

# In the Throes and Thrall of Empires: The Fractious State of Current Geopolitical Relations

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*Like many scholars who, over the course of long careers, have focused on various dimensions of international law—in my case, principally international trade law and the institutional dimensions of economic and social development in developing countries<sup>1</sup>—it is difficult not to be depressed about the current fractious state of geopolitical relations. In the brief comments that follow, I focus on two controversial sets of issues that bridge these two domains: whether economic interdependence yields a peace dividend, and whether we can hope to escape the enduring mythology of the imperial civilizing mission, which I believe are central to current geopolitical fault lines. I close with some speculative thoughts on the relationship between these two questions and potential responses to them. As Paul Romer remarked on receipt of the Nobel Prize in Economics in 2018 for his path-breaking work on endogenous growth theory, “[o]nce one starts to think about [questions such as these], it is hard to think about anything else.”<sup>2</sup>*

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1. See, e.g., MICHAEL J. TREBILCOCK & JOEL TRACHTMAN, *ADVANCED INTRODUCTION TO INTERNATIONAL TRADE LAW* (3d ed. 2025); MICHAEL J. TREBILCOCK, *NAVIGATING THE FREE TRADE–FAIR TRADE FAULT-LINES* (2021); MARIANA PRADO & MICHAEL J. TREBILCOCK, *ADVANCED INTRODUCTION TO LAW AND DEVELOPMENT* (2d ed. 2021); MARIANA PRADO & MICHAEL J. TREBILCOCK, *INSTITUTIONAL BYPASSES* (2019).

2. DIEGO MAGUINA, *An Ode to Paul Romer, Nobel Prize in Economics*, *ECON. REV.* (Jan. 13, 2019), <https://theeconreview.com/2019/01/13/an-ode-to-paul-romer-nobel-prize-in-economic> [<https://perma.cc/YR2H-8AZM>].

Throes and Thralls of Empire

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## Introduction

I knew the late George Priest for almost fifty years, starting when we were Fellows in Law and Economics at the University of Chicago in 1976. He then graciously acted as de facto host for two of my visiting appointments at Yale Law School, in 1985 and 2005. During the first, I co-taught with him a seminar on Products Liability, and during the second, I taught a seminar on International Trade Law.

George was instrumental in forming the American Law and Economics Association, which first met in 1991. He was its first president, and it has grown in leaps and bounds over the intervening years.<sup>3</sup> I was privileged to serve as its president in 2003. Karen Crocco, his wonderful assistant for almost 40 years, has organized the association's activities over the entire life of the association.

George's seminal torts scholarship was part of the inspiration for our book, *Exploring the Domain of Accident Law: Taking the Facts Seriously*.<sup>4</sup> While he did not claim to have been a law and development scholar, his seminar with his close friend and colleague Owen Fiss, "Capitalism and/or Democracy," along with his founding role in forming the Latin American Law and Economics Association and his regular participation in its events over subsequent years, reflected a keen interest in an area that has become a major focus of my scholarly and teaching activities over the latter part of my career (often in collaboration with Mariana Prado, then a doctoral graduate of the Yale Law School).

I owe George a very large debt of gratitude.

## I. Reflections on the Fractious State of Geopolitical Relations

### A. Does Economic Interdependence Yield a Peace Dividend?

An almost timeless debate going back to philosophers in Greek and Roman times surrounds the issue of whether increased economic interdependence among states in the form of cross-border trade and investment, apart from its putative mutual economic benefits, also yields an enduring peace dividend. The ancients were divided on this issue, with the preponderant view generally skeptical of economic interdependence on the grounds that the coarse manners and material values of foreign merchants risked compromising the morals and civic virtues of their domestic citizens.

However, even at this time, there were dissenting voices. For example, the Greek philosopher Plutarch argued that resources of various kinds were unevenly distributed across the world by Deities or Nature in order

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3. GEORGE PRIEST, *THE RISE OF LAW AND ECONOMICS: AN INTELLECTUAL HISTORY* (2020).

4. DONALD DEWEES, DAVID DUFF & MICHAEL J. TREBILCOCK, *EXPLORING THE DOMAIN OF ACCIDENT LAW: TAKING THE FACTS SERIOUSLY* (1996).

to facilitate peaceful interactions among all the citizens of the world. This view was taken up by Stoic philosophers early in the first millennium, in part relying on notions of the universal brotherhood of mankind.<sup>5</sup>

Similarly, some philosophers and legal theorists in the middle to late Middle Ages, including Immanuel Kant, Hugo Grotius, Pufendorf, Montesquieu, and John Stuart Mill, all argued in one vein or another that increased economic interdependence yielded a form of positive cosmopolitanism that softened the hard edges of nationalism and reduced the risk of military conflict among nations. From the mid-nineteenth century onwards, loose constellations of Liberal radicals, socialists, Marxists, feminists, and Christians espoused free trade as a *Pax Economica* in opposition to the landed aristocracy, imperialism, nationalism, and militarism. This was epitomized by the antinomies between followers of Richard Cobden (free trade) and Friedrich List (self-sufficiency as a development strategy).<sup>6</sup>

In a similar vein, a then-famous book by 1934 Nobel Peace Prize winner Norman Angell, *The Great Illusion*,<sup>7</sup> which was originally published in 1909 before the outbreak of World War I, argued that wars of occupation were likely to entail horrendous human and material costs compared to mutually beneficial trade among neighboring states. Or in the apocryphal words of nineteenth-century French economist Frederic Bastiat, “[w]hen goods don’t cross borders, soldiers will.”<sup>8</sup>

Yet World War I broke out shortly after the publication of Angell’s book, raising enduring doubts about the peace dividend from increased economic interdependence. This raised in turn the possibility that causation runs in the opposite direction: from peace, however achieved, to trade. The rise of Germany and Japan as major trading nations post-World War II suggests as much.<sup>9</sup> Still, provoking—and losing—a major war seems an uncongenial general prescription for future economic success.

