

The Washington Post

Democracy Dies in Darkness

Americans spent decades discussing rule of law. Why would anyone believe us now?

By **Anne Applebaum**

September 27, 2019 at 2:27 p.m. CDT

In the nearly 30 years that have elapsed since the collapse of the Soviet Union in 1991, I doubt whether a single day has gone by without some Western diplomat, somewhere in the post-Soviet space, talking about the need for the rule of law. The U.S.S.R. was a totalitarian state in which judges and prosecutors were controlled by the ruling party. The result was injustice, oppression and corruption. Since the former Soviet republics gained independence, Europeans and Americans, presidents and prime ministers, International Monetary Fund envoys and advisers of all kinds have sought to persuade the nations of the region to follow a different path and to adopt, instead, an independent judiciary and apolitical prosecutors. By doing so, they hoped to promote democracy, prosperity and justice in a region that has known precious little of all three.

During those nearly 30 years, this argument for judicial independence has been completely bipartisan and multinational. It has been made by Democrats and Republicans, Christian Democrats and Social Democrats, Americans and Germans, think tanks and foundations and “anti-kleptocracy” initiatives. The Obama administration considered it to be so important that it sent Joe Biden, the vice president, to make this argument repeatedly in Ukraine.

Some in the region have pushed back. Previous Ukrainian governments sought to retain influence over prosecutors and judges to politicize justice, protect their friends and attack their enemies. The current Polish ruling party has sought to re-politicize the courts to corrupt justice and shield its members from the law. The Russian government has, of course, long ago laughed the whole thing away. Indeed, the current Russian leadership simply shrugs, metaphorically, when told its courts are politically biased or its politicians are corrupt: We might be bad, they say in effect, but you aren't any better.

AD

And now, after nearly 30 years of Western and U.S. talk about justice and courts and democracy, after all of that time and money invested in judicial training and rule-of-law seminars, now it turns out that the critics, the cynics, the would-be authoritarians and the corrupt politicians who seek to use the organs of justice to their own advantage — now it turns out that they are right. The United States is not an example to be admired; it is a rule-of-law catastrophe. Its elected president has

spent months trying to persuade his Ukrainian counterpart, Volodymyr Zelensky, to return to Soviet-style ways of doing things, to bring back politicized justice and to put pressure on Ukrainian prosecutors to fabricate evidence and pursue a fake “case,” in an effort to help his own reelection campaign.

Step away for the moment from the domestic implications of this story and think about what it means in the rest of the world. It’s almost as though President Trump and his personal lawyer, Rudolph W. Giuliani, had set out to undermine every U.S. and European program in the region, every diplomatic and educational initiative, every single ideal that the United States has ever stood for in that part of the world. In the five months since the election of Ukraine’s new president, Trump, Giuliani and possibly others have continually harassed Zelensky — withheld promised military aid, refused to attend his inauguration, nagged and bothered his aides — all in the name of corrupting and undermining Ukrainian rule of law.

Zelensky, to his credit, has apparently held out. But after this incident, will any U.S. diplomat, ever again, be able to ask with a straight face for any American ally, in the post-Soviet world or anyone else, to crack down on corruption? Will any offers of judicial training or mentoring in the United States be treated as anything but a joke? We have been arguing for the benefits of the rule of law for decades, and once upon a time, at least some people listened. Why should they do so anymore?

Whatever becomes of Trump now, his presidency has definitely left a mark on history. He will be remembered as the president who destroyed the United States' reputation for good governance, who undermined U.S. policy in the post-Soviet world and beyond, whose narcissistic and conspiratorial obsessions dominated his relationships with foreign leaders, even foreign leaders at war. This is the kind of damage that can never be repaired.

Read more from Anne Applebaum's archive, [follow her on Twitter](#) or [subscribe to her updates on Facebook](#).

Read more:

Anne Applebaum: Welcome, Americans, to the Ukrainian swamp

Anne Applebaum: Tuesday was a turning point on both sides of the Atlantic

The Post's View: In Ukraine, Trump's allies are corrupt oligarchs and Russian stooges

Serhiy Leshchenko: Rudy Giuliani accused me of exposing Paul Manafort's Ukraine deals to help U.S. Democrats. That's a lie.

Marc A. Thiessen: Democrats' double standard on Ukraine

AD

Anne Applebaum

Anne Applebaum is a Washington Post columnist, covering national politics and foreign policy, with a special focus on Europe and Russia. She is also a Pulitzer Prize-winning historian and a professor of practice at the London School of Economics. She is a former member of The Washington Post's editorial board. Follow 

