

Liberal Bias: Why the International Governance System is Struggling and the Contestation Strategies of Authoritarian States

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Federico Salvati

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Abstract:

Why do countries like China and Russia appeal to international law to support their policy? In addition, why is the liberal system in a crisis if ideas like democracy and human rights are so pervasive within the political debate? In the following paper, I will try to answer these questions by looking at how liberal theory has influenced the development of today's governance structure. I will then move to comment on what I call the "liberal bias" of international governance referring to relevant literature on the concept of categorisation and categorical thought in neuroscience and cognitive psychology. Finally, following my theoretical baseline, I will present a quick analysis of how autocracies use linguistic categories to influence the evolution of liberal values.

Keywords:

Liberal Bias, Governance, Autocracies, Linguistics, Framing, Autocracies, China, Russia

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The Rise of the Liberal Bias: Theoretical Foundation

In looking at the contemporary international order, it is clear today that its normative nature has gone far beyond the original procedural core of the Westphalian system. In becoming increasingly more complex, however, it has inevitably sedimented the normative assumptions coming from the most powerful subjects of the order itself. It is not by random chance that today, speaking about the “Liberal International Order”, largely overlaps with the idea of the normative framework of international politics *tout court* (on the subject Lake and oth, 2022, Geis, 2019, Sorensen:2017).

As such it is not unrealistic to argue that the normative structure of the international political order exists, in its current iteration, under the influence of a “liberal bias” which, I hold, has a finalistic (if not even teleological) vision of the development of international life.

By “liberal bias” I mean the conviction that the development of international law and governance structures will eventually lead to the creation of a Kantian-like utopia that will not only make escalation of any kind of conflict completely superficial but will be also able to administrate the political life with a good approximation to a transcendental idea of justice. This hope inspired most of the development of international governance from the 90s’ onward in striving to realize a political and normative system, which relied on:

“ respect for human rights, democratic accountability, widely shared economic opportunity, and the muting of great power rivalry, as well as collective efforts to keep the peace, promote the rule of law, and sustain an array of international institutions tailored to solving and managing common global problems”. (Deudney, Ikenberry, 2012, p. 7-8)

This conception comes from a very old theoretical tradition in political philosophy on the relationship between laws, politics language. Aristotle already regarded law as an instrument of reason that could go beyond human imperfection: “law is intellect without appetite” (Aristotle, 1287a, 6). Liberal philosopher Immanuel Kant thought that since humans are naturally rational and moral beings, law remains a regulatory technical instrument that administrates intersubjective relations among individuals (Kant, 1785). Following the dictates of reason, it can make social life fair and, most importantly, predictable (Atman, 2014, 263). Kant envisioned the creation of a League of liberal constitutional democracies that would be able to pursue freely in perpetual peace their self-interest (Kant, 1795). Recently neo-Kantian and liberal scholars recovered these themes by adding references to modern liberal democratic thought and the idea of a post-national order (EG Habermas, 2015, Rawls, 1999 but also Rawls,1993 and Habermas, 2008). According to these positions, a democratic liberal society based on popular sovereignty is a natural trend in the development of both domestic and international life. In fact, rationally, everybody would like to maximise their freedom within their community. No law can or should be fully accepted if it does not ultimately contribute to this goal (Habermas, 2015, Elder-Vass, 2014). As such, in the long run, political life strives to realize this innate aspiration to freedom that we all bear inside (Habermas, 2015, 19-38, Searle, 2007, Rawls, 1999, Elder-Vass, 2014).

Last but not least, the assumptions that modern liberal theory makes are supported by a specific idea of the role of language in ensuring the development of legal regulatory instruments. For liberal authors, law is a rational endeavour that can be laid out in a fairly linear and contradiction-free regulatory discourse (Dworkin, 2011 is the best example of this). This is because legal statements are supported by the rational mechanisms of our inter-subjective

