

**Defending Democracy from the DoDOs: How
Power Escapes Democratic Control**

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Executive Summary

Liberal democracies rest on five interlocking pillars: separation of powers, subsidiarity, the rule of law, electoral accountability, and freedom of speech. Developed over centuries—from Montesquieu and James Madison to Charles Tiebout and Elinor Ostrom—these institutions reflect a common insight: liberty depends not on the virtue of rulers but on institutional design. Authority must be fragmented, decisions kept close to those they affect, and citizens given the tools to contest and correct those who govern.

This paper identifies a structural threat to that architecture: “Democratically Deficient Organizations,” or “DoDOs.” A DoDO is not a single institution but an ecosystem of intergovernmental bodies, nongovernmental organizations (NGOs), foundations, and corporations that collectively shape policy while remaining largely insulated from democratic accountability. These networks share four defining features: they exercise meaningful policy-shaping authority, lack direct electoral accountability, operate through opaque decision-making processes, and expand their mandates and budgets in response to the problems they claim to address.

The DoDO dynamic has emerged through a gradual upward drift of decision-making authority. As power moves from local to national and from national to supranational institutions, the distance between citizens and decision makers grows and accountability weakens. A voter can attend a town council meeting or vote out a mayor; no “citizen of the world” can meaningfully hold the World Health Organization (WHO) Executive Board or the Organisation for Economic Co-operation and Development (OECD) Committee on Fiscal Affairs to account. As William Niskanen’s analysis suggests, institutions facing weak oversight tend naturally to expand their budgets and jurisdictions.

Several policy domains illustrate how this system operates in practice. Development aid often weakens the incentives of recipient governments to pursue institutional reform, while a substantial share of aid spending flows back to contractors and NGOs in donor countries. Environmental treaties—such as the Convention on International Trade in Endangered Species (CITES) and the Cartagena Protocol on Biosafety—can undermine conservation incentives and technological innovation, while sustaining large advocacy and compliance ecosystems. Global health governance has similarly expanded beyond its original focus on infectious disease, with initiatives such as the Framework

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Convention on Tobacco Control opposing harm-reduction products that independent scientific assessments find far less harmful than combustible tobacco.

The global drug-prohibition regime demonstrates that the DoDO dynamic transcends ideology. International treaties and bureaucratic institutions have entrenched prohibition despite significant social costs, including mass incarceration and widespread violence. Efforts to disrupt drug-related financial flows have produced expansive anti-money laundering regimes that impose vast compliance costs with limited evidence of effectiveness. In fiscal policy, the OECD's campaign against "harmful tax competition"—including the Base Erosion and Profit Shifting (BEPS) initiative and the Common Reporting Standard—illustrates how international coordination can suppress the jurisdictional competition that disciplines governments.

Two theoretical frameworks help explain why such policies persist. Timur Kuran and Cass Sunstein's concept of availability cascades describes how alarming claims can generate self-reinforcing policy cycles: NGOs highlight risks, media amplify them, politicians respond with new mandates, international treaties lock in those responses, and expanding bureaucracies reinforce the original claims. Bruce Yandle's "Bootleggers and Baptists" model shows how moral advocates and economic beneficiaries form durable coalitions that sustain regulation. Once policy debates become moralized—saving the planet, protecting children, fighting poverty—dissent becomes stigmatized, rather than debated.

The brief concludes with an analogy from parasitology. The lancet liver fluke (*Dicrocoelium dendriticum*) does not kill its ant host; it alters a single behavior to ensure its own survival. Likewise, the DoDO complex does not abolish democratic institutions but subtly redirects them, weakening the mechanisms through which citizens correct failing policies.

The remedy is not to dismantle the organizations involved but to interrupt the self-reinforcing logic that sustains them. Reforms should restore subsidiarity by returning authority to the level closest to those affected, impose sunset clauses and periodic reauthorization on international commitments, end government funding of NGOs that lobby for the very government policies that sustain them, increase transparency in treaty negotiations, and re-anchor international cooperation in jurisdictional competition and local experimentation. Subsequent papers in this series will examine these reforms across specific policy domains.

I. Introduction: Meet the DoDOs

“Giving money and power to government is like giving whiskey and car keys to teenage boys.”

– P. J. O’Rourke

Those of us privileged to live in liberal democracies often take the system for granted. That complacency obscures a basic reality: the institutions that sustain democratic governance are fragile. Each pillar can erode, often gradually and quietly, and once institutional corrosion spreads, rebuilding becomes difficult. As Lord Acton warned Bishop Mandell Creighton in 1887, “power tends to corrupt, and absolute power corrupts absolutely.”¹

The danger is particularly acute where liberal democracy lacks deep institutional roots. Venezuela offers a stark illustration. Within a single generation, Hugo Chávez and his successors weakened or dismantled the core safeguards of democratic governance. The judiciary fell under political control, the legislature was sidelined, the press faced systematic pressure, and elections increasingly served as a ritual of legitimacy, rather than a meaningful mechanism of political choice.²

This issue brief—the first in a series—argues that liberal democracies face a subtler but still serious threat from what I call “Democratically Deficient Organizations,” or “DoDOs.” These are coalitions of intergovernmental bodies, non-governmental organizations (NGOs), foundations, and corporations that together exercise significant policy-shaping authority, while remaining largely insulated from democratic accountability.

The concept is not simply a label for institutions or policies I dislike. Rather, it describes a specific structural phenomenon: an ecosystem of organizations that collectively meet four criteria.

First, they exercise meaningful policy-shaping authority. This authority may arise through binding treaties, regulatory standards, funding conditions, or the creation of influential technical norms.

Second, they lack direct democratic accountability. No electorate can remove their leadership or reverse their decisions through the ballot box.

Third, their decisionmaking processes remain largely insulated from external scrutiny and contestation. Proceedings are closed, dissenting views receive little institutional space, and affected populations often lack a meaningful voice.

¹ John Dalberg-Acton, 1st Baron Acton, Letter to Bishop Mandell Creighton (Apr. 5, 1887), reprinted in John Neville Figgis & Reginald Vere Laurence eds., *HISTORICAL ESSAYS AND STUDIES* 504 (Macmillan 1907).

² See Javier Corrales, *Autocratic Legalism in Venezuela*, 26 *J. DEMOCRACY* 37, 37–51 (2015).

Fourth, they exhibit self-reinforcing institutional incentives. Budgets, mandates, and influence tend to expand in response to the very problems these organizations are charged with solving, creating a structural bias toward growth, rather than resolution.

The phenomenon is not merely theoretical. Across domains as varied as development aid, environmental regulation, public-health governance, and international taxation, the DoDO ecosystem has produced policies that persist long after evidence of failure accumulates.

Not every international organization qualifies as a DoDO. The North Atlantic Treaty Organization (NATO), for example, operates under a clearly defined mandate subordinate to the democratic decisions of member states. Nor does every nongovernmental organization fit the model. A local charity that builds wells in a particular village and answers to identifiable donors operates within a recognizable chain of accountability.

The problem arises when organizations that fail all four criteria operate in concert. Intergovernmental bodies, NGOs, foundations, and commercial actors can form mutually reinforcing networks that collectively wield authority no single institution could claim on its own. The pathology lies not in any individual organization, but in the ecosystem they create together.³

I first developed this concept roughly 20 years ago while preparing brief introductory remarks for a fundraising dinner hosted by the International Policy Network. The keynote speaker was the late political humorist P. J. O'Rourke. I wanted to explain why the organization existed. My observation was that policymaking increasingly occurred through coalitions of institutions, each with only a weak claim to democratic accountability, but which together created a powerful appearance of legitimacy. I called them Democratically Deficient Organizations, or DoDOs.

