

**Today's Wars and the Nation-State Foundations of the Laws of Armed Conflict:
Thoughts on Ways Forward in Work for Peace and Disarmament**

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*Andrew Lichterman**

The Russian historian Alexander Etkind, writing in the harsh light of the Ukraine war, said,

“Peace is good for complexity, war brings clarity.... It changes everything -- first the present, then the future, and finally, the past.”¹

What do the wars dominating our headlines, those in Ukraine and Gaza, make clear?

They show that we have not yet escaped the competition among empires, and the unwinding of empires through struggles to carve out new Nation-states, that engendered the horrific wars of the last century. Ethnolinguistic nationalism, a long-established element of strategies both for ruling empires and for carving new states out of them, remains a significant factor in strategies of rule and contending for rule. With Trump's re-election, authoritarian nationalists now hold state power in seven of the nine nuclear-armed states.

These wars have made clear that humanitarian law, the law of armed conflict intended to limit war's effects, has failed to prevent the slaughter of tens of thousands of civilians and the destruction of the infrastructure urbanized populations depend on. Those laws also have failed to convince governments to forego nuclear weapons, weapons so horrific and destructive that their possession by a state constitutes a continuing rejection of the supposed purposes of humanitarian law.

The Ukraine war also has emphatically clarified that whatever window there was for nuclear disarmament following the end of the Cold War has been missed. For those who have been working for disarmament, our first priority today must be preventing catastrophic wars among nuclear-armed states. Work for nuclear disarmament must be long-term. And we will need to rethink the approaches that have prevailed for the last three decades.

One starting point is reflecting on why post-Cold War nuclear NGO disarmament initiatives, grounded mainly in humanitarian law, had so little effect. At the same time, we should consider why humanitarian law, the main legal instrument for mitigating the horrors of war, has been so ineffective in the wars in Ukraine and Gaza. How might we change the ways we think and talk about these issues in ways that might help both to prevent war, and to create conditions that some day could make disarmament possible?

* Senior research analyst, Western States Legal Foundation, Oakland California.

In the world of nuclear disarmament work, there is much talk about “changing norms.” There is much less talk about just which norms must be changed if we are to move towards a world in which eliminating nuclear weapons is possible.

Outlawing nuclear weapons would change one legal rule about armaments. But changing that rule may require far more. The legal historian Robert Cover wrote that formal legal rules and principles are “only a small part of the normative universe that ought to claim our attention.” No set of legal institutions or prescriptions, Cover tells us, “exists apart from the narratives that locate it and give it meaning.”² We must ask ourselves: What are the dominant underlying stories that give the current rules of war meaning, in which they make sense? So long as those deeper narratives and frames remain unchallenged, we may not be able to do much to change the rules. Equally important, these deeper frames and assumptions determine how the existing rules are applied. For significant changes in legal rules to be made “from below,” there must be a shift in underlying values sufficient to move the boundaries of the politically possible and to shift the terrain of interpretation.

The rules regulating armed conflict remain grounded in a narrative in which Peoples are seen as locked in an eternal existential struggle for primacy. Defined in some combination of language, religion, and ethnicity, Peoples are seen as fixed entities, their existence stretching back into misty antiquity. These Peoples are understood to have a right to realize their destinies as Nations through their own States—*Nation*-states.

Where the use of armed force is deemed legitimate, there is an assumed identity between states and their Peoples. This is the basis for the *permissive* element of humanitarian law. Killing of non-combatants is not prohibited, only limited. As the International Committee of the Red Cross has observed, “These rules strike a careful balance between humanitarian concerns and the military requirements of States.”³

Another, even less-acknowledged frame lies beneath the laws of armed conflict and of modern international law generally. Only “peoples” deemed to be civilized are seen as worthy of a state. The “great powers” —really, empires—long have claimed the prerogative one way or another to determine which “peoples” are *not* civilized, and what measures must be taken to make them so. As Anthony Anghie writes,

“...[I]nternational law posits a gap, a difference between European and non-European cultures and peoples, the former being characterised, broadly, as civilised and the latter as uncivilised (and all this implies in terms of the related qualities of each of these labels). This gap having been established, what follows is the formulation of doctrines that are designed to efface this gap: to bring the uncivilized/ aberrant/violent/backward/oppressed into the realm of civilisation, the universal order governed by (European) international law.”⁴

The core assumption of Peoples in eternal existential conflict provides ample ideological fodder for dehumanizing the adversary. This is true most of all in wars where the adversary can be portrayed as beyond the pale of the law, of lacking a legitimate State, and most of all of being “uncivilized.” The latter charge is levied mainly against irregular non-state forces resisting the

distanced high-tech violence wrought by modern militaries. All of this has hampered humanitarian law's ability to rein in modern warfare's violence.