speech (this is the case of Searle, Elder-Vass, Rawls and Habermas). The role of language and discourse is either to describe or approximate rationally the nature of the world. In doing that we have to strive to make correct statements about reality, structuring it in a complex but intelligible way (Habermas, 2015, 19-38, Searle, 2017, 17-20). In adopting this point of view, legal and normative production should aim at the formulation and consolidation of regulatory instruments which are less and less inclined to be abused by ill-intentioned actors (Fabbrini, 2015; Habermas, 2006 p. 115, Slaughter, 2004; Klabbers et al. 2012). Only the consolidation and the diffusion of a law that is unambiguously and rationally formulated, (meaning with clear regulation and activation standards) is able to serve the humanist aspiration of the liberal system. This objective largely inspired the development of liberal governance over the last few decades and it has brought western-style democratic countries from an initial hegemonic status to the current crisis that we are living in today. In the next paragraph, I reconstruct the trajectory of the ILO after the end of the Cold War and I explain the reasons behind the crisis of the international liberal project.

The Rise of the Liberal Bias: The West's Attempt to Hegemony

Based on these assumptions, with the end of the Cold War, it seemed that political international life was unfolding its natural tendency toward freedom and democracy. The lack of strong veto players (namely the USSR) led to the superposition of the international rule of law and liberal values. According to Koskeniemi (1996), International law went through a process of “moralization”. This process changed the nature of international norms from a core of functional intersubjective rules to a larger normative Corpus that advocated the actualization of specific tenets based on the liberal idea of moral universality (Buchman, 2013). Of course, the process itself has deeper roots than just the last 3 decades. However, the so-called “hegemonic moment” (Lundestad, 1998, 134–163) of the West (and the USA in particular) has accelerated it. As a concrete example, we can see that as much as norms like human rights have been eroding the exclusivity of national sovereignty for a long time, over the years after the Cold War they have lived an incredible political and legal development, which has elevated them to foundational principles of the international life (Conforti, Focarelli, 2012, 163).

Under these conditions, Western-style democracies tried actively to transform their liberal understanding of international politics into a universal and hegemonic structure. This was largely pursued by encouraging the reproduction and dissemination of liberal regulatory discourse. The development of international governance based on the reproduction of liberal normative discourse transformed liberal values in key concepts able to determine the legitimacy of policy-making. In other words, liberal values became a legitimacy threshold in participating in the political debate.

Today the rule of law, human rights, and the free market are objectives that are explicitly promoted by IO institutional frameworks and aid programs. At the same time, governance structures use these values as a legitimacy benchmark to validate their activities (Humphreys, 2010). In the current international system, no acceptable governance program or international policy can be fully regarded as legitimate if it does not contain some kind of appeal to universal values like human rights, democratization or the rule of law.

Liberal values and related legal institutions have become even a fixed point for international security. The UN Security Council has remarked on different occasions that gender parity or a strong rule of law is not just a matter of political justice but also one of long-term perspectives for peace and stability within the international system (Humphreys, 2010, p. 155-162). These ideas are best seen in the evolution of post-conflict intervention. As Buchman (2013) notices armed intervention has changed greatly over the years. Originally, peacekeeping operations in

the 50s' were intended to prevent the illegitimate use of force and preserve state sovereignty. Modern peacebuilding, instead, strives for rearranging general social structures in a way that makes them comply with a liberal-values-based model able to grant (supposedly) long-term political stability and sustained economic growth.

Today the active promotion of political and institutional structures is tolerated and even encouraged only if it complies with liberal values (EG see EU ENP and USAID). Any attempt to promote deviant political values is usually pointed to as a destabilizing political activity or even as political warfare (E.G, Fieß, 2022). Universal liberal values have become by all means the common shared language of the international governance system.

The Failure of the Liberal Utopia

Notwithstanding all the attempts and efforts, the production and diffusion of liberal-values-based normative discourse ended up not granting the consolidation of the liberal utopia. On the contrary, it seems that with the proliferation of normative discourse on liberal values the sharpness of these concepts has been deemed down. As semantics related to liberal values started to become keywords for legitimately articulating any political statements, these references have become progressively fuzzier and fuzzier, being stretched beyond measure.

As Börzel and Zürn argue, the liberal model is today under heavy contestation (Börzel, Zürn, 2020). The stability and the consistency of liberal values have been deteriorating over the last few years instead of consolidating. This comes with the fact that many scholars speak about an international "wave" of autocratization, which is consequence of the long-standing crisis of the democratic liberal system (Lührmann, Lindberg, 2019). According to V-Dem, the share of the world population living under an openly autocratic regime changed from 59% in 2011 to 75% in 2021(V-Dem:2022).