The interwar years, and particularly the Great Depression, were marked by a retreat from economic interdependence, exemplified by competitive currency devaluations and reciprocal trade restrictions. For instance, the United States enacted the Smoot-Hawley tariff, which almost certainly exacerbated the Great Depression. Another world war quickly followed, with catastrophic consequences for all its participants.

However, emerging from the ashes of World War II, many countries around the world, led by the United States, committed themselves to a

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5. See DOUGLAS IRWIN, *AGAINST THE TIDE: AN INTELLECTUAL HISTORY OF FREE TRADE* 15 (1990).

6. See MARC-WILLIAM PALEN, *PAX ECONOMICA: LEFT-WING VISIONS OF A FREE TRADE WORLD* 14 (2024).

7. NORMAN ANGELL, *THE GREAT ILLUSION* (1980).

8. Nicholas Snow, *If Goods Don’t Cross Borders...*, *FOUND. FOR ECON. EDUC.* (Oct. 26, 2010), <https://fee.org/resources/if-goods-dont-cross-borders/> [<https://perma.cc/NV9V-8BJP>].

9. MANCUR OLSON, *THE RISE AND DECLINE OF NATIONS* (1982).

“Never Again” strategy in the form of various commitments to multilateralism. On the economic front, the Bretton Woods Agreement of 1944 between the United States and Britain led shortly thereafter to the formation of the General Agreement on Tariffs and Trade (GATT), which was succeeded in 1995 by the World Trade Organization. Under GATT, all countries would trade with each other under a common set of ground rules, with an exception for free trade agreements and customs unions, and some dispensations for developing countries adopted in the ensuing two decades. The International Monetary Fund and World Bank were also created to stabilize exchange rates and provide development financing respectively.

Politically, the aftermath of the war quickly led to the creation of the United Nations and its various agencies, the adoption of the Universal Declaration of Human Rights in 1948, and the development of its human rights covenants almost two decades later. The UN Charter prohibited the use of force against other nations except in self-defense or pursuant to Security Council resolutions. Although regional in scope, the emergence of the European Community in the early post-war years was also widely conceived of as a peace treaty as well as an economic treaty, where increased cross-border trade, investment, and movement of people would cement the peace.

These various manifestations of multilateralism, or at least broad regionalism, were widely seen as a common commitment to adherence to a basic set of common ground rules governing economic and political relationships among states. The outbreak of the Cold War between the Soviet Union and the United States and its allies—with the United Nations Security Council largely crippled by the veto rights of its permanent members—severely compromised adherence to such a set of commitments, although international trade and investment grew at rapid rates among many other countries. The collapse of the Soviet Union in the early 1990s precipitated a renewed spirit of optimism that the world was finally converging on a common set of broad economic and political ground-rules.

This spirit of optimism is reflected in widely read fin-de-siècle books such as Francis Fukuyama’s *The End of History*,<sup>10</sup> which portrayed the world as converging on a form of liberal democratic capitalism, and Thomas Friedman’s *The Lexus and the Olive Tree* and *The World is Flat*.<sup>11</sup> Friedman popularized venerable notions of the universal economy subscribed to by some ancient and medieval philosophers in his “Golden Arches thesis”—the notion that countries with many McDonald’s franchises are unlikely to ever go to war with each other.

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10. FRANCIS FUKUYAMA, *THE END OF HISTORY AND THE LAST MAN* (1992).

11. THOMAS FRIEDMAN, *THE LEXUS AND THE OLIVE TREE: UNDERSTANDING GLOBALIZATION* (2000); THOMAS FRIEDMAN, *THE WORLD IS FLAT: A BRIEF HISTORY OF THE TWENTY-FIRST CENTURY* (2007).

Other prominent scholars such as Amartya Sen,<sup>12</sup> Jagdish Bhagwati,<sup>13</sup> Kwame Anthony Appiah,<sup>14</sup> and Peter Singer,<sup>15</sup> both in their scholarship and in some of their personal life trajectories, sought to demonstrate that relatively free movement of goods, services, capital, technology, people, and ideas across borders yields a desirable form of cosmopolitanism that softens the sharp edges of nationalism and its potential for military conflict. Many commentators argued in the early years of the current century that economic liberalization in the case of China (and probably Russia) would over time also lead to political liberalization, thus mitigating the risk of future military conflict. This hope was in part reflected in China's 2001 accession—and later Russia's 2012 accession—to the WTO, on the theory, often attributed originally to Kant's *Perpetual Peace*, that democracies rarely go to war with each other.

Empirical research generally supports the claim that economic interdependence reduces the risk of military conflict, but this conclusion is conditional on a wide range of domestic political and economic factors and international relationships and future expectations thereof, rendering demonstration of causal relationships a major analytical challenge.<sup>16</sup>

Despite the euphoria in fin-de-siècle scholarship, the years around 2015 reflect the contingencies of history: Russia's appropriation of Crimea and Putin's entrenchment of his Presidency without effective term limits; Xi Jinping's entrenchment of his Presidency, also effectively without term limits; the decision by Britain to exit the European Union; and the election of the first Trump Administration on a protectionist platform and his subsequent attempt to overturn the results of the 2020 election.