Developments in late 20th century humanitarian law, such as the additional Geneva Protocols,⁵ reflected an effort to shift these assumptions somewhat, giving the dignity and fate of human beings more equal weight to *raison d'Etat* and providing greater protections for people in non-international conflicts. But the wars of the 21st century have shown the continuing power of these frames. They are manifested in the wars of this moment, and in the way these wars have been fought, and their violence and destruction justified.

U.S. officials in the War on Terror labeled the non-state actors they wished to target "terrorists," a modern term that is the equivalent of "barbarians."⁶ Political jurisdictions where they wished to conduct military operations often were derided as "rogue states." When the legality of operations that killed civilians were questioned, they invoked the unity of armed elements with the civilian population. Secretary of Defense Donald Rumsfeld declared in 2002 that

"We have assumed that where you find large numbers of al Qaeda and Taliban, that there may very well be non-combatants with them who are family members or supporters of some kind, who are there of their own free will, knowing who they're with and who they're supporting and who they're encouraging and who they're assisting."⁷

Campaigns by governments to dehumanize their adversaries have grown more prevalent, and more intense, with the global resurgence of identity-based authoritarian nationalisms. The justifications offered by officials of Israel and the Russian Federation for their wars, for the devastation of cities and mass killing of civilians, are grounded in stories of primordial nationalism and imperial, civilizational right.

President Putin portrays Ukraine as never having been a real state, and as wrongfully severed from a Russian empire he now will restore.⁸ Former President of Russia Dimitry Medvedev describes Ukraine as "a threadbare quilt, torn, shaggy, and greasy," and says "We don't need unterukraine. We need Big Great Russia."⁹

The government of Israel frames its expanding Middle East war as one against "barbarism," and places all who live in Gaza as beyond the pale of civilization. Prime Minister Benjamin Netanyahu told a joint session of the U.S. Congress that "In the Middle East, Iran's axis of terror confronts America, Israel and our Arab friends. This is not a clash of civilizations. It's a clash between barbarism and civilization. It's a clash between those who glorify death and those who sanctify life."¹⁰ Regarding its bombardment of Gaza, Israel's President Isaac Herzog declared: "It's an entire nation out there that is responsible. It's not true, this rhetoric about civilians not -- not aware, not involved, it's absolutely not true. They could have risen up. They could have fought against that evil regime."¹¹

Israeli government spokesperson Eylon Levy nonetheless asserts that their military is adhering to the humanitarian law rule that strikes must be proportionate to the expected military advantage. "And the expected military advantage here," he explained, "is to destroy the terror organization that perpetrated the deadliest massacre of Jews since the Holocaust."¹² Measuring each military

strike against a claimed threat of existential magnitude makes the proportionality requirement, intended to protect civilian populations against massive harm, infinitely elastic.¹³

In 2018, President Putin said that "...if someone decides to annihilate Russia, we have the legal right to respond. Yes, it will be a catastrophe for humanity and for the world. But I'm a citizen of Russia and its head of state. Why do we need a world without Russia in it?"¹⁴ Putin's logic assumes that every Nation-state ultimately has the right to consider only its own survival in the endless struggle of all against all.

This also is the frame within which the International Court of Justice's conclusion, or its inability to reach a conclusion, in its opinion on the legality of nuclear weapons should be understood. "...[I]n view of the current state of international law and of the elements of fact at its disposal," they wrote, "the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self defense, in which the very survival of a State would be at stake."¹⁵

The boundaries of what governments claim to be such an "existential" threat also have proved to be elastic. The government of the Russian Federation continues to press its war of aggression and conquest in Ukraine, leveraging the power of its conventional forces with frequent nuclear threats. Russian officials portray their nuclear posturing as a response to an "existential threat" from NATO and the "West," at a time when no NATO country has made any move that threatens the Russian Federation's internationally recognized borders.¹⁶

These wars have left the rules of armed conflict in tatters, and have laid bare the flaws in their foundations.

