EÖTVÖS MUN-CLUB JOURNAL

OPINION ESSAYS

Nuclear Power Is Necessary - But Is It Evil?

— Lili Sarkadi-Nagy

Was the Venezuelan Economic Crisis Caused by Socialism?

— Dániel Bremer

JOURNAL ARTICLES

Was the Iraq War Lost at Home?

— Jia Qi Lin

Are All Illegal Acts Morally Wrong?

— Márton Vida

BOOK REVIEWS

Natural Law and Natural Rights by John Finnis

— Márton Vida

How Democracies Die by Steven Levitsky and Daniel Ziblatt

— Dóra Olajos

TABLE OF CONTENTS

INTRODUCTION

Welcome to the first academic journal of the student community of Eötvös József Secondary School - the Eötvös MUN-Club Journal. Our aim is to publish papers written by any of the Eötvös students in order to encourage the sharing of our ideas and research. It is therefore an attempt to create academic discussion in a secondary school environment in topics such as politics, philosophy, economics, history or law.

There are going to be volumes published every second month, all of which will include 6 papers: 2 journal articles, 2 opinion essays, and 2 book reviews. Anyone can submit their works to munclubejg@gmail.com in order to be included in the next volume. Journal articles should be at least 1500 words and should use Harvard Referencing, while opinion essays are 400-800 words short essays and bibliography is not required, only encouraged. Book reviews are of free word choice and should be of an academic book that you have read in the past.

The works are reviewed and edited by the Directorate of the Eötvös MUN-Club and in this first volume it is mostly their writings which are included. However, our aim is to make this journal as diverse as possible and therefore we more than welcome the submission of papers from anyone outside of the MUN community. Furthermore, most of the essays published here are argumentative ones representing the opinions of the

writer, thus we would be delighted to see formal responses to them - even in the form of another article written in the next volume. We are also opened to any criticism or suggestions via our email address already provided above.

Enjoy reading the first edition of our Journal!

OPINION ESSAYS

Nuclear Power Is Necessary – But Is It Evil?

by Lili Sarkadi- Nagy

Let's face the fact that our planet has started going downhill on the path of global warming in an almost irreversible way. To make our world sustainable for upcoming generations, it is inevitable to mitigate the greenhouse effect, accelerants of which are the so-called greenhouse gases. CO_2, the most significant anthropogenic greenhouse gas accounts for 76% of total anthropogenic emissions (IPCC, 2014, pp. 6-14). Fossil fuels, dominant sources of local air pollution and emitters of greenhouse gases, are consumed for energy supply in a number of ways, such as transport, heat and electricity production. As their consumption has increased more than 1300-fold in the past century (IAEA, 2019) and there is a growing demand for

electricity worldwide, it is clear that a shift towards low-emission energy sources as renewables and nuclear is inevitable. But why does the atomic energy industry seem to be stagnating (IAEA, 2019) and the public opinion to be prominently opposed (Ipsos, 2019) to it even if it could have a substantial role in the reduction of air pollution and carbon dioxide emissions? Do the risks really outweigh the benefits?

First, we have to consider the economic effects of the possible expansion of nuclear energy. Fossil fuel prices are defined by global demand, which makes them hard to predict and subject to significant fluctuations (US Energy Information Administration, 2019). Thus, fuel price volatility can easily lead to economic instability. On the contrary, nuclear power is proven to be steady and easy to expand, not to mention its financial competitiveness. Fuel costs make up a relatively small part of the total generating cost counter to fossil fuels. According to the International Energy Agency's report, nuclear production costs are significantly lower compared to renewables (International Energy Agency and OECD Nuclear Energy Agency, 2015), even if we take the cost of decommissioning and waste disposal into account. A nuclear expansion could also have a positive impact on local employment and tax contribution, strengthening the domestic economy. However, decommissioning reactors and storing waste stand as challenges, but even considering this, the nuclear industry can be characterized by stability and relatively low exposure to market fluctuations.

Replacing coal power by nuclear would notably reduce air pollution and thereby result in improved health conditions of urban areas, as air pollution has been linked to a higher risk of respiratory diseases and different types of cancer (Seaton et al., 1995, pp. 176-178). It is also noteworthy how nuclear has the lowest amount of energy accident fatalities for OECD countries (Paul Scherrer Institut, 2015). However, the majority of the opposition towards nuclear argues with the probability of devastating accidents, such as the ones on Three Mile Island in 1979 or in Chernobyl in 1986. I believe that in an ideal case, the likeliness of such events could be minimized as the majority could have been prevented if it had not been for human negligence. A nuclear expansion should under no circumstances happen without the global community setting and ensuring the enforcement of precise standards regarding emergency backup systems, data encryption to prevent security breaches, and construction guidelines. It is, however, far from certain that all nations possessing nuclear power plants would be cooperative in such a scenario.

Multiple organizations (Greenpeace, 2019, Friends of the Earth, 2019) argue that there is no need for nuclear technologies considering the presence of renewables; even so, we must admit that these technologies have drawbacks too. Wind turbines have a negative effect on the ecosystem through noise pollution, hydroelectric power is associated with landscape disruption and solar panels use a lot of space, not to mention that the excess use of critical metals arises too, which

means that there are numerous issues that arise in connection with these energy sources.

There is no perfect energy production method (yet), but technology is progressing at the fastest pace ever. Since the future of our species and our habitat is at stake, we must stay rational and find the most efficient solutions, which might even mean having to overcome our prejudices. Nuclear power should not be treated as an enemy as it is our own achievement, instead, it would be more reasonable to develop it for our own benefit.

References

Friends of the Earth. (2019). *Ending Dangerous Nuclear Power • Friends of the Earth*. [online] Available at: https://foe.org/impact-stories/impact-story-3/ [Accessed 5 Oct. 2019].

Greenpeace. (2019). *Nuclear Energy*. [online] Available at: https://www.greenpeace.org/usa/global-warming/issues/nuclear/ [Accessed 5 Oct. 2019]

IAEA (2019). *PRIS - Trend reports - Energy Availability*. [online] Available at: https://pris.iaea.org/PRIS/WorldStatistics/WorldTrendinEnergyAvailabilityFactor.aspx

IPCC (2014). *Summary for Policymakers*. Cambridge: Cambridge University Press.

International Energy Agency and OECD Nuclear Energy Agency (2015). *Projected Costs of Generating Electricity*.

Ipsos (2011). *Global Citizen Reaction to the Fukushima Nuclear Plant Disaster*.

Paul Scherrer Institut (2015). *Data for nuclear accidents modified to reflect UNSCEAR findings/recommendations 2012 and NRC SOARCA study*.

Seaton, A., Godden, D., MacNee, W. and Donaldson, K. (1995). *Particulate air pollution and acute health effects*. The Lancet.

US Energy Information Administration (2019). *Petroleum Marketing Monthly*. [online] Washington, DC. Available at: https://www.eia.gov/petroleum/marketing/monthly/pdf/pmmall.pdf [Accessed 5 Oct. 2019].

