federal Reserve and the European Central Bank have raised rates to address growing concerns about inflation, the costs of securing new debt and refinancing existing obligations have increased. Relatedly, the strong and surging US dollar has added to the difficulty of managing debt denominated in foreign currencies. Climate shocks, such as the severe floods in Pakistan in 2022, further intensify the financing challenges in low- and middle-income countries.

SEARCHING FOR A SOLUTION

In the early 2000s, efforts to create a Sovereign Debt Restructuring Mechanism under the auspices of the IMF failed. Today, there is no international analogue to domestic bankruptcy procedures. Restructuring sovereign debt—which can entail reducing the principal owed as well as lengthening the maturity period or lowering the interest rate—has occurred on a case-by-case basis. Ad hoc restructuring makes it difficult for creditors and debtors to know what to expect, further increasing the temptation to hold out—often with negative consequences.

In May 2020, the Group of 20, or G20—an inter-governmental group including 19 countries and

the European Union—launched the Debt Service Suspension Initiative (DSSI). They did so in response to concerns about the capacity of developing countries' governments to balance debt servicing with needed pandemic responses. The DSSI allowed a set of 73 heavily indebted low-income countries to suspend interest payments on their bilateral official debts—owed to governments such as the United States, France, and China—through the end of 2021.

The DSSI entailed only a postponement, rather than a reduction or a cancellation, of debt service. It was based less on an assumption that some debt burdens were excessive, and more on the worry that pandemic-related spending would interfere with debt servicing. Some eligible governments avoided requesting DSSI relief, in part because private market actors, such as credit rating agencies, threatened to downgrade their credit ratings if they acknowledged any difficulties. Nevertheless, by its end in December 2021, 48 countries had opted into the DSSI, postponing \$12.9 billion in debt-servicing payments.

Notably, private sector creditors (the major holders of many developing countries' debt) did not participate in the DSSI. The World Bank's 2022 *World Development Report* estimated that governments with distressed debt have an average of 20 unique creditors, often including bondholders, commercial banks, multilateral development banks, and bilateral official creditors. The same diversity of creditors that allowed governments to better match their forms of borrowing with their domestic political and economic aims complicated the effectiveness of the DSSI, not to mention the resolution of debt crises more generally.

In November 2020, recognizing the complex debt challenges faced by many countries, as well as the limited scope of the DSSI, the G20's finance ministers and central bank governors announced a new initiative: the Common Framework for Debt Treatments beyond the DSSI. Crafted in conjunction with the Paris Club—an informal group of official bilateral creditors, of which China is an observer but not a full member—the Common Framework promises debtor countries a streamlined and routine process for addressing debt distress. It also incorporates “new” official creditors (most importantly China), and is available to the same set of

countries eligible for the DSSI. In announcing the Common Framework, the G20 noted the importance of involving private sector creditors in debt relief and restructuring.

A NEW DEAL?

Thus far, only Chad, Ethiopia, and Zambia have requested debt relief under the Common Framework. Sri Lanka is considered too wealthy, based on its pre-crisis income per capita, to meet the criteria.

The Common Framework restructuring process has been slow to get under way, with Zambia currently furthest along. The process begins with a debt sustainability analysis (DSA), conducted by the IMF and the World Bank, to assess the government's debt servicing needs for the short as well as the long term. The aim is to identify how much debt relief will be necessary to render the debt servicing burden feasible.

These analyses leave room for debate. Zambia's DSA, for instance, envisions no restructuring of domestic-issued bond debt, even though some of these instruments are held by foreign investors. Governments, especially those already facing economic downturns, may question whether a debt servicing burden that is deemed “sustainable” by technocrats in Washington is politically survivable in Lusaka or Colombo.

Once the DSA is complete, the government is first tasked with negotiating with its official creditors (G20 governments); they are later obligated to request terms from private creditors, so that no one type of creditor bears a greater burden. Zambian authorities have set a goal of reaching an agreement with the official creditors' committee by the end of 2022.

Creditor committees typically insist that the debtor country reach an agreement with the IMF, which extends new financing in exchange for reforms intended to restore macroeconomic stability. In late August 2022, the IMF's executive board approved such an arrangement for Zambia, promising \$1.3 billion in financing over 38 months, conditional on a “homegrown reform plan,” and assuming “timely restructuring agreements” with external creditors.

Of course, governments do not always meet the conditions agreed to in IMF programs. Even when they do, these programs do not necessarily prevent

*The political economy of
sovereign debt is a
two-level game.*

the return of crises. And governments may view such programs as detrimental to their political survival, since they tend to impose costs (in the form of spending cuts, higher taxes, or other policy changes) on some domestic constituents.

As of this writing, nearly two years have passed since Zambia's default. Its negotiations with creditors drag on. It is not clear that debtor governments have much sense of the Common Framework's likely timeline and outcomes. Most governments have domestic political incentives to delay stabilization efforts and requests for IMF assistance. They may want to avoid imposing pain on their domestic supporters, even if reforms are necessary for a debt restructuring deal.

Private creditors, meanwhile, have expressed scant willingness to offer debt forgiveness. Such moves reduce private investors' profit margins, and they can provoke domestic backlashes in creditor countries. But long-lasting defaults impose greater pain on developing countries' citizens, prolonging human suffering as well as exclusion from global capital markets.

ROOM FOR IMPROVEMENT

The Common Framework promises "an open and transparent" negotiation process, giving "due consideration" to the specific concerns of the debtor government or any participating creditors. Yet official creditors thus far have been slow to agree among themselves, and private creditors are still almost entirely excluded until the later stages.

Although China (and the state-connected policy banks—the China Development Bank and the Export-Import Bank of China—that have done much of its overseas lending) is not a full participant in the Paris Club, it has been participating in the Common Framework process for Zambia, co-chairing the creditor committee with France. While China has offered some concessions, some of its lending practices—especially the lack of transparency surrounding some of its loans and terms, as well as the degree and terms of its earlier bilateral restructurings—have likely added to restructuring difficulties.

When creditors do not have good information about a debtor country's debt exposure, restructuring becomes more difficult. (These information problems also can stem from a lack of capacity in debtor countries; debt management offices often are not well resourced and may not have a complete picture of all government agencies' foreign obligations.) China has sometimes argued,

depending on the debtor country, that its loans are "private" (because they are made by policy banks, rather than directly by the government) and not "official." Some critics claim that China is using "debt trap diplomacy"—collateralizing loans with resource revenues or taking control of infrastructure projects after repayment difficulties—to gain strategic footholds, especially in Asia and Africa.

According to the World Bank's International Debt Statistics, as of the end of 2020, China accounted for only 10 percent (and bilateral official creditors in total for 26 percent) of the public external debt of low- and lower-middle-income countries. It is worth recognizing that China's participation in global financial institutions and debt restructuring efforts likely depends in part on its own domestic politics. After years of BRI expansion, Chinese financial market elites may tire of its leaders granting debt relief to other countries, either unilaterally or in conjunction with multilateral institutions. While the central bank and finance ministry have generally been supportive of debt relief, the policy banks have sought to avoid losses from writing down debts.

It would be a mistake to attribute all the delays in debt restructuring to Chinese intransigence. Creditor coordination is also hamstrung by diverse creditors' competing interests. Some creditors are motivated by risk and return; others by geopolitics and strategic goals; still others perhaps by an interest in policy reform.

Progress on the Common Framework requires the participation of private creditors, which may—as the DSSI experience suggests—be even more difficult to obtain than the cooperation of official creditors. Private lenders account for the largest share of Zambia's external debt, holding approximately 46 percent of the total. More than half of the Sri Lankan government's outstanding debts are owed to bondholders, many of them US- and European-based institutional investors.

In its current form, the Common Framework's sequencing arguably leaves these private creditors out in the cold. Commercial creditors are only informed of the size of the haircut (the loss imposed on creditors in a debt restructuring) after official creditors have reached an agreement among themselves. Private creditors may question the DSA's assumptions, as they did with Zambia's in September 2022. They may not want to share the costs of debt restructuring and relief, despite their involvement with a sovereign borrower. Their motives typically differ from those of official

creditors, which may have strategic reasons to offer relief and worry less about material returns. Private creditors may be tempted to litigate—suing debtor governments for violating the terms of bond contracts—rather than accept terms comparable to those agreed to by official creditors.

A voluntary mechanism such as the Common Framework faces real difficulties in compelling these private creditors to act. The IMF's recent policy shift regarding "lending into arrears," giving the IMF the option of providing finance to countries in default to private creditors, could help get uncooperative creditors on board, since they would no longer have as much ability to hold up the broader restructuring process.

Another possibility is that governments of powerful countries, especially the United States and the United Kingdom, could compel private creditor participation. A few months ago, the World Bank suggested that statutory measures—legal changes and actions in key financial centers like New York and London—could require greater private-sector involvement. However, the countries currently struggling with high debt burdens may be too small to get enough attention from wealthy national governments to induce them to change domestic debt contract law. A debt crisis in Chad, Ethiopia, or even Sri Lanka is unlikely to capture the attention of lawmakers in the New York state legislature or the UK Parliament. To raise private creditors' cost of nonparticipation, debt and development activists instead might use a version of the "naming and shaming" strategies often deployed by corporate social responsibility campaigns on labor and environmental issues.

The scope of the Common Framework also may need to be expanded to include middle-income countries, many of which had high debt burdens even before the coronavirus pandemic. In recent weeks, Sri Lanka's government has made presentations to various official creditors and bondholder committees in an effort to cobble together a Common Framework-like process.

Some debt activists are calling for a more radical approach involving debt forgiveness rather than restructuring. High debt servicing burdens, they argue, make it very difficult for developing countries to make progress in areas such as education, health, and climate change mitigation and adaptation. Reducing debt burdens would allow governments to direct their attention to issues fundamental to their populations' well-being.

THE DOMESTIC POLITICS OF DEBT

In the absence of support for a more radical approach, debtor governments must decide whether the Common Framework is attractive. But governments worried about their survival in office are unlikely to participate in a process that includes severe IMF-backed austerity measures, typically known as structural adjustment programs. For the international financial architecture to work, it must be cognizant of the domestic political constraints faced by borrowers, particularly in times of economic crisis or ahead of elections.

The political economy of sovereign debt is a two-level game (to use a phrase coined by political scientist Robert Putnam in the late 1980s). At the international level, governments bargain with creditors, and creditors bargain with each other. Governments may attempt to convince creditors to accept larger haircuts, while creditors may pressure governments to commit to structural adjustment prior to the receipt of debt relief or the extension of new financing.

At the domestic level, governments (whether facing debt crises or not) worry about their political survival. Any choice a government makes—restructuring, default, or timely repayment—has distributional consequences. Some groups bear a burden; others reap benefits. To what extent will a default damage the interests of domestic holders of debt? Will austerity harm constituents with political voice? How might default affect politically well-connected local firms' access to foreign credit? How does the proximity of national elections complicate decisions regarding whether to pursue or delay economic reform? Debt restructuring is, fundamentally, a domestic political challenge.

Any solution to any country's debt crisis therefore must work at both the domestic and the international level. Resolving the coming wave of debt crises will require not only changes to the international financial architecture, now marked by the presence of a diverse set of creditors, but also attention to the domestic political dynamics of countries under stress. These dynamics vary across time and across countries, making "one size fits all" solutions inadequate for addressing the end of the easy money era. Rather, creditors and international organizations must work with debtor countries' governments to find workable solutions to the two-level game of sovereign debt. ■

“[P]erhaps the biggest tension is between stimulating competition to promote innovation and regulating the data flows that power the platform economy.”

The Push to Regulate Digital Markets and Services

PAWEL POPIEL

In the eyes of policymakers and much of the public, major digital platform companies were once synonymous with the democratization of communication, economic growth, technological efficiency and convenience, and endless, disruptive innovation. Even in the face of apparent crises, like Edward Snowden’s 2013 disclosures about platforms’ collaboration with various national security agencies in global surveillance programs, the services they offer and the markets in which they operate had remained largely free from external scrutiny. Yet now they have become the targets of countless and growing international regulatory inquiries, proposed and passed legislation, and public opprobrium over issues ranging from the viral spread of disinformation to their entrenched market power.