In 2022, Russia invaded Ukraine and threatened the possibility of nuclear conflict, and—in the context of Western economic sanctions and counter-sanctions by Russia—threatened to restrict oil, gas, and food supplies to Europe and other countries—despite the fact that Russia and Ukraine had many Golden Arches and similar Western franchises. Likewise, China has become increasingly authoritarian and nationalistic, precipitating equally antagonistic reactions from some of its principal trading partners—especially the United States—entailing trade sanctions and counter-sanctions.

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12. AMARTYA SEN, *IDENTITY AND VIOLENCE: THE ILLUSION OF DESTINY* (2013); AMARTYA SEN, *HOME IN THE WORLD: A MEMOIR* (2022).

13. JAGDISH BHAGWATI, *IN DEFENSE OF GLOBALIZATION* (2004).

14. KWAME ANTHONY APPIAH, *COSMOPOLITANISM: ETHICS IN A WORLD OF STRANGERS* (2010); KWAME ANTHONY APPIAH, *THE LIES THAT BIND: RETHINKING IDENTITY* (2018); Kwame Anthony Appiah, *The Importance of Elsewhere: In Defense of Cosmopolitanism*, FOREIGN AFFS. (Feb. 12, 2019), <https://www.foreignaffairs.com/world/importance-elsewhere-cosmopolitanism-appiah/> [https://perma.cc/6PDQ-YPF3].

15. PETER SINGER, *ONE WORLD NOW: THE ETHICS OF GLOBALIZATION* (2016).

16. See Edward Mansfield & Brian Pollins, *The Study of Interdependence and Conflict*, 45 J. of Conflict Resolution 834 (2001); see also DALE COPELAND, *ECONOMIC INTERDEPENDENCE AND WAR* (2014).

During the first Trump administration, the United States more generally retreated from its international commitments, such as withdrawing from the Paris Climate Accords, the Trans-Pacific Partnership, and the dispute settlement body of the World Trade Organization. While the Biden administration reversed some of these decisions, it also imposed new trade restrictions on exports of semiconductors and similar electronic inputs to China, imposed 100% tariffs on imported electric vehicles, engaged in subsidy wars with China in various high-tech sectors, and declined to reinstate the dispute settlement body of the WTO or to rejoin the Transpacific Partnership Agreement. The second Trump Administration has imposed 25% tariffs on imports from Canada and Mexico, in effect shredding the free trade agreement among the three countries, placed massive tariffs in excess of 100% on imports from China, major tariffs on imports from many other countries, and withdrawn from the World Health Organization and the Paris Climate Accords.

In short, trade policy has increasingly been “weaponized.”<sup>17</sup> Governments now use trade and economic sanctions, restrictions, and subsidies as tools of geopolitical leverage. The national security exception to trade commitments has been promiscuously invoked to justify import and export restrictions and subsidies to support “essential” domestic industries.<sup>18</sup>

Recently, there has been much talk in Western policy circles of “friend-shoring” or “decoupling,” from “just in time” to “just in case”—trading only with our political friends.<sup>19</sup> But the second Trump Administration’s imposition of major tariffs on imports from its neighbors—and similar action against other traditional allies such as the European Union, risking precipitation of a generalized trade war—raises doubts about even this trade strategy.

In any event, such a strategy is likely to exacerbate trends evident from the early 1990s towards the fragmentation of the international trading regime into a proliferation of regional or preferential trade agreements (and Bilateral Investment Treaties), all of which are inherently discriminatory.<sup>20</sup> This weakening of commitments to multilateralism more generally, reflected in the near paralysis of the political and quasi-judicial organs of the WTO, does not augur well for the prospects of global cooperation on

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17. MARK LEONARD, *THE AGE OF UNPEACE: HOW CONNECTIVITY CAUSES CONFLICT* (2022); PAUL TUCKER, *GLOBAL DISCORD: VALUES AND POWER IN FRACTURED WORLD* (2022); ROBERT BLACKWILL & JENNIFER HARRIS, *WAR BY OTHER MEANS: GEOECONOMICS AND STATE CRAFT* (2016).

18. See James Bachus, *The Black Hole of National Security* (Cato Policy Analysis, Paper No. 936, 2022), <https://www.cato.org/policy-analysis/black-hole-national-security/> [<https://perma.cc/BR9X-LVGZ>]; Daniel W. Drezner, *How Everything Became National Security*, FOREIGN AFFS. (Aug. 12, 2024), <https://www.foreignaffairs.com/usa/united-states/how-everything-became-national-security-drezner> [<https://perma.cc/R39E-K7ZY>].

19. See, e.g., Sebastian Mallaby, *Biden Needs Allies to Keep China and Russia in Check: Here’s How to Do It*, WASH. POST, Jan. 5, 2023.

