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The Disempowerment of Democracy in a Distorted Mirror: Notes on the New Latin American Antiglobalism

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The Disempowerment of Democracy in a Distorted Mirror: Notes on the New Latin American Antiglobalism

Nahuel Maisley*

Abstract
This article examines the emergence of the "New Latin American Antiglobalism": a set of discourses that are exceptionally hostile toward the international legal order and that have gained increasing prominence in the region alongside the recent rise of the New Right. The paper reconstructs these narratives and analyzes their specific Latin American features. Its central argument is that antiglobalism resonates in the region because it channels a deep-seated discontent toward a global legal order that has disempowered democratic institutions, rendering them unable to fulfill their promises. Drawing on Naomi Klein's notion of the "doppelganger," however, the article argues that the New Latin American Antiglobalism operates as an inverted, distorted image of that discontent: it captures genuine frustrations with a global legal order that constraints self-government but reconfigures them into simplifying and distortive narratives that may ultimately deepen—rather than remedy—the disempowerment of democracy in the region.

Keywords: antiglobalism, democracy, global legal order, New Right, populism

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1. Introduction

In Latin America today, resentment seems to have taken hold as the prevailing political emotion.[1] The phenomenon is not exclusive to the region, of course; it is global, caused in part by algorithms that amplify outrage, accelerate polarization, and turn discontent into a common language.[2] But behind the digital clamor, and even behind the epidemic of

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[1] On resentment in Latin America, see MAURICIO GARCÍA VILLEGAS, EL VIEJO MALESTAR DEL NUEVO MUNDO 190–198 (2023); TAMARA TENENBAUM, UN MILLÓN DE CUARTOS PROPIOS 173–208 (2025).

[2] JOHANN HARI, STOLEN FOCUS: WHY YOU CAN'T PAY ATTENTION—AND HOW TO THINK DEEPLY AGAIN 7 (2022).

loneliness spreading through our societies, there are genuinely political causes for the anger.[3] In our region, resentment feeds, above all—I believe—, on a bitter disillusionment with the democratic promise we made to ourselves several decades ago, as we growingly realize that the institutions meant to bring about collective self-governance display a persistent inability to lead our societies toward a horizon of prosperity and justice.[4]

The reasons behind this democratic disempowerment are numerous and complex. But among them—and, in my view, centrally—is a global legal order that restricts the scope for political action and leaves societies devoid of sufficient tools to uphold that democratic promise in which so much hope had been invested.[5] The phenomenon has at least two dimensions. On the one hand, either as a result of economic or social dynamics or as a consequence of conscious political decisions, more and more public issues fundamental to our lives have been transferred to the global sphere, placed beyond the decision-making capacity of states, without there being an equivalent institutional structure capable of fulfilling that regulatory role. Thus, phenomena as diverse as tax avoidance (and the resulting underfunding of public services), climate change, organized crime, freedom of expression, and pandemics now find themselves in a governance limbo, under the helpless gaze of national societies. On the other hand, international institutions that effectively seek to occupy these spaces and assume some kind of regulatory role tend to operate with little transparency and limited democratic representation, opening opportunities for capture by political and economic elites.[6]

It should come as no surprise that the result of these dynamics of disempowerment is this increasingly palpable resentment, this wave of anger that pulses beneath the surface and

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[3] On root causes, in general, see MICHAEL J. SANDEL, THE TYRANNY OF MERIT: WHAT'S BECOME OF THE COMMON GOOD? (2020). On the epidemic of loneliness, see Derek Thompson, *"The Anti-Social Century*," THE ATLANTIC 335, no. 26 (2025).

[4] Surveys in Latin America show persistent mistrust and growing disenchantment with public institutions. See, for example, Paolo Parra Saiani *et al.*, *"Broken Trust: Confidence Gaps and Distrust in Latin America*," 173 SOCIAL INDICATORS RESEARCH 269 (2024).

[5] I have sought to advance arguments of this kind in various previous works. See, for example, Nahuel Maisley, *Cohen v. Cohen: Why a Human Right to (Domestic and Global) Democracy Derives from the Right to Self-Determination*, 4 LATIN AMERICAN JOURNAL OF POLITICAL PHILOSOPHY 1 (2015); Nahuel Maisley, *The International Right of Rights? Article 25(a) of the ICCPR as a Human Right to Take Part in International Law-Making*, 28 EUR. J. INT'L L. 89 (2017); Sebastián Guidi & Nahuel Maisley, *Who Should Pay for COVID-19? The Inescapable Normativity of International Law*, 96 N.Y.U. L. REV. 375 (2021); Benedict Kingsbury & Nahuel Maisley, *Infrastructures and Laws: Publics and Publicness*, 17 ANNUAL REV. OF LAW & SOC. SCI. 353 (2021); Nahuel Maisley, *Law and Democracy in the Globalization of Infrastructure as an Asset Class*, 15 TRANSNAT'L LEGAL THEORY 34 (2024); Nahuel Maisley, *Dos Ejes Para Pensar La Tensión Entre El Sistema Interamericano de Derechos Humanos y Los Sistemas Constitucionales de La Región*, 22:5 INT'L J. CONST. L. 1222 (2024).

[6] There is a wealth of literature on these phenomena. See, classically, JÜRGEN HABERMAS, THE POSTNATIONAL CONSTELLATION. POLITICAL ESSAYS 58–89 (2001).

threatens to overflow—and that, in many parts of the world, is indeed overflowing. Nor should it surprise us that part of that outrage is directed—rightly so—toward the global legal order, given its role in shaping the injustices that afflict us. What may be surprising, however, is the kind of discourse that a segment of society—perhaps still a minority, but visible and increasingly influential—seems to have chosen to articulate this discontent. Instead of appealing to historic Latin American anti-imperialist or anti-interventionist traditions,[7] or attempting to forge a new vision for the international order, our societies have recently been seduced by what I will call in this work the "New Latin American Antiglobalism:" a set of discourses that are exceptionally aggressive toward multilateral institutions, international courts, civil society networks, and, in general, toward everything associated with the vague and malleable notion of "globalism."[8]

The origins of this Latin American antiglobalism can be found on the fringes of public debate, driven by rather unique figures—who are nonetheless very popular in their circles, with millions of followers—such as the Brazilian Olavo de Carvalho or the Argentine Agustín Laje.[9] In a short time, however, these ideas went from being eccentric curiosities to political ammunition with a continental reach, thanks to the rapid rise in popularity of the so-called "New Right," a vocal and heterogeneous alliance of libertarians, conservatives, and nationalists that is spreading across the region and has come to power in several countries.[10] Unlike the traditional right, this movement adopts an openly populist discourse, seeking to articulate the growing resentment in our societies and direct it toward progressive elites.[11] The strategy was clearly explained by Murray Rothbard more than thirty years ago, in a text

[7] See, generally, George Rodrigo Bandeira Galindo, *"Critical Approaches to International Law in Latin America*," in LATIN AMERICAN INTERNATIONAL LAW IN THE TWENTY-FIRST CENTURY 187 (Alejandro Chehtman, Alexandra Huneeus, & Sergio Puig eds., 2025); Melisa Deciancio & Diana Tussie, *Globalizing Global Governance: Peripheral Thoughts from Latin America*, 13 FUDAN JOURNAL OF THE HUMANITIES AND SOCIAL SCIENCES 29 (2019).