Was the Venezuelan economic crisis caused by socialism?

by Dániel Bremer

The mainstream media in western counties leads us to believe that the recession in the Bolivarian Republic of Venezuela is yet another failure of socialism, an ideology which apparently

cannot be implemented without economic failure and hundreds of thousands of deaths. In this essay, I will refute these claims and give reasons for the economic crisis. I'd like to declare that I don't support dictatorships, and I support neither Hugo Chávez nor Nicolás Maduro.

First of all, I will to address the main cause of the crisis. The number one cause is Venezuela suffering a case of Dutch disease, meaning its economy was relying too much on one particular sector, in this case oil exports, which makes the country's economy incredibly unreliable and unstable. The price of oil has been significantly reduced from 2014 onwards, because of increased production from OECD nations and the USA. However, this was not the fault of Chavez's government, in fact, oil had become a smaller percentage of Venezuela's GDP and Venezuela's annual exports since Chávez got elected, than during Rafael Caldera's and Carlos Andrés   Pérez's US-friendly neoliberal governments during the late 80's and the 90's, meaning that the current crisis would have been much worse and would have affected a larger part of the economy had Chávez lost the 1998 election and had the 2002 US-funded Coup succeeded. It is also foolish to say that the price fluctuations of a product, produced for profit, in a capitalist nation, in global capitalist markets, is a fault of socialism somehow.

Chávez is often accused of causing the extraordinarily high inflation rates that plague Venezuela today. However, this is not the case, in fact, inflations were very unstable and

incredibly high during the 90's and stabilized during the 2000's. Between 1989 and 1998, the average inflation was 52,45% (including an insane 103,2% inflation rate in 1996), and between 1999 and 2010 the average was 22,6%, without any big increases or drops in the rate.

Another thing that is usually blamed for the crisis is increased welfare expenditures by Chávez. From 1998 to 2008, it rose from 47,9% to 58,2% of total expenditures, and while it is undeniable that this had at least a small part in the current crisis, it did show results in the wellbeing of the country's people. Between 1998 and 2008, the HDI of Venezuela rose from 0,779 to 0,845, the unemployment rate decreased from 14,5% to 6,9%, the percentage of people living in poverty decreased from 50,5% to 29% (decreased from 20.3% to 9,2% for those living in extreme poverty), water access increased from 80% to 94%, and the Gini-index decreased from 0,49 to 0,39, all while keeping the GDP of the country growing for every single quarter until 2009, other than during 2002 and 2003 because of the coup. Chávez managed to achieve 22 consecutive quarters of growth between 2004 and 2009, truly a historical feat. We also need to keep in mind that increasing welfare is a means to regulate capitalism in order to make it work for working class people, not socialism. After all, we don't accuse the Nordic countries of being socialist either.

JOURNAL ARTICLES

Was the Iraq war lost at home?

by Jia Qi Lin

Introduction

Following the September 11 terrorist attacks in New York City, carried out by Al-Qaeda, the administration of George W. Bush launched its international anti-terrorism military campaign, known as the War on Terror which included one of the grandest foreign policy failures of the United States since the conflict in Vietnam (Ward, 2018), namely the Iraq War. In spite of early American successes, by the end of the military operation the USA was unable to emerge as a winner and had to pull out its troops from Iraq. The inability of the US to maintain its presence was not owed to a lack of manpower or a shortage in resources. Quoting from an article written by Tim Dunne and Klejda Mulaj in International Affairs, it says that "America's GDP roughly equals one-quarter of global GDP" and it "spends more on defence than any other country in the world by a very long way - its defence expenditure in 2008 amounted to nearly half the global total", which proves that the US would have easily continued its military actions in Iraq.

The real reason why the military venture of the Bush administration was doomed to be a disappointing defeat was because it had completely lost its appeal at home, in the eyes of the American public. There were several premises, on which the war was based. Some of them were used to convince the masses of the importance of the war, some of them were additional intentions for the administration to engage in warfare that remained hidden from the public. As the conflict deteriorated due to the administration's inadequate preparation for it, both premises that were known to the people and those that later got revealed came unstuck, leading to the decrease of public support for the fights in Iraq (Holsti, 2011; Schuessler, 2015; Sluka, 2010; Brigham, 2015; Voeten and Brewer, 2006). Without the domestic approval, the continuation of the war became more of an unnecessary liability and an electoral risk for the administration and the Republican Party, which eventually weakened the popularity of the party, giving a chance for the Democrats to strengthen their influence that resulted in the withdrawal of US forces from Iraq (Brigham, 2015; Condon, 2013; Mian, 2007). In this essay, it will be further explored in details how both the origins of the conflict and the causes of its devastating outcome are to be found in US domestic politics rather than the events that unfolded in Iraq.

The Premises of War

The Bush administration had numerous motives to initiate military actions against Iraq, all of which being tied together by one single ideology, named neo-conservatism which mainly

promoted the "unapologetic defense of democracy, preventive war, unilateralism, and U.S. hegemony" (Schuessler, 2015). The ideology perceived America as "qualitatively different from other developed nations", considered it "as a redeeming force in international politics" and endorsed "the projection of US power as the primary instrument of change", thus it strengthened US nationalism at home. To the neo-conservatives "the power of example and moral suasion" were deemed insufficient to advance US interests, they believed that "America must move beyond example and actively use its power to spread its universal values" (Dunne and Mulaj, 2010). Within US foreign policy the ideology was manifested in the new national security strategy established by George Bush during his speech in 2002 at West Point military academy (Holsti, 2011) which got known as the Bush Doctrine. In itself the Iraq War cannot be understood, but only within the terms of the doctrine since it has put a large emphasis on the legitimization of preventive war in order to give the US the right to initiate war in any cases of suspected threat whether they are imminent or not, thus justifying the actions taken against Iraq. Furthermore, as the war was expected to bring democracy to Iraq and eventually to the entire Middle East, it would have brought the US closer to its neo-conservative goals such as the promotion of the US world order and showcasing the power of the US which would have intimidated any country that wished to challenge US hegemony (Schuessler, 2015; Holsti, 2011; Dunne and Mulaj, 2010). This foreign policy was a realignment towards Samuel P. Huntington's notion of the clash of civilizations, as it was similar to those countries' that

were projected in Huntington's future as being part of the Western civilization, in a world where the belligerents of conflicts are civilizations that are fighting along cultural differences. In his paper he displayed a West whose world dominance is threatened by other emerging non-Western powers such as the Islamic states whose civilization has completely different interests and values, and for the purpose of ensuring its authority over the world, the "West promotes non-proliferation as a universal norm" in order to preserve its military superiority.

