

# **Social (Re)construction of International Law. The Dark Enlightenment**

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## ***Abstract***

*This paper examines the impact of the Dark Enlightenment doctrine on public international law, analyzing its challenge to the post-Westphalian global order. The study employs a social-constructionist perspective to explore how this emerging paradigm contests fundamental principles of international law, including universalism, multilateralism, and human rights. It investigates the ideas of key theorists like Nick Land and Curtis Yarvin, and their critique of liberal democracy and global institutions. The paper discusses the rise of sovereignist movements, deglobalization trends, and their implications for international legal structures. It highlights the tension between national interests and global cooperation, exemplified by recent withdrawals of the USA from international agreements. The research underscores the need for a critical re-evaluation of international law's foundations in light of these challenges. It concludes that balancing sovereignist concerns with effective global governance is crucial for the future of international law and international relationships in an increasingly fragmented world order.*

**Keywords:** international law, dark enlightenment, Curtis Yarvin, Nick Land.

**JEL Classification:** K33

## **1. Introduction**

In recent decades, the liberal world order and the international institutions that support it have been considered the foundation of global stability and cooperation. However, in recent years, this order has begun to be challenged from multiple directions, and the emergence of currents of thought such as the "dark enlightenment" represents a significant challenge to existing paradigms in public international law.

The aforementioned challenges to the global order have arisen due to a series of geopolitical and ideological transformations, such as: the rise of non-Western powers and the contestation of Western hegemony - especially American hegemony; the growth of populism and nationalist movements in various countries; the emergence of fundamental criticisms of globalization and international institutions.

## **2. Dark enlightenment as a critical doctrine of the globalist establishment**

Against the backdrop of these challenges, especially after the 2020 pandemic and the start of the war in Ukraine, the legitimacy crisis of international institutions relates to the following aspects:

- The perceived inefficiency of organizations such as the UN, WHO, or WTO in addressing global challenges

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- Criticisms regarding the democratic deficit and lack of representativeness of these institutions

- Tensions between national sovereignty and global governance

In this context, the emergence of the *Dark enlightenment* as a critical doctrine is manifested through: the development of a radical critique of modernity and the classical Enlightenment project, the influence of thinkers such as Nick Land and Curtis Yarvin in shaping this doctrine, as well as the potential impact of these ideas on the theoretical foundations of international law.

Pragmatically, a series of deglobalization trends and the withdrawal of some states from international agreements or organizations have been recorded: the example of Brexit and its impact on European and international law; the US withdrawal from international agreements and organizations (WHO, Paris Agreement), or the increase in economic protectionism and "America First" or similar policies.

All of these bring a series of challenges for public international law, such as the need to reconcile the principles of national sovereignty with the need for global cooperation, to adapt the international legal framework to new geopolitical and ideological realities, to maintain the relevance and effectiveness of international law in the face of the fundamental criticisms mentioned earlier.

In the presented context, we perceive the particular importance of studying the phenomenon of deglobalization and the rise of sovereignist movements, including those of the MAGA type, which is why it is necessary to understand the long-term implications of the "dark enlightenment" on the international legal order and to anticipate possible transformations of the international legal system, as well as to develop possible strategies for maintaining and adapting the international legal framework in the face of new challenges.

In this complex and dynamic context, the analysis of the *Dark enlightenment* doctrine and its implications for public international law becomes crucial. This paper aims to critically examine these trends and evaluate their potential impact on the future of international cooperation and the global legal framework. Understanding these challenges is essential for lawyers, international relations theorists, and policy makers in the effort to navigate and shape the future of international law in an era of uncertainty and transformation.

### **3. The concept of dark enlightenment and the vision of theorists such as Nick Land and Curtis Yarvin**

#### **3.1. Defining the concept of dark enlightenment**

The concept of dark enlightenment, also known as the *Dark Enlightenment* or *neoreactionism*, represents a contemporary philosophical, political, and legal doctrine that positions itself in opposition to the principles of classical enlightenment and modern liberal democracy. This theoretical paradigm, emerging in the academic and political discourse of the 21<sup>st</sup> century, proposes a critical re-evaluation of the constitutional and legal foundations of Western democratic states.

The dark enlightenment challenges the axioms of egalitarianism and the universalism of human rights, advocating instead for a hierarchical view of society and

a particularistic approach to legal systems. Adherents of this doctrine argue for a reconfiguration of governance structures, advocating for models inspired by traditional monarchies or technocratic systems.

From a legal perspective, the dark enlightenment proposes a fundamental revision of the concepts of individual rights and freedoms, suggesting that these should be subordinated to collective interests and differentiated according to social status or other criteria considered relevant. This approach raises significant questions regarding the constitutional principles of equality before the law and non-discrimination.

