Midterm:

On the Populist Challenge to the International Order

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On April 2, 2025, United States (U.S.) President Donald Trump announced a sweeping assortment of tariffs on goods from nearly every country in the world, asserting that the move would go down in history as "Liberation Day." The larger a country's trade deficit in goods was with the US—in Trump's words, to what degree a country was "ripping off" the United States—the higher the tariff rate it would be subjected to. Trump was propelled to a comfortable democratic victory in 2024 running on this strategy—a fundamental rejection of free trade. This political strategy fueled by grievance is not unique to the U.S. Powerful democracies worldwide have experienced varying degrees of populist backlash characterized by unhappiness with the existing liberal world order, "Liberation Day" being the most recent example of the practical consequences of this resentment. Fundamentally, the ascendance of populism in powerful states represents a rejection of many of the core tenets of the international legal framework that took shape with the creation of the United Nations (UN) and threatens its continued existence due to its reliance on powerful states' support—in particular, the U.S. In arguing the reality of this threat, this paper will differentiate democracy and liberalism, examine the ascendance of right-wing populism and grievance politics, and finally highlight the crisis facing the World Trade Organization (WTO)'s legal mechanisms as a case study illuminating how international legal norms are beginning to atrophy in the face of powerful populist resistance.

Broadly, the 1990s were a time characterized by optimism regarding liberalization around the world after the fall of the Soviet Union, exemplified by political scientist Francis Fukuyama's triumphant 1992 book *The End of History* that argued liberalism may be the end point of humanity's social development and U.S. President Bill Clinton's Clinton Doctrine of enlargement which focused on enlarging the community of democracies as well as free markets. This optimism, however, was tempered by cautious voices—as journalist Fareed Zakaria

poignantly noted in 1997, to associate the correlation between democracy and liberalization in many countries with causation would be a mistake. Zakaria argued that democracies are not inherently liberal, and autocracies are not inherently illiberal—he noted that "from the Palestinian Authority to Iran to Pakistan, democratization has led to an increasing role for theocratic politics, eroding long-standing traditions of secularism and tolerance."[1] Accepting Zakaria's argument—that democratization and liberalization are not linked—as true suggests that the Clinton Doctrine's twin goals of democratic and free market expansion could be at odds with each other in specific scenarios—for example, if a democratically elected government were to pursue protectionist trade policies. This disconnect may not be significant when it comes to small states without much leverage in the multilateral system, but it becomes a problem if large states with powerful leverage in the system decide to take unilateral action. When it comes to the UN, Somini Sengupta writes in The New York Times, "genuine power" resides in the hands of the UN Security Council (UNSC) and in particularly in the Council's five permanent members, "Britain, China, France, Russia and the United States", who "can veto any measure, and … [who] regularly used this power to protect either itself or allies."[2] This insight—that in practice, powerful states dominate international organizations (IOs), extends beyond the UN. Though there are many powerful states, none wield more influence than the U.S.—political scientist G. John Ikenberry writes that for "70 years, the liberal international order has been tied to American power—its economy, currency, alliance system, leadership"[3]. Theoretically, as long as the U.S. remains committed to liberal principles such as free trade, this fact poses no threat to the

[1] Fareed Zakaria, "The Rise of Illiberal Democracy," *Foreign Affairs* 76, no. 6 (1997): 28. https://doi.org/10.2307/20048274.
[2] Somini Sengupta, "What Is the United Nations? Its History, Its Goals and Its Relevance," *New York Times*, September 24, 2019, https://www.nytimes.com/2019/09/24/world/americas/what-is-the-united-nations.html.
[3] G. John Ikenberry, "The End of Liberal International Order?" *International Affairs* 94, no. 1 (2018): 8. https://doi.org/10.1093/ia/iix241.

international order. However, an ascendant tide of right-wing populism in the U.S. and many other nations characterized in part by disillusionment with the existing world order highlights the fact that the international order's intimate connection to the U.S. poses a threat to its continued existence—that is if it seeks to remain a *liberal* international order.