[8] The term "globalist" has a clear anti-Semitic history, so its use by some members of the New Right as a form of *dog-whistling* for these ideas cannot be ruled out. See Ben Zimmer, *"The Origins of the 'Globalist' Slur,"* THE ATLANTIC (March 14, 2018), https://www.theatlantic.com/politics/archive/2018/03/the-origins-of-the-globalist-slur/555479/ (last accessed: October 15, 2025); Guilherme Stolle Paixão e Casarões & Déborah Barros Leal Farias, *Brazilian Foreign Policy under Jair Bolsonaro: Far-Right Populism and the Rejection of the Liberal International Order*, 35 CAMBRIDGE REVIEW OF INTERNATIONAL AFFAIRS 741, 752–753 (2022).

[9] On Olavo, see generally, BENJAMIN R. TEITELBAUM, WAR FOR ETERNITY: INSIDE BANNON'S FAR-RIGHT CIRCLE OF GLOBAL POWER BROKERS (2020). On Laje, see Piero Gayozzo, *Agustín Laje y El Neo-Conservadurismo Latinoamericano de Derecha*, 1 REVISTA ARGENTINA DE CIENCIA POLÍTICA 306 (2022); Ezequiel Saferstein, *De Los Márgenes al Mainstream. Agustín Laje y La "Batalla Cultural" de Las Derechas Radicalizadas*, 95 LETRAS (LIMA) 114 (2024); Nicolás Rudas, *"Satire, Conspiracy, Dystopia: Agustín Laje's Genre Work for the Latin American Reaction*," in DRAMATIC INTELLECTUALS 101 (Javier Pérez-Jara & Nicolás Rudas, eds., 2025).

[10] AGUSTÍN LAJE, GLOBALISMO: INGENIERÍA SOCIAL Y CONTROL TOTAL EN EL SIGLO XXI, 565–568 (2024).

[11] *Id.* at 534.

crucial for understanding what is happening today in much of the world: to advance a right-wing agenda, it is not enough to spread correct ideas, Rothbard argued; it is also necessary to expose "the corrupt ruling elites and how they benefit from the existing system, more specifically how they are ripping us off."[12] The goal is not to convince, but to delegitimize, and to do that, one must abandon any tedious intellectual pretensions and build a "right-wing populist politics [that] is rousing, exciting, ideological,"[13] inciting "the middle and working classes"[14] to feel that not only are they not progressing, but they are being plundered by those who govern them.[15]

Laje and Olavo's New Latin American Antiglobalism adopts this Rothbardian strategy to the letter, directing outrage, in this case, toward the global economic and legal order. First, like all populist discourse, antiglobalism structures the world around a moral antagonism between a virtuous "people" and a corrupt "elite."[16] The distinction is drawn in this case using a criterion we might call geographical: on the one hand, the people, defined by ties of belonging and rootedness to a territory; on the other, a stateless, itinerant, and cosmopolitan elite, alien to any notion of rootedness, whose authority is projected through technical languages detached from local experience. The boundary between these two poles is, however, somewhat blurred: "globalism" functions as an empty signifier, a versatile and malleable enemy that allows diverse demands to be articulated under a common slogan of resistance.[17] International law operates within this framework as the crucial vehicle for the corrupt elite's strategy of domination, which channels its progressive agenda into obscure norms unknown to the majority. Second, the New Latin American Antiglobalism expresses

[12] Murray N. Rothbard, *"Right-Wing Populism: A Strategy for the Paleo Movement*," 3 ROTHBARD ROCKWELL REPORT 5, 8 (1992).

[13] *Id.* at 13.

[14] *Id.* at 8.

[15] See also MATTHEW ROSE, A WORLD AFTER LIBERALISM: PHILOSOPHERS OF THE RADICAL RIGHT 5 (2021).

[16] Not all forms of populism are antiglobalist: see, for example, Alejandro Rodiles, *Is There a 'Populist' International Law (in Latin America)?*, in NETHERLANDS YEARBOOK OF INTERNATIONAL LAW 2018: POPULISM AND INTERNATIONAL LAW 69 (Janne E. Nijman & Wouter G. Werner eds., 2019); Marcela Prieto Rudolphy, *"Populist Governments and International Law: A Reply to Heike Krieger*," 30 EUR. J. INT'L L. 997, 1000–1001 (2019). On the antagonism between elites and the people as a defining feature of populism, see, for example, Cas Mudde, *The Populist Zeitgeist*, 39 GOVERNMENT AND OPPOSITION 541 (2004); Jane Mansbridge & Stephen Macedo, *Populism and Democratic Theory*, 15 ANNUAL REV. OF LAW & SOC. SCI. 59 (2019).

[17] On the vagueness of the term "globalism," see Anna Carolina Raposo de Mello & Felipe Estre, *Populism and Antiglobalism on Twitter: Similarities of Conspiratorial Discourse and Content Diffusion on Social Networks in Brazil, Spain, Latin America, and Italy*, in RIGHT-WING POPULISM IN LATIN AMERICA AND BEYOND 133, 135 (Anthony W. Pereira ed., 2023); José Antonio Sanahuja & Camilo López Burian, *Las Variaciones En La Geopolítica de La Ultraderecha Neopatriota y La Contestación al Orden Internacional*, 3 CEBRI-REVISTA: BRAZILIAN JOURNAL OF INTERNATIONAL AFFAIRS 17, 21 (2024).

itself through aggressive and hyperbolic narratives, in a language that combines political indignation with elements of mockery and fable. The goal is, first, to attract attention and, second, to delegitimize any interlocutor through sarcasm and harassment. The tone is, therefore, carnivalesque, oscillating between satire and exasperation.[18] This discursive performance is also permeated by an unmistakable machismo, with a tone and an agenda that "reinforce an anti-feminist discourse and emphasize traits of an increasingly misogynistic masculine subculture."[19] Antiglobalism is, in short, bombastic and overly aggressive. In its most intense form, the New Latin American Antiglobalism describes the global legal order as the expression of a systematic design, of an order that deploys "unparalleled social engineering"[20] and represents "the most atrocious collectivist and totalitarian project that humanity has ever witnessed,"[21] seeking to impose a "global socialist dictatorship"[22] and carry out "cultural genocide."[23] What is currently underway is not even a repetition of the totalitarianisms of the 20th century, but something even more insidious: "a type of political regime that is certainly unprecedented,"[24] legitimized by moral discourses and driven by "strategies never seen before."[25]

For those of us who study the global legal order—and especially for many of us who are critical of its effects on our democracies—these discourses are certainly uncomfortable. On the one hand, they strike us as alien, aggressive, implausible, almost insulting. Their tone is unacceptable, their misogyny is abhorrent, and their substantive agenda is appalling. But, simultaneously, on the other hand, we feel that—despite everything—they resonate with certain deep-seated concerns regarding the global legal order; they openly articulate some problems that we have been cautiously warning about, without much response, within our own circles.

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[18] GIULIANO DA EMPOLI, LOS INGENIEROS DEL CAOS (2020); Noah Novogrodsky, "Farcical Fascism," Seminar on Constitutional Theory and Democracy in Latin America (SELA) (Bogotá, June 11, 2023) (unpublished presentation, in the author's archives).

