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## Talking Foreign Policy August 14, 2023 broadcast: "Age of the Strongman"

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# Talking Foreign Policy Transcript

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Launched in 2012, *Talking Foreign Policy* is a one-hour radio program, hosted by CWRU School of Law Co-Dean Michael Scharf, in which experts discuss the salient foreign policy issues of the day. It airs quarterly on WKSU 89.7 FM in Cleveland and is webcast live for worldwide listening at Ideastream. Archived broadcasts can be accessed anytime through the School of Law YouTube page. Starting in September 2021, *Talking Foreign Policy* is also available as a podcast.

## August 14, 2023, broadcast. The Age of the Strongman<sup>1</sup>

**SCHARF:** Every American generation has had to respond to foreign tyrants. The Greatest Generation<sup>2</sup> stood up to Hitler and Stalin. The Baby Boomers grappled with Castro and Gaddafi.<sup>3</sup> In his acclaimed book, *The Age of the Strongman*, author Gideon Rachman explores the modern challenge of tyranny.<sup>4</sup> What makes a strongman? Why are we seeing a proliferation of such individuals across the globe? And what are the best ways to respond to the threats that they pose?

I'm Michael Scharf. In today's broadcast of *Talking Foreign Policy*, our panel, which includes the US Ambassador-at-Large for Global Criminal Justice, the Director of the International Bar Association, and the former Chief Prosecutor of an International Criminal Tribunal, will seek to answer these questions.

[Station Break]

**SCHARF:** Welcome to *Talking Foreign Policy*—the quarterly radio program and podcast brought to you by Case Western Reserve University

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1. Transcribed by Senior Cox Fellow Anna Buxzek and Grotian Scholars Jenna Chirichetti, Joel Berg, and Emmanuel Marotta.

2. Tom Brokaw, *The Greatest Generation*, 1998, [https://archive.nytimes.com/www.nytimes.com/books/first/b/brokaw-generation.html?\\_r=1](https://archive.nytimes.com/www.nytimes.com/books/first/b/brokaw-generation.html?_r=1).

3. Yoani Sanchez, "Gaddafi and Castro, Solidarity Between Despots," *Huff Post*, March 10, 2011, [https://www.huffpost.com/entry/qaddifi-and-castro-solida\\_b\\_833878](https://www.huffpost.com/entry/qaddifi-and-castro-solida_b_833878).

4. Pierre Lemieux, "The Age of the Strongman," *CATO Inst.*, 2022, <https://www.cato.org/regulation/fall-2022/easy-path-strongman-be>.

and Ideastream Public Media. I'm your host, Michael Scharf, Dean of Case Western Reserve University School of Law.<sup>5</sup> Today, we're talking about the challenges of responding to the proliferation of so-called strongmen leaders across the globe.

Let me introduce today's expert guests: I'm very happy to welcome Ambassador Beth van Schaack<sup>6</sup> to our program for the very first time. Joining us from DC, she is the Ambassador-at-Large for Global Criminal Justice at the US Department of State.<sup>7</sup> The ambassador will be participating in our conversation during the third segment. But for now, it is my great pleasure to welcome you to our program.

**VAN SCHAACK:** Thanks, great to be here!

**SCHARF:** Thanks. And joining us from across the Atlantic in London is Dr. Mark Ellis<sup>8</sup>, the Executive Director of the International Bar Association. He has been involved in the trials of Saddam Hussein, Slobodan Milosevic, and the leaders of the Khmer Rouge regime.<sup>9</sup> Welcome back to our program, Mark.

**ELLIS:** Michael, it is great to be back. Thank you.

**SCHARF:** And joining our conversation from the mountains of Asheville, North Carolina is David Crane<sup>10</sup>, the former Chief Prosecutor of the Special

5. Michael Scharf is a co-dean of Case Western Reserve University School of Law and the Joseph C. Hostetler—BakerHostetler Professor of Law. He has written and published extensively in the area of international law. Michael P. Scharf, *Case W. Reserve Univ. Sch. of Law*, last visited Nov. 10, 2023, <https://case.edu/law/our-school/faculty-directory/michael-p-scharf>.

6. Dr. Beth van Schaack is the Ambassador-at-Large for Global Criminal Justice at the US State Department. She has also been a visiting professor at Stanford Law School, in addition to directing their International Human Rights & Conflict Resolution Clinic. Beth Van Schaack, *US Dep't of State*, last visited Nov. 9, 2023, <https://www.state.gov/biographies/beth-van-schaack/>.

7. *Id.*

8. Mark Ellis is the Executive Director of the International Bar Association, an organization of more than 190 national bar associations, major international law firms, and 80,000 individual members from around the world. He also has extensive experience in international affairs, working for the Central European and Eurasian Law Initiative, several criminal tribunals, and even advising the World Bank. He is currently a part of the adjunct faculty at Florida State School University College of Law. Mark C. Ellis, *Int'l Bar Assoc.*, last visited Nov. 9, 2023, <https://www.ibanet.org/document?id=Executive-Director-Mark-Ellis-Biography>.

9. "War Crimes Trials: Slobodan Milosevic and Saddam Hussein," *PBS News Hour*, June 5, 2004, <https://www.pbs.org/newshour/show/war-crimes-trials-slobodan-milosevic-and-saddam-hussein>.

10. David Crane is a world-renowned jurist and international prosecutor with vast

Court for Sierra Leone.<sup>11</sup> David is the author of the book *Every Living Thing: Facing Down Terrorists, Warlords, and Thugs in West Africa*. Thanks for being on our program, Dave.

CRANE: It is my pleasure.

SCHARF: Joining us from Cape Cod, Massachusetts, where he is on vacation, is Dr. Greg Noone<sup>12</sup>, the Director of the Fairmont State University National Security and Intelligence Program. A retired Navy JAG Captain,<sup>13</sup> Greg served as head of the International Law Branch at the Pentagon. Thanks for being with us today, Greg.

NOONE: Thank you for having me back, Michael. Pleasure to be here.

SCHARF: And we are joined from Northern Virginia by Dr. Paul Williams,<sup>14</sup> the president of the Public International Law & Policy Group,<sup>15</sup> a Nobel Peace Prize-nominated NGO. Paul has served as legal adviser in two dozen peace negotiations and is the author of the new book, *Lawyering Peace*.<sup>16</sup> Welcome back to *Talking Foreign Policy*, Paul.

WILLIAMS: Thank you, Michael. It is my pleasure.

SCHARF: And finally, sitting across from me in the Ideastream studio in Cleveland, Ohio, is Dr. Shannon French,<sup>17</sup> Director of the Inamori

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experience in the fields of international criminal law, national security law, and international law. Before his retirement in 2018, Crane was a professor of international law at Syracuse University College of Law from 2006. He is the former Chief Prosecutor of the Special Court for Sierra Leone. "Mr. David M. Crane," *U.N. Audiovisual Libr. of Int'l Law*, last visited Nov. 12, 2023, [https://legal.un.org/avl/pdf/ls/Crane\\_bio.pdf](https://legal.un.org/avl/pdf/ls/Crane_bio.pdf).

11. See Residual Special Court for Sierra Leone, last visited Nov. 12, 2023, <https://rscsl.org/>.

12. Dr. Greg Noone currently leads the Yemen track two diplomacy team and serves as the Senior Legal Advisor for the Human Rights Documentation Solutions project at PILG, is the Director of the Fairmont State University National Security and Intelligence Program and is an Assistant Professor of Political Science and Law. Previously, he received a Special Act Award for his work in Afghanistan with the United States Institute of Peace (USIP). Dr. Gregory P. Noone, *PILPG*, last visited Nov. 10, 2023, <https://www.publicinternationallawandpolicygroup.org/dr-gregory-p-noone-bio>.

13. See "Judge Advocate General's Corps (JAG)," *U.S. Navy*, last visited Nov. 10, 2023, <https://www.navy.com/careers-benefits/careers/legal/jag>.

14. Paul Williams is a Professor at American University Washington College of Law. He is also the president of PILPG, a Nobel Peace Prize-nominated NGO that has provided legal counsel in a dozen peace negotiations over the past twenty-two years. Paul Williams, *Am. Univ. Wash. Coll. Of Law*, last visited Nov. 10, 2023, <https://www.wcl.american.edu/community/faculty/profile/pwilliams/bio>

15. The Public International Law and Policy Group is a global pro bono law firm that provides free legal services for peace negotiations and post-conflict, war-crimes prosecution, and transitional justice issues. Public International Law & Policy Group, *Public Int'l Law & Pol'y Grp.*, last visited Nov. 10, 2023, <https://www.publicinternationallawandpolicygroup.org>.