Zakaria's fundamental insight that democratic processes can lead to illiberal outcomes explains the 21st-century rise of right-wing populism that liberal political theorists and proponents of the international order are concerned with. The concept of sovereignty is a tool that populist leaders use to validate unilateral action—by claiming a sweeping electoral mandate, populists seek to supersede the pluralistic model of negotiation and consensus among different groups typical of liberal societies. In short, populists seek to use the democratic process to pursue a unilateral course of action. Philosopher Richard Joyce notes that "claims by national leaders to claim a capacity to truly and directly represent 'the people' is a clear example" of a "pernicious and overblown"[4] claim of sovereignty, which ignores the reality of political pluralism within a nation-state. He cites Trump and Viktor Orbán, Prime Minister of Hungary, as examples—both right-wing populists who have claimed to directly represent the will of the people as a result of electoral victories. Beyond the examples of Trump and Orbán, right-wing populist movements advocating for policies fundamentally opposed to the existing liberal order have recently seen varying degrees of success across liberal, democratic nations. Some examples include the electoral success of the Alternative für Deutschland (AfD) in Germany and Rassemblement National (RN) in France, as well as the election of far-right populist leaders like former President of Brazil, Jair Bolsonaro, in 2018 and current Prime Minister of Italy, Giorgia Meloni, in 2022.

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[4] Richard Joyce, "A Sovereignty That Is 'Useless to Fascism'," in *Routledge Handbook of International Law and the Humanities*, ed. Shane Chalmers and Sundhya Pahuja (London: Routledge, 2021), 479.

What this illustrates is that the ascendance of right-wing populism in democratic nations is not a constrained phenomenon but rather a global trend. Ikenberry argues that "As democracies fail to address problems" such as "rising inequality … political polarization and gridlock … [they are] increasingly challenged by resurgent nationalist, populist and xenophobic movements."[5] Ikenberry posits that to frustrated voters in these countries, "liberal internationalism looks more like neo-liberalism—a framework for international capitalist transactions", rather than a system to ensure the security and social well-being of the "great middle class"[6], meaning the utility of the liberal order is not apparent to a great number of disillusioned voters, leaving them open to populist messaging. Once populist leaders secure electoral victories, they are wont to utilize the concept of the electoral mandate to pursue unilateral action regardless of any existing norms, whether domestic or international. The consequences of this phenomenon are particularly apparent on the issue of free trade, one of the cornerstones of the international order. To explain the threat populism poses to the existing system, the relationship between the WTO and the U.S. is a compelling case study.

The broad adoption and sustained adherence to free trade is sustained by a multilateral trading system, with the WTO (previously the General Agreement on Tariffs and Trade, or GATT) being the primary multilateral legal mechanism through which free trade practices are enforced. Functionally, the WTO allows for countries to file complaints against other countries, ideally "helping to avoid unilateral responses to disputes and potential trade wars."[7] The most basic tenet of the WTO is its "commitment to openness, meaning reducing tariffs as well as limiting quotas, subsidies, and other barriers to trade"[8]—discouraging protectionism through

[5] Ikenberry, "End of Liberal International Order," 18.
[6] Ikenberry, "End of Liberal International Order," 21.
[7] James McBride and Anshu Siripurapu, "What's Next for the WTO?" *Council on Foreign Relations*, June 10, 2022, https://www.cfr.org/backgrounder/whats-next-wto.
[8] McBride and Siripurapu, "What's Next for the WTO."