[19] Juan Gabriel Tokatlian, *Milei, hipermasculinidad y política exterior*, CENITAL (September 14, 2025), https://cenital.com/milei-hipermasculinidad-y-politica-exterior/ (last accessed: October 24, 2025).

[20] LAJE, *supra* note 10, at p. 197.

[21] *Id.*

[22] OLAVO DE CARVALHO, THE USA AND THE NEW WORLD ORDER: A DEBATE BETWEEN OLAVO DE CARVALHO AND ALEKSANDR DUGIN 44 (2012).

[23] Olavo de Carvalho, *"O Estupro Das Soberanias Nacionais*," DIÁRIO DO COMÉRCIO (March 20, 2006), https://olavodecarvalho.org/o-estupro-das-soberanias-nacionais/ (last accessed: October 24, 2025).

[24] LAJE, *supra* note 10, at p. 524.

[25] *Id.*

In this paper, I want to propose a conceptual framework for understanding this discomfort and for analyzing the effects that antiglobalism may have on Latin American legal systems and democracies. Following the Canadian writer Naomi Klein, I propose that the New Latin American Antiglobalism functions as a distorted mirror of the malaise in our societies. In a recent book, Klein uses the figure of the "double"—the *doppelganger*—and the metaphor of the "mirror world" to describe how certain political forces reflect, yet simultaneously distort, the social anxieties that fuel them.[26] In line with that insight, in this paper I argue that the New Latin American Antiglobalism operates as an inverted, distorted image of public discontent: it captures real frustrations with a global legal order that limits the capacity for self-governance and exacerbates inequalities, but reconfigures them into simplistic narratives, laden with conspiracies and diffuse enemies.[27] As Klein puts it, these *doppelgangers* "get the facts wrong, but often get the *feelings* right."[28] The problem is that their articulation causes reasonable critiques of this unjust order to disappear, and "in their place are discombobulated conspiracies that somehow frame deregulated capitalism as communism in disguise."[29] Thus, legitimate discontent with a global order perceived as arbitrary becomes a narrative that, far from questioning the power structures that give rise to it, ends up reinforcing new forms of exclusion and authoritarianism.

The article is divided into five parts. The first is this introduction. In the second part, I will describe "the world of the mirror": I will conceptualize two types of antiglobalist narratives and examine how these narratives are used in our region. In the third part, I will highlight "the distortions of the mirror": its authoritarianism and its selective interpretation of social discontent with the global legal order. The argument will be that, regardless of its diagnoses of the global legal order, antiglobalism leads us down a path of more, not less, political domination. In the fourth part, I will reflect on "the mirror's reflection" and the risks that arise from looking into it. Finally, in the last part, I will present a brief conclusion to the ideas of the article.

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[26] NAOMI KLEIN, DOPPELGANGER: A TRIP INTO THE MIRROR WORLD (2024).

[27] Pablo de Orellana and Nicholas Michelsen use the *doppelganger* metaphor in a slightly different way: Pablo de Orellana & Nicholas Michelsen, *Reactionary Internationalism: The Philosophy of the New Right*, 45 REVIEW OF INTERNATIONAL STUDIES 748, 750 (2019).

[28] KLEIN, *supra* note 26, at p. 242.

[29] *Ibid.,* at 124.

2. The Mirror World: The New Latin American Antiglobalism

2.1. Two Anti-Globalist Narratives

Antiglobalist discourses tend to be organized—not only in Latin America but globally—around two different yet, in a certain sense, complementary narrative logics: one conspiratorial and the other dystopian. Both are populist in the Rothbardian sense, that is, they identify a corrupt elite that exploits the people and they describe the terms of that relationship through aggressive exaggerations. But each constructs that narrative differently, as I will describe below.

Antiglobalists often oscillate between these two narratives, adjusting their tone depending on the context or their immediate interests. Thus, on social media or at conservative conferences, where spectacle takes precedence, the conspiratorial version predominates: international law is denounced as a totalitarian mechanism, hidden elites are invoked, and confrontational language is employed. In institutional settings or before broader audiences, however, these ideas appear toned down, reduced to insinuations, winks, or isolated phrases—forms of dog-whistling—that allow them to maintain ties with the most radicalized sectors without compromising their respectability or diplomatic viability. This oscillation should not be read as an inconsistency, but rather as a discursive strategy: the ideological core remains stable, but adapts tactically to the environment, dosing out its most disruptive features according to the conditions of reception. Furthermore, this variation serves the carnivalesque aesthetic of the New Right, allowing them to oscillate, as they always do, between the buffoonish and the apocalyptic, between satire and politics.

a) Conspiratorial Antiglobalism

One version of antiglobalist discourse takes the form of a conspiracy theory: it denounces the existence of a corrupt global elite that, working behind the scenes, seeks to impose an ideological and cultural agenda on all nations.[30] In these narratives, the elite is capable of shaping the course of history at will; it possesses what the specialized literature calls "hyperagency."[31] The definition of this elite varies: it is generally composed of a

[30] Casarões & Farias, *supra* note 8, at p. 752; Corey Robinson & Scott D. Watson, *Conspiracy Theory, Antiglobalism, and the Freedom Convoy: The Great Reset and Conspiracist Delegitimation*, REVIEW OF INTERNATIONAL STUDIES 1 (2025); Liam Stack, *"Globalism: A Far-Right Conspiracy Theory Buoyed by Trump*," THE NEW YORK TIMES (November 14, 2016), https://www.nytimes.com/2016/11/15/us/politics/globalism-right-trump.html (last accessed: October 15, 2025).

[31] Rudas, *supra* note 9, at p. 108; Robinson and Watson, *supra* note 30, at p. 3; Feliciano de Sá Guimarães *et al.*, *Conspiracy Theories and Foreign Policy Narratives: Globalism in Jair Bolsonaro's Foreign Policy*, 50 LATIN AMERICAN PERSPECTIVES 272, 275 (2023).

"stateless" caste[32] of technocrats, philanthropists, businesspeople, and bureaucrats from international organizations,[33] but it often includes antagonistic states or civilizations as well.[34] In any case, the notion of the "globalist elite" is not usually, in these narratives, a metaphor for exclusion or a critical category, but rather a concrete and operational subject, "an organized entity, with continuous existence for over a century, which meets periodically to ensure the unity of its plans and the continuity of their implementation, with the minuteness and scientific precision with which an engineer controls the transmutation of his blueprint into a building."[35]

The link between these narratives and international law is quite peculiar. For these discourses, the international legal system is not ineffective, as its conventional critics often suggest, but quite the opposite: it is a formidable instrument of global domination.[36] Thus, not only are the most diffuse legal norms viewed as mechanisms of direct control over states, but international organizations are anthropomorphized, endowed with political intent, and transformed into subjects capable of subjugating the will of nations.[37] An example of this is the intent that Agustín Laje ascribes to the 2030 Agenda or the United Nations Conferences on Population and Development, which, according to him, "impose" the legalization of voluntary termination of pregnancy as a population control policy.[38] Another example is the accusation by the government of Argentine President Javier Milei that the World Health Organization (WHO) and other agencies "are engaged in international politics and seek to impose themselves above member countries."[39] In both cases, the governance capacity of international law is overestimated, and especially that of the bureaucracies leading organizations that, in reality, bring together complex and diffuse wills. This overestimation

[32] LAJE, *supra* note 10, at pp. 197, 239, 281.