After the event, P. J. told me he liked the concept and urged me to write it up. I promised that I would. This paper series is a somewhat belated fulfillment of that promise.⁴

The purpose of this first brief is to establish the conceptual foundation for the broader project. Section II provides an intellectual history of the mechanisms developed to constrain delegated power—from Montesquieu through James Madison and Alexis de Tocqueville to the economic analysis of Charles Tiebout and Elinor Ostrom. Section III traces how authority has gradually shifted upward over the past century from local institutions to supranational governance, illustrating each stage with concrete examples. Section IV then draws these strands together through an analogy from

³ The term “democratic deficit” was first applied to European governance by David Marquand. DAVID MARQUAND, PARLIAMENT FOR EUROPE (Jonathan Cape 1979). For a rigorous elaboration, see Andreas Follesdal & Simon Hix, *Why There Is a Democratic Deficit in the EU: A Response to Majone and Moravcsik*, 44 J. COMMON MKT. STUD. 533 (2006). Robert A. Dahl argues more broadly that international organizations are unlikely to satisfy democratic criteria. See Robert A. Dahl, *Can International Organizations Be Democratic? A Skeptic's View*, in DEMOCRACY'S EDGES 19–36 (Ian Shapiro & Casiano Hacker-Cordón eds., Cambridge Univ. Press 1999).

⁴ P.J. is no longer with us. I hope the analysis that follows honors his spirit.

parasitology, identifying the structural features that make the DoDO complex self-sustaining and outlining the reforms explored in subsequent papers in this series.

II. The Architecture of Democratic Accountability

“Sed quis custodiet ipsos custodes?”

– *Juvenal, Satires VI*⁵

Juvenal’s famous question (“But who will guard the guardians?”) captures the enduring problem of delegated power: how to ensure that those who act on our behalf do not come to act primarily for themselves. Political thinkers have wrestled with this question for more than two millennia. No single solution exists. Instead, liberal democracies have developed a set of complementary institutional mechanisms that fragment authority, constrain discretion, and enable continuous contestation of those who govern.

Five mechanisms stand out: separation of powers, subsidiarity, the rule of law, electoral accountability, and freedom of speech. Together, they form the institutional architecture of democratic accountability.⁶

A. Separation of Powers

The idea that liberty requires distributing government functions among distinct institutions received its most influential formulation from Charles-Louis de Secondat, Baron de Montesquieu, in “De l’Esprit des Lois” (1748). In Book XI, Chapter 6, Montesquieu argued that liberty disappears when legislative, executive, and judicial power concentrate in the same hands:⁷

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

Montesquieu derived this insight from his observations of the English constitution during his travels in 1729–1731. His interpretation was, by scholarly consensus, somewhat idealized. Britain never practiced a strict separation of powers. Yet that very idealization made his formulation more radical and more widely applicable than the British system itself.⁸

The authors of “The Federalist Papers” adopted and refined Montesquieu’s framework. In “Federalist No. 47,” James Madison responded to critics who argued that the proposed U.S. Constitution concentrated too much authority. Madison examined Montesquieu’s argument and the British

⁵ The line appears in a longer version of Juvenal’s sixth satire, discovered in an Oxford manuscript by E. O. Winstedt in 1899. See JUVENAL, SATIRES VI, ll. 347–48 (Oxford, Bodleian Library, MS Canonicianus Lat. 41).

⁶ See JAMES M. BUCHANAN & GORDON TULLOCK, THE CALCULUS OF CONSENT: LOGICAL FOUNDATIONS OF CONSTITUTIONAL DEMOCRACY 3–5 (Univ. of Michigan Press 1962); FRIEDRICH A. HAYEK, THE CONSTITUTION OF LIBERTY 153–63 (Univ. of Chicago Press 1960).

⁷ MONTESQUIEU, THE SPIRIT OF THE LAWS bk. XI, ch. 6 (Thomas Nugent trans., 1750) (1748).

⁸ See M.J.C. VILE, CONSTITUTIONALISM AND THE SEPARATION OF POWERS 83–106 (2d ed., Liberty Fund 1998) (discussing Montesquieu’s idealized account of the English constitution).

model from which it drew, concluding that separation of powers did not require complete institutional isolation. Rather, it required that no branch possess the whole power of another:⁹

The accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny.

In “Federalist No. 51,” Madison described how the system would function in practice. Separation would not rely on “parchment barriers,” but on institutional incentives that align ambition with constitutional structure:¹⁰

Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to controul the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controuls on government would be necessary.

Madison’s key insight was institutional, rather than moral. Because people are not angels, the goal is not to find virtuous rulers, but to design institutions that channel self-interest toward mutual constraint.

The U.S. Constitution implements this insight through the allocation of authority among Congress, the president, and the federal judiciary.¹¹ Variations on the same logic appear across liberal democracies—from the Westminster system’s division among Crown, Parliament, and courts to France’s *séparation des pouvoirs* under the Fifth Republic.

The American system adds an additional dimension: the combination of horizontal separation among branches with vertical separation among levels of government. Madison described this structure in “Federalist No. 39” as a “compound republic”—“in strictness, neither a national nor a federal constitution; but a composition of both.”¹²

B. Subsidiarity: Keeping Power Close to the People

The vertical dimension of institutional design deserves particular attention, because it is along this axis that democratic accountability most often erodes.

⁹ James Madison, *The Federalist No. 47*, N.Y. INDEP. J., Jan. 30, 1788, reprinted in THE FEDERALIST PAPERS 299–306 (Clinton Rossiter ed., Signet Classic 2003) (1788).

¹⁰ James Madison, *The Federalist No. 51*, N.Y. INDEP. J., Feb. 6, 1788, reprinted in THE FEDERALIST PAPERS 317–22 (Clinton Rossiter ed., Signet Classic 2003) (1788).

¹¹ U.S. Const. arts. I–III.

¹² James Madison, *The Federalist No. 39*, N.Y. INDEP. J., Jan. 16, 1788, reprinted in THE FEDERALIST PAPERS 236–43 (Clinton Rossiter ed., Signet Classic 2003).

Madison's defense of federalism rested partly on scale. In "Federalist No. 10," he argued that a large republic could control the mischief of faction because no single faction could easily dominate across such a broad polity.¹³ But this was an argument for federalism, not centralization.

As Madison emphasized in "Federalist No. 45," federal authority would remain limited: the powers delegated to the national government were "few and defined," while those retained by the states were "numerous and indefinite."¹⁴ The Tenth Amendment enshrined this principle: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."¹⁵

Two centuries later, economists formalized the logic behind this vertical allocation of authority. Charles Tiebout showed that when citizens can "vote with their feet"—moving to jurisdictions that better match their preferences—governments face competitive pressure to provide policies citizens value.¹⁶

Elinor Ostrom extended this insight through extensive empirical research. She demonstrated that communities often manage shared resources—such as fisheries, forests, and irrigation systems—more effectively than distant central authorities, provided those communities retain the autonomy to develop rules adapted to local conditions.¹⁷

Both Tiebout and Ostrom highlight a common principle: decentralization is not merely a political preference. It is an informational necessity. Local actors possess knowledge about local conditions that centralized authorities cannot replicate.¹⁸

A parallel idea emerged independently in Catholic social teaching under the doctrine of subsidiarity. First articulated implicitly in Pope Leo XIII's "Rerum Novarum" (1891) and later formulated explicitly in Pope Pius XI's "Quadragesimo Anno" (1931), subsidiarity holds that decisions should occur at the lowest level capable of addressing them effectively.¹⁹

Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the

¹³ James Madison, *The Federalist No. 10*, DAILY ADVERTISER (N.Y.), Nov. 22, 1787, reprinted in THE FEDERALIST PAPERS 71–79 (Clinton Rossiter ed., Signet Classic 2003).

¹⁴ James Madison, *The Federalist No. 45*, N.Y. INDEP. J., Jan. 26, 1788, reprinted in THE FEDERALIST PAPERS 288–93 (Clinton Rossiter ed., Signet Classic 2003).

¹⁵ U.S. Const. amend. X.

¹⁶ Charles M. Tiebout, *A Pure Theory of Local Expenditures*, 64 J. POL. ECON. 416 (1956).