In the case of the Iraq War, non-proliferation has played a prominent role in starting the military operation. As the ideological basis for war and the political goals of the administration were set, President Bush needed to convince the public that the war was inevitable and a necessity for the preservation of national security. After the end of the First Gulf War, during which a UN authorized international coalition defeated Iraq as it had invaded Kuwait, the Iraqi regime came under tight international scrutiny since it was obliged to dismantle its weapons of mass destruction (WMDs) under UN resolution 687. During this time Iraq has already been placed on the radar of the United States as it posed a threat towards the US by challenging the Western world order and opposed American interests in the Middle East (Zunes, 2004). Subsequent to the 9/11 attacks, as soon as Kabul fell during the war waged against Afghanistan, which was the first offensive of the war on terror, the planning and the execution of Operation Iraqi Freedom became the top priority for the Bush

administration (Schuessler, 2015; Holsti, 2011). Thanks to the traumatizing effects of the September 11 attacks and the early military successes in Afghanistan (Holsti, 2011), the war on terror received widespread support from the American people. Utilizing the positive stance of the public on the anti-terrorism military campaign, "the Bush administration framed the Iraq War as an extension of the war on terror, priming the public to think of the two together" (Schuessler, 2015).

Bush further strengthened this connection by developing two major selling points of the military venture that became the main cornerstones of the justification for the war. One claiming that Iraq could endanger the safety of the US as it still possessed WMDs, which was based on the assumption that despite the agreements made following the First Gulf War, the Middle Eastern country did not dispose them, and it could use them "for aggression, blackmail, or even direct attacks against the United States" (Schuessler, 2015). The other arguing that allegedly Saddam Hussein, the former dictator of Iraq, had ties to terrorist groups such as Al-Qaeda in particular (Dunne and Mulaj, 2010, Holsti, 2011, Schuessler, 2015). Despite the fact that none of the arguments were backed up by any clear or solid evidence, both of them were easy to establish thanks to the circumstances in which the Bush administration started the advocacy of them, as the American public was still shocked by the outcomes of the 9/11 attacks and the figure of Saddam Hussein still remained in the minds of the people as a menacing public enemy at the beginning of the 21st century due to the fact that he was already demonized in the US during

the time of the Gulf War. Thus, it was not surprising that a portion of Americans has even assumed after 9/11 that Saddam Hussein was somehow involved in the attacks (34 percent thought it very likely, 44 percent as somewhat likely) (Schuessler, 2015).

Besides the two principal arguments, the Bush administration has also promised the public, through the lens of neo-conservatism that the regime change in Iraq will "discourage tyrants and energize reformers throughout the world" and it will first of all result in the complete democratization of the Middle East (Schuessler, 2015). They pledged the creation of a new Iraq which will not be hostile towards the West and will have a stable, democratic society (Streithorst, 2015). During the planning phase the administration had an immensely optimistic attitude towards the war. What they were expecting was a swift victory after which the transformation of the nation and the establishment of a new, pro-American regime will be achieved immediately as they thought that the oppressed Iraqi population will consider US forces as liberators rather than occupiers. They believed that they will be able to withdraw most of the American troops as soon as possible and easily finance the reconstruction of the country through Iraqi oil revenues (Holsti, 2011; Schuessler, 2015; Streithorst, 2015). Seeing such a hastily made, incomplete and deficient post-war plan from the US leadership, a shadow was already casted over American success in Iraq.

With the before mentioned claims and the depiction of Iraq as a rogue state that has allied itself with Iran and North Korea forming the "axis of evil" through the use of the ideological foundation established by the Bush Doctrine, the administration was able to win the support of the majority of the public. By securing a positive perception of the war, President Bush was able to obtain congressional authorization (Mian, 2007) for the offensive to take place, as almost none of the Democrats wanted to appear weak or soft in regards of national security. Since there were no major criticisms that would have challenged the tenuous accusations against Iraq and the intelligence on Iraqi WMDs and links with terrorists, the administration had the ability to consolidate the popularity of the war among the public even before it has actually started (Holsti, 2011; Schuessler, 2015; Voeten and Brewer, 2006).

Looking at the premises of the war, we should come to the conclusion that the military offensive against Iraq was mainly for the advancement of the Bush administration's neo-conservative ideology and its goals, such as the legitimization of preventive wars and the creation of a unipolar world order with the US at its forefront. Within this ideological context, President Bush sought to bolster its political strength on the domestic stage by using the war in Iraq to enhance nationalism in the country in order to increase his popularity and build up a loyal electoral base which would consider the actions taken by the Republicans as being in the best interest of the nation and to distract the public's attention from internal issues such as a stagnant economy (Zunes, 2004). Seeing these

we can clearly say that the origins of the war were sourcing from the domestic politics of the US.

Blunders and Failures - The Shifting Tides of Legitimacy

Approaching the end of 2003, public opinion, which has once enabled the administration to wage war, has soured and became the main impediment to the further continuation of the American participation in the conflict. The decrease in support started as people realised that the fall of Baghdad only meant the beginning of the war. Furthermore, the positive perception of the military operation also disappeared as the promises made by the administration and the premises of the war were undermined in Iraq.

First of all, the accusations made against the Saddam regime of still owning WMDs turned out to be false, as following the occupation of Iraq, the US inspection team designated to search for the Iraqi weapons failed to find any evidence proving the existence of them. Secondly, the other fundamental argument on which the offensive was based on was also discredited, as there were no intelligence found that would have proved that either Saddam Hussein had connections with Al-Qaeda or the 9/11 terrorist attacks (Holsti, 2011). With the refutation of the two core reasons for the war, the link between the war on terror and the Iraqi operation got severed, weakening the justification of the conflict.

After the two major claims of the Bush administration was evinced to be erroneous, the President started to highlight the significance of the spread of democracy to the Middle East and the liberation of the Iraqi population in order to consolidate public support again. However, the accomplishment of such goals has also fell short during the years of the conflict as the "U.S. and Coalition governments and armed forces were not adequately prepared for the political, economic, and social conditions they would face" (Sluka, 2010). During the planning phase, policymakers completely disregarded the ethnic and religious tensions, such as the antagonism between Sunni and Shia Muslims, and naively believed that the war would end as soon as Saddam Hussein gets toppled. As a result, the decapitation of the Saddam regime brought sectarian violence upon the country with numerous belligerents fighting against each other. The belief of the administration, that the American troops will be regarded as liberators also proved to be wrong, which was demonstrated by the insurgency against US forces and the new Iraqi government. In response the US military has initiated a counterinsurgency which only worsened the situation, as it has resulted in more violence (Brigham, 2015; Holsti, 2011). It took a long time for the US to realise that "not enough was done to win over the populace and gain support for the new government by restoring basic security and amenities such as water, electricity, sewage, and health care, and far too little was done to minimize civilian ''collateral damage'' resulting from the military occupation and harsh counterinsurgency tactics employed in the field" (Sluka, 2015). But when the US finally changed its strategy in 2007 with the

"surge" and made the protection of civilians the top priority, it was already too late, as the war's popularity was low both in Iraq and at home (Brigham, 2015; Holsti, 2011). Moreover, not even the complete democratization of the Iraqi government happened, since the US government only prepared for a short-term presence in Iraq and as the war got extended with increasing chaos and American casualties and costs, they had to realise that US troops will have to stay longer, however, that was not an option in the eyes of the American public. As Robert K. Brigham states in the book titled *Understanding the U.S. Wars in Iraq and Afghanistan*:

> To the detriment of America's image and reputation, democracy had not taken root in Iraq; little the United States did there changed Iraqi political outlook and behavior. Despite the sacrifice of over four thousand U.S. servicemen and -women who did everything their country asked of them, the deaths of tens of thousands of Iraqis (many of whom were civilians), and a cost to the U.S. Treasury of hundreds of billions of dollars, Iraq at the time of this writing in 2015 remains at war and undemocratic. The government in Baghdad has done little to create a more just and equitable society. In Iraq today, there are gross human rights violations, the Baghdad government excludes political opponents from national public life and threatens them with jail routinely, the level of corruption in the government and private sector is among the highest in the world, and constitutional provisions protecting minority rights are trampled with impunity. Deadly attacks continue unabated….. All of this points to the Iraq War's greatest

lesson and legacy: there was no political corollary to America's overwhelming military power (2015).

Under these circumstances throughout the upcoming years it became clear to everyone that the conflict is not one that could be easily ended with a victory. With the above mentioned fallacies of the Bush administration and the emergence of additional controversial issues such as US economic interests in oil and the intention of privatising it (Ahmed, 2014), the legitimacy of both the war and the administration has taken an enormous hit which later induced the public to demand a US withdrawal. This that domestic politics did not only affect the start of the war, but also the end of it since the major causes of the outcome of the conflict were sourcing from the mistakes of the Bush administration.

Other Causes

Beyond the major factors that has influenced public opinion on the war, there were several other causes that also played a role in undermining the legitimacy and credibility of the Bush administration. On the international stage, the military offensive was negatively regarded by almost every state in the UN, including Arab governments that were allies to the US. Only Great Britain joined with a significant number of troops into the coalition against Iraq. This was not well-received by the American public as most of them were only in favour of military action if the United States was going to invade Iraq with the support of its allies (Holsti, 2011; Schuessler, 2015;

Zunes 2004). Furthermore, at the time when the US and the UK began their military operation in Iraq the United Nations has not authorized them to do so, which meant that the two nation was breaching international law which was not well-regarded either by the international community and the American public (Zunes 2004).

After President Bush got re-elected in 2004, as the issue of unemployment and the state of the economy were considered well-managed at that time (Holsti, 2011; Condon, 2013), numerous problems have emerged that he had to tackle. Firstly, two of his officials in his administration have committed crimes. Lewis Libby who was Vice President Dick Cheney's Chief of Staff was indicted for perjury (New York Times 2018) and House Republican majority leader, Tom DeLay was indicted for violating campaign finance laws (New York Times 2005). Secondly, the emergency response of the government to the destruction done by Hurricane Katrina in New Orleans have created huge controversy surrounding the reasons why the administration was unable to act briskly. As the response was slow, provided aid was insufficient, the evacuation plan was inadequate, a number of unnecessary deaths occurred which could have been easily avoided. Many of those who were struck by the natural disaster, were coming from impoverished, minority communities, such as black neighbourhoods, who were not able to afford escape options such as cars or bus fares, and thus were stranded in the flooded city without appropriate provision from the Bush administration.

That was why most Americans did not only view the response as poorly carried out, but moreover as racially discriminative (Vox 2015). Thirdly, there was still one noteworthy event that had made an enormous impact on the American population and their opinions of the president, his cabinet and their military efforts in Iraq. This event was the 2008 financial crisis during which the US government used its own budget to bailout all the major banks that went bankrupt, creating vast public discontentment towards the leadership which has turned its back on the actual victims of the economic recession by reviving those financial institutions that have caused the crisis and have collapsed solely thanks to their own wrong decisions (The Wall Street Journal 2018, The Economist 2018, The Guardian 2017). Furthermore, regardless of the uncertain economic conditions, the government have still preserved funds for the Iraq War which only made the public outcry even larger.

Conclusion

Under such domestic circumstances mentioned above and the failing premises of the war the military operation in Iraq has completely lost its appeal in the eyes of the public. Without the support of the masses, it was impossible for the Bush administration to continue its presence in Iraq for a longer term which would have been needed in order to fully accomplish the rebuilding of the nation on democratic foundations and to achieve its goals set by the neo-conservative ideology. Once being on the side of the Republicans, the force of public

opinion changed its stance during the 2006 midterm elections, giving a chance for the policy of the Democrats to dominate by letting them capture the majority both in the House and the Senate (Brigham, 2015; Mian, 2007). Two years later, during the presidential elections the same force was responsible for choosing Barack Obama who was already a critic of the war even before it has started (Condon, 2013), making him a perfect candidate for the long-awaited satisfaction of the public desire to leave Iraq, as he was promising the withdrawal of US troops from Iraq throughout his campaign. After getting into office, Obama began the process of retreating American soldiers from Iraq with first ending all combat operations in August, 2010 and then announcing that all the troops will be back home by the end of 2011. This plan was fairly similar to the withdrawal agreement which the Bush administration has already negotiated with the Nouri al-Maliki led Iraqi government, only it further included the stationing of a smaller residual force with training purposes. The creation of this agreement demonstrated that even President Bush had to acknowledge that US presence cannot be maintained (Holsti, 2011, Streithorst, 2015). Due to the pressures put on the administration by the public, the US had no choice but leave Iraq with numerous unsolved insecurities.

In conclusion, the essay explored how domestic politics and the public opinion of the American people were the main factors that have both started and put an end to the violence in Iraq. Already at the planning phase of the war the administration has set the ideological context in which they

imagined the war and they had established several premises to back up their need for war which were easily sold to the American people prompting them to provide support for this national cause. As these premises came unstuck owing to the events that unfolded on the battlefield, and thanks to other additional causes, both the war and the Bush administration lost its legitimacy which then concluded in the withdrawal of American troops from Iraq. If the Bush administration and the Republican Party should have stayed in power and public support would not have decreased during the eight years of war the outcome certainly would have been different.