The public backlash against dominant platform companies signals a political awakening to their services’ quiet but ongoing entrenchment in key political processes, their expansive reach into and power over a growing number of markets, and their transformation into social infrastructures on which we increasingly depend for accessing the news, communicating with others, seeking jobs, engaging in commerce, and many more daily activities. This international backlash follows major political shifts to which platforms’ content flows may have directly contributed, including the 2016 US election of Donald Trump as president and the UK Brexit referendum the same year, as well as atrocities like the Rohingya genocide in Myanmar. Such events revealed the political stakes of the speech flowing across these digital services. The global COVID-19 pandemic only further illuminated growing public dependencies on digital

platforms in times of crisis, as did their parent companies’ ensuing record-breaking profits.

Although regulatory oversight previously had been scant, policy efforts to regulate digital platform services since 2016 have grown in analytical sophistication, acquired political momentum, and started to produce legislative and regulatory interventions. They have also involved significant cross-border collaboration and dialogue between regulators. But the emerging policy frameworks—which tend to focus on the triptych of content, data, and market power concerns—show degrees of variation, by region and by policy domain, and reflect different normative and policy goals.

While the biggest technology companies operating infrastructural platform services—Alibaba, Alphabet, Amazon, Apple, Baidu, Meta, Microsoft, Tencent—operate internationally, their governance and regulation is increasingly defined regionally and locally. Whereas the Chinese platforms are largely state-controlled, Western platform companies have strong incentives to oppose and shape regulatory policy endeavors. Accordingly, many of the largest US-based tech companies deploy substantial resources to lobby policymakers and influence public discourse on platform regulation to maintain their dominant positions. The confluence of varying normative commitments underlying policy goals, numerous policy focuses, and active efforts by platform companies to shape policy discussions produces tensions and trade-offs that characterize the growing international responses to digital platform services.

RATIONALES FOR REGULATION

To understand the assumptions, goals, and normative commitments motivating the efforts to regulate platforms, it is worthwhile to look at their

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origins. Like earlier information and communication technologies—from broadcast radio to cable television and the commercial Internet—the emergence of platforms contested existing regulatory frameworks. These paradigms, which govern digital information and communication flows, were drafted before platform services became central to online activities from communication to commerce. Often, these frameworks were tethered to clear distinctions between broadcast, telecommunications, and computing technologies and their uses.

As new technologies and business models blurred these distinctions through processes of digitization (the conversion of analog information to digital formats) and technological convergence (such as between telecommunications and computing), policy blind spots and gaps emerged. For instance, telecommunications services were treated as neutral conduits, responsible for delivering content and maximizing public access to their services, but not liable for the information flowing through their pipes. Yet content “publishers” like news media organizations could face liability for certain classes of defamatory or otherwise problematic speech. Communication platforms like YouTube and Facebook blurred these key regulatory distinctions. Neither content producers nor neutral conduits, these platforms benefit from liability exemptions for the speech that flows across their services, while carefully curating it using largely algorithmic sorting processes.

Such policy gaps went unaddressed for over a decade. The concerns platforms raised had not gained public salience, partly due to regulatory reticence, and partly as a result of maneuvering by major tech companies. Positioning themselves as engines of innovation and rapid economic growth, platforms were embraced by policymakers as fast-moving disrupters of markets, from media to shopping and taxi services. The affordances they provided, such as allowing users to bypass legacy news organizations to share news and political information, were perceived as naturally decentralizing and democratizing communication flows. Reflecting a prevalent neoliberal policy slant, their presumed breakneck pace and relentless innovation came to be seen, particularly in the United States, as ungovernable. Regulation was

often invoked as the antithesis of tech-driven innovation.

The largest of these firms were embraced by the public. They also partnered with governments on issues ranging from cybersecurity to developing technology policy. When Snowden exposed the tight-knit collaborations between Internet companies, including digital platform incumbents, and national security agencies in the United States, the UK, and other Western countries, governments bore the brunt of public outrage, rather than the tech sector.

Cracks in tech dominance were becoming visible, as digital privacy issues drew more public attention and regulators imposed a handful of fines for privacy and competition violations. But the current, more concentrated backlash emerged amid a series of political shifts that alarmed many policy elites, raising concerns about the stability of democratic institutions in the face of right-wing populism. These included Trump’s election, the victory of the “Leave” campaign in the Brexit referendum on exiting the European Union, and a series of other right-wing populist election wins from Europe to Latin America. The extent to which platforms contributed to these political outcomes is far from empirically clear. But early research suggesting that political disinformation on platforms played a decisive role—offering a tidy technological answer to complex political and economic developments—attracted policymakers’ attention.

The scrutiny of platforms as potential sites of disinformation that destabilize elections intensified following 2018 revelations about political consulting firm Cambridge Analytica, which provided services to the Trump presidential campaign and was key to the success of the Brexit “Leave” campaign. It was reported that the firm had obtained Facebook user data without users’ consent, and then used it to train algorithms to target other Facebook users with political ads.

These events revealed that the same affordances that democratized and decentralized communication also enabled the use of behavioral advertising algorithms to fragment and select voting blocks for disinformation campaigns. Subsequent high-profile controversies—such as one sparked by Facebook’s failure to stop a white supremacist’s livestream of his March 2019 terrorist attack on

*The emergence of platforms
contested existing regulatory
frameworks.*

two mosques in Christchurch, New Zealand, from going viral on its platform—demonstrated the public consequences of platforms' content moderation practices.

As governments grappled with imposing public obligations on platforms for the content they host and curate, a second critique emerged in policy circles focused on incumbent tech companies' growing market power. Frustrated with ineffective regulatory fines that were often written off as a mere cost of doing business and so failed to deter anticompetitive behavior, as well as with competition regulators' lax scrutiny of big tech mergers and acquisitions, these critics pointed to platform incumbents' central gatekeeping positions in key markets.

Amazon's dominance in e-commerce, Facebook and Google's duopoly in digital advertising and gatekeeping in digital news distribution, and Apple and Google's dominance in mobile app stores represented classic market power concerns that contested discourses about the tech sector's ceaseless creative destruction and decentralization. These concerns were especially pronounced since many of the services dominated by these companies fulfill key public functions, like information and news provision, and consequently resemble social utilities or social infrastructure. At the same time, the value of these services stems from the very network effects that, coupled with efficiencies related to economies of scope and scale, contribute to these companies' dominance. These dynamics became especially clear during the pandemic, which revealed the public dependence on dominant platforms for everything from health information to grocery shopping, fueling record-breaking profits. In response, a robust international policy debate focused on reforming competition laws and their enforcement to effectively address platforms' market power.

The twin concerns about problematic content and market dominance are linked with concerns about data collection, quantification, and commodification. User data powers content moderation and curation algorithms and informs business strategies to dominate markets. But big data quantification poses its own distinct set of concerns, including algorithmic discrimination based on socially salient categories like race and gender, and the impact on user autonomy in online and increasingly offline spaces. Data-powered labor management systems, like those employed by Amazon in its warehouses or those at the heart

of the gig economy typified by companies like Uber or Postmates, contribute to greater labor precarity, worker atomization, and workplace surveillance. The opacity, complexity, and inscrutability of algorithms powering the platform economy, their growing entanglement with the public sector and the military, and the problems with data storage and processing (from cybersecurity to carbon footprints) all raise a host of concerns with which policymakers are only beginning to grapple.

EMERGING FRAMEWORKS

The policy frameworks for digital platform markets emerging internationally share overarching themes in their focus on content, data, and market power concerns. Due to the transnational scope of the biggest platform companies and close international dialogue among regulators—particularly those in the United States, Australia, and Europe—some proposed policy interventions overlap and align, especially in the domain of competition policy. Data concerns either fall under the purview of existing frameworks, like the EU's General Data Protection Regulation (GDPR) and Brazil's General Data Protection Law (LGPD), or are considered in relation to competition concerns. But greater variation exists in the highly politicized and user-facing area of content regulation, which reflects different countries' speech norms and policy goals.

In a striking reversal of the hands-off approach that had lasted more than a decade, competition policy interventions have lately attracted significant attention from policymakers. A growing number of high-profile antitrust investigations are under way or have concluded in the EU, the United States, the UK, China, India, South Korea, Japan, and other countries. They tackle a range of anticompetitive practices, such as illegal tying and bundling (Google tying app developers to its app store and payment services) and self-preferencing (Amazon privileging its own products over those of smaller competitors on its e-commerce site). Aside from being time-consuming and resource-intensive, such investigations must also grapple with legal and regulatory frameworks that fail to capture competitive dynamics in platform markets.

Consequently, proliferating inquiries and draft legislation focus on updating these frameworks to make tech mergers and acquisitions more costly and difficult; to mandate data portability and interoperability to facilitate competition on and

with platforms; and to separate lines of business to prevent platforms from leveraging dominance in one area to acquire it in another (as with app store dominance and payment services), among other structural interventions. The prominence of these policy solutions over other approaches stems partly from concerns about the size of the largest platform companies and partly from the belief that other concerns, including the circulation of disinformation and threats to privacy, are downstream from market power. Put differently, there is a widely held faith that greater competition will help induce better content moderation and data practices.

Many countries' consumer protection regulators effectively serve as the front line against data-related harms. These include cybersecurity threats and improper data collection practices, such as obtaining and processing data without user consent. But aside from occasional fines for egregious abuses, data protection frameworks vary in the range of protections they offer users. Expansive legislation like the EU's GDPR and Brazil's LGPD seeks to minimize commercial data collection, establish basic user rights with respect to companies that collect and process their data, and impose often complex opt-in consent regimes to empower user choice. Comparatively, countries like the United States offer minimal data protection, requiring users to actively opt out if they do not want their data collected, which is often unrealistic given the dominant platform companies' extensive reach over the commercial Internet.

The variation in data protection also can be found at the subnational level, as in the case of the state of California, which passed its own privacy law that exceeds federal US protections, hewing closer to the obligations set out in the GDPR. Going even further, cities like Barcelona have launched public, municipally governed data trusts that pool user data and empower residents to decide how their data is managed. Such initiatives respond to the growing recognition that big data provides population-level insights whose consequences extend beyond the individual. For example, Cambridge Analytica's political ad targeting reached Facebook users whose data was not obtained by the firm, but who shared characteristics with those whose data was collected. Trusts operate on the logic that individual consent requirements do not

address such harms, whereas accountable public governance of datasets and their uses might do so.

As big data, with its potential for monetization, becomes increasingly central to the global economy, many countries have made efforts to harmonize their data protection frameworks with the GDPR by offering consumer protections, while facilitating international business and capital flows. Aside from draft bills that seek to curb practices like behavioral advertising, however, most policy proposals related to platforms' data processing focus on wresting data flows from the most dominant players. Interventions like data portability (the ability to move one's data from one platform service to another) and interoperability (providing platform access to competitors) dovetail with competition policy goals rather than privacy protections. They seek to make it easier for users to move from one platform service to another and for competitors to develop complementary services (such as competing messaging services that can exchange messages with WhatsApp users), with the overarching goal of incentivizing innovation and competition.

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CONTENT CONTROL

Since the information and communications sectors play a fundamentally political role in society, shaping the conditions that determine who can access information resources and participate in the public sphere, dealing with speech issues in these sectors is inevitably a highly contested, political process. The greatest policy variation exists in policies addressing the most politicized concerns related to the content flowing across platform services, from hate speech to disinformation. The range reflects different approaches to regulating public speech.