16. See Paul Williams, *Lawyering Peace* (2021).

17. Shannon French is Case Western Reserve University's Director of the Inamori Center

International Center for Ethics and Excellence. Shannon is the author of the acclaimed book, *The Code of the Warrior*.<sup>18</sup> Shannon, it is good to have you back on our show.

**FRENCH:** Great to be here, Michael!

**SCHARF:** So this is the way that this will work—we have more people on the show than we usually do, but we are going to manage because they are all superb.

In the first segment, we will start with some background about the world's strongmen leaders. Next, we will discuss how strongmen come to power and retain it. And finally, we will discuss how the international community can best respond to the threat strongmen leaders pose.

So, Shannon French, let's start off with a definition. What exactly is a *strongman leader*?

**FRENCH:** Well, the key component is that they are authoritarian. They are usually nationalist, and they tend to be populist leaders. But, another point that is not always obvious to people is they actually can be elected, but what matters is they don't have any meaningful opposition, often because their opposition is forcefully restrained by their actions and threats of force or use of force. And there are no checks and balances on their power that are effective.

**SCHARF:** Alright, that gives us a good sense of what we are talking about.

Let's turn to David Crane. David, as the Chief Prosecutor of the Special Court for Sierra Leone, you grappled with a prototypical strongman leader, President Charles Taylor of Liberia.<sup>19</sup> From that experience, Dave, what would you say are the tactics that strongman leaders use?

**CRANE:** Well, you know, as Shannon mentioned, and again it's just great to be with all of you, my dear friends, they reach power in different ways. A lot of them truly are elected by a popular vote, and that is really critical and of note, actually. But, when they come to power, they begin to take on power. And as they take on that power, they realize that just having power does not satisfy the needs of a country. And so, they always kind of look outward to a threat. I call it a "boogeyman theory." In other words, there has to be something that this authoritarian figure, this strongman, has to "protect"

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for Ethics and Excellence. She is also a Professor in CWRU's Philosophy department. Shannon French, *Case W. Reserve Univ. Sch. Of Law*, last visited Nov. 10, 2023, <https://philosophy.case.edu/faculty/shannon-french/>.

18. See Shannon French, *The Code of the Warrior: Exploring Warrior Values, Past and Present* (2004).

19. Chuckie Taylor, *The Ctr. for Just. and Accountability*, last visited Nov. 12, 2023, <https://cja.org/where-we-work/liberia/us-v-belfast/>.

citizens from. An example is the “Great Satan” that Iran uses to galvanize the populists against the United States.<sup>20</sup> So, almost all across the board, there is always an outside threat to allow them to maintain power. I think that is really, really critical as we begin to discuss further the idea and the concept of a strongmen and how they’re threatening democracies around the world.

**SCHARF:** David, I suppose that these are *perceived* threats, and the strongmen use lies and disinformation to try and convince their population that the threat is real.

**CRANE:** Yes, it is. If you go back, and I have studied strongmen for pretty much half of my professional life, they are in some ways mythical. You know, Hitler turned on the Jews, as an example of “boogeymen,” who were rotting the society of Germany, and so he used them to galvanize the hate and fear of the German people against a “common enemy.”<sup>21</sup> That ironically consolidates power and causes people to gel in some form of fear and anger to take on whatever that external threat is. But they are usually not actual threats.

**SCHARF:** Shannon, would you add any tactics to that list?

**FRENCH:** I would simply note, and this builds off of what you were just pointing out there, David, that they control the flow of information, they design the narrative, and they try to ensure that everything matches that narrative.<sup>22</sup> That also means, of course, that they actively silence their critics.<sup>23</sup> So, that is a tactic you see always with these strongmen.

**SCHARF:** I think they also attempt to use violence—

**FRENCH:** [Interjecting] Oh yes.

**SCHARF:** —either at home or abroad.

**FRENCH:** Or the threat of violence.

**SCHARF:** Yeah, or the threat of violence. Does anybody else want to add any tactics that we have left out?

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20. Hamid Dabashi, “Who is the ‘Great Satan?’” *Al Jazeera*, Sept. 20, 2015, <https://www.aljazeera.com/opinions/2015/9/20/who-is-the-great-satan>.

21. Tracy Martin, “Propaganda: How Germany Convinced the Masses,” *Hist. in the Making* 13, Jan. 2020: 91, 94, <https://scholarworks.lib.csusb.edu/cgi/viewcontent.cgi?article=1138&context=history-in-the-making>.

22. Robert Kagan, “The Strongmen Strike Back,” *Wash. Post*, March 14, 2019, <https://www.washingtonpost.com/news/opinions/wp/2019/03/14/feature/the-strongmen-strike-back/>.

23. *Id.*

**CRANE:** I would like to, just really quickly, add also that they do some really crazy things with the rule of law.<sup>24</sup> In some ways, they use the law to gain power and maintain power through whatever parliamentary system they may have, or the legislative branch that they may have. All of the laws that bolster the power of the strongman are passed by really a legislature, but of course, they are following the drum of the authoritarian figure. But, in a lot of ways, what they are doing under their domestic law is legal.

**SCHARF:** So, in today's world, the strongman we most focus on, I guess, is Vladimir Putin.<sup>25</sup> Paul Williams, you and your NGO, the Public International Law & Policy Group,<sup>26</sup> you've spent the past several months working to make Russian president Vladimir Putin accountable for the crime of aggression, and war crimes, and crimes against humanity committed in the Ukraine.<sup>27</sup> Are you concerned that Putin is serving as a sort of role model for the new generation of strongmen leaders?

**WILLIAMS:** Oh Michael, he is operating as a strongman. We are very concerned that Putin is not only serving as a role model, but he's drafting the playbook of a strongman, as Shannon and David noted, by disenfranchising the domestic opposition and bending the rule of law. But he is also manipulating international institutions that were designed to stop this from happening.<sup>28</sup> And he is manipulating "the nonaligned" movements into actually being aligned in some circumstances within the strongman. The good news is international infrastructure is pushing back with accounts of instigations, the general public and international outcry against his actions. So, he has a playbook, but fortunately, there is a counter-playbook on the table as well.

**SCHARF:** We are going to be talking about that in the third segment, but for now I want to ask Greg Noone, from your long military career, who else besides Putin would you say are today's most threatening strongmen leaders? Can you tell us about each of the people that you mention?

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24. See Sanem Ozer et. al, "The Rule of Law in the Grip of Populist Authoritarianism: Hungary and Poland," *Pol. & Pol'y* 51 (2023): 936.

25. Eric Nagourney, "A Year of War in Ukraine: The Roots of the Crisis," *The N.Y. Times*, Feb. 27, 2023, <https://www.nytimes.com/article/russia-ukraine-nato-europe.html>.

26. PILPG, *supra* note 14.

27. Pjotr Sauer, "UN finds further evidence of War Crimes in Ukraine," *The Guardian*, Oct 21, 2023, <https://www.theguardian.com/world/2023/oct/21/un-finds-further-evidence-of-russian-war-crimes-in-ukraine>.

28. William Burke-White, "Putin tried to break the international order—it will hold him accountable," *The Hill*, March 4, 2022, <https://thehill.com/opinion/international/596626-putin-tried-to-break-the-international-order-it-will-hold-him/>.

**NOONE:** Michael, unfortunately, your show is only an hour, and so I will try to be as brief as possible because really, the list is growing.

We talked about Putin and China's Xi, who has a very aggressive posture diplomatically and militarily and just entered an unprecedented third term,<sup>29</sup> and of course Kim Jong Un in North Korea.<sup>30</sup>

Orbán in Hungary, who has again taken democracy and abused the power that he was given through a proper election in his ability to distribute state resources, and break not just the law, but break the norms.<sup>31</sup> This is a lot of what we are talking about: breaking the norms that existed as guardrails. Then, of course, Erdoğan in Turkey.<sup>32</sup> Some argue Netanyahu in Israel with his attempt to curtail the Supreme Court's powers there.<sup>33</sup> And on and on.

