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# DEMOCRACY, SOVEREIGNTY, AND INTERVENTION

Louis W. Goodman\*

## I. THE SOCIAL CONSTRUCTION OF SOVEREIGNTY

Sovereignty, the notion that the state has the authority to exercise power within national borders free of external interference, celebrates its 345th birthday in 1993. The practice began with the Peace of Westphalia, drawn up in 1648 to end the Thirty Years' War in Europe.<sup>1</sup> The treaty, which involved the Pope and political leaders of Western Europe, utilized the Pope's prestige to grant leaders of proto-nation-states the authority to exercise power within their national borders. The assistance of the Pope was vital to the success of the treaty; with the fall of the Roman Empire, political leaders in Europe experienced extreme difficulty exercising power over interlopers and often their own populations. Political leaders appealed to these groups to recognize that rulers should rule free of external interference.

Although sovereignty has existed for 345 years, uncertainty prevails as to whether it is a new or an old concept. Some scholars suggest that the concept is much older, arguably originating in Roman times.<sup>2</sup> Whether the concept of sovereignty is old or new, though, it has remained a flexible, yielding doctrine, not bound by its written word. The concept of sovereignty has not been with humankind since societies were created: sovereignty is a relatively new concept for human beings, one that is evolving through negotiations over the centuries.

The ideology of sovereignty was invented to reinforce and legitimate

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1. See THE THEORY AND PRACTICE OF INTERNATIONAL RELATIONS 6-7 (William C. Olson, David S. McLellan, & Fred A. Sondermann eds., 6th ed. 1993).

2. Bernard Crick, *Sovereignty*, in THE INTERNATIONAL ENCYCLOPEDIA OF THE SOCIAL SCIENCES 78 (David L. Sills ed., 1968) (arguing that the concept of sovereignty in the Roman tradition of politics was not known since Roman emperors viewed it as politically necessary to govern according to a myth of popularity).

secular authority, particularly as the Roman Empire declined. At that time, only the Roman Catholic Church could lay claim to the revered qualities required to exercise authority over Europeans. The Peace of Westphalia, in separating the powers of the Church and State, granted nation-states the special god-like features of Church authority. Since nation-states acquired the status of the sovereign, a putatively unassailable position above the law became central to the organization of international relations and of national political systems. The utility of this sovereignty was to organize competing interests efficiently in order to execute public tasks required by a society: to defend against enemies, generate products, engage in commerce, and build public works. The existence of individuals and groups were threatened unless they could be marshalled in some decisive way by the ideology of national sovereignty, shielded from outside interference.<sup>3</sup>

Sovereignty can be applied in the twentieth century in organizing individuals and groups against threats. In the East and the West, threats were defined ideologically. Depending on one's perspective, threats were divided between the capitalists and the communists. In both cases, the authority of sovereignty was enforced to deter the threatening barbarian. With the Cold War over, threats to people are not defined in the ideological terms which formerly characterized the contest between communism and capitalism. The question which now emerges is whether threats can be identified on the basis of pragmatic, grounded criteria. Threats to people, such as social disorder, famine, plagues, natural disasters, and cross-border environmental degradation, were acted upon previously as premises for ignoring the supreme power of that state exercised within its borders free from external interference.<sup>4</sup>

Irrespective of whether the power structure of nation-states ever accurately reflected textbook definitions of sovereignty, the post-Cold War world has certainly outgrown the concept of sovereignty. The exclusivity and inviolability of state sovereignty are increasingly mocked by global interdependence. The revolution in telecommunication technology, for example, now links people who lacked the means and opportunity to

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3. JEAN BODIN, *THE SIX BOOKES OF A COMMONWEALE* (Kenneth D. MacRae ed., & Richard Knolles trans., 1962); Nicholas G. Onuf, *Sovereignty: Outline of a Conceptual History*, in *ALTERNATIVES* 427 (1991) (suggesting that sovereignty's "history in political thought begins, and all but ends with Jean Bodin.").