For example, Germany's controversial 2018 Network Enforcement Act imposes strict liability and massive fines on platforms for failure to quickly remove content that violates national laws, such as those banning hate speech. In its landmark Digital Services Act (DSA), currently pending final approval by member state governments, the EU has drafted a less aggressive approach, leaving room for member states to add further requirements. This legislation imposes content obligations on the largest online platforms, such as developing codes of conduct with civil society, providing transparency about how their algorithmic

recommender systems sort user content, and offering avenues for users to contest content moderation decisions. Thus, the DSA provides baseline user protections, while limiting direct government regulation of speech flowing across platforms.

On the surface, US law, including the First Amendment to the Constitution and Section 230 of the Communications Decency Act, which exempts intermediaries from liability, ensures that platforms cannot be held liable for most content flowing across their services. Most efforts to tackle problematic content originate from platforms, often in response to civil society or public pressure. But debates about content moderation are increasingly fractured by politics, particularly since Twitter and Facebook deplatformed Trump following his comments in the aftermath of the January 2021 attack on the US Capitol by his supporters. Right-wing politicians invoked Trump's removal as evidence of social media censorship of conservative speech, even as an internal Twitter study found that the platform disproportionately amplifies conservative over liberal content.

In 2021, the state of Texas passed a law making it illegal for dominant platform companies to take down content posted by any state resident based on their political viewpoint. Though the Texas law faces legal challenges, a similar effort to prevent deplatforming is ongoing in Florida. Such initiatives are thinly veiled governmental incursions on speech flows for political reasons, intended to thwart private content moderation. Although they purport to prevent censorship, they ultimately undermine efforts to remove hate speech and related problematic content associated with the far right. As a result, they fall on a spectrum of other highly political efforts to control content flows—from Poland's proposed social media law calling for the creation of what would effectively be a government-run speech council to oversee platform content moderation, to the Chinese approach involving strict censorship of content considered politically harmful.

The 2021 passage of Australia's News Bargaining Code points to another approach to dealing with problematic content like disinformation—by bolstering traditional news media. The law targets the sizable advertising revenues that dominant technology platforms enjoy due to users' increasing reliance on their services for access to content produced by news outlets. For years, platforms like Facebook have been able to cannibalize these revenues at the expense of the already

struggling news sector. Under the new law, dominant platform companies must negotiate agreements with Australian news media organizations to fairly share these revenues. Such bargaining approaches are also in various stages of consideration in countries like Brazil, Canada, India, and the United States. Ultimately, they seek to rebalance the power dynamics between platforms (and the digital markets they dominate) and news publishers.

THE POLITICS OF REGULATING PLATFORMS

These initiatives signal a widespread push to rein in the entrenched power of the largest tech companies. But as of this writing, only a small number of laws addressing platform markets have passed, and most efforts are still at the inquiry or draft bill stage. As a result, the effects of these proposed interventions are unclear. Any legislation that has been enacted is especially consequential and is scrutinized by policy observers in other countries.

The EU has maintained a first mover role in regulating digital platforms, strengthened by its expansive regulatory infrastructure. Its impending DSA, which focuses on online safety and illegal content, and the Digital Markets Act (DMA), intended to stimulate competition in concentrated platform markets, articulate a set of sweeping reforms whose enforcement and effects will be closely watched. In the US Congress, a recently passed update to a narrow merger law and a slew of draft bills indicate similar goals, particularly regarding platform competition. Although the draft bills face uncertain prospects in a highly polarized political climate, the United States has incentives to partially harmonize its approach with the EU's in order to offset China's economic power and its firewalled but immense platform sector.

These efforts to regulate digital platforms are political in at least two senses. First, they reflect the underlying normative and ideological commitments that shape regulatory approaches to the platform economy. Second, more overtly, these initiatives are often products of a clash of political interests, not least those of dominant platform companies themselves. This produces tensions and trade-offs in regulating digital markets.

Collectively, the proposed interventions signal a commitment to a privately run platform economy, regulated through competition and varying public obligations. They reflect the common belief that regulated market mechanisms will induce

better content moderation practices, stronger privacy protections, and more publicly responsive business models. The scant evidence for this belief is mixed. TikTok, Facebook's biggest competitor, has content moderation problems similar to those of other platforms and offers similar privacy protections (while raising policymakers' concerns about surveillance and cybersecurity as a result of its being based in China). Other competitors, like alt-right social media platforms Parler and Trump's Truth Social, have weaker content moderation mechanisms.

In effect, the largest platform services seem best poised to offer the kind of resource-heavy content moderation systems that can address the online harms that policymakers target. But this is at odds with policymakers' competition goals. None of the regulatory initiatives attempts to fund new mixed-ownership or public platforms, or to protect existing ones as alternatives to dominant privately owned giants. Doing so could incentivize more democratic platform governance structures.

Efforts to address the declining news industry by empowering news organizations to negotiate larger shares of digital advertising revenues from digital platforms introduce similar tensions. These agreements presuppose the existence of a small number of large platforms, potentially undermining greater competition in platformed news distribution. They also naturalize user data flows that produce digital advertising profits, and thus may be at odds with stronger data protection.

Indeed, perhaps the biggest tension is between stimulating competition to promote innovation and regulating the data flows that power the platform economy. Despite baseline privacy protections in existing and proposed laws, most policy initiatives do not contest private governance of data infrastructures. Though doing so could be socially beneficial, policymakers tend to treat user data as a key input for competition and innovation, and are wary of excessive restrictions that may unduly dampen the digital economy. Consequently, pro-competitive interventions like mandated interoperability and data portability empower user rights with respect to selecting services that access and process their data, but they do not fundamentally challenge existing data flows.

As these data flows become increasingly complex and entangled, complicated consent regimes may do little to help users manage their data or to address population-level effects of big data

analytics. Moreover, governments may have incentives to access these data flows for surveillance purposes, which could also limit strong data protections. For instance, the Indian government proposed a draft data protection law designed to keep user data within its borders to fuel its expanding data economy, but withdrew the draft in August 2022 after public protests over provisions enabling state access to the data.

INFLUENCE OPERATIONS

Aside from policymakers, no entities are as invested in the outcome of these policy developments as the platform companies themselves. Though a range of actors participate in these policy debates, dominant platform companies bring immense lobbying and public relations resources to bear on them. They also recruit high-profile attorneys, economists, and former regulators to help them navigate the regulatory landscape and tactically exert soft power within often tightly knit policy networks.

This influence is far from absolute, as shown by the growing international scrutiny and the passage of laws in jurisdictions like the EU. Despite a highly publicized decision by Meta to pull news from its main social media service in Australia in response to the country's proposed news bargaining code, the law passed, and the company resumed offering these services. Yet tech giants retain the ability to obtain legislative and regulatory concessions, suggesting that the battle over regulating the platform economy is increasingly about tactical victories rather than paradigm shifts.

Having accepted that regulation is inevitable, dominant platform companies attempt to limit its scope, especially by challenging competition policy interventions that they view as an existential threat. First, they exploit the West's tensions with China by invoking growing competition from Chinese platforms and attendant cybersecurity threats, positioning themselves as the frontline defense against these dangers.

Second, they capitalize on regulators' inability to actively monitor platform activity at scale, presenting themselves as key co-regulatory partners that offer algorithmic solutions to policymakers' concerns over content and other issues. They argue for the relative ease of regulating a few centralized intermediaries, as opposed to a long tail of many dispersed, smaller services.

Meta CEO Mark Zuckerberg and the company's president of global affairs, Nick Clegg, have both

repeatedly stressed the benefits of working with a dominant Facebook to tackle content concerns in the digital public sphere—and the coordination costs of doing the same with many smaller platforms. Likewise, both Apple and Google emphasize the advantages of their size in rooting out malicious apps from their app stores. These arguments may not slow the growing number of interventions like data portability, interoperability, and stronger merger restrictions, but they could persuade policymakers to centralize content regulation via co-regulatory arrangements with a few large players, preserving the scale of dominant platform services.

BALANCING INTERESTS

Ultimately, as the 2020 report *Canada's Communication Future* put it, many policy initiatives to govern the platform economy aim to forestall the possibility “that users may seek ways to disconnect, or may demand strict rules that could stifle innovation.” The emerging policy frameworks attempt to balance market competition in the service of innovation with varying data protections that do not excessively restrict monetizable data flows. Concurrently, news bargaining agreements

and stricter content rules for dominant platform services all exist in tension with the desire to decentralize the platform economy.

It is far too early to speculate about the effectiveness of these interventions, many of which have not yet materialized as legislation. But the idea of a single, global Internet with unfettered information flows, which featured in Western geopolitical discourse for over two decades, is no longer a topic of policy debate, much less a reflection of reality. Policy approaches to regulating platform markets differ by region and by policy domain.

On the one hand, efforts to regulate content at the app layer of the Internet in response to concerns over political disinformation, health misinformation, and related phenomena vary internationally, reflecting a mosaic of normative concerns and political commitments. On the other hand, there is evidence of coordination on the competition policy front, along with economic pressures to harmonize baseline data protections. As regulators attempt to balance these protections against pressures to cultivate regional data markets and facilitate international data flows, familiar questions persist about whose interests will define regulated platform economies: public or private? ■

“*Dobbs* highlights the contrast between an insular, nationalist, anti-globalist, and pro-sovereignty approach and a universalist human rights strategy for achieving reproductive rights, health, and justice.”

Global Reproductive Governance after *Dobbs*

LYNN M. MORGAN

When the US Supreme Court in a decision handed down in June 2022 stripped away the constitutional right to abortion and gave decision-making power over the matter back to the states, people wondered how other countries might be affected. There is no doubt that the impact of *Dobbs v. Jackson Women's Health Organization* will be felt most acutely by citizens of the 14 states that, at last count, had already taken advantage of the ruling to ban most or all abortions. But as legal chaos and medical uncertainty ensues within the United States, the *Dobbs* decision also sheds light on the workings of global reproductive governance as a growing antiabortion coalition threatens reproductive rights movements elsewhere.

In 1973, the *Roe v. Wade* decision was said to set an example for the world, because it made the United States one of the first countries outside of Western Europe to legalize abortion. Over the past 25 years, more than four dozen countries have liberalized their abortion laws, according to the Center for Reproductive Rights. Abortion is now legal even in some predominantly Catholic countries, like Ireland, that once banned the procedure entirely.

The most dramatic reversals happened quite recently in Latin America. Argentina legalized abortion in 2020, following Uruguay, which had done so in 2012. The Mexican constitutional court decriminalized abortion in September 2021. In February 2022, Colombia's constitutional court legalized abortion through 24 weeks of gestation, giving it the hemisphere's second most liberal abortion laws, after Canada. It is a truism of the abortion rights movement that “victories in one

country inspire other countries,” as Mariana Ardila of Women's Link Worldwide said. But if the United States was a trendsetter when it legalized abortion in 1973, will it also set a global precedent in 2022 by reversing that ruling?

MAPPING THE DEBATE

There is a broad consensus across United Nations human rights agencies that governments should protect gender rights and that the decriminalization of abortion will enhance the equality, dignity, health, and right to life of pregnant people. This consensus began to coalesce decades ago, culminating in the International Conference on Population and Development in Cairo in 1994 and the Fourth World Conference on Women in Beijing in 1995. Since then, and notwithstanding the *Dobbs* decision, many national governments and scores of nongovernmental organizations have continued to promote sexual and reproductive rights, with increasing support from courts and legislatures. Just three months after *Dobbs*, the Supreme Court of India issued a decision allowing pregnancy termination until the twenty-fourth week of gestation, regardless of marital status. Such legal changes are possible only because of a shift in cultural attitudes, led largely by feminist organizers. The Colombian Causa Justa movement, for example, led a campaign to “socially decriminalize” abortion, educating the public about the importance of reproductive integrity and autonomy.

In this global context, the *Dobbs* decision looks like a step backward. Of all the countries that have changed their abortion laws in the twenty-first century, reproductive rights supporters note that the United States is among the very few—including Nicaragua (2006), Honduras and Poland (2021), and Hungary (2022)—to have limited the grounds for voluntary interruption of pregnancy.

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Those countries also happen to be sliding toward authoritarian rule, an observation that led a *Washington Post* columnist to caution that the rollback of reproductive rights is everywhere “consistent with declining democracy.”