20. JAGDISH BHAGWATI, *TERMITES IN THE TRADING SYSTEM* (2008).

such existential threats as pandemics, climate change, and nuclear conflict.<sup>21</sup>

All these contemporary developments challenge the robustness of the thesis that increased economic interdependence yields peace and related non-economic benefits for the world. Unless the early optimism that accompanied the creation of the major post-war multilateral or broad plurilateral institutions can be rekindled, they augur a depressingly bleak geopolitical future. The Friedman Golden Arches thesis, and its more general cosmopolitan antecedents (i.e., that trade yields peace), have never been under more serious challenge, exacerbated by the recent Israel-Hamas war and its potential for broader conflicts in the Middle East. Emerging military alliances among the autocracies of Russia, China, Iran, and North Korea defy a simple characterization of a rising superpower confronting a declining superpower.<sup>22</sup> The “Never Again” adage faces a complex and perilous future.<sup>23</sup>

### *B. Can We Escape the Enduring Mythology of the Imperial Civilizing Mission?*<sup>24</sup>

Imperialism is on the rise again with Russia’s invasion of Ukraine and China’s threatened invasion of Taiwan. Empires since the classical era have often espoused—along with religious proselytizing or coercion—the mythology of a civilizing mission as a justification for their territorial expansion and subjugation of foreign territories occupied by “inferior” or “primitive” native inhabitants. The empires then appropriated much of their land, labor, and natural resources and imposed truncated economies on many of them, turning them into “hewers of wood and drawers of water.” Memorialized in Rudyard Kipling’s famous (or infamous) 1899 poem,

21. See Martin Wolf, *Geopolitics Is the Biggest Threat to Globalisation*, FIN. TIMES (Nov. 2, 2022), <https://www.ft.com/content/8954a5f8-8f03-4044-8401-f1efefe9791b> [https://perma.cc/LN7T-LC37]; Raghuram G. Rajan, *Deglobalization is a Climate Threat*, PROJ. SYNDICATE (Nov. 20, 2022), <https://www.project-syndicate.org/commentary/deglobalization-threatens-fight-against-climate-change-by-raghuram-rajan-2022-11> [https://perma.cc/QS6L-TTWJ]; Paola Subacchi, *The Great Global Crack-Up*, PROJ. SYNDICATE (Mar. 15, 2023), <https://www.project-syndicate.org/commentary/global-economy-fragmentation-risks-driven-by-geopolitical-hostilities-by-paola-subacchi-2023-03/> [https://perma.cc/A592-8M3G].

22. See GRAHAM ALLISON, *DESTINED FOR WAR: CAN AMERICA AND CHINA ESCAPE THUCYDIDES’S TRAP?* (2017); cf. ELISABETH BRAW, *GOODBYE GLOBALIZATION: THE RETURN OF A DIVIDED WORLD* (2024); Hal Brands, *The New Autocratic Alliances*, FOREIGN AFFS. (Mar. 29, 2024), <https://www.foreignaffairs.com/united-states/new-autocratic-alliances/> [https://perma.cc/PQR7-EJZH].

23. See ROBERT KAPLAN, *WASTE LAND: A WORLD IN PERMANENT CRISIS* (2025); Oona Hathaway, *War Unbound: Gaza, Ukraine, and the Breakdown of International Law*, FOREIGN AFFS. (Apr. 23, 2024), <https://www.foreignaffairs.com/ukraine/war-unbound-gaza-hathaway/> [https://perma.cc/V88J-NEHX]; Daron Acemoglu, *The Real Threat to American Prosperity*, FIN. TIMES (Feb. 8, 2025), <https://www.ft.com/content/4e3f1731-3d63-4b31-88ce-c3f5157d8170> [https://perma.cc/6E63-YW7S].

24. This section is partly derived from Michael J. Trebilcock, *The Good Governance Quandary: The Elusive Search for Role Models*, 15 L. & DEV. REV. 105 (2021).

“The White Man’s Burden,” this view of the role of empires was widely perceived as a major ethical rationale for the expansion of the British Empire, and it has been subsequently reflected in mainstream histories of the British Empire and the teaching of British history to generations of British school children.<sup>25</sup>

This view holds despite the British Empire’s involvement in the European transatlantic slave trade and the creation of exploitative plantation economies throughout the Americas (the lingering effects of which persist to this day in many of these countries); the corporate violence and pillage by the British East India Company in India (replicated in many different forms of corporate colonialism in other colonies, reflecting an indistinct line between government policy and corporate opportunism);<sup>26</sup> the ensuing Opium Wars with China,<sup>27</sup> foreshadowing Japanese invasions and “a century of humiliation” for China; the creation of white supremacist regimes in South Africa and Southern Rhodesia, now Zimbabwe; the Bengal famine in which three million Indians were left to die of starvation in 1943; and widespread murder, torture, mutilation, and incarceration of indigenous populations in the Middle East, Africa, and Asia up until as recently as the 1960s.

Many of these episodes, meticulously and wrenchingly documented in Caroline Elkins’ recent history of the British Empire,<sup>28</sup> reflect extensive racism and violence in the administration of foreign colonies. This history has bequeathed to many of them authoritarian forms of government that local elites—sometimes co-opted local apparatchiks in the former colonial administration as part of the British Empire’s broader divide-and-conquer strategy—were often happy to exploit in the repression of their own citizens. This is not, of course, to deny positive legacies of the imperial experience, such as the building of major infrastructure and the dissemination of some of the benefits of the Industrial Revolution and modern medicines. However, with the qualified exception of the major settler colonies (the United States, Canada, Australia, and New Zealand)—although even among them reflected in their treatment of their indigenous populations—the institutional legacies of a commitment to the rule of law and effective representative government among the other sixty-two former British colonies have been decidedly mixed.<sup>29</sup>

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25. See, e.g., NIALL FERGUSON, *EMPIRE: HOW BRITAIN MADE THE MODERN WORLD* (2002).