¹⁷ ELINOR OSTROM, *GOVERNING THE COMMONS: THE EVOLUTION OF INSTITUTIONS FOR COLLECTIVE ACTION* 58–69, 149–59 (Cambridge Univ. Press 1990).

¹⁸ See Friedrich A. Hayek, *The Use of Knowledge in Society*, 35 AM. ECON. REV. 519 (1945).

¹⁹ Pope Pius XI, *Quadragesimo Anno: On Reconstruction of the Social Order* ¶ 79 (May 15, 1931). The principle builds on Pope Leo XIII, *Rerum Novarum: On Capital and Labor* (May 15, 1891).

same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do.

The European Union later nominally incorporated this principle into Article 5(3) of the Treaty on European Union (Maastricht Treaty, 1992), which states that, in areas outside its exclusive competence, the EU should act only when objectives cannot be sufficiently achieved by member states.²⁰

In practice, the principle has proved difficult to enforce. As Giandomenico Majone has shown, European institutions frequently expanded their authority beyond the bounds subsidiarity would suggest. Ambiguous treaty language and institutional incentives facilitated what Majone describes as “integration by stealth.”²¹ Indeed, as early as 1979, long before the 1992 Maastricht Treaty that officially established the European Union, David Marquand had identified the emerging “democratic deficit” in European governance—a phrase that has since entered common usage.²²

C. The Rule of Law

The rule of law requires that political authority operate through general, public, prospective, and stable rules, rather than through arbitrary discretion. Both rulers and citizens must remain subject to the same legal framework.

The concept traces back to antiquity. In “Politics,” Aristotle distinguished rule by law from rule by individuals, arguing that “he who bids the law rule may be deemed to bid God and Reason alone rule, but he who bids man rule adds an element of the beast.”²³

The Roman Republic embodied important elements of this principle. Written statutes (*leges*) governed public life, and magistrates operated within a framework shaped by legal scholars (*jurisprudentes*).²⁴ Unlike common-law systems, Roman law did not bind courts to precedent, which sometimes made it easier for elites to manipulate legal outcomes.²⁵ Over time—particularly after the fall of the republic—the rule of man gradually replaced the rule of law.²⁶

In medieval Europe, the rule of law reemerged through jurisdictional competition between church and state, and through the development of merchant courts such as the *pied poudre* courts associated with the Champagne fairs.²⁷ These evolving constraints on sovereign authority found their most

²⁰ Treaty on European Union art. 5(3), Feb. 7, 1992, 1992 O.J. (C 191) 1 (entered into force Nov. 1, 1993).

²¹ See GIANDOMENICO MAJONE, *DILEMMAS OF EUROPEAN INTEGRATION: THE AMBIGUITIES AND PITFALLS OF INTEGRATION BY STEALTH* 131–38 (Oxford Univ. Press 2005).

²² Marquand, *supra* note 3.

²³ ARISTOTLE, *POLITICS* bk. III, pt. xvi, at 1287a (Benjamin Jowett trans., Oxford Univ. Press 1920).

²⁴ ANDREW LINTOTT, *THE CONSTITUTION OF THE ROMAN REPUBLIC* 8–13 (Oxford Univ. Press 1999).

²⁵ ALAN WATSON, *THE SPIRIT OF ROMAN LAW* 44–52 (Univ. of Ga. Press 1995).

²⁶ Lintott, *supra* note 24; TONY HONORÉ, *EMPERORS AND LAWYERS* 1–15 (Oxford Univ. Press 1994).

²⁷ HAROLD J. BERMAN, *LAW AND REVOLUTION: THE FORMATION OF THE WESTERN LEGAL TRADITION* 333–35 (Harvard Univ. Press 1983); BRUCE L. BENSON, *THE ENTERPRISE OF LAW: JUSTICE WITHOUT THE STATE* 30–36 (Pac. Research Inst. 1990);

famous expression in Magna Carta (1215), which established that even the king was subject to “the law of the land.”²⁸

John Locke later provided the modern theoretical foundation for the rule of law in his “Second Treatise of Government” (1689):²⁹

Absolute arbitrary power, or governing without settled standing laws, can neither of them consist with the ends of society and government ... For the end of government is the good of mankind; and which is best attained by standing laws, to which every one may know his duty, and be safe and secure within the limits of the law; and not by extemporary dictates and undetermined resolutions of men.

Friedrich A. Hayek deepened this analysis in “The Road to Serfdom” (1944). Hayek argued that centralized economic planning conflicts with the rule of law because governments that allocate resources according to predetermined outcomes must exercise discretionary authority. That discretion undermines the generality and neutrality that legal rules require.³⁰

In “The Constitution of Liberty” (1960), Hayek extended the argument further, contending that the rule of law functions not merely as a procedural requirement, but as a constraint on legislative substance. Laws must be general, certain, and equally applied. Otherwise, they become commands issued under the guise of law.³¹

D. Electoral Accountability

Economists frame the challenge of democratic governance as a principal-agent problem. Citizens (the principals) delegate authority to elected officials (the agents). Yet agents may pursue their own interests, rather than those of the principals who empower them.³²

Elections provide the most direct mechanism for aligning those interests. Within the principal-agent framework, elections perform two key functions. First, they serve as a selection mechanism. Voters choose candidates whose preferences and competence they believe best serve the public interest.

Paul R. Milgrom, Douglass C. North & Barry R. Weingast, *The Role of Institutions in the Revival of Trade: The Law Merchant, Private Judges, and the Champagne Fairs*, 2 *ECON. & POL.* 1, 5–9 (1990).

²⁸ Magna Carta cl. 39 (1215) (“No free man shall be seized or imprisoned, or stripped of his rights or possessions ... except by the lawful judgment of his equals or by the law of the land.”).

²⁹ JOHN LOCKE, *TWO TREATISES OF GOVERNMENT* bk. II, ch. XI, § 137 (Peter Laslett ed., Cambridge Univ. Press 1988) (1689).

³⁰ FRIEDRICH A. HAYEK, *THE ROAD TO SERFDOM* ch. 6 (Routledge 1944) (“Planning and the Rule of Law”).

³¹ Hayek, *supra* note 6, at 205–66.

³² The modern formalization of the principal-agent problem begins with Michael C. Jensen & William H. Meckling, *Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure*, 3 *J. FIN. ECON.* 305 (1976). For its application to politics, see generally JEAN-JACQUES LAFFONT & DAVID MARTIMORT, *THE THEORY OF INCENTIVES: THE PRINCIPAL-AGENT MODEL* (Princeton Univ. Press 2002).

Second, elections create discipline. The possibility of removal from office encourages incumbents to remain responsive to voter preferences.³³

Electoral accountability remains imperfect. Voters face substantial information asymmetries. They observe outcomes such as prosperity, security, or public health, but cannot easily distinguish the effects of policy from external shocks. Rational ignorance compounds the problem: because any single vote rarely determines an election, the incentive for individuals to acquire detailed political knowledge remains limited.³⁴

Even so, competitive elections exert meaningful constraints on elected officials. Empirical evidence consistently associates regular elections with improved governance outcomes.³⁵

The strength of electoral accountability also depends on proximity. A mayor faces reelection before voters who directly experience the consequences of local policy. A national legislator answers to a more diffuse electorate. Bureaucrats—career administrators within government agencies—do not stand for election at all. Officials within international organizations operate even further removed from direct democratic control.

This widening distance between decisionmaker and voter weakens accountability—a dynamic that becomes central to the DoDO phenomenon examined in later sections.

E. Freedom of Speech

None of these institutional safeguards can function without freedom of expression. Citizens cannot hold their representatives accountable without the ability to exchange information, criticize policy, and organize political opposition.

Alexis de Tocqueville identified freedom of the press as indispensable to republican government. In “Democracy in America,” he argued that press freedom allowed citizens to coordinate resistance to abuses of power that might otherwise remain invisible:³⁶

In countries where the doctrine of the sovereignty of the people ostensibly prevails, the censorship of the press is not only dangerous, but absurd.