The Center for American Progress went further, warning that the *Dobbs* decision places the United States alongside “notorious rights-abusing regimes.” The Guttmacher Institute declared that the ruling makes the United States an “outlier on the global stage.” The dissenting justices—Stephen Breyer, Sonia Sotomayor, and Elena Kagan—agreed, noting, “The global trend . . . has been toward increased provision of legal and safe abortion care.”

From the perspective of a growing coalition of antiabortion groups, however, the *Dobbs* decision looks like a step forward. Members of this coalition include Christian religious and right-wing organizations, many of which are based in the United States with overseas affiliates: ADF International, the American Center for Law and Justice, C-Fam, Family Watch International, Focus on the Family, the Heritage Foundation, Human Life International, the Political Network for Values, and the international wing of Concerned Women for America, among others. Their movement depends on forging alliances between antiabortion and profamily NGOs, religious fundamentalists, and right-wing politicians, both nationally and transnationally.

Members of the coalition have united around the claim that UN treaty-monitoring bodies have fabricated new rights that do not exist in international law and forced them on other countries against their will. One of their slogans is: “There is no international right to abortion.” They agree that the United States is an outlier, but of a different sort. They claim that the US government coerces other countries to legalize abortion, and that the *Roe* decision was out of step with international trends by not limiting pregnancy terminations after 14 weeks of gestation, as many European countries do. Elyssa Koren of the conservative Christian legal advocacy organization ADF International argues that the justices were right to resist outside pressure, and she hopes that *Dobbs* will inspire the global prolife movement.

The antiabortion movement is currently working to expand its global reach. Tensions are

perhaps highest on the floor of the UN, where many progressive global reproductive rights policies originate. Although the United States is a major UN funder and claims to champion universal human rights, historically it has refused to sign or endorse many UN human rights treaties. This makes the US role decisive for both sides, because Washington may choose to support or obstruct UN initiatives. The United States is one of the few countries that have not ratified the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which protects women’s sexual and reproductive health rights.

Inconstancy by the United States at the UN is mirrored by partisan polarization at home. When Republicans are in power, they enforce the Mexico City Policy (also known as the Global Gag Rule), which prevents US foreign assistance from funding organizations that provide abortions or advocate for abortion rights. The Trump administration was particularly receptive to the antiabortion lobby, appointing numerous antiabortion activists to top

government posts and allowing them to represent the United States in UN forums. When the Democrats are in power, they rescind the Global Gag Rule and return to supporting sexual and reproductive health and

rights in foreign policy and at the UN.

The global antiabortion movement is ideologically anti-globalist. Its members regularly assail “international pressure” on countries to legalize abortion, even as they assemble and empower a global coalition to do the opposite. In the *Dobbs* decision, only the dissenting justices mention the global trend toward expanding safe and legal abortion care. The majority stubbornly ignores the legal logic developed by constitutional courts in other countries.

The *Dobbs* ruling rests on two key arguments: (1) the US Constitution does not confer any right to obtain an abortion; and (2) any constitutional right to abortion requires evidence that the procedure is, as Justice Samuel Alito wrote, “deeply rooted in this Nation’s history and tradition.” Not once in its 80-page opinion does the majority discuss how the global reproductive landscape has changed since *Roe*, or how global trends might affect the US conversation. The words “United Nations” and “human rights” do not

*The antiabortion movement
is working to expand
its global reach.*

appear in their text. With these omissions, the majority reveals its partisan inclinations and disavows the importance of global developments. Foreign observers may care about what the justices say, but the justices apparently do not reciprocate.

BRUTAL CONSEQUENCES

Abortion rights supporters argue that by allowing states to ban abortion outright, the *Dobbs* decision discriminates against those who are already disadvantaged in American society: poor people, young people, immigrants, incarcerated people, indigenous people, and people of color. Abortion bans will expose them to greater economic hardship, surveillance, prosecution, and criminalization.

By forcing people to carry pregnancies they do not want and bear children they cannot support, the *Dobbs* decision calls up dystopian memories of Romania. Between 1966 and 1989, the Romanian dictator Nicolae Ceaușescu prohibited birth control and abortion. The resulting boom in unwanted pregnancies led to back-alley abortions and forced childbearing that left thousands of women dead and children abandoned in dismal state-run orphanages. This legacy still lingers, amid reports that abortion is again becoming harder to access in Romania.

There are many other examples of how abortion bans lead to tragedy. Ireland's infamous Magdalene Laundries were operated by Catholic nuns to house unwed pregnant women whose infants were often stolen and given away in illegal adoptions. Ireland saw more heartbreak in 2012, when a 31-year-old dentist, Savita Halappanavar, died in Galway of sepsis during a miscarriage. Doctors blamed the country's abortion laws for preventing them from performing an emergency pregnancy termination, even as Halappanavar's condition worsened and it became clear that the fetus could not survive.

The brutal consequences of abortion bans are also evident in El Salvador, which banned all abortions in 1998. Zealous enforcement of the law led to several poor women being convicted of aggravated homicide after suffering obstetrical emergencies. Some were later released from prison, but only after a 2021 ruling by the Inter-American Court of Human Rights. Although the United States has never been a paragon of reproductive justice, these stories are a reminder that the *Dobbs* decision could make things much worse.

AN ENERGIZED MOVEMENT

The global antiabortion coalition views the *Dobbs* decision differently—as a step toward a world that values life from conception to natural death. An amicus brief filed in the *Dobbs* case bore the signatures of 141 antiabortion lawyers and politicians from several countries, anticipating a day when “states [will] have the sovereign right under international law to protect the lives of the unborn.” The *Dobbs* decision energized this movement.

As Human Life International stated, “If the largest, most powerful democracy in the world can turn its back on legalized abortion, then maybe pro-lifers in nations worldwide can bring about the same outcome.” Similarly, the Political Network for Values, a self-described global platform to promote family, life, and freedom, anticipates that a global “domino effect” in the wake of *Dobbs* could halt the momentum to establish abortion as an international human right.

States approach matters of reproductive governance from different starting points. Liberal democratic governments tend to expand reproductive and sexual rights—often (but not always) including the right to abortion—in the name of enhancing gender equality, bodily autonomy, dignity, nondiscrimination, and economic opportunity. Conservative, authoritarian, and populist governments, on the other hand, often oppose reproductive and sexual rights. They create common cause with fundamentalist religious factions, like-minded nations, and right-wing NGOs, often scapegoating women and sexual minorities for a rash of social ills. They blame the allegedly radical abortion agendas and gender ideologies of their opponents for stoking social anxieties and economic precarity, while wrapping themselves in nationalism and claiming to represent the traditional values of life, faith, and family.

This is the dark side of global reproductive governance, where right-wing governments and organizations are trying to wrest sexual, reproductive, and family matters from the realm of international human rights. Their short-term strategy is consistent with the *Dobbs* ruling: they want to return the authority for regulating abortion “to the people and their elected representatives.” Their long-term goal is to outlaw abortion and compel states to protect prenatal life, in ways that are not inconsistent with Catholic doctrine.

The *Dobbs* decision is a perfect example of how this strategy operates. It offers a model for how to

invoke local culture, history, and traditions in the service of sovereignty and states' rights, while disregarding popular opinion or international trends. It is consistent with the global coalition's playbook, which holds that sovereign nation-states should be allowed to set their own laws related to life and family matters, based on their unique history and traditions, without international interference from multilateral bodies. But historians charge that such claims about history and traditions, like those in the *Dobbs* decision, are often selective and inaccurate.

IGNORING INTERNATIONAL HUMAN RIGHTS

One glaring omission in the *Dobbs* decision is any consideration of international human rights. This is not too surprising. Conservative US Supreme Court justices typically reject the relevance of international law. The late Justice Antonin Scalia said that while foreign law may be instructive, it is irrelevant to interpreting the US Constitution. But why would antiabortion conservatives be so obsessed with denying an international right to abortion, if they consider it irrelevant? C-Fam explained it this way: "The strategy of abortion-rights groups is to capture UN agencies and the UN human rights machinery, get them to recommend the legalization of abortion internationally, and thereby allow abortion lobbyists to claim in national courts that a customary, international human right to abortion has emerged."

If this happens, antiabortion legal scholar William Saunders predicts dire consequences for the United States. It is imperative, he says, to prevent abortion from being "viewed as an international norm," because that might allow a future Supreme Court to decide that abortion is permissible despite the overturning of *Roe*. Antiabortion activists further worry that if this happens, any entity that opposes abortion could be labeled a human rights violator.

By refusing to acknowledge international norms and treaty law, the US Supreme Court insists that the international community respect its sovereignty. Sovereignty is a key word within the global antiabortion movement. Trump administration statements used it frequently, as when the US State Department submitted a memorandum to the UN Human Rights Council stating, "The United States believes in the sovereign right of nations to make their own laws to protect the unborn, and rejects any interpretation of international human rights to require any State to provide access to abortion."

This allowed antiabortion activists to step up attacks against the Organization of American States (OAS), which oversees the regional human rights framework. Rulings by the Inter-American Court undercut their ability to rely, as they once did, on a prolife reading of the American Convention on Human Rights. It was at their behest that then-Secretary of State Mike Pompeo cut funding to the OAS in 2019, after Republican senators charged the Inter-American Court and its sister organization with promoting abortion across the hemisphere. Animosity toward the OAS prompted a contingent of US antiabortion groups to hold up OAS Secretary General Luis Almagro's reelection bid in 2020, until he relented to their demand to support a "fundamental" right to life. The anti-abortion coalition pressures the OAS to support some rights over others in the name of sovereignty.

Although the *Dobbs* decision has no direct bearing on the realm of international human rights, it is consistent with an approach that favors national constitutions over international law. It gives fodder to those who wish to shield states from the purview of international human rights accords, agencies, and courts when it comes to setting abortion policy. It shows that a constitutional court can prioritize radical sovereignty, putting the nation's purported history and traditions ahead of international treaty obligations. And it allows religious activists to cite *Dobbs*, as ADF International did, in affirming "that states have an important interest in limiting abortion and protecting 'vulnerable and innocent life' from the moment of conception." The court's emphasis on states' rights is instructive, and the global antiabortion coalition is heedful.

CONSTITUTIONS AND VALUES

Abortion activists on either side of the issue always want national constitutions to reflect their values, which explains why so many constitutional reforms center on abortion. Ireland's abortion policy was driven by such reforms, first in 1983, when a constitutional amendment prohibited abortion, then again in 2018, when that amendment was repealed. Chileans had fairly easy access to therapeutic abortion (permissible in cases of rape, incest, and so-called birth defects, or to save a pregnant woman's life) from 1931 until 1989, when the military dictatorship rewrote the constitution and left the incoming democratic government with a total ban that human rights activists have tried, so far unsuccessfully, to reform. The High Court of

Kenya affirmed a constitutional right to abortion in March 2022 and instructed the parliament to implement corresponding reforms.

Countries whose constitutions enshrine rights to “equality, autonomy, dignity, and bodily integrity” are more likely to expand sexual and reproductive rights, according to political scientist Druscilla Scribner. But constitutional courts are entitled to seek guidance from a variety of sources, including those that originate outside their own countries.

The *Dobbs* majority opted for a narrowly nationalist, originalist interpretation of the US Constitution. As Justice Brett Kavanaugh wrote, “The issue before this Court is what the Constitution says about abortion.” By this, Kavanaugh meant that the Constitution is silent on abortion. This narrow constitutionalist reading allowed him to ignore arguments that have surfaced elsewhere, such as in other countries’ constitutions, treaties, or international law. The majority did not even rely on the court’s own legal precedents supporting the right to abortion; rather, it found (and stated 16 times) that “the right to abortion is not deeply rooted in the Nation’s history and tradition.” It did not mention that abortion opponents have failed since 1973 to win ratification of a Human Life Amendment.