26. See PHILIP STERN, *EMPIRE INCORPORATED: THE CORPORATIONS THAT BUILT BRITISH COLONIALISM* (2023).

27. See WILLIAM DALRYMPLE, *THE ANARCHY* (2019).

28. See CAROLINE ELKINS, *LEGACY OF VIOLENCE: A HISTORY OF THE BRITISH EMPIRE* (2022).

29. See Ronald Daniels, Michael J. Trebilcock & Lindsey Carson, *The Legacy of Empire: The Common Law Inheritance and Commitments to Legality in the Former British Colonies*, 59 AM. J. COMP. L. 111 (2011). I acknowledge that the heterogeneity of British imperial policies over

Proponents of Brexit, who could not abide Britain being only one of twenty-eight members of the European Union despite near unanimous economic opinion that exiting Britain's largest market would be costly, provoked public apprehensions of a flood of immigrants from "alien" European cultures and elsewhere—as seen most prominently in the United Kingdom Independence Party's "Breaking Points" poster. As Michael Gove, then Lord Chancellor, put it, "the people of this country have had enough of experts."<sup>30</sup> This sentiment left the likes of Nigel Farage as the intellectual force behind the Brexit movement and its successor, the Reform Party. While proponents have proclaimed a vision of a new "Global Britain" (or perhaps "Make Great Britain Great Again"), it is not clear what they have in mind. In some cases, this seems little more than nostalgia for an Empire that collapsed more than fifty years ago, apart from a few specks of islands in the Caribbean and South Atlantic and the Rock of Gibraltar, with most of the sixty-odd ungrateful former colonies either happy to take their leave or abruptly abandoned if of no further value to the colonial power.

The history of other major modern empires warrants similar circumspection. For example, the postwar American Empire ostensibly invaded Vietnam to free it from the prospect of a communist takeover, but at the cost of between two and three million fatalities on both sides and eventual defeat and withdrawal. The history of American invasions of Afghanistan, Iraq, and Libya with the ostensible goal of liberating their populations from repressive regimes also reflects almost complete failure to achieve this civilizing mission.<sup>31</sup> The efforts of the United States to prop up ostensible anti-communist regimes—often in fact repressive and corrupt—in South America (such as the Pinochet regime in Chile) and Africa (such as the Mobutu regime in Zaïre) during the Cold War have mostly been similarly unsuccessful.<sup>32</sup> The second Trump Administration's threat to appropriate Greenland, the Panama Canal, and Gaza represents a continuation of this policy and provides a license to other empires to pursue similar policies.<sup>33</sup>

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time and space has prompted a more sympathetic, albeit controversial, interpretation and defense of British imperial policies. See NIGEL BIGGAR, *COLONIALISM: A MORAL RECKONING* (2023).

30. Richard Portes, "I Think the People of This Country Have Had Enough of Experts," THINK AT LONDON BUS. SCH., <https://www.london.edu/think/who-needs-experts> [https://perma.cc/U434-DLH8].

31. See Jennifer Kavanagh & Bryan Frederick, *Why Force Fails: The Dismal Track Record of U.S. Military Interventions*, FOREIGN AFFS. (Mar. 30, 2023), <https://www.foreignaffairs.com/united-states/us-military-why-force-fails> [https://perma.cc/E2UL-FWFG].

32. See Andrew Bacevich, *The Reckoning That Wasn't: Why America Remains Trapped by False Dreams of Hegemony*, FOREIGN AFFS. (Feb. 28, 2023), <https://www.foreignaffairs.com/united-states/andrew-bacevich-the-reckoning-that-wasnt-america-hegemony> [https://perma.cc/KDQ8-DH3Z].

33. See Gideon Rachman, *Trump, Putin, Xi and the New Age of Empire*, FIN. TIMES (Feb. 10, 2025), <https://www.ft.com/content/8d1afb00-57ee-4b59-abe3-df0ff18084fb> [https://perma.cc/35SR-5M5R].

Russia's attempts to subjugate the domestic citizenry in its vassal states in the postwar period—especially its suppression of popular uprisings in Hungary and Czechoslovakia and failed invasion of Afghanistan—led to the collapse of the Soviet Union in the early 1990s. Now, this ethos is reflected in attempts to recreate by force some parts of the Slavic Empire by the invasion and appropriation of large parts of Ukraine. This ostensibly reflects the need to “de-nazify” the Ukrainian population, as Vladimir Putin argued—while invoking Peter the Great as his role model.<sup>34</sup>

China, meanwhile, has pursued a policy of subjugating its religious and ethnic minorities (Tibetans and Uyghurs), threatened the forcible re-appropriation of Taiwan, whatever the democratic disposition of its citizens, and suppressed the pro-democracy movement in Hong Kong. All this was presumably in the interests of civilizing the affected populations in Han-Confucian norms and the traditions of Greater China, reflecting what President Xi Jinping has described as a civilizational conflict with the West. China's assertion of sovereignty over the South China Sea through occupation of islands there, as well as its promotion of financially dependent vassal states pursuant to its Belt and Road Initiative, raise further concerns about its imperializing ambitions.