[33] CARVALHO, *supra* note 22, at pp. 39, 41–50; LAJE, *supra* note 10, at pp. 239–344.

[34] Ernesto Araújo, *"Now We Do*," THE NEW CRITERION (December 31, 2018), https://newcriterion.com/article/now-we-do/ (last accessed: October 24, 2025). These assertions are surely based on Olavo de Carvalho's theory of the three power blocs: see CARVALHO, *supra* note 22, at p. 7.

[35] CARVALHO, *supra* note 22, at p. 41. See also Filipe G. Martins, *"A nova vergonha da mídia: confundir globalismo com globalização*," SENSO INCOMUM (November 16, 2018), https://sensoincomum.org/2018/11/16/nova-vergonha-midia-globalismo-globalizacao/ (last accessed: October 15, 2025).

[36] Guimarães *et al.*, *supra* note 31, at p. 273.

[37] CARVALHO, *supra* note 22, at p. 39; Olavo de Carvalho, *"Ainda o Golpe de Estado no mundo*," O GLOBO (July 12, 2003), https://olavodecarvalho.org/ainda-o-golpe-de-estado-no-mundo/ (last accessed: October 15, 2025); LAJE, *supra* note 10, at p. 188.

[38] LAJE, *supra* note 10, at p. 6.

[39] Office of President Javier Milei, *Official Statement No. 76* (February 5, 2025), https://www.argentina.gob.ar/noticias/comunicado-oficial-numero-76 (last accessed: October 15, 2025).

of the capacity of international law and the inherently negative view underlying it distinguish, in short, this narrative from other forms of criticism of the international legal order: unlike them, conspiratorial antiglobalism does not seek to reform it from within, nor to dispute its meanings on an equal footing. Its impulse, on the other hand, is dissolving: it seeks to delegitimize it as such, denounce its foundations, and challenge its authority.

b) Dystopian Antiglobalism

The second antiglobalist narrative is structured not as a conspiracy theory but as a dystopia: it offers a harsh critique of the current order that does not presuppose a secret conspiracy, but rather a structural deviation, in which "the ills of society do not rest solely on the desires or intentions of antagonists, but arise as a consequence of macro-level conditions that no individual actor can control."[40] International law is not conceived here as an illegitimate imposition by a group of malevolent corrupt individuals, but rather as a structure captured by a liberal and cosmopolitan rationality that must be replaced by another worldview, one more respectful of the values and traditions of the underlying communities.[41] In other words, the normativity of international law is not denied, but its content is questioned.

The new normative framework proposed by these currents differs from that of contemporary international law, however, in at least two fundamental ways. First, it is an openly *illiberal* normativity.[42] This is a fundamental difference from the current system: notwithstanding some persistent anthropomorphic tendencies, for more than four centuries international law has recognized states as legitimate producers of norms not *per se,* as states, but in their capacity as representatives of their citizens.[43] Dystopian antiglobalists reject this worldview outright and propose replacing normative individualism—in which individuals are the ultimate subject of political legitimacy—with a holistic conception,[44] in which legitimacy

[40] Rudas, *supra* note 9, at p. 108.

[41] Orellana & Michelsen, *supra* note 27, at p. 750.

[42] *Ibid.,* at p. 751.

[43] Nahuel Maisley, *La Arquitectura del Derecho Internacional*, 113 LECCIONES Y ENSAYOS, 9–11 (2024).

[44] See, centrally, TEITELBAUM, *supra* note 9 at 148–150. See also Christine Unrau, *Indignants of the World, Unite? Mobilizations of Indignation in Alter- and Antiglobalism*, in SUBVERSIVE SEMANTICS IN POLITICAL AND CULTURAL DISCOURSE: THE PRODUCTION OF POPULAR KNOWLEDGE 123, 127 (Gesa Mackenthun & Jörn Dosch eds., 2023); Orellana & Michelsen, *supra* note 27; Casarões & Farias, *supra* note 8, at p. 756.

ultimately emanates from collective entities, such as nations,[45] or even civilizations.[46] Frequently—though not always—religion plays an important role as a unifying element in the construction of these collective entities, whether through "religious nationalism"[47] or a conception of "civilizations" that, rooted in premodern logics, associates them with spiritual identities.[48] The decision to rely on this illiberal conceptual framework is also explained by pragmatic reasons: by rejecting the role of the state as the institutional representative of its citizens, antiglobalist leaders pave the way to assume personal representation of their respective communities.[49] In practice, this often translates into a drift—at best, toward presidentialism, or at worst, toward authoritarianism—in the conduct of the nation's foreign relations.[50]

The second key difference is that the normative framework proposed by antiglobalism is oriented toward *differentialism*—that is, toward the implementation of "the idea that cultures or civilizations are immeasurably diverse and that none has a claim to universal validity or virtue."[51] This differs from the current international legal system on two levels. First, the pluralism they advocate is not political, but "metapolitical": they do not propose accepting just any ideological conception, but only those that share certain foundational values, such as, depending on the case, anti-communism or anti-secularism.[52] Second, the type of order they pursue is also markedly different from that of the current international legal system. As the Permanent Court of International Justice explained in the *Lotus* case, the traditional view of international law conceives of it as an instrument that serves to "regulate the relations between these co-existing independent communities," but also "with a view to the achievement of common aims."[53] The differentialist conception of antiglobalism implies

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[45] LAJE, *supra* note 10, at p. 170.

[46] CARVALHO, *supra* note 22, at p. 7; Ernesto Araújo, *Trump and the West*, 3 CADERNOS DE POLÍTICA EXTERIOR 323, 352 (2017). See also RITA ABRAHAMSEN *ET AL.*, WORLD OF THE RIGHT: RADICAL CONSERVATISM AND GLOBAL ORDER 158–159 (2024); Casarões & Farias, *supra* note 8, at pp. 756–757.

[47] Casarões & Farias, *supra* note 8, at pp. 754–757.

[48] TEITELBAUM, *supra* note 9.

[49] Deborah Barros Leal Farias, Guilherme Casarões & Daniel F. Wajner, *Populist International (Dis)Order? Lessons from World-Order Visions in Latin American Populism*, 100 INTERNATIONAL AFFAIRS 2003, 2010 (2024).

[50] HAROLD HONGJU KOH, THE NATIONAL SECURITY CONSTITUTION IN THE TWENTY-FIRST CENTURY 1–6 (2024).

[51] ABRAHAMSEN *ET AL.*, *supra* note 46, at p. 150. See also HAROLD HONGJU KOH, THE TRUMP ADMINISTRATION AND INTERNATIONAL LAW 142–147 (2018) (on a "cynical system of authoritarian spheres of influence").

[52] Casarões & Farias, *supra* note 8, at p. 755. See also TEITELBAUM, *supra* note 9, at p. 159.