Through a series of omissions, the court also deliberately opted to overlook the international norms and standards influencing high courts in other countries that have recognized access to abortion as a constitutional guarantee. It ignored a landmark 2012 Inter-American Court ruling that the right to life is not absolute, that embryos are not juridical persons, that women’s rights must be considered above fetal rights, and that protection of life before birth must be gradual and incremental. It ignored decisions made by other constitutional courts—such as Brazil’s—that consider “women’s rights to health and well-being to be protected in the constitutional architecture,” as scholars Marta Rodriguez de Assis Machado and Rebecca J. Cook have noted.

Although the US justices ignored foreign constitutional jurisprudence in drafting the *Dobbs* decision, foreign jurists were nonetheless paying close attention to the US legal reasoning. Will other countries follow the US Supreme Court’s lead by

prioritizing national constitutions? Or will they rely on international human rights norms?

The *Dobbs* decision was closely read in the Latin American countries that recently legalized abortion. A report from Mexico said President Andrés Manuel López Obrador convened his advisers to ask whether they could use *Dobbs*-like arguments to dismantle the constitutional right to abortion there. Antiabortion law professors at the Catholic University of Argentina parsed the implications of *Dobbs* for their country. They had plenty of critiques, including that the right to life is absolute and should never be subject to regulation by secular law. They called for national constitutional courts to seize the opportunity to interpret the constitution in accordance with natural law. They hope that Argentina’s high court will find in its constitution an affirmative right to life—something *Dobbs* did not do—which would bode well for the pending lawsuits that seek to have the 2020 legalization of abortion declared unconstitutional.

Outside the United States, many constitutional courts seek guidance not from natural law, but from international human rights norms established through their treaty obligations. Macarena Sáez of Human Rights Watch points out that most democratic countries now use the language and logic of human rights to prevent their citizens from being forced into pregnancy and compulsory childbearing. In the Americas, most countries have ratified the American Convention on Human Rights and accept the jurisdiction of the inter-American human rights system. The Inter-American Court has actively expanded reproductive and sexual rights in recent decades. The rulings that legalized abortion in Argentina, Mexico, and Colombia were heavily influenced by those decisions.

But the *Dobbs* decision ignored all that, just as it dismissed public opinion as an “extraneous concern.” The six justices of the majority focused instead on a much-maligned interpretation of “deeply rooted” history, which many read as code for Christian values. The approach is similar to the cultural relativism argument used by antiabortion groups at the United Nations. As the Association for Women’s Rights in Development (AWID) explains, anti-rights actors often appeal to unique “cultural specificities,” sometimes by adopting the language

*History does not march
steadily toward greater
reproductive freedom.*

of secular human rights, as a way to dilute human rights protections at the UN Human Rights Council.

Twenty years ago, US Catholic legal scholars Mary Ann Glendon and Paolo G. Carozza mounted a low-key, erudite prolife campaign, arguing that Latin America has a distinct history and tradition of human rights. This unique history, they argued, justifies giving Latin American judiciaries a degree of latitude to tailor human rights in ways that fit the tenets of social Catholicism: respect for family and parental rights, fetal rights, and natural rights. They illustrated their arguments with carefully chosen historical examples, ignoring the violent history of colonialism as well as contemporary human rights movements (including liberation theology, women's rights, land rights, and Indigenous rights). In this way, they tried to set the stage for a regional reinterpretation of human rights that would be consistent with Pope John Paul II's 1995 *Evangelium Vitae* encyclical about the inviolability of human life.

Their argument leads straight to *Dobbs*, insofar as *Dobbs* argues that abortion is antithetical to “deeply rooted” history and traditions in the United States. It is a profoundly sectarian, revisionist view of history. Like the reasoning in *Dobbs*, it is consistent with the principle of subsidiarity. The goal of these scholars is to take these matters out of the international realm and return them to states, which they depict as the best way to ensure respect for cultural traditions.

GLOBAL REVERBERATIONS

Dobbs demonstrated to Americans what others—in Poland, Ireland, and Chile—already know, which is that history does not march steadily toward greater reproductive freedom. The Supreme Court decision that overturned *Roe* will be felt most keenly by the estimated 80 million US citizens who, according to the Center for Reproductive Rights, have already lost access to abortion services. But it was widely condemned by world leaders, the European Parliament, and several UN agencies and human rights experts.

In response to *Dobbs*, CEDAW issued a statement calling on the United States to ensure women's access to safe and legal abortion. The UN Committee on the Elimination of Racial Discrimination (which monitors implementation of a treaty that the United States has ratified) urged it to ensure abortion access and culturally respectful maternal health care.

It is impossible to separate the *Dobbs* decision from the rise of authoritarian rule. Recent investigations by the European Parliamentary Forum, AWID, and openDemocracy document the spread of antiabortion and “profamily” activities across Europe, Africa, and Latin America. The *Dobbs* decision is resonating around the world as a disturbing reminder that rights are not sacrosanct with authoritarianism on the rise.

The antidote to the US Supreme Court's insularity is international collaboration that places human rights at the center of reproductive health and justice movements. Feminist organizers from Argentina, Colombia, Ireland, and Mexico are leading the way. Working with feminist attorneys, they analyzed the 1973 *Roe* decision and crafted a human rights-based legal strategy that is smarter, more sophisticated, and more coherent than the reasoning in *Roe*.

They are now sharing their strategies, in hopes that their momentum and commitment to social mobilization, in the so-called green wave, will rub off on their US allies. Akila Radhakrishnan, president of the Global Justice Center, an NGO working for international gender equality, says that human rights “should be the framework that all US advocates utilize going forward.” This is in contrast to the privacy argument used in *Roe* or the narrow originalism deployed in *Dobbs*.

International human rights attorney Mary Hansel goes even further, suggesting that the US government should file a complaint against the *Dobbs* decision with the Inter-American Commission on Human Rights. It would likely be a futile gesture, as Hansel admits, because the United States does not acknowledge the jurisdiction of inter-American human rights bodies. But it would underscore the legitimacy of a human rights approach for the United States as well as for the rest of the Western hemisphere.

The effects of *Dobbs* on global reproductive governance will reverberate for years. Meanwhile, the ruling should be interpreted as one element of an ambitious, multifaceted global antiabortion movement that is hiding in plain sight. *Dobbs* shows how that movement operates and what its next steps will be. Specifically, the movement works to gain control over national legislatures with the aim of rewriting or amending constitutions to protect fetal rights. It also works to control the selection of judges—on domestic as well as international human rights commissions and courts—aiming to install those who will offer antiabortion

interpretations of constitutions, conventions, and treaties.

The antiabortion movement ignores or disregards any international covenants or conversations with which its members disagree. Working as a bloc, the movement aims to thwart reproductive and sexual rights initiatives at the UN and the OAS by citing national sovereignty and local history and traditions. Generating controversy over abortion in multilateral forums allows it to turn around and argue that abortion is too controversial to be adjudicated at the UN. The global antiabortion coalition insists that each state should have the sovereign right to set its own policies with respect to life, family, and population. Each of these elements is visible in the *Dobbs* decision.

Dobbs highlights the contrast between an insular, nationalist, anti-globalist, and pro-sovereignty approach and a universalist human

rights strategy for achieving reproductive rights, health, and justice. The framework of human rights is not without its intellectual problems—including its androcentrism, reliance on utopian moral universalism, and lack of attention to intersectional forms of oppression. But the concept has nevertheless proven to be a powerful motivator and political tool for feminist movements in countries as diverse as Colombia, Iran, Nepal, and Nigeria, to name just a few. The global antiabortion coalition is a formidable adversary that deserves careful monitoring, though so far it has not matched the momentum achieved by the global abortion rights revolution. In spite of the *Dobbs* decision, global reproductive governance seems to be on a trajectory to secure human rights to dignity, gender equality, health, bodily autonomy, and freedom from violence and coercion. ■

“Throughout history, musical works have escaped being completely instrumentalized by one political or cultural agenda or another.”

Global Music Politics: Whose Playlist for Troubled Times?

M. I. FRANKLIN

‘IMAGINE’ THIS

Think about a piece of music that you consider “political” and why.

FROM THE ‘AGE OF AQUARIUS’ TO THE ‘ANTHROCENE’

Our new age, which the United Nations recognizes as the Anthropocene, has seen a confluence of planetary emergencies, measured in geological time (millions of years), experienced in social time (centuries if not decades), and communicated in computerized time (fractions of a second). With the accelerating degradation of the natural world as a visual backdrop, a new genus of political movement has also come of age, on the streets and online: Black Lives Matter and Me Too; Occupy Wall Street, the Indignados in Spain, and the Gezi Park protests in Turkey; the School Strike for Climate and Extinction Rebellion. These have all been active in recent years, along with various other anti-government, pro-democracy protests, as well as populist platforms identifying with the right.

The performing and audio-visual arts, and music in particular, are inseparable from these trends—the arts have always been intertwined with politics. Musicians engage with current events at home and abroad as creative artists and citizens, according to their own consciences. States and multilateral institutions commission, co-opt, and program a variety of music for diverse agendas. Musicians make music “political” through beats, rhythms, the sound mix, collaborations across

genres, innovations, and retrievals of older traditions, with and without overtly political lyrics. Musicians have also been organizers of media spectacles for social causes, as when Irish rock star Bob Geldof assembled global celebrities and “world music” exponents for the 1985 Live Aid concerts to raise money for famine relief in Ethiopia, broadcast live on satellite television.

Making, distributing, and consuming music has been big business since the start of the recording industry, with techno-commercial stakes intersecting geopolitical and cultural vested interests. These interests have taken on digital networked dimensions that span the globe. Much of the world hears and accesses music nowadays through digital devices and Internet distribution channels that are owned and controlled by the age’s new “major labels”: live-streaming and recording conglomerates that provide “unlimited” access to a vast range of music, new and old. Access and delivery are premised on “cloud” archiving and digital automation of our “likes” and other online listening habits. Musicians, like politicians, are increasingly beholden to these individualized *and* planetary algorithms to reach their publics.

‘12XU’

Making music has been an integral part of all human societies and continues to thrive without the web’s streaming services and their automated “recommendations.” Musics are embedded in everyday life, spiritual contemplation, and displays of sovereign power. Music making encompasses the whole world, as a “global” activity, despite the predominance of Western, English-speaking pop and classical genres in music research and marketing. The traditions and innovations of world-majority populations in other languages and musical idioms, commercially

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tagged as “world” or “global” music, are now increasingly accessible through the latest technological shifts in how music travels.

Those who “make it” in the Western-dominated global music market—such as musicians of the Tuareg peoples, like Mdou Moctar, with their electric guitar-driven Saharan “desert blues”—follow in the footsteps of African musicians whose global influence predates the shift online, and whose work is still audible today. “Discovered” and then promoted by the distribution power of Western major labels and music streaming affiliates, feted at festivals such as WOMAD, non-Western musicians who have walked the politics-music tightrope include the Nigerian afrobeat trailblazer Fela Kuti and the former UNICEF goodwill ambassador and Senegalese tourism minister Youssou N’Dour, whose trilingual hit (lyrics in French, English, and Wolof) with Neneh Cherry, “7 Seconds,” made him a household name around the world in 1994.

Seemingly apolitical, “soothing” musics from beyond the West carry their own political loads. Global bossa nova hits of the 1960s such as “*Garota de Ipanema*” (“The Girl from Ipanema”) vibrate with shifting sex-gender-race dynamics through their refashioning of the instrumentals, vocals, dynamics, and rhythms of the Afro-Caribbean samba. Originating in northeastern Brazil, the samba had traveled to Rio de Janeiro and then to Hollywood, personified by Carmen Miranda. Bossa nova presaged the multiracial musico-cultural vision of the *tropicália* movement in the 1960s, led by musicians who spent years in exile. Some returned to hold political office in post-dictatorship Brazil; Gilberto Gil, who served as minister of culture under President Luiz Inácio Lula da Silva, is a case in point.