References

Ahmed, N., (2014). *Iraq invasion was about oil.* *https://www.theguardian.com/environment/earth-insight/2014/mar/20/iraq-war-oil-resources-energy-peak-scarcity-economy*

Baker, P. and Haberman, M., (2018). *Trump Plans to Pardon Scooter Libby for Perjury in C.I.A. Leak Case.* https://www.nytimes.com/2018/04/12/us/politics/trump-pardon-scooter-libby.html

Brigham, R., K., (2015). *The Lessons and Legacies of the War in Iraq* In Bailey, B., Immerman, R., H., *Understanding the U.S. Wars in Iraq and Afghanistan.* NYU Press

Condon, S., (2013). *10 years later: The Iraq war's lasting impact on U.S. politics.* *https://www.cbsnews.com/news/10-years-later-the-iraq-wars-lasting-impact-on-us-politics/?fbclid=IwAR1i5Sp*

ZiY5N42UIWuX8mxR4om1bpRT1rnMb-SYb6Uv1XGT Do3Kbf5SZfhk

Dunne, T., Mulaj, K., (2010). *America after Iraq*. International Affairs (Royal Institute of International Affairs 1944-), Vol. 86, No.6, Post-American Iraq, pp. 1287-1298

Ip, G., (2018). *No, the Financial Crisis Didn't Spawn Populism*. https://www.wsj.com/articles/no-the-financial-crisis-didnt-spawn-populism-1537272000

Lopez, G., (2015). *Hurricane Katrina, in 7 essential facts.* https://www.vox.com/2015/8/23/9191907/hurricane-katrina

Haass, R., N., (2006). *Haass: On Balance, Iraq War's Impact on U.S. Foreign Policy 'Clearly Negative'*. [Interview] https://www.cfr.org/interview/haass-balance-iraq-wars-impact-us-foreign-policy-clearly-negative?fbclid=IwAR3Xt79NCsiibUyi454SJQZHkgl4KIZbLuB4uvtFXJhHZQ86Bm8M028I37Q

Holsti, O., R., (2011). *American Public Opinion on the Iraq War: Public Opinion on the War in Iraq.* University of Michigan Press.

Huntington, S., P., (1993). *The Clash of Civilizations.* Council on Foreign Relations. Foreign Affairs, Vol. 72, No. 3, pp. 22-49

Mian, Z., (2007). *Us Congress and Iraq War.* Economic and Political Weekly, Vol. 42, No. 19, p. 1658

Pincus, W., (2011). *So what's the goal of our being in Iraq again?*

https://www.washingtonpost.com/world/national-security/so-whats-the-goal-of-our-being-in-iraq-again/2011/10/08/gIQAsplAbL_story.html?fbclid=IwAR04hnZBxdFvwAIw1mGWBKNBnlYy1FRavtrvsS4S2YintDnjnXKODA6oIfk&noredirect=on&utm_term=.ec8daef34898

Ricks., T., E., (2011). *Who won the war in Iraq? (Here's a big hint: It wasn't the United States)*. https://foreignpolicy.com/2011/09/29/who-won-the-war-in-iraq-heres-a-big-hint-it-wasnt-the-united-states/

Saval, N., (2017) *Globalisation: the rise and fall of an idea that swept the world.* *https://www.theguardian.com/world/2017/jul/14/globalisation-the-rise-and-fall-of-an-idea-that-swept-the-world?fbclid=IwAR0_v81Xw8KIstWmJ5C-WC_lp5ESwISVDkJ_jIYz3nb3mvcZTZyZEI2w8ps*

Schuessler, J., M., (2015). *Deceit on the Road to War: Presidents, Politics, and American Democracy: Overselling the Iraq War.* Cornell University Press.

Sluka, J., (2010). *Losing Hearts and Minds in the "War on Terrorism"* In Robben, A., C., G., M., *Iraq at a Distance: What Anthropologists Can Teach Us About the War.* University of Pennsylvania Press.

Streithorst., T., (2015) *Why does America Keep Losing Wars?* *https://www.vice.com/amp/en_us/article/vdx4bx/why-america-keeps-losing-wars?fbclid=IwAR24CArBXj3Jlv3R8VEm51reTsdJFWYmukhRYGuB9FUU5sClFe5nrb0yn9Y*

Stout, D., (2005). *DeLay Is Indicted and Forced to Step Down as Majority Leader*. https://www.nytimes.com/2005/09/28/politics/delay-is-indicted-and-forced-to-step-down-as-majority-leader.html?fbclid=IwAR0__W-XPIwexGzmBT-tnJmF62BVsV79Q7gAeMRqWnpmvFsGfGjO0wwpMPo

The world has not learned the lessons of the financial crisis. (2018), https://www.economist.com/leaders/2018/09/06/the-world-has-not-learned-the-lessons-of-the-financial-crisis#ampf=undefined

Tierney, D. (Interviewee), Ward, A. (Interviewer), (2018). *Why America doesn't win wars anymore* [Interview] https://www.vox.com/2018/2/15/17007678/syria-trump-war-win-interview

Tierney, D., (2015). *Why Has America Stopped Winning Wars?* https://www.theatlantic.com/international/archive/2015/06/america-win-loss-iraq-afghanistan/394559/?fbclid=IwAR1Z8ECtRmy0T8qcysfr0POxCoYx3HloNGAnabmT9unAF_XIB_l29Wdz2Os

Voeten, E., Brewer, P., R., (2006). *Public Opinion, the War in Iraq, and Presidential Accountability*. Sage Publications, Inc. The Journal of Conflict Resolution, Vol. 50, No. 6, pp. 809-830

Zunes, S., (2004). *The US Obsession with Iraq and the Triumph of Militarism* In Ismael, Y., Haddad, W.,W., *Iraq: The Human Cost of History*. Pluto Press.

Are all illegal acts morally wrong?

by Márton Vida

Introduction

The relation between law and morality has for long time been in the interest of philosophers, lawyers, judges, and in many cases of ordinary citizens. Several events in our societies make us question whether law should always be obeyed, whether an unjust law is still a law or whether our moral obligations are above our legal ones. Similar is the concern raised by the question to be tackled by this essay, as it essentially asks whether illegality in itself is enough to indicate, that an act is morally wrong.

In order to provide an answer for such question, this paper will attempt to develop a concept of law, morality and obedience by applying the ideas of philosophers from both rival doctrines of legal thought: that of natural theory of law and legal positivism.[1] It will be argued that there is indeed a necessary connection between law and morality, however it does not exclude the enactment of immoral laws. Furthermore, it will be claimed that even after such laws were born, there is no

---

[1] See a brief summary of the main features of these theories in Golding, 1975, pp. 24-51.

unconditional obligation to obey them after they cross a certain level of injustice. Therefore, it will be provided as an answer that 'acts are not necessarily bad because they are illegal'.

Morality and Law

The hardest part in establishing the claim outlined above will be to show what was referred to as the "necessary connection between law morality", as there are many rational arguments calling for the separation of the two orders. Among them is the one articulated by Kelsen, who argued that due to the extraordinary heterogeneity of distinct moral orders we cannot make it a requirement for positive legal systems to reflect morality (Kelsen, 2009, pp. 63-69). He even claimed that as "no element common to the contents of various moral systems is detectable" (p. 64), it is simply impossible to require law to always have a moral content, in the sense that all people governed by it recognize it as morally good.[2] Even if some positivists, such as Hart acknowledged the existence of certain universal moral rules, those were merely minimal requirements for a group to be called society, and therefore still not sufficient to be taken as a basis for a positive legal order (Hart, 2012, pp. 171-172).

Having recognized the hard task, one would face in establishing a legal system which reflects morality, Fuller's

---

[2] See, however, how Kelsen himself admitted the limitations of legal positivism, if such separation of law and morals is taken so strictly: Kelsen, 1949, p. 401.