So, you have a long list on a spectrum. They are not all the same; some are much more murderous, violent villains, and others are doing it for their own personal power and filling up their bank account. But nonetheless, there is, as David Crane mentioned, they're protecting us from some threat, which usually means violence is involved at some level.

**SCHARF:** You know, when you mentioned Erdoğan in Turkey, I'm reminded that it has been about ten years since Paul Williams, and I were teargassed when we were near Taksim Square<sup>34</sup> and Erdoğan had the military attack protesters that just happened to be near where we were. Paul and I ran like the bulls at Pamplona.<sup>35</sup>

Paul, let me ask you, is there anyone besides those that Greg mentioned that you would add to this rogues gallery of autocrats?

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29. "Xi Jinping now enshrined as China's forever strongman," *The Japan Times*, October 28, 2022, <https://www.japantimes.co.jp/opinion/2022/10/28/editorials/xi-jinping-third-term-2/>.

30. Morten Larsen, "Kim Jong Un: 10 years of missiles, murder, and economic misery," *Al Jazeera*, Dec. 17, 2021, <https://www.aljazeera.com/news/2021/12/17/kim-jong-un-10-years-of-missiles-murder-and-misery-for-n-korea>.

31. "2022 Country Reports on Human Rights Practices: Hungary," *U.S. Dep't of State*, 2022, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/hungary>.

32. Gonul Tol, "Turkey's Weak Strongman," *Foreign Pol'y*, March 1, 2023, <https://foreignpolicy.com/2023/03/01/turkey-erdogan-earthquake-apk-strongman-authoritarianism-democracy-military-disaster-relief/>.

33. Ivana Kottasova et. al., "Israel passes law to limit Supreme Court power, defying mass protests," July 24, 2023, *CNN*, <https://www.cnn.com/2023/07/24/middleeast/israel-supreme-court-power-stripped-intl/index.html>.

34. Özge Zihnioğlu, "The Legacy of the Gezi Protests in Turkey," 2019, *Carnegie Eur.* <https://carnegieeurope.eu/2019/10/24/legacy-of-gezi-protests-in-turkey-pub-80142>.

35. See generally "Running of the Bulls History," *Running of the Bulls Tours*, accessed Nov. 12, 2023, <https://www.runningofthebulls.com/history-of-the-bulls/>.



**WILLIAMS:** Yeah, and Michael, fortunately I think in these last few months we could add a number of individuals to this rogues gallery. There was recently a coup in Niger,<sup>36</sup> there is an emerging situation in Senegal with the opposition party being outlawed,<sup>37</sup> and there is an emerging situation in Bangladesh with tension with the opposition.<sup>38</sup> In Sudan, we have Hemedti from the Janjaweed militia,<sup>39</sup> al-Burhan from the Sudanese armed forces,<sup>40</sup> and look at South Sudan, both the governing party and the opposition party fit into the category that Greg just described. Quite frankly, a number of our allies in the Gulf probably fit into this category of autocrats as well.

**SCHARF:** Let me turn to Shannon. I couldn't fail to notice that all of the authoritarian leaders that have been mentioned so far are men. Is that a coincidence or does it tell us something about gendered leadership styles?

**FRENCH:** Well, actually, I am going to have to disagree with you there, Michael, because I think we have had women who are strongmen, so to speak. A classic example would be Indira Gandhi.<sup>41</sup> More current is Aung San Suu Kyi.<sup>42</sup> Unfortunately, people used to see her in a very different light, but now I think she could be classed as a strongman, including the Rohingya Genocide.<sup>43</sup> And of course if you go further back in time, you have figures like Queen Elizabeth I,<sup>44</sup> who you know, ask her cousin Mary how much

36. Gilles Yabi, "The Niger Coup's Outsized Global Impact," Aug. 31, 2023, *Carnegie Endowment* <https://carnegieendowment.org/2023/08/31/niger-coup-s-outsized-global-impact-pub-90463>.

37. "Senegal authorities arrest opposition frontrunner, ban his party and cut internet," July 31, 2023, *The Guardian* <https://www.theguardian.com/world/2023/aug/01/senegal-authorities-arrest-opposition-frontrunner-ban-his-party-and-cut-internet?>.

38. Meenakshi Ganguly, "Bangladesh's Brutal Crackdown on Political Opposition," Dec. 9, 2022, *Hum. Rts. Watch* <https://www.hrw.org/news/2022/12/09/bangladeshs-brutal-crackdown-political-opposition>.

39. Michael Ray, "Janjaweed," *Britannica*, Oct. 24, 2023, <https://www.britannica.com/topic/Janjaweed>.

40. "Who is al-Burhan, Sudan's military de facto head of state?," April 16, 2023, *Al Jazeera* <https://www.aljazeera.com/news/2023/4/16/who-is-al-burhan-sudans-military-de-facto-head-of-state>.

41. Maria Ulincy, "Indira Gandhi," *King's Coll.*, Nov. 16, 2004, [https://departments.kings.edu/womens\\_history/igandhi.html](https://departments.kings.edu/womens_history/igandhi.html).

42. Marlise Simons, "Aung San Suu Kyi Defends Myanmar Against Rohingya Genocide Accusations," *The N.Y. Times*, Dec. 11, 2019, <https://www.nytimes.com/2019/12/11/world/asia/aung-san-suu-kyi-rohingya-myanmar-genocide-hague.html>.

43. *Id.*

44. "Elizabeth I: The Last Tudor," *Historic Royal Palaces*, last visited Nov. 11, 2023, <https://www.hrp.org.uk/hampton-court-palace/history-and-stories/elizabeth-i/>.

of a strongwoman she was. Or Catherine the Great of Russia.<sup>45</sup> I guess my point would be it is not gendered. Absolute power corrupts any gender.

**SCHARF:** Just this week, I was reading some newspaper articles about Italy's Giorgia Meloni,<sup>46</sup> who has undertaken a number of strongman tactics in Italy as the new Prime Minister. So, it is good to hear that this is a gender-neutral problem.

**FRENCH:** Unfortunately.

**SCHARF:** Let's explore the problem in more detail when we come back from our break. When we return, we will talk about how strongmen attain and retain power. Stay with us.

[Station Break]

**SCHARF:** Welcome back to *Talking Foreign Policy*, brought to you by Case Western Reserve University and Ideastream Public Media, heard quarterly here on 89.7 WKSU. I'm Michael Scharf, the Dean of Case Western Reserve University School of Law. I'm joined today from London, England, by the executive director of the International Bar Association, Mark Ellis. From Washington, DC, by Ambassador Beth van Schaack. From North Carolina, by the former chief prosecutor of an international criminal tribunal, David Crane. From Cape Cod, by the former head of the Pentagon's international law branch, Greg Noone. And from Northern Virginia by the president of the Public International Law & Policy Group, Paul Williams. Here in the studio with me is the director of the Inamori International Center for Ethics and Excellence, Shannon French.

In this segment of our show, we're going to be discussing how strongmen come to power and stay in power. But before we do, I want to ask a question of Greg Noone. In the book *The Age of the Strongman*, Gideon Rachman suggests that Donald Trump *could* be considered a strongman leader.<sup>47</sup> Now, we've been talking about all these other strongman leaders across the globe—Greg Noone, what do you think the case is, both for and against, thinking about Trump in that way?

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45. Zoé Oldenbourg-Idalie, "Catherine the Great," Nov. 5, 2023, *Britannica*, <https://www.britannica.com/biography/Catherine-the-Great>

46. Paul Kirby, "Who is Giorgia Meloni? The rise to power of Italy's new far-right PM," Oct. 21, 2022, *BBC News*, <https://www.bbc.com/news/world-europe-63351655>.

47. *The Age of the Strongman* is written by Gideon Rachman, the chief foreign affairs columnist for the Financial Times. The book explores how strongmen have risen to power in capitals as diverse as Moscow, Beijing, Delhi, Brasilia, Budapest, Ankara, Riyadh, and Washington. Gideon Rachman, *The Age of the Strongman: How the Cult of the Leader Threatens Democracy Around the World* (2003).