"Ours is not, as is often asserted... 'a world of nations.' It is a world in which nationhood is pervasively institutionalized in the practice of states and the workings of the state system.... But none of this implies a world of nations – of substantial, enduring collectivities." Rogers Brubaker, *Nationalism reframed: nationhood and the national question in the New Europe*.¹⁷

Benedict Anderson, a leading theorist of the origins of nation-states and nationalism, wrote in his book *Imagined Communities* that "No nation imagines itself coterminous with mankind."¹⁸ Therein lies the heart of the problem: not in the limits the Nation-state imaginary places on territorial reach, but in the limits it places on solidarity, on compassion. A global legal order grounded in the Nation-state has proved a weak institutional means for constraining the violence and aggression of those who rule, while nationalism has proved a highly effective ideological means for portraying all outside the officially demarcated Community as enemies rather than allowing us to imagine them as relatives, as friends. In a time when humanity has developed technologies capable of bringing history to an end, that kind of thinking is an existential threat to all of us. We must find our way to a post-Nation-state, post-nationalist order of things, while seeking to lessen the danger of catastrophic wars in the meantime. We need a new account of how the ways our governments relate to each other and to those they rule evolved, and a vision of a path towards a more fair and less violent future.

A first step is understanding that Nation-states and nationalisms are not natural or necessary. They are made things, their prototypes forged in the crucible of European state-building, colonialism, and inter-imperial competition, their identity narratives shaped to justify the exploitation, enslavement, and extermination of other peoples, and to mobilize us against one another for war. The making of today's "Nations" did not occur in some primordial past but over the last three centuries, produced by particular economic, technological, and political dynamics. As Anderson writes, "What, in a positive sense, made the new [nation-state] communities imaginable was a half fortuitous, but explosive, interaction between a system of production and productive relations (capitalism), a technology of communications (print), and the fatality of human linguistic diversity."¹⁹

Nationalism remains a potent, and dangerous, means to compete for and to sustain state power. With its logic centered on othering, on friend-enemy distinctions, identity-based nationalism provides an ideological repertory for the incitement and justification of violence, from the persecution of national minorities to rallying publics against countries those who rule declare to be enemies.

How do we counter this? We can begin by changing the way we talk about global affairs. We need to break away from the geopolitical jargon that dominates public discussion of global matters across the political spectrum, including much of "the left." It too is grounded in the frame of reified Peoples and Nation-states, and portrays competition and war among them as an eternal aspect of the human condition. Today's most familiar version of geopolitics is international relations realism, variants of which we hear everywhere, from media talking heads to leading anti-war activists. One critic has described this approach as "a theoretical articulation of the spontaneous ideology of state managers."²⁰

Geopolitical thought took shape at the beginning of the 20th century as the theory and practice of imperial competition and colonialism, and never has strayed far from its roots. The "great powers" it takes as its main unit of analysis, its active subjects, are empires, with all less-powerful states viewed mainly as fodder for great power competition. Geopolitical thinking devalues the lives and aspirations and voice of the people who don't live in great powers. Their lands and cities and futures are conceived as something to be bartered or fought over, valued only for their resources or cheap labor pools or as subaltern militaries or as buffer zones against attack by some other great power. Today's most powerful states are or were empires, and the geopolitical gaze is largely blind to the distinctive forces unleashed by empire's unwinding, and by the efforts of those who rule in such states to slow the erosion of their power.

Geopolitical thought also portrays states as unitary, assuming an identity of interest of governments and the peoples they rule. Portraying states as unitary actors obscures the reality that governments often choose courses of action that work for their immediate strategies of rule, but are a disaster for most of their people. Geopolitical thinking pushes to the margins the particular economic, political, and ideological dynamics *within* states that create the conditions in which those who rule choose war.²¹ Those considerations are reduced to the status of inputs or constraints, just ammunition or obstacles for the fundamental task of building and deploying the competitive powers of the State.

We should understand the way geopolitical/realist thought frames events at most as describing an existing state of affairs, not as an account of how things should or must be. In a time in which the “great powers” are nuclear armed, dividing up the world among them may seem the only “realistic” path to the best of all *possible* worlds, the limits of what we can imagine as “common security.” But we must strive to remain aware that any such judgment has been made with a gun to our heads.