4. JAMES N. ROSENEAU, *TURBULENCE IN WORLD POLITICS: A THEORY OF CHANGE AND CONTINUITY* 435-39 (1990) (describing the erosion of sovereignty in the late twentieth century).

communicate previously and facilitates the identification of problems and interests among them. Convenient accessible transportation accelerates mass movements of people, thus liberating populations from specific territories. With the Atomic Age blurring the distinction between destruction and the destroyer, contemporary environmental consciousness has enhanced awareness of even more subtle cross-border threats. Increasing annual global trade has convinced scholars and policy makers that a firm distinction between domestic and international policy is both intellectually inappropriate and pragmatically counter-productive.<sup>5</sup>

## II. DEMOCRACY AND SOVEREIGNTY

Erosion of democracy may in some circles justify further questioning of sovereignty. The degree to which ultimate political power is vested in the people of a particular nation may be of varying importance to different peoples, states, or non-state actors. Some historical arguments and precedent have suggested that democracy is divisible, meaning that the interest in its preservation and dissemination advocated in advanced democracies is not yet connected with its emergence in the nations of the Global South, such as Kenya, Serbia, or Azerbaijan.<sup>6</sup>

The question of whether democracy is divisible in the modern world requires careful examination. While one can marshal normative arguments for both sides of this question, functional analysis suggests that, in the face of pragmatically-defined post-Cold War threats, people need to be not only open to change but able to communicate easily with others. In the contemporary world these "others" cannot be limited to neighbors: others must include "foreigners" from other locations on the planet.<sup>7</sup>

Democracy, with its pluralistic flexibility and its imperative for productively sustaining diverse interests, is the best political foundation for

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5. *See id.* (for a scholar's view); President William J. Clinton, Address at the American University Centennial (Feb. 26, 1993) (speaking on American leadership in the global economy from the views of a policy maker).

6. Professor Tom J. Farer, Address at the *Conference on Changing Notions of Sovereignty and Private Actors in International Law*, Washington College of Law, The American University (March 25, 1993).

7. *See generally* KAARLE NORDENSTRENG & HERBERT I. SCHILLER, *BEYOND NATIONAL SOVEREIGNTY: INTERNATIONAL COMMUNICATION IN THE 1990S* (1993); HOWARD H. FREDERICK, *GLOBAL COMMUNICATION AND INTERNATIONAL RELATIONS* (1993).

adaptability in societies open to change.<sup>8</sup> As new ideas are adopted and implemented, a diverse society with unfettered and eagerly articulated interests is more likely to embrace and act on new concepts for self-improvement. Contemporary societies and their citizens need to respond to change locally, act locally and communicate globally. Democratic pluralism is the best way to achieve this aim for one fundamental, functional reason: when a variety of elites, established and emerging, compete actively in the political decision making process for the allocation of resources, the society is open to the fast-paced change of modern times, enabling the evolution of political, economic, and social activities.

There is a second functional reason to value democracy: democracy minimizes transaction costs. In an interdependent world, individuals and groups, including nations, need to communicate. When there are basic differences among communicants, however, transaction costs increase and communication becomes difficult.<sup>9</sup> An argument can therefore be made for the functionality of non-divisible democracy in the post-Cold War world to reduce transaction costs. The purpose of this argument is not to deny people the opportunity to choose other political forms on normative grounds, but instead, it is based on the functional argument that there is a price to be paid for global political heterogeneity. This price, which depends on the level of global interdependence, shrinks or expands as a function of the number of players in the positive sum or zero sum game.

For these two functional reasons, openness to communication and the diminution of transaction costs, it is useful to recognize that absolute sovereignty is a political construction. After 345 years of sovereignty, other concepts may provide more insights for analyzing the authority of nation-states in contemporary global relations. In fact, the United States and other nations have to some extent ignored the concept of absolute sovereignty through political activities such as the promotion of collective welfare.<sup>10</sup> Similarly, the "top-down" direction of democracy's ideal

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8. See ROBERT A. DAHL, *DEMOCRACY AND ITS CRITICS* 311-12 (1989).

9. See, e.g., ROBERT L. HEILBRONER & LESTER C. THURLOW, *UNDERSTANDING MICROECONOMICS* 176 (1978) (defining transaction costs, including the costs of amassing information as the results of buyers and sellers interacting in a market and exchanging imperfect information, which results in transactions conducted with less than optimal efficiency in terms of the use of time and other resources).