legal contestation mechanisms. As in the case of the UN, though, the real power in the multilateral trading system lies in the hands of powerful actors or groups of actors despite its commitment to nondiscrimination. Professor of Law Carmen G. Gonzalez argues that during the Uruguay Round negotiations (which led to the creation of the WTO), the "Agreement on Agriculture was shaped by the intense rivalry between the United States and the European Union for world agricultural markets … developing countries were almost entirely left out of the negotiating process."[9] Despite the outsized role it plays in the WTO, the U.S. is highly critical of the organization when it comes to its treatment of China—American economists Will Kimbal and Robert E. Scott argued that "China's entrance into the WTO in 2001 led to the loss of more than three million U.S. jobs."[10] As a result of unhappiness with the WTO's approach, the U.S. has blocked it from exercising legal power—in 2019, the WTO appellate body "became unable to hear appeals" after three successive American administrations (Obama, Trump, and Biden) blocked new appointments and reappointments of judges[11]. The fact that the U.S., if so inclined, can take unilateral action against an IO and effectively neuter its legal power suggests that the liberal international order's reliance on American power is potentially debilitating.

The relationship between the U.S. and WTO and the appellate body crisis highlights the key trouble facing IOs. The liberal international order is intimately tied to the U.S., as Ikenberry explains, and assumes that the U.S. will remain a champion of liberal values. As Zakaria noted in 1997, though, democracy can lead to illiberal outcomes—extrapolating that argument outwards suggests there is no guarantee that the U.S. will indefinitely choose to follow and uphold liberal global norms. President Trump's sharp opposition to the liberal international order and claim to

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[9] Carmen G. Gonzalez, "Institutionalizing Inequality: The WTO Agreement on Agriculture, Food Security, and Developing Countries," *Columbia Journal of Environmental Law* 27 (2002): 449. https://digitalcommons.law.seattleu.edu/faculty/415.

[10] McBride and Siripurapu, "What's Next for the WTO."

[11] McBride and Siripurapu, "What's Next for the WTO."

represent the voice of the American people shows U.S. support for IOs is already in jeopardy. This is, of course, an issue for the international system given that it depends on U.S. support. Whether or not the U.S. re-orients itself around its historic liberal values after a second Trump term does not change the fact that this power imbalance in a supposedly multilateral trading system is a problem for its continued legitimacy. As jurist Anne Peters noted in 2016, the "WTO is currently being overtaken by hundreds of bilateral and regional trade agreements … [which] engenders losses of the legitimacy that resides in multilateralism"[12]. Her assessment of the situation illustrates that this problem of WTO legitimacy is not new and that states have long sought to bypass the organization. To strengthen its legitimacy, the WTO must restructure in a direction fundamentally less beholden to specific nations like the United States and more committed to the principle of genuine multilateralism. The alternative is its continued irrelevance and states taking unilateral action or constructing bilateral agreements to settle trade disputes—precisely the scenario the WTO sought to avoid.

Though the ascendance of populism in the U.S. is core to this argument due to its key role in upholding the international order, the electoral ascendance of populist movements across the globe suggests that the power of liberalism as the guiding philosophy behind international order is beginning to falter more generally. This indicates the restructuring of international organizations is a tall and perhaps insurmountable order—not just on the issue of free trade, but on matters of human rights and migration as well, as right-wing populist movements use the concept of sovereignty to combat what they perceive as the overreach of the global liberal order on these issues. In the case of the U.S., this deeply rooted unhappiness with the existing structure of world order threatens its continued legitimacy, as illustrated through the example of the WTO

[12] Anne Peters, "International Organizations and International Law," in *The Oxford Handbook of International Organizations*, ed. Jacob Cogan, Ian Hurd, and Ian Johnstone (Oxford: Oxford University Press, 2016), 38.

appellate body, precisely because the U.S. plays a key role in enabling it to function correctly. In 2018, “President Donald J. Trump delivered a speech that sharply criticized multilateralism, a cornerstone of the international cooperation espoused by the United Nations”[13]—and his return to office suggests multilateralism’s troubles may not be over quite yet as “Liberation Day” marks a profound shift in the way the United States thinks about its place in the world order.

[13] Sengupta, “What Is the United Nations?”

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