Critics of the dark enlightenment emphasize the potential authoritarian implications of this doctrine, warning of the risks of erosion of the rule of law and fundamental legal protections. Supporters, on the other hand, argue that this paradigm offers a necessary alternative to the alleged deficiencies of current democratic systems. In the context of contemporary jurisprudence, the dark enlightenment remains a controversial doctrine, generating intense debates regarding the philosophical foundations of law and the limits of democratic freedoms.

### 3.2. Main theorists: Nick Land and Curtis Yarvin

Nick Land and Curtis Yarvin are two contemporary thinkers associated with the intellectual movement known as *Dark Enlightenment* or *neoreactionism*. Their works have significantly contributed to the development of a radical critique of liberal democracy and modern political and legal institutions.

Nick Land, a British philosopher and theorist, is known for his works that combine continental philosophy with accelerationist theory. His main works include: *The Thirst for Annihilation: Georges Bataille and Virulent Nihilism*<sup>2</sup> and *Fanged Noumena: Collected Writings 1987-2007*<sup>3</sup>. Land's central ideas refer to: radical criticism of humanism and traditional social structures; conceptualization of capitalism as a dehumanizing and transformative force; exploration of the implications of advanced technology on social and political organization. From a legal perspective, Land's work questions the philosophical foundations of contemporary legal systems, especially the concepts of individual rights and equality before the law.

Nick Land draws inspiration from works in Deleuze's philosophy<sup>4</sup>, a vision which he radicalizes, initially founding a doctrine he initially calls accelerationism - whose central idea is that the acceleration of technological capitalist forces should be intensified and will eventually lead to the collapse of current societal structures, leading to the emergence of a posthuman form of order. Accelerationism leads to an anti-humanism, with humanity being a brake on progress that positions itself in the development of technology and especially Artificial Intelligence. Accelerationism is transformed into a radical critique of democracy, of egalitarianism, both in terms of social theories and in terms of the nature of international relations. Democracy

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<sup>2</sup> Nick Land. *The Thirst for Annihilation: Georges Bataille and Virulent Nihilism*. UK, Routledge. 1992, p. 74 et seq.

<sup>3</sup> Nick Land. *Fanged Noumena: Collected Writings 1987-2007*. UK., Urbanomic & USA., Sequence Press, 2011, p. 80.

<sup>4</sup> Gilles Deleuze. *Capitalisme et schizophrénie, tome 1 : L'Anti-Édipe*. Paris, Editions de Minuit, 1972, p. 47.

represents, from Nick Land's point of view, a historical error, and equality is an illusion introduced by the French Revolution. From here arises the necessity of a hierarchical social order - either based on competence or heredity, a hierarchy that can lead to technological segregation<sup>5</sup>.

Curtis Yarvin, also known under the pseudonym Mencius Moldbug, is an American programmer and political theorist. His main contributions include: the blog series *Unqualified Reservations*<sup>6</sup> and *The Clear Pill*<sup>7</sup>.

Yarvin's central ideas include, among others, concepts related to the critique of liberal democracy and the proposal of an alternative governance system, which he calls "neocameralism", arguing in favor of a corporatist form of governance based on principles of efficient management, as well as challenging the legitimacy of existing power structures and dominant historical narratives. From a legal point of view, Yarvin's proposals imply a fundamental restructuring of the constitutional system, emphasizing administrative efficiency at the expense of traditional democratic processes.

Both authors have significantly influenced contemporary discourse on state theory and philosophy of law, challenging the dominant paradigms of legal and political thought. Their critique of democratic institutions and modern constitutional principles raises fundamental questions about the nature and purpose of law in society.

The works of Land and Yarvin<sup>8</sup> are likely to generate significant controversy in academic and legal environments, potentially being accused of promoting authoritarian and anti-democratic ideas. It can be argued that their proposals could lead to the erosion of fundamental rights and freedoms protected by modern democratic constitutions. Although controversial and often rejected by the mainstream of legal and political thought, the works of Nick Land<sup>9</sup> and Curtis Yarvin<sup>10</sup> represent a significant intellectual challenge to contemporary legal theory, forcing a critical re-evaluation of the fundamental principles of the rule of law and constitutional democracy.

### 3.3. The fundamental ideas of the dark enlightenment doctrine

This doctrine has gained attention especially in online environments and certain academic circles, being considered a reference doctrine for the ideology of the MAGA movement, a doctrine to which a series of politicians including JD Vance and Steve Bannon have adhered, generating intense debates regarding the philosophical foundations of current political and legal systems.

The fundamental ideas of the dark enlightenment doctrine can be summarized as follows:

- Critique of Liberal Democracy: The dark enlightenment challenges the

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<sup>5</sup> Nick Land. „Teleoplexy: Notes on Acceleration”. *Philosophical Literary Journal Logos* Volume 28, Issue 2, 2018: 21-30. <https://www.logosjournal.ru/articles/2033/>.

