John Fonte’s *Sovereignty or Submission* fashions itself as a wake-up call to US policymakers asleep at the helm while increasingly serious threats to US national sovereignty and constitutional democracy abound. These dangers, as the author describes, emanate from the influence of international organizations, treaties, multinational corporations, nongovernmental organizations (NGOs), rights activists, foundations and other actors collectively labeled as the “global governance party.”¹ Drawing a distinction between traditional international law among states and the problematic growth of transnational law promulgated by actors within the global governance party, Fonte calls for a comprehensive recommitment to his self-coined and quintessentially American concept of “Philadelphian Sovereignty.”² Doing so is vital, Fonte suggests, to maintain the supremacy of the US Constitution, keep sovereignty entrusted to US citizens, and to prevent the United Nations (UN), the International Criminal Court (ICC), or other human rights conventions from trampling on the sovereignty of the United States.

Early on, Fonte refers to the 2001 World Conference against Racism’s “International Convention on the Elimination of All Forms of Racial Discrimination” (ICERD), and its monitoring body, the UN Committee on the Elimination of Racial Discrimination (CERD), as examples of ongoing hazards to US sovereignty. In what becomes a common occurrence throughout the book, however, Fonte relies on a few errant quotations from high-minded declarations and reports, which carry no legal authority over the United States, as evidence to prove his point.³ Fonte also never mentions that

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Article XXI of the ICERD, which emulates the overwhelming majority of other UN treaties, permits state parties to “denounce,” or revoke their observance of the treaty, virtually at will.\(^4\)

Fonte warns that reservations, understandings, and declarations (RUDS)—fairly pedestrian tools states use to protect themselves from onerous legal obligations when ratifying treaties—are paper tigers, and will inevitably be subsumed via incremental judicial activism at home.\(^5\) According to Fonte, the European Union (EU) exemplifies this sort of judicial incrementalism, providing institutions like the European Court of Justice the unprecedented and unintended authority to trump the sovereignty of EU member states.

Yet Sovereignty or Submission ignores major counterexamples that illustrate the enforcement limits of international treaties. During his heavy-handed critique of one UN accord that the United States has yet to ratify, the UN Convention on the Elimination of Discrimination against Women (CEDAW), for instance, Fonte overestimates the potential legal implications of ratifying the accord while underestimating the usefulness of RUDs. Even Saudi Arabia has ratified the CEDAW, employing a kind of super-RUD, which declares, “In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention.”\(^6\)

Throughout the book, Fonte relies on an iterative use of hyperbole. In one case, he compares Senator Olympia Snowe and former Senator Joe Biden to “cultural Marxists” for supporting the US Violence Against Women Act—a piece of legislation passed by the US Congress in 1994 and extended by President George W. Bush in 2006.\(^7\) Later, he hints that supporting global governance engenders noteworthy overlap with the intellectual tenets of Nazism.\(^8\) Fonte also never clarifies how a UN organ or special rapporteur offering non-binding recommendations for targeted policy reform can be considered anything in the realm of an “existential challenge” to democracy in the United States.\(^9\) On the other hand, perhaps Fonte should consider the question: if a UN special report is published and no US officials are around, does anyone really read it?

Submission or Sovereignty contains a myriad of conservative talking points, including attacks on multiculturalism, affirmative action, the liberalization of US immigration policy, and alleged cases of US Supreme Court members relying on international jurisprudence to render decisions. While some of these claims merit further examination, Fonte too often gets bogged down in matters with only tenuous links to the maintenance of sovereignty, the book’s purported central concern. Indeed, rather than driving home some of his most important points such as assessing the legal significance of the ICC or Additional Protocol I to the Geneva Convention, Fonte detours into vaguely related minutiae.

NGOs and their accompanying hordes of bureaucrats and pundits—Fonte is a fellow at the Hudson Institute—are frequently disparaged as the stealthy and manipulative enforcers of the global governance party. One is left to believe that after an NGO issues a press release, publishes a report, or lobbies for a particular policy reform, Congress is all but helpless to change US law accordingly. Fonte also makes the rather dubious assertion...
that NGOs based in the United States, or that merely have US citizens as members, should not challenge or attempt to reform US foreign policy as a matter of principle. In one striking passage, he expresses sheer outrage at an incident where US citizens, working with global human rights NGOs, pressured the Clinton administration to ratify the Rome Statute of the ICC. This criticism flatly contradicts Fonte’s own objective of defending Philadelphian Sovereignty, or any kind of democratic decision making, in the United States.

