

80 Years after Hiroshima: Working for peace in a time of resurgent nationalisms

*Andrew Lichterman, address at the Resource Center for Nonviolence, Santa Cruz, California, August 6, 2025.**

80 years after the United States dropped atomic bombs on Hiroshima and Nagasaki, prospects for disarmament are grim. The dangers of nuclear war once more are on the rise. The post-WWII international legal order is collapsing, from arms control to the laws of armed conflict. Arms racing has resumed. Nuclear disarmament is a distant goal, and prevention of wars among nuclear-armed states a pressing priority.

Where do we go from here? How might work for peace and disarmament fit in the broader fabric of emerging movements that are responding to the world-wide resurgence of authoritarian nationalist movements and governments? I believe that to address these questions we need to shake up our ways of thinking a bit about global affairs, about matters of war and peace. I don't have the answers, but perhaps I will be able to leave you with a few themes for further thought.

Seventy-seven years ago, the United Nations General Assembly passed its first resolution. The subject the governments represented there thought important enough to be first on their agenda was the establishment of a commission to develop proposals for the control of atomic energy, and “for the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction.” In a joint statement, the three governments that had participated in the development of the atomic bomb, the United States, Great Britain, and Canada, stressed that the tasks of controlling atomic energy and eliminating the threat of nuclear weapons and other weapons of mass destruction could not be achieved by monitoring and control measures alone. “No system of safeguards that can be devised,” they wrote, “will of itself provide an effective guarantee against production of atomic weapons by a nation bent on aggression.” To end the threat posed by rapidly developing technologies that could yield ever more destructive weapons, they emphasized that a far more ambitious goal must be sought:

“Faced with the terrible realities of the application of science to destruction, every nation will realize more urgently than before the overwhelming need to maintain the rule of law among nations and to banish the scourge of war from the earth.”¹

Other commentators of the early atomic age argued that the inquiry must go deeper. In 1946, journalist and disarmament advocate Norman Cousins wrote,

“Let us have a National Concentration Week, during which we can ponder not only the implications of Hiroshima and Nagasaki, moral and political, but the problem of competitive national sovereignty in an atomic age.”²

A year later, the Emergency Committee of Atomic Scientists, which included Albert Einstein and several of the physicists who had participated in developing the atomic bomb, warned that

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“Through the release of atomic energy, our generation has brought into the world the most revolutionary force since prehistoric man's discovery of fire. This basic power of the universe cannot be fitted into the outmoded concept of narrow nationalisms.”³

These insights were clear to many in the immediate aftermath of a catastrophe brought on by competing imperial nationalisms. World War II was a global conflagration of industrialized warfare and genocidal extermination, with the atomic bombings of Hiroshima and Nagasaki only being the culmination.

With the rapid onset of the Cold War, the focus on the dangers posed by nationalisms in the atomic age faded into the background. The Cold War brought a different kind of competition among nuclear-armed governments, a global confrontation between competing political and economic systems, with different dynamics and potential flashpoints. The collapse of the Soviet Union brought both the Cold War political confrontation and the Cold War arms race to a close. With the Cold War confrontation seen as the reason for the existence of vast nuclear arsenals and the risk of nuclear war, mass movements for nuclear disarmament disappeared.

And in the first two decades after the fall of the Berlin Wall, the dangers of competitive nationalisms leading to conflict among nuclear-armed states were not immediately apparent. One of the two most powerful states had collapsed, and was significantly diminished geographically, economically, and militarily. China's emergence as a first rank economic power still lay in the future. The governments and corporations of “the West” were preoccupied with the project of integrating much of the Eurasian continent into the global neoliberal circuit of trade and investment.

And yet despite these decades of momentous change, nuclear arsenals and the institutions that sustain them carried on, largely without sustained debate by government or publics. Although their magnitude was reduced in comparison to immense Cold War stockpiles, enough nuclear weapons remained to inflict irreparable harm on humanity and the ecosystems that sustain us.

At the founding of the Emergency Committee of Atomic Scientists, Albert Einstein addressed his appeal to those with power and influence over governments:

“Our world faces a crisis unperceived by those possessing power to make great decisions for good and evil. The unleashed power of the atom has changed everything save our modes of thinking.”⁴

Eight decades on, the destructive power of nuclear arsenals has grown exponentially, but the thinking of those who hold power over our futures not only has failed to change, it has regressed. In significant ways, today's world more resembles the first half of the 20th century than the Cold War. New economic and military powers were rising to challenge old ones, with potential flashpoints focused on the margins of declining empires and the spheres of influence claimed by their rulers. And we are seeing once again the proliferation of “blood and soil” nationalisms, and their use by powerful factions to acquire and hold state power and to mobilize their publics for war.