How can it be that the reproduction of liberal values through liberal normative statements has not led to the consolidation of liberal ideas as expected? To answer these questions, I turn to modern neuro/linguistics: I argue that classical liberal theory has fundamentally misunderstood the role of language in the formulation of normative statements. For this reason, unexpected side effects have emerged from the "moralization" of international law provoking the modern systemic crisis that we witness today.

Language and Social Normativity: Is Not about Describing the World

As I have mentioned above, classical liberal theory thinks that language is an instrument that serves to describe the world. According to Searle, we can create a social normative statement by using the formula "X is Y in context Z": E.G. "the Parliament can pass a law only when it reaches the majority of favourable votes" (Searle, 2007, 19). In this sense, liberal theory strives for creating legal statements that approximate the world as well as they can. This theory works under the assumption that semantic meaning can be ultimately stable in its normative action (Examples of that are Habermas:2015, Rawls:1993). This is achieved by reducing and eliminating ambiguity, making semantics progressively clearer. Only under these circumstances, normative statements are thought to be able to serve the development of humanistic universal values without being abused or manipulated. The proliferation and diffusion of legal discourse are intended for clarifying the meaning of norms and progressively reduce ambiguity.

The literature emerging from modern neurolinguistics however contradicts this view. First of all, it seems that it would be convenient to abandon the idea of language as a descriptive tool (Lakoff, 1987, Better, Dunbar, 2016, Fauconnier, Turner:2003). Language, on the contrary, is more apt for creating epistemological connections among elements and events of the external environment rather than describing it as it is. Our brains are not recording machines but rather categorization instruments able to create connections and relations based on the inputs of our experience (Henrich, 2016).

Categorical thinking allows the creation of rational structures dividing what falls within or outside certain categories. In this way, we do not only classify inputs coming from the outside world but we structure organizational patterns that set up strategies to carry on our interaction with the surrounding environment. There is overwhelming proof that categorical thinking is at the base of kinship organization across all cultures and societies around the world. Basic social structures elaborated on kinship serves the purpose of establishing solidarity models and cooperation structures which contribute to the survival and expansion of social groups (Henrich:2016, Levi Strauss, 1963). Categorical thought, however, serves much more than just this. Organized communities can create complex organizational strategies that have the potential of making them more successful. Through categorization, we can determine, for instance, the presence of danger, what food is safe to eat or what type of social behaviour can be classified as pro-social (and consequently moral).

Categorization, on the other hand, entails the recollection and systematization of information as epistemological structures. In all of this, the role of language is fundamental. The communication of the information deriving from categorical efforts corresponds to the creation of semantic models that reflect the epistemological order of our mental categories. It is already since De Saussure that linguists know that the construction of meaning through semantics is a social process. Today however we know that meaning construction does not only relate to communication efforts in language but it is the very way we use to create social order and interaction strategies in our communities (De Saussure, 2016).

To give a practical example, we can think about the idea and the semantic label of “democracy”. Democracy in itself hardly describes an independent third object that has a stable meaning as the liberal theorists used to think. The concept has been discussed for millennia and we are not even remotely close to giving an ultimate definition of it. On the contrary, the semantic label “democracy” refers to a certain number of practices and organisational structures which in turn try to actualize some moral assumptions on how social life should be structured. The organisational strategies that we adopt contribute to defining what democracy is for a society in a certain time and space. This defines recursively also its fundamental moral assumptions that the institutions try to relate to such as fairness, equality, and freedom. According to the institutional structures that we adopt these ideas take a concrete form and determine the kind of democracy that we have. Equality for instance can be indented as equality in legal treatment, resource and wealth distribution, equality in opportunities etc. Depending on what aspect we develop and emphasise through the creation of our institution we can end up with different ideas and forms of democracy. However, there is no such thing as a transcendental idea of democracy that exists independently from its concrete actualization.