10. The United States and other nations relinquish some sovereignty to gain specific advantages by agreeing to treaties providing for collective welfare such as the North American Treaty Organization for mutual defense, or through generating increased international commerce, such as the General Agreement on Tariffs and Trade.

typical polar opposite, authoritarianism, has consistently stifled potential for change and, in recent history, has stunted political growth in Latin American, African, Asian, and European nations.<sup>11</sup>

In an increasingly interdependent world, people need to be able to adapt to change and to communicate easily with minimal transaction costs. Communication which facilitates peacekeeping and trade in goods and services is highly desirable. Such international communication is made more difficult in the face of international political heterogeneity. The effort required to proceed in this increasingly interdependent world where people from nations with different bases of political legitimacy and types of political order attempt to create alliances or engage in trade is far more onerous than when political co-communicants interact—unless, of course, the odd couple are patron and sycophant, another condition hard to sustain in a world of change.

### III. INTERVENTION

The adaptability of democracy to change is seen with the greater ease of enhancing interdependence given political homogeneity. Existing and aspiring democratic nations for the sake of national interest, therefore, ought to ignore the restrictions of absolute sovereignty and promote democracy worldwide through intervention. Intervention can take many forms, with a variety of associated costs, effectiveness, and normative worth.

The United States is already actively intervening to promote democracy globally through the National Endowment for Democracy and its constituent parts.<sup>12</sup> The Organization of American States, through the 1991 Declaration of Santiago, has also started to implement intervention.<sup>13</sup> The Federal Republic of Germany has been involved for some

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11. Post World-War II authoritarian dictatorships in Eastern Europe and much of the Third World have slowed the development of states' responses to popular interests and of the institutions of politics and of civil society. As a result political change and engagement with the capitalist system has often been slow, if not non-existent.

12. See Cynthia J. Amson & Johanna Mendelson Forman, *Projecting Democracy in Central America*, in LOUIS W. GOODMAN, WILLIAM M. LEOGRANDE, & JOHANNA MENDELSON FORMAN, *POLITICAL PARTIES AND DEMOCRACY IN CENTRAL AMERICA* (1992) (discussing the National Endowment for Democracy).

13. *The Santiago Commitment to Democracy and the Renewal of the Inter-American System*, O.A.S. General Assembly, 3d plen. sess. (adopted June 4, 1991), at 1, OEA/Ser. P/XXI.O.2 (1991); *Representative Democracy*, O.A.S. General Assembly, 5th plen. sess. (adopted June 5, 1991), AG/RES. 1080 (XXI-O/91) (1991). The General Assembly adopted the resolution in pertinent part as follows:

time with various political foundations in its country.<sup>14</sup>

In this modern world, where the perception is that of many different actors at many tables bargaining among themselves, state sovereignty is limited to promote dynamic interdependence.<sup>15</sup> To facilitate this interdependence, nations will be able to adjust to change and interrelate with greater ease if they respect the same rules both internationally and domestically. The domestic rules for the purpose of this discussion are those of democracy, adapted to local history and culture. As more nations adhere to democratic practices globally, they will find it increasingly easier to justify intervention in support of democracy for others in terms of national interest. The question in the future will not be whether nations will ignore sovereignty and intervene in the affairs of others in support of democracy; rather, current and future questions of concern will instead examine the different circumstances under which such intervention will take place, and how long intervention can be sustained. The questions surrounding 1993 international interventions with respect to Guatemala, Haiti, Peru, Somalia, and Bosnia<sup>16</sup> reflect the 345 year-long continuing social construction of the concept of "sovereignty."

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To instruct the Secretary General to call for the immediate convocation of the Permanent Council in the case of any event giving rise to the sudden or irregular interruption of the democratic political institutional process . . . to convene an ad hoc meeting of the ministers of foreign affairs . . . to instruct the Permanent Council to devise a set of proposals that will serve as incentives to preserve and strengthen democratic systems . . . .

OEA/Ser. P/XXI.O.2 (1991), at 4.

14. See Wolf Grabendorff, *The Party Internationals and Democracy in Central America*, in LOUIS W. GOODMAN, *supra* note 12 (discussing the political promotion activities of the Federal Republic of Germany and other European countries).

15. See generally JOSEPH NYE, *BOUND TO LEAD: THE CHANGING NATURE OF AMERICAN POWER* (1990) (describing the terms of the future of international relations).

16. In 1993, delegations of the United Nations took limited action in support of democracy in Somalia and Bosnia. Moreover, Organization of American States delegations were dispatched to Guatemala, Haiti, and Peru in the wake of actions against democratically-elected governments in each of these countries.