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Commentary

Systemic Hypocrisy in United States Foreign Policy

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Why is contemporary United States foreign policy systemically hypocritical? This essay offers a legal realist perspective, which considers human rights and democracy-oriented narratives as morally appealing meta-discourses that are subject to reframing, weaponisation, and instrumentalisation by a wide variety of contending political actors in pursuit of concrete material or policy objectives. The perspective of legal realism is used in the case of post-Cold War United States foreign policy to understand how normative discourses are used across various geographies of geopolitical contestations in which state-initiated violence and death are prevalent. This commentary suggests that in pursuit of its geostrategic and economic objectives, the United States government's human rights rhetoric abroad did not match the actual consequences of its domestic and foreign policies, thereby showing systemic hypocrisy.

Keywords

Democracy promotion, foreign policy, human rights, legal realism, United States

Introduction

Capitalism, liberal rights, and electoral democracy constitute the three quintessential justificatory principles of the United States' claim to world dominance, if not leadership. These principles are generally characterised as benign and desirable in some dominant strands of International Relations literature, as demonstrated by the influential and hegemonic status of democratic peace theory (DPT). This theory posits that capitalist, liberal democratic states are more likely to foster world peace, undertake global cooperation and emerge triumphantly in the wars they fight than their non-democratic counterparts

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(Russett & Oneal, 2001). The DPT upholds that democracies are generally more peaceful in their bilateral relations with other democracies. This theoretical proposition formed the basis of the Clinton administration's democracy-promotion-oriented foreign policy in the 1990s, the Bush administration's post-9/11 global war on terror that was justified through the promotion of liberal rights and democracy, and various programmes of the European Union democracy enlargement initiatives. As Parmar (2013, p. 231) shows, DPT inspired academics and foreign policymakers to classify the world into contrasting zones of peace/turmoil and democratic/non-democratic. Parmar (2013, p. 250) warns that democracy promotion is a strategy for the consolidation of American capitalist and military power. The paradox of US democracy promotion thus emerges when it deploys military violence to promote its brand of liberalism. Liav Orgad's (2015, p. 135) formulation of this paradox is compelling—liberal democracies use illiberal means to protect their so-called liberal values and allies. The mismatch between liberal discourse and illiberal practices constitutes the enduring crisis of US foreign policy.

Legal Realism as an Analytic Approach

I consider legal realism an analytically useful perspective for understanding how human rights (and other similar liberal discourses) are used across various geographies of political contestations in which violence and death are prevalent. Amidst mainstream and critical theories and approaches in International Relations theory and foreign policy analysis, legal realism is useful because it posits that laws and normative principles should not be considered as abstract rules but as subject to the contestations of various stakeholders and political actors, thereby highlighting the entrenchment of discourse within the broader political arena. Hence, discourses (such as human rights) gain traction, especially when those who invoke them are backed up by material resources that reinforce their claims. Following Hohfeld's (1919) legal realism, Clifford Bob (2020, pp. 8–9) defines *right* as the ability of the rights-claimant to enforce an obligation on another, the duty-bearer, whether directly or through some institutionalised agency such as a state agency. For Bob (2020, p. 9), human rights are analytically useful when construed as 'rights-claims', which pertains to a claim made by a stakeholder against another through legal, discursive, political, and military means. Thus, human rights are normatively appealing meta-discourses that competing stakeholders invoke, deploy, and reframe in ways that fit their political agendas (Regilme, 2020). The deployment of 'human rights talk' is similar to the strategic invocations of other morally appealing terms such as peace, development, justice as they appear in discursive contentious politics. This framing of rights builds on Rainer Forst's (2017, p. 1&42) stance that humans, as political actors, are by nature *'justificatory beings'*, thereby conceiving every free and human person as having the 'right to justification' within a given normative order. In contrast to Forst's (2017, p. 9) conceptualisation of power as 'discursive in nature', I underscore how discourses gain potency through the successful deployment of

material resources. Viewed through legal realism, the power of human rights depends on both the persuasiveness of *ideational justifications* and the strategic deployment of *material resources*, which are both bounded by the structures of possibilities and constraints within a given geography.

Through legal realism, one could underscore how normatively appealing discourses of US foreign policy such as human rights and democracy are weaponised in order to camouflage some of its most lethal consequences. This instrumentalisation deflects the detrimental effects of foreign policies, as demonstrated by the Bush administration's invocation of human rights promotion in order to justify the invasion of Afghanistan—a two-decade war that ended with 2021's abrupt departure of US troops, thereby paving the way for the return of the brutal Taliban rule. In most cases, such lethal consequences of US foreign policy actions emerged from the broader strategic and economic considerations of US political and economic elites (Thrall et al., 2020). Another example pertains to how the US State Department's Annual Country Reports on Human Rights Practices function as a tool for the US government to dominate and legitimise Washington's preferred framing of the international human rights agenda to promote US foreign policy aims, while subverting alternative rights-claims of less powerful actors in the Global South such as the civilians who are likely to die from US-led violence in the Middle East (see Xypolia, 2022).