These questions have been partially received in social science and international relations by several authors who got involved in the study of framework communication (Entman:2004, and Iyengar:1999). Nonetheless, most of these authors perceive frameworks linguistics and semantic representations not as epistemological orders but as heuristics and communication strategies that people use in political discourse. As a consequence, the idea of a stable factual world is not fundamentally challenged.

In this regard is important to notice that meaning construction, unlike what liberal theorists prescribe, is never a stable and static process but it remains always open-ended and ambiguous. Ambiguity is not only necessary for semantic construction but also a comparative advantage for our social communication. When semantic labels are relatively open-ended they can be manipulated and adapted to the changing nature of our environment (Henrich, 2016). A generic word for “danger” for instance can help to react quickly even to previously unseen events triggering social protocols for defending the community. Completely stable semantic meaning is not necessarily desirable because is not adaptable to our evolving normative necessities and to new experiences that we have not classified in the past.

If we think about it some forms and shapes of democracy 500 or even 10000 years ago would be inappropriate and inefficient if applied today (Case in point is the fact that greek democracy normalized the existence of slavery). To avoid this problem we use communication, language and discourse to manipulate topologically semantic categories. This is aimed at making the underlying organisational structures relevant and useful to our social reality. In this sense socio/political discourse is the way we actualize abstract and otherwise meaningless semantic labels into concrete socio/political institutional strategies.

What Does That Mean for the Law?

To paraphrase Chamberlain's famous 1910 quote norms can not be completely rigid otherwise they would be transformed into a “trap for the innocent and a signpost for the guilty”. By necessity social normativity needs to be open-ended and adaptable. This open-endedness is our last line of defence against the possibility that a rule system might be used against its own intentions or it just breaks down because not relevant and efficient enough vis-a-vis the political circumstances in which it operates.

Legal discourse consequently is not a process finalized towards the ultimate stabilization of legal statements but it is a continuous effort to keep the evolution of categorical semantics relevant to our reality. If normative discourse gets perfectly sedimented and stable it loses relevance and progressively becomes obsolete.

We should abandon the idea of norms as activated by fixed standards and thresholds and we should instead embrace the reality that political discourse and constant political communication are what establish and create the normative boundaries of activation for social normativity. Political activity in itself serves the purpose of negotiating and deciding how to draw the boundaries and the thresholds for particular relevant categories that in turn influence and determine the organisational nature that our society takes in the immediate future.

In this regard, I must make a fundamental specification. If normative categories are inherently open-ended and unstable it is hardly the case that a certain semantic category's evolution can be perfectly controlled by a single subject in the community. As the social debate goes on, different subjects will push for different manipulation of the semantic idea which will correspond to their interests and their needs. In time, as Lakoff demonstrates, different categorical versions of the same semantic label (Lakoff analyzed the idea of Freedom, Lakoff, 2007) can even compete within the same society to actualize competitive and contrasting organizational strategies under the banner of the same semantic idea. This can happen as long as there is effective communication and the subjects can participate effectively in the debate by making legitimate statements about a certain set of semantics

Autocracies, Semantic Manipulation and the Crisis of the Liberal System

I argue that this theoretical background helps us very well to understand the crisis of the liberal system and the challenges that autocratic and non-liberal states bring to modern governance and legal structures. Through the multiplication and the diffusion of liberal discourse within international governance, as I mentioned above, references to international liberal governance have become a necessary threshold for legitimacy in participating in the political debate.

I hold that instead of consolidating liberal ideas as it was supposed to, the proliferation of normative liberal discourse has instead created a well-codified system for participating effectively in the debate and making meaningful statements about political topics. In other words, the proliferation of liberal value-inspired regulatory discourse has ended up only making it easier to identify fundamental normative semantics to employ to take part in the debate.

In fact, as the liberal model gained hegemonic status, autocratic countries had to choose whether to learn to participate effectively in the debate or isolate themselves from the international scene. While some authoritarian countries chose isolation (EG north Korea) others thought that engagement was a better strategy. After all, engaging successfully in the political debate allows advocating for one's own interests and winning some leeway in the decision-making process.

To do so, however, non-liberal authoritarian states had to learn also how to communicate successfully (which means legitimately) within a political discourse which was dominated by liberal values and liberal semantics.