However, the mythology of the Imperial civilizing mission dies hard. In the postwar period, major developed countries and the international institutions that they often dominate have offered advice and foreign aid to developing countries, promoting policy and institutional reforms that they intended to enhance their economic and social development. These recommendations are often based on an assumption of superior wisdom that has universal application.<sup>35</sup> This has been the case despite the mixed-to-weak results of many of these efforts, reflected in shifts in dominant development paradigms over time—from early postwar approaches like modernization theory and state-led “Big Push” theories of development to their late-twentieth century antithesis, the market-driven Washington Consensus, which framed the state not as a solution, but as a primary obstacle to development.<sup>36</sup>

The mixed-to-weak record produced by these contrasting paradigms has now led to a grudging and belated recognition within development thinking that feasible and desirable policy and institutional reforms in many developing countries are constrained by often deep-seated and path-dependent particularities of history, geography, resources, culture, ethnic,

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34. For a more sympathetic view, see BENJAMIN ABELOW, *HOW THE WEST BROUGHT WAR TO UKRAINE* (2022).

35. See Comfort Ero, *The Trouble with “the Global South”: What the West Gets Wrong About the Rest*, FOREIGN AFFS. (Apr. 1, 2024), <https://www.foreignaffairs.com/world/trouble-global-south> [<https://perma.cc/7KBH-FFKQ>].

36. See MATT ANDREWS, *THE LIMITS OF INSTITUTIONAL REFORM IN DEVELOPMENT* (2013); MATT ANDREWS, LANT PRITCHETT & MICHAEL WOOLCOCK, *BUILDING STATE CAPACITY* (2017).

religious and demographic characteristics, and political organizations. Such complexities defy broad generalizations and limit the applicability of lessons across contexts, even among countries that appear to share similar characteristics.<sup>37</sup>

In this spirit, the old Polish definition of a pessimist as “an optimist with inside knowledge” resonates with a more grounded and realistic view of development.<sup>38</sup> Banal prescriptions, such as those offered by the late preeminent American political economist Mancur Olson in a review of why some countries are rich and others poor: “The best thing a society can do to increase its prosperity is to wise up,”<sup>39</sup> or *The Economist’s* 2000 declaration regarding a survey of Africa that “Africa’s people need to regain their self-confidence,”<sup>40</sup> are both unhelpful and patronizing.

How useful are imperial lodestars—two autocratic and two ostensibly democratic—in the reform enterprise? For example, even setting aside the more farcical features of contemporary British and American politics—such as the United Kingdom having six Prime Ministers in eight years (five from the same party), the January 6 assault on Capitol Hill incited by a sitting President, or the chronic dysfunction in Congress over basic tasks like passing a budget—one would be hard-pressed to seriously recommend these systems as models for developing countries. Would an advocate for good governance suggest adopting the British example, with its unelected upper house (aptly called the House of Lords), comprising *inter alia* hereditary members and political cronies appointed by outgoing Prime Ministers? Or its hereditary royalty and aristocracy that reflect the vestiges of a feudal society that stand in stark contrast to meritocratic ideals? Or its unwritten Constitution, its murky devolution of powers within the Union, its widely criticized policy of shipping asylum seekers off to Rwanda, or the image of a Prime Minister and his staff partying while the rest of his fellow citizens were under mandatory lock-down early in the pandemic—an uncomfortable echo of old colonial practices?<sup>41</sup>

Likewise, would anyone recommend to developing countries to emulate the American example, with its idiosyncratic institutional arrangements that Steven Levitsky and Daniel Ziblatt call “tyranny of the minority”?<sup>42</sup> Should they adopt an Electoral College that discounts the popular

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37. See ODED GALOR, *THE JOURNEY OF HUMANITY: THE ORIGINS OF WEALTH AND INEQUALITY* (2022); MARK KOYAMA & JARED RUBIN, *HOW THE WORLD BECAME RICH: THE HISTORICAL ORIGINS OF ECONOMIC GROWTH* (2022); ABHIJIT BANERJEE & ESTHER DUFLO, *POOR ECONOMICS* (2011); ABHIJIT BANERJEE & ESTHER DUFLO, *GOOD ECONOMICS FOR HARD TIMES* (2019); DANI RODRIK, *ONE ECONOMICS, MANY RECIPES* (2007).

38. See Trebilcock, *supra* note 24, at 115-16.

39. Mancur Olson, *Big Bills Left on the Sidewalk: Why Some Nations are Rich and Others Poor*, 10 J. OF ECON. PERSPS. 3, 21 (1996).

40. *The Heart of the Matter*, THE ECONOMIST (May 11, 2000), <https://www.economist.com/special/2000/05/11/the-heart-of-the-matter> [<https://perma.cc/7KBH-FFKQ>].

41. See SAM FREEMAN, *FAILED STATE* (2024).

42. STEVEN LEVITSKY & DANIEL ZIBLATT, *TYRANNY OF THE MINORITY: WHY AMERICAN DEMOCRACY REACHED THE BREAKING POINT* (2023).

votes for President in all but six or eight states? Or a powerful, co-equal Senate where each state, regardless of population, has two votes and where most legislation requires a supermajority vote? Would they benefit from a system with virtually no campaign financing restrictions or independent electoral commissions to oversee redistricting, voter eligibility, or ballot counting? Or from electing state judges through popular vote? A politically partisan Supreme Court whose lifetime appointments are deeply politicized—resulting in decisions that, among other things, have conferred sweeping immunity on the President from criminal or civil liability for misconduct in office, and enabled both Presidents Biden and Trump to exercise the Presidential pardon privilege to excuse family, friends, and violent rioters from the consequences of illegal conduct (so much for equality before the law)?

