Vengeance And Empire: The Leftist Case for War in Iraq – William Shawcross, Allies: The U.S., Britain, Europe, and the War in Iraq

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Abstract

Shawcross is superbly equipped to assess the impact of rogue States and terrorist organizations on global security. He is also well placed to comment on the risks of preemptive invasion for existing alliances and the future prospects for the international rule of law. An analysis of the ways in which the international community has "confronted evil," Shawcross' brief polemic argues that U.S. President George Bush and British Prime Minister Tony Blair were right to go to war without UN clearance, and that the hypocrisy of Jacques Chirac was largely responsible for the collapse of international consensus over the war. His curious identification with Bush and his neoconservative allies as the most qualified to implement this humanitarian agenda, however, fails to recognize essential differences between the leftist case for war and the hard-line justification for regime change in Iraq.

BOOK REVIEW

VENGEANCE AND EMPIRE: THE LEFTIST CASE FOR WAR IN IRAQ

WILLIAM SHAWCROSS, ALLIES: THE U.S., BRITAIN, EUROPE, AND THE WAR IN IRAQ*

*Hal Blanchard***

INTRODUCTION

In early 2002, as the war in Afghanistan came to an end and a new interim government took power in Kabul,[1] Vice President Richard Cheney was discussing with President George W. Bush the next phase in the war on terrorism.[2] Cheney believed that leaving Iraqi President Saddam Hussein in power at the end of the Gulf War was a mistake, and now Bush had a chance to make

1. *See Karzai Takes Power in Kabul*, BBC NEWS, *available at* http://news.bbc.co.uk/1/hi/world/south_asia (Dec. 22, 2001) (describing inauguration of Hamid Karzai as Afghanistan's new Prime Minister). On December 22, 2001, in the first peaceful transfer of power in Afghanistan for decades, Pashtun tribal leader Hamid Karzai was appointed head of the interim power-sharing council as the first step in a process which should culminate in elections within two-and-a-half years. *Id.* For a description of the thirty-member Interim Administration, see http://afghanland.com/history/interim.html.

2. *See* Franklin Foer & Spencer Ackerman, *The Radical: What Dick Cheney Really Believes*, NEW REPUBLIC, Dec. 1, 2003, at 17 (describing enormous influence of Vice President Cheney over foreign policy of Bush administration). *See also* James Russell & Iliana Bravo, *Iraq: Next Phase of the Campaign?*, 1(2) STRATEGIC INSIGHTS, *available at* http://www.ccc.nps.navy.mil (Apr. 2, 2002) (delineating consequences of attacking Iraq as part of second phase of war on terror). First introduced by President Bush in his 2002 State of the Union address and later referred to as "the Bush Doctrine," U.S. foreign policy following the war in Afghanistan has been centered around three general principles: (1) to combat terror wherever it exists using all means at its disposal; (2) to define bilateral relationships in terms of countries that support the war on terrorism and those that do not; and (3) to prevent "rogue" Nations from threatening the world with weapons of mass destruction. *Id.*

it right.[3] Whether or not Hussein possessed weapons of mass destruction, and whether or not Iraq could ever be linked to Al Qaeda's global terrorist network, was of no concern.[4] Eager to atone for the "sins" of his father,[5] Bush resolved to wage war against evil, and Iraq had all at once become "the most important battle of our time."[6] According to Bahram Saleh, Prime Minister of the Kurdish-controlled zone of northern Iraq, "Iraq is the nexus where many issues are coming together — Islam versus democracy, the West versus the axis of evil, Arab nationalism versus some different types of political culture."[7] In his rousing appeal to the United Nations Security Council on February 5, 2003, Secretary of State Colin Powell referred to it as the "nexus of poisons and terror."[8] Whatever the legacy of the war

3. *See* Foer & Ackerman, *supra* note 2, at 17 (recounting Cheney's personal plea for Bush to topple Hussein). Given his loyal service as Defense secretary to the cautious administration of Bush's father, which valued stability over democracy-building and crisis management over military preemption, Cheney's personal appeal for war against Iraq was surprising, though perhaps emblematic of the ideological shift of many politicians following September 11th. *Id.* at 17-18.