'inner morality of law' may sound as a more easily defensible concept at first sight. Fuller argued that there are 8 moral rules to be met by all lawmakers if they want to create laws; in the absence of such they are not worthy to be called law[3] (Fuller, 1969, pp 33-41). However, Hart and Dworkin pointed out that the problem with such theory is that the 8 canons provided by him often turn out to be practical requirements for making law rather than acts with moral worth. It can best be imagined in cases, where a ruler creates a purposively evil law while abiding to these principles to prevent his statute from invalidation (Hart, 1965, pp. 1283-1288; Dworkin, 1965, pp. 635-639).

Now that the positivist argument, claiming the impossibility of deriving one positive legal system from the diverse moral orders, was taken into account, but yet Fuller's inner morality of law was rejected, it is time to introduce a new concept to

---

[3] Fuller claimed the following 8 immoral acts which, if committed by the lawmaker, cannot create any valid law (except in some extreme cases):

> The first and most obvious lies in a failure to achieve rules at all, so that every issue must be decided on an ad hoc basis. The other routes are: (2) a failure to publicize, or at least to make available to the affected party, the rules he is expected to observe; (3) the abuse of retroactive legislation, which not only cannot itself guide action, but undercuts the integrity of rules prospective in effect, since it puts them under the threat of retrospective change;(4) a failure to make rules understandable; (5) the enactment of contradictory rules or (6) rules that require conduct beyond the powers of the affected party; (7) introducing such frequent changes in the rules that the subject cannot orient his action by them; and, finally, (8) a failure of congruence between the rules as announced and their actual administration (Fuller, 1969, p. 39.).

live up to this essay's promise of showing the necessary connection between law and morality. Such theory will be the one developed by John Finnis, who did not identify the moral content of law in its creation but in its very essence. However, in order to understand his claim, its foundations must be introduced first, which starts with his moral theory.

Finnis argued based on the findings of anthropologists, that there exist certain universal moral values which are to be respected and pursued by all rational human beings[4] (Finnis, 2011a, pp. 81-84). Finnis himself identified 7 of these values,[5] however he admitted that there can be no exhaustive list of such, merely stating that these are the most fundamental ones from which the others could be derived (pp. 90-92). Morality for Finnis is then our pursuit of these human goods through our

---

[4] To the list of anthropological evidence provided by Finnis (Finnis, 2011a, p. 97.) could be added a very recent study made by Oxford scientists on the universality of morality, also indicating certain universal moral rules among the 60 societies surveyed. It was described as "the largest and most comprehensive cross-cultural survey of morals ever conducted". (University of Oxford, 2019) The aim of the research was to show that certain moral rules exist in all societies which are to foster social cooperation (Curry, Mullins and Whitehouse, 2019).

[5] Finnis' 7 values are the following: Life, Knowledge, Play, Aesthetic Experience, Sociability (friendship), Practical reasonableness and Religion (Finnis, 2011a, pp. 86-89).

practical reasonableness,[6] which in some way or another helps us to participate in these values (pp. 126-127).

However, there is a difficulty with such moral laws, as there could well be major differences between them regardless of some common features in their sources. The reason for that is the sheer fact that between distinct persons there can be a different hierarchy among values, and they can also pursue them in different ways (pp. 84-85.). This means that such moral orders, spawned by our practical reasonableness are not enough in ordering a society, even if many of the human goods can inherently best be pursued in communities under a common authority with a positive legal system (such as the preservation of human life).

At this point may the essence of law within Finnis' concept be articulated: 'law is to coordinate us towards the common good' (Finnis, 1996, p. 93.; 2011a, pp. 231-233., 276-277). However, under such term as 'common good' Finnis did not mean that the members of the community must all have the same objectives, as its mere requirement is that the individuals all realize some aspects of community, law and authority which are necessary to pursue the otherwise morally good values (Finnis, 1996, p. 88.; 2011a, p. 156).

---

[6] Practical reasonableness is one of Finnis' 7 basic values and also his most complex one, which is indicated by the fact that he dedicated an entire chapter to explaining it (Finnis, 2011a, pp. 100-134.). In short it could be summarized as our ability to bring an order to one's actions and inner peace of mind to sufficiently pursue the other human goods (p. 88.).

Such definition of common good is indeed a broad one, as in distinct societies the members may realize different values (besides the basic universal ones) and they can also choose different associations to pursue them (Finnis, 2011b, p. 1.). However, for the purposes of this essay it is essential for the reader to realize certain universal features of this pursuit through law and authority. Two examples may be the state holding a monopoly over the use of force (Weber, 1946, pp. 3-4.) and the making of judgements based on an order of clear and written rules, rather than doing so on a completely ad hoc basis (Fuller, 1969, p. 39).

A further point has to be made, as it may seem easy to discredit a statement claiming that 'the essence of law is such and such' since there might be several other reasons for a society to establish a positive legal order, just as Cohen pointed out in criticizing Fuller's concept of law (Cohen, 1967, pp. 647-648). Because of this, it would only be claimed that the pursuit of the common good is the primary and not the only purpose of law, but yet one has to identify that most of the other reasons (like those listed in Cohen's argument, such as justice, administration or order) are also the part of this pursuit. Due to this reason is it preferred to attach such essence to positive legal systems over the others, as it also incorporates the rest of the motives a society may have in its establishment.

Disobedience and Invalidation of Immoral Laws

The concept of law outlined in the previous section is a normative one, therefore it shows how law ought to be and not how it actually is. Even if it is argued that the essence of law is to coordinate us towards the common good, it must be admitted that due to the human flaws of lawmakers, it is impossible for anyone to impose laws on a society which always satisfy such requirement. For this reason, the question arises: What is to be done with unjust laws?

The famous intellectual debate on the relation of law and morality between Fuller and Hart was centered around a then very recent event in world politics. The controversy which provoked and revived the clash between natural theory of law and legal positivism was the Nuremberg trials and the prosecution of Nazi criminals in post-WWII Germany (Hart, 1958, pp. 619-621.; Fuller, 1958, pp. 648-661.; Pappe, 1960, p. 260; Gedöcke, 2014). The following two main questions were on the agenda at the time: (1) 'Can criminals be prosecuted based on a retrospective statute, thereby imposing ex post facto laws on the ground that severe moral crimes were committed?'[7] and (2) 'Whether Nazi laws can be invalidated on the ground that they are extremely immoral?'.[8]

---

[7] The extent to which the statutes applied by the International Military Tribunal in Nuremberg were retrospective is debatable, however it is beyond the scope of this essay to analyse the entire legality of the Nuremberg Trial. See a legal analysis in Leonhart, 1949 and further see the controversial justification of the ex post facto statute by the Nuremberg court in International Military Tribunal, 1947, p. 219.