<sup>6</sup> Curtis Yarvin. *Unqualified Reservations* (blog). (2008-2013). Available at: <https://www.unqualified-reservations.org/>, accessed on 15 November 2025.

<sup>7</sup> Curtis Yarvin, *The Clear Pill, Part 1 of 5: The Four-Stroke Regime*, 2019. Available at: <https://americanmind.org/salvo/the-clear-pill-part-1-of-5-the-four-stroke-regime/>, accessed on 15 November 2025.

<sup>8</sup> Curtis Yarvin, *Gray Mirror: Fascicle I: Disturbance*. Passage Publishing, 2025, p. 87.

<sup>9</sup> Nick Land, *The Dark Enlightenment*. SUA, Imperium Press, 2022, p. 54.

<sup>10</sup> Curtis Yarvin. *Unqualified Reservations*. SUA, Passage Publishing, 2023, p. 43.

effectiveness and desirability of modern democratic systems. Adherents of this doctrine argue that liberal democracy leads to social instability and cultural degradation. They maintain that the democratic process is vulnerable to manipulation and that voters are not always capable of making informed decisions regarding the complex problems of governance.

- **Rejection of Egalitarianism:** A central idea of the doctrine is the rejection of the concept of universal equality. The dark enlightenment proposes a hierarchical vision of society, arguing that natural inequalities between individuals and groups should be recognized and integrated into social and legal structures.

- **Critique of Progressivism:** The doctrine opposes the idea of linear social progress, characteristic of classical enlightenment, instead supporting a cyclical or even regressive view of history, arguing that certain traditional forms of social and political organization might be superior to modern models.

- **Neocameralism and Corporatist Governance:** A key proposal is the reorganization of the state on corporatist principles. This idea, developed especially by Curtis Yarvin (known under the pseudonym Mencius Moldbug), suggests that states should function more like corporations, with an emphasis on efficiency and technocratic management. A definition of *neocameralism*, based on Yarvin's philosophy, could also be that the state is redefined as a business (in a corporatist sense) that administers a territory. And, from here, according to the ideology, states should be administered like businesses, and the plutocracy of that state should represent a kind of general assembly of the respective state, which would appoint an autocratic CEO, following the model of the CEO role in large corporations.

- **Cultural Particularism:** In opposition to the universalism of human rights, the dark enlightenment advocates for a particularistic approach, arguing that different cultures and societies should develop their own systems of values and governance, without being constrained by universal standards.

- **Technological Accelerationism:** Some adherents of the doctrine, especially Nick Land, support a form of technological accelerationism, arguing that technological advancement will inevitably lead to radical transformations of existing social and political structures.

From a legal perspective, the ideas of the dark enlightenment present significant challenges to the fundamental principles of modern constitutional law. These include:

1. **Re-evaluation of the concept of fundamental rights:** The doctrine questions the universality of human rights, suggesting that rights could be differentiated based on social status or other criteria.

2. **Modification of the constitutional structure:** Proposals for neocameralist governance would require a fundamental restructuring of the system of separation of powers in the state.

3. **Redefinition of equality before the law:** The rejection of egalitarianism could lead to legal systems that treat individuals differently based on their position in the proposed social hierarchy.

4. **Limitation of popular sovereignty:** The critique of democracy implies a reduction in the role of popular will in the legislative process and governance.

5. **Revision of the concept of citizenship:** The particularistic approach could

lead to a redefinition of citizens' rights and obligations.

The ideas expressed by the leading figures of the dark enlightenment are extremely controversial and appear to be rejected by the majority of experts in constitutional law and political theory. Critics argue that implementing these ideas would lead to the erosion of fundamental rights and freedoms and could lead to authoritarian forms of governance.

### **3.4. Yarvin's technocratic model and the platonic concept of philosopher-king**

Plato, in his fundamental work "The Republic," imagines an ideal state ruled by philosopher-kings, individuals who have reached the pinnacle of knowledge and wisdom. These rulers, selected and educated through a rigorous process that includes the study of philosophy, mathematics, and dialectics, are considered the most fit to govern in the interest of the entire society. Their legitimacy derives from their superior ability to perceive and act in accordance with the supreme "Good."

At the other end of the temporal spectrum, Curtis Yarvin proposes a neocameral governance system, a vision in which the state is administered like a corporation, with an emphasis on efficiency and technical expertise. In this paradigm, leaders are selected based on demonstrated technical competencies and managerial skills, favoring a meritocratic approach based on measurable results.

Both visions significantly depart from the principles of modern representative democracy. Plato harshly criticizes democracy, considering it an inferior form of governance, vulnerable to manipulation and dominated by ignorance. Similarly, Yarvin rejects modern liberal democracy, arguing that it is inefficient and prone to instability, proposing to replace it with a technocratic system.