The Russian historian Alexander Etkind writing in the 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.”⁵

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

First, 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.

They 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 modern 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 emphatically clarified that whatever window there was for nuclear disarmament following the end of the Cold War has been missed. Significant reductions in the number of nuclear weapons did not precede, but rather followed the reduction in the actual threat of war among the leading nuclear-armed states. The reduction in the likelihood of war among the Cold War adversaries was not caused by negotiations about weapons or about anything else, but rather by massive social change that brought the collapse of the Soviet Union, and the political systems of the states most closely aligned with it. For those who have been working for disarmament today, our first priority today must be preventing wars involving 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 place to start is thinking about why post-Cold War nuclear disarmament initiatives, mainly single-issue campaigns grounded in humanitarian law like that for the Treaty on the Prohibition of Nuclear Weapons, had so little effect. At the same time, we should consider why humanitarian law, the main legal framework 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?

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 make progress 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.”⁶

We must ask ourselves: What are the dominant underlying stories that give the current law of war and its limits 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.

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.”⁷

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, modern empires—long have claimed the prerogative one way or another to determine which “peoples” are civilized. “Uncivilized” peoples are not entitled to their own state, and hence also are not subjects recognized or protected as Peoples by international law.

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. The wars of the 21st century have shown the continuing power of these frames. They are manifested 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.” Political jurisdictions where they wished to conduct military operations often were derided as “failed states.” When the legality of operations that killed civilians were questioned, they invoked the unity of armed elements with the civilian population. Donald Rumsfeld declared 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.”⁸

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.⁹ “Russian and Ukrainian peoples are essentially one people,” Putin recently claimed. “In that sense, we see Ukraine as ours.”¹⁰ Former President of Russia Dmitry Medvedev describes Ukraine as “a threadbare quilt, torn, shaggy, and greasy,” and says “We don’t need unterukraine. We need Big Great Russia.”¹¹

In the Gaza war, 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 aware, not involved.”¹² 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.”¹³ Measuring each military strike against a claimed threat of existential magnitude makes humanitarian law’s proportionality requirement, intended to protect civilian populations against massive harm, infinitely elastic.¹⁴

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?”¹⁵ 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 makes sense. “....[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.”¹⁶

The boundaries of what governments claim to be such an “extreme circumstance” 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.

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

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.”¹⁷

Therein lies the heart of the problem. 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 our governments and the ways they 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 based on combinations of language and ethnicity are not natural or necessary. They are made things, their prototypes forged over the last few centuries 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.

We need to understand nationalisms as strategies of rule and contending for rule. They have been used by imperial governments to justify domination of far-flung, diverse domains to their populations at home. They have also been used by elites in colonized lands to carve states out of declining empires, from the new European states created after World War I through the waves of decolonization after World War II to the dissolution of the Soviet Union and other states after the Cold War. To sustain their empires against rising nationalist resistance, colonial governments often deployed divide and rule tactics, setting emerging nationalisms against each other within colonial jurisdictions with boundaries arbitrarily imposed on their populations by inter-imperial political settlements. And in their wars with one another, empires sought to stoke nationalisms and nationalist conflict within each other's domains.

All of this has echoed down to the present, in wars and civil wars across the world where empires have unwound or are unwinding, in the post-Soviet space, in the Middle East, and elsewhere. As Kenya's UN Ambassador Martin Kimani said in the Security Council in the debate on Ukraine in February 2022, "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."¹⁸

How do we begin to counter all this? We can start 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 frames 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."¹⁹

Geopolitical thought took shape at the beginning of the 20th century as the theory and practice of imperial competition and colonialism. As Paul Reinsch, a leading figure in early international relations theory, wrote in 1900,

“...[T]he natural wealth of the remoter regions must be utilized for the benefit of mankind, and if any nation or tribe, by the use of antiquated methods of production, or by total neglect of certain parts of its resources, such as mines or forests, stands in the way of this great need, that nation or tribe must pass under the political power or tutelage of a nation that will draw from the earth the utmost quantity of produce.”²⁰

The “great powers” geopolitics recognizes are empires or their modern equivalent, 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.

Geopolitical and realist thought also portray 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.

The Cold War arms race further focused the attention of international relations theory on confrontations among “great powers,” now nuclear-armed. The inherent danger of confrontations among nuclear-armed militaries lent intuitive weight to the bedrock geopolitical assumption that only the most powerful states really matter.