[8] Pappe pointed out that the case debated by Fuller and Hart was a misinterpretation of the real events by the reviewer inthe Harvard Law

Regarding the first question, there are several conflicting opinions on disobedience of law, arguing for or against a prima facie obligation to obey the law.[9] This essay would argue that as not only the moral aspect, but also the features of order and legal continuity are for the common good, there shall be a prima facie obligation to obey the law, even if certain pieces of legislation might be deemed as immoral by the individual. However, there is a level of injustice above which the immorality of the law proves to be a greater threat to the common good than the breach of order itself, and therefore the moral obligation to obey the law ceases to exist. Such was the case in post-WWII Germany, where the lesser of the two evils was to break legal continuity by imposing a retrospective statute and prosecute war criminals pursuant to that.[10]

Review, and the German court did not actually invalidate the Nazi statute (Pappe, 1960). It is beyond the scope of this essay to analyse the seriousness of such misreport of facts, however the case in this form perfectly fits the purposes of this paper, even if it might not exactly reflect the real events. If the reader feels uncomfortable due to this,it is suggested to take the example as a hypothetical one, just as Leslie Green, the editor of the third edition of Hart's Concept of Law recommended in his notes (Hart, 2012, pp. 303-304). See further Fuller's response in Fuller, 1969, p.40. and the review of the case by the Harvard Law Review in Criminal Law. In General. German Citizen Who Pursuant To Nazi Statute Informed on Husband for Expressing Anti-Nazi Sentiments Convicted under Another German Statute in Effect at Time of Act, 1951.

[9] On the former side see Rawls, 1999, pp. 308-343. and on the lesser see Raz, 1979, pp. 227-244.

[10] It is to be pointed out from this line of reasoning, that the morality of laws has so far been judged relatively, based on their ability to coordinate the society towards the common good. Following from this argumentation, even if a law may be moral under normal circumstances, in cases when it

Such a conclusion outlined in the previous paragraph is one which might be accepted by positivists, however the invalidation of laws based on moral grounds is a much more controversial issue, and in fact the Hart-Fuller debate was rather fueled by this question. It has already been established that Fuller's invalidation of laws based on their 'inner morality' cannot be accepted, however this essay wouldn't wish to sign up to the positivist stance either. Hart quite understandably was led to the conclusion that it should rather be accepted that certain laws are immoral and thus they are not to be obeyed, than to open up a whole range of philosophical issues by claiming that they should be invalidated on moral grounds (Hart, 1958, p. 620).

This position is probably the most widely accepted one, however it would still be argued that it misses the very essence of law, that is, the coordination towards the common good. Given that law is a system which "regulates the procedure by which it is itself created" (Kelsen, 2009, p. 53.) it could very easily lose its purpose unless we impose a backstop on it, which is the moral judgement of the community governed by it. However, unlike in the previous case where individual

---

can rightly be disobeyed it will most likely become immoral in the sense that it turns out to be the worse option for the common good (of course, the issue of intentionality is crucial in such case). For this reason, is the disobedience of laws in general treated as disobedience of immoral laws, however, one has to see that due to this relativity, in certain cases such reasoning may justify the breach of moral pieces of legislation as well.

disobedience has been justified, such invalidation shall only be made commonly, by the society on which the law was once imposed.

In the preceding paragraphs certain acts were justified to be taken in both main controversial cases during the prosecution of Nazi criminals, however, it is beyond the scope of this essay to evaluate the entire complexity of the moral dilemmas which could occur under different circumstances. Finding the "level of injustice" above which law can rightly be disobeyed is an extremely complex judgement to be made by the members of a given community, and it has to be assessed on a case by case basis. The purpose of presenting the arguments above was only to give guidance to the reader in making such decisions, by showing how it may be morally good to obey even unjust laws and arguing against the complete rejection of the idea of invalidation of laws on moral grounds.

Conclusion

This essay has defended a concept of law which understands its essence as 'coordination towards the common good'. The unique relation between law and morality within this doctrine was shown, which does not exclude the enactment of immoral laws. This provides the first answer to the question, that illegal things are not necessarily bad, due to our inability of always creating laws with moral content.

It was further argued that there is a prima facie obligation to obey the law, but that there is no unconditional one. The invalidation of laws based on moral grounds was also justified in extreme circumstances, however it was not claimed that laws which can rightly be disobeyed due to their unjust nature immediately cease to be law. Deriving from these conclusions, the second answer for the question as 'whether acts which are good but illegal are yet necessarily bad due to an unconditional moral obligation to obey', is that in certain cases it can be a morally right act to disobey law.

References

Cohen, M. (1965). Law, Morality and Purpose. *Villanova Law Review*. 10, pp. 640-654.

Criminal Law. In General. German Citizen Who Pursuant to Nazi Statute Informed on Husband for Expressing Anti-Nazi Sentiments Convicted under Another German Statute in Effect at Time of Act. (1951). *Harvard Law Review*, 64(6), pp. 1005-1007.

Curry, O., Mullins, D. and Whitehouse, H. (2019). Is It Good to Cooperate? Testing the Theory of Morality-as-Cooperation in 60 Societies. *Current Anthropology*, 60(1), pp. 47-69.

Dworkin, R. (1965). The Elusive Morality of Law. *Faculty Scholarship Series*. 3612.

Finnis, J. (1996). Limited Government. In: Finnis, J. (2011). *Human Rights and Common Good, Collected Essays:*

Volume III. New York: Oxford University Press, pp. 83-106.

Finnis, J. (2011a). *Natural Law and Natural Rights*. 2nd ed. Oxford: Oxford University Press.

Finnis, J. (2011b). Introduction. In: Finnis, J. (2011). *Human Rights and Common Good, Collected Essays: Volume III*. New York: Oxford University Press, pp. 1-16.

Fuller, L. (1958). Positivism and Fidelity to Law – A Reply to Professor Hart. *Harvard Law Review*. 71 (4), pp. 630-672.

Fuller, L. (1969). *The Morality of Law*. 2nd ed. New Haven: Yale University Press.

Gedöcke, P. (2014). Criminal Law after National Socialism: The Renaissance of Natural Law and the Beginnings of Penal Reform in West Germany. In: R. Wetzell, ed., *Crime and Criminal Justice in Modern Germany*, Oxford: Berghahn Books, pp. 270-301.

Golding, P. (1975). *Philosophy of Law*. New Jersey: Prentice-Hall.

Hart, H. (1958). Positivism and the Separation of Law and Morals. *Harvard Law Review*. 71 (4), pp. 593-629.

Hart, H. (1965). Review: The Morality of Law by Lon L. Fuller. *Harvard Law Review*. 78 (6), pp. 1281-1296.

Hart, H. (2012). *Concept of Law*. 3rd ed. Oxford: Oxford University Press.

International Military Tribunal. (1947). *Trial of the Major War Criminals before the International Military Tribunal, Volume I*. Nuremberg: Allied Control Authority for Germany.

Kelsen, H. (1949). *General Theory of Law and State*. 3rd ed. Cambridge, USA: Harvard University Press.

Kelsen, H. (2009). *Pure Theory of Law*. 2nd ed. New Jersey: The Lawbook Exchange Ltd.