We can take a first step away from the geopolitical frame by rejecting the way it uses the names of countries to signify the actors in the international drama, implying that complex polities speak with one voice. At minimum we should portray the actors as the *government* of the Russian Federation, or the *government* of the United States. Even such small efforts to change the way we think and talk about things matter. They remind us that the *people* living in some officially proclaimed adversary likely are not our enemy. They may have little more choice than we do about their rulers’ decisions about war and peace. From there, we should try to go further in identifying and naming the particular factions and institutions with decision-making power, those that are playing a significant role in choices about war and peace. If we find that difficult, it means we have further work to do.²² Developing a more nuanced language for talking about global matters helps to immunize ourselves, and broader publics, against nationalist appeals.

In the long, slow work of trying to affect discourse in international institutions, we can seek to shift the foundations of the laws of armed conflict from the frame of endlessly competing Peoples and Nation-States to human rights.

While IHL's aim is described as ‘preserv[ing] humanity in the face of the reality of war,’ human rights law aims at the higher goal of [a]ffecting systems of repression and denial.

Unquestionably, human rights law offers a more ambitious set of provisions. These alternate approaches produce different results and fundamentally different views of conflict... A developed human rights approach has the potential to reach more broadly, to evaluate the fuller set of consequences, and possibly even the choice of engaging in the conflict in the first place.²³ The fundamental claim upon which human rights law rests is that we are all human beings, entitled to a dignified life and an equal voice in how we live together on this planet. This provides a more powerful antidote to the othering ideologies of those who would mobilize us to war than does the current war of armed conflict, which rests on foundations that assume that our differences are profound, and that war is an eternal aspect of the human condition. Finally, a law of armed conflict based on human rights could more firmly ground the claim that governments bear responsibility for protecting *all* people who are or may become victims of their wars, not just their own. And acceptance of that could be a step on a path away from endless wars.

This kind of project may seem utopian, “unrealistic,” as attempting to push against overwhelming currents of ideology prevalent world-wide across the political spectrum. But even small things like changing the way we talk and think about international matters, beginning by severing the pervasive, mainly unconscious framing of people as in identity with their governments, with those who rule us, can bear fruit. It is a step along the way to becoming more aware of the deployment of nationalisms as elements of strategies of rule and contending for rule. A post-nationalist vision that seeks to ground limits on the use of state force both at home

and abroad in the rights of all human beings to a dignified life and an equal voice in our shared future, developed within movements with some degree of social power, could have some restraining effect even before it can be realized institutionally.²⁴ Pursuing such a project of normative development is not inconsistent with continuing to assert core principles of the law already on the books, including the prohibition on wars of aggression and the obligation of governments to respect the human rights of those who may come under their power, and over time could buttress support for those basic norms.

“We must complete our recovery from the embers of dead empires in a way that does not plunge us back into new forms of domination and oppression.” Statement by Ambassador Martin Kimani of Kenya, United Nations Security Council Urgent Meeting on the Situation in Ukraine, The United Nations, New York, N.Y., February 21, 2022.

“Nations” and “Nation states” are made things, even if not fully consciously made things (although often made more consciously than is generally acknowledged). The modern notions that there are Peoples who should be thought of as Nations, most usually defined in terms of some combination of ethnicity, language, and religion, and that Peoples have a right to their own state on their own piece of the earth where they can make the rules, are new concepts, mainly products of the 18th century and after. The concepts of Peoples and Nations and *Nation*-states also have been the main ideological and institutional mechanisms for the unwinding of empires, a process that has liberated billions from empire and formal colonialism, but that also has generated its own distinctive, continuing cycles of violence.

In his book *Neither Settler nor Native*, Mahmood Mamdani sets a course for addressing all this. “The core challenge,” Mamdani writes, “is to explore a form of state other than that of the nation-state, one that will make possible a democratic and inclusive order and a way out of the cycle of civil wars.... “the starting point of this exploration needs to be an analysis of actual historical experience and an understanding of political theory that illuminates the historical ground.”²⁵

Mamdani points us towards an understanding of history that could help us break free of both modern empires and of the violent dynamics of their unwinding via the construction of *nation*-states, finding a way to understand ourselves together as survivors of the violence of both empires and this form of their unwinding. Modernity, he writes,

...has defined every political project as the elevation of the civilized, with the nation defined as civilized. To be the nation, in this scheme, is to be justified in privileging oneself. This vision has proved durable through centuries of political transformation.