**NOONE:** Yeah, thanks, Michael. Obviously a very divisive question is going to evoke a divisive answer. I mean, people see him in varying lights. His supporters think that he's protecting the country—that he's saving us from what David Crane mentioned, these perceived threats, and these threats to our way of life, our existence as America.<sup>48</sup> And then his detractors say that he aspires to be a strongman.<sup>49</sup> The only person he has literally never insulted is Putin. He's insulted veterans<sup>50</sup> and the disabled<sup>51</sup>, etcetera. But he would really love to have a massive military parade and fosters this cult of personality.<sup>52</sup> And you know, "Elections are rigged! Unless, of course, I win." And this "conspiratable" deep state that is going to try to thwart his moves as he sticks up for real Americans. So, I think you're going to be seeing a lot of books for the next twenty, thirty, fifty years about Donald Trump as the classic strongman and then you're going to see a number of books on the other side that are going to talk about how he was the savior, and he was the best thing that ever happened to America. So, it will continue to be divisive long after he's off the scene.

**SCHARF:** Now Mark Ellis, even though you're out there in London, England, I should note you are an American from Florida. Do you want to weigh in on that?

**ELLIS:** I think Greg covered that, my point is, for me, I look at Trump—I'm not a fan of Donald Trump, I should say that at the start—I think he's more of a "wannabe" autocrat. As Greg says, he admires those like Putin or Xi. And he's not yet achieved that status, and I think this is really important to mention—and Shannon alluded to it earlier—it's because, at least in the United States at this time, we have counter-balancing structural

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48. Erica R. Hendry, "Read Trump's Full Speech Outlining His National Security Strategy," *PBS News Hour*, Dec. 18, 2017, <https://www.pbs.org/newshour/politics/read-trumps-full-speech-outlining-his-national-security-strategy>.

49. Oliver Knox, "Trump Tests the Boundaries of His Strongman Approach to Politics," *Wash. Post*, Feb. 14, 2022, <https://www.washingtonpost.com/politics/2022/02/14/trump-tests-boundaries-his-strongman-approach-politics/>.

50. Leo Shane III, Trump Insulted Vets in Private, Former Chief of Staff Kelly Confirms, *Fed. Times*, Oct. 2, 2023, <https://www.federaltimes.com/news/pentagon-congress/2023/10/03/trump-insulted-vets-in-private-former-chief-of-staff-kelly-confirms/>.

51. Irin Carmon, "Donald Trump's Worst Offense? Mocking a Disabled Reporter, Poll Finds," *NBC News*, Aug. 10, 2016, <https://www.nbcnews.com/politics/2016-election/trump-s-worst-offense-mocking-disabled-reporter-poll-finds-n627736>.

52. Michael Hirsh, "Trump Has Mocked the U.S. Military His Whole Life," *Foreign Pol'y*, Sep. 8, 2022, <https://foreignpolicy.com/2020/09/08/trump-mocked-us-military-troops-lost-whole-life/>.

and constitutional forces that I think deter strongmen. I hope they last, I hope they continue to survive, but right now I think that's what has kept Trump from this mantle that he would like to be on. So, he might be a nationalist—well, he probably is a nationalist, he's certainly a populist—but not yet in my mind a strongman.

**NOONE:** I would just add to what Mark is saying—is that a second term? He has plans. And he knows what he needs to do differently. He's not going to bring in the General Mattises and General Kellys and others of what he considers institutionalized actors that will put up guard rails, he has plans to take decisive and thorough action if elected to a second term.<sup>53</sup>

**SCHARF:** Now that we've talked a little bit about our own problems with strongmen in the United States, I want to step back and get some historic context and ask a question of Mark Ellis. So, Mark, after the fall of the Berlin Wall in 1989, many people believed that the combination of free markets and democratic institutions and the rule of law had proved so irresistibly successful that the world would progress inexorably in that direction.<sup>54</sup> But, instead, I think we can say that we've witnessed the collapse of the post-Cold War consensus into a new age of authoritarian dictatorship. So—what went wrong?

**ELLIS:** Wow, that is a question. And it's personal to me, Michael, because I was actually in Berlin—I was in East Berlin in the exact week that the Berlin Wall fell, and subsequently was involved with ten years of providing technical assistance to the region. So, I feel quite emotional about that region and what happened afterwards. And I think we can all agree that, at least for Europe, the fall of the Berlin Wall was one of history's most profound political transformations. But I think for that region, and this is

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53. Generals James Mattis and John Kelly were both well-renowned General Officers in the United States Marine Corps. Both were considered pragmatic leaders whose priority was to protect national interests and institutions they had served. Donald Trump appointed General Mattis and Secretary of Defense and General Kelly as his Chief of Staff. Some suggest that the generals' advising Trump against impulsive moves led to their resignation. "Jim Mattis and John Kelly Had Little Influence on the President," *The Economist*, Jan. 5, 2019, <https://www.economist.com/united-states/2019/01/05/jim-mattis-and-john-kelly-had-little-influence-on-the-president>.

54. The Berlin Wall, originally sealed off on August 13, 1961, served as the boundaries between the Federal Republic of Germany in the West and the German Democratic Republic in the East. Berlin served as the neuralgic heart of the Cold War; the wall served as the divide between Western powers and the Soviet Union. The wall came down on November 9, 1989. David Morris, "The Rise and Fall of the Berlin Wall," *Int'l Collections at the Libr. of Cong.* Nov. 1, 2019, <https://blogs.loc.gov/international-collections/2019/11/the-rise-and-fall-of-the-berlin-wall/>.

true elsewhere, embedding those political changes and these democratic principles, they take several generations. And I think what happened in Eastern Europe, and what happened in some post-conflict countries was that countries never really truly transitioned into democracies. And free elections do not guarantee democracy.<sup>55</sup> So this initial euphoria, I think, after 1989, gave way to the disillusionment as the implementation of political and economic reforms—they brought hardship to people. And I think this led to people being skeptical about democracy, and I think that that viewpoint is prevalent today, but I do hope, and I do think, that we'll always witness the ebb and flow of democracies. I think that's just part of history. And I think in the long run, democracies will hold, and I think—and often times we just have to be patient, and I think that will be the case in the former eastern Europe as we see what happens.

**SCHARF:** I think the United States played a very positive role in that process but, to be fair, our role is sometimes mixed. So, let me ask **FRENCH:** What role did government grievances against US foreign intervention, or globalism, or international monetary policy play in the rise of some of these strongmen?

**FRENCH:** Well, unfortunately, as it was mentioned before, these authoritarian leaders love to have an external threat that they can identify and focus their people on, so that their people will not use that same energy for internal unrest.<sup>56</sup> And we feed their narrative when we do these interventions. They can put us in that role as a threat and—I would add to that only—that unfortunately, too, it means that sometimes our hands are tied in terms of giving support to opposition parties because if we were to do so we actually can accidentally make them look like a puppet of the US, which then, just again, feeds the authoritarian's narrative.<sup>57</sup>

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55. "One of the most fundamental post-1989 challenge was creating viable democratic systems. That challenge required defining what democracy actually means. At a most basic level, democracies must have free and fair periodic elections that facilitate freedom of political expression and peaceful transfers of power." Aleksandr Shkolnikov & Anna Nadgrodkiewicz, "The Fall of the Berlin Wall: Twenty Years of Reform," *The Caucasian Rev. of Int'l Aff.* 4 (2010): 73, 78.

56. Daniel Treisman & Sergei Guriev, "On the Tactics of Modern Strongmen," in *Spin Dictators: The Changing Face of Tyranny in the 21st Century*, Princeton Univ. Press (2023). Chapter published online Apr. 27, 2023, <https://press.princeton.edu/ideas/on-the-tactics-of-modern-strongmen>.

57. Max Paul Friedman, "Retiring the Puppets, Bringing Latin America Back In: Recent Scholarship on United States–Latin American Relations," *Diplomatic Hist.* 27 (2003): 621, 626.

**SCHARF:** Let me think back to that list of strongmen that we were talking about. There were people from Asia, the Middle East, Africa, Latin America. Mark Ellis, do you think that certain countries or certain regions of the world are predisposed to strongmen leaders?