The governance structure in these models reflects their distinct priorities. Plato proposes a rigid social hierarchy, with philosopher-kings at the top, followed by guardians and producers, an order considered to reflect the natural structure of society. Yarvin, on the other hand, envisions a corporatist structure, with states functioning as business entities, led by a CEO or a group of directors who make executive decisions based on technical analyses and efficiency considerations.

These ideas, although intellectually fascinating, raise serious questions regarding the protection of individual rights, the representation of diverse interests in society, and the mechanisms for checks and balances of power. In the contemporary legal context, both approaches would likely be considered incompatible with the fundamental principles of the rule of law and constitutional democracy.

The parallel between Plato's vision and Yarvin's illustrates a continuity in political thought that questions the effectiveness of democratic governance in favor of systems based on the expertise and competence of a ruling elite. This tension between expert governance and democratic participation can be a subject of heated debate in contemporary political and legal theory, reflecting the ongoing challenges in reconciling the ideals of efficiency, competence, and representativeness in modern governance structures.

### 3.5. Dark enlightenment and the deconstruction of liberal society

The Dark Enlightenment, viewed through a deconstructivist lens, presents itself as a meta-narrative - not just deconstructing the specific meta-narratives of classical enlightenment - which aims to dismantle the conceptual foundations of enlightenment modernity and liberal democratic capitalism. This approach invites us to examine not only the ideological content of the dark enlightenment but also the discursive structures and epistemological assumptions that support it.

Firstly, the dark enlightenment positions itself as a counter-narrative to the grand récit of human progress associated with classical enlightenment. Through this rhetorical move, it exposes the constructed and contingent nature of modernist narratives about progress, reason, and universal emancipation. The deconstruction of these narratives reveals the internal tensions and inherent contradictions in the enlightenment project, questioning its claims of universality and historical inevitability.

The dark enlightenment's critique of liberal democratic capitalism can be seen as a form of decentering the fundamental concepts underlying this system. Notions such as individual freedom, equality before the law, and popular sovereignty are subjected to a process of de-naturalization, exposing their character as social and historical constructs rather than universal or inalienable truths.

From a deconstructivist perspective, we can observe how the dark enlightenment operates an inversion of traditional conceptual hierarchies. For example, instead of linear progress, it proposes a cyclical or even regressive view of history. This move not only challenges the dominant narrative but also exposes the arbitrariness of the distinction between progress and regress, inviting a re-evaluation of how we conceptualize historical change.

The deconstruction operated by the dark enlightenment extends to the concept of the political subject. In contrast to the autonomous and rational subject of classical enlightenment, the dark enlightenment proposes a vision of the individual deeply imbued in determined social and biological structures. This move exposes the limits and inherent contradictions in the liberal concept of individual autonomy.

In its approach to knowledge and truth, the dark enlightenment can be seen as a form of deconstruction of enlightenment epistemology. By privileging forms of knowledge considered traditional or pre-modern, it challenges the supremacy of instrumental reason and scientific method, thus exposing the situated and contextual nature of any claim to objective knowledge. Essentially, the term dark enlightenment implies a return to a Middle Ages (also called the *Dark Age*), but retaining a series of meta-narratives specific to the Enlightenment, to which it applies an interpretative drift specific to hyper-technological society in the context of accelerationism in all domains of culture and knowledge, including political and legal ones.

The concept of democracy, central to the narrative of liberal capitalism, is subjected to radical deconstruction within the dark enlightenment. By exposing the mechanisms of power and hidden interests operating behind the democratic facade, this critique re-evaluates the tensions and contradictions inherent in the modern democratic ideal.

It is important to note that, from a deconstructivist perspective, the dark enlightenment itself does not escape its own critiques. Its claims to offer a "real" or

"authentic" alternative to enlightenment modernity can, in turn, be deconstructed, exposing its own assumptions and discursive constructions.

Therefore, viewed from a deconstructivist perspective, the dark enlightenment presents itself as a complex exercise in dismantling and reconfiguring the conceptual structures of modernity. By challenging dominant narratives and inverting traditional hierarchies, it invites us to re-examine the philosophical and political foundations of contemporary society.

#### **4. The social constructionist perspective on the dark enlightenment doctrine**

The social constructionist perspective and its application in the context of the dark enlightenment doctrine presents a complex interaction between seemingly divergent paradigms within contemporary social and political theory. Social constructionism, as an epistemological approach<sup>11</sup>, maintains that reality, including social and political structures, is constructed through interactions and common understandings between individuals and groups<sup>12</sup>. In this context, the dark enlightenment doctrine can be analyzed as an emergent social construction, which positions itself critically against the dominant constructs of the current political and legal system.

The main constructs of the contemporary political and legal system, against which the dark enlightenment positions itself critically, can be identified as follows:

1. Liberal Democracy: This is perceived by adherents of the dark enlightenment (mainly Curtis Yarvin) as a social construct which, although promoting equality and individual freedom, would ultimately lead to social degeneration and instability.