Indeed, the second Trump Administration has only deepened these concerns. It has issued a blizzard of executive orders without legislative debate or deliberation, reminiscent of the way Hugo Chávez governed Venezuela. These far-reaching orders have included massive trade sanctions, restrictions on most foreign aid, dismantling of the United States Agency for International Development, mass deportations of undocumented immigrants—described by Trump as “poisoning our blood”—purges of career law enforcement personnel viewed as insufficiently supportive of the Administration’s policies, and a radical downsizing of government agencies orchestrated by the President’s first lieutenant Elon Musk, an unelected member of his coterie and the plutocracy that he represents. Other orders have slashed federal support for medical and scientific research, threatened massive tax hikes on university endowments (presaging an assault on American institutions of higher learning, many of which are widely admired around the world), and included the appointment of anti-vaccine advocate Robert F. Kennedy Jr. as Secretary of Health and Human Services. Meanwhile, Trump has initiated negotiations with Putin on the carve-up of Ukraine, dismissing the democratically-elected President Volodymyr Zelensky, as “a [d]ictator without [e]lections”<sup>43</sup> (unlike, apparently, Putin), while proclaiming himself “king” of America.<sup>44</sup>

A 2021 OECD opinion survey found that British and American citizens had among the lowest levels of trust in their governments across all OECD countries—vastly lower than citizens in countries like Switzerland, Finland, Sweden, and Germany.<sup>45</sup> It seems unlikely that supervening

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43. Donald J. Trump, @realDonaldTrump, TRUTH SOCIAL (Feb. 19, 2025, 10:47 AM), <https://truthsocial.com/@realDonaldTrump/posts/114031332924234939>.

44. @WhiteHouse, TWITTER (Feb. 19, 2025, 2:31 PM), <https://x.com/WhiteHouse/status/1892295984928993698> [<https://perma.cc/M78Z-5RTU>].

45. See Martin Wolf, *Dissatisfaction with Democracy is Corrosive*, FIN. TIMES (Feb. 4, 2024), <https://www.ft.com/content/9a714114-03bf-4914-a5d2-8592fdb80248>

developments have elevated levels of trust. The self-proclaimed torchbearers of the free world are operating from a low base of credibility with their own citizens, let alone providing a beacon to the rest of the world.

If one turns to Russia, whose President has declared the dissolution of the Soviet Empire “the greatest geopolitical catastrophe of the twentieth century,”<sup>46</sup> would anyone recommend to developing countries that they adopt its mafia-like kleptocracy which jails—and even poisons—political opponents, meddles in foreign elections, props up corrupt and repressive states on its borders and, until recently, the murderous regime in Syria? In the case of China, under the increasingly authoritarian and nationalistic regime of President Xi Jinping, would anyone recommend to developing countries that they attempt to replicate the ubiquitous and opaque intertwining of the state and the Communist Party,<sup>47</sup> the suppression of political dissent, highly intrusive and restrictive public censorship of the media and personal communications, the suppression of religious and ethnic minorities, and meddling in foreign elections?

I have reproduced in the Appendix three indices from 2019 ranking the top 10 countries globally across different measures of human well-being: the UNDP’s Human Development Index (which reflects per capita incomes, health, and educational status); the UN Happiness Index; and the Worldwide Governance Indicators for Government Effectiveness. Despite variations in methodology, it is notable that these lists overwhelmingly comprise relatively small, unpretentious countries that prioritize their own citizens’ well-being. These states, with a few historical exceptions like Germany and the Netherlands, do not indulge the missionary delusion of civilizing citizens in other countries around the world. While these countries differ in important respects—cautioning against an unreflective transplantation of policy and institutional arrangements from other countries that share few of these particularities, countries that govern their citizenry well may offer inspiration, by example rather than by precept. The lesson is not to emulate these models wholesale, given the absence of universal blueprints, but to seek relevant insights. As H. W. Arndt put it, every country must largely “write its own history,”<sup>48</sup> so countries must “scan globally, but reinvent locally,” as the current saying goes.<sup>49</sup> Without the potential for

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[<https://perma.cc/FVS9-9KGP>]; Martin Wolf, *Trump’s Assault on America’s Greatness*, FIN. TIMES (Jul. 8, 2025), <https://www.ft.com/content/acf67954-61e8-473d-9119-8aaefd8bb8d4> [<https://perma.cc/2A4X-ZMTV>].

46. See Andrew Osborn & Andrey Ostroukh, *Putin Rues Soviet Collapse as Demise of “Historical Russia,”* REUTERS (Dec. 12, 2021, 12:59 PM), <https://www.reuters.com/world/europe/putin-rues-soviet-collapse-demise-historical-russia-2021-12-12> [<https://perma.cc/XS8H-C733>].

47. See Mark Wu, *The “China, Inc.” Challenge to Global Trade Governance*, 57 HARV. INT’L L. J. 261, 269-284 (2016).

48. H. W. ARNDT, *ECONOMIC DEVELOPMENT: THE HISTORY OF AN IDEA* 147 (1989).

49. Joseph Stiglitz, *Scan Globally, Reinvent Locally: Knowledge Infrastructure and the Localization of Knowledge*, in *BANKING ON KNOWLEDGE: THE GENESIS OF THE GLOBAL DEVELOPMENT NETWORK* 24, 24 (Diane Stone ed., 2000).

cautious mid-level generalizations drawn from relevant comparative experience, the whole field of development studies risks collapsing into a more-or-less endless series of country studies.<sup>50</sup> However, none of the four major empires that many of us have known in our lifetimes are likely to provide many useful reference points.