[53] S.S. Lotus (Fr. v. Turk.), 1927 P.C.I.J. (ser. A) No. 10 (Sept. 7), 18.

rejecting this latter purpose. From its perspective, the only legitimate purpose of international law would be to protect the autonomy of each nation or civilization to develop according to its own principles, without external interference.[54] This view is of a Hobbesian, or perhaps Schmittian, nature: it considers sovereignty to be "the highest instance of political power, to which all social powers must obey"[55] and holds that, internationally, the only thing that can govern is "the reciprocal recognition of independence with respect to other equally sovereign units that exercise the same form of power over other territories."[56] Under this logic, international law is a zero-sum game: every compromise made with other subjects represents a "violation,"[57] a "drain,"[58] a "transfer,"[59] a "cession,"[60] or a "subtraction"[61] from the legitimate authority of the sovereign people.[62] The task they set for themselves, then, is not to abolish international law, but to dismantle its excesses through a deregulatory praxis—inspired, somewhat paradoxically, by neoliberalism—whose objective is to "dismantle 'imperialist' international norms, in order to 'liberate' nations from restrictions on economic power, identity, or gender."[63]

2.2. The New Latin American Antiglobalism: Conspiracy with Contradictions

In Latin America, as in other parts of the world, the antiglobalist rhetorical offensive was initially fueled and shaped by a constellation of communicators who emerged from the fringes of public debate.[64] For years, their voices circulated on personal blogs, YouTube channels, alternative publications, and parallel conference circuits, where they tested radical diagnoses and theories that— due to their sensationalist nature or their distance from prevailing consensus—were considered eccentric or irrelevant by the political and academic mainstream.[65] Over time, this peripheral status served as an ideal breeding ground for the

[54] See Heike Krieger, *"Populist Governments and International Law*," 30 EUR. J. INT'L L. 971 (2019).

[55] LAJE, *supra* note 10, at p. 154.

[56] *Id.,* at p. 172. On the Schmittian nature of the argument, see pp. 406–407.

[57] Carvalho, *supra* note 23.

[58] LAJE, *supra* note 10, at p. 245.

[59] *Id.,* at p. 366.

[60] *Id.*

[61] *Id.,* at p. 433.

[62] KOH, *supra* note 51, at p. 146; CAS MUDDE, THE FAR RIGHT TODAY 38 (2019).

[63] Orellana & Michelsen, *supra* note 27, at 758.

[64] Gayozzo, *supra* note 9.

[65] Saferstein, *supra* note 9; TEITELBAUM, *supra* note 9, at p. 177.

proliferation of conspiracy narratives, characterized more by their spectacle than by their sophistication. In an era where algorithms favor discourses with the greatest capacity to capture users' attention, it was to be expected that simplistic, radicalized, and fanciful narratives would achieve some success. This includes narratives such as that of the Argentine Agustín Laje, who claims that a global hyper-elite is carrying out a massive exercise in "social engineering,"[66] or that of the Brazilian Olavo de Carvalho, who asserts that it is meticulously documented that there exists "an organization of big capitalists and international bankers committed to establishing a worldwide socialist dictatorship."[67]

What was perhaps unexpected was that these ideas would spread so rapidly to the seats of government in some of the region's most important countries. The rise of figures such as Javier Milei, Jair Bolsonaro, or Nayib Bukele not only gave visibility to these discourses: it institutionalized them, turning some of these conspiratorial manifestos into state doctrine—albeit with limitations and nuances.[68] A few examples suffice to illustrate the spectacular nature of these discourses. In 2024, Bukele denounced the existence of a globalist elite that "controls the media, finances campaigns, and buys off prosecutors" and called for fighting it "without apology."[69] Javier Milei, alongside his friend Laje, accused the hosts of the World Economic Forum of promoting "a sinister agenda" based on "the mental virus of 'woke' ideology," which he characterized as "the cancer that must be excised."[70] In Brazil, Olavo de Carvalho's influence shaped the foreign policy narrative for years: Jair Bolsonaro repeatedly denounced the globalist agenda as an attempt to impose "cultural Marxism" on authentic Brazilian values,[71] and his first foreign minister, Ernesto Araújo, argued that globalist elites sought to "build a world without nations, without freedoms, a world of planetary communist solidarity."[72]

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[66] LAJE, *supra* note 10.

[67] CARVALHO, *supra* note 22, at p. 41.

[68] Casarões & Farias, *supra* note 8, at pp. 751–754.

[69] Nayib Bukele, *Discurso Completo CPAC 2024*, YOUTUBE (February 24, 2024), https://www.youtube.com/watch?v=hOFErQLbd8k, 1:48 (last accessed: October 15, 2025).

[70] Javier Milei, *Discurso del Presidente de la Nación, Javier Milei, desde el Foro de Davos, Suiza*, Casa Rosada (January 23, 2025), https://www.casarosada.gob.ar/informacion/discursos/50848-discurso-del-presidente-de-la-nacion-javier-milei-desde-el-foro-de-davos-suiza (last accessed: October 15, 2025).

[71] Casarões & Farias, *supra* note 8, at p. 752.

[72] Ernesto Araújo, *"Chegou o Comunavírus," article by Minister Ernesto Araújo published in the book Política externa: soberania, democracia e liberdade*, Ministry of Foreign Affairs (April 8, 2020), https://www.gov.br/funag/pt-br/centrais-de-conteudo/politica-externa-brasileira/chegou-o-comunavirus-artigo-do-ministro-ernesto-araujo-publicado-no-livro-politica-externa-soberania-democracia-e-liberdade (last accessed: October 15, 2025).

What none of these leaders managed to do, however, was to articulate a coherent alternative framework for the international legal order. Although the new regional right insists on the centrality of "sovereign nations"[73] and "civilizations"[74] as sources of political legitimacy, its narratives do not entirely renounce certain aspirations for global governance and certain universalist commitments; among these, in particular, the conceptual framework of democracy and human rights, which retains an important place as a normative reference. Thus, Bolsonaro opposes "eras[ing] nationalities and overrul[ing] sovereignty in the name of an abstract global interest"[75] and Milei advocates reducing any supranational structure in favor of the "sovereignty of nation-states,"[76] yet both simultaneously call for the international promotion of "democracy," "human rights," and "freedom" and advocate—rightly, in my view—for the international community to take diplomatic measures aimed at restoring democracy in countries such as Cuba or Venezuela.[77]

The result is a discourse that seeks to reconcile elements that are difficult to reconcile: on the one hand, a defense of the Westphalian order as a guarantee of sovereignty; on the other, an adherence—at least rhetorically—to values typically associated with the global order they seek to challenge. Perhaps the best example of this is the speech that Milei delivered before the United Nations General Assembly in 2024. There, on the one hand, he denounced that the Organization had been captured by a bureaucratic elite seeking to impose a global "ideological agenda," which has led it toward "a supranational model of government run by international bureaucrats," transforming it into "a multi-tentacled Leviathan that seeks to decide not only what each nation-state should do, but also how all the world's citizens should live."[78] In response to this assessment, Milei did not propose dissolving the international legal order, but rather urged the United Nations to "return to the principles that

[73] UNGA, *Address by the President of the Federative Republic of Brazil, Jair Bolsonaro*, UN Doc. A/74/PV.3, 11 (September 24, 2019).