*Porousness between the political
and the musical is the rule,
not the exception.*

‘WHAT’S GOING ON’

Protest marches include music, and musicians take part in protests. Powerbrokers borrow from conventional playlists when programming music, while others look to control what new music is deemed acceptable for domestic and foreign policy purposes. Artists are not always in charge of these decisions. But how (any) music “works” in political ways—or, conversely, how (any) politics works in musical ways—is neither straightforward nor one-way.

First, consider the connotations and associations accompanying any music that becomes part of official and spontaneous public performance, rituals, and institutions recognizable as “high” politics. A piece of music, even a broad genre or spectacle, can become associated with moments of sociopolitical transformation or geopolitical tension. In these scenarios we can hear how musical works become politicized. As they hit the airwaves, social media platforms, and television screens, they resonate outward. Nina Hagen’s (“East German”) punk rendition, with additional German lyrics, of the Frank Sinatra crooner classic “My Way” in concerts celebrating the fall of the Berlin Wall in 1989 epitomizes such moments. The zeitgeist opened up with the collapse of the Soviet Union is often evoked through a playlist that includes hits from American (Bruce Springsteen) and German (the Scorpions) musicians.

The sound of many voices in the streets during the 2014 Hong Kong Umbrella Movement belting out “Do You Hear the People Sing?” from the musical of Victor Hugo’s novel *Les Misérables* is a more recent example. In 2022, the furor around the exclusion of Russia and the eyebrow-raising voting that saw a Ukrainian act win the Eurovision contest in the wake of the Russian invasion of Ukraine encapsulated how porousness between the political and the musical is the rule, not the exception.

Second, musicians can become identified as politically significant as their music making comes to represent a formative event in the timeline of a nation, community, or region. One example is the Egyptian contralto Umm Kulthum (also rendered Oum Kalthoum), whose influence as a proponent of the *maqam* scales that form the basis of Arabic music making has been immeasurable, not only for Egyptian nationalism and its geostrategic role under President Gamal Abdel Nasser in the 1950s and 1960s, but also for Egyptian, Lebanese, Syrian, and Palestinian diasporas around the world.

Younger generations, born during or after the Lebanese Civil War, make another genus of multicultural popular music, on their own terms. One such group is Mashrou’ Leila, whose music defies easy categorization, challenging sectarianism and sex-gender stereotypes from “traditional” to “modern” Lebanon. The 2013 track “Lil Watan” evokes the Lebanese national anthem as it fuses

Western and Lebanese pop influences, while pushing back against the classical maqam-based melodies and vocals that Kulthum represents. Others embrace older musico-literary conventions while reshaping them. With the use of video montage, musical sampling, street art, and spoken word for the album and film entitled *Intersection* (2018), Lebanese musician and visual artist Tania Saleh celebrates how musicians, artists, poets, and writers have contributed to the cultural and religious (Christian, Copt, Muslim, and Jewish) diversity of the Levant.

'BORN IN THE USA'

Third, artists make explicit their social and political commitments through transformative musicality. The political message that “first generation” rap and hip-hop musicians like Public Enemy voice and sound through tracks such as “Fight the Power” is also a musical message: rhythmic delivery layered with sampling mixes that revolutionized American popular music through sonic juxtapositions.

Jay-Z repositions and samples from Paul Anka’s rendition of “My Way” (1974) in his “I Did It My Way” (2002), sounding the color bar that underwrites American public life and culture. By sonically impersonating and challenging racist stereotypes of hip-hop culture through his rhymes and the layered juxtaposition of rap beats and bass lines with Anka’s “My Way,” Jay-Z reimagines, in another idiom, the same song that Nina Hagen performed in 1989, in a way just as politically charged.

A fourth aspect of this music-politics intimacy is audible when powerholders deploy a work, a musical tradition or contemporary genre, or even an individual composer or artist for a strategic purpose. Powerholders can also seek to repress or silence music, if not reinvent a whole tradition. Governments have meddled in the arts both overtly and covertly throughout history. Sovereigns employ and favor musicians and composers; newly independent states and authoritarian leaders co-opt and champion traditional schools of music, folk but also classical, for national identity agendas. Digital networks, public or privately owned, are distribution channels in these overt and covert political maneuvers that now can make their way into commercial streaming playlists.

The same work, genre, countercultural movement, or “scene” can become attached to

competing political agendas and ideologies. These uses straddle the spectrum from public glorification to censure, physical harassment, legalized persecution, and enforced complicity. In one of the most chilling cases, the Nazis appropriated the musical oeuvre of Ludwig van Beethoven alongside that of the openly anti-Semitic Richard Wagner, while labeling the work of Jewish musicians and African American jazz as “decadent.”

'BACK IN THE USSR'

Stalin’s meddling with the life and work of the composer Dmitri Shostakovich is another example of state intervention in music. Shostakovich’s case is all the more poignant given the “Soviet” connotations that his work has acquired for concert programming and some publics in the post-Soviet Baltic states since then.

Wagner’s deeply contested place at the top of the classical art music hierarchy is also a matter of ongoing debate, given his posthumous contribution to Nazi ideology and public pageantry. Wagner’s work is informally banned in Israel, and Argentinian-Israeli conductor and pianist Daniel Barenboim encountered raucous protest and public condemnation when he brought the overture to Wagner’s *Tristan und Isolde* to Israeli audiences in 2001. Barenboim has argued that a musician’s work can transcend associations with the most troubling political convictions and historical events.

Times change, as do public attitudes toward a musical work, musician, or musical culture or scene. The US State Department now embraces hip-hop, a global cultural export, as a twenty-first-century tool for cultural diplomacy. Meanwhile, controversy continues over the CIA’s covert funding of an earlier project, the Congress of Cultural Freedom, during the Cold War and its “culture war” that pitted the aesthetic politics of (capitalism’s) “artistic freedom” against (communism’s) “socialist realism.” In another version of cultural diplomacy, the “Brit Pop” nation-branding of the Labour governments under Prime Minister Tony Blair at the turn of the millennium saw a generation of British musicians leveraged to succeed the global cultural legacy—and foreign-exchange value—of the Beatles, the Rolling Stones, and other British Invasion bands from the 1960s.

Promotional exercises abroad can also coincide with public disapproval (as was the case with British punk bands in the 1970s) or government

crackdowns at home. Subcultures such as heavy/death metal and punk have been targets for authorities nervous about their influence on youth or public morals. But musicians straddle the demarcation lines between public acceptance and disapproval in ways that defy pigeonholing. Local contexts combine with global trends, such as the rise of religious fundamentalisms and culturally repressive governments. In Indonesia, punk scenes that embraced left-wing political agendas in the face of the religiously conservative governments of recent decades now include musicians who have rediscovered Islam. Heavy metal in Brazil has become a means for progressive expressions of political dissent in recent years, while Chinese punk scenes are subjected to social censure at home and stereotyping as inauthentic copycats abroad.

'ROCK THE CASBAH'

Do-it-yourself digital networks of music making, distribution, and fandom persist despite the inroads of commercial music streaming platforms into how much of the world hears, finds, or is "recommended" any music or performing artist. In this techno-economic context, it is a truism to observe that music and politics, like money and politics, are interconnected domains of power and influence. But there are heated debates about whether this relationship is a good thing for music as art, the aesthetics of Western tonality, or classical canons that populate the world's music streaming playlists. Richard Rodgers and Oscar Hammerstein II encapsulated such discussions in the song "Do Re Mi" from their 1959 musical, *The Sound of Music*, in which Western tonality as a particular progression of sounds is presented as a "very good place" to "start at the very beginning." Politics, however defined, does not always map so directly onto a musical work. Music works on multiple levels—emotional and political—along multidirectional trajectories of taste, marketing, digital networks, and educational and historical context.

Consider the case of one of Beethoven's best-known tunes, his setting of Goethe's "Ode to Joy" in the final movement of the Ninth Symphony (premiered in Vienna in 1824), which the European Union adopted as its anthem. In 2019, at the opening of the European Parliament in Brussels, a group of British members, from the

Brexit party that campaigned for the UK's withdrawal from the EU, staged a protest. At the opening bars of the "Ode to Joy," they stood and turned their backs to show their opposition to the EU's "federalist" project.

Wendy Carlos's synthesizer arrangement of the same movement, and the scenes it accompanies in *A Clockwork Orange*, Stanley Kubrick's 1972 film adapted from Anthony Burgess's novel, take this Beethoven work into multiple other dimensions from its regular programming in concerts commemorating the reunification of Germany or its role, since 1972, as the European anthem.

'YOUR REVOLUTION'

A comparable moment of anthemic music becoming a political lightning rod took place at the Mexico City Summer Olympics in 1968, when track and field medal winners Tommie Smith and John Carlos, with heads bowed, raised their fists in the Black Power salute on the podium as the US national anthem began to play. This public protest, televised live around the world, still resonates

through the global spread of the Black Lives Matter movement after mobile phone footage of George Floyd's murder by police officers in 2020 circulated online.

Between these two globally transmitted events, American football player Colin Kaepernick took a knee before games throughout the 2016 season, also as the national anthem began, to protest police killings of unarmed Black people. In these instances, both the "Ode to Joy" and "The Star-Spangled Banner," recognized by millions around the world, triggered and sounded political rifts.

No national anthem is neutral, nor is it supposed to be. But these tunes and their lyrics are in constant flux, as malleable as they are hard-wired, emotional crucibles for the "imagined community" of the nation-state. The avant-garde electronic composer Karlheinz Stockhausen and rock icon Jimi Hendrix intercepted these associations in two distinct ways in the 1960s. Stockhausen's pioneering electronic work *Hymnen* (German for *Anthems*) remixes dozens of national anthems at the cusp of recognition, from "The Star-Spangled Banner" to "The Battle Hymn of the Republic," the UK's "God Save the Queen," Germany's multiple anthems, and those of newly independent African nations, while the recurring chords of the Soviet (now Russian)

Commercial streaming technologies work to shape taste.

anthem resound as a “red thread” throughout the work. *Hymnen* still generates controversy about its political intentions, if not its artistic merit. Hendrix effected something comparable in his electric guitar improvisation on “The Star-Spangled Banner” at Woodstock, a performance that has listeners still debating what he was trying to say with his sonic transformation of the national anthem at the height of the Vietnam War.

There are also silences: what is implied, unheard, or unsung; what arrives in our “feed”; what music streaming algorithms “tag” for our recommended listening, or not. One anthem that Stockhausen did not include in the American suite in *Hymnen* was the Black national anthem, “Lift Every Voice and Sing,” composed between 1900 and 1905 by the brothers James Weldon and J. Rosamond Johnson. On the annual Juneteenth commemoration of the ending of slavery, Black communities and musicians, including global stars like Aretha Franklin, have sung this anthem recalling the history of enslavement and racial segregation underscoring “The Star-Spangled Banner” and “Mine Eyes Have Seen the Glory.”

HAVE YOU HEARD?

Black South African musicians, such as singer Miriam Makeba and jazz trumpeter Hugh Masekela, earned enduring global influence as they negotiated the complexities of life under apartheid, exile, and international careers as artists and activists. Makeba’s lifelong commitment to ending apartheid resonated with African American movements for social justice, and she paid the price with exile. She toured with Harry Belafonte to raise funds for civil rights causes, and promoted post-independence cultural and political agendas.

Ostensibly nonpolitical lyrics, such as those for “My Way,” can become a political vehicle, refashioned or performed in ways that outstrip the manifest content or redefine the social context, like Stevie Wonder’s “Happy Birthday.” Makeba’s hit “Pata Pata” (“Touch Touch”), released in 1967 and televised on *The Ed Sullivan Show*, works on similar levels. Singing in Swahili, Xhosa, and Sotho, Makeba is making a subtle point about the cultural and sexual politics of representation as much as she is evoking joy and fun.

Makeba’s contemporary, Nina Simone, was famously upfront about her political convictions, and eloquently vocal about the racial politics of the music industry and the education system. Simone’s back catalog—from “Mississippi Goddam” to

“Young, Gifted and Black”—reveals the depth of her political commitments, but so do her versions of the European music-theater repertoire and popular classics.