### **Conclusion: The Inter-Relationship Between These Two Questions and Potential Responses to Them**

An important implication of these two sets of related reflections on the current parlous state of geopolitics is that small, successful, well-governed nations without imperial pretensions should increasingly make common cause by seeking or creating new international fora. These platforms would offer space for promoting alternative visions of genuinely mutually beneficial forms of international co-operation as a counter to those promoted by past, present, or aspiring would-be hegemony. The world needs new, loose constellations of the non-aligned or non-coopted countries—both developed and developing—that are broadly liberal in their political and economic orientation and committed to democratic and rule of law regimes.<sup>51</sup>

Such “coalitions of the willing” might, for example, promote new plurilateral agreements or statements of principles within or outside the WTO on issues such as trade, labor, environmental standards, and human rights. They might also promote agreements or statements of principle among bilateral aid donors and recipients that tackle global issues such as climate change, pandemics, nuclear disarmament, and verification and dispute settlement regimes. Such agreements should be open to new members who are prepared to make similar commitments to the original signatories, including in some cases strategically making common cause with the hegemony on an issue-by-issue basis—but without committing to permanent, across-the-board allegiances.<sup>52</sup>

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50. See David Trubek, *Law and Development: Forty Years after Scholars in Self-Estrangement*, 66 U. TORONTO L.J. 301 (2016); Michael J. Trebilcock, *Between Universalism and Relativism: Reflections on the Evolution of Law and Development Studies*, 66 U. TORONTO L.J. 330 (2016).

51. See Daron Acemoglu, *The Wrong BRICS Expansion*, PROJ. SYNDICATE (Aug. 31, 2023), <https://www.project-syndicate.org/commentary/brics-expansion-wrong-for-emerging-economies-by-daron-acemoglu-2023-08> [<https://perma.cc/8Y5Q-7FXX>].

52. Jude Blanchette & Christopher Johnston, *The Illusion of Great-Power Competition: Why Middle Powers—and Small Countries—Are Vital to U.S. Strategy*, FOREIGN AFFS. (July 24, 2023), <https://www.foreignaffairs.com/united-states/illusion-great-power-competition> [<https://perma.cc/M9DE-ZQSF>]; Sarang Shidore, *The Return of the Global South: Realism, Not Moralism, Drives a New Critique of Western Power*, FOREIGN AFFS. (Aug. 31, 2023), <https://www.foreignaffairs.com/world/return-global-south-critique-western-power> [<https://perma.cc/5H82-X7KE>]; Matias Spektor, *In Defense of the Fence Sitters: What the West Gets Wrong About Hedging*, FOREIGN AFFS. (Sep. 9, 2023), <https://www.foreignaffairs.com/world/global-south-defense-fence-sitters> [<https://perma.cc/L92F-EZLN>].

This model holds the promise of avoiding two extremes: on the one hand, excessively constraining one-size-fits-all regimes historically promoted by major powers, and on the other, extreme fragmentation of the ground rules for international co-operation. They also sidestep some of the most contentious issues in current multilateral institutions, such as majority voting in the WTO, instead of the prevailing consensus principle—where large trading powers worry about being outvoted by a gaggle of mostly developing countries, or the reverse concern with trade-weighted voting rights—where smaller economies worry about being outvoted by the powerful.<sup>53</sup> Plurilateralism offers a middle path of voluntary, principle-driven cooperation among like-minded states.

Existing plurilateral agreements on both sides of the Atlantic, such as the European Union (without Britain) and the Trans-Pacific Partnership (without the United States), may provide the institutional scaffolding upon which such coalitions can be built. Conversely, it would seem increasingly reckless to entrust the future of the world to contending imperialisms<sup>54</sup>—“madmen in authority,” to borrow a phrase from Keynes.<sup>55</sup> In a multipolar world, being small, unassuming, and well-governed should be viewed as increasingly important virtues and voices in international governance.

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53. See Michael J. Trebilcock, *Between Theories of Trade and Development: The Future of the World Trading System*, 16 J. WORLD INV. & TRADE L. 122 (2015).

54. See generally ANNE APPLEBAUM, *AUTOCRACY, INC.: THE DICTATORS WHO WANT TO RUN THE WORLD* (2024) (describing global rise in authoritarian regimes).

55. See JOHN MAYNARD KEYNES, *THE GENERAL THEORY OF EMPLOYMENT, INTEREST AND MONEY* 336 (1936).

**Appendix**

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|-----------------------------------|
| UNDP Human Development Index 2019 |
| Top Ten                           |
| 1. Norway                         |
| 2. Ireland                        |
| 3. Switzerland                    |
| 4. Hong Kong                      |
| 5. Iceland                        |
| 6. Germany                        |
| 7. Sweden                         |
| 8. Australia                      |
| 9. Netherlands                    |
| 10. Denmark                       |

|                              |
|------------------------------|
| UN Happiness Index 2017-2019 |
| Top Ten                      |
| 1. Finland                   |
| 2. Denmark                   |
| 3. Switzerland               |
| 4. Iceland                   |
| 5. Norway                    |
| 6. Netherlands               |
| 7. Sweden                    |
| 8. New Zealand               |
| 9. Austria                   |
| 10. Luxembourg               |

|                                      |
|--------------------------------------|
| Worldwide Governance Indicators 2019 |
| Top Ten                              |
| 1. Singapore                         |
| 2. Switzerland                       |
| 3. Denmark                           |
| 4. Finland                           |
| 5. Andorra                           |
| 6. Norway                            |
| 7. Sweden                            |
| 8. Netherlands                       |
| 9. Hong Kong                         |
| 10. Luxembourg                       |

## Throes and Thralls of Empire