[74] Ernesto Araújo, *Discurso Do Ministro Ernesto Araújo Na Heritage Foundation*, ALEXANDRE DE GUSMÃO FOUNDATION - FUNAG (September 11, 2019), https://www.gov.br/funag/pt-br/centrais-de-conteudo/politica-externa-brasileira/discurso-do-ministro-ernesto-araujo-na-heritage-foundation (last accessed: October 15, 2025).

[75] *Id.*

[76] Javier Milei, *Palabras del Presidente de la Nación Javier Milei, en el debate general, del 79 Período de Sesiones, de la Asamblea General de Naciones Unidas*, Casa Rosada (September 24, 2024), https://www.casarosada.gob.ar/informacion/discursos/50676-remarks-by-president-javier-milei-during-the-general-debate-of-the-79th-session-of-the-united-nations-general-assembly-new-york-united-states (last accessed: October 15, 2025).

[77] Sanahuja & Burian, *supra* note 17; Guimarães *et al.*, *supra* note 31.

[78] Milei, *supra* note 76.

gave it life and readjust the role for which it was conceived," reviving the Westphalian model of cooperation among nation-states as a "shield" against globalist ambitions.[79] But, on the other hand, the Argentine president also praised "liberal democracy," stating that "all peoples must live free from tyranny and oppression, whether it takes the form of political oppression, economic slavery, or religious fanaticism"[80] and maintained that this "fundamental idea must not remain mere words; it must be backed by action—diplomatically, economically, and materially—through the combined strength of all the countries that defend freedom."[81] Milei described this stance as a "new doctrine" for Argentina, which entails "abandoning the historical position of neutrality that characterized us" to be "at the forefront of the struggle in defense of freedom."[82] For Milei, this is also "the true essence of the United Nations, that is, the cooperation of united nations in defense of freedom."[83]

There are likely many reasons for this ambiguity. First, the peripheral status of some of these governments surely prevents them from spearheading a profound reconfiguration of the international order, where the balance of power works against them. Second, the deep-rooted nature of the human rights paradigm in Latin America—as a normative legacy of democratic transitions and as symbolic capital in foreign policy—clearly imposes certain rhetorical limits that are difficult to circumvent, even for openly reactionary governments. Perhaps this is why leaders like Milei and Bolsonaro resort to different discursive strategies—such as a minimalist reinterpretation of human rights, in Milei's case, or their selective use on issues that serve their agenda, in Bolsonaro's—that allow them to incorporate elements of liberal universalism into their rhetoric while distancing themselves from the positions they denounce as globalist. Added to this, thirdly, is the fact that the libertarian component—a theoretical current that, in principle, shares the normative individualism of the current international legal system—tends to play a more prominent role in the alliance of the new Latin American right than in those of other regions. While leaders such as Viktor Orbán or Vladimir Putin have no attachment to the discourse of individual freedoms, the same cannot be said of figures like Javier Milei or Nayib Bukele, who are largely situated within a tradition of Latin American Enlightenment thought—regardless of their current ideological stance in power.

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[79] *Id.*

[80] *Id.*

[81] *Id.*

[82] *Id.*

[83] *Id.*

3. Distortions in the Mirror: Antiglobalism Confronting Democratic Disempowerment

Notwithstanding these nuances, the New Latin American Antiglobalism remains faithful to the Rothbardian strategy of delegitimizing through the construction of dichotomies and the use of hyperbole. To this end, it often relies on factual manipulation: it exaggerates, misrepresents, and lies—all with the aim of stoking outrage and tapping into disillusionment. But I want to suggest here that these failures go beyond the manipulation of facts and run deeper: my argument is that the New Latin American Antiglobalism conceptually misconstrues social discontent with the global legal order and ultimately channels resentment toward outcomes that are counterintuitive to the concerns that gave rise to it. This misconstrual takes two forms, depending on how one interprets the antiglobalists' argument: it is authoritarian if read through a nationalist lens, and it is selective if read through a democratic lens.

3.1. First Conceptual Distortion: Authoritarian Nationalist Disenchantment

A preliminary explanation of the idea that international law embodies a project of domination by a small group of globalist elites takes as its object a collective entity: sovereign nations, peoples, and civilizations. This version of the argument openly aligns these narratives with the illiberal norms of the dystopian antiglobalism, while preserving the hyper-agency of the elites. In Agustín Laje's work, this collective subject is at times "the nation"[84] and at times "the people,"[85] but it is always associated with a rather extreme idea of pre-political social cohesion: of "a cultural reality that unites men,"[86] of "homogeneity,"[87] of a "cultural unity that exists in relation to a natural environment with which it identifies."[88] Olavo de Carvalho, whose roots are more explicitly traditionalist, takes this vision to the extreme by advocating a collectivism understood as "the dissolution of individual wills in a hierarchy of command that culminates in the person of the enlightened guide—the Leader, Emperor, Führer, Father of the Peoples," "the Absolute Individual."[89] The problem with the globalist conspiracy, according to this argument, is that the elites encroach upon the decision-

[84] LAJE, *supra* note 10, at p. 171.

[85] *Id.,* at p. 530.

[86] *Id.*

[87] *Id.,* at p. 171.

[88] *Id.,* at p. 170. Laje's book is, however, riddled with contradictions, and at times seems to defend normative individualism. See *id.,* at p. 176.

[89] CARVALHO, *supra* note 22, at p. 54.

making spheres that belong to these collective entities, understood as the ultimate political subjects.

As I suggested earlier, I believe these arguments offer a distorted interpretation of the resentment that pervades our region regarding the global order. This is due both to their incompatibility with Latin American political imaginaries and to their own theoretical shortcomings. To begin with, the nationalism proposed by Laje and Olavo clashes with the rights-based constitutionalism that permeates the region, with its historical commitments to republicanism and regional integration, with its recent experience of transitional justice, and with the centrality of democratic values in its contemporary political consensus.[90] That is why, I believe, even some of the most devoted followers of their ideas have been reluctant to structure their foreign policy around these assumptions. Moreover, this deep-rooted Latin American republicanism is grounded in sound reasons: they are precisely what make these theories seem so alien to us. As Seyla Benhabib explains, human groups are never fully cohesive; they are rather "constant creations, recreations, and negotiations of imaginary boundaries between 'we' and the 'other(s)'."[91] When the interests of a group of people are invoked "by pretending that they are distinct from the interests of the individuals who comprise them," argues Carlos Nino, "one is reifying a point of view that is nothing more than that of certain individuals (and, not by chance, the satisfaction of those interests usually coincides with that of the interests of those individuals)."[92] Without an institutionalized process of representation, the wills of individuals do not "dissolve" into the figure of the leader, as Olavo suggests: the leader arrogates to himself the right to speak arbitrarily on their behalf. That—and not fantasies about globalist elites plotting socialist dictatorships—is political domination. We Latin Americans know this well: we learned it through bloodshed during decades of military dictatorships and authoritarian governments.

3.2. Second Conceptual Distortion: Selective Democratic Disenchantment

The second distortion emerges when antiglobalist disillusionment is read through a democratic lens. Agustín Laje suggests in certain passages of his work that this is his central concern regarding the global legal order: he charges that these power structures "do not meet

[90] The political history of Latin America is rooted in a deeply republican imagination, in which political construction precedes the nation. See GREG GRANDIN, AMERICA, AMÉRICA: A NEW HISTORY OF THE NEW WORLD 242–251 (2025); CARLOS ALTAMIRANO, LA INVENCIÓN DE NUESTRA AMÉRICA: OBSESIONES, NARRATIVAS Y DEBATES SOBRE LA IDENTIDAD DE AMÉRICA LATINA 25–27 (2021).