Furthermore, Fonte conspicuously avoids critiquing institutions, such as the North Atlantic Treaty Organization (NATO), the International Monetary Fund, and International Atomic Energy Agency—all international organizations that even foreign policy hawks tend to smile upon. Yet Fonte surely realizes that Article V of NATO’s charter legally binds the United States to defend another NATO member if attacked, and that the article was activated following 9/11—without so much as a peep of criticism in Sovereignty or Submission—as the United States and NATO launched the invasion of Afghanistan.

The policy recommendations Fonte discusses avoid pertinent questions like “should the United States reform the United Nations?” or “should the United States amend its existing treaty commitments?” Instead, ideological aphorisms run amok. For instance, Fonte cautions against molding global institutions to assimilate rising powers, arguing that states like China will simply choose to break free of international norms and conventions whereas the United States inexplicably seems not to have the option to do just the same. Readers are also reminded point blank that “our [US] freedom will never be guaranteed by international agreements and global norms, but only independent military strength, and most importantly by the will to use it to defend self-government.” It is difficult to imagine, however, virtually any scenario involving the US military being employed against the UN, the EU, or the ICC in order to “defend self-government.” At the same time, Fonte never clarifies how a cruise missile or aircraft carrier can help with global governance issues like climate change, the rights of children, human trafficking, global economic instability, or extreme poverty—all issues arguably of great concern to the United States.

Sovereignty or Submission’s other recommendation is to recalibrate US foreign policy to divide Europe diplomatically rather than to urge its integration under the auspices of the European Union. This idea enjoys little support within the mainstream foreign policy establishment, and is awkward at best considering Fonte’s criticism of other countries and institutions attempting to constrain US foreign policy choices. Moreover, even if one agrees with this sentiment—never mind that horrifying movie already played out in Europe for hundreds of years—readers are left with no clear-cut political roadmap for achieving this goal. Fonte concludes ominously:

The conflict between American constitutional democracy and the forces of global governance is a zero-sum struggle. When one side gains, the other side loses. Whichever side ultimately prevails, its opponent will be defeated. There is no ‘split the difference,’ no middle ground, no possible compromise.
In line with this kind of black-and-white thinking, Fonte asserts that the “global governance project” presents a greater threat to liberal democracy, and consequentially the United States, than does Islamic extremism or other great powers like Russia and China.15

Without question, global governance institutions like the UN and the EU are far from perfect, as are the numerous NGOs and other entities a part of the global governance coterie Fonte derides. The persistence of waste, corruption, and hypocrisy within these groups and organizations not only calls for, but necessitates, thoughtful introspection and serious reform at the highest of levels. While Fonte broaches some of these and other trenchant issues regarding the ICC and what the concept “universal jurisdiction” means for democratic governance, due process, and most importantly, the United States constitution, he crosses the line in classifying organizations like the UN, Human Rights Watch, and the Ford Foundation as larger threats to the United States than Al-Qaeda.

In short, far too much of Sovereignty or Submission is focused on picking fights with pipsqueaks like special UN rapporteurs or the CERD rather than engaging in serious debate about the future of global governance. Unfortunately, Sovereignty or Submission avoids a critical evaluation of debates regarding whether certain limitations on sovereignty—legally binding or related to norms—can actually support US interests. Instead, it opts for a caricaturist, radical worldview which seeks to eliminate the UN, the EU, and even mundane manifestations of global governance like the International Postal Union. For Fonte, no compromise regarding global governance, regardless of how small, is on the table. While such a prescription for foreign policy is undoubtedly short and sweet, scholars and policymakers alike are left empty-handed to navigate a path beyond the false choice of sovereignty or submission.  

NOTES

1 John Fonte, Sovereignty or Submission (Jackson: Encounter Books, 2011), 186.
2 Fonte, 37.
3 The United States does not officially recognize the ability of CERD to hear complaints about its enforcement of the ICERD, and is under no obligation to adopt or even respond to CERD reports—as is also the case with the Convention on the Elimination of Discrimination against Women’s monitoring committee, another UN organ that Fonte criticizes.
5 Fonte, 140.
7 Fonte, 88.
8 Fonte, 178.
9 Fonte, 9.
10 Fonte, 265–266.
12 Fonte, 351.
13 Fonte, 351.
14 Fonte, 359.
15 Fonte, 185.