Simone is “musicking” politics through rhythm, beats, arrangements, and her keyboard playing and vocals. Listen, for instance, to her take on the repertoire of composer Kurt Weill and playwright Bertolt Brecht, such as the “Alabama Song” from their biting German political satire *Rise and Fall of the City of Mahagonny* (1930). Presaging Nina Hagen, Jay-Z, and others by some years, Simone also transports much-covered classics like “My Way” into another political sphere. With roots in gospel, blues, and Western classical repertoires, she embodies an understanding of how politics is always at work through “organizing sound,” as composer Edgard Varèse cryptically defined music.

In 1966, Louis Armstrong, Count Basie, Miriam Makeba, Langston Hughes, and many other Black cultural and political leaders were invited to Senegal to take part in the first Festival mondial des arts nègres (World Festival of Negro Arts). Hosted by one of the newly independent African nation-states, whose first president was the poet Léopold Sédar Senghor, this festival underscored the decolonization period in which African cultural leaders worked with African Americans to promote Black and Pan-African cultural and historical affiliations.

In South Africa, at the height of apartheid, such cultural exchanges became much more fraught. Here, too, musicians made their own way, recording and touring along the fault lines of “art for art’s sake,” cultural appropriation controversies, and international boycotts. Paul Simon’s album *Graceland* (1987) is inseparable from the contribution of the all-male a cappella group Ladysmith Black Mambazo, which introduced the world to Zulu vocal styles like *isicathamiya* and *mbube*. The hit track “Homeless,” cowritten by Simon and the group’s founder, Joseph Shabalala, and set to a traditional Zulu wedding song, became an anti-apartheid anthem. But copyright and attribution issues that disadvantaged the South African musicians, and controversy about their crossing the boycott line with Simon, are still palpable today.

In their 1975 track “Johannesburg,” Gil Scott-Heron and Brian Jackson prequed the *Graceland* album. South African artist William Kentridge presented a contemporary, post-apartheid collaboration with Black South African musicians and

artists in his life-sized, multiscreen, multimedia procession, *More Sweetly Play the Dance* (2015).

INTERSECTIONS

Even in a “free” music-streaming context, we need to talk about the role of censorship. State sanctioned and other forms of music-silencing include both self-censorship and public stigmatization. The arts are continually on powerholders’ cultural and political radar. Certain songs were pulled from American radio stations in the immediate aftermath of the terrorist attacks on September 11, 2001, from Carole King’s “I Feel the Earth Move” to John Lennon’s “Imagine.” Bands such as Rage Against the Machine and a number of hip-hop artists were also taken off the air.

In 1999, performance artist and spoken word poet Sarah Jones found herself on the wrong side of the Federal Communications Commission (FCC) with “Your Revolution,” in which she pays homage to Scott-Heron’s “The Revolution Will Not Be Televised” (1970). Jones’s dissing of the sexism and violently masculinized tropes of what she calls “hip-pop” includes explicit references to female sexuality. Her allusions are part of the Black cultural practice of signifyin’, albeit from a woman’s perspective, in an idiom known as wreckin’—all part of hip-hop as music making, poetry, politics, and public culture. Jones eventually won her appeal against the FCC ban on First Amendment grounds.

In the 1970s, Fela Kuti and his countercultural challenge to Nigeria’s military rulers centered around the Kalakuta Republic, the compound in Lagos in which he and his family lived. Fela, whose afrobeat melded the Nigerian popular music form of highlife with American funk and jazz, was a world-renowned musical and political dissident who took risks. His 1977 track “Zombie” encapsulates these provocations: over 15 minutes long, with a lengthy, slow-build introduction based on a repeating guitar riff and rhythmic pattern. Fela’s lyrics, in Nigerian pidgin English, are part of his musical refusal to be silenced, referring to the military rulers as zombies. The track ends with a saxophone passage that imitates a military bugle call—the sound of British colonial forces concluding this satire of postcolonial dictatorships and their codependencies with their former ruling powers and contemporary allies. The military response was to Fela’s challenge swift and brutal: burning his compound, confiscating his

recordings and instruments, subjecting him to physical assault, and murdering his mother.

REPRISE — 1812 AND ALL THAT

In 1872, Pyotr Ilyich Tchaikovsky premiered his *1812 Overture* in Moscow to commemorate the Russian defense against Napoleon Bonaparte’s French forces sixty years earlier. It begins with a traditional Russian folk song, “U Vorot,” and climaxes with simulated explosions and a merging of the French “Marseillaise” and what was then the Russian imperial anthem, “God Save the Tsar.” Though *1812* is an example of explicitly commissioned political music, Tchaikovsky leaves the options open in the overture’s emotionally charged yet inconclusive ending. The Russian invasion of Ukraine in 2022, which led to Russian conductors, pianists, dancers, and concerts featuring Russian composers being canceled, albeit briefly, in the West, is a reminder of how the relationship between a political moment and a musical work, even this kind of “warhorse,” can resonate through different timelines and political spaces.

Contemporary streaming platforms and music-sharing apps may seem to have the edge with their algorithmic cornering of the music market. But musicians continue to exercise their creative and political agency. The question is whether publics can break out of the “walled gardens” of habitual, now automatically generated listening preferences that commercial “service providers” offer. Throughout history, musical works have escaped being completely instrumentalized by one political or cultural agenda or another. More music catalogs are becoming available, and online. Yet algorithmically driven playlists and live-streamed distribution of both new releases and back catalogs are double-edged trends—not only for artists, but also for individuals, communities, and nations.

Commercial streaming technologies work to shape taste in ways that powerholders may look to deploy for any number of agendas. In 2012, members of the punk performance collective Pussy Riot were imprisoned and banished in a violent assertion of the Russian state’s prerogative to decide whose music matters, how it should sound, where it can be heard, and for what purposes. And as Pussy Riot members continue to be persecuted, as do other musicians around the world for their own political commitments, we, as audiences, may find ourselves accessing and enjoying, even dancing to, a work that was political at its inception or becomes so by force of circumstance.

OUTRO

“Fortress Europe,” a track by the British music and community collective Asian Dub Foundation, was a hit in club scenes across the UK and Europe when it was first released in 2003. This track captures the group’s commitment to decolonizing how music is made and experienced through their live performance and production values fusing dub, reggae, and house-inflected beats with classical traditions such as maqam and raga. In the collective’s own words, “political frequencies” are at work not just in the lyrics but also in the mix: made for dancing *and* politicking.

PLAYLIST

More Sweetly Play the Dance, video, William Kentridge (2015)

“Imagine,” John Lennon (1971)

“Medley: Aquarius/Let the Sunshine In,” The Fifth Dimension (1969)

Tristan und Isolde, “Prelude and Liebestod,” Richard Wagner (1865)

“Anthrocene,” Nick Cave and the Bad Seeds (2016)

“What’s Going On,” Marvin Gaye (1971)

“Rock the Casbah,” the Clash (1982)

“Afrique Victime,” Mdou Moctar (2021)

“The Girl from Ipanema,” Stan Getz, João Gilberto, Astrud Gilberto, Antônio Carlos Jobim (1963)

Tropicália ou Panis et Circencis, Gilberto Gil, Caetano Veloso, Tom Zé, Os Mutantes, Gal Costa, et al. (1968)

“Inta Omry” (“Enta Oumri”), Umm Kulthum (1964)

“Lil Watan,” Mashrou’ Leila (2013)

Intersection, Tania Saleh (2018)

“Do You Hear the People Sing?” from the musical *Les Misérables* (1980)

“My Way,” Nina Hagen (1985)

“Punk Prayer: Mother of God, Chase Putin Away,” Pussy Riot (2012)

“Homeless,” Paul Simon, featuring Ladysmith Black Mambazo (1987)

“Johannesburg,” Gil Scott-Heron, Brian Jackson (1975)

“Happy Birthday,” Stevie Wonder (1981)

“The Revolution Will Not Be Televised,” Gil Scott-Heron (1970)

“Your Revolution,” Sarah Jones (1999)

“Born in the USA,” Bruce Springsteen (1984)

“Back in the USSR,” the Beatles (1969)

“Zombie,” Fela Kuti (1977)

“Fortress Europe,” Asian Dub Foundation (2003)

“Pata Pata,” Miriam Makeba (1967)

“12XU,” Wire (1977)

“The Star-Spangled Banner,” Jimi Hendrix (1969)

“Lift Every Voice and Sing,” Aretha Franklin (2017)

“I Did It My Way,” Jay-Z (2002)

Hymnen, Karlheinz Stockhausen (1965–67)

1812 Overture, Peter Ilyich Tchaikovsky (1872)

“March from *A Clockwork Orange*,” Wendy Carlos (2000)

“My Way,” Nina Simone (1972)

“7 Seconds,” Youssou N’Dour and Neneh Cherry (1994) ■

Putin, Taboos, and Weapons of Mass Destruction

MICHELLE BENTLEY

Vladimir Putin does not play by the rules. The Russian president has long had a reputation for riding roughshod over the values of the international political community with uncompromising and macho disrespect. Analysts speak of the “Putin Doctrine”—a foreign policy of Russian dominance that is imposed regardless of widely accepted norms of state actor behavior. The Russian invasion of Ukraine is yet another example of Putin’s audacity. A NATO joint statement in March 2022 called the invasion “a fundamental challenge to the values and norms that have brought security and prosperity to all on the European continent.”

These broken norms include the violation of Ukraine’s sovereignty, an affront to the expectation that states should not invade other states without legitimate reason. Putin has also undercut the humanitarian rules of war. Russian forces have used controversial weapons, such as thermobaric devices and cluster bombs, and indiscriminately attacked civilian targets, including hospitals and a maternity ward.

Moreover, Putin has specifically threatened to violate taboos on the use of weapons of mass destruction (WMDs)—nuclear, biological, chemical, and radiological armaments. The concept of taboo comes from anthropology and refers to the cultural rejection of certain acts and objects as socially unacceptable—too unclean or too sacred to engage with. The concept has since been adopted within the discipline of international relations to explain the stigmatization of certain political actions and ideas on the basis that they are exceptionally disgusting and constitute an extreme threat.

Applying the concept of taboo to WMDs reflects the idea that these weapons are so abhorrent, so immoral, and so beyond the limits of toleration that any state that dares to use them will be rendered

a pariah. International actors will not use, or in some cases even possess, these armaments—and will brand anyone who would use them as uncivilized and inherently wicked. Employing WMDs would incur extreme forms of sanction. We have already seen such a response in Syria, when the United States carried out air strikes against President Bashar al-Assad’s regime after its use of chemical weapons. Would Putin risk similar retaliation by violating the WMD taboo in Ukraine?

EXTREME SABER-RATTLING

In her 2007 book *The Nuclear Taboo*, Nina Tannenwald argues that the nonuse of nuclear armaments since Hiroshima and Nagasaki is explained by the belief that these weapons are too awful to be employed. In that sense, Putin has technically not broken the nuclear taboo, yet his actions regarding Ukraine still put that taboo at stake.

Putin has repeatedly engaged in dangerous nuclear saber-rattling. He warned that any interference by third parties with the Russian invasion would elicit a response “such as you have never seen in your entire history.” The statement was interpreted as an explicit nuclear warning. Putin also threatened to transfer nuclear-capable missiles to Belarus, and his forces attacked the Chernobyl and Zaporizhzhia nuclear power facilities.

More recently, Putin has openly escalated his bellicose nuclear rhetoric, stating that he will use “all available means” to defend Russian territory—including the territory that Russia claims to have annexed from Ukraine. Speculation has risen that Putin is now prepared to use strategic or tactical nuclear warheads; US officials insist that the threat must be taken seriously. Putin’s belligerence may be aimed more at deterring NATO than setting up the actual use of nuclear arms. Yet he has disrupted the international order with his threats.