In place of the manifestly Eurocentrist and racist rationale provided by early 20th century geopolitics for the predations of the imperialist states now sits the Bomb. This has allowed the power games of geopolitics to be represented instead as neutral, technocratic exercises of “crisis management,” “realist” assessments by those who threaten us all with catastrophic war regarding what must be done to preserve the peace. In a nuclear-armed world, allowing the nuclear-armed ruling classes to divide up the world among them, to cut their deals over the heads of other “lesser” governments and peoples, can come to seem a practical necessity. We are discouraged from even questioning the legitimacy of claims to a “sphere of influence.” Over time this “necessity” that is really the avoidance of an immense and unnecessary evil can come to be seen as a moral good, the best imaginable outcome, the height of “statesmanship.”

The pervasiveness of this kind of thinking, I believe, is one factor contributing to the failure of many in peace organizations and the left to strongly oppose the Russian government’s war of aggression and annexation in Ukraine.

The Bomb is like a black hole, distorting everything in the legal, political, and moral field around it. No living thing can long survive its use, and no ethical or legal norms can long survive its very existence. This is the reality that the International Court of Justice cryptically acknowledged in its 1996 advisory opinion on nuclear weapons, writing that

“In the long run, international law, and with it the stability of the international order which it is intended to govern, are bound to suffer from the continuing difference of views with regard to the legal status of weapons as deadly as nuclear weapons.”²¹

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. 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. 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.²²

This kind of thinking may seem utopian, “unrealistic,” as attempting to push against overwhelming currents of ideology prevalent world-wide across the political spectrum. Fredric Jameson, who taught here in Santa Cruz for a while, once said that “...it is easier to imagine the end of the world than to imagine the end of capitalism.”²³ It may be even harder to imagine the end of nationalism.

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, post *Nation*-state 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 could have some restraining effect even before it can be realized within institutions.²⁴

In the past, what concrete successes there have been in disarmament work have come in the context of broader, system-critical movements. They laid out visions of a world never fully realized, but in doing so mobilized social power greater than could any single-issue campaign.

The 1980s peace movements had significant strands connecting disarmament to other issues, and placed all explicitly within a broader project of societal democratization. Adherents of this approach aimed to build a democratic and democratizing civil society out from under the frozen, authoritarian politics of both Cold War blocs. This entailed a vision that addressed the causes, as well as the symptoms, of nuclear-armed militarism.

Disarmament movements did not succeed in abolishing nuclear weapons. But where they did have victories, they came in the context of such broader, multi-issue movements. These were movements that criticized not only the terrible effects of nuclear weapons but the nature of a society that could build arsenals that could kill billions of human beings, and do irreparable damage to the ecosystems we depend on.

Writing at the height of the successful campaign to stop U.S. deployment of nuclear missiles in Europe, Jurgen Habermas observed that the resistance movement encompassed far more than a ‘no’ to nuclear missiles.”

Rather, he wrote, “many no’s’ are aggregated in this movement.” These included no’s not only to nuclear weapons but to nuclear power, and to large-scale technology in general, no’s to pollution and the death of forests, no’s to bureaucratic health care and slum clearance, no’s to discrimination against women and to hatred of foreigners. Taken together, Habermas concluded, these “no’s” were rooted in the rejection of an entire way of life “tailored to the needs of a capitalist modernization process, programmed for possessive individualism, for values of material security, and for the strivings of competition and production, and which rests on the repression of both fear and the experience of death.”²⁵

The 1980s disarmament movements drew much of their power from the way such themes were brought together in local contexts, often crystallizing around campaigns of direct resistance to nuclear weapons development, manufacture and deployment. Here in California, a coalition that included disarmament groups, organizations opposing US intervention in Central America, local chapters of environmental groups like the Audubon Society and the Sierra Club, and elements of organized labor in a successful campaign to resist the berthing of a flotilla of nuclear-armed US Navy ships in San Francisco Bay. That campaign linked disarmament, anti-intervention, jobs and development choices and environmental issues while sparking discussion of emerging new themes like the environmental impacts of the military and environmental justice. The participants developed new alliances, becoming part of the long chain of campaigns and movements that have built the organizations and relationships that make the San Francisco Bay Area one of the US regions where there is relatively more resistance to arms racing, militarism and war.

Today, the mix of issues and emerging movements is different, but even more urgent. We do not get to choose the terrain of struggle. We are living in a state of emergency, faced with growing repression and violence from above. Everywhere refugees, immigrants, and national minorities

are on the front line. The nationalist rhetoric of fear and hate that is employed to target them and to divide us from one another is the same kind that is used to march young people off to war. We must find a way to defend those most vulnerable, to resist the slide towards confrontation among nuclear-armed states, and to begin the long task of building a fair and sustainable world, all at once.

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 could be a step towards connecting work for peace with other issues and movements. For affected communities and human rights movements, the world-wide prevalence of authoritarian nationalisms poses 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.

In an era of pervasive authoritarianism, developing a common human rights vision can be a key element both for resistance and for sketching a path towards a more fair, humane and democratic future. Understanding *why* authoritarian nationalisms have flourished 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.