John Stuart Mill later advanced the epistemic defense of free speech in “On Liberty” (1859). Mill contended that suppressing opinions harms society, whether those opinions prove true or false. Only

³³ See John Ferejohn, *Incumbent Performance and Electoral Control*, 50 PUB. CHOICE 5 (1986); see also JAMES D. FEARON, ELEC-TORAL ACCOUNTABILITY AND THE CONTROL OF POLITICIANS: SELECTING GOOD TYPES VERSUS SANCTIONING POOR PERFOR-MANCE, IN DEMOCRACY, ACCOUNTABILITY, AND REPRESENTATION 55-97 (Adam Przeworski et al. eds., Cambridge Univ. Press 1999).

³⁴ See ANTHONY DOWNS, AN ECONOMIC THEORY OF DEMOCRACY 207-19 (Harper & Row 1957); BRYAN CAPLAN, THE MYTH OF THE RATIONAL VOTER: WHY DEMOCRACIES CHOOSE BAD POLICIES 50-93 (Princeton Univ. Press 2007).

³⁵ See generally ADAM PRZEWORSKI ET AL., DEMOCRACY AND DEVELOPMENT: POLITICAL INSTITUTIONS AND WELL-BEING IN THE WORLD, 1950-1990 (Cambridge Univ. Press 2000).

³⁶ ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA vol. 1, ch. 11, at 180-92 (Henry Reeve trans., 1835).

through the collision of competing ideas, Mill argued, can truth emerge and remain intellectually alive.³⁷

Justice Louis Brandeis expressed the same principle in his famous concurrence in *Whitney v. California*:³⁸

Those who won our independence believed ... that public discussion is a political duty; and that this should be a fundamental principle of the American government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government.

These insights illuminate the broader argument of this paper. Democratic institutions rely not only on formal structures of accountability, but also on the open exchange of ideas that allows those structures to function. When dissent becomes stigmatized or policy debate becomes moralized, the epistemic foundations of democratic self-correction weaken.

As the following sections will argue, the DoDO ecosystem often produces precisely these effects.

³⁷ John Stuart Mill, *On Liberty* ch. 2 (1859), reprinted in *ON LIBERTY AND OTHER ESSAYS* 20–61 (John Gray ed., Oxford Univ. Press 1991).

³⁸ *Whitney v. California*, 274 U.S. 357, 375–76 (1927) (Brandeis, J., concurring).

III. The Drift of Power

“The whole aim of practical politics is to keep the populace alarmed ... by menacing it with an endless series of hobgoblins, most of them imaginary.”

– H. L. Mencken, *In Defense of Women* (1918)

Democracy means rule by the people. In theory, democratic authority flows in a clear direction. Citizens authorize governments. Governments delegate tasks to agencies. Agencies act on behalf of the public, and when they act badly, their authority can be withdrawn, constrained, or redirected. But this system depends on friction: elections that matter, oversight that bites, and consequences that are felt. When those frictions weaken, authority does not collapse. It drifts.³⁹

Over the course of the past century, power has gradually accumulated at higher levels of aggregation than would be optimal from a principal-agent perspective. At each step upward, the distance between principal and agent grows, mechanisms of accountability weaken, and opportunities for self-serving behavior multiply.

A voter in a small town can attend a council meeting, speak to the mayor, or run for office. A citizen of a nation state has the ballot box, judicial review, and constitutional protections. But a “citizen of the world” has no meaningful mechanism by which to hold the World Health Organization (WHO) Executive Board, the Organisation for Economic Co-operation and Development’s (OECD) Committee on Fiscal Affairs, or the World Bank’s Board of Governors to account. These bodies answer, if at all, to the executives of member states, who themselves are often only loosely accountable to their citizens on matters of international policy.⁴⁰

This upward drift has not occurred through a single act of usurpation. It has been gradual, cumulative, and often well intentioned. Each delegation of authority is typically justified by plausible arguments: economies of scale, coordination needs, or cross-border externalities. Yet the cumulative effect is a system in which decision making has steadily moved away from those most affected by it.

Failure rarely produces correction. Instead, it generates demands for further centralization. As William Niskanen demonstrated, bureaucracies are not neutral servants of the public interest. They respond to incentives, and the dominant incentive within bureaucratic systems is to expand budgets, jurisdiction, and influence.⁴¹

³⁹ See generally Buchanan & Tullock, *supra* note 6, at 283–91 (discussing the tendency of bureaucracies to expand beyond their original mandates); WILLIAM A. NISKANEN, JR., BUREAUCRACY AND REPRESENTATIVE GOVERNMENT 36–46 (Aldine Atherton 1971) (presenting the budget-maximizing model of bureaucratic behavior).

⁴⁰ See Kenneth Anderson, *After the End of the World: The Decline of International Organizations and the Rise of Global Regulatory Networks*, 31 HARV. J.L. & PUB. POL’Y 1, 14–22 (2008).

⁴¹ Niskanen, *supra* note 39, at 36–46; see also MANCUR OLSON, THE LOGIC OF COLLECTIVE ACTION: PUBLIC GOODS AND THE THEORY OF GROUPS 5–65 (Harvard Univ. Press 1965).

At the same time, non-representative actors—including NGOs, philanthropic foundations, and corporations—have sought to influence policy at every level of government. Their influence is often greatest at the supranational level, where democratic representation is weakest and concentrated interests can most easily override diffuse public interests.⁴²

The result is the DoDO complex: democratically deficient governments and supranational bodies operating in concert with inherently non-democratic NGOs, foundations, and businesses to promote agendas (and, ultimately, legislation and funding) that serve the interests of the DoDO ecosystem, rather than the people they claim to represent.

The following examples illustrate how this dynamic now operates across multiple policy domains.

A. Aid Without Accountability

Development aid is often justified as a tool for promoting economic growth and poverty reduction. In practice, it has frequently produced the opposite effect.

By providing large and relatively unconditional flows of external funding, aid reduces the incentive for recipient governments to pursue institutional reforms that historically underpin sustained development—secure property rights, independent courts, trade liberalization, and accountable fiscal systems. When governments finance substantial portions of their budgets through foreign assistance rather than domestic taxation, political pressure to improve governance weakens.

Scholars have long noted that this dynamic can undermine the social contract between governments and citizens. Political leaders become accountable primarily to foreign donors, rather than domestic taxpayers.⁴³ Empirical research likewise finds that large aid inflows often correlate with weaker institutional development and slower improvements in governance.⁴⁴

⁴² See George J. Stigler, *The Theory of Economic Regulation*, 2 BELL J. ECON. & MGMT. SCI. 3 (1971) (arguing that regulated industries often capture their regulators); Bruce Yandle, *Bootleggers and Baptists: The Education of a Regulatory Economist*, 7 REGULATION 12 (1983) (describing coalitions between moral advocates and economic beneficiaries of regulation).

⁴³ ANGUS DEATON, *THE GREAT ESCAPE: HEALTH, WEALTH, AND THE ORIGINS OF INEQUALITY* 282–90 (Princeton Univ. Press 2013); DAMBISA MOYO, *DEAD AID: WHY AID IS NOT WORKING AND HOW THERE IS A BETTER WAY FOR AFRICA* 38–52 (Farrar, Straus & Giroux 2009); Andrew Mwenda, *Foreign Aid and the Weakening of Democratic Accountability in Uganda*, Foreign Pol’y Briefing No. 88, at 5–6 (Cato Inst. 2006); Anne O. Krueger, *Aid in the Development Process*, 1 WORLD BANK RES. OBSERVER 57, 67–73 (1986).

⁴⁴ Raghuram G. Rajan & Arvind Subramanian, *Aid and Growth: What Does the Cross-Country Evidence Really Show?*, 90 REV. ECON. & STAT. 643, 657–60 (2008); Simeon Djankov, José G. Montalvo & Marta Reynal-Querol, *The Curse of Aid*, 13 J. ECON. GROWTH 169, 171–74 (2008).