4. *See* Bruce Morton, *Selling an Iraq-Al Qaeda Connection*, CNN.com (Mar. 11, 2003), *at* http://www.cnn.com/WORLD (describing how Bush used media to garner public opinion in support of war against Iraq). The administration's strained effort to link the terrorist network to Iraq, despite Hussein's repeated denials of any such connections and bin Laden's denouncement of the Baath party as "infidels," has led to allegations that Bush cooked the intelligence to justify a war. *Id.*

5. *See* Ramesh Ponnuru, *Sins of the Father: How '43' Can Avoid the Mistakes of '41'*, NAT'L REV., July 9, 2001 (detailing how President Bush can learn from mistakes of father's administration). *See also* WILLIAM SHAWCROSS, ALLIES: THE U.S., BRITAIN, EUROPE, AND THE WAR IN IRAQ 24-25 (2004) (discussing consequences of Bush's failure to remove Saddam Hussein during Gulf War) [hereinafter SHAWCROSS, ALLIES]. Even before his election to office, President Bush had been making efforts to avoid what he perceived to be the elder Bush's blunders. In the case of Iraq, the latter's 1991 call for the Shiite majority to rise up against Hussein, coupled with his subsequent failure to provide them with military support, precipitated a massive slaughter as the insurgents were crushed with helicopter gunships. *Id.* Some have more cynically attributed the war to Bush's desire to "get" Hussein for an alleged assassination attempt on his father during a visit to Kuwait. *See, e.g.*, Russell Mokhiber & Robert Weissman, *Let Us Reject Empire: 12 Reasons to Oppose the War on Iraq*, COUNTERPUNCH, *available at* http://www.counterpunch.org (Feb. 21, 2003) (listing reasons not to go to war with Iraq).

6. *See* SHAWCROSS, ALLIES, *supra* note 5, at 232 (discussing potential ramifications of United States' failure to rebuild Iraq).

7. Neil MacFarquhar, *Rising Tide of Islamic Militants See Iraq as Ultimate Battlefield*, N.Y. TIMES, Aug. 13, 2003, at A1 (describing nature of resistance movement against U.S.-led occupation of Iraq).

8. *See Colin Powell: "Nexus of Poisons and Terror"*, Salon.com (Feb. 6, 2003), *at* http://www.salon.com/opinion (containing transcript of Colin Powell's address to UN Security Council in which he makes case against Iraq).

becomes, Iraq may also be a nexus of filial devotion and personal vengeance.

Much has been written about the growth of Islamic consciousness and its pathological collision with modernity as the basis for the terrorist threat.[9] For those intent on destroying the foundations of the international community and restoring religious autocracy to the Middle East, the U.S.-led invasion of Iraq offered an opportunity for fundamentalist commandos and terrorist brigades to provoke the Apocalypse between East and West in the name of Allah.[10] Hence, the pervasive fear that an attack on Iraq would provoke a Christian-Muslim "clash of civilizations."[11] For those in the Bush administration subscribing to a more aggressive foreign policy approach, Iraq provided a chance

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9. *See* SHAWCROSS, ALLIES, *supra* note 5, at 225 (discussing growth of Muslim consciousness and its role in global conflict). *See also* Samuel P. Huntington, *The Clash of Civilizations?*, 72(3) FOREIGN AFF. 22-28 (1993) (characterizing future of global conflict as monumental collision of rival cultures). Samuel Huntington, who coined the phrase "the clash of civilizations," argues that military Islamic resurgence is "in large part a response to modernization and globalization." *Id.* Historian Bernard Lewis similarly downplays the differences between specific Muslim/Arab grievances in his contention that the "roots of Muslim rage" against the West are to be found in the essence of Islam itself. *See* Bernard Lewis, *The Roots of Muslim rage*, ATLANTIC, *available at* http://www.theatlantic.com/issues/90sep/rage.htm (Sept. 1990) (detailing origins of Muslim resentment towards West as based on fundamental differences in interaction between politics and religion). *But see* NOAH FELDMAN, AFTER JIHAD: AMERICA AND THE STRUGGLE FOR ISLAMIC DEMOCRACY 31 (2003) (pointing out that opposing worldviews in contact may also interact to produce new, composite "ideas").

10. *See* SHAWCROSS, ALLIES, *supra* note 5, at 224 (arguing that U.S.-led occupation of Iraq is justified in light of threat posed by radical Islam). This militant vision of radical Islam was expressed as early as 1984 by Ayatollah Khomeini, the theocratic ruler of Iran who supported Islamic terrorist groups targeting Israel and called for Islamic revolution throughout the region: "War is a blessing for the world and for every [N]ation. It is Allah himself who commands men to wage war and kill." *Id.* Ideologues like Osama bin Laden similarly insist that "all the evils in the Islamic world follow from the abandonment of the divine heritage of Islam," a trend for