2. Egalitarianism: Considered a pillar of modern legal systems, it is criticized by the dark enlightenment as being contrary to natural order and incompatible with biological and social realities.

3. Universalism of Human Rights: This fundamental legal construct is challenged based on the argument that rights should be particularized according to cultural and historical context. Hence, the possible cognitive resonance between the emerging theoretical perspectives of the dark enlightenment - such as those on which the MAGA movement is based - could stand as one of the possible ideological origins of the increasingly politically active sovereignist movements at the international level.

4. The Welfare State: Perceived as a redistribution mechanism that undermines meritocracy and encourages dependency, it is rejected in the context of the technocratic polarization of society between people who operate efficiently with technology and those who are incapable for various reasons of coping with technological progress. The welfare state, through its extensive redistribution processes and the system of subsidiarity, can be seen as encouraging system dependency of various vulnerable populations.

5. Multiculturalism: Criticized as being a policy that erodes social cohesion

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<sup>11</sup> Paul L. Berger & Thomas Luckmann. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. USA., Penguin Adult, 1991, p. 75.

<sup>12</sup> Kenneth J. Gergen, *Social Construction in Context*. USA., SAGE Publications Ltd., 2001, p. 64.

and national identity, while also being presented as sexo-Marxism (a neo-Marxist ideology that emphasizes LGBTQ community rights) and also as a woke culture and cancel culture.

In counterbalance to these constructs, the dark enlightenment proposes a series of new social constructs as forms of reinterpretation of traditional concepts:

1. Neoreactionism represents a reconfiguration of governance structures based on hierarchical and traditionalist principles.

2. Cultural Particularism involves an approach that rejects universalism in favor of legal and political systems adapted to the specifics of each community.

3. Technological - and even technocratic - governance proposes governance systems based on cybernetic principles and technocratic management.

4. Revision of the social contract represents a reconceptualization of the relationship between the individual and the state, with an emphasis on individual responsibility and limiting state intervention.

5. Organic social structures involve promoting forms of social organization considered closer to the "natural order," in opposition to modern egalitarian constructs.

From the social constructionist perspective, both current systems and the proposals of the dark enlightenment can be analyzed as products of social interactions and dominant discourses in certain historical and cultural contexts. The critique brought by the dark enlightenment to the current cultural and legal model, based on human rights and liberal democracy, can thus be understood as an attempt to deconstruct and reconstruct social and political reality according to an alternative vision of social order.

Applying the social constructionist perspective to the analysis of the dark enlightenment doctrine offers a theoretical lens through which we can examine how different social groups contest and reconstruct the fundamental concepts of political and legal order. This approach underlines the fluid and contested nature of social constructs that underlie systems of governance and administration of justice, while highlighting the inherent challenges in reconciling divergent visions of social organization within a pluralist legal and political discourse.

#### **4.1. The foundation of sovereignism in the ideology of dark enlightenment**

The Dark Enlightenment, a paradigm that opposes the classical principles of enlightenment, provides a conceptual framework for understanding current sovereignist tendencies, both in North American and European spaces.

The MAGA (Make America Great Again) movement, associated with the Trump administration in the United States of America, can be considered a contemporary manifestation of sovereignist tendencies<sup>13</sup>, incorporating elements of the Dark Enlightenment. It is characterized by rhetoric that emphasizes the primacy of national interests, skepticism towards international institutions, and a re-evaluation of the role of the nation-state in the era of globalization<sup>14</sup>.

In parallel, European sovereignism, although heterogeneous in its

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<sup>13</sup> Stephen D. Krasner. *Sovereignty: Organized Hypocrisy*. USA., Princeton University Press. 1999, p. 67.

<sup>14</sup> Francis Fukuyama. *Identity: The Demand for Dignity and the Politics of Resentment*. USA., Farrar, Straus and Giroux, 2018, p. 121.

manifestations, presents conceptual similarities with the MAGA movement. It articulates itself as a reaction to the process of European integration, advocating for a reaffirmation of national sovereignty in the face of supranational structures. Its ideological foundations can be partially traced to the Dark Enlightenment's critique of universalism and rationalism associated with the European project.

Particularizing on Romanian sovereignism, it fits into the broader trends observed at the European level, but also presents specificities determined by Romania's historical and geopolitical context. The Romanian sovereignist discourse combines elements of nationalism with a critique of external influences, be they economic, cultural, or political. This manifests through calls to protect national identity and economic resources, as well as skepticism towards certain aspects of European integration. A particular perspective of Romanian sovereignism is represented by Romanian historical exceptionalism based on Dacian history and Christian-Orthodox foundations closer to the Russian world than to Greek Orthodoxy or Western Christianity.