Leonhardt, H. (1949). The Nuremberg Trial: A Legal Analysis. *The Review of Politics.* 11 (4), pp. 449-476.

Pappe, H. (1960). On the Validity of Judicial Decisions in the Nazi Era. *The Modern Law Review*. 23 (3), pp. 260-274.

Rawls, J. (1999). *A Theory of Justice*. 2nd ed. Cambridge, USA: Belknap Press of Harvard University Press.

Raz, J. (2009). *Authority of Law*: *Essays on Law and Morality*. Oxford: Oxford University Press.

University of Oxford. (2019). *Seven moral rules found all around the world.* (online). Available at: http://www.ox.ac.uk/news/2019-02-11-seven-moral-rules-found-all-around-world (Accessed 28 June 2019).

Weber, M. (1946). *Politics as a Vocation*. New York: Oxford University Press.

BOOK REVIEWS

Review: Natural Law and Natural Rights by John Finnis

by Márton Vida

John Finnis' *Natural Law and Natural Rights* (NLNR) is a defense of the ancient natural law tradition within contemporary legal and political theory. It aims to provide an alternative to the popular artificial methods of justifying law and authority, such as the famous *A Theory of Justice* by John Rawls (Rawls, 1999, pp. 10-19) or *Anarchy, State and Utopia* by Robert Nozick (Nozick, 1974, pp. 10-26). Finnis therefore tries to demonstrate that the existence of authority can be traced back to human nature, and that law should be regulated by the "natural law" deriving from our mere rationality.

The underlying assumption of Finnis' thesis is that much of morality can be explained by certain universal human goods, which he defends by relying on anthropological evidence - in contrast to earlier thinkers tracing it back to God. That is definitely an important characteristic of Finnis' thought, as even if he himself is a strong believer in God he tries to defend the often religious natural law theory by appealing to secular scientific findings. Finnis then comes to identify the following 7 universal human values (from which many others can be derived): life, play, knowledge, aesthetic experience, sociability, religion and practical reasonableness. (Finnis, 2011, pp. 81-97).

The book obviously provides more detailed definitions of these otherwise ambiguous values, however the least one of them is of primary importance, and that is why Finnis dedicated an entire chapter to explaining it. For the purposes of this review, practical reasonableness could be shortly summarized as our

ability of bringing our actions into the order of a coherent plan of life which can then sufficiently coordinate us towards the human goods. The reason why practical reasonableness is such a crucial element of NLNR's theory is then the following: morality is our pursuit of the human goods through our practical reasonableness. (Finnis, 2011, pp. 100-134).

The last step of Finnis' justification of authority is the explanation of the common good, which arises from the individuals' realisation that they can best participate in many of the basic human goods in community under a common authority (pp. 154-156). Therefore, the very essence of law and authority is to help the society pursue the basic values and to effectively coordinate them towards the common good (Finnis, 1996, p. 93.; 2011, pp. 231-233., 276-277). That is how Finnis then provides answers to crucial moral and political questions, such as the obedience of unjust laws (Finnis, 2011, pp. 351-371) or the justification of redistributive taxation (pp. 165-173).

The theory provided in NLNR is therefore both an alternative to the contract theory in political thought and to legal positivism in legal philosophy. It also aims to show that there is a necessary connection between law and morality, which has been denied by many important 20th century thinkers, such as Hart (Hart, 1958) or Kelsen (Kelsen, 2009, pp. 63-69). However, it is important to note that Finnis did not conclude that law should completely reflect morality, merely that it has a moral essence. Furthermore, it is questionable whether certain

rational universal moral values can account for such a broad "natural law", just as Hart argued (Hart, 2012, pp. 171-172). Nevertheless what Finnis definitely demonstrated with his book is that naturalist political and legal theory still has a relevance in contemporary political philosophy, and that it cannot be ridiculed to the level of an outdated tradition.

References

Finnis, J. (1996). Limited Government. In: Finnis, J. (2011). *Human Rights and the Common Good: Collected Essays Volume III*. New York: Oxford University Press, pp. 83-106.

Finnis, J. (2011). *Natural Law and Natural Rights*. 2nd ed. Oxford: Oxford University Press.

Hart, H. (1958). Positivism and the Separation of Law and Morals. *Harvard Law Review*. 71 (4), pp. 593-629.

Hart, H. (2012). *Concept of Law*. 3rd ed. Oxford: Oxford University Press.

Nozick, R. (1974). *Anarchy, State and Utopia*. New York: Basic Books.

Kelsen, H. (2009). *Pure Theory of Law*. 2nd ed. New Jersey: Lawbook Exchange.

Rawls, J. (1999). *A Theory of Justice*. 2nd ed. Cambridge: Belknap Press of Harvard University Press.

Review: How Democracies Die by Steven Levitsky and Daniel Ziblatt

by Dóra Olajos

Ever since the inauguration of current US president Donald Trump many have come to the conclusion that this could mean the end of democracy in the States, and greatly affect the political climate across Western countries, if not in the entire world. It was also the main reason which pushed the authors – two Harvard political scientists – to write this book, in order to explore the issue from as many angles as possible.

While primarily focusing on the 2016 elections and the results thereof, the book also offers precious insights into the more recent history of democracy, illustrating the similarities and discrepancies between the current situation in the US and case studies from Latin America and Europe. In their words, while history doesn't repeat itself, it most definitely 'rhymes' – in fact, many of Trump's actions taken before and during his campaign, as well as after taking office are consistent with other autocratic leaders' predating him. With the authors' brilliant summary and exploration of the careers of Chávez, Hitler, and other such political figures, an alarming number of resemblances surface.

Perhaps the most significant point, mentioned and underlined time and time again, is that the downfall of any democratic

institution can be initiated by the erosion of democratic norms, both formal and informal. Demagogues and autocrats are generally quick to dismantle such rules, often using various crises to disguise and justify their actions – and when such a thing goes unnoticed for a prolonged time it becomes harder by the minute to reinstate true democracy.

Exploring American democracy in further detail, it becomes apparent how it has been successful for so long, both by formally stalling extremism and applying the constitution in a way which is aligned with the unwritten rules of the game – such as mutual toleration and institutional forbearance –, or the so called 'soft guardrails of democracy'. Also highlighted is the significance of race – perhaps unfortunately not in amounts paralleling the actual importance of the issue –, and racial equality in politics. Having previously probed the four key behavioural indicators of authoritarianism, the authors also harp on the fact that Trump very clearly exhibits each of them, from the denial of the legitimacy of political opponents to the toleration or encouragement of violence.

Objectively, the book is a fascinating read, providing hours upon hours of thoughts to ruminate. Detailed analysis of the numerous case studies is useful food for thought, a great exercise in recognizing hidden (or not so hidden) patterns and behaviours in politics, as well as a great introduction to the field, given its thorough examination of the matter. While the conclusion may not be quite as detailed as one might hope for, even if it seems somewhat idealistic, is definitely a solid

foundation upon which future projects and more exhaustive and definitive projects can be built.