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PUTIN VS. ZELENSKY: REFLECTIONS ON LEADERSHIP, GLOBAL ORDER, AND THE RULE OF LAW

*Charles H. Brower II**

This essay does not address the substance of international law. It examines leadership: the way that leadership shapes the global order and alters the prospects for the rule of law. In other words, it addresses a medium that can nurture or smother international law.

I. WHO WOULD YOU RATHER BE?

Would you rather be Vladimir Putin or Volodymyr Zelensky? Although Putin has supporters,¹ the publicly acceptable answer during Russia's brutal invasion of Ukraine is obvious: Zelensky.² But in your heart of hearts, who would you rather be? One of the longest serving leaders of one of the most powerful countries,³ who has no serious rivals,⁴ who has a personal fortune of \$100 billion,⁵ and who can make foreign leaders scurry and Russian leaders

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1. John Harwood, *Trump Has Been on Putin's Side in Ukraine's Long Struggle Against Russian Aggression*, CNN (Mar. 6, 2022, 1:02 AM), <https://www.cnn.com/2022/03/06/politics/trump-putin-ukraine/index.html>; Oliver Milman, *Trump Praises 'Genius' Putin for Moving Troops to Eastern Ukraine*, GUARDIAN (Feb. 23, 2022, 9:47 AM), <https://www.theguardian.com/us-news/2022/feb/23/trump-putin-genius-russia-ukraine-crisis>.

2. Anna Myroniuk, Opinion, *I Did Not Vote for Ukraine's President. His Courage Has Changed My Mind and Inspired Millions*, WASH. POST (Feb. 27, 2022, 7:14 PM), <https://www.washingtonpost.com/opinions/2022/02/27/ukraine-russia-zelensky-president-changed-my-mind-inspired-millions/> (opining that Zelensky's approval ratings had shot up to ninety-one percent in Ukraine).

3. See Timothy Frye, *Russia's Weak Strongman: The Perilous Bargains that Keep Putin in Power*, FOREIGN AFFAIRS (May/June 2021), <https://www.foreignaffairs.com/articles/russia-fsu/2021-04-01/vladimir-putin-russias-weak-strongman> (observing that Putin is entering his third decade in office).

4. See *id.* (noting that "Putin is unrivaled at home . . .").

5. Mike McIntire & Michael Forsythe, *Putin Faces Sanctions, but His Assets Remain an Enigma*, N.Y. TIMES (Feb. 26, 2022), <https://www.nytimes.com/2022/02/26/world/europe/putin-sanctions-money-assets.html>.

quake?⁶ Or would you rather be the doomed leader of an invaded country, marked for capture and death?⁷ Again, the answer is obvious: Zelensky.⁸

The choice seems counterintuitive when viewed from the perspectives of self-interest and self-preservation. In other ways, the choice seems obvious. Viewed from a moral perspective, who wants to be a murderous thug and war criminal⁹ who separates families,¹⁰ snuffs out freedom,¹¹ terrorizes cities,¹² and directs fire at nuclear facilities?¹³ But there is also a subtler foundation

6. In the period before Russia's invasion of Ukraine, the French President, German Chancellor, and several foreign ministers traveled to Moscow to explore diplomatic solutions. Katrin Bennhold & Anton Troianovski, *Germany's Chancellor Meets with Putin as the Tone of the Crisis Shifts*, N.Y. TIMES (Feb. 15, 2022), <https://www.nytimes.com/2022/02/15/world/europe/germanys-chancellor-prepares-to-meet-with-putin-as-the-tone-of-the-crisis-shifts.html>. Just before the invasion, President Biden likewise offered the possibility of a summit with Putin. Harold James, *A Whiff of Munich*, PROJECT SYNDICATE (Jan. 25, 2022), <https://www.project-syndicate.org/commentary/putin-ukraine-munich-lessons-by-harold-james-2022-01>. The flurry of activity prompted comparisons to the policy of appeasing Nazi Germany before World War II. *Id.* Also, on the eve of the invasion, Putin made his powerful Director of Foreign Intelligence stammer and tremble on live television. *See infra* notes 65–71.

7. In a February 25th video meeting with European leaders, Zelensky stated it “might be the last time you see me alive.” Madison Hall, *Zelensky Told European Leaders “This Might Be the Last Time You See Me Alive,” Report Says*, INSIDER (Feb. 25, 2022, 9:09 AM), <https://www.businessinsider.com/zelensky-told-eu-leaders-this-might-be-the-last-time-you-see-me-alive-2022-2>; *see also* Franklin Foer, *A Prayer for Volodymyr Zelensky*, ATLANTIC (Feb. 26, 2022), <https://www.theatlantic.com/ideas/archive/2022/02/volodymyr-zelensky-ukraine-president/622938/> (“The whole world can see that his execution is very likely imminent.”).

8. *See* Tom McTague, *What Volodymyr Zelensky's Courage Says About the West*, ATLANTIC (Feb. 28, 2022), <https://www.theatlantic.com/international/archive/2022/02/volodymyr-zelensky-courage-ukraine-russia/622948/> (“Yet perhaps the other reason Zelensky is so inspiring is that suddenly we can see that he is right.”).

9. *See* Fred Kaplan, *Russia Is Committing War Crimes. Could Putin Ever Be Prosecuted?*, SLATE (Mar. 14, 2022, 5:55 AM), <https://slate.com/news-and-politics/2022/03/russia-war-crimes-putin-prosecute.html>.

10. *See* Jeffrey Gettleman & Monika Pronczuk, *‘Falling into Emptiness’: Ukrainian Families Feel the Pain of Separation*, N.Y. TIMES (Mar. 6, 2022), <https://www.nytimes.com/2022/03/06/world/europe/ukraine-poland-families-separation.html> (noting that the millions of Ukrainian refugees are women and children who do not know if they will ever see adult male family members, ages eighteen to sixty, who are required to stay in Ukraine to support the war effort).

11. EU Debates, *Boris Johnson Insists ‘We Cannot Allow Freedom to Be Snuffed Out’ as Putin ‘unleashes War’!*, YOUTUBE (Feb. 24, 2022), https://www.youtube.com/watch?v=N_kuvYYIhPc.

12. Marc Santora et al., *U.S. to Send Arms to Ukraine, as Russia Intensifies Campaign of Destruction*, N.Y. TIMES (Mar. 12, 2022), <https://www.nytimes.com/2022/03/12/world/europe/ukraine-russia-kyiv.html>.

13. Tim Lister et al., *Ukrainian Nuclear Power Plant Attack Condemned as Russian Troops ‘Occupy’ Facility*, CNN (Mar. 4, 2022, 8:03 PM), <https://www.cnn.com/2022/03/03/europe/zaporizhzhia-nuclear-power-plant-fire-ukraine-intl-hnk/index.html>.

for the choice: the differing approaches to leadership, the way leaders shape the global order, and the prospects leaders create for the rule of law.

II. LEADERSHIP

Leaders differ from others in the sense that leaders have more opportunities to transform their societies and the global order.¹⁴ Above a certain level of responsibility, all work occurs through conversation.¹⁵ Whether leaders engage in conversation, how they engage in conversation, and the substance of those conversations speaks volumes about how they lead, where they lead, and the space they envision for the rule of law. In other words, their participation in public discourse can invite reflection on deep questions about existence and about causes more important than existence itself. How leaders hold the conversation can mean the difference between whether people will run from danger or risk everything for a larger cause.¹⁶ One can see this in communications by Zelensky and Putin, their efforts to establish or deny visibility, the qualities they seek to project, the emotions they seek to instill, and the messages they communicate about the relationship between governments and citizens.

A. Visibility

A captain who stays below decks during crisis communicates that he or she has given up and does not care about the crew.¹⁷ By showing up on deck,

14. As President Harry S. Truman stated: “In periods where there is no leadership, society stands still. Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better.” Hon. Paul P. Panepinto, *The Trial Judge as the CEO*, 18 WIDENER L.J. 499, 499 (2009) (citing LAWRENCE J. PETER, PETER’S QUOTATIONS: IDEAS FOR OUR TIME 247 (1977) (quoting Harry S. Truman)).

15. Lisa Burrell, *A Larger Language for Business*, HARV. BUS. REV. (May 2007), <https://hbr.org/2007/05/a-larger-language-for-business>; David Whyte, *Five Conversations on the Frontiers of Leadership*, LEADER TO LEADER 20, 20–22 (Summer 2004).

16. As David Whyte explains:

At the very heart of leadership—indeed, in its very soul—is the art of *conversation*, the ability to create a dialogue that others will willingly join. . . . The best conversations make clear distinctions between what has gone before and what is now possible. They give the sense that we are part of something that is enlarging us . . . rather than confining us.

Conversations are very powerful tools of action and change for the leaders who initiate them, we well as for [those] who participate in them.

Whyte, *supra* note 15, at 20.

17. See Will Schroter, *Good Leaders Emerge During Troubled Times*, SACRAMENTO BUS. J. (Jan. 25, 2009), <https://www.bizjournals.com/sacramento/stories/2009/01/26/smallb2.html> (“At some point . . . even the biggest ship can hit an iceberg. That’s when the strength and fortitude of its captain is most important. . . . In times of crisis, every captain becomes a

the captain emphasizes a commitment to crew and cause. It is an unspoken vow that establishes a foundation for trust. It also creates opportunities to communicate and to keep everyone in alignment. Simply put, leaders must be visible to be effective.¹⁸

Putin and Zelensky both understand the importance of visibility. On the cusp of Russia's invasion of Ukraine, Putin refused to take a call from Zelensky.¹⁹ In the early stages of military operations, the Russian government spread false rumors that Zelensky had fled the country.²⁰ Both moves involved efforts to make Zelensky invisible, to discourage armed resistance, and to

deckhand. By setting an example . . . [i]t shows you are willing to lead the fight."); Brandon Borrmann, *This Is Your Captain Speaking* . . . , BRUNSWICK REV. (Mar. 10, 2014), <https://www.brunswickgroup.com/media/2060/this-is-your-captain.pdf> ("[T]he role of a leader in a crisis goes beyond just making decisions. A key responsibility for a captain is to be a beacon of calm in order to help your team remain focused. . . . [A] captain doesn't just issue orders; leaders make better decisions if they are not isolated."); see also Jim Schleckser, *The Importance of Leader Visibility in Times of Crisis*, INC., <https://www.inc.com/jim-schleckser/the-importance-of-leader-visibility-in-times-of-crisis.html> (last visited Aug. 13, 2022) ("Unfortunately, by staying 'below decks,' he invited rumors and misinformation to take his place. When people don't see their leader, they make up stories—stories that are often far worse than the truth.").

18. Schleckser, *supra* note 17. George Washington understood the importance of visibility when leading Continental forces in a surprise attack across the Delaware River on Christmas Night 1776. According to a soldier's diary, General Washington was everywhere, covering twelve miles for every mile the soldier marched, appearing in the front, checking on the rear, repeating the cycle countless times, with the result that all "soldiers knew their leader was invested and that he was fighting right by their side." Jim Quillen, *Leadership Lessons from Crossing the Delaware*, FORBES (Feb. 24, 2017, 5:38 PM), <https://www.forbes.com/sites/paycom/2017/02/24/leadership-lessons-from-crossing-the-delaware/?sh=eb41721cc1fe>. Former President George W. Bush learned the importance of visibility the hard way when he left an elementary school looking dazed and then completely disappeared for several hours following the September 11, 2001, terrorist attacks. See Chris McGreal, *Bush on 9/11: 'We Were Going to Find Out Who Did This and Kick Their Ass,'* GUARDIAN (Nov. 8, 2010, 4:30 PM), <https://www.theguardian.com/world/2010/nov/08/george-bush-memoirs-september-11> ("What followed was almost as damaging to Bush in the immediate aftermath of 9/11 as his stunned appearance at the school. The president disappeared into the sky on Air Force One and was not heard from by ordinary Americans for hours as the full horror of the assault unfolded.").

19. *Ukraine Conflict: President Zelensky Warns Russia: We Will Defend Ourselves*, BBC NEWS (Feb. 24, 2022), <https://www.bbc.com/news/world-europe-60497510>.