**ELLIS:** No, not at all. I don't think there's any geographical difference or predisposition to strongmen rulers. But I do think that among these diverse countries—you're mentioning a number of regions—where these strongmen flourish, there are common attributes. I think these have been alluded to earlier. You look at these regions or the countries where, all of the sudden, there is no freedom of speech or assembly. There's no free press or media; there's no independent judiciary to counter the "strongmen rule," and these governments, as has been alluded to, tend to rule by terror instead of reason.<sup>58</sup> So I think there's also this, as I mentioned after fall of the Berlin Wall—there's at times a dissatisfaction with democracies, and I have no doubt that that's exasperated by the rise of use of social media.<sup>59</sup> But I think there's real concern here because when you look at the surveys that are coming out now—particularly in North America and Europe, people have grown more cynical about the value of democracy as a political system, and they're more willing to support authoritarian models.<sup>60</sup> This is a real concern.

**SCHARF:** And this is sobering. Let me ask Greg Noone a different type of question. Greg, do you think that today's strongmen leaders have anything in common? Personalities, personal histories? Do their personalities tell us more, perhaps, than their political systems, or their economic structures, about why they have attained power?

**NOONE:** Yeah, I think that personality matters a great deal in that—thinking of this program today, I think the one word I'd sum it up with is they're daring. They're daring to do things that for a long time, especially in a democracy where people would say, "Oh no, no one would ever do that," or, "No, that's just not possible," and yet, they do it, and then they wait for a reaction and, depending on what type of reaction they receive, they'll either push it further or they'll push back with their own lying, denying, counteraccusations. But then the other thing that I would add—you mentioned political, economic history. I think you have to add cultural. A lot of this—Orbán, Trump,

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58. See generally Treisman & Guriev, *supra* note 55.

59. *Id.*

60. Timothy Garton Ash & Antonia Zimmermann, "In Crisis, Europeans Support Radical Positions," *EUpinions*, May 6, 2020), <https://eupinions.eu/de/text/in-crisis-europeans-support-radical-positions>.

Putin—they're all playing a cultural instrument here to try to rally people to believe that they're the true holders of the right culture for our country.<sup>61</sup>

**SCHARF:** I should mention that Greg is not just an expert at military affairs, but he has his doctorate in political science, which I think does entitle you to opine on that. Let me turn to another PhD on our panel—that's Paul Williams, the head of the Public International Law & Policy Group. Paul, you were talking about the playbook, of the tactics, of strongmen before. Is there also a sort of playbook on how they come to power?

**WILLIAMS:** Yes, Michael, I think the very first edition of the playbook really only had two chapters. One of which was to put on a military uniform and have a coup.<sup>62</sup> The second chapter was essentially inheriting it through royal succession.<sup>63</sup> But I think in the second edition of the playbook, we're finding that one of the paths is to become democratically elected, and then erode the institutional structures, the rule of law, muddy transparency, and essentially create a political culture.<sup>64</sup> I think that this is what Greg was hinting at. If you can create a political culture which essentially minimizes the moderates in the middle and only leaves room for political discourse on two extremes: it's us or them. That's incredible fertile ground for the emergence and the continuation of a strongman in a political situation.

**SCHARF:** David Crane, as the former Prosecutor of the Special Court for Sierra Leone, who prosecuted Charles Taylor, you saw how he rose to power.<sup>65</sup> What would you add to Paul's description of the strongman's playbook? Is there a chapter three or four you want to add in?

**CRANE:** Well, you know, it's interesting. I love Paul's description of the editions kind of thing. There are variations on the theme. But they tend to wrap themselves in their grievance. They wrap themselves around national-

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61. Ian Bremmer, "The 'Strongmen Era' Is Here. Here's What It Means for You," *Time Mag.*, May 3, 2018, <https://time.com/5264170/the-strongmen-era-is-here-heres-what-it-means-for-you/>.

62. Ruth Ben-Ghiat, "Ruth Ben-Ghiat on the Danger of Strongmen Leaders and How to Rein Them In," *The Economist*, Jul. 2, 2021, <https://www.economist.com/by-invitation/2021/07/02/ruth-ben-ghiat-on-the-danger-of-strongmen-leaders-and-how-to-rein-them-in>.

63. David Dyzenhaus, "Lawyer for the Strongman," *Aeon Media Grp.*, Jun. 12, 2020, <https://aeon.co/essays/carl-schmitts-legal-theory-legitimises-the-rule-of-the-strongman>.

64. See generally Treisman & Guriev, *supra* note 55.

65. Charles Taylor was the president of Liberia and was implicated in atrocities committed in Sierra Leone through supporting a rebel group, including killing, raping, and cutting off the limbs of thousands of civilians, as well as forcibly recruiting thousands of child soldiers. Charles Taylor, *Hum. Rts. Watch*, last visited Nov. 11, 2023, <https://www.hrw.org/topic/international-justice/charles-taylor>.

ism. They play to the nationalistic bent of peoples. You know, there's that famous picture literally of Donald Trump hugging the American flag.<sup>66</sup> That could be anybody else, any of the other strongmen around the world, past and present. They do the same thing. They take the past and bring it forward—whatever grievance that had happened. Obviously, Adolf Hitler brought forward World War I—"The armistice was jammed down Germany's throat. We have lots to do. We have got to make Germany great again."<sup>67</sup> Those kind of things get people listening, and then he turns on, and he looks into the reason for all of these problems, and that is, as I mentioned earlier, the boogeyman who has created these issues, such as the Jews, the Bolsheviks, etcetera, the great Satans.<sup>68</sup> If you look at each of these strongmen, they're always pointing to someone externally. But again, they wrap themselves in their flags to get people stirred up and they make it a great movement and that gets things going. But, again, you really have to understand that a lot of them use their laws through their legislatures to really get, specifically, in power, and then stay in power, and then, here we go, they institutionalize themselves using democratic principles that dissolve very, very quickly once they maintain complete power.<sup>69</sup>

**SCHARF:** So let me ask Mark Ellis, the Executive Director of the International Bar Association, a question. In today's world, you have to have a lot of money to obtain power, especially in democratic states. And the strongmen leaders tend to be among the richest individuals in the world. So Mark, do Western financial centers share some of the responsibility for the rise of these strongmen leaders by helping them launder their ill-gotten gains?

**ELLIS:** Yeah, this has to be a new chapter in Paul's playbook because the answer is absolutely yes. I think corruption plays a major role, some would say *the* major role, in sustaining the position of these strongmen. So, yeah, financial lenders share responsibility. We all remember when Russia

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66. The picture referred to can be seen at the cited source. Shannon Van Sant, "Trump Slams Russia Investigation and Green New Deal At CPAC," Mar. 2, 2019, NPR, <https://www.npr.org/2019/03/02/699728497/trump-slams-russia-investigation-and-green-new-deal-at-cpac>.

67. See generally Michael Blaine, "Fighting Words: What We Can Learn from Hitler's Hyberole," *Symbolic Interaction* 11 (1998): 257, 264.

68. The nickname "Great Satan" has often been attributed to the United States by countries in the Middle East because of its perceived hegemony in global and regional affairs. Mark Leonard, "Decline of U.S. Influence in the Middle East Could Make for Some Strange Bedfellows," *Reuters*, Jun. 25, 2014, <https://www.reuters.com/article/idUS50588285520140625>.

69. See generally Treisman & Guriev, *supra* note 55.



annexed Crimea in 2014.<sup>70</sup> Not only was the international community's response, I think, rather muted, but pretty quickly it was Western countries that continued to finance Putin, support him, particularly with Russia's oil pipeline into Western Europe, so I think Western financial centers play a significant role in enabling oligarchs and strongmen to flourish.<sup>71</sup> They do this by really creating, I think, a real favorable environment for the flight of the wealth of these strongmen. I was reading where there's \$7.5 trillion currently held in tax havens, representing 8% of the world's global financial wealth.<sup>72</sup> The vast majority of that share comes from hidden assets, from autocratic regimes, and this is the issue. I think, Michael, it's important since we're all lawyers here, to understand that this transfer of wealth and the corruption that takes place—its supported by banks, it's supported by professionals, like lawyers, that can establish these shell companies, the trusts, the secret vehicles that allow strongmen to shield their assets.<sup>73</sup>

And finally, which I've always found to be the saddest part, we welcome them. We give a warm welcome to strongmen, particularly their families, allowing them to acquire real estate through trusts or shell companies, as they say, and even enrolling their children in prestigious educational institutions.<sup>74</sup> So yes, bottom line is I think the West and Western financial centers have a responsibility in what's happening.