Recognizing this history gives us the power to change perspectives and reality. The history of political modernity tells those of us who identify with the nation that we have been coopted. The nation is not inherent in us. It overwhelmed us. Political modernity led us to believe we could not live without the nation-state, lest we not only be denied its privileges but also find ourselves dispossessed in the way of the permanent minority. The nation made the immigrant a settler and the settler a perpetrator. The nation made the local a native and the native a perpetrator, too. In this new history, everyone is colonized—settler and native,

perpetrator and victim, majority and minority. Once we learn this history, we might prefer to be survivors instead.²⁶

Nationalisms may not be the fundamental driver of renewed arms racing and war risk. But as has happened in the past, they may still be war's proximate cause, necessary to mobilize publics for war and to prepare them to endure its hardships. Countering the identity-based nationalist campaigns coming from above will require broad-based movements from below. A conversation about the reasons for the resurgence of authoritarian, identity-based nationalisms and an effort to shift the ethical focus of work for peace away from the state-centered laws of armed conflict to human rights in this moment could be a step towards connecting work for peace with other issues and movements. For a wide range of affected communities and human rights movements, the world-wide prevalence of identity-based authoritarian nationalisms pose an immediate threat. The civilizational crisis of ecological overshoot will require unprecedented levels of global cooperation if we are to avoid disaster, and nationalisms heighten barriers to cooperation necessary to address the ecological crisis. Nationalist programs for competitive growth are driven by imperatives often at odds with necessary transition efforts.

Understanding why identity-based nationalisms have been resurgent as the long cycle of neo-liberal globalization has reached its systemic and ecological limits can help us better understand the dynamics that drive the greatest dangers of our time. In an era of pervasive authoritarianism, developing a common human rights vision can be an essential element both for resistance and for sketching a path towards a more fair, humane and democratic future.

Notes

¹ Alexander Etkind, *Russia Against Modernity* (Cambridge, UK: Polity Press, 2023), p.1.

² Robert M. Cover, "Nomos and Narrative" (1983) 97 *Harv. L. Rev.* 4, 4.

³ International Committee of the Red Cross, Advisory Service on International Humanitarian Law, "What is International Humanitarian Law?" 2004.

⁴ Antony Anghie "Reshaping Justice: International Law and the Third World, *Third World Quarterly* Vol. 27, No. 5, (2006), pp. 739-753, 741-742.

⁵ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977; and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977. The full texts of the Geneva Conventions and the Additional Protocols, along with extensive expert commentaries, is provided by the International Committee of the Red Cross at <https://ihl-databases.icrc.org/en/ihl-treaties/geneva-conventions-1949additional-protocols-and-their-commentaries>

⁶ "What is clear, however, is that the 'war on terror'-articulated in the National Security Strategy of the USA and now launched by that country- with its willingness to use pre-emptive force against 'rogue states' and its ambitions to transform Middle Eastern countries into peace-loving democracies, resembles in many ways a much earlier imperial venture. The rhetoric employed by President Bush to justify the invasion of Iraq disconcertingly resembles the rhetoric used by Vitoria to justify the Spanish conquest of the Indians. Once again, then, it is the barbaric, the uncivilised, that has prompted a concerted attempt to reconstruct international law. Ironically, however, these efforts to create a new international law appropriate for the allegedly unprecedented times in which we live have involved

returning to a primordial and formative structure of international law, the civilising mission. This has resulted in the formulation of a new form of imperialism that asserts itself in the name of 'national security', as self-defence.” Antony Anghie “Reshaping Justice: International Law and the Third World, *Third World Quarterly* Vol. 27, No. 5, (2006), pp. 739-753, 750.

⁷ U.S. Department of Defense News Transcript, Presenter: Secretary of Defense Donald H. Rumsfeld Monday, March 4, 2002

⁸ Vladimir Putin, Address by the President of the Russian Federation February 21, 2022.

⁹ Dmitry Medvedev Deputy Chair of the Security Council of the Russian Federation. The third President of Russia, 2008-2012. @MedvedevRussia twitter/X April 8, 2023.

¹⁰ Prime Minister Benjamin Netanyahu, speech before a joint session of the United States Congress, July 25, 2024, as published in the Times of Israel, July 25, 2024.