In essence, the foundations of the sovereignist movement, as can be identified in the ideology of the Dark Enlightenment, are based on a critical re-evaluation of the concepts of progress, universalism, and global governance. These propose an alternative vision, centered on the primacy of the nation-state and traditional values, in opposition to globalist and cosmopolitan tendencies.

The comparative analysis of sovereignist manifestations in the North American (MAGA) and European space, including in the Romanian context, reveals both ideological convergences and particularities determined by specific national contexts. These complex dynamic underlines the need for a nuanced approach in the study of contemporary sovereignist phenomena, taking into account both their ideological foundations and their practical manifestations in various geopolitical contexts.

#### 4.2. Implications of dark enlightenment on public international law

The implications of the dark enlightenment on public international law manifest through a fundamental reconfiguration of the principles governing interstate relations. This paradigm challenges the universalist premises of the post-Westphalian international legal order, proposing a re-evaluation of the concepts of sovereignty and self-determination. In this context, there is a tendency to relativize *jus cogens* norms and a re-signification of the principle of *pacta sunt servanda*. The Dark Enlightenment promotes a particularistic approach to international law, emphasizing the role of national identities and state interests to the detriment of global consensus. This orientation has the potential to erode the foundations of multilateral cooperation, questioning the effectiveness of international institutions and disputing resolution mechanisms<sup>15</sup>. The consequences are reflected in the interpretation and application of international treaties, in the dynamics of diplomatic negotiations, and in addressing global challenges, generating tensions between the traditional Westphalian paradigm and new currents of international legal thought.

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<sup>15</sup> Martti Koskeniemi. *From Apology to Utopia: The Structure of International Legal Argument*. Cambridge University Press, 2006, p. 142.

### 4.3. Deglobalization and its effects on the international legal order

Deglobalization, viewed through the lens of the Dark Enlightenment, represents from a social constructionist perspective, a profound transformation of the international legal order, reflecting a fundamental re-evaluation of the premises on which the post-Westphalian global normative architecture was built. This emerging paradigm challenges the universalist axioms of international law, proposing a reconfiguration of interstate relations based on particularism and the reaffirmation of national sovereignty<sup>16</sup>.

Within this vision, the international legal order is no longer perceived as an objective and immutable construct, but as a product of social interactions and continuous negotiations between state actors with divergent interests and values. The Dark Enlightenment, as an ideological foundation of deglobalization, promotes a legal hermeneutics that privileges particularistic interpretations of international norms, challenging the claims of universality of human rights and principles of global governance<sup>17</sup>.

The effects of this approach on the international legal order are multiple and profound. There is an erosion of consensus regarding the uniform applicability of international treaties, a relativization of the jurisdiction of international courts, and a re-evaluation of the principle of *pacta sunt servanda*. States, inspired by the precepts of the Dark Enlightenment, tend to reinterpret their international obligations through the prism of national interests, generating tensions in the application and observance of international law.

The social constructionist paradigm offers a theoretical framework for understanding these transformations, emphasizing the role of discourses, practices, and social interactions in the construction and deconstruction of international legal norms. In this context, deglobalization is not seen merely as a simple withdrawal from international commitments, but as an active process of reconstructing meanings and legal practices at a global level.

This ideological and practical reconfiguration of the international legal order raises fundamental questions about the future of multilateral cooperation, the effectiveness of dispute resolution mechanisms, and the capacity of the international community to address global challenges such as climate change or pandemics. Thus, a new era in international law is taking shape, characterized by a plurality of legal interpretations and practices, reflecting the diversity of state visions and interests in an increasingly ideologically fragmented world.

Deglobalization, seen through the perspective of the Dark Enlightenment, represents not just a geopolitical trend, but a profound transformation of the very conceptual foundation of the international legal order. This requires a critical re-evaluation of the principles and practices of international law, which we consider necessary to be carried out from a social constructionist perspective, as well as an adaptation of legal institutions and mechanisms to the new realities of a rapidly and profoundly changing world.

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<sup>16</sup> Benedict Kingsbury, „Sovereignty and Inequality”. *European Journal of International Law*, 9(4), 1998: 599-625. <https://iilj.org/wp-content/uploads/2016/08/Kingsbury-Sovereignty-Inequality.pdf>.

<sup>17</sup> Eric A. Posner. *The Perils of Global Legalism*. USA., University of Chicago Press, 2009, p. 42.

#### **4.4. Deconstruction of international law based on the globalist and libertarian paradigm**

The deconstruction of international law based on the globalist and libertarian paradigm, viewed through the lens of the Dark Enlightenment, represents a fundamental transformation of the world legal order, challenging the basic premises of the post-Westphalian global normative system. This critical approach questions the legitimacy and effectiveness of international legal structures built on the principles of universalism and multilateral cooperation.