To be clear, aid does sometimes support growth. But evidence suggests that aid tends to produce positive long-term effects only in countries that already maintain sound fiscal, monetary, and trade policies.⁴⁵

At the same time, much aid spending never reaches recipient economies. Significant portions fund contractors, consultants, and implementing organizations in donor countries. In the United States, the majority of funding administered by the U.S. Agency for International Development (USAID) historically flowed back to American entities through procurement contracts, grants, and technical-assistance programs. Analyses of USAID procurement data indicate that roughly 60–70% of USAID funding was awarded to U.S.-based firms, universities, and nonprofit organizations, while only a small share went directly to local organizations in recipient countries.⁴⁶

This structure has helped create a large DoDO aid industry composed of development contractors, consulting firms, NGOs, and research institutions whose revenues depend on continued aid spending.⁴⁷ Unsurprisingly, these organizations rank among the most vocal advocates of foreign-aid programs.⁴⁸

B. Conservation Without Incentives

A similar pathology appears in many international environmental agreements.

Treaties such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Cartagena Protocol on Biosafety were promoted as mechanisms to protect biodiversity and prevent environmental harm. Yet their design has often weakened incentives for conservation and technological innovation.

Environmental-advocacy organizations, research institutes, and policy consultants play a central role in promoting such agreements. By highlighting environmental risks and mobilizing public opinion, these groups generate the political momentum needed for governments to negotiate treaties and create regulatory regimes.⁴⁹ Yet the policy tools these agreements rely on—primarily trade restrictions

⁴⁵ Craig Burnside & David Dollar, *Aid, Policies, and Growth*, 90 AM. ECON. REV. 847 (2000); Rajan & Subramanian, *supra* note 44; Tseday Jemaneh Mekasha & Finn Tarp, *A Meta-Analysis of Aid Effectiveness: Revisiting the Evidence*, 7 POL. & GOVERNANCE 5 (2019).

⁴⁶ U.S. Agency for Int'l Dev., *Localizing Foreign Assistance: Why It Matters and How to Do It* 5–7 (2014); Publish What You Fund, *U.S. Foreign Aid Transparency and Local Spending Analysis* 14–18 (2020).

⁴⁷ Int'l Pol'y Network, *Fake Aid: How Foreign Aid Is Being Used to Support the Self-Serving Political Activities of NGOs* (2005); see also CHRISTOPHER J. COYNE, *DOING BAD BY DOING GOOD: WHY HUMANITARIAN ACTION FAILS* (Stanford Univ. Press 2013).

⁴⁸ WILLIAM EASTERLY, *THE WHITE MAN'S BURDEN: WHY THE WEST'S EFFORTS TO AID THE REST HAVE DONE SO MUCH ILL AND SO LITTLE GOOD* 38–52 (Penguin Press 2006); JAMES FERGUSON, *THE ANTI-POLITICS MACHINE: "DEVELOPMENT," DEPOLITICIZATION, AND BUREAUCRATIC POWER IN LESOTHO* 251–56 (Univ. of Minn. Press 1994).

⁴⁹ Peter J. Haas, *Introduction: Epistemic Communities and International Policy Coordination*, 46 INT'L ORG. 1, 3–5 (1992); Michele M. Betsill & Elisabeth Corell, *NGO Diplomacy: The Influence of Nongovernmental Organizations in International Environmental Negotiations*, 27 GLOBAL ENV'T POL. 65, 67–70 (2001).

and precautionary regulatory frameworks—often undermine the economic incentives that make conservation effective.

For example, CITES attempts to protect endangered species by restricting international trade in wildlife products. While well intentioned, these restrictions reduce the *in situ* economic value of wildlife—its value while alive in its natural habitat. This reduces incentives for landowners and local communities to invest in habitat protection or tolerate wildlife that imposes real costs.⁵⁰

Similarly, the Biosafety Protocol imposes extensive regulatory requirements on genetically modified crops, despite broad scientific consensus that such crops can improve yields, reduce pesticide use, and relieve pressure on natural ecosystems.⁵¹

As with development aid, these environmental regulatory regimes sustain a substantial ecosystem of advocacy organizations, consultants, compliance specialists, and implementing agencies whose revenues depend on the expansion and enforcement of international environmental governance. Unsurprisingly, these groups rank among the most enthusiastic proponents of new treaties and regulatory initiatives—even when the policies they promote undermine the very conservation outcomes they claim to advance.⁵²

C. The Global Health Governance Complex

International public-health governance has followed a similar trajectory. Institutions such as the World Health Organization (WHO) were originally established to coordinate international responses to infectious diseases and to share scientific information among national health authorities. Over time, however, the organization's mandate has expanded substantially, and global health policy increasingly emerges from networks of international agencies, philanthropic foundations, NGOs, and private contractors. Advocacy organizations and research groups often help shape this agenda by highlighting particular health risks and mobilizing public support for regulatory responses.⁵³

The WHO's Framework Convention on Tobacco Control (FCTC) illustrates the DoDO dynamic with particular clarity. Bloomberg Philanthropies is one of the largest private funders of global tobacco-control initiatives and provides substantial support for programs promoting implementation

⁵⁰ MICHAEL 'T SAS-ROLFES, AFRICAN WILDLIFE CONSERVATION AND THE EVOLUTION OF HUNTING INSTITUTIONS, IN WILDLIFE CONSERVATION BY SUSTAINABLE USE 76, 79–82 (H. H. T. Prins, J. G. Grootenhuys & T. T. Dolan eds., 2000); BRIAN CHILD, SUSTAINABLE GOVERNANCE OF WILDLIFE AND COMMUNITY-BASED NATURAL RESOURCE MANAGEMENT: FROM ECONOMIC PRINCIPLES TO PRACTICAL GOVERNANCE 27–34 (Routledge 2019).

⁵¹ HENRY I. MILLER & GREGORY CONKO, THE FRANKENFOOD MYTH: HOW PROTEST AND POLITICS THREATEN THE BIOTECH REVOLUTION 119–25 (Praeger 2004); MATIN QAIM, GENETICALLY MODIFIED CROPS AND AGRICULTURAL DEVELOPMENT 48–52 (Palgrave Macmillan 2016).

⁵² Jonathan H. Adler, *The Perverse Effects of Environmental Regulation*, 29 ENVTL. L. 1, 8–12 (1999); Betsill & Corell, *supra* note 49, at 67–70; Todd J. Zywicki, *Environmental Externalities and Political Externalities: The Political Economy of Environmental Regulation*, 73 TUL. L. REV. 845 (1999); Yandle, *supra* note 42.

⁵³ JEREMY YOUDE, GLOBAL HEALTH GOVERNANCE 44–56 (Polity Press 2012); DEVI SRIDHAR, GOVERNING GLOBAL HEALTH: WHO RUNS THE WORLD AND WHY? 35–49 (Oxford Univ. Press 2017).

of the FCTC.⁵⁴ Through the Bloomberg Initiative to Reduce Tobacco Use, the foundation finances a network of advocacy organizations, research institutes, and implementing partners, many of which participate in the Global Alliance for Tobacco Control (formerly the Framework Convention Alliance). These NGOs play a central role in producing reports, lobbying governments, training policy-makers, and coordinating advocacy during FCTC negotiations.

Much of the advocacy surrounding the FCTC has focused on strict regulation of alternative nicotine products, including snus and e-cigarettes. WHO policy documents and reports presented to the Conference of the Parties have repeatedly recommended measures such as advertising bans, restrictions on use, and, in some cases, prohibition of e-cigarettes.⁵⁵ Yet independent scientific assessments by bodies such as the Royal College of Physicians and Public Health England have found such alternatives far less harmful than combustible tobacco.⁵⁶ Restrictions on alternative nicotine products inevitably discourage the adoption of harm-reduction technologies that could reduce smoking-related disease.⁵⁷

More broadly, the expansion of global health governance has helped sustain a large ecosystem of advocacy organizations, research institutes, consulting firms, and implementing partners whose funding depends on the continued growth of international health programs.⁵⁸ The result is a familiar pattern: mandate creep from communicable diseases to non-communicable diseases, and from tobacco to obesity, alcohol, and sugar. Each expansion, justified by moral urgency, reduces the scope for national democratic decision making.