**SCHARF:** And in the next segment, we can talk about how we might change all of that. It is time for another break. When we return, we're going to talk about how the United States should best respond to foreign tyrants. Back in a moment.

[Station Break]

**SCHARF:** This is Michael Scharf, and we're back with "Talking Foreign Policy." I'm joined today by experts on foreign policy, military policy, international law, and international diplomacy.

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70. In March of 2014, Russian forces and supporters took control of and annexed the Crimean Peninsula from Ukraine. Nigel Walker, "Conflict in Ukraine: A Timeline (2014–Eve of 2022 Invasion)," *House of Commons Libr.* Aug. 22, 2023, <https://commonslibrary.parliament.uk/research-briefings/cbp-9476/>.

71. Nafeez Ahmed, "Ukraine Crisis is About Great Power Oil, Gas Pipeline Rivalry," *The Guardian*, Mar. 6, 2014, <https://www.theguardian.com/environment/earth-insight/2014/mar/06/ukraine-crisis-great-power-oil-gas-rivals-pipelines>.

72. See generally Nicholas Shaxson, "Tackling Tax Havens," *Int'l Monetary Fund Fin. & Dev.*, Sep. 2019.

73. *Id.* at 9.

74. "Pandora Papers: Secret Wealth and Dealings of World Leaders Exposed," *BBC*, Oct. 2, 2021, <https://www.bbc.com/news/world-58780465>.

In this final segment of our program, we're going to be discussing the threat posed by the strongman phenomenon and the prescription for countering that threat. But before we jump into that, I want to ask Paul Williams a final question about the mentality of strongmen. And that is, Paul, we tend to see stories in the Western press describing the strongmen leaders as "mentally ill."<sup>75</sup> A common diagnosis is narcissistic personality disorder.<sup>76</sup> Paul, is this just a tactic to discredit the strongmen, or would you say it's possibly an accurate assessment of their psychological condition?

**WILLIAMS:** Well, Michael, in order to answer that question, I'd have to reach back to my Psychology 101 textbook from my freshman year as an undergrad and remind myself of Freud's teachings and thinkings,<sup>77</sup> but actually, I'm going to go off the board for the point, and go with Machiavelli<sup>78</sup>. I think this is about power, and unfortunately, I think it's very common in human nature to desire power, wealth, political influence, and creating a family legacy. A lot of our strongmen have strong children, as well.<sup>79</sup> So I would think it's more a Machiavellian mindset than a narcissistic mindset.

**SCHARF:** And would you say that the US, for example, uses this as a propaganda tool, because the strongmen are seen as our enemies, so let's discredit them by saying "Look, they're just crazy!"?

**WILLIAMS:** I think we use it as a tool to erode the moral imperative for us to take effective action. Because if they're crazy, there's nothing we can do about it; but if they're actually being Machiavellian, you can take Machiavelli's *The Prince*,<sup>80</sup> turn it upside down, and you have your counterplay book for

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75. "Character Disorders among Autocratic World Leaders and the Impact on Health Security, Human Rights, and Humanitarian Care," *Prehospital and Disaster Medicine* 34 (2019): 2–7, Cambridge Univ. Press (January 15, 2019), <https://doi.org/10.1017/S1049023X18001280>.

76. Isabel Van Brugen, "Putin Branded a Narcissist in Leaked FSB Letters," *Newsweek*, November 26, 2022, <https://www.newsweek.com/putin-leaked-fsb-letters-whistleblower-narcissist-1762375>.

77. Sigmund Freud was a 19th–20th century philosopher and psychologist who held that autocratic personalities functioned out of an inferiority complex. Sigmund Freud, *New Introductory Lectures on Psychoanalysis* (1933).

78. Niccolo Machiavelli was a 15th–16th-century Italian political philosopher who famously authored *The Prince*, which offers a view of geopolitics that holds that world leaders work in manipulative ways to achieve and hold power. Niccolo Machiavelli, *The Prince* (Penguin Classics, contemporary translation, 2009).

79. "What's It Like To Be A Dictator's Kid?," *NPR*, September 26, 2015, <https://www.npr.org/2015/09/26/443199971/whats-it-like-to-be-a-dictators-kid-theyre-all-marked-author-says>.

80. Machiavelli, *supra* note 77.

eroding their wealth and limiting their political power. As Mark Ellis pointed out, putting constraints on the way they can pass their wealth and power to family members.<sup>81</sup> No, it's an excuse for us not to do the hard work that is necessary to box in and constrain strongmen and their consequences.

**SCHARF:** Yeah. And Shannon French, as an internationally renowned ethicist, what would you add to that?

**FRENCH:** Well, I would add two quick points. One, even if they are narcissists, that doesn't diminish their responsibility at all, so it's not the kind of mental health condition that gives you any pass. Lots of people are narcissists; they're still accountable for everything they do. But the other key point I would make is that some people try to suggest that these strongmen are geniuses, that they're playing 3D chess and all this—there's very little evidence of this. The majority of them are not particularly bright. What they do is they surround themselves with yes-men who tell them that they're smart, tell them that they're good.<sup>82</sup> And this is a valuable weakness from our point of view because it means that they make mistakes and nobody corrects them, and if you look historically on the downfall of strongmen, you see that repeatedly there was no one in the room to tell them they were making a dumb move.

**SCHARF:** You know, this might be implicit, but let's go back to Mark Ellis, the director of the International Bar Association. Mark, can you tell us what the internal and external threats are that are uniquely posed by strongmen leaders? Why should we be so worried about them?

**ELLIS:** Well, again, I think some of our colleagues have alluded to this, but I think that authoritarian rulers—these strongmen—their actions impact just the very foundation of a liberal society. And for our audience, I'm not speaking about liberal versus conservative thought. I'm speaking of liberalism in a much more classical way: it's about equality, individual liberty, accountability, fairness of law, the rule of law.<sup>83</sup> Strongmen know that to survive, they have to destroy this structure. So the basic benchmarks

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81. Christina Wilkie, "U.S. Sanctions Putin's Adult Children, Bans All New Investment in Russia," *NBC*, April 6, 2022, <https://www.cnbc.com/2022/04/06/us-sanctions-putins-adult-children-bans-all-new-investment-in-russia.html>.

82. Georgy Egorov and Konstantin Sonin, "Dictators and Their Viziers: Endogenizing the Loyalty–Competence Trade-Off," *Journal of the European Economic Assoc.* 9, no. 5 (October 2011): 903–930, <https://harris.uchicago.edu/files/inline-files/Dictators%20%26%20Viziers.pdf>.

83. "Classical Liberalism," October 19, 2023, *Encyclopedia Britannica*, <https://www.britannica.com/topic/classical-liberalism>.

of rule of law and independent judiciary, free press, civil society—they're attacked, and they're destroyed. So that's internally what happens, and it happens, I think, consistently, I think that's part of the playbook Paul alludes to. Externally, and I think David and Shannon said this best as well, they really do pursue aggressive foreign policies, and it's characterized by kind of an "us versus them" mentality. It's draped in xenophobia and really venomous intolerance and hatred of others. And in this view, there's not "opponents," they're just "traitors," and global stability is really dismantled. Of course, Putin personifies this approach more than any other leader.<sup>84</sup>

**SCHARF:** So, I'm wondering if they're always bad for the United States. Paul Williams, you're our international peace negotiator. Think back to Secretary of State Henry Kissinger.<sup>85</sup> He used to say that the United States, it's in its interest to support certain strongmen leaders as long as they're *our* strongmen leaders, as long as they're *our* allies.<sup>86</sup> Do you agree with that assessment?

**WILLIAMS:** No.

**SCHARF:** Ok, tell us.

**WILLIAMS:** Michael, *nothing* good comes of a warm hug from a strongman. They start wars that undermine our genuine strategic interests; they dilute a global liberal order that protects our political and our economic interests; and most importantly, they erode human rights norms that are genuinely at the core of America's identity.<sup>87</sup> With friends like that, you don't need adversaries. So no, we should stop our warm hugs of strongmen and embrace our democratic outlook.

**SCHARF:** Now, sometimes these strongmen tend to hang onto power for a really, really long time. Shannon French, let me ask you: do you think that the strongman model of ruling a country is inherently flawed and prone to break down?