There is a tendency to reinterpret the fundamental principles of international law. Concepts such as state sovereignty, non-intervention, and self-determination are redefined in a manner that privileges national and identity interests to the detriment of global consensus. This approach leads to a fragmentation of the international legal order, in which states tend to adopt selective and contextualized interpretations of their international obligations.

The deconstruction also manifests through challenging the legitimacy and authority of international institutions. The International Court of Justice, the International Criminal Court, and other supranational judicial forums are subjected to a real stress test, being accused of being instruments of a globalist agenda that undermines national sovereignty<sup>18</sup>. This skeptical attitude erodes the consensual foundation on which the international dispute resolution system was built.

In the sphere of human rights, the Dark Enlightenment proposes a re-evaluation of claims to universality, arguing that these actually represent projections of Western values onto a diversity of cultures and value systems. This relativistic perspective questions the uniform applicability of international human rights protection instruments, favoring particularistic interpretations adapted to specific national and cultural contexts<sup>19</sup>.

The libertarian paradigm, which has significantly influenced the development of international economic and commercial law, is also subjected to severe criticism from the perspective of the Dark Enlightenment. The latter challenges the presumption that the liberalization of trade and capital flows serves the interests of all nations, proposing instead a protectionist and state-centered approach to international economic relations.

The consequences of this deconstruction are profound and multifaceted. States, inspired by the precepts of the Dark Enlightenment, tend to privilege bilateral and regional agreements to the detriment of global frameworks, leading to a fragmentation of the international legal order.

#### **4.5. Challenges to the fundamental principles of public international law**

The withdrawal of the United States from major international agreements,

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<sup>18</sup> Antony Anghie. *Imperialism, Sovereignty and the Making of International Law*. USA., Cambridge University Press, 2005, p. 37.

<sup>19</sup> For various interpretations and cases of lawfare threats to human rights see Cristina Elena Popa Tache, Cătălin-Silviu Săraru. „Lawfare, Between its (Un)Limits and Transdisciplinarity”. *Precedente Revista Juridica*, 2023, 23, pp.37-66. 10.18046/prec.v23.5889, hal-04460761.

especially from the World Health Organization (WHO) and the Paris Agreement on climate change, represents a significant manifestation of the tendency to reconfigure the international legal order and the US role within it. These unilateral actions have generated profound repercussions on the global normative architecture in the areas of public health and environmental protection.

Regarding the US withdrawal from WHO, this has had substantial implications for international health law. WHO, as a specialized agency of the United Nations, plays a crucial role in developing and implementing global norms and standards in the field of public health. The withdrawal of the organization's largest financial contributor has called into question WHO's ability to effectively fulfill its mandate. From a legal perspective, this action has undermined the principle of international cooperation in health, enshrined in the WHO Constitution and other relevant international instruments.

The implications of this withdrawal on international health law are multiple. Firstly, there is a potential erosion of WHO's normative authority, which could lead to a fragmentation of global approaches to public health. Secondly, the US withdrawal could diminish the implementation capacity of the International Health Regulations, an essential legal instrument in managing public health emergencies of international concern. Finally, this action could encourage other states to adopt a more selective approach to international health commitments, thus undermining the coherence and effectiveness of the global legal regime in this field.

Regarding the US withdrawal from the Paris Agreement on climate change, the consequences for the international environmental protection regime are equally significant. The Paris Agreement, adopted in 2015, represents the cornerstone of global efforts to combat climate change, establishing a legal framework for reducing greenhouse gas emissions and adapting to the impacts of climate change.

The withdrawal of the US, as the second-largest global emitter of greenhouse gases, has had a profound impact on the implementation and effectiveness of the Agreement. From a legal point of view, this action has called into question the principle of common but differentiated responsibilities, which underpins the international environmental protection regime. Moreover, the withdrawal has undermined confidence in the system of voluntary commitments (nationally determined contributions) on which the Paris Agreement is based.

The consequences of this withdrawal on the international environmental protection regime are multiple and complex. Firstly, there is a potential weakening of the financing and technology transfer mechanisms provided for in the Agreement, with the US being a major contributor in these areas. Secondly, the withdrawal could encourage other states to revise their climate commitments, jeopardizing the global objective of limiting the increase in global average temperature.

Consequently, the United States' withdrawal from WHO and the Paris Agreement represents significant challenges for international health law and the international environmental protection regime, respectively. These actions highlight the existing tensions between state sovereignty and the need for global cooperation in the face of transnational challenges. They also underscore the vulnerability of the international legal system to unilateral decisions by major actors and the need to rethink mechanisms for ensuring compliance and international solidarity in critical

areas such as public health and environmental protection. Ultimately, these withdrawals could catalyze a re-evaluation and possible reform of the international legal architecture in these areas, in search of more robust and resilient solutions to contemporary global challenges.