¹¹ Isaac Herzog, President of Israel, video transcript, “U.S. Not Ruling Out Sending Troops To Save Americans; One-On- One With Israeli President Isaac Herzog; Israel Warns Of "Next Stages" Of The War; Israel Expected To Conduct "Significant Ground Operations" Soon In Gaza,” CNN Newsroom, Aired October 15, 2023 - 13:00 ET <https://transcripts.cnn.com/show/cnr/date/2023-10-15/segment/01>

¹² Oona A. Hathaway, “War Unbound: Gaza, Ukraine, and the Breakdown of International Law, *Foreign Affairs*, May/June 2024, p.93.

¹³ *ibid.*

¹⁴ Steve Rosenberg, “Ukraine invasion: Would Putin press the nuclear button?” BBC News, Moscow, 27 February 2022.

¹⁵ International Court of Justice, Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, 8 July 1996, para. 105(2)(E).

¹⁶ See, e.g., Vladimir Soldatkin and Guy Faulconbridge, “Putin issues nuclear warning to the West over strikes on Russia from Ukraine,” Reuters, September 25, 2024.

¹⁷ Rogers Brubaker, *Nationalism Reframed: nationhood and the national question in the New Europe* (Cambridge, UK: Cambridge University Press, 1996), p.21.

¹⁸ Benedict Anderson, *Imagined Communities* (London; Verso Press, 1983, 1991), p.7.

¹⁹ *ibid.*, pp.42-43.

²⁰ Alex Callinicos, in Alex Callinicos and Justin Rosenberg, “Uneven and combined development: the social-relational substratum of 'the international'? An exchange of letters,” *Cambridge Review of International Affairs*, 21:1 (2008), 77 – 112, 83-84.

²¹ For perspectives from analysts on the left in Russia, Ukraine, and their diasporas on the dynamics that led those who rule in the Russian Federation to choose the course of war in Ukraine, see, e.g., Volodymyr, Ischenko, “Behind Russia’s War Is Thirty Years of Post-Soviet Class Conflict,” *Jacobin*, October, 2022, <https://jacobin.com/2022/10/russia-ukraine-war-explanation-class-conflict>; and Ilya Matveev & Federico Fuentes, Political imperialism, Putin’s Russia, and the need for a global left alternative: Interview with Ilya Matveev, *LINKS - International Journal of Socialist Renewal*, September 28, 2024, <https://links.org.au/political-imperialism-putins-russia-and-need-global-left-alternative-interview-ilya-matveev>, and Boris Kagarlitsky, “The tragedy of war,” *Canadian Dimension*, March 23, 2023, <https://canadiandimension.com/articles/view/the-tragedy-of-war>.

²² There are useful resources for this scattered across the academic landscape, but little of it seems to diffuse into still-siloed peace and disarmament NGO and activist discourse in the United States. For more on these themes see Andrew Lichterman, “A Divided Opposition: The Ukraine War and the Critique of Geopolitical Reason,” Western States Legal Foundation Commentary November 2022, <http://wslfweb.org/docs/Lichterman-A-Divided-Opposition.pdf>

²³ Karima Bennoune, "Toward a Human Rights Approach to Armed Conflict: Iraq 2003," *U.C. Davis Journal of International Law & Policy* 11, no. 1 (Fall 2004), 171-228, 197.

²⁴ “In the historical evolution of democratic regimes, a circuit of surveillance, anchored outside mainstream institutions, has developed side by side with the institutions of democratic accountability. Necessary to democratic legitimacy, confidence requires defiance, in the sense of instruments of external control and actors ready to perform this control; in fact, democracy requires permanent contestation of power. Actors such as independent authorities and judges, but also mass media, experts, and social movements, have traditionally exercised this function of surveillance. The latter, in particular, are most relevant for the development of an ‘expressive democracy’ that corresponds to the *prise de parole* of the society, the manifestation of a collective sentiment, the formulation of a judgement about the governors and their action, or again the production of claims.” Donnatella della Porta, *Can Democracy be Saved? Participation, Deliberation, and Social Movements* (Cambridge, UK: Polity Press, 2013), p.5; citing and quoting Rosanvallon, P., *La Contre-democratie: la politique a l’age del la defiance*. Paris, Seuil.

²⁵ Mahmood Mamdani, *Neither Settler nor Native: The Making and Unmaking of Permanent Minorities* (Cambridge, MA: Belknap/Harvard, 2022), p.353.

²⁶ *ibid.*, p.355.

Western States Legal Foundation 655 13th Street, Suite 201
Oakland, California USA 94612-1201
(510) 839-5766 • www.wslfweb.org