Failure to respect WMD norms also undermines future arms control diplomacy. WMDs are regulated by agreements that hold taboos at their core. These

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include measures such as the 1968 Nuclear Non-Proliferation Treaty (NPT), which seeks to eliminate all nuclear weapons stockpiles. Putin has effectively undermined the ideals that underpin pacts like the NPT, as well as the international community's ability to negotiate extensions of such treaties or new ones. How can the United States and Russia, the two key players on global nonproliferation efforts, talk productively about reducing and eliminating arsenals when they are at each other's throats on the nuclear issue in relation to Ukraine?

Even if Putin has not employed nuclear arms, there are concerns that he has in fact used chemical weapons—or wishes to. Richard Price discussed the illegitimacy of chemical weapons in his 1997 book *The Chemical Weapons Taboo*, arguing that they, too, are subject to a normative prohibition on their possession and use. It appears that Putin has violated this norm in Ukraine. It was reported in March 2022 that Russian forces had used white phosphorus in the eastern Donbas region. A month later it was claimed that a Russian drone had released an unknown chemical substance in Mariupol, poisoning three people. At the time of writing, these allegations are still being investigated.

Putin claims it is actually Ukraine that is willing to break this taboo and engage in chemical aggression. He has also alleged that Ukraine is developing biological weapons in laboratories funded by the United States. Joseph Manso, US ambassador to the Organisation for the Prohibition of Chemical Weapons, called Putin's allegations "preposterous," and White House press secretary Jen Psaki countered that Russia "has long maintained a biological program in violation of international law."

Putin has been accused of preparing false flag claims, such as staging a WMD incident in order to create a pretext to justify the invasion of Ukraine or even a retaliatory WMD strike. His regime has a track record of accusing others of crimes that it intends to commit. And Putin has broken the chemical taboo in the past, as with the attempted assassinations of Sergei Skripal and Alexei Navalny using nerve agents, though Moscow denies responsibility.

Putin's noncompliance can have implications beyond Ukraine. Yet we also need to treat this issue with caution. Putin either has not violated the WMD taboos, or it is not yet proved that he has done so—and even the strongest allegations against him are not at the level of mass destruction. The rules of the

game have not been entirely overturned—even if he is only seeking, through limited compliance, to avoid the opprobrium and consequences that violating these taboos would incur.

We should not assume that Putin will never be motivated by the ideals of the international system, or that he cannot be controlled by them. Taboos and other international norms can still have at least partial influence even on an aggressor.

International norms can withstand challenges by actors like Putin if the rest of the world upholds them. Both NATO and US President Joe Biden have repeatedly warned that there would be "severe consequences" if Russian forces used WMDs in Ukraine. What the precise consequences would be was left unsaid. The lack of specificity may be a matter of strategic ambiguity. Yet US officials have alluded to more extreme sanctions, and have refused to rule out military options as well. Biden suggested that chemical warfare "would trigger a response in kind." The international community is committed to a major response if Russia employs WMDs.

The commitment is not merely performative.

Biden's promise of a harsh response to WMD use is contrary to his broader reticence toward direct intervention in Ukraine. Seeking to avoid World War III, as he puts it, Biden has limited US

involvement in the crisis to sanctions on Russia, humanitarian aid, and the provision of military assistance to Ukraine. Yet potential WMD taboo-breaking has been identified as a step too far—one that would demand more direct action. Polish President Andrzej Duda said in a March 2022 interview that WMD use by Russia would be "a game changer" for Western policy on Ukraine.

Despite Putin's ingrained deviance from normative standards, taboos remain a potent force within international relations. Taboos are certainly not absolute, especially when they are challenged by a disruptive actor such as Putin. And if norms are not reinforced by the international community, they could fall apart.

Yet even Putin has not been entirely willing to undermine international values. He is clearly a threat to the global normative order, as the invasion of Ukraine demonstrates. But we should not dismiss the strength of that order, or assume that its rules cannot restrain the likes of Putin in the future. Taboos are deeply felt, instilling great fear in international actors. Their power cannot be ignored. ■

*Taboos remain a potent force
within international relations.*

Taking the Law into Their Own Hands?

SARAH STROUP

Most international nongovernmental organizations (NGOs) do not have their own television shows, but Animal Planet's *Whale Wars* offers seven seasons of coverage of the Sea Shepherd Conservation Society. Sea Shepherd, an environmental NGO that engages in direct-action enforcement, was founded by former Greenpeace activist Paul Watson in 1977 as a group of eco-pirates aiming to shut down illegal whaling and sealing operations. As Watson has argued, "Governments are not enforcing the laws, so we have to."

Mette Eilstrup-Sangiovanni and J. C. Sharman begin their provocative new book with the story of Sea Shepherd, inviting us to reframe our understanding of NGOs' global activities. NGOs have received growing global attention from private donors, international organizations, governments, media, and corporations. Brand-name NGOs like Amnesty International, Médecins Sans Frontières, Greenpeace, and Oxfam run vocal advocacy campaigns and massive service-delivery efforts that keep them in the public eye. In fact, over the past two decades, NGOs have enjoyed higher levels of public trust than governments and media organizations, according to the Edelman Trust Barometer survey. Yet despite this prominence and trust, actual understanding of the vast population of NGOs and their many activities is rather thin.

NGOs do much more than lobby officials and deliver food aid. Many NGOs engage in investigations and support arrests and prosecutions in line with domestic and international laws. *Vigilantes beyond Borders* documents these enforcement activities in three diverse issue areas—human rights, environmental protection, and anti-corruption—and challenges the conventional

picture of NGOs as pleading or protesting do-gooders waiting for more powerful states to fulfill their responsibilities.

Historically, the authors note, the idea that states are the sole enforcers of laws is new: private enforcement of domestic law was the rule rather than the exception well into the nineteenth century. Nobel laureate and economic historian Douglass

North documented the essential role of private courts in the creation of transnational markets. In twelfth- and thirteenth-century Europe, private adjudication allowed merchants to travel and trade widely even in the absence of a state protecting their property rights. Private security also has a long history, from the Pinkertons in nineteenth-century America to today's Russia-based Wagner Group.

In the twentieth century, Max Weber's idea that the state claims a monopoly on the legitimate use of physical force within a given territory provided at least a useful fiction that reinforced the central role of the state in enforcing the law. The law has outpaced the state, however. Many domestic laws go unenforced by states that lack the will or capacity to act. Meanwhile, the rapid proliferation of international law across multiple issue areas has created a global enforcement gap.

Eilstrup-Sangiovanni and Sharman contend that this dense legalization, combined with new forms of technology and fiercer competition in a crowded field of NGOs, has led many groups to move well beyond advocacy and service delivery. Technical assistance to judges, information-gathering and monitoring, the filing of amicus curiae briefs, and the provision of legal services are all central to anti-corruption work and environmental and human rights protection. The authors argue that these NGO enforcement activities do not result from overburdened states delegating their work to private actors. Rather, these are self-directed and autonomous strategies intentionally selected by NGOs. These groups are either

Vigilantes beyond Borders: NGOs as Enforcers of International Law

Mette Eilstrup-Sangiovanni and J. C. Sharman
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frustrated by the enforcement gap or seeking to differentiate themselves from their brand-name NGO competitors that use more moderate advocacy and service-delivery strategies to maintain their access to corporations and states.

The idea of NGO enforcement is extremely useful as an additional category for analyzing NGO behavior, and the book offers many fascinating examples. The British NGO Bellingcat styles itself as an open-source online investigation agency, documenting human rights atrocities and probing money laundering schemes. The Netherlands-based Commission for International Justice and Accountability collects and analyzes evidence of alleged war crimes, serving as a proto-prosecutor for the International Criminal Court. ClientEarth, only a decade old, has 150 lawyers engaged in environmental litigation across Europe. This attention to the role of private citizens in law enforcement is welcome at a time when phone cameras help document police brutality and #YachtWatch invites Twitter users to help enforce sanctions against Russian oligarchs.

MONITORS OR OUTLAWS?

Eilstrup-Sangiovanni and Sharman argue that their attention to NGO enforcement is not a mere recategorization of litigation and information-gathering strategies—behaviors that human rights scholars in particular have carefully documented. We might concede that advocating for the creation of new laws is much different from enforcing those laws. Still, the relationship between different enforcement strategies and the law needs unpacking, since NGOs like Sea Shepherd and Bellingcat do very different things.

Not all enforcement efforts are vigilantism. The authors define vigilantism as assuming the responsibility of investigating and/or punishing crimes because formal mechanisms of law enforcement are thought to be inadequate. Yet investigation is entirely in line with legal behaviors, whereas punishment might involve extralegal or illegal coercion.

Political scientist Regina Bateson helpfully distinguishes between “lawful vigilance” and vigilantism. As she writes, “The vigilant citizen who witnesses a theft and calls the police is not practicing vigilantism.” There is nothing extralegal about calling the police, Bateson points out, since this action reinforces the authority of the law

rather than going beyond it. In this way, much of the investigation and litigation conducted by enforcement NGOs is more Erin Brockovich than Batman—high-spirited and insistent data gathering and legal advocacy, not antisocial and violent disciplining of criminals.

Vigilantism involves breaking some laws in the name of enforcing others, as the authors note. Given the sometimes hidden nature of these actions and generally poor data on NGO strategies, it is hard to know whether NGO vigilantism is frequent or growing. Yet the very fact that some NGOs choose vigilantism is fascinating and raises questions about whether these behaviors are desirable and sustainable.

At the margins, NGO vigilantism may involve sensational or innovative tactics that draw attention to the enforcement gap in national and international law. For example, Global Witness was founded by three activists who dug a computer out of the trash, traveled to Cambodia, and used a secret camera and false identities as timber buyers to expose illegal logging by Khmer Rouge guerrillas. Beyond a certain threshold, however, growing vigilantism might erode the very laws that NGOs seek to enforce.

There are at least two troubling futures for a world of growing vigilantism. A first concern is that a system in which people feel justified to break some laws to enforce others leaves open the question of which laws are violable. Enforcement NGOs might defend themselves as protectors of public welfare—after all, NGOs are legally defined as organizations by their commitment to some public purpose. Yet which laws are really in the public interest, and which are merely procedural or second-order issues? Sea Shepherd argues that property damage is justified to enforce international conservation law, but this privileging of some laws over others is far from universally accepted.

Consider another example of vigilantism to protect animals. According to a 2019 report by Human Rights Watch, vigilante Hindu groups in India have beaten and sometimes killed dozens of people suspected of slaughtering cows. How do we assess the sacredness of cows in the Hindu religion against the right of humans to life and security?

This raises a second concern. At some point, growing private enforcement erodes the capacity

Vigilantism might erode the very laws that NGOs seek to enforce.

or legitimacy of public authorities. The rule of law depends on the development of general and transparent measures that are then enforced equally—creating a sense of fairness. Proponents of vigilante justice might argue that the existing enforcement gap saps public trust in the law, but uneven and selective enforcement is not necessarily the way to restore that trust. A September 2021 *New York Times* editorial argued that the United States is becoming a nation of vigilantes, where elections, abortions, educational content, and immigration are monitored and enforced by private citizens. The possibility of growing private enforcement in an increasingly polarized polity suggests not mere augmentation of state powers, but rather a fundamental threat to state legitimacy.

Of course, these concerns about vigilantism—undertaken by NGOs or others—might be

overblown if such strategies are abandoned because they endanger organizational interests. At the US chapter of Sea Shepherd, Paul Watson was replaced in 2014 in what the group's new director described as a "complete change of direction." This summer, Watson resigned from the board when it informed him that Sea Shepherd was stepping away from direct action campaigns. For some, this came as a relief. In a July 2022 issue of *Science*, fisheries expert Ray Hilborn described Sea Shepherd as "a bunch of lunatics conducting campaigns that were internationally criminal and a total waste of time." Ultimately, whether NGO enforcement efforts actually achieve their ends—protecting the environment, advancing rights, or minimizing corruption—will determine whether these are sustainable niches in an increasingly competitive NGO landscape. ■