[91] SEYLA BENHABIB, THE CLAIMS OF CULTURE: EQUALITY AND DIVERSITY IN THE GLOBAL ERA 8 (2002).

[92] CARLOS SANTIAGO NINO, ÉTICA Y DERECHOS HUMANOS 254 (1989).

the most basic criteria of representativeness,"[93] that "they take advantage of the secrecy guaranteed to them in their negotiating rooms,"[94] and that "by the time a nation's citizens see anything, the outcome has already been decided and its approval in the international assembly is a foregone conclusion."[95] Underlying these accusations is the conviction that "democratic legitimacy has not ceased to be, even now, the most relevant of all political legitimacies."[96] That is why Laje asserts that "if patriotic resistance were to focus on actively delegitimizing the democratic credentials that globalists have bestowed upon themselves, they could be dealt a blow of incalculable magnitude."[97]

These arguments by Laje are, in my view, persuasive. But there are two problems with his approach. First, antiglobalism remains silent on the major democratic problem of the global legal order, which is not domination through international institutions—which, as I argued earlier, he overestimates—but rather the very absence of governance regarding public issues fundamental to our contemporary life. There are obvious examples of inherently transnational problems, such as climate change or pandemics, for which we lack appropriate institutions.[98] And there are more complex but fundamental examples for Latin America, such as the dynamics of international competition for investment, which without adequate regulation tend to generate *races to the bottom* and limit the capacity of states to collect taxes to provide public services to their citizens.[99] The New Right—especially in its libertarian strand—ignores these dynamics not out of oversight, but because they tend to serve its deregulatory strategy: if the market is global and governance is national, the capacity to establish rules governing the functioning of the economy vanishes.[100]

Second, even though Laje correctly identifies the democratic problems of certain existing institutions, the solutions he proposes are impractical. His perspective is that of "the patriots": his proposal is to return these matters to the purview of the states.[101] But, I fear, the genie can no longer be put back in the bottle. There are public goods of transnational

[93] LAJE, *supra* note 10, at p. 251.

[94] *Ibid.*

[95] *Id.*

[96] *Id.,* at p. 529.

[97] *Id.*

[98] Guidi & Maisley, *supra* note 5.

[99] Maisley, *Law and Democracy in the Globalization of Infrastructure as an Asset Class*, *supra* note 5.

[100] Adam Harmes, *Neoliberalism and Multilevel Governance*, 13 REVIEW OF INTERNATIONAL POLITICAL ECONOMY 725 (2006).

[101] LAJE, *supra* note 10, at p. 7.

scope—issues that we cannot, or do not want to, resolve within national borders—that require some form of common governance. There are no purely national solutions to challenges such as climate change, no matter how patriotic we Latin Americans may be.

Antiglobalists, of course, have a response to these criticisms: they argue that, even if they tried, "globalist institutions simply cannot represent, since the principle of representation requires that the two parties in the relationship (representative and represented) share something more than mere membership in the same species."[102] In their now-typical flirtation with illiberalism, they assert that democracy requires "some degree of substantive identity between rulers and the ruled,"[103] that is, the "cultural unity of a group of people."[104] Therefore, they conclude, "in the global context, which is multicultural by definition, it is absurd to believe that decision-makers act with regard to what a group of people they do not know and with whom they have absolutely nothing in common would have done."[105] Globalists, says Laje, "are anti-democratic and they know it."[106]

This assertion that democracy is incompatible with multiculturalism reveals the extent to which—despite their fluctuations and ambiguities—these currents tend to ground their ultimate arguments in illiberal worldviews. For if democracy has any meaning, it is precisely as a way to resolve disagreements among people with dissimilar ideas, backgrounds, or traditions, but who, for some reason, need to coexist.[107] Of course, these mechanisms will function better if there is a common social foundation. But—contrary to what Laje argues—these underlying bonds are an ongoing construction, which takes place interactively with institutions. Our multicultural Latin American societies are a proud example of this.

That said, even setting aside these authoritarian digressions, it is true that democratizing the creation of international norms in any way poses enormous challenges, and that it is not unreasonable to maintain a certain skepticism about its viability. Many very sensible theorists, who share absolutely nothing with Laje or Olavo, reach this same conclusion.[108] The problem is that such skepticism cannot be the end of the road. The material reality of problems that

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[102] *Id.,* at p. 195.

[103] *Id.*

[104] *Id.*

[105] *Id.*

[106] *Id.,* at p. 529.

[107] Kingsbury & Maisley, *supra* note 5, at p. 358.

[108] To mention only the best-known case, see Robert Dahl, *"Can International Organizations Be Democratic? A Skeptic's View*," in DEMOCRACY'S EDGES (Ian Shapiro & Casiano Hacker-Cordon, eds., 1999).

transcend national borders and demand collective responses—pandemics, climate change, inequality—does not disappear by mere will.[109] Refusing to acknowledge this fact is, at best, a form of evasion; at worst, a justification for leaving, by act or omission, global decisions in the hands of opaque and irresponsible actors—the very thing that globalists denounced in the first place.

4. The Mirror's Reflection: Effects of Latin American Antiglobalism on the Region's Legal Order

It is difficult to gauge the extent to which antiglobalist ideas have taken root in the political imagination of our societies. On the one hand, the new Latin American right has achieved certain electoral victories in recent years, which could be interpreted as an endorsement—or at least an amplification—of those ideas. On the other hand, antiglobalism is only part of the New Right's narrative; we do not know how decisive it is for voters. Furthermore, several of these victories may have been fleeting, so it will take time—perhaps decades—to assess their true impact on the region.

In any case, I would like to briefly consider two effects that antiglobalism may have—at least potentially—on regional legal practice, especially if the New Right manages to establish itself as a relevant long-term political actor in the region. First, I will suggest that the impact may take on a *disruptive*, politicizing character when antiglobalist arguments succeed in convincing people of the need to openly reform the global legal order, or its relationship with national legal systems. Second, the impact may manifest in an *erosive* manner, quietly eroding underlying consensuses and paradigms, and smoothly shifting the boundaries of what is acceptable in everyday political and legal practice.

4.1. The Disruptive Impact of Latin American Antiglobalism

Although it may sound counterintuitive, I believe that the prevalence of the conspiratorial variant of antiglobalism in our region may limit, rather than deepen, its disruptive effect on our legal systems. The reason is simple: unlike dystopian antiglobalism, with its illiberal norms and its proposal for differentialist governance, the conspiratorial antiglobalism that has proliferated in our region lacks a coherent alternative model for the global legal order. Thus, even if the rhetorical hyperbole and imaginary conspiracies championed by the New Right were to spark a moment of politicization of international law in Latin America—in which the terms of global governance or its penetration into national

[109] Prieto Rudolphy, *supra* note 16, at p. 1007.

legal orders were put up for discussion—it would appear that these currents could not offer much beyond a rhetorical repertoire riddled with vagueness, inconsistencies, and empty grandstanding. Moreover: if we take speeches such as Javier Milei's address to the United Nations seriously, what seems to underlie them, in the background, is not a genuinely antiglobalist stance—as his inner circle seeks to convey,[110] and as it is often interpreted by commentators[111]—but rather a political dispute regarding the substantive content of international norms.