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84. "Putin warns Russia against pro-Western 'traitors' and scum," March 16, 2022, *Reuters* <https://www.reuters.com/world/putin-warns-russia-against-pro-western-traitors-scum-2022-03-16/>.

85. Henry Kissinger was U.S. Secretary of State between 1973 and 1977. Henry A. Kissinger, *U.S. Dep't of State*, <https://history.state.gov/departments/history/people/kissinger-henry-a>.

86. Kissinger was a practitioner of "realpolitik" and a follower of the philosopher Metternich, believing that some strongmen could serve as valuable allies to the United States. "Henry Kissinger on Vietnam," *Smithsonian Mag.* (2003), <https://www.smithsonianmag.com/arts-culture/henry-kissinger-on-vietnam-78576448/>.

87. *See generally*, Louis Henkin, "Rights: American and Human," *Colum. L. Rev.* 79 (1979): 405.

**FRENCH:** Well, it's certainly unstable. And the reason it's unstable is that because these people tend to surround themselves with other people who also have bad character. The loyalty of their supporters is generally not solid, they can be lured to other leaders that can be bought off. And more often, they want the power too. So, the second that the strongman shows any weakness, *someone* is waiting there to try to take that over. And there was also mentioned earlier the point about children of some of these strongmen. And of course, you've seen a very mixed bag with that: sometimes they try to pass things along to their children, but their children are not as successful, or not as charismatic, or all of these things come to pass.<sup>88</sup> So they lose that very weak hold that they had, that was never based in truly shared values, let alone the legitimacy of democracy.

**SCHARF:** Alright, well I think we've now made the case for why it's *not* in the US interest to embrace the strongmen, but rather the US should oppose the strongman phenomenon. I teased her presence at the beginning of the hour, now let's bring on our star: Ambassador van Schaack, the US Ambassador At-Large for [Global] Criminal Justice. Beth, welcome to the conversation, and I have this question for you: if, as was discussed earlier, there is a roadmap that strongmen take to transform their countries, is there a "counter-roadmap" for the international community to take to respond to them? What are the options for holding strongmen accountable under international and domestic law? I think nobody in the world is more qualified to answer that question than you.

**VAN SCHAACK:** Well, thank you so much. It's been such a fascinating conversation, and I've really enjoyed this. And indeed, there are a number of tools and mechanisms we have. I just want to acknowledge the role that civil society plays in these communities, and the importance of the international community supporting democratic institutions. We've talked about how, I think it was Greg who raised it, that these can be real guardrails against efforts by strongmen to take power, and then to erode, or otherwise commandeer, the national interests in order to maintain that power, and to engage in self-enrichment, etcetera, that we know strongmen do.<sup>89</sup>

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88. Betsy Reed, "Kim Jong-un: the tyrant's son who wants to be loved and feared," May 7, 2016, *The Guardian* <https://www.theguardian.com/world/2016/may/07/kim-jong-un-tyrant-son-wants-love-and-fear>.

89. "U.S. Freezes More Than \$458 Million Stolen by Former Nigerian Dictator in Largest Kleptocracy Forfeiture Action Ever Brought in the U.S.," March 5, 2014, *U.S. Department of Justice*, <https://www.justice.gov/opa/pr/us-freezes-more-458-million-stolen-former-nigerian-dictator-largest-kleptocracy-forfeiture>.

We also, of course, have a whole system of international law. When we're dealing with authoritarian regimes, there are human rights obligations that earlier administrations may have taken on. That means claims can be brought against those states before treaty-based bodies in Geneva and elsewhere if they're breaching those international human rights treaties.<sup>90</sup> But we also have international criminal law, so if violence rises to a certain level, it would be considered, for example, war crimes, crimes against humanity, even genocide.<sup>91</sup> And we've seen that so many of the strongmen and strongwomen whom we've mentioned on this show have eventually been brought to justice. So, Slobodan Milošević,<sup>92</sup> for example, Charles Taylor<sup>93</sup>—we have David Crane here, of course—Fujimori of Peru,<sup>94</sup> Laurent Gbagbo,<sup>95</sup> Hissène Habré of Chad.<sup>96</sup> So many of these former strongmen and women were eventually brought to justice. Sometimes that happens in their own system. Fujimori's a great example of that, where there is some sort of a political transformation that happens, and the individual is suddenly recognized for the criminal that they were.<sup>97</sup> Sometimes it happens before an international tribunal. The United Nations may create a tribunal as happened for Cambodia,<sup>98</sup> and the

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90. Ron Elving, "From Nuremberg to Darfur, history has seen some war criminals brought to trial," *NPR*, April 10, 2022, <https://www.npr.org/2022/04/10/1091256975/from-nuremberg-to-darfur-history-has-seen-some-war-criminals-brought-to-trial>.

91. See e.g. Rome Statute of the I.C.C., July 17, 1998, 2187 U.N.T.S. 88544; *Office on Genocide Prevention and the Responsibility to Protect*, U.N., last visited Nov. 12, 2023, <https://www.un.org/en/genocideprevention/>.

92. President of Serbia and Yugoslavia 1991–2000, convicted for war crimes. *Slobodan Milošević Trial - the Prosecution's Case*, U.N. Int'l Crim. Tribunal for the former Yugoslavia, <https://www.icty.org/en/content/slobodan-milo%C5%A1evi%C4%87-trial-prosecutions-case>.

93. President of Liberia 1997–2003, convicted for war crimes. "Charles Taylor," *Residual Special Ct. for Sierra Leone*, last visited Nov 12, 2023, <https://rscsl.org/the-scscl/cases/charles-taylor>.

94. Alberto Fujimori, President of Peru 1990–2000, convicted for corruption. "The Human Rights Trial of Former Peruvian President Alberto Fujimori: A Milestone in the Global Struggle Against Impunity," *Washington Off. on Latin America*, May 19, 2010, <https://www.wola.org/sites/default/files/downloadable/Andes/Peru/past/ExecSummFujiFinal.pdf>.

95. President of Côte d'Ivoire 2000–2011, convicted for war crimes. "Gbagbo and Blé Goudé Case," *Int'l Crim. Ct.*, last visited Nov 12, 2023, <https://www.icc-cpi.int/cdi/gbagbo-goude>.

96. President of Chad, 1982–1990, convicted for war crimes. "The Trial of Hissène Habré," *Hum. Rts. Watch*, last visited Nov 12, 2023, <https://www.hrw.org/tag/trial-hissene-habre>.

97. See Sebastián Calderón Bentin, "The Politics of Illusion: The Collapse of the Fujimori Regime in Peru," *Theatre Survey* 59 (2018): 84, 87, 94.

98. "Cambodia: UN-backed tribunal ends with conviction upheld for last living Khmer Rouge leader," *UN News* September 22, 2022, <https://news.un.org/en/story/2022/09/1127521>.

former Yugoslavia,<sup>99</sup> and Rwanda,<sup>100</sup> and Sierra Leone.<sup>101</sup> In other cases you may have a hybrid tribunal, where the national system gets support from the international community to stand up a tribunal. This can include seconded individuals,<sup>102</sup> like David, who stand alongside their counterparts in order to bring these individuals to justice in the national system, but with a lot of international investment and assistance. And beyond these legal measures, we have—much more robust now—sanctions regimes, that can also be utilized.<sup>103</sup>

And I really want to emphasize the point about the link between corruption and mass atrocities and violence against civilians. So often, we see these two phenomena going hand-in-hand, and in many respects, they sort of reinforce each other: these strongmen will use corruption to gain and maintain power, and they want to stay there, so they use violence in order to hold power and get access to natural resources, which then continue to fill their own personal coffers. And we see a very interesting phenomenon in some of these societies where, oftentimes because of the techniques they use to maintain power that we've talked about, creating these mythical or imagined foes, internal or external. Oftentimes, there are segments of the population that do consider them sort of “heroes against terrorism,” for example, or “heroes against insurrection.”<sup>104</sup> But as soon as the facts emerge that these individuals were actually, the whole time, lining their own pockets, suddenly the idea of accountability becomes much more appealing, and you end up seeing huge levels of support for accountability for these former strongmen, either in their own national systems, or in international institutions. So, Augusto Pinochet is a classic example of this, right?<sup>105</sup> He painted himself of the savior of the nation, against this leftist insurrection, etcetera, and there were swaths of the population that believed that narrative and saw him as taking this very defensive approach. Ultimately,

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99. UN, *supra* note 91.