20. *Zelensky Hastily Fled Kiev, Russian State Duma Speaker Claims*, TASS (Feb. 26, 2022, 7:09 AM), https://tass.com/politics/1411855?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com; Robin Givhan, *President as Everyman: Zelensky's Mastery of the Direct Appeal*, WASH. POST (Mar. 3, 2022, 12:00 PM), <https://www.washingtonpost.com/world/2022/03/03/president-everyman-zelenskys-mastery-direct-appeal/>; *How Volodymyr Zelensky Found His Roar*, ECONOMIST (Apr. 12, 2022), <https://www.economist.com/europe/2022/02/26/how-volodymyr-zelensky-found-his-roar>.

ensure the victory that Putin expected within forty-eight hours.²¹ Essentially, the message was: “Your leader is ineffective, and your government has abandoned you. There is no one to organize a resistance and no reason to fight. Give up now.”²²

Cleverly discarding his business suit and the warmth of studio lights, Zelensky took to the streets of Kyiv with a cellphone to produce a video of himself with four key members of his administration, all dressed in military t-shirts and battle fatigues.²³ The cast, the setting, and the attire were unmistakable and told the Ukrainian people everything they needed to know: The president and the government were in Kyiv, focused on the defense of the country. The men were bathed in golden light.²⁴ Zelensky mentioned the name of each official in the frame followed by the word “*here*.”²⁵ He continued “All of us are *here*.²⁶ Our military is *here*; citizens and society are *here*.”²⁷ In roughly thirty seconds, Zelensky repeated “*here*” nine times, using the word as a hammer to reinforce the point that the Ukrainian people were seeing with their own eyes:²⁸ The captain was visibly on deck.

By showing up in this way, Zelensky prevented the Russian army from rolling up the military operation and installing a new government in forty-eight hours. He inspired many of the residents of a modern European capital to take up arms and to risk everything in the name of truth, freedom, and independence.²⁹ Zelensky’s choice was in some sense reckless given the cruel

21. See Zach Beauchamp, *Why the First Few Days of War in Ukraine Went Badly for Russia*, VOX (Feb. 28, 2022, 6:50 PM), <https://www.vox.com/22954833/russia-ukraine-invasion-strategy-putin-kyiv> (quoting Henrik Paulsson, a Swedish defense expert, for the proposition that Russian planners “made large assumptions about their ability to reach Kyiv in 48 hours, and most of their decisions were shaped around this”); Myroniuk, *supra* note 2 (indicating that “[m]any experts thought Kyiv would fall in 24 hours”). It appears that Russian planners expected to reach Kyiv quickly and depose Zelensky’s government. Beauchamp, *supra*. Given widespread dissatisfaction with that government and its policies, Russians did not expect to encounter widespread resistance. *Id.*

22. On the eve of the invasion, the Ukrainian people seemed vulnerable to those kinds of assertions. Given Zelenky’s ineffective leadership up to that point, fifty-three percent of Ukrainians thought he would not be able to defend the country from an invasion. Olga Rudenko, Opinion, *The Comedian-Turned-President Is Seriously in Over His Head*, N.Y. TIMES (Feb. 21, 2022), <https://www.nytimes.com/2022/02/21/opinion/ukraine-russia-zelensky-putin.html>.

23. Givhan, *supra* note 20.

24. Video: *Ukrainian President Zelensky Says Country’s Leaders Remain in Kyiv*, WSJ (Feb. 25, 2022, 3:05 PM), <https://www.wsj.com/video/video-ukrainian-president-zelensky-says-countrys-leaders-remain-in-kyiv/CFEFD1E0-2208-4379-A93E-85DA5CEC9228.html>.

25. *Id.*

26. *Id.*

27. *Id.*

28. Givhan, *supra* note 20.

29. See McTague, *supra* note 8 (“Here is a nation and a leader willing to sacrifice so much for the principle of independence and the right to join the Western world.”); David Remnick,

mathematics of Russian and Ukrainian military capacities.³⁰ But it was also one of the most powerful examples of leadership that any of us will ever see.³¹

Putin apparently understands the importance of visibility. In the weeks and days leading up to the invasion, a series of Western leaders scurried to Moscow to explore diplomatic solutions.³² On February 21, Putin met with his Security Council on live television to discuss the proposed recognition of ethnic Russian communities in the Luhansk and Donetsk regions of Ukraine as independent republics.³³ That evening, he appeared on television a second time to air historical grievances about the creation of an artificial Ukrainian state out of historically Russian lands and to announce his government's recognition of Luhansk and Donetsk as independent states.³⁴ Later the same day, he ordered the deployment of Russian troops to those locations as "peacekeepers."³⁵ Three days later, Putin appeared again on television to air historical grievances about the breakup of the Soviet Union and the expansion of NATO, and to announce initiation of a "special military operation" designed to demilitarize Ukraine, to remove the country's leaders, and to bring to justice those who perpetrated unspecified but numerous "bloody crimes . . . against citizens of the Russian Federation."³⁶

Volodymyr Zelensky Leads the Defense of Ukraine with His Voice, NEW YORKER (Mar. 5, 2022), <https://www.newyorker.com/magazine/2022/03/14/volodymyr-zelensky-leads-the-defense-of-ukraine-with-his-voice> ("Volodymyr Zelensky . . . has relied largely on his voice to inspire his country's resilience.").

30. See Carol E. Lee et al., *Darkest Days of Ukrainian Invasion Lie Ahead, U.S. and European Officials Say*, NBC NEWS (Mar. 3, 2022, 7:55 AM) (quoting a Western intelligence official), <https://www.nbcnews.com/politics/white-house/darkest-days-ukraine-invasion-lie-ahead-us-european-officials-say-rcna18476> ("The cruel military math of this will eventually come to bear absent some intervention, absent some fundamental change in the dynamic.").

31. See Stephen Collinson, *Zelensky's Heroism Is Coming Up Against Western Red Lines*, CNN (Mar. 8, 2022, 8:30 AM) <https://www.cnn.com/2022/03/08/politics/zelensky-ukraine-western-red-lines-analysis/index.html> ("If one man ever changed the world, few have done so as quickly as Zelensky."); Foer, *supra* note 7 ("[I]t is hard to think of another recent instance in which one human being has defied . . . collective expectations . . . and provided such an inspiring moment of service to the people . . .").

32. See *supra* note 6 and accompanying text.

33. Shaun Walker, *Putin's Absurd, Angry Spectacle Will Be a Turning Point in His Long Reign*, GUARDIAN (Feb. 21, 2022, 3:30 PM), <https://www.theguardian.com/world/2022/feb/21/putin-angry-spectacle-amounts-to-declaration-war-ukraine>; see also *infra* notes 65–71 and accompanying text.

34. Office of the President of Russia, *Address by the President of the Russian Federation* (Feb. 21, 2022, 10:35 PM), <http://en.kremlin.ru/events/president/transcripts/67828>.

35. Laurel Wamsley, *U.N. Leaders Condemn Putin After He Orders 'Peacekeepers' to Ukraine*, NPR (Feb. 21, 2022, 10:54 PM), <https://www.npr.org/2022/02/21/1082146367/putin-ukraine-donetsk-luhansk>.

36. *Transcript: Vladimir Putin's Televised Address on Ukraine*, BLOOMBERG NEWS (Feb. 24, 2022, 6:07 AM), <https://www.bloomberg.com/news/articles/2022-02-24/full-transcript-vladimir-putin-s-televised-address-to-russia-on-ukraine-feb-24>.

While Putin clearly understood the importance of visibility, he did not use the medium to his advantage. Expensive suits and opulent surroundings may be a normal part of statecraft, but his seating arrangements were not. In face-to-face meetings with foreign leaders, Putin arranged to sit at opposite ends of a bizarrely long and improbably white table adorned with a single flower arrangement that only emphasized the physical distance between host and guest.³⁷ When meeting with his Security Council about the proposed recognition of Luhansk and Donetsk, Putin sat at a desk at one end of a great hall while everyone else sat in an open horseshoe of conference chairs at the opposite end of the hall.³⁸ A few days later, he sat at an even longer table when ordering two defense officials to place Russia's nuclear forces on high alert.³⁹ In all three cases, the distance between Putin and his interlocutors was striking. It is hard to know whether the configuration reflects Putin's fear of COVID or his sense of hierarchy.⁴⁰ Either way, the physical layout suggests no invitation to engage in genuine and courageous conversations, where people might actually lean in and put heads together while hashing out problems around a table.⁴¹

The message was that Putin literally did not want to be accessible.⁴² The captain might have been present, but he was not on deck. It was like seeing

37. Oliver Holmes, *Putin's Massive Table: Power Play or Paranoia?*, GUARDIAN (Feb. 8, 2022, 10:22 AM), <https://www.theguardian.com/world/2022/feb/08/vladimir-putin-massive-table>.

38. See Max Seddon, *Putin's Made-for-TV Security Debate Gives Him Answers He Wants to Hear on Ukraine*, FIN. TIMES (Feb. 21, 2022), <https://www.ft.com/content/95074e66-2da9-431e-8959-2039f5d3c08d> (observing that Putin sat at least 20 feet from "powerful state officials," who "were made to look like schoolchildren reporting to the headteacher . . .").

39. See Robin Wright, *What Does Putin's Nuclear Sabre Rattling Mean?*, NEW YORKER (Mar. 1, 2022), <https://www.newyorker.com/news/daily-comment/what-does-putins-nuclear-sabre-rattling-mean>; see also Yuras Karmanau et al., *Putin Puts Nuclear Forces on High Alert, Escalating Tensions*, TORONTO STAR, (Feb. 27, 2022), <https://www.thestar.com/news/world/europe/2022/02/27/putin-puts-nuclear-forces-on-high-alert-escalating-tensions.html>.

40. According to many reports, Putin requires planned visitors to quarantine for two weeks before meetings. Seddon, *supra* note 38. When Putin has to visit urgently with foreign and domestic leaders, people attribute the distant seating arrangements to Putin's fear of exposure to COVID. Tara John et al., *Why the Big Table in Moscow? Macron Refused a Russian Covid Test*, CNN (Feb. 11, 2022, 8:07 AM), <https://www.cnn.com/2022/02/11/europe/france-emmanuel-macron-pcr-putin-meeting-intl/index.html>; see also Seddon, *supra* note 38 (observing that "French President Emmanuel Macron and German Chancellor Olaf Scholz, who refused to take a Kremlin-administered PCR test, were seated at the other end of a comically huge table").

41. Compare Seddon, *supra* note 38, with Whyte, *supra* note 15, at 22 (emphasizing that "the very heart of effective leadership is this: How do you create real, authentic conversations that are invitational to others?").

42. See Fred Cook, *Lessons from an Online War*, PR WEEK (Mar. 10, 2022), <https://www.prweek.com/article/1749343/lessons-online-war> ("Walking the streets, Zelenskyy is viewed as a man of the people. While inside the Kremlin, Putin appears socially distant from the real world.").

an alternative version of the famous painting that depicts General Washington crossing the Delaware.⁴³ Instead of standing cheek to jowl with soldiers in the bow of the overcrowded lead vessel, the protagonist was by himself three boats back.⁴⁴ These were not images that inspired trust, respect, or a willingness to sacrifice. To the contrary, they fed concerns about Putin's mental state.⁴⁵

B. Qualities and Emotions: The Power-Fear-Courage Triangle

One aspect of leadership involves the qualities that leaders aim to project and the emotions they try to instill in followers and rivals. At the least productive range of leadership style, so-called "opportunists" see everything in terms of personal wins and losses.⁴⁶ They see people as opportunities to be exploited.⁴⁷ They are characterized by mistrust, egocentrism, and manipulateness.⁴⁸ They frequently break rules, externalize blame, reject feedback, and retaliate harshly against criticism.⁴⁹ Not surprisingly, these leaders aim to project the qualities of power and control, and to instill fear in underlings and potential rivals through tactics such as bullying and ridicule.⁵⁰

At the most productive range of leadership style, so-called alchemists have the capacity to "talk with . . . kings and commoners," to catch historical moments, and to create "symbols and metaphors that speak to people's hearts and minds," thereby transforming themselves and the organizations they lead.⁵¹ These leaders often project courage, which provides the transformational quality required to encounter crisis, avoid the paralyzing effects of fear, recognize unexpected possibilities, and inspire others to follow, thereby

43. Emanuel Leutze, *Washington Crossing the Delaware* (illustration/painting) (1851), <https://www.metmuseum.org/art/collection/search/11417> (One can view the painting at Metropolitan Museum of Art).

44. See Steve Farber, *How Great Leaders Manage Fear and Use It to Build Better Teams*, INC. (last visited Aug. 16, 2022), <https://www.inc.com/steve-farber/how-great-leaders-manage-fear-use-it-to-build-better-teams.html> ("Picture the famous painting that shows George Washington crossing the Delaware. He wasn't in boat number three under a tarp eating a crummet; he was out front, standing up, pointing the way.").