D. The Global Prohibition Complex

The global drug-prohibition regime demonstrates that the DoDO problem transcends ideology. Here is a fundamentally conservative policy project, rooted in moral absolutism and sustained by law enforcement, yet it operates through precisely the mechanisms that characterize many left-

⁵⁴ David T. Levy, Ron Borland, K. Michael Cummings *et al.*, *The Global Tobacco Epidemic and the Bloomberg Initiative*, 23 TOBACCO CONTROL i1 (2014).

⁵⁵ World Health Org., *Electronic Nicotine Delivery Systems and Electronic Non-Nicotine Delivery Systems (ENDS/ENND): Report by the Secretariat*, WHO Doc. FCTC/COP/7/11 (Aug. 9, 2016); World Health Org., *WHO Report on the Global Tobacco Epidemic 2021: Addressing New and Emerging Products* (2021); David T. Levy *et al.*, *The Public Health Impact of E-Cigarettes: A Systematic Review*, 25 TOBACCO CONTROL i3 (2016).

⁵⁶ The Royal College of Physicians concluded in 2016 that e-cigarettes are unlikely to exceed 5% of the harm associated with smoking. Royal Coll. of Physicians, *Nicotine Without Smoke: Tobacco Harm Reduction* 87–94 (Apr. 28, 2016). Public Health England reached a similar conclusion, estimating that vaping is at least 95% less harmful and contributes to roughly 20,000 successful quit attempts annually in England alone. See also Pub. Health Eng., *E-Cigarettes and Heated Tobacco Products: Evidence Review* 12–18 (2018).

⁵⁷ David T. Levy *et al.*, *The Potential Impact of E-Cigarettes on Smoking Prevalence and Smoking-Attributable Deaths in the United States*, 116 AM. J. PUB. HEALTH 1529 (2017); Jonathan H. Adler & Ilya Shapiro, *The FDA's Misguided War on Vaping*, 38 REGULATION 14 (2015).

⁵⁸ Devi Sridhar, *Who Runs Global Health?*, 93 FOREIGN AFFS. 106 (2014); Jeremy Shiffman, *Four Challenges That Global Health Networks Face*, 390 LANCET 1998 (2017).

leaning DoDOs: unaccountable bureaucracies, international coordination, expert commissions, and the suppression of democratic alternatives.

The global prohibition system, formalized in the 1961 U.N. Single Convention on Narcotic Drugs and expanded through subsequent treaties, has produced profound institutional and human costs.⁵⁹ The U.S. Drug Enforcement Administration (DEA) has grown from a few hundred agents in 1973 into a multibillion-dollar bureaucracy with offices in dozens of countries. At the international level, the U.N. Office on Drugs and Crime (UNODC) and the International Narcotics Control Board provide legitimacy and coordination but operate without meaningful democratic mandates. Countries that seek to liberalize drug policy risk violating treaty obligations, which effectively constrains democratic experimentation.

The human consequences have been severe. More than 2 million people are incarcerated in the United States, while cartel violence has killed more than 460,000 people in Mexico since 2006. Meanwhile, prohibition has normalized expansive surveillance tools—including civil asset forfeiture, no-knock warrants, and extensive financial monitoring.⁶⁰

Efforts to disrupt drug-related financial flows have further expanded this institutional apparatus. Governments introduced anti-money laundering (AML) regimes—later broadened to include countering the financing of terrorism and proliferation financing—that impose hundreds of billions of dollars in compliance costs and affect hundreds of millions of people worldwide.⁶¹ Yet despite these costs, evidence that such measures substantially reduce drug trafficking or terrorist finance remains limited.⁶²

E. The War on Tax Competition

Since the mid-1990s, the Organisation for Economic Co-operation and Development (OECD) has led an international campaign against what it calls “harmful tax competition.”⁶³ In practice, the campaign seeks primarily to protect high-tax jurisdictions from competitive pressure on corporate income taxes—ironically the very form of taxation the OECD itself identifies as most harmful for economic growth.⁶⁴

⁵⁹ Single Convention on Narcotic Drugs, Mar. 30, 1961, 520 U.N.T.S. 151; DAVID R. BEWLEY-TAYLOR, *THE UNITED STATES AND INTERNATIONAL DRUG CONTROL, 1909–1997* 201–04 (Pinter 2001).

⁶⁰ Wendy Sawyer & Peter Wagner, *Mass Incarceration: The Whole Pie 2025*, PRISON POL’Y INITIATIVE (2025); Council on Foreign Relations, *Mexico’s Long War: Drugs, Crime, and the Cartels* (2026); INST. FOR JUST., *POLICING FOR PROFIT: THE ABUSE OF CIVIL ASSET FORFEITURE* (3d ed. 2020); RADLEY BALKO, *RISE OF THE WARRIOR COP: THE MILITARIZATION OF AMERICA’S POLICE FORCES* (2013); Global Comm’n on Drug Pol’y, *War on Drugs: Report of the Global Commission* 12–18 (2011).

⁶¹ PETER ALLDRIDGE, *MONEY LAUNDERING LAW* 3–6 (Hart Publ’g 2003).

⁶² See Mark T. Williams, *Anti-Money Laundering Effectiveness*, Inst. for Int’l Econ. Pol’y Working Paper No. 2019-5 (George Washington Univ. 2019).

⁶³ Organisation for Econ. Co-operation & Dev. (OECD), *Harmful Tax Competition: An Emerging Global Issue* 7–12 (1998).

⁶⁴ Åsa Johansson et al., *Taxation and Economic Growth*, OECD Econ. Dep’t Working Paper No. 620, at 11–14 (2008); Organisation for Econ. Co-operation & Dev., *Tax Policy Reform and Economic Growth* 18–19 (2010).

Meanwhile, competition among jurisdictions to attract mobile capital has placed sustained downward pressure on statutory corporate tax rates across advanced economies. Despite these declining rates, total tax revenues as a share of GDP in many countries have remained stable or increased.⁶⁵ In this sense, what the OECD describes as harmful tax competition often functions as beneficial fiscal discipline.

The centerpiece of the OECD campaign has been the Base Erosion and Profit Shifting (BEPS) initiative, which has produced increasingly complex rules designed to limit companies' ability to allocate profits across jurisdictions. In parallel, the OECD established the Common Reporting Standard (CRS), which requires automatic exchange of financial-account information among tax authorities. These rules have eroded financial privacy, while imposing substantial compliance costs on financial institutions and taxpayers.⁶⁶

The Financial Action Task Force (FATF), originally established by the G7 in 1989 to combat drug-related money laundering, has become an important enforcement mechanism within this broader agenda. Through its "grey list," FATF pressures jurisdictions—particularly smaller or lower-tax countries—to adopt increasingly expansive transparency and regulatory standards.⁶⁷

These initiatives operate within a wider ecosystem that includes advocacy NGOs, research institutes, and international bureaucracies. Organizations such as the Tax Justice Network (TJN), Oxfam, and Christian Aid have played prominent roles in promoting stricter international tax coordination and in opposing tax competition. Through reports, media campaigns, and policy advocacy, these groups have pressed governments to adopt measures such as automatic information exchange, global minimum taxes, and expanded anti-avoidance rules.⁶⁸ Coordinating networks such as the Global Alliance for Tax Justice and the Financial Transparency Coalition amplify these efforts.⁶⁹

Public institutions themselves increasingly fund research organizations that advocate similar policies. For example, the European Commission's Directorate-General for Taxation and Customs Union

⁶⁵ Organisation for Econ. Co-operation & Dev., *Corporate Tax Statistics 20–24* (2023); Organisation for Econ. Co-operation & Dev., *Revenue Statistics 2023 15–18* (2023); Michael P. Devereux, Rachel Griffith & Alexander Klemm, *Corporate Income Tax Reforms and International Tax Competition*, 35 *ECON. POL'Y* 451 (2002); Ruud A. de Mooij & Sjeef Ederveen, *Taxation and Foreign Direct Investment: A Synthesis of Empirical Research*, 10 *INT'L TAX & PUB. FIN.* 673 (2003).