This does not, under any circumstances, imply downplaying the disruptive capacity—especially at the institutional level—of the New Latin American Antiglobalism now in power. The new right-wing movements could certainly dismantle functional international structures, arguing that these are part of an evil plan for domination, or articulating some equivalent conspiracy theory. Perhaps the clearest example is Argentina's attempt to withdraw from the WHO: if imitated by other states, it has the potential to cause significant harm. The new right-wing governments could also strategically align their rhetoric with dystopian variants of antiglobalism, joining forces—as they have indeed done—with the illiberal and differentialist discourses of authoritarian governments and religious fundamentalists on issues related to gender, diversity, or other human rights disparagingly described as part of the *"woke"* agenda.[112] What I want to suggest, in any case, is that if the discussion regarding the recognition of international law were to be raised openly—in public debate, in a constitutional reform, in a review of the institutional structure of an international organization, or in a systemic case before a supreme court— the empty or incoherent nature of conspiratorial antiglobalism could limit its ability to propose an alternative normative architecture or to systematically challenge the legal foundations of the international order.

4.2. The Erosive Impact of Latin American Antiglobalism

My suggestion, however, is that the main risk posed by antiglobalism may stem from its erosive impact on legal practice and the silent wearing down of the consensuses and paradigms that previously structured the field.[113] In Latin America, there are certain widespread agreements—especially among legal practitioners—regarding the importance of

[110] Agustín Laje, *El Desafío Cultural: Javier Milei & Agustin Laje en su Lucha Contra el Globalismo,* YouTube (December 6, 2024), https://www.youtube.com/watch?v=dBp2brYT3Qs (last accessed: October 15, 2025).

[111] Federico Merke & Gisela Pereyra Doval, *Javier Milei and the Global Far-Right: Reshaping Argentina's Foreign Policy*, 3 CEBRI-REVISTA: BRAZILIAN JOURNAL OF INTERNATIONAL AFFAIRS 88 (2024).

[112] Casarões & Farias, *supra* note 8, at p. 753.

[113] Krieger, *supra* note 54, at pp. 987–988.

international law as a means of governing global public affairs.[114] That consensus, with all its nuances and problems, is the one that appears to be under siege. However, as we have seen, the conspiratorial antiglobalism prevalent in the region does not have a reformist agenda aimed at making these legal tools more effective or democratic: its purpose is to completely dismantle them, restoring power to peoples conceived as isolated and wholly sovereign entities.[115] To this end, it may propose specific institutional changes, but its deeper agenda is oriented toward the "cultural battle"—toward building a counter-hegemony that silently replaces the previously prevailing commitment to international coordination and cooperation.[116]

A significant number of commentators who have addressed this challenge—both in the region and elsewhere—tend to downplay it, either explicitly or implicitly, relying on the resilience of the international legal system and the internalization of these commitments by national legal communities.[117] This reaction makes some sense: after all, convincing legal practitioners to abandon long-held convictions or replacing a critical mass of judges and officials capable of altering disciplinary consensus requires time, persistence, and significant resources.[118] Furthermore, outlandish discourses should not be well-received by legal professional bodies: it is unlikely that they will be taught in law schools, published in specialized journals, or validated as appropriate discourse within the disciplinary context. The implicit response of these commentators to the antiglobalist threat is a commitment to continuity: they propose clinging to the letter of legal instruments and the commitments made by states as if nothing were happening outside the offices.

In my view, this is a misguided strategy, for at least three reasons. The first is that, as I suggested earlier, antiglobalism is not an exotic invention of a group of delusional individuals—though it may sometimes seem so—but rather a *doppelganger* of legitimate critiques, which takes real problems within the global legal order and reframes them in terms of conspiratorial or dystopian denunciation. In light of this, those who believe in

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[114] See, generally, Alejandro Chehtman, *Constitutions and International Law*, in THE OXFORD HANDBOOK OF CONSTITUTIONAL LAW IN LATIN AMERICA 533 (Roberto Gargarella, Conrado Hübner Mendes, & Sebastian Guidi eds., 2019).

[115] LAJE, *supra* note 10, at pp. 523–576.

[116] *Id.,* at pp. 565–576.

[117] KOH, *supra* note 51, at pp. 15–17; James Crawford, *The Current Political Discourse Concerning International Law*, 81 THE MODERN LAW REVIEW 1, 21 (2018); Jack Goldsmith & Shannon Togawa Mercer, *International Law and Institutions in the Trump Era*, 61 GERMAN YEARBOOK OF INTERNATIONAL LAW 11 (2018).

[118] KOH, *supra* note 51; Nienke Grossman, *Populism, International Courts, and Women's Human Rights*, 35 MD. J. INT'L. L. 104, 123–124 (2021).

international law as a tool cannot simply dismiss the phenomenon; rather, they must be able to distinguish between distortion and substance and acknowledge the normative deficits that antiglobalist discourse exploits. The second is that many antiglobalist intuitions enjoy a certain degree of popular support, and that is reason enough not to dismiss them out of hand: it is necessary to interpret them in the best possible light, take them seriously, and address them with institutional responsibility. The third reason is that, as various examples show, from Hungary to the United States, erosion is a long and costly process, but not an impossible one: with time and some popular support (or, at least, some popular disdain), even structures that seemed solid can give way. More than disenchantment, what is at stake is a silent re-enchantment: the gradual replacement of one normative horizon with another, built at an unprecedented speed and sustained by consensuses far more ephemeral than those that were painstakingly consolidated, with all their problems and difficulties, over the course of the last century.

5. Conclusion

There is a saying that goes: to a person with a hammer, everything looks like a nail. Perhaps, due to my own research agenda, I am overestimating the scope and impact of antiglobalism on our societies. It may be that the rise of figures like Laje or Olavo ends up being a fleeting episode and that, in the near future, we will remember the popularity of their visions of the global order as an exceptional or passing moment in Latin American history. One can only hope. But what is most likely, I believe, is that these perspectives will become part of the standard repertoire of political positions in the region, even if they fail to achieve the hegemony they seek in their cultural battle.

That is why my invitation in this essay is to take them seriously. It is a somewhat counterintuitive suggestion, because, as we have seen, they do not even seem to take themselves entirely seriously: their speeches are often hyperbolic, clownish, almost performative. As in the carnival, however, the ridiculous is merely a mask; beneath it lie deep political intuitions, persistent disillusionment, and a long series of demands that institutional discourse systematically fails to channel. The resentment that these discourses seek to articulate expresses—I believe—the frustration of societies that see their decision-making capacity limited by an institutional architecture incapable of governing a growing range of public affairs which are nevertheless essential to contemporary life. The final invitation, then, is to look at the buffoons not for what they literally say, but for what their performance hints at. In their caricature, in their distorted mirror, we can glimpse the actual political emotions

that today overwhelm our societies. Only by recognizing them can we begin to respond. And the response must come in the form of institutions and policies that honor the democratic promise we made to ourselves years ago—and that we so eagerly seek to fulfill.