45. Zachary B. Wolf, *There is Plenty of Speculation About Putin's State of Mind*, CNN (Mar. 2, 2022, 4:32 PM), <https://www.cnn.com/2022/03/02/politics/putin-mental-state-what-matters/index.html>.

46. David Rooke & William R. Torbert, *Seven Transformations of Leadership*, HARV. BUS. REV. (Apr. 2005), <https://hbr.org/2005/04/seven-transformations-of-leadership>.

47. *Id.*

48. *Id.*

49. *Id.*

50. *Id.*

51. *Id.*

transforming events and elevating them to legendary status.⁵² Some of these leaders may develop and hone these capacities over the course of years or even decades.⁵³ For others, the capacities are imbued “by way of a cosmic bolt of lightning that hit them just as the moment appeared.”⁵⁴

If one had to choose paintings to reflect the differing leadership styles, one might select Nikolai Ge’s portrait of Peter the Great interrogating his son, Alexei, as the epitome of an opportunist leader. That work depicts the day Peter sentenced Alexei to death for plotting against him.⁵⁵ Seated alone at a table, the Tsar projects absolute control.⁵⁶ His son, standing, appears terrified and is unable to meet his father’s eyes.⁵⁷ The darkness of the painting, the unlit fireplace, and the row of empty chairs all suggest the Tsar’s inaccessibility, lack of warmth, and tendency to see even the closest relations in transactional terms. The mistrust, egocentrism, tendencies towards norm-breaking and harsh retaliation,⁵⁸ thirst for control, and desire to instill fear are all on display.

52. Lee Meadows, *Courageous Leadership: A Model of Transformation*, FORBES (Aug. 26, 2020, 9:00 AM), <https://www.forbes.com/sites/forbescoachescouncil/2020/08/26/courageous-leadership-a-model-of-transformation/?sh=750ea60b520f>.

53. See Rooke & Torbert, *supra* note 46 (offering Nelson Mandela, the leader of the African National Congress, long-time political prisoner, and first post-apartheid President of South Africa, as an example of alchemist leader).

54. Meadows, *supra* note 52.

55. Kamila, *Peter the Great: A Life in Art*, (June 8, 2017) <https://lidenz.com/peter-great-art/> (One can view the painting and a description of the work at Liden & Denz, Moscow).

56. *Id.*

57. *Id.*

58. See Jesse Greenspan, *Why Peter the Great Tortured and Killed His Own Son*, HISTORY (Aug. 22, 2018), <https://www.history.com/news/peter-the-great-tortured-killed-own-son> (noting that “even by the bloody standards of royal family feuds, Peter’s cruelty stands out as unique” because one struggles to find other examples of European monarchs who supervised the torture of their own children). Although hailed as an “effective transformational leader,” Peter was “opportunistic” and had a “darker” side that led him to enforce his will through “humiliation and horror.” Stanislav Shekshina, *The Three Faces of Peter the Great: Leadership Lessons from the St. Petersburg’s Founder*, 2–4 (Insead, Working Paper No. 2004/96/ENT2004), https://flora.insead.edu/fichiersti_wp/inseadwp2004/2004-96.pdf. It was a successful military operation in Ukraine during 1709 that set Peter on the path to greatness. Jamie Dettmer, *Is Putin Following in Steps of Peter the Great?*, VOA NEWS (Jan. 22, 2022, 5:30 PM), <https://www.voanews.com/a/putin-following-in-steps-of-peter-the-great-/6407149.html>. It is well known that Putin views Peter the Great as a role model. See Lidiya Zubytska, *Putin as Peter: Russia’s Reemergence as a Great Power*, WILSON CTR. (Feb. 17, 2009), <https://www.wilsoncenter.org/event/putin-peter-russias-reemergence-great-power> (observing that “Putin . . . refers to Peter the Great as his source of personal inspiration . . .”); see also John Ivison, *West Can’t Assume Putin’s ‘Rationality’ Will Rule Out Nuclear War Over Ukraine*, NAT’L POST (Mar. 8, 2022), <https://nationalpost.com/opinion/john-ivison-west-cant-assume-putins-rationality-will-rule-out-nuclear-war-over-ukraine> (referring to Putin’s “Peter the Great fantasies of a reconstituted Russian Empire from the Baltic to the Black Sea . . .”).

By contrast, one could take Emanuel Leutze's depiction of Washington's crossing of the Delaware as the epitome of an alchemist leader. Standing in the bow of the lead vessel, crowded in with common soldiers (black and white),⁵⁹ on Christmas Night,⁶⁰ and at a time when others were talking about the need to retreat,⁶¹ the General led 2,400 soldiers in an unconventional attack across a half-frozen river, with the objective of engaging 1,400 highly-trained Hessian troops in an operation that could succeed only if Washington's troops completed the crossing and marched ten miles before daybreak, thereby maintaining the element of surprise.⁶² The ability to mix with all social classes, the existence of crisis, the ability to avoid paralysis, the capacity to see possibility, the physical manifestation of courage, and the willingness of thousands to follow are all on display. In the engagement, Continental forces captured 1,000 Hessian soldiers at the cost of only four lives.⁶³ It marked the first symbolic victory against the British and Washington's emergence as a great man.⁶⁴

In communications leading up to and surrounding Russia's invasion of Ukraine, Putin exhibited many of the characteristics associated with opportunistic leaders. One sees egocentrism, mistrust, rejection of feedback, externalization of blame, bullying, intimidation, norm-shattering behavior, and the threat of harsh retaliation against resistance and dissent. Above all else, he seeks to project the qualities of power and control in relations with his own administration, with Ukraine, and with NATO member states. The emotion that he seeks to instill is fear.

Starting with Putin's own administration, recall the televised meeting with security officials shortly before Putin recognized Luhansk and Donetsk as independent states.⁶⁵ Standing like a boy in front of his father, the head of Russia's Foreign Intelligence Service first appeared to support an approach

59. See Leutze, *supra* note 43.

60. *George Washington Crosses the Delaware*, HISTORY (Dec. 16, 2009), <https://www.history.com/this-day-in-history/washington-crosses-the-delaware> [hereinafter HISTORY].

61. *The Indispensable Man: Mark Lender Responds*, GEORGE WASHINGTON'S MOUNT VERNON (last visited Aug. 16, 2022), <https://www.mountvernon.org/george-washington/the-revolutionary-war/was-washington-the-indispensable-man/the-indispensable-man-mark-lender-responds/> [hereinafter *The Indispensable Man*].

62. Jutta Ernst, *Washington Crossing the Media: American Presidential Rhetoric and Cultural Iconography*, EUR. J. AM. STUD. 1, 2, 5–6 (2012); HISTORY, *supra* note 60; *10 Facts About Washington's Crossing of the Delaware River*, GEORGE WASHINGTON'S MOUNT VERNON (last visited Aug. 16, 2022), <https://www.mountvernon.org/george-washington/the-revolutionary-war/washingtons-revolutionary-war-battles/the-trenton-princeton-campaign/10-facts-about-washingtons-crossing-of-the-delaware-river/>.

63. HISTORY, *supra* note 60.

64. See *The Indispensable Man*, *supra* note 61 (describing the Trenton attack as the place where Washington begins to emerge as a "Great Man").

65. See Walker, *supra* note 33 and accompanying text.

that was too soft (treating recognition as a “worst case” scenario and suggesting further negotiations with the West), which triggered a humiliating brow-beating by Putin.⁶⁶ Then, the intelligence chief veered towards an approach that was too prematurely strident (*incorporation* of Luhansk and Donetsk into the Russian Federation), which intensified the hectoring.⁶⁷ By the time that the official grasped for the topic that Putin wanted him to address (support for the *recognition* of Luhansk and Donetsk as independent republics), the official could not even articulate the right tense (“I *will* support” vs. “I support”), which only invited more humiliation.⁶⁸ Throughout the episode, Putin’s actions emphasized power and control, sitting alone at a desk near the head of the room, making the official stand to speak as if at a lesson, interrupting the official, humiliating the official, preventing the official from speaking freely, and literally putting words into the official’s mouth. Putin’s actions also clearly sought to instill fear.⁶⁹ The official was a powerful and experienced loyalist who had previously served as Head of the State Duma (lower house of parliament), Deputy Prime Minister, and the President’s chief of staff.⁷⁰ The grotesquely televised image of a powerful loyalist trembling and stammering to find the right words spoke volumes to any other Russian considering open dissent.⁷¹

66. One can view the exchange, with subtitles, on Twitter account of journalist Peter Liakhov. @peterliakhov, TWITTER (Feb. 21, 2022, 2:03 PM), <https://twitter.com/peterliakhov/status/1495851796782362628>; see also Timothy H.J. Nerozzi, *Putin Humiliates Spy Chief on World Stage: ‘Speak, Speak, Speak Plainly!’*, FOX NEWS (Feb. 22, 2022, 11:38 AM), <https://www.foxnews.com/world/putin-humiliates-spy-chief-world-stage-speak-plainly-sergey>; Seddon, *supra* note 38 (describing the proposal to use the threat of recognition to compel negotiations on Russia’s terms).

67. One can view the exchange, with subtitles, on the Twitter account of journalist Peter Liakhov. @peterliakhov, TWITTER (Feb. 21, 2022, 2:03 PM), <https://twitter.com/peterliakhov/status/1495851796782362628>; see also Nerozzi, *supra* note 66 (describing the exchange); Seddon, *supra* note 38 (recounting this part of the exchange and describing the intelligence chief as being visibly flustered, mumbling, and meekly assenting to Putin’s suggestions).

68. As noted, the exchange appears with subtitles on the Twitter account of journalist Peter Liakhov. @peterliakhov, TWITTER (Feb. 21, 2022, 2:03 PM), <https://twitter.com/peterliakhov/status/1495851796782362628>; see also Nerozzi, *supra* note 66 (describing the exchange); Seddon, *supra* note 38 (describing the exchange and noting how Putin cut off the intelligence chief and told him to “speak clearly”).

69. See Seddon, *supra* note 38 (observing that Putin’s “longest serving allies looked terrified”).

70. Filip Kovacevic, *Meet Sergey Naryshkin, Putin’s Spymaster in Ukraine*, SPECTATOR (Feb. 12, 2022, 3:00 AM), <https://www.spectator.co.uk/article/meet-sergey-naryshkin-putin-s-key-spymaster-in-ukraine>.

71. In this context, “grotesque” means “absurdly incongruous” or “departing markedly from the natural, the expected, or the typical . . .” *Grotesque*, MERRIAM-WEBSTER DICTIONARY (last visited Aug. 17, 2022), <https://www.merriam-webster.com/dictionary/grotesque>. One simply does not expect the powerful chief of foreign intelligence to quake like a leaf.

Turning to Ukraine, Putin directed a message to “the forces that staged the coup” against a pro-Russian government in 2014 and that had kept power using “ornamental election procedures.”⁷² For that audience, Putin emphasized power and the ability to control Ukraine’s political destiny by promising to “demilitarise and denazify Ukraine, as well as bring to trial those who perpetrated numerous bloody crimes against civilians, including citizens of the Russian Federation.”⁷³ In this context, one should not interpret the word “denazification” literally⁷⁴ but more generally as the removal of a political regime from office and the elimination of its influence in every corner of society.⁷⁵ In other words, it was a promise to transform Ukrainian political culture and to leave the country defenseless. Ousted leaders would not simply leave office but would be held in cages. Because Putin has jailed or killed many powerful rivals,⁷⁶ the threats were credible⁷⁷ and were likely calculated to prompt Ukrainian leaders to save themselves, their families, and their fortunes by abandoning the country, which could have allowed Russian troops to take control and install a new government in a short and relatively bloodless military operation.⁷⁸

72. *Transcript: Vladimir Putin’s Televised Address on Ukraine*, *supra* note 36.

73. *Id.*

74. *Compare id. with*, Wolf, *supra* note 45 (“Putin, for instance, has tried to justify his invasion of Ukraine as an effort to de-Nazify the country. An absurd claim—especially given that Volodymyr Zelensky, the Ukrainian President, is Jewish.”).

75. See Jonathan Drimmer, *Hate Property: A Substantive Limitation for America’s Cultural Property Laws*, 65 TENN. L. REV. 691, 713–15 (1998) (quoting CRIMEA (YALTA) CONFERENCE REPORT, (1945), *reprinted in* CHARLES I. BEVANS, TREATIES AND OTHER INTERNATIONAL AGREEMENTS OF THE UNITED STATES OF AMERICA 1776–1949, at 1005, 1007 (1968)) (noting that the “allies specifically agreed to ‘remove all Nazi and militarist influences from public office and from the cultural and economic life of the German people.’”).

76. David Filipov, *Here Are 10 Critics of Vladimir Putin Who Died Violently or in Suspicious Ways*, WASH. POST (Mar. 23, 2017, 7:43 PM), <https://www.washingtonpost.com/news/worldviews/wp/2017/03/23/here-are-ten-critics-of-vladimir-putin-who-died-violently-or-in-suspicious-ways/>; see also Celine Castronuova, *ABC Reporter Asks Putin About Dead, Jailed Opponents: ‘What Are You So Afraid Of?’*, HILL (June 16, 2021, 1:40 PM), <https://thehill.com/homenews/media/558760-abc-reporter-asks-putin-about-dead-jailed-opponents-what-are-you-so-afraid-of>; Peter Dickinson, *Navalny Joins Long List of Poisoned Putin Critics*, ATL. COUNCIL (Aug. 21, 2020), <https://www.atlanticcouncil.org/blogs/ukrainealert/navalny-joins-long-list-of-poisoned-putin-critics/>.

77. Bill Chappell, *The U.S. Warns That Russia Has a ‘Kill List’ of Ukrainians To Be Detained or Killed*, NPR (Feb. 21, 2022, 11:24 AM), <https://www.npr.org/2022/02/21/1082096026/russia-kill-list-ukraine>; see also Foer, *supra* note 7 (“What reason does [Zelensky] have to doubt that Vladimir Putin will order his murder, as the Russian leader has done with so many of his bravest critics and enemies?”).

78. See Isaac Chotiner, *The Russian Military’s Debacle in Ukraine*, NEW YORKER (Mar. 11, 2022), <https://www.newyorker.com/news/q-and-a/the-russian-militarys-debacle-in-ukraine> (indicating that Russian leaders expected to achieve regime change in Ukraine, forcing Zelensky to flee or surrender, in a few days and without significant combat); Eileen AJ Connelly, *Putin Fumes in His Mountain ‘Lair’ as Ukraine Proves Hard to Conquer*, N.Y. POST

Speaking to the Ukrainian people, Putin emphasized that he did not plan to occupy the country or disturb the interests of the Ukrainian people. He asked for their understanding and collaboration in developing a “common future” as a “single whole, despite the existence of state borders.”⁷⁹ Speaking to the Ukrainian Armed Forces, Putin emphasized that they had sworn an oath to the Ukrainian people and not to the governing “junta.”⁸⁰ Anyone who refused to follow the government’s “criminal orders” and laid down their arms could leave the battlefield and return to their families.⁸¹ In these statements, Putin still projects the qualities of power and control, although somewhat more obliquely.

Although disclaiming any “plan” to occupy Ukraine and to disturb the interests of the Ukrainian people,⁸² Putin indirectly asserts the capacity to do those very things. While holding out the opportunity for Ukrainian soldiers to “return to their families,”⁸³ Putin indirectly suggests they might never see their loved ones again because the soldiers might be killed in battle; they might be captured and tried for following “criminal orders;”⁸⁴ or their families might be killed in the “bloodshed” that would solely be the responsibility of those who choose to fight.⁸⁵ These indirect assertions of power and control clearly were designed to instill the paralyzing fear that causes many people to choose self-preservation over resistance and destruction.⁸⁶ In other words, Putin’s underlying message was, “stay out of the way and we will leave you alone.”

Finally, in announcing the opening of military operations, Putin reminded NATO member states that “Russia remains one of the most powerful nuclear states” and even has advantages in “several cutting-edge weapons,”⁸⁷ by which he presumably meant stealthy, nuclear-capable hypersonic weapons.⁸⁸ In addition, he warned that Russia would “immediately” respond to

(Feb. 26, 2022, 4:40 PM), <https://nypost.com/2022/02/26/putin-fumes-in-lair-as-ukraine-proves-hard-to-conquer/> (quoting a former Estonian defense official and indicating that “the entire invasion plan relied on ‘sowing panic among civilians and armed forces and forcing . . . Zelensky to flee’”); Foer, *supra* note 7 (“In Ukraine, the decision for a leader to flee would be the expected choice. It’s what [Zelensky’s] predecessor, Viktor Yanukovych, did in the aftermath of the revolution in 2014 . . .”).

79. *Transcript: Vladimir Putin’s Televised Address on Ukraine*, *supra* note 36.

80. *Id.*

81. *Id.*

82. *Id.*

83. *Id.*

84. *Id.*

85. *Transcript: Vladimir Putin’s Televised Address on Ukraine*, *supra* note 36.

86. See Meadows, *supra* note 52 (explaining that a crisis typically triggers behaviors grounded in the instinct for survival and self-preservation).

87. *Transcript: Vladimir Putin’s Televised Address on Ukraine*, *supra* note 36.

88. See Sebastien Roblin, *Russia Deploys Hypersonic Missiles to Baltic in Range of NATO Capitals*, FORBES (Feb. 8, 2022, 2:04 AM), <https://www.forbes.com/sites/sebastienroblin/2022/02/08/russia-deploys-hypersonic-missile-to-baltic-in-range-of-nato-capitals/>

“threats” or even “interference” with such consequences “as you have never seen in your entire history.”⁸⁹ Later, as the Russian offensive appeared to stall and the West announced punishing sanctions, Putin took the unprecedented step of placing Russian nuclear forces on high alert.⁹⁰ While reckless, the statements all emphasize the qualities of power and control. As with Putin’s other statements, they seek to instill a paralyzing fear that will prevent any consideration of active military involvement and might prevent consideration of other hostile measures at a time when Russia was planning to escalate the stalled offensive in Ukraine.⁹¹

In short, as an opportunistic leader who communicates power and aims to instill fear, Putin is not the sort of leader who *inspires* people to *die* for him and his cause. To the contrary, he *clears a path* by persuading potential sources of interference not to *risk* the many things that they could lose if they stand in the way. Visualizing the dynamic, one can describe power and fear as two points connected by a single line, which represents a thin stick. Most people considering that image would understand the vulnerability and the absence of choice that it implies.⁹² Whether Putin views his communications in exactly that way, one suspects that he wants everyone in his path to understand the terrain in roughly those terms.

In contrast to Putin, Zelensky’s communications since the invasion have exhibited many of the characteristics associated with alchemist leaders. Unlike Nelson Mandela, who developed and honed those qualities over a period of decades, Zelensky appears to be one of those people imbued with the capacity for transformative leadership by a cosmic lightning bolt when the

sh=7de51f66217e; Blake Stilwell, *Why Russia’s Hypersonic Missiles Can’t Be Seen on Radar*, MILITARY.COM, <https://www.military.com/equipment/weapons/why-russias-hypersonic-missiles-cant-be-seen-radar.html> (last visited Aug. 13, 2022).

89. *Transcript: Vladimir Putin’s Televised Address on Ukraine*, *supra* note 36.

90. *See* Wright, *supra* note 39 (describing the step and opining that Putin would not have made such a statement if the invasion of Ukraine was going well); *see also* Karmanau et al., *supra* note 39.

91. *See* Andrew Roth et al., *Putin Signals Escalation as He Puts Russia’s Nuclear Force on High Alert*, GUARDIAN (Feb. 27, 2022, 7:25 PM), <https://www.theguardian.com/world/2022/feb/27/vladimir-putin-puts-russia-nuclear-deterrence-forces-on-high-alert-ukraine> (“In the absence of a quick military breakthrough, Putin signalled he was prepared to escalate his onslaught on Ukraine, while taking the unprecedented step of explicitly brandishing Russia’s nuclear arsenal in an effort to deter western support for Ukraine.”); Wright, *supra* note 39 (explaining that Putin’s announcement was “designed to pressure, cajole, or coerce the West to stay out of Ukraine . . .”). The gambit worked at least to the extent of motivating President Biden to publicly declare that he would not risk fighting “World War III” to save Ukraine. Josh Wingrove, *Biden Says He’d Fight World War III for NATO but Not for Ukraine*, NAT’L POST (Mar. 11, 2022), <https://nationalpost.com/news/world/biden-says-hed-fight-world-war-iii-for-nato-but-not-for-ukraine>.

92. *See* Peter R. Partner, *Address to the 40th Judge Advocate Officer Graduate Course*, ARMY LAW. July 1992, at 3 (“[i]ndividually . . . sticks can easily be broken”).

moment arrived.⁹³ A young and inexperienced politician, this former comedian and television star seemed unlikely to go down in history as a significant figure,⁹⁴ except as the person who poorly prepared his country for the Russian onslaught⁹⁵ and who was a footnote to the first impeachment of former President Donald J. Trump.⁹⁶ But Zelensky has experienced a transformation.⁹⁷ Just before the outbreak of hostilities, he warned Russian forces that “when you . . . attack[] us, you will see our faces, not our backs.”⁹⁸ This was as important for Ukrainians to hear as it was for Russians.⁹⁹ Despite receiving information that he was Russia’s “number one target” and his family was target number two, Zelensky did not flee to safety after the invasion began.¹⁰⁰ When Russia falsely reported that Zelensky had turned tail,¹⁰¹ he took to the streets of Kyiv with senior officials to film a video, in which he calmly and masterfully reassured the Ukrainian people that their president, their government, and their military were all still “*here*.”¹⁰² When the United States offered to evacuate him, Zelensky replied that he needed “ammunition, not a ride.”¹⁰³ After several assassination attempts and reports that Russia had dispatched

93. See *supra* notes 53–54 and accompanying text.

94. See John Harrington, ‘You Will See Our Faces, Not Our Backs’—Volodymyr Zelenskyy Is a True Communications Leader, PR WEEK (Feb. 28, 2022), <https://www.prweek.com/article/1748158/you-will-faces-not-backs---volodymyr-zelenskyy-true-communications-leader> (“Until the events of recent days, Volodymyr Zelenskyy was not a household name in most countries. He was probably best known outside Ukraine as a historical oddity: the comedian-satirist who rose to lead a major European country.”).

95. See Myroniuk, *supra* note 2 (“As a broader conflict with Russia loomed, Zelensky annoyed the public by repeatedly downgrading the threat of an invasion. It appeared as though he was in denial, which gave Ukrainians a reason to lose faith in him.”); see also Chotiner, *supra* note 78 (“I don’t think they took the threat of this . . . Russian invasion seriously enough, early enough.”).

96. Marc Berenson, *Volodymyr Zelensky: The Comedian Who Defied the Might of Putin’s War Machine*, CONVERSATION (Mar. 8, 2022, 5:30 AM), <https://theconversation.com/volodymyr-zelensky-the-comedian-who-defied-the-might-of-putins-war-machine-178660>.

97. See Remnick, *supra* note 29 (describing Zelensky as “a comedian [who] has assumed the role of Winston Churchill”); see also Givhan, *supra* note 20 (opining that “the world has seen a leader transform . . .”).

98. *Full Transcript of Zelenskyy’s Emotional Appeal to Russians*, NBC NEWS (Feb. 23, 2022, 9:04 PM), <https://www.nbcnews.com/news/world/full-transcript-zelenskyy-s-emotional-appeal-russians-rcna17485>; Harrington, *supra* note 94.

99. Harrington, *supra* note 94.

100. Darryl Coote, *Ukrainian President Says He’s Russia’s ‘Number 1 Target,’* UPI (Feb. 24, 2022), https://www.upi.com/Top_News/World-News/2022/02/24/ukraine-Volodymyr-Zelensky-target-number-one/1591645753827/.

101. See *supra* note 20 and accompanying text.

102. Givhan, *supra* note 20.

103. Julian E. Barnes, *U.S. and Allies Discuss Security of Ukraine’s Leaders Amid Fears for Zelensky’s Safety*, N.Y. TIMES (Mar. 5, 2022), <https://www.nytimes.com/2022/03/05/us/politics/russia-ukraine-succession-zelensky.html>; Harrington, *supra* note 94; Myroniuk, *supra* note 2.

400 mercenaries to hunt and kill him, Zelensky appeared in his office, walked in front of windows, and told viewers, “I’m staying in Kyiv. In my office. I’m not hiding and I’m not afraid of anyone.”¹⁰⁴

In making those communications, Zelensky ditched business suits for military t-shirts and fatigues.¹⁰⁵ He switched from professionally shot video messages to clips shot on his own cellphone against the backdrop of important Ukrainian landmarks.¹⁰⁶ He had become a world leader who spoke regularly with other leaders of the free world, who was simultaneously the people’s president and the very symbol of an independent Ukraine.¹⁰⁷ The similarity to the image of General Washington in the bow of that crowded boat, leading poorly trained Continental soldiers across an ice-choked river, into a winter storm, and towards an engagement with highly-trained foreign invaders seems hard to miss.

The main quality that Zelensky communicates is courage; more courage than this author can recall displayed by any U.S. president during his lifetime.¹⁰⁸ In this context, one should mention the relationships among power, fear, and courage. Threats to exercise power in damaging ways often evoke fear. Fear and the imperative of self-preservation often result in paralysis,¹⁰⁹ which is exactly what opportunistic leaders want. Courage does not mean the

104. Gerrard Kaonga, *Zelensky Has Survived Over a Dozen Assassination Attempts, Ukraine Claims*, NEWSWEEK (Mar. 9, 2022, 8:56 AM), <https://www.newsweek.com/volodymyr-zelenskyy-assassination-attempt-killing-ukraine-president-russia-1686329>; Bill Bostock, *The Kremlin Ordered 400 Russian Mercenaries to Kyiv to Hunt and Kill Ukraine’s President, Report Says*, INSIDER (Feb. 28, 2022, 7:52 AM), <https://www.businessinsider.com/russia-orders-mercenaries-assassinate-ukraine-president-report-2022-2>. One can view the entire video at <https://www.youtube.com/watch?v=hf4kGIU1BFQ>.

105. Harrington, *supra* note 94.

106. Harrington, *supra* note 94; *see also* Remnick, *supra* note 29 (“Zelensky employs a smartphone and the simplest rhetoric to assert his presence on the front line.”).

107. *See* Jeremy Cliffe, *The Exemplary Resilience of Volodymyr Zelensky*, NEW STATESMAN (Feb. 26, 2022), <https://www.newstatesman.com/world/europe/ukraine/2022/02/the-exemplary-resilience-of-volodymyr-zelensky> (describing Zelensky’s transformation from “a mediocre president into a symbol of a country with a backbone of steel”); *How Volodymyr Zelensky Found His Roar*, *supra* note 20 (opining that Zelensky had become the voice and representation of Ukraine, “not as idealized myth but as reality”).

108. *See* Ajnesh Prasad, *Volodymyr Zelensky’s Appeal Lies in His Service to Ukrainians Above All Else*, CONVERSATION (Mar. 2, 2022, 1:40 PM), <https://theconversation.com/volodymyr-zelenskys-appeal-lies-in-his-service-to-ukrainians-above-all-else-178012> (“Zelensky’s decision to remain in Kyiv is both exceptional and profound. There are few recent examples of political elites willing to put themselves at risk personally for the collective good—Abraham Lincoln, Nelson Mandela and Mother Teresa are some servant leaders of the past.”); McTague, *supra* note 8 (“Perhaps this is why Zelensky is so inspiring. Western countries don’t have this type of leadership anymore: unembarrassed, defiant belief in a cause.”).

109. *See* Dawn Onley, *How Leaders Can Make Better Decisions*, H.R. MAG. (Fall 2019), <https://www.shrm.org/hr-today/news/hr-magazine/fall2019/pages/how-leaders-can-make-better-decisions.aspx> (indicating that “[f]ear is the ultimate cause of paralysis”).

absence of fear, but rather the recognition of a greater possibility and the will to move deliberately towards that goal despite fear.¹¹⁰

The courage of leaders in the face of crisis can inspire followers. That sense of inspiration empowers followers to trust more, to work harder, and to accept more change as they move *en masse* towards the same unexpected possibility. One can see this both in the Ukrainian government's offer to distribute arms to any citizen willing to fight¹¹¹ and in the response. Two days into the fighting, the Ukrainian government distributed nearly 25,000 automatic rifles, 10 million rounds of ammunition, as well as rocket-propelled grenades and launchers to volunteers in Kyiv alone.¹¹² The author recalls one retired lieutenant colonel declaring on CNN that the Ukrainian army would be overwhelmed and that it was irresponsible to draw inexperienced civilians into a fight that would kill them without changing the inevitability of Russia's victory.¹¹³ Although perfectly rational when viewed against the fragile line connecting power and fear, the point is that courageous alchemist leaders follow a completely different logic. They do not stop at fear and self-preservation. They see unexpected possibilities and move towards them despite fear, gathering adherents until the movement reaches a legendary status. "Give me liberty or give me death" is the cry of a people who value freedom and independence more than existence. It may sound crazy, but one finds clear expressions of the sentiment in the hagiography of the American Revolution.¹¹⁴ It is also the last thing an opportunistic leader wants to hear, at least when the chorus grows large enough to block that leader's path.

110. See Andrew Cuomo, *New York Gov. Andrew Cuomo on Fear and Covid: 'You Can Feel Fear, but Acting on It Is Different,'* CNBC (Oct. 21, 2020, 10:57 AM), <https://www.cnn.com/2020/10/21/new-york-gov-andrew-cuomo-on-fear-public-speaking-and-leadership-during-covid-19.html> (quoting Franklin D. Roosevelt) ("Courage is not the absence of fear, but rather the assessment that something else is more important than fear."); Meadows, *supra* note 52 ("When the majority choose to run from . . . imminent danger, history always points to the few who moved beyond the danger to build a foundation on the possibility of what they saw.").

111. *Ukraine's Leader Urges Civilians to Fight, Promises to Arm All*, ALJAZEERA (Feb. 24, 2022), <https://www.aljazeera.com/news/2022/2/24/ukraines-leader-urges-civilians-to-fight-promises-to-arm-all>.

112. Isabelle Khurshudyan et al., *'Weapons to Anyone': Across Ukraine, Militias Form as Russian Forces Near*, WASH. POST. (Feb. 26, 2022, 4:00 PM), <https://www.washingtonpost.com/world/2022/02/26/ukraine-russia-militias/>.

113. *Cf. id.* (noting that "arming civilians, many of whom have little training, risks exacerbating the violence in cities across Ukraine and potentially giving the Russian military more pretext to fire indiscriminately"); Doug Bandow, *The Downside of Encouraging 'The Fight' on the Streets of Ukraine*, RESPONSIBLE STATECRAFT (Mar. 4, 2022), <https://responsiblestatecraft.org/2022/03/04/us-eu-should-push-peace-talks-before-ukraine-war-gets-worse/> (observing that attacks on civilians will be "even more likely if civilians take up arms").

114. *Patrick Henry*, HISTORY (Aug. 9, 2022), <https://www.history.com/topics/american-revolution/patrick-henry> (attributing this statement to Patrick Henry).

In contrast to Putin, Zelensky has become the sort of leader that people literally are willing to *die* for because he inspires them to overcome fear and to pursue goals more important than life itself. Visualizing the dynamic, one can describe power, fear, and courage as three points connected by three lines: in other words, a triangle, which is one of the most powerful shapes.¹¹⁵ People considering that image would understand the strength of the base,¹¹⁶ the ability to withstand pressure,¹¹⁷ and the possibility of choice. The power of courageous alchemist leaders lies in their capacity to change the strategic space in which a crisis unfolds. They can minimize the importance of the vulnerabilities that opportunistic leaders seek to exploit and can launch countermeasures that opportunistic leaders never saw coming.

C. Communication and the Relationship Between Governments and Citizens

In addition to expressing certain qualities and seeking to instill certain emotions, political leaders often communicate information that provides insight into their views about the relationship between governments and citizens. In this context too, the differences between Zelensky's and Putin's leadership styles are striking.

As suggested above, Zelensky's fundamental message to Ukrainians is "I am *here*."¹¹⁸ Not here in my palace but here in the streets. Not on the television but in a video shot on my phone and displayed on yours; a direct connection between president and people, carried wherever they go. And not just "I am *here*" but also the implied "*for you*." It is not just a reassuring message. It is a vow. It does not suggest that "everything will be ok" or that "we will win." But for the people of a country plunged into a dark wood, it is a vow that there will be a solid place to stand.¹¹⁹ In short, the message suggests that

115. See Zygmunt Plater, *Classic Lessons from a Little Fish in a Pork Barrel—Featuring the Notorious Story of the Endangered Snail Darter and the TVA's Last Dam*, 32 UTAH ENVTL. L. REV. 211, 237 (2012) (observing that "triangles are the strongest of all geometric shapes").

116. See Expert Report of Jordan Rotheiser at ¶ 14, *Brickstop Corp. v. Valley View Indus., H.C., Inc.*, No. 108-cv-02690 (N.D. Ill. Aug. 19, 2008), 2008 WL 4121744 (observing that "triangular geometry provides rigidity across the base . . .").

117. See *Knapp v. Morss*, 150 U.S. 221, 223–24 (1893) (noting that a "triangle . . . is well known to offer the most powerful resistance to contraction of any device used in the whole range of mechanics").

118. See *supra* notes 23–31.

119. Cf. Burrell, *supra* note 15 ("Dante is brilliant on the experience of losing your sense of direction but finding something else in that darkness far more precious: waking, as he said, 'in a dark wood where the true way was wholly lost.'").

Zelensky has come full circle to embody the title of the television show he once starred in, *Servant of the People*.¹²⁰

As suggested above, Putin's messages to Russians, Ukrainians, and NATO member states are not inspiring and selfless but threatening and self-absorbed.¹²¹ In essence, they amount to demands for the removal of distractions and impediments: "Do not approach me." "Do not offer feedback." "Do not criticize." And, most of all, "do not get in the way." In addition to the examples provided above, one can clearly see this in Putin's recent closure of independent news sources in Russia, the blocking of foreign news and social media platforms,¹²² and the adoption of a new law imposing criminal liability for public dissent, including 15-year sentences for publication of "false news" that discredits the Russian military.¹²³ This does not suggest a relationship in which the government serves the people. To the contrary, the people serve the government which, in turn, serves as the transmission belt for the whims and caprices of a single man.

III. IMPLICATIONS FOR THE GLOBAL ORDER

The leadership styles of Zelensky and Putin have significant implications for the course of the invasion and the consequences of that invasion in terms of global order. Starting with the course of the invasion, Zelensky's courage has inspired a movement committed to freedom and liberty even at the

120. See Harrington, *supra* note 94 ("The series was called 'Servant of the People' – which also became the name of its star's political party when it was founded in 2017. Through his leadership and communications, Zelenskyy is proving to be the servant Ukraine needs right now."); see also Prasad, *supra* note 108 ("For the servant leader, the office they occupy is not intended to capture and maintain power, but rather to advance the interests of the constituents they serve.").

121. See *supra* notes 64–91. The threats and self-absorption are on full display in the last six sentences Putin's address announcing the commencement of hostilities in Ukraine. All are addressed to Russians. All express the firm expectation that the armed forces, government institutions and officials, corporate executives, political parties, and civil society will all toe the line on his policies. *Transcript: Vladimir Putin's Televised Address on Ukraine*, *supra* note 36. Putin uses the word "I" in five of the six sentences, including the ominous assertion that "[t]his means . . . the decisions I made will be executed . . ." *Id.* (emphasis added). The egocentrism is hard to miss.

122. *Putin Signs Law Introducing Jail Terms for 'Fake News' on Army*, MOSCOW TIMES (Mar. 4, 2022), <https://www.themoscowtimes.com/2022/03/04/putin-signs-law-introducing-jail-terms-for-fake-news-on-army-a76768>; Anton Troianovski & Valeriya Safronova, *Russia Takes Censorship to New Extremes, Stifling War Coverage*, N.Y. TIMES (Mar. 4, 2022), <https://www.nytimes.com/2022/03/04/world/europe/russia-censorship-media-crack-down.html>.

123. Troianovski & Safronova, *supra* note 122. The new law also provides for three-year sentences in the case of publications endorsing the imposition of economic sanctions on Russia. *Putin Signs Law Introducing Jail Terms for 'Fake News' on Army*, *supra* note 122.

expense of protracted conflict and horrific loss.¹²⁴ He has survived long enough and inspired so many people that the movement would outlive his capture or death.¹²⁵ The longer Ukrainian forces resist, the greater their chances of preserving their nation in some form.¹²⁶ The harder that Putin pushes to clear the way to military victory, the more he is likely to rely on harsh, punitive, and norm-shattering means.¹²⁷ But even if those measures produce a military victory over Ukraine, the embittered population would be ungovernable and the territory not capable of sustained occupation.¹²⁸ This is, perhaps, why the opportunistic model constitutes the least effective and least sustainable leadership style.¹²⁹ At some point, it becomes impossible to clear the path in a way that preserves the leader's sense of control.

Turning to the consequences for global order, one should understand that the invasion is less about who controls the territory of Ukraine and more about Putin's rivalry with the West.¹³⁰ In his address announcing the initiation of military operations, Putin lamented the "paralysis of power" experienced by the Soviet Union and Russia during the 1990s.¹³¹ He excoriated the West's exploitation of Russia's weakness; the expansion of NATO; the West's sense of exceptionalism; its military adventures in Serbia, Iraq, Libya, and Syria; and its disregard for Russian interests, all of which he saw as steps towards "complete degradation and oblivion" of the Russian state.¹³²

124. See Thomas L. Friedman, Opinion, *In the War over Ukraine, Expect the Unexpected*, N.Y. TIMES (Mar. 15, 2022), <https://www.nytimes.com/2022/03/15/opinion/russia-ukraine-putin-war.html> ("Ukrainians have given Russians a tutorial on fighting and dying for freedom and self-determination.").

125. See Henry Foy & Demetri Sevastopulo, *Endgame in Ukraine: How Could the War Play Out?*, FIN. TIMES (Mar. 11, 2022), <https://www.ft.com/content/e2663cb2-d1ad-4c67-bbbf-dda0330da075> (discussing the possibility that Russian forces could topple the Zelensky government and indicating that the Ukrainian people would prefer prolonged insurgency to acceptance of a puppet regime).

126. See Barnes, *supra* note 103 ("But the longer the organized military leads the fight against Russia, the more likely Ukraine will be able to keep control of all or part of the country."); Beauchamp, *supra* note 21 ("The longer this conflict continues the better Ukraine will be positioned to defend itself."); Chotiner, *supra* note 78 (Observing that "as the fight has gone on Ukrainian morale and resistance have only improved[;] [s]o they have made this a national patriotic effort for Ukraine, and resistance is only going to increase").

127. Chotiner, *supra* note 78.

128. *Id.*; Liana Fix & Michael Kimmage, *What if Russia Loses?*, FOREIGN AFFS. (Mar. 4, 2022), <https://www.foreignaffairs.com/articles/ukraine/2022-03-04/what-if-russia-loses>; see also Thomas L. Friedman, Opinion, *Putin Has No Good Way Out, and That Really Scares Me*, N.Y. TIMES (Mar. 8, 2022), <https://www.nytimes.com/2022/03/08/opinion/putin-ukraine-russia-war.html>.

129. Rooke & Torbert, *supra* note 46.

130. See Wright, *supra* note 39 (opining that "the war is as much about his rivalry with the West as it is about who governs in Ukraine").

131. *Transcript: Vladimir Putin's Televised Address on Ukraine*, *supra* note 36.

132. *Id.*

In launching the invasion, Putin aimed to prove that the tide had turned.¹³³ President Biden was weak, the U.S. people were hopelessly divided, NATO was divided, Germany could not unify Europe in the post-Merkel era, and Europeans had become too dependent on the free flow of energy from Russia.¹³⁴ A quick invasion without effective resistance by Ukraine or the West would reveal the hollow core of a global order dominated by Western liberal democracies. It would also herald the reemergence of Russia as a great power unlikely to encounter serious resistance in the pursuit of national interests.

As with Ukraine, Putin completely miscalculated in his assessment of the West.¹³⁵ He is confronting NATO member states more united by a sense of purpose than they have been in decades.¹³⁶ Member states are funneling to Ukraine javelin anti-tank weapons, stinger surface-to-air missiles, and armed drones that have increased the deadly effectiveness of Ukrainian resistance.¹³⁷ The Biden administration has led a global effort to impose unprecedented sanctions on Putin, key Russian officials, the Russian government, Russian companies, and the Russian people.¹³⁸ Western corporations are in the process of cutting economic ties to Russia,¹³⁹ multiplying the effects of sanctions that will wreck the Russian economy for years to come.¹⁴⁰

133. See generally, Taras Kuzio, *Vladimir Putin Is Testing the “Weak” West in Ukraine and Poland*, ATL. COUNCIL (Nov. 23, 2021), <https://www.atlanticcouncil.org/blogs/ukrainealert/vladimir-putin-is-testing-the-weak-west-in-ukraine-and-poland/>.

134. See Fiona Hill, *Russia’s Assault on Ukraine and the International Order: Assessing and Bolstering the Western Response*, BROOKINGS (Feb. 2, 2022), <https://www.brookings.edu/testimonies/russias-assault-on-ukraine-and-the-international-order-assessing-and-bolstering-the-western-response/>.

135. See generally Opinion, *Vladimir Putin’s Deadly Miscalculation Has United the World Against Him*, GLOBE & MAIL (Mar. 1, 2022), <https://www.theglobeandmail.com/opinion/editorials/article-vladimir-putins-deadly-miscalculation-has-united-the-world-against-him/>.

136. Joe Scarborough, Opinion, *The War in Ukraine Is Moving into a New Phase. Biden and the West Had Better Get Ready*, WASH. POST (Mar. 14, 2022, 4:20 PM), <https://www.washingtonpost.com/opinions/2022/03/14/biden-putin-ukraine-war-chemical-weapons-safe-zones/>; Stewart M. Patrick, *Putin’s Catastrophic War of Choice: Lessons Learned (So Far)*, COUNCIL ON FOREIGN RELS. (Mar. 2, 2022, 11:07 AM), <https://www.cfr.org/blog/putins-catastrophic-war-choice-lessons-learned-so-far>.

137. See *infra* notes 186–88 and accompanying text.

138. Scarborough, *supra* note 136.

139. See Friedman, *supra* note 124.

140. See Cameron Abadi, *This Is a Man Who, When Backed Into the Corner, Raises the Stakes*, FOREIGN POL’Y, (Mar. 4, 2022, 1:14 PM), <https://foreignpolicy.com/2022/03/04/putin-russia-sanctions-economic-war/> (“The West’s sanctions against Russia over its invasion of Ukraine are already leading to a crash in the Russian ruble that will affect the country for years to come.”); Steve Coll, *The Complexities of the Ukraine Dilemma*, NEW YORKER (Mar. 19, 2022), <https://www.newyorker.com/magazine/2022/03/28/the-complexities-of-the-ukraine-dilemma> (indicating that the IMF has forecast that the Russian economy could shrink by thirty-five percent under the weight of sanctions in 2022); Eric Levitz, *The West’s Sanctions on Russia Are Working Too Well*, INTELLIGENCER (Mar. 7, 2022), <https://nymag.com/intelligencer>

Returning to Putin's leadership style, one should recall that he routinely relies on threats, fear, and bullying to clear a path. This is why alchemist leaders provide such an effective defense against opportunists: alchemist leaders don't step aside. To the contrary, they inspire others to flood the path. However, alchemist leaders are extremely rare.¹⁴¹ Although the West cannot count on the emergence of its own Volodymyr Zelensky, the current unity of purpose and the use of international institutions as centers of gravity have allowed the West to place serious obstacles in Putin's way.

This suggests an important lesson about what it takes to prevent the collapse of the existing global order. President Biden's predecessor in office was an opportunist,¹⁴² who sought to divide the American people,¹⁴³ alienate traditional allies,¹⁴⁴ and destroy the international institutions that provide the foundation for Western leadership in the global order.¹⁴⁵ Those were exactly the steps that could have enabled Putin's success in subverting the global

/2022/03/the-wests-sanctions-on-russia-are-working-too-well.html (predicting that the Russian economy will contract by between seven and fifteen percent, and concluding that sanctions designed to "wreck" the Russian economy are succeeding "beyond [anyone's] wildest hopes"); see also Jennifer Rubin, Opinion, *Putin Has Already Lost*, WASH. POST (Mar. 17, 2022, 10:00 AM), <https://www.washingtonpost.com/opinions/2022/03/17/putin-has-already-lost-ukraine-russia-war/> (opining that "Russia's economy is in shambles, losing decades of progress and perhaps permanently damaging the country's energy markets").

141. See Rooke & Torbert, *supra* note 46 (indicating that only one percent of leaders fall into this category).

142. See Dan P. McAdams, *The Appeal of the Primal Leader: Human Evolution and Donald J. Trump*, 1 *EVOLUTIONARY STUD. IMAGINATIVE CULTURE* 1, 1 (Fall 2017) ("Trump leads . . . through intimidation, bluster, and threat, and through the establishment of short-term, opportunistic relationships with other high-status agents.").

143. See Eric Schmitt & Helene Cooper, *Mattis Accuses Trump of Dividing the Nation in a Time of Crisis*, N.Y. TIMES (Sept. 22, 2021), <https://www.nytimes.com/2020/06/03/us/politics/jim-mattis-trump-protests.html> (quoting former Secretary of Defense Jim Mattis) ("Donald Trump is the first president in my lifetime who does not try to unite the American people—does not even pretend to try.").

144. Peter Baker & Michael D. Shear, *Trump's Blasts Upend G-7, Alienating Oldest Allies*, N.Y. TIMES (June 9, 2018), <https://www.nytimes.com/2018/06/09/world/g7-trump-russia.html>; Chuck Todd et al., *At NATO Summit Trump Again Alienates Allies and Compliments Enemies*, NBC NEWS (July 11, 2018, 7:53 AM), <https://www.nbcnews.com/politics/first-read/nato-summit-trump-again-alienates-allies-compliments-enemies-n890501>.

145. See Anne Applebaum, Opinion, *Trump Hates the International Organizations that Are the Basis of U.S. Wealth, Prosperity and Military Power*, WASH. POST (July 2, 2018, 12:34 PM), <https://www.washingtonpost.com/news/global-opinions/wp/2018/07/02/trump-hates-the-international-organizations-that-are-the-basis-of-u-s-wealth-prosperity-and-military-power/>; John Feffer, *Donald Trump's Strategy? Destroy the International Community in Order to Save It*, NATION (Jan. 24, 2017), <https://www.thenation.com/article/archive/donald-trumps-strategy-destroy-the-international-community-in-order-to-save-it/>.

order.¹⁴⁶ No American should want an opportunist leader anywhere near the White House again.

Although Russia continues its heartbreaking invasion of Ukraine and many observing this understandably want their leaders to do more to assist Ukraine, the fact is that one can already describe Russia's actions as a strategic failure.¹⁴⁷ Even if Russia can salvage some sort of military victory, its expectations of a quick and relatively painless campaign were dashed.¹⁴⁸ It did not precipitate the collapse of the existing global order. To the contrary, it filled institutions and alliances with a new sense of purpose.¹⁴⁹ In addition, the ineffectiveness of Russian forces made Putin look weak and foolish.¹⁵⁰ Echoing Putin's own words on the eve of the invasion, such "paralysis of power" constitutes the first step towards "complete degradation and oblivion."¹⁵¹ One cannot overstate the significance of this development. For the first time ever, experts are opining that Putin has placed the survival of his own regime in jeopardy.¹⁵² One can see Putin's concern in the recent imposition of harsh criminal penalties for criticism of the war in Russia,¹⁵³ the attempt to eliminate all independent reporting on the war in Russia,¹⁵⁴ and

146. CNN, *Ex-US Ambassador to Ukraine Says Trump Helped Emboldened Putin*, YOUTUBE (Mar. 14, 2022), https://www.youtube.com/watch?v=CVK4U_xy4os; see also Marshall Cohen, *4 Things to Remember About Trump, Ukraine, and Putin*, CNN (Mar. 26, 2022, 2:05 AM), <https://www.cnn.com/2022/03/26/politics/trump-putin-ukraine/index.html> ("Experts say Trump's actions weakened Ukraine, divided NATO, emboldened Putin and helped get us to where we are today.").

147. See Paul Krugman, *Opinion, Putin and the Myths of Western Decadence*, N.Y. TIMES (Mar. 28, 2022), <https://www.nytimes.com/2022/03/28/opinion/putin-western-decadence.html?referrer=masthead> ("In less than five weeks Putin has destroyed Russia's military reputation, battered his nation's economy and strengthened the democratic alliances he hoped to undermine. How could he have made such a catastrophic mistake?"); Rubin, *supra* note 140 ("The extent of Putin's failure is breathtaking."); see also Chotiner, *supra* note 78; Fix & Kimmage, *supra* note 128; Friedman, *supra* note 124; Patrick, *supra* note 136. Well-known author Francis Fukuyama has opined that Putin is heading for "outright defeat" in Ukraine. Rachel Sharp, *Francis Fukuyama Says Russian Defeat in Ukraine Will 'Make Possible a New Birth of Freedom'*, INDEPENDENT (Mar. 14, 2022, 3:19 PM), <https://www.independent.co.uk/news/world/americas/russia-ukraine-invasion-francis-fukuyama-b2035413.html>.

148. See Rubin, *supra* note 140 ("He was supposed to win this war in days; in three weeks, he still has not captured Kyiv or decapitated the Ukrainian government."); see also Friedman, *supra* note 124.

149. *Id.*

150. See Rubin, *supra* note 140 (noting that Putin's "military has sustained humiliating losses" and that Putin has become "the butt of jokes"); see also Patrick, *supra* note 136.

151. *Transcript: Vladimir Putin's Televised Address on Ukraine*, *supra* note 37.

152. See Chotiner, *supra* note 78; Friedman, *supra* note 124; See Andrea Kendall-Taylor & Erica Frantz, *The Beginning of the End for Putin?*, FOREIGN AFFS. (Mar. 2, 2022), <https://www.foreignaffairs.com/articles/russian-federation/2022-03-02/beginning-end-putin>; Sharp, *supra* note 147.

153. See *supra* note 123 and accompanying text.

154. See *supra* note 122 and accompanying text.

Putin's humiliating request for Chinese military assistance in prosecuting the war.¹⁵⁵

In facing this existential crisis of his own making, the temptation will be for Putin to double down until he achieves results that begin to feel like a win.¹⁵⁶ The danger, of course, is that he invests ever greater resources in producing ever greater failures, thereby making himself look increasingly weak and foolish.¹⁵⁷ If that happens, the pressure to resort to extreme measures to clear the path would be intense.¹⁵⁸ It would become particularly attractive if Putin thought he could externalize blame on the West. Perhaps for this reason, Russia has been circulating rumors of U.S. biological weapons labs in Ukraine,¹⁵⁹ the United States has been warning of false-flag attacks by Russia involving chemical weapons,¹⁶⁰ and the U.N. Secretary-General has warned that nuclear conflict has returned to the realm of possibility.¹⁶¹

Clearly, the conflict in Ukraine is entering a new and more dangerous phase.¹⁶² The question is how to act in ways that promote global order while not forcing Putin to undertake extreme measures likely to sink all boats. In this context, four principles appear to make sense. First, the Biden administration and its allies should *stop* listing all the actions that *they* will *not* take and the self-imposed red lines *they* will *not* cross.¹⁶³ Restraint makes sense, except

155. See Demetri Sevastopulo, *Russia Has Asked China for Military Help in Ukraine, US Officials Say*, FIN. TIMES (Mar. 13, 2022), <https://www.ft.com/content/30850470-8c8c-4b53-aa39-01497064a7b7> (interpreting the request as a sign that Russia is running out of certain kinds of weaponry, citing the U.S. National Security Adviser's description of the request as a "bail out," quoting a former CIA official for the proposition that the request establishes China as the "clear senior partner in the relationship now," and referring to fears that "Putin could fall" without Chinese support).

156. Friedman, *supra* note 124; see also Amanda Macias, *U.S. Intel Chiefs Warn Congress That Putin Will 'Double Down' in Ukraine as Kremlin's War Drags On*, CNBC (Mar. 8, 2022, 8:11 PM), <https://www.cnbc.com/2022/03/08/us-intel-chiefs-warn-putin-will-double-down-in-ukraine.html>.

157. Friedman, *supra* note 124.

158. See Chotiner, *supra* note 78; Friedman, *supra* note 124.

159. Edward Wong, *U.S. Fights Bioweapons Disinformation Pushed by Russia and China*, N.Y. TIMES (Mar. 10, 2022, 7:33 PM), <https://www.nytimes.com/2022/03/10/us/politics/russia-ukraine-china-bioweapons.html>.

160. *Id.*

161. Andrew Jeong, *Putin Has Brought the Threat of Nuclear Conflict 'Back Within the Realm of Possibility,' U.N. Chief Says*, WASH. POST (Mar. 15, 2022, 5:33 AM), <https://www.washingtonpost.com/world/2022/03/15/nuclear-conflict-putin-un-guterres/>.

162. Scarborough, *supra* note 136.

163. See e.g., Amy J. Nelson & Alexander H. Montgomery, *Mind the Escalation Aversion: Managing Risk Without Losing the Initiative in the Russian-Ukraine War*, BROOKINGS (Mar. 11, 2022), <https://www.brookings.edu/blog/order-from-chaos/2022/03/11/mind-the-escalation-aversion-managing-risk-without-losing-the-initiative-in-the-russia-ukraine-war/>; Scarborough, *supra* note 136.

when it projects a sense of fear and paralysis.¹⁶⁴ Second, the Biden administration and its allies should *start* listing the red lines they demand that *Russia* not cross.¹⁶⁵ Again, restraint makes sense, except when it surrenders the initiative and enables Putin to “work his way up the escalatory ladder.”¹⁶⁶ Third, the Biden administration and its allies should avoid actions and threats that directly challenge the survival of Putin’s regime.¹⁶⁷ Accountability makes sense, except when it convinces Putin that he has nothing to lose by recourse to chemical and nuclear weapons. Fourth, short of existential challenges, the Biden administration and its allies should signal a willingness to meet escalation with calibrated escalation.¹⁶⁸ For example, if Russia persuades China to render military assistance, the West should make clear its own willingness to put a thumb on the scale, for example by providing Ukraine with “more and better arms.”¹⁶⁹ In this context, the focus should be on deterrence instead of escalation.¹⁷⁰

The point is that one cannot defend the global order without undertaking some risk, without taking meaningful steps to thwart tyrants who would undermine it, and without supporting a nation that has risked everything to join it.

IV. IMPLICATIONS FOR THE RULE OF LAW

Opportunist leaders like Putin are characterized by frequent rule-breaking, harsh retaliation, and externalization of blame.¹⁷¹ Although heartbreaking, it is hardly surprising that we are witnessing the most serious violations of international law on the European continent during the twenty-first century.¹⁷² It is hardly surprising that those transgressions involve horrifically escalating violence against civilians.¹⁷³ It is hardly surprising that Putin blames

164. Nelson & Montgomery, *supra* note 163.

165. *Id.*

166. *Id.*; see also Scarborough, *supra* note 136 (arguing that it is time for NATO to cease ceding the initiative to Putin).

167. Scarborough, *supra* note 136.

168. See *When Vladimir Putin Escalates His War, the World Must Meet Him*, ECONOMIST (Mar. 5, 2022), <https://www.economist.com/leaders/2022/03/05/when-vladimir-putin-escalates-his-war-the-world-must-meet-him>.

169. *Id.*

170. *Id.*

171. See *supra* notes 46–50 and accompanying text.

172. G.A. Res. ES-11/1, Aggression Against Ukraine (Mar. 2, 2022), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/293/36/PDF/N2229336.pdf> (“Recognizing that the military operations of the Russian Federation inside the sovereign territory of Ukraine are on a scale that the international community has not seen in Europe in decades and that urgent action is needed to save this generation from the scourge of war . . .”).

173. Allegations of Genocide Under the Convention of the Prevention and Punishment of the Crime of Genocide (Ukr. v. Russ. Fed’n), Order, 2022 I.C.J. 182, ¶¶ 75–76 (March 16),

Ukrainians and the West for forcing his hand,¹⁷⁴ and has tried to frame the United States for future chemical weapons attacks in Ukraine.¹⁷⁵ In other words, Putin has not just been at war with Ukraine. He has been at war with accountability and the rule of law.

At one level, it has been infuriating to witness the impotence of international law, the inability of the United Nations Security Council to take any substantive action,¹⁷⁶ the knowledge that Putin almost certainly will never

<https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>. In its March 16, 2022 Order on Provisional Measures, the International Court of Justice emphasized violence against civilians as one of the circumstances establishing a threat of irreparable harm:

75. The Court considers that the civilian population affected by the present conflict is extremely vulnerable. The “special military operation” being conducted by the Russian Federation has resulted in numerous civilian deaths and injuries. It has also caused significant material damage, including the destruction of buildings and infrastructure. Attacks are ongoing and are creating increasingly difficult living conditions for the civilian population. Many persons have no access to the most basic foodstuffs, potable water, electricity, essential medicines or heating. A very large number of people are attempting to flee from the most affected cities under extremely insecure conditions.

76. In this regard, the Court takes note of resolution A/RES/ES-11/1 of 2 March 2022, of the General Assembly of the United Nations, which, *inter alia*, “[e]xpress[es] grave concern at reports of attacks on civilian facilities such as residences, schools and hospitals, and of civilian casualties, including women, older persons, persons with disabilities, and children”, “[r]ecogniz[es] that the military operations of the Russian Federation inside the sovereign territory of Ukraine are on a scale that the international community has not seen in Europe in decades and that urgent action is needed to save this generation from the scourge of war”, “[c]ondemn[s] the decision of the Russian Federation to increase the readiness of its nuclear forces” and “[e]xpress[es] grave concern at the deteriorating humanitarian situation in and around Ukraine, with an increasing number of internally displaced persons and refugees in need of humanitarian assistance.”

Id.

174. *Id.* at ¶¶ 30–31; Isabelle Khurshudyan et al., *Putin Accuses West of Using Ukraine as a Pawn in Showdown with Russia*, WASH. POST (Feb. 1, 2022, 5:59 PM), <https://www.washingtonpost.com/world/2022/02/01/ukraine-russia-putin-blinken-diplomacy-nato/>; Olzhas Auyezov, *Putin Blames West for Tensions Since End of Cold War*, REUTERS (Dec. 21, 2022, 6:14 AM), <https://www.reuters.com/world/russias-putin-blames-west-tensions-europe-2021-12-21/>. China has espoused the same view. Simone McCarthy, *As War Breaks Out in Europe, China Blames the US*, CNN (Feb. 25, 2022, 11:02 AM), <https://www.cnn.com/2022/02/25/china/china-reaction-ukraine-russia-intl-hnk-mic/index.html>.

175. See Wong, *supra* note 159.

176. Vanessa Romo, *Russia Vetoes UN Security Council Resolution that Denounces Its Invasion of Ukraine*, NPR NEWS (Feb. 25, 2022, 9:02 PM), <https://www.npr.org/2022/02/25/1083252456/russia-vetoes-un-security-council-resolution-that-denounces-its-invasion-of-ukra>. Eleven of fifteen Security Council members voted for the resolution. *Id.* China, India, and the United Arab Emirates abstained. *Id.* Only Russia voted against the resolution. *Id.*

face prosecution for the crime of aggression and war crimes,¹⁷⁷ and the refusal of Russian officials even to engage NATO counterparts in any sort of dialogue.¹⁷⁸ Viewed from this perspective, one sees a transparent attack on the rule of law and the inability of international institutions to respond. This is the message that Putin clearly wanted to send to Ukraine, other former Soviet Republics, and former Warsaw Pact states: international law provides no safeguard against Russian power.

Although Putin has succeeded on a purely formal level, he has failed to destroy belief in, or to reveal the impotence of, international law. To the contrary, the invasion created an opportunity for states to affirm the breadth and depth of their commitment to international legal norms. At an emergency session of the United Nations General Assembly, 141 member states voted for a resolution condemning Russian aggression against Ukraine, expressing grave concern at reports of attacks on civilians and civilian objects, and demanding compliance with international law governing armed conflict and the protection of human rights.¹⁷⁹ Only five states voted against.¹⁸⁰ Also, more than three dozen states have asked the Prosecutor for the International Criminal Court to open an investigation into violations of international criminal law by Russian forces in Ukraine.¹⁸¹ Although it is unlikely to result in prosecutions before the International Criminal Court, the investigation would establish an authoritative record of Putin's international crimes.¹⁸² This would

177. See Fred Kaplan, *Russia Is Committing War Crimes. Could Putin Ever Be Prosecuted?*, SLATE (Mar. 14, 2022, 5:55 AM), <https://slate.com/news-and-politics/2022/03/russia-war-crimes-putin-prosecute.html> (“I asked Faiza Patel, a former lawyer at the International Criminal Court . . . whether Putin could be charged with war crimes. She replied, ‘Leaving aside the practical problems? Yes.’ . . . First, where would Putin be tried? Russia doesn’t recognize the ICC (neither does the United States), which doesn’t try anyone who isn’t present in the courtroom. The U.N. Security Council could create a special tribunal, but Russia has a permanent seat on the council and would likely veto any such measure . . .”).

178. Natasha Bertrand, *NATO Has Tried to Reach Russia Unsuccessfully Via Deconfliction Hotline*, CNN (Mar. 16, 2022, 10:33 AM), https://www.cnn.com/europe/live-news/ukraine-russia-putin-news-03-16-22/h_221942ac8c75ff9e244b6001e7cdf3a.

179. See G.A. Res. ES-11/1, *supra* note 172; Julian Borger, *UN Votes to Condemn Russia’s Invasion of Ukraine and Calls for Withdrawal*, GUARDIAN (Mar. 2, 2022, 1:10 PM), <https://www.theguardian.com/world/2022/mar/02/united-nations-russia-ukraine-vote>.

180. Those states were Belarus, Eritrea, North Korea, Russia, and Syria. Borger, *supra* note 179.

181. *Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Receipt of Referrals from 39 States Parties and the Opening of an Investigation*, INT’L CRIM. CT. (Mar. 2, 2022), <https://www.icc-cpi.int/Pages/item.aspx?name=2022-prosecutor-statement-referrals-ukraine>.

182. Jennifer Borresen et al., *Putin War Crimes in Ukraine Will Be Investigated, but Russian Leaders Unlikely to Be Prosecuted*, USA TODAY (Mar. 18, 2022, 12:50 PM), <https://www.usatoday.com/restricted/?return=https%3A%2F%2Fwww.usatoday.com%2Fin-depth%2Fgraphics%2F2022%2F03%2F12%2Fwar-crimes-ukraine-putin-russia-prosecution>

also ensure that he remains largely an international pariah¹⁸³ and would undermine his effectiveness as a global leader for years to come.¹⁸⁴

In addition to reaffirming their commitment to international law, Western states have backed their words with the most coordinated, comprehensive, and punishing array of sanctions seen in modern times.¹⁸⁵ As a complement to these sanctions, NATO member states have provided Ukraine with javelin antitank missiles,¹⁸⁶ stinger antiaircraft missiles,¹⁸⁷ and weaponized drones.¹⁸⁸ One could debate whether NATO member states have done enough,¹⁸⁹ but the results speak for themselves. The Russian air force has largely stayed on the ground¹⁹⁰ and has avoided Ukrainian airspace when possible.¹⁹¹ Although it is hard to find reliable information, arms shipments have enabled Ukrainian

%2F9429508002%2F; Claire Parker, *What Are War Crimes, and Is Russia Committing Them in Ukraine?*, WASH. POST (May 23, 2022, 7:59 PM), <https://www.washingtonpost.com/world/2022/03/03/russia-ukraine-war-crimes-explainer/>.

183. Friedman, *supra* note 124; *see also* Fix & Kimmage, *supra* note 128 (opining that “[i]f Putin maintains his grip on power, Russia will become a pariah state”).

184. Fix & Kimmage, *supra* note 128 (“At every turn, the ensuing outrage will be an obstacle to Russian foreign policy in the future.”).

185. *See* David Leonhardt & Prasad Philbrick, *Economic War*, N.Y. TIMES (Mar. 11, 2022), <https://www.nytimes.com/2022/03/11/briefing/economic-war-sanctions-russia.html> (“‘We’re in totally new territory,’ Nicholas Mulder, a historian of sanctions, told *The Atlantic*. ‘The speed, the sweep and the size of the sanctions, or the size of the targets of the sanctions—those three factors make them extraordinary.’”).

186. *See* Claire Parker et al., *What to Know About the Role Javelin Antitank Missiles Could Play in Ukraine’s Fight Against Russia*, WASH. POST (Mar. 12, 2022, 4:00 AM), <https://www.washingtonpost.com/world/2022/03/12/javelins-ukraine-russia/> (indicating that the United States and other NATO member states sent over 17,000 antitank weapons, including javelin antitank missiles, to Ukraine during a single week); *Ukraine Now Has More US Javelin Weapons on Its Territory than Some NATO States—Shoigu*, TASS (Feb. 21, 2022, 10:42 AM), <https://tass.com/world/1407493>.

187. *See* Kylie Atwood & Zachary Cohen, *US Delivered Hundreds of Stinger Anti-Aircraft Missiles to Ukraine This Week, Sources Say*, CNN (Mar. 2, 2022, 4:42 PM), https://www.cnn.com/europe/live-news/ukraine-russia-putin-news-03-02-22/h_64b1f11f9436c08cec6f31108fe6463f (indicating that the United States delivered hundreds of stinger missiles to Ukraine, including 200 on the last day of February).

188. Davis Winkie, *Ukraine Receives More Armed Drones Amid Russian Invasion*, MIL. TIMES (Mar. 3, 2022), <https://www.militarytimes.com/flashpoints/ukraine/2022/03/03/ukraine-receives-more-armed-drones-amid-russian-invasion/>. At the beginning of the invasion, Ukraine had 20 weaponized Turkish drones. *Id.*

189. James Stavridis, *Ukraine Needs More Military Aid from NATO—and Fast*, TIME (Mar. 14, 2022, 1:08 PM), <https://time.com/6157257/nato-ukraine-military-aid/>.

190. *The Curious Case of Russia’s Missing Air Force*, ECONOMIST (Mar. 8, 2022), <https://www.economist.com/interactive/2022/03/08/curious-case-russias-missing-air-force>.

191. Abbie Shull, *Pentagon Says Some Russian Jets Are Avoiding Ukraine’s Airspace During Sorties to Avoid Being Shot Down*, INSIDER (Mar. 11, 2022, 4:42 PM), <https://www.businessinsider.com/russian-jets-avoiding-ukraine-airspace-to-avoid-being-shot-down-2022-3>.

forces to damage, capture, or destroy hundreds of Russian tanks,¹⁹² nearly two dozen aircraft,¹⁹³ nearly three dozen helicopters,¹⁹⁴ and have killed between 7,000 and 15,000 Russian troops as of early April 2022.¹⁹⁵ Those numbers include up to nine of twenty Russian generals participating in the operations.¹⁹⁶ The lower end of estimated troop losses exceeds the total number of

192. See Stijn Mitzer & Jakub Janovsky, *Attack on Europe: Documenting Russian Equipment Losses During the 2022 Russian Invasion of Ukraine*, ORYX (Feb. 24, 2022), <https://www.oryxspioenkop.com/2022/02/attack-on-europe-documenting-equipment.html> (identifying 670 damaged, captured, abandoned or destroyed Russian tanks); see also Vikram Mittal, *Military Equipment Losses Provide Insight into Russia-Ukraine War*, FORBES (Mar. 10, 2022, 10:59 AM), <https://www.forbes.com/sites/vikrammittal/2022/03/10/military-equipment-losses-provide-insight-into-russia-ukraine-war/?sh=49ff54dc6f59> (“Oryx provides a more accurate picture of the progress of the war than other sources, many of which show a clear bias.”).

193. Mitzer & Janovsky, *supra* note 192 (listing 26 aircraft as of May 13, 2022).

194. See *id.* (listing 40 helicopters as of May 13, 2022).

195. See *Why Are so Many Russian Generals Dying in Ukraine?*, ECONOMIST (Mar. 31, 2022), <https://www.economist.com/the-economist-explains/2022/03/31/why-are-so-many-russian-generals-dying-in-ukraine> (indicating that nine Russian generals have died in Ukraine); Emily Rauhala et al., *Russia Could Have Lost as Many as 15,000 Troops in Ukraine War*, NATO Official Estimates, WASH. POST (Mar. 24, 2022, 9:18 AM), <https://www.washingtonpost.com/world/2022/03/24/russia-troops-casualties-nato-ukraine/>; Giulia Carbonaro, *More Russian Soldiers Killed in Ukraine than U.S. Troops in Over 20 Years*, NEWSWEEK (Mar. 17, 2022, 8:26 AM), <https://www.newsweek.com/more-russian-soldiers-killed-ukraine-us-troops-over-20-years-1688957>.

196. See Will Stewart & Adam Solomons, *NINTH Russian General is ‘Killed in Ukraine’: Kyiv Claims to Have Taken Out yet Another Senior Officer as Putin Tries to Conquer the East*, DAILY MAIL (May 1, 2022, 10:19 AM), <https://www.dailymail.co.uk/news/article-10772367/Is-NINTH-Russian-general-killed-Ukraine-Reports-blow-Putins-failed-war.html>; Alia Shoaib, *How the Russian Officer Elite Is Being Decimated in Ukraine—27 Generals and Commanders Who Were Killed in Action*, INSIDER (May 1, 2022, 7:03 AM), <https://www.businessinsider.com/ukraine-russian-officer-elite-decimated-9-who-were-killed-in-combat-2022-3> (indicating that seven Russian generals had been killed as of May 1, 2022); Rubin, *supra* note 140 (noting that four of Putin’s generals had been killed as of March 17, 2022); see also Tom Batchelor & Thomas Kingsley, *The Russian Commanders Killed in Putin’s War on Ukraine Including Major Generals*, INDEPENDENT (Apr. 17, 2022, 1:37 PM), <https://www.independent.co.uk/news/world/europe/russian-commanders-general-killed-ukraine-b2032170.html?r=46780> (identifying the three Russian generals killed in Ukraine); Jack Newman et al., *Third Russian General ‘Killed’ in Ukraine in Eight Days: Commander of Armoured Unit Is the Latest Senior Officer to Be Claimed Dead by Ukrainian Forces*, DAILY MAIL (Mar. 11, 2022, 11:13 AM), <https://www.dailymail.co.uk/news/article-10603179/Third-Russian-general-killed-Ukraine-eight-days-latest-blow-Vladimir-Putins-forces.html> (indicating that 20 Russian generals are taking part in the invasion of Ukraine).

For context, only three Russian generals were killed during the entire course of the Syrian conflict. Max Foster & Sarah Dean, *A Third Russian General Has Been Killed by Ukrainian Forces, Western Officials Say*, CNN (Mar. 11, 2022, 1:14 PM), https://www.cnn.com/europe/live-news/ukraine-russia-putin-news-03-11-22/h_749a6a9b350a736f4fb0d371cf1893c1. Only one U.S. general officer has been killed in a war zone since the Vietnam War. Jack Detsch, *‘Winging It’: Russia Is Getting Its Generals Killed on the Front*

U.S. servicemembers killed in Afghanistan *and* Iraq between 2001 and 2019, and the higher end of the range coincides with the number of Soviet troops lost during the Soviet Union's disastrous, decade-long conflict in Afghanistan.¹⁹⁷ The international community is ensuring that Russia pays a heavy price for its assault on the rule of law.

If Russia's flagrant violations of international laws have been infuriating to many, the response of Ukrainians has been inspiring. Professional soldiers and armed citizens are risking everything for freedom, liberty, and the opportunity to join the community of democratic European states.¹⁹⁸ Even one of the country's supreme court judges has joined the armed resistance.¹⁹⁹ These stories and the ideals they reflect have more power than tanks.²⁰⁰ Tanks can destroy things but not ideas. And ideas can build nations.²⁰¹ A people willing to die for freedom, liberty, and democracy has revived the spirit of the American Revolution in the modern world.²⁰² It is the ultimate affirmation of the rule of law. And it is the ultimate foe of an opportunist leader who depends on fear to clear his path. In Zelensky and the people he inspired to fight for freedom, Putin has finally met his match.

Lines, FOREIGN POL'Y, (Mar. 21, 2022, 5:56 PM), <https://foreignpolicy.com/2022/03/21/russia-generals-dead-ukraine>.

197. See WATSON INST. INT'L & PUB. AFF., BROWN UNIV., COSTS OF WAR: U.S. & ALLIED KILLED (July 2021), <https://watson.brown.edu/costsofwar/costs/human/military/killed> (indicating that 7,057 U.S. service members died in Afghanistan and Iraq between 2001 and the end of 2019); Rauhala et al., *supra* note 195 (indicating that the Soviet Union lost 15,000 troops in Afghanistan during the 1980s).

198. John Blake, *Ukrainians Are Giving Two Lessons in Democracy that Americans Have Forgotten*, CNN (Mar. 6, 2022, 7:56 PM), <https://www.cnn.com/2022/03/06/politics/ukraine-democracy-lesson-us-blake-ccc/index.html>.

199. John Hyde, *Ukraine Supreme Court Judge Joins Defense Forces on Front Line*, L. SOC'Y GAZETTE (Mar. 7, 2022), <https://www.lawgazette.co.uk/news/ukraine-supreme-court-judge-joins-defence-forces-on-front-line/5111767.article>.

200. Blake, *supra* note 198.

201. *Id.*

202. *Id.*