We must have a movement that is willing once more to ask the big questions. Can capitalism, a system of economies and states driven by endless competition among immense, authoritarian organizations avoid sliding into militarism and war? Does the problem go deeper? Can a modernity dominated by organizations that treat both nature and people as objects to be manipulated and controlled via the tools of a one-sided, technical rationality avoid either war or the eventual destruction of the ecosphere we all depend on? As Lewis Mumford put it half a century ago, "Is this association of inordinate power and productivity with equally inordinate violence and destruction a purely accidental one?"²⁶

We need new ways of talking about all this that recognize fully that there is little democracy anywhere, that we have an economy that is starkly two tier and growing more inequitable all the time, that decisions about war and peace in every country on earth are made by tiny elites who are largely unaccountable, and that the vast majority of humanity, and the planet itself, have no voice.

Notes

¹ United States—Great Britain—Canada, Declaration on Atomic Energy, November 15, 1945, The American Journal of International Law, Jan., 1946, Vol. 40, No. 1, Supplement: Official Documents (Jan., 1946), 48-50.

² Norman Cousins, “The Literacy of Survival,” *The Saturday Review*, September 14, 1946, collected in K. Bird and L. Lipschultz, *Hiroshima’s Shadow: Writings on the Denial of History and the Smithsonian Controversy* (Sotny Creek, CT: The Pamphleteer’s Press, 1998), 305, 306.

³ Fundraising letter, Emergency Committee of Atomic Scientists, January 22, 1947.

⁴ Albert Einstein Telegram to prominent Americans seeking support for the newly formed Emergency Committee of Atomic Scientists, as reported in the New York Times, May 25, 1946.

⁵ Alexander Etkind, *Russia Against Modernity* (Cambridge, UK: Polity Press, 2023), 1.

⁶ Robert M. Cover, “Nomos and Narrative” (1983) 97 *Harv. L. Rev.* 4, 4.

⁷ International Committee of the Red Cross, Advisory Service On International Humanitarian Law, “What is International Humanitarian Law?” 2004.

⁸ U.S. Department of Defense News Transcript, Presenter: Secretary of Defense Donald H. Rumsfeld, March 4, 2002 .

⁹ Vladimir Putin, Address by the President of the Russian Federation February 21, 2022.

¹⁰ Vladimir Putin, President of the Russian Federation, responding to questions at the Plenary session of St Petersburg International Economic Forum, June 20, 2025.

¹¹ Dmitry Medvedev Deputy Chair of the Security Council of the Russian Federation. The third President of Russia, 2008-2012. For tweets in Russian, follow @MedvedevRussia twitter/X April 8, 2023.

¹² Rageh Omaar, “Israeli president Isaac Herzog says Gazans could have risen up to fight ‘evil’ Hamas”, ITV News (13 October 2023), <https://www.itv.com/news/2023-10-13/israeli-president-says-gazans-could-have-risen-up-to-fight-hamas>; cited in Application instituting proceedings and request for the indication of provisional measures, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), 29 December 2023, para. 101 p.60.

¹³ Oona A. Hathaway, “War Unbound: Gaza, Ukraine, and the Breakdown of International Law, *Foreign Affairs*, May/June 2024.

¹⁴ *Id.*

¹⁵ Steve Rosenberg, “Ukraine invasion: Would Putin press the nuclear button?” ,BBC News, Moscow, 27 February 2022.

¹⁶ International Court of Justice, Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, 8 July 1996, para. 105(2)(E).

¹⁷ Benedict Anderson, *Imagined Communities* (London; Verso Press, 1983, 1991), 7.

¹⁸ 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.

¹⁹ 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.

²⁰ Paul S. Reinsch, *World Politics [at the End of the Nineteenth Century as Influenced by the Oriental Situation,]* (New York: The MacMillan Company, 1900), 11.

²¹ International Court of Justice, *Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons*, 8 July 1996, para.98.

²² “While IHL’s [International Humanitarian Law] 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.” Karima Bennouna, “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.

²³ “Someone once said that it is easier to imagine the end of the world than to imagine the end of capitalism.” Fredric Jameson, “Future City,” *New Left Review* 21 May June 2003, 65, 76.

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), 5; citing and quoting Rosanvallon, P., *La Contre-démocratie: la politique à l’âge de la défiance*. Paris, Seuil.

²⁵ Jürgen Habermas, “Civil Disobedience: Litmus Test for the Democratic Constitutional State,” *Berkeley Journal of Sociology* Vol. 30 (1985), 95-116, 110-11.

²⁶ Lewis Mumford, *The Myth of the Machine: The Pentagon of Power*, New York: Harcourt Brace Javanovich, 1970, 257.