⁶⁶ Organisation for Econ. Co-operation & Dev., *Standard for Automatic Exchange of Financial Account Information in Tax Matters* (2014); on the Common Reporting Standard (CRS) and its effects, see generally Organisation for Econ. Co-operation & Dev., *Inclusive Framework on BEPS: Progress Report* (2023).

⁶⁷ Fin. Action Task Force, *History of the FATF* (2019); Alldridge, *supra* note 61, at 3–6; JASON C. SHARMAN, *THE MONEY LAUNDRY: REGULATING CRIMINAL FINANCE IN THE GLOBAL ECONOMY* 71–90 (Cornell Univ. Press 2011); Jason C. Sharman, *Power and Discourse in Policy Diffusion: Anti-Money Laundering in Developing States*, 52 *INT'L STUD. Q.* 635, 639–45 (2008).

⁶⁸ Tax Just. Network, *The State of Tax Justice 2023* (Tax Just. Network 2023); Oxfam, *Tax Battles: The Dangerous Global Race to the Bottom on Corporate Tax* (2016); Christian Aid, *Death and Taxes: The True Toll of Tax Dodging* (2008).

⁶⁹ Tax Just. Network, *Annual Report 2022 18–23* (2023); Int'l Trade Union Confederation (ITUC), *Corporate Tax Avoidance: A Trade Union Guide* (2017); Fin. Transparency Coal., *Who We Are* (2023); Glob. All. for Tax Just., *About the Global Alliance for Tax Justice* (2023).

(DG TAXUD) supports the EU Tax Observatory, a research institute whose reports frequently advocate stronger international tax coordination and criticize low-tax jurisdictions.

Taken together, these institutions form a policy network that promotes rules designed to limit fiscal competition among states. Ironically, such competition is precisely the mechanism economists like Charles Tiebout identified as a discipline on government—allowing taxpayers and firms to “vote with their feet” by moving to jurisdictions that better match their preferences.

F. The Drift Toward Democratic Deficit

A note on causation is warranted. The DoDO dynamic does not explain every policy failure discussed above.

Development aid, for example, emerged partly from the “financing gap” theory, which held that poor countries lacked sufficient domestic savings to finance the investment needed for economic growth.⁷⁰ Early critics, however, warned that large financial transfers to poorly governed states would strengthen political elites and weaken incentives for institutional reform. As Peter Bauer observed, aid often amounted to “a process by which poor people in rich countries are taxed to support rich people in poor countries.”⁷¹

Environmental governance offers similar examples. The International Whaling Commission, created by the 1946 International Convention for the Regulation of Whaling to ensure sustainable whale harvesting, adopted a quota system based on the “Blue Whale Unit,” which treated different whale species as interchangeable according to oil yield. This system encouraged fleets to target the largest whales first, producing a pattern of serial depletion that devastated whale populations, before the system was ultimately abandoned in the 1970s.⁷²

Public health governance also provides examples of policy failure unrelated to the DoDO dynamic. Following the 1978 Alma-Ata Declaration, the WHO and many governments embraced the ambitious goal of “Health for All” through universal primary health care. In many developing countries,

⁷⁰ Paul N. Rosenstein-Rodan, *Problems of Industrialisation of Eastern and South-Eastern Europe*, 53 *ECON. J.* 202 (1943); W. W. ROSTOW, *THE STAGES OF ECONOMIC GROWTH: A NON-COMMUNIST MANIFESTO* (Cambridge Univ. Press 1960); Hollis B. Chenery & Alan M. Strout, *Foreign Assistance and Economic Development*, 66 *AM. ECON. REV.* 679 (1966).

⁷¹ PETER T. BAUER, *DISSENT ON DEVELOPMENT: STUDIES AND DEBATES IN DEVELOPMENT ECONOMICS* 119 (Harvard Univ. Press 1971); Anne O. Krueger, *Aid in the Development Process*, 1 *WORLD BANK RES. OBSERVER* 57 (1986).

⁷² International Convention for the Regulation of Whaling, Dec. 2, 1946, 62 *Stat.* 1716; KURKPATRICK DORSEY, *WHALES AND NATIONS: ENVIRONMENTAL DIPLOMACY ON THE HIGH SEAS* 132–36 (Univ. of Wash. Press 2013); TIM D. SMITH, *SCALING FISHERIES: THE SCIENCE OF MEASURING THE EFFECTS OF FISHING, 1855–1955* 163–70 (Cambridge Univ. Press 1994); D. GRAHAM BURNETT, *THE SOUNDING OF THE WHALE: SCIENCE AND CETACEANS IN THE TWENTIETH CENTURY* 286–91 (Univ. of Chi. Press 2012).

however, the strategy proved impractical because it required administrative capacity, funding, and political commitment that local health systems did not possess.⁷³

These examples illustrate several distinct sources of policy failure: structural governance problems, flawed policy design, and ideological commitments. Yet in many of the cases described earlier—and in many others explored in subsequent papers—the DoDO dynamic clearly plays a role. Self-reinforcing networks of international organizations, NGOs, foundations, and contractors can insulate failing policies from democratic correction, while creating constituencies with strong incentives to preserve them, regardless of outcomes.

These patterns are not isolated. According to Freedom House, the world has experienced 19 consecutive years of decline in political rights and civil liberties. In 2024, 60 countries deteriorated while only 34 improved, with freedom of expression declining most sharply.⁷⁴

The causes of democratic decline are complex. Authoritarian populism, political polarization, and economic stagnation all contribute. Yet the upward migration of decisionmaking authority to unaccountable institutions—supported by networks of NGOs, foundations, and corporations with aligned incentives—almost certainly plays a role. Each transfer of authority away from accountable institutions weakens the habits, expectations, and norms on which democratic governance ultimately depends.

⁷³ World Health Org. & U.N. Children's Fund, *Declaration of Alma-Ata: International Conference on Primary Health Care, Alma-Ata, USSR* (Sept. 6–12, 1978); Julia Walsh & Kenneth S. Warren, *Selective Primary Health Care: An Interim Strategy for Disease Control in Developing Countries*, 301 *NEW ENG. J. MED.* 967 (1979); Marcos Cueto, *The Origins of Primary Health Care and Selective Primary Health Care*, 94 *AM. J. PUB. HEALTH* 1864 (2004); RANDALL M. PACKARD, *A HISTORY OF GLOBAL HEALTH: INTERVENTIONS INTO THE LIVES OF OTHER PEOPLES* 264–72 (Johns Hopkins Univ. Press 2016).

⁷⁴ Freedom House, *Freedom in the World 2025: The Human Cost of Democratic Decline* (2025).

IV. The DoDO Life Cycle — Why It Persists and How to Break It

“Nations stumble upon establishments which are indeed the result of human action, but not the execution of any human design.”

– Adam Ferguson, *An Essay on the History of Civil Society* (1767)

The DoDO ecosystem is the product of human action, but not of human design. It evolved. Evolutionarily stable strategies, however, are not always optimal for the systems in which they arise. In that respect, the DoDO complex resembles the life cycle of the lancet liver fluke (*Dicrocoelium dendriticum*).

The parasite begins as tiny eggs deposited in the excreta of grazing herbivores. Snails inadvertently ingest the eggs while feeding. Inside the snail, the parasite’s larvae (the *cercariae*) hatch and multiply. The snail then expels them in small spheres of mucus that glisten in the sunlight like drops of dew.

Ants are drawn to these globules and consume them. Most of the *cercariae* form cysts in the ants’ abdomens and remain relatively harmless. One, however, migrates to the ant’s brain.