The Ontology of American Power

Drawing from the ideas of legal realism and a perspective that emphasises the importance of language and discourse in the interpretation of rights, the current dilemma facing US foreign policy emerges from the challenge presented by the rise of illiberal and authoritarian actors. These actors are gaining influence by emphasising the persistent contradictions and inconsistencies in the behaviour of so-called liberal democratic actors in the Western world. Hence, the crisis in US foreign policy is amplified by the increasing power of illiberal and authoritarian actors who use the Western world's hypocrisies as a means of bolstering their own legitimacy. The term systemic hypocrisy was first introduced by the social scientist Nils Brunsson (1989), who refers to the gap between publicly portrayed representations of an organisation, including states and governments, and its actual performance and policy actions, also covering discrepancies between units within an organisation (see also Osipov, 2015, p. 43; Krasner, 1999). The aim here is to provide a brief analytic overview of some of the underlying factors and dynamics that perpetrate the underlying contradictions between Washington's supposedly liberal, rights-promoting policy discourses and the actual consequences of US foreign policy in the Global South.

Such non-democratic actors have intensified the delegitimation of liberal democratic ideals and practices and multilateralism in solving global problems. Accelerated by the Trump administration's abandonment of human rights and global cooperation, the miserable state of American power's claim to legitimacy as a dominant state actor is increasingly being challenged by the political showmanship,

militaristic assertiveness, and economic vitality of an illiberal and blatantly authoritarian Chinese state. For example, the Trump administration persistently opposed America's long-standing leadership in global health governance, as blatantly shown by the formal US withdrawal of membership from the World Health Organization (Regilme, 2022). Trump's decision was particularly devastating because scientific expertise, effective mobilisation of resources, and global cooperation were extremely necessary during the COVID-19 global pandemic.

Moreover, the US government's human rights rhetoric abroad did not consistently match some of the actual detrimental consequences of its militaristic policy agenda, thereby showing the systemic hypocrisy of American power. Even before the rise of Trump and far-right social movements, the glaring gap between rhetoric and action—particularly in United States human rights policies abroad—inspired illiberal actors outside the United States to delegitimise the expected emancipatory promise of liberal democracy and open societies. Domestically, the Trump administration, in an attempt to 'make America great again', facilitated blatant clientelist corruption in the federal government, while trumpeting misogynistic, xenophobic, and ableist political agendas. In the transnational sphere, Trump's attempt for resurrecting United States hegemony relied on nationalist rhetoric, amoral policy justifications, and disdain for humanitarian rhetoric and global cooperation (Regilme, 2022).

Bolstered by its unparalleled military prowess, American exceptionalism is underpinned by supposedly lofty values such as political equality, dignity, electoral democracy, and private property rights. Such meta-discourses functioned as the justificatory foundations for United States dominance in global politics. United States military power can be seen through the expansive global network of military bases, numerous security alliances and partnerships, mutual defence treaties, counter terror assistance, and joint military exercises. These unequal bilateral agreements, as Christine Hong (2020, p. 21) contends, 'have given legal veneer to US extraterritoriality' as 'US militarism is characterized less by rule of law than by rule without law'. Even in the case of post-Cold War United States foreign assistance, humanitarian and democracy-oriented discourses enabled the transfer of material resources such as military weapons and financial assistance in the Global South, where domestic state repression and physical integrity rights abuses dramatically increased (Regilme, 2021). While US foreign policy officials persistently invoke international human rights norms, those norms do not prevent other states from resorting to regime transformation, considering that such norms only restrain states from implementing *overt* operations (O'Rourke, 2018, p. 14). Based on comprehensive data of all American militaristic foreign interventions from 1947 to 1989, Lindsey O'Rourke (2018, p. 7) shows that the United States government has systematically resorted to *covert* regime change when necessary. US leaders have been keen to promote various types of regimes depending on whether the intended new regime has substantial converging interests with the United States. The Cold War era US interventions in the Global South tended to be both violent and at times covert, as clearly demonstrated by the overthrow of democratically elected regimes in many South American countries and the blatant

support for the brutal dictatorship of Ferdinand Marcos in the Philippines. While justifying militarism as necessary for securing democratic peace, various post-Cold War United States interventions illustrate the systemic hypocrisy of Washington's policy establishment, as shown by the global war on terror that facilitated numerous human rights crises in Pakistan, Colombia, the Philippines, and elsewhere in the globe (De Groot & Regilme, 2020; Regilme, 2018, 2021).