Over the last few decades, authoritarian states have progressively started to imitate democratic structures. This mimicry has been carried on because it confers political legitimacy and economic stability to a country. Consequently, according to Franz and Kendall-Taylor (2017) authoritarian regimes have become more stable and institutionally resilient to internal and external shocks.

I argue that political imitation happens by learning and employing successfully dominant semantics which in turn allows the states to participate successfully in the political debate of the community.

In other words, if Russia and China employ meaningfully in their discourse ideas like "democracy", "freedom" and "rule of law", not only this gives legitimacy to their statements but it also confers them the possibility to participate in the debate on the evolution and actualization of such tenets.

The Authoritarian Use of Liberal Values: The Case of Russia and China

From a rationalistic liberal point of view, we might be inclined to look at authoritarian states as regimes that strive to be *legibus soluti*. Consequently, autocracies can be thought as adamant towards engaging in normative discourse because it creates the necessity of some form of accountability. In reality, however, this is far from true. We can take into account the case of China, and Russia as prototypical and proficient modern autocratic regimes. These countries have a prolific production of legal and political documents that discuss liberal normative ideas.

If we look at autocratic nations only from a traditional liberal perspective, it can be puzzling to read that China and Russia in 2016, in a joint statement on international law have

“resolved to further enhance their cooperation in upholding and promoting international law and in establishing of a just and equitable international order based on international law.”(China, Russia 2016)

The strategies of prosocial authoritarian regimes are not to negate the development of international law but to influence it successfully so as to include their policies within the category of what is legitimate and legal.

In the same 2016 statement, Moscow and Beijing affirmed also that

“The Russian Federation and the People’s Republic of China reaffirm the principle that States shall refrain from the threat or use of force in violation of the United Nations Charter and therefore condemn unilateral military interventions.”(2016)

This, however, has not stopped Russia from invading Ukraine in February 2022. When we listen to the discourse of Russian diplomats in this regard in the UNGA, the way this is presented does not deny the validity and existence of this commitment but it justifies the actions in the name of the UN charter and the principles of self-defence:

“Hence by leveraging art. 51 of the UN Charter not only Russia is trying to protect itself from the nationalist threat but it is also seeing to uphold the purposes and principles of the UN Charter..ensuring that the main goal of the UN is upheld: namely protect the future generations from the scourge of war”. (Russia, UNGA, February 28, 2022)

Similarly, China have recently clashed over an official visit of the US speaker of the House of Representatives Nancy Pelosi to Taipei. This was seen as disrespectful of the strategic interests that Beijing has in Taiwan. The visit was accompanied by more or less explicit threats of the use of force by China and the implementation of military exercises around Taiwan that worked as an intimidation act. The government of China did not imply that Beijing has a legitimate strategic aspiration for Taiwan nor that its actions broke its commitment to the international norms against the threat of the use of military force. On the contrary, it lamented the fact that American actions “infringed upon China’s sovereignty and territorial integrity.” Since Taiwan is considered by Beijing as China’s territory, the defence exercises were conducted in the name of self-defence as the inherent right of every country to defend its territory.

“The situation surrounding Pelosi’s visit to the US made provocation first and China was compelled to act in self-defence”(Hua:2022).

A similar attitude can be revised in the relation that these regimes have concerning Democracy and Human rights. First of all, neither Russia nor China tend to deny the importance and value of democracy. In its 2021 UNGA discourse, for instance China commented that:

“A world at peace and developed should embrace civilizations of diverse forms and must accommodate diverse paths to civilization. Democracy is not a special right of some countries but a right of all countries to enjoy” (Xi:2021).

These declarations strive for infusing the idea of democracy with relativism and subjectivity. It does not oppose the category per se but it tends to expand the semantic range of the category of “democracy” to chain its governance structures with the western “hard-core” understanding of the idea.

This is the reason why foreign minister Lavrov, during his 2021 speech at the UNGA has been so harsh towards the democracy US democracy summit

“The US administration has recently come up with the idea of convening a summit for democracy. It goes without saying that Washington has chosen the participants by itself, highjacking the right to decide to what extent a country meets the standards of democracy”.

The initiative discarded Russia as a democracy and prevented it from participating in the debate altogether.