100. “The ICTR in Brief,” *U.N. Int’l Residual Mechanism for Crim. Tribunals*, last visited Nov 12, 2023, <https://unictr.irmct.org/en/tribunal>.

101. RSCSL, *supra* note 10.

102. A *seconded individual* is a lawyer who is temporarily contracted to join an existing team. “Practice Innovations: Lawyer secondments,” *Thomson Reuters*, April 4, 2023, <https://www.thomsonreuters.com/en-us/posts/legal/practice-innovations-lawyer-secondments/>.

103. *Sanctions*, U.N. Sec. Council, last visited Nov. 12, 2023, <https://www.un.org/securitycouncil/sanctions/information>.

104. Andrea Mammone, “Why Vladimir Putin is a hero to some in Western Europe, too,” *Reuters*, December 31, 2014, <https://www.reuters.com/article/idIN108033924420141231>.

105. President of Chile 1974–1990, arrested and put on trial for war crimes. “Chronology of the case of Augusto Pinochet,” *Amnesty Int’l*, October 16, 1998, <https://www.amnesty.org/en/wp-content/uploads/2021/07/amr220032008en.pdf>.

what he was prosecuted for when he finally did return to Chile was more in the nature of corruption, and corruption charges. Now, ultimately he died when many of these proceedings were in process, so this does often happen many years later. But we do see this link. In my work, I often take a sort of “Al Capone approach”: like whatever we can get them on, let’s use existing legal authorities to fullest effect.

**SCHARF:** And for anybody in our audience who doesn’t remember the history of the US, Al Capone ended up being successfully prosecuted for tax evasion, not the hundreds and hundreds of people he killed as a gangster in Chicago, but it got him off the streets.<sup>106</sup> Let me say, for our ambassador: the US is the only country that has an Ambassador At-Large position for international criminal justice, and I think that says an awful lot about our country that we have that as a priority. Thank you for your insights, we’ll come back to you in a minute. Let me turn now to Mark Ellis: Ambassador Van Schaack mentioned civil society. From your perspective, as director of one of the world’s largest nongovernmental organizations, what can the NGO community do to help respond to strongmen?

**ELLIS:** It’s exactly what Beth said. I think her focus on civil society is key, and I think in the short and medium term, international NGOs supporting civil society within the countries where strongmen lead is absolutely critical. And we’ve seen this time and time again. I certainly saw it in my time in former Eastern Europe, before 1989 and then during the transition through 1989. Civil society was the catalyst. And you can look at Havel, the former President of Czechoslovakia,<sup>107</sup> and his involvement with Charter 77,<sup>108</sup> or Lech Wałęsa’s solidarity movement.<sup>109</sup> Civil society is often the catalyst to change, and so I think that international NGOs, and the international community, should double its efforts in supporting civil society actors everywhere.

But in the long term, Michael—and this to me is critical—it’s all about education. An educated populace is fundamental to countering the rise of

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106. “Al Capone,” *FBI: Famous Cases and Criminals*, last visited Nov. 12, 2023, <https://www.fbi.gov/history/famous-cases/al-capone>.

107. Václav Havel, President of Czechoslovakia/The Czech Republic 1993–2003. “Václav Havel,” *Knihovna Václava Havla*, last visited Nov. 12, 2023, <https://www.vaclavhavel.cz/en/vaclav-havel/president>.

108. Emily Tankin, “In Charter 77, Czech Dissidents Charted New Territory,” *Foreign Pol’y*, February 3, 2017, <https://foreignpolicy.com/2017/02/03/in-charter-77-czech-dissidents-charted-new-territory/>.

109. Lech Wałęsa is a Polish political dissident who was president of Poland 1990–1995. Maciej Bartkowski, “Poland’s Solidarity Movement (1980–1989),” *Int’l Ctr. for Nonviolent Conflict* (December 2009) <https://www.nonviolent-conflict.org/polands-solidarity-movement-1980-1989/>.



strongmen. And I've always said, there's a clear correlation, an inverse one, between educational attainment and awareness, and support of nationalist parties, and governments, and movements.<sup>110</sup> So the level of education, I think, is a predictor to popular support. A higher level of education and civic awareness, I think, ensures a more liberal, multicultural worldview, so the focus long-term should always be on increasing education.

**SCHARF:** Now, Mark, Ambassador Van Schaack also mentioned economic sanctions, but let me ask: they didn't seem to work against Saddam Hussein in Iraq,<sup>111</sup> they didn't seem to work against Kim Jong Un in North Korea,<sup>112</sup> or Nicholas Maduro<sup>113</sup> in Venezuela. When do you think, Mark, sanctions are most likely to work against strongmen, and when are they least likely?

**ELLIS:** I think you're right. I think sanctions have always had a mixed result when utilized to counter strongmen. I support targeted sanctions, but we have to recognize, they also have a human toll.<sup>114</sup> They can often be devastating, causing people in the very country in which you're trying to aid to turn against you. But I do think that they work with careful consideration and when they're supported by a significant number of states. There has to be robust coordination. So, in short, multilateral support is vital for effective sanctions. Isolated sanctions fail.

**SCHARF:** Okay. So let me just ask about use of force. Shannon, if we can't dislodge people through economic sanctions, then we always think about using force, but how does the US ensure that it doesn't leave a country worse off when it responds to a strongman with military intervention, as in Iraq<sup>115</sup> and Libya<sup>116</sup> and Afghanistan?<sup>117</sup>

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110. Marcel Coenders and Peer Scheepers, "The Effect of Education on Nationalism and Ethnic Exclusionism: An International Comparison," *Pol. Psych.* 24 (June 2003).

111. "Sanctions Against Iraq," *Glob. Pol'y E*, <https://archive.globalpolicy.org/previous-issues-and-debate-on-iraq/41759.html>.

112. "What to Know About Sanctions on North Korea," *Council on Foreign Rel.* (July 27, 2022), <https://www.cfr.org/background/north-korea-sanctions-un-nuclear-weapons>.

113. "Venezuela-Related Sanctions," *U.S. Dep't of State*, <https://www.state.gov/venezuela-related-sanctions/>.

114. Majid Sheikh Harid et. al., "The Human Cost of Sanctions: How Economic Penalties Affect Innocent Populations," *J. of Afr. Interdisc. Stud.* 7 (June 2023): 83.

115. "The Iraq War," *Council on Foreign Rel.*, last visited Nov. 12, 2023, <https://www.cfr.org/timeline/iraq-war>.

116. "The War in Libya," *New America*, last visited Nov. 12, 2023, <https://www.newamerica.org/future-security/reports/americas-counterterrorism-wars/the-war-in-libya/>.

117. "The U.S. War in Afghanistan," *Council on Foreign Rel.*, last visited Nov. 12, 2023, <https://www.cfr.org/timeline/us-war-afghanistan>.

**FRENCH:** It's a great question, Michael, and unfortunately, as you all know, historically we don't have the best track record here—at least, shall we say, recently.<sup>118</sup> You have to go back to post-WWII to find a sense of successful rebuilding of nations.<sup>119</sup> And going right back to what Beth and Mark were talking about, the focus needed to be then, and needs to be again, on civil society and also education.

**SCHARF:** Alright, well, there's so many more questions I'd love to be asking our panel on these issues, but it's time to bring our program to a close. So I'd like to thank our experts for helping us understand the strong-men phenomenon and the threat it poses. Beth van Schaack, Mark Ellis, David Crane, Greg Noone, Paul Williams, and Shannon French, thank you all for providing your insights about this important topic. I'm Michael Scharf. You've been listening to *Talking Foreign Policy*, a production of Case Western Reserve University and Ideastream Public Media, heard here on 89.7 WKSU. Thanks for tuning in.

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118. See Anthony H. Cordesman, "The Key Lessons of America's Recent Wars: Failing or Losing in Grand Strategic Terms," *Ctr. for Strategic & Int'l Stud.* (June 13, 2023), <https://www.csis.org/analysis/key-lessons-americas-recent-wars-failing-or-losing-grand-strategic-terms>.

119. "Marshall Plan, 1948," *U.S. Dep't of State*, last visited Nov. 12, 2023, <https://history.state.gov/milestones/1945-1952/marshall-plan>.