The United States and its leaders showcased this systemic hypocrisy, particularly by the juxtaposition of liberalism in words and militarism in practice, often in cooperation with allied elites abroad and the deployment of necropolitical violence across the globe. According to Hong's (2020, p.22) argument, the reason for the continued militarisation of the United States is the lack of sustained and impactful global social movements that condemn the harmful consequences of relying upon state violence as the primary means of projecting power. In addition, Hong (2020, p. 22) contends that the apparent disintegration of the global colour line in the exercise of American dominance is perhaps the only 'democratising' aspect of US power. This disintegration of racial lines can be seen in the desegregation in military barracks, production of technologies, multilateral coalitions of violence, and counterintelligence operations. Yet, the US coercive apparatus, reinforced by its complex web of alliances abroad, has systematically deployed violence against minoritised groups—women, persons of colour, the poor, persons with disabilities and those with other marginalised identities—while tirelessly preaching America's moral superiority through persistent invocations of human rights, dignity protection, and democratic peace. This blatant militarism facilitates the normalisation of war, which systemically dismisses ethical values and dehumanises members of minoritised groups (Maldonado-Torres, 2008, p. xiii). This arbitrary application of ethics in US foreign policy did not suddenly appear in recent decades, as shown by the Bush administration's war on terror or the intensified drone warfare during the Obama era. Rather, as a constitutive feature of systemic hypocrisy, the arbitrary application of ethics in foreign policy can be traced as early as the founding of the American nation and even up to the ascent of the United States as a global power in the mid-twentieth century (Rana, 2014). It is illustrated by the transatlantic slavery vis-à-vis the crucial role of southern slaveholders during the early years of United States foreign policy (Karp, 2016) and the violent conquest of the Philippines and Puerto Rico in the early nineteenth century (Juan, 2007; Rodriguez, 2009). In both historical cases, the projection of US dominance abroad emanated from white male American elites' uncontrollable appetite for wealth accumulation and territorial control and their purported racial superiority and masculinised politics through militarism. Reminiscent of how contemporary humanitarianism constitutes the foundational discourse of military violence abroad, the United States government's pre-Second World War colonial and genocidal actions abroad were justified through 'tuteletary colonialism' that allegedly sought to improve the well-being of colonised subjects through the active cooperation of local elites (Go, 2008, pp. 26–28). Yet, these early colonial escapades reinforced instead a system of racialised hierarchies from the US to many places worldwide (Vitalis, 2000, p. 333). As systemic hypocrisy in the US foreign policy can be observed both before and during the country's

ascent to global dominance, sociologist Julian Go (2007, p. 74) underscores America's 'imperial amnesia' that aptly characterises the blatant ignorance of its bloody colonial past in order to perpetrate unapologetically the sins of those in the present era.

More recently, the Trump administration brought attention to the long-standing issue of hypocrisy in American foreign policy by openly and repeatedly expressing misogynistic, racist, discriminatory, and exclusionary discourses and policies. These remarks were widely reported both in the United States and internationally, making the issue more visible. Unlike his predecessors, who often concealed their militarism under the guise of promoting democracy, human rights, and the rule of law, former President Trump vigorously applauded the deadly impact of American military power to coerce other countries. Trump disregarded any higher moral justifications and instead emphasised the brute power of the US military to achieve his goals. Trump's abandonment of moralistic language that emphasises human rights and democracy promotion also coincided with his active support for white supremacist groups in the United States and Europe as well as authoritarian populists elsewhere. Trump saw this support as a means of reasserting American dominance, which he believed was in decline. From the perspective of Trumpism, the reason for this decline is because the balance of power is seen as shifting to the Indo-Pacific region. Additionally, the increasing diversity and multiculturalism of the Global North are perceived as existential threats to white supremacy. To the extent that white supremacist logic has been foundational to the existing world order, Trump and his allies perhaps realise that such an exploitative normative order is losing traction, and the presence of far-right leaders in the corridors of power represents a systematic attempt to maintaining that oppressive world order. After Trump left the White House, the Biden–Harris administration has embraced systemic hypocrisy in foreign policy through a necropolitical war culture, underpinned by militarism and domination. That is the case as President Joseph Biden on May 2021 championed its \$715 billion Pentagon budget that aims to upgrade America's nuclear arsenal in a bid to deter China (Stone, 2021) and reinforce other geostrategic economic and political interests in other world-regions, while the Biden–Harris administration 'promises diplomacy but offers more militarism' (Kinzer, 2021).

Concluding Remarks

For an emancipatory global politics to emerge, we need a political utopia that seriously considers *both* material justice through the radical distribution of goods *and* political equality that eliminates stratificatory and exclusivist categories within humanity. That may be an ambitious objective, but state leaders should start matching their noble meta-discourses such as human rights *with* the actual policies that they espouse within and beyond their borders. In that way, emancipatory politics could replace systemic hypocrisy.

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