The withdrawal of some states from international agreements to which they are parties, as well as the reinterpretation of treaties or the minimization of the role of international institutions such as the International Criminal Court, call into question the post-war world order and the principles of democracy through law. In this way, there is a tendency to promote states as the main actors who claim not only sovereignty against supranational structures but also against non-state actors that are components of the world legal system.

## 5. Conclusion

The Dark Enlightenment and its implications for public international law represent a significant challenge to the contemporary world legal order. This doctrine, by contesting the conceptual foundations of modernity and the international legal system based on the principles of classical enlightenment, forces a critical re-evaluation of the premises on which the post-Westphalian global normative architecture was built.

The analysis of the social constructionist perspective on the Dark Enlightenment reveals the fluid and contested nature - by authors such as Curtis Yarvin or Nick Land - of the social constructs that underlie the systems of governance and administration of international justice. This approach underlines how different social groups contest and reconstruct the fundamental concepts of the global political and legal order.

The trends of deglobalization and sovereignism, partly inspired by the ideas of the Dark Enlightenment, have led to a reconfiguration of interstate relations, emphasizing particularism and the reaffirmation of national sovereignty to the detriment of multilateral cooperation and legal universalism. This phenomenon manifests itself through concrete actions, such as the withdrawal of some states from international agreements and organizations, the selective reinterpretation of international obligations, and the contestation of the legitimacy of supranational institutions.

The consequences of these trends on public international law are profound and multifaceted. There is an erosion of consensus regarding the uniform applicability of international treaties, a relativization of the jurisdiction of international courts, and a re-evaluation of fundamental principles such as *pacta sunt servanda*. These developments raise essential questions about the future of multilateral cooperation, the effectiveness of dispute resolution mechanisms, and the capacity of the international community to address global challenges such as climate change or pandemics.

In conclusion, the Dark Enlightenment and its implications for public international law require a nuanced and critical approach from the academic community and legal practitioners. It is essential to find a balance between recognizing the legitimacy of sovereignist concerns and maintaining an international legal framework capable of effectively responding to contemporary global challenges. The

future of international law will depend on its ability to adapt and integrate these divergent perspectives while maintaining the coherence and effectiveness of the global legal system.

### Bibliography

1. Anghie, Antony, *Imperialism, Sovereignty and the Making of International Law*. USA., Cambridge University Press, 2005.
2. Berger, Paul L. & Thomas Luckmann. *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*. USA., Penguin Adult, 1991.
3. Deleuze, Gilles. *Capitalisme et schizophrénie, tome 1 : L'Anti-Œdipe*. Paris, Editions de Minuit, 1972.
4. Fukuyama, Francis, *Identity: The Demand for Dignity and the Politics of Resentment*. USA., Farrar, Straus and Giroux, 2018.
5. Gergen, Kenneth J., *Social Construction in Context*. USA., SAGE Publications Ltd., 2001.
6. Kingsbury, Benedict. „Sovereignty and Inequality”. *European Journal of International Law*, 9(4), 1998: 599-625. <https://ijl.org/wp-content/uploads/2016/08/Kingsbury-Sovereignty-Inequality.pdf>.
7. Koskeniemi, Martti, *From Apology to Utopia: The Structure of International Legal Argument*. Cambridge University Press, 2006.
8. Krasner, Stephen D., *Sovereignty: Organized Hypocrisy*. USA., Princeton University Press, 1999.
9. Land, Nick, *The Dark Enlightenment*. SUA, Imperium Press, 2022.
10. Land, Nick. „Teleoplexy: Notes on Acceleration”. *Philosophical Literary Journal Logos* Volume 28, Issue 2, 2018: 21-30. <https://www.logosjournal.ru/articles/2033/>.
11. Land, Nick. *Fanged Noumena: Collected Writings 1987-2007*. UK., Urbanomic & USA., Sequence Press, 2011.
12. Land, Nick. *The Thirst for Annihilation: Georges Bataille and Virulent Nihilism*. UK, Routledge, 1992.
13. Popa Tache, Cristina Elena & Cătălin-Silviu Săraru. „Lawfare, Between its (Un)Limits and Transdisciplinarity”. *Precedente Revista Juridica*, 2023, 23, pp. 37-66. 10.18046/prec.v23.5889, hal-04460761.
14. Posner, Eric A., *The Perils of Global Legalism*. USA., University of Chicago Press, 2009.
15. Yarvin, Curtis, *Gray Mirror: Fascicle I: Disturbance*. Passage Publishing, 2025.
16. Yarvin, Curtis. *The Clear Pill, Part 1 of 5: The Four-Stroke Regime*, 2019. Available at: <https://americanmind.org/salvo/the-clear-pill-part-1-of-5-the-four-stroke-regime/>, accessed on 15 November 2025.
17. Yarvin, Curtis. *Unqualified Reservations*. SUA, Passage Publishing, 2023.