Similarly, both China and Russia not only do not refuse human rights but they even use proficiently these concepts to make their own political points (Russia, Foreign Minister, 2022, China, State Council, 2021). Recently President Xi declared in front of the UN high commissioner for human rights that:

“Human rights have historical, specific and practical contexts. With different national conditions, histories, cultures, social systems and levels of economic and social development, countries should and can only explore suitable paths of human rights development in light of national realities and people’s needs” (Xi(a), 2022)

Russia, by the same token, formally supports the idea and political existence of human rights. Foreign ministry Lavrov has declared: “Human Rights are regarded as a factor bringing states together instead of dividing them” (HCR, R.F. 2018, 1). However, when we look at the Russian political debate we can see that authors like Nataliya Narochnitskaya or Alexander Dugin (Robert, 2016, Mäger, 2016) systematically attack the liberal attempt to universalize human rights’ interpretation pushing for a more relativistic view of the matter in line with the “political and social tradition of the country”. Russian state officials also reject the idea of human rights as a universal legitimacy concept appealing to the ideas of state sovereignty as the ultimate source of legitimacy for developing regulatory knowledge (Malksoo:2017).

As we can see, this type of discourse is pivoted on the autonomy and authority in deciding the semantic content on what “human rights” or “democracy” mean. This autonomy is defended through the reinforcement and reaffirmation of a strong idea of sovereignty as the ultimate source of political legitimacy. A strong sovereignty makes it easier to give statements about institutional questions because it does not imply a higher form of accountability.

It is very important to notice, also, that all these arguments are made in the name of cultural relativism which is in itself a value of the liberal system. Russia and China use relativism as a

legitimacy threshold to manipulate and expand governance ideas and implement their agendas toward the evolution of international norms.

The aim is to decentralize western-style organizational structures as the focal reiteration of the normative categories like democracy, human rights and the rule of law.

For this reason for instance secretary Xi has recently stated that

“Democracy is not a special right reserved to an individual country, but a right for the people of all countries to enjoy (Xi:2021)”

For all intent and purposes, China and Russia are not eager to be classified as oppositions to the international order. On the contrary, they strive for infusing regulatory semantics of the international system with a higher level of ambiguity and variance. This is because a higher ambiguity prevents group coordination and in turn generates weaker enforcement possibilities.

On the other hand, this process is inevitable because of the inherent instability of normative meaning. Paradoxically the more liberal ideas become central to the international system the less they are able to produce consistent regulatory results. Conversely, they adopt increasingly the function of legitimacy thresholds becoming in turn identitarian empty signifiers.

In other words, the crisis and the contestation of the international system as such do not derive from the open opposition of authoritarian states against liberal values but from the inevitable and progressive deterioration of fundamental regulatory principles at the centre of the system.

Conclusion

In the paper I have exposed how classical assumptions of rationalistic liberal theory do not explain in a satisfactory way the formation and evolution of international governance structures. The proliferation of a liberal discourse as semantics for legitimate participation in the political debate has not consolidated liberal normativity. Instead, it created a well-codified communication structure to make meaningful statements about international politics. This is due to the inherent open-endedness embedded in natural language. If this process keeps normative categories always relevant on one side, it allows also their development towards unexpected and unwanted directions on the other. Consequently, China and Russia take advantage of these mechanisms to influence the evolution of these normative ideas pushing them towards directions that are more advantageous for their own agendas. Their strategy is focused not on refusing liberal normative ideas but on infusing them with a high degree of ambiguity. Ambiguity makes social coordination and enforcement less likely.

Some authors think that autocracies' relation to international law should be classified as an independent corpus of norms (Ginsburg, 2020). I think that this approach is unnecessary since democracies as well can engage in this kind of categorical manipulation. While the paper concentrates on autocratic regimes, my analysis can be applied also to democratic ones. What I have described is an embedded feature of natural language and of cognitive mechanisms in approaching the creation of institutional social structures not a feature of a particular type of political regime. Autocratic regimes, however, engage more in this activity because they have a greater strategic incentive in enlarging the categorical boundaries of certain ideas in order to gain political legitimacy and undergo less conditioning from the external system.

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