There, the parasite does not kill the ant or seize full control. Instead, it alters a single behavior. As evening temperatures fall, the infected ant climbs a blade of grass and clamps down with its mandibles, remaining there through the night. When morning warmth returns, grazing animals—sheep, cattle, goats, even alpaca—consume the grass along with the immobilized ant, returning the parasite to its final host, where it matures and lays eggs.⁷⁵

No single host in this sequence behaves maliciously. The snail behaves as snails do. The ant behaves almost as ants do. The cow grazes as cows always have. The pathology lies not in any single organism, but in the system: a chain of hosts whose ordinary functions are subtly repurposed to serve something else.

The analogy does not imply conspiracy. The lancet liver fluke does not plot; neither, in most cases, do the actors within the DoDO complex. Aid workers believe they are helping the poor. Environmental campaigners believe they are protecting the planet. WHO officials believe they are safeguarding public health.

The point is systemic dynamics. Like the hosts in the fluke’s life cycle, the institutions that comprise the DoDO ecosystem often serve legitimate purposes when viewed individually. Viewed as a system, however, their functions become subtly redirected toward sustaining and expanding the complex itself. Just as the fluke alters the ant’s behavior without killing it, the DoDO complex does not abolish democratic institutions; it changes their behavior just enough to sustain its own survival.

If the analogy holds, the remedy is not to destroy the hosts. Snails, ants, and cattle all serve useful purposes. The task is to interrupt the life cycle—to restore the accountability mechanisms that have

⁷⁵ See generally DANIEL P. HUGHES, JACQUES BRODEUR & FRÉDÉRIC THOMAS, *HOST MANIPULATION BY PARASITES* 7–28 (Oxford Univ. Press 2012).

been co-opted and break the feedback loops that sustain the system. To do that, we must first understand how those loops operate.

A. Availability Cascades and Policy Entrenchment

Timur Kuran and Cass Sunstein describe how public perceptions of risk can become self-reinforcing through “availability cascades.”⁷⁶ A cascade begins when an idea gains salience—through a dramatic event, a well-funded campaign, or repeated exposure. As the idea becomes more “available” in public consciousness, advocates amplify it, media coverage expands, and policymakers increasingly treat it as established truth.

This dynamic exploits well-known cognitive biases. The availability heuristic leads people to judge risks by how easily examples come to mind. Conformity effects lead individuals to align their views with what they perceive to be the prevailing consensus.

The DoDO ecosystem functions, in effect, as an institutional engine for generating such cascades. NGOs emphasize problems, often in the most alarming terms, because alarm generates donations and attention. Journalists amplify these narratives because alarm attracts readers. Politicians respond because alarm generates votes. Foundations fund research that confirms the concern, and agencies cite that research to justify expanded mandates.

Kuran and Sunstein describe those who benefit from this process as “availability entrepreneurs”—actors who profit from amplifying risk perceptions, regardless of their accuracy.⁷⁷

The feedback loop is straightforward:

NGOs generate alarming claims → media amplify those claims → public concern rises → politicians respond with mandates and funding → international treaties lock in the response → bureaucracies expand to implement the treaties → bureaucracies fund the NGOs that generated the original claims.

Each actor behaves rationally within its own incentives. Yet the system produces a ratchet effect: authority moves upward and outward, while failure generates demands for more intervention, rather than reconsideration.

Once a cascade achieves sufficient momentum, it can become embedded in treaties and institutions that resist revision. Agencies accumulate staff, budgets, and stakeholders who depend on their continuation. Narratives of indispensability emerge.

⁷⁶ Timur Kuran & Cass R. Sunstein, *Availability Cascades and Risk Regulation*, 51 STAN. L. REV. 683 (1999).

⁷⁷ *Id.* at 709-15.

This dynamic helps explain why drug prohibition persists despite decades of failure, why development aid continues despite evidence that it can entrench weak governance, and why tobacco harm reduction faces opposition from institutions that claim to exist to reduce smoking-related harm.

B. Bootleggers, Baptists, and Moralized Policy

Bruce Yandle’s “Bootleggers and Baptists” framework helps explain the durability of these arrangements.⁷⁸

The analogy comes from communities in the American South where Baptist ministers publicly supported Sunday alcohol bans on moral grounds, while bootleggers quietly supported the same laws because they eliminated legal competition. Yandle used the example to show how regulation often persists because it is supported simultaneously by moral advocates (“Baptists”) and economic beneficiaries (“bootleggers”).

These often-tacit alliances can be remarkably resilient. Moral advocates provide legitimacy and public pressure, while economic beneficiaries supply resources and political support.

The pattern recurs across policy domains. In the drug war, law-and-order moralists provide cover for the DEA, prison-guard unions, and criminal organizations that profit from prohibition. In environmental regulation, green NGOs supply moral justification, while traders and speculators profit from restricted markets. In international tax policy, “tax justice” campaigners provide rhetorical cover for high-tax governments and the bureaucracies whose budgets depend on expanding tax administration.

The most damaging feature of this dynamic is the moralization of policy debate. Once an issue is framed as a moral imperative—saving the planet, protecting children, fighting poverty—it becomes difficult to subject the policy to ordinary cost-benefit analysis. Dissent is treated not as disagreement, but as moral failure.

Evidence that challenges the prevailing narrative may be dismissed or ignored. The epistemic conditions necessary for democratic self-correction gradually erode.

C. The Structural Logic of the DoDO System

Across the policy domains examined in Section III, a common structural pattern emerges.

First, moral urgency overrides evidence. Policy debates become framed as moral imperatives, and dissent is stigmatized, rather than debated.

⁷⁸ Yandle, *supra* note 42, at 12–16.

Second, international treaties constrain democratic revision. Once policy commitments are embedded in treaty law and implemented by bureaucracies whose existence depends on the treaty, reversal becomes difficult through ordinary political processes.

Third, commercial interests align with bureaucratic expansion. Industries arise to profit from implementation—compliance consultants, aid contractors, regulatory specialists, and advocacy organizations. These actors become stakeholders in the continuation of the system.

Fourth, bipartisan consensus can entrench policy. When both major parties support a framework, it becomes institutional infrastructure—rarely questioned and largely insulated from electoral change.

Fifth, failure often justifies expansion. The deeper the crisis appears, the more resources flow toward the institutions managing it. The DEA's budget grows as prohibition persists. Aid agencies seek more funding when poverty remains. Environmental NGOs mobilize most effectively when new species are declared endangered.

What makes this system parasitic—in the sense suggested by the lancet liver fluke—is not extraction alone. All governance extracts resources. The defining feature is that the system suppresses the host's defenses. The DoDO complex does not abolish democratic institutions; it alters how they function.

Policies become moralized, rather than debated. Evidence is curated, rather than challenged. Dissent is stigmatized. Failure becomes justification for further expansion.

D. Interrupting the DoDO Life Cycle

The remedy is not to abolish the organizations that comprise the DoDO ecosystem. Many serve legitimate purposes when operating within democratic constraints. The task is to interrupt the self-reinforcing dynamics that allow them to escape those constraints.

Several reforms follow directly from the institutional analysis above.

First, restore subsidiarity by returning authority to the level closest to those affected.

Second, reassert democratic control over international commitments through sunset clauses, periodic reauthorization, and explicit legislative approval.

Third, end the practice of governments funding NGOs that lobby those same governments for expanded programs.

Fourth, increase transparency and contestability in treaty negotiations and intergovernmental decision making.

Finally, re-anchor international cooperation in voluntarism, experimentation, and jurisdictional competition, drawing on the insights of Charles Tiebout, Elinor Ostrom, and the authors of "The

Federalist Papers.”⁷⁹ Competition among jurisdictions, local experimentation, and the ability of citizens and firms to exit poorly governed systems all serve as checks on centralized authority.

Biological parasites thrive when host systems lose the ability to defend themselves. Institutional ecosystems behave similarly. The remaining papers in this series will examine the case studies introduced here in greater detail and develop concrete reform proposals tailored to each domain.

The underlying principle is simple: restore democratic accountability over the agents to whom power has been delegated.

The guardians must once again answer to the guarded.

⁷⁹ See generally Tiebout, *supra* note 16; Ostrom, *supra* note 17; Madison, *The Federalist No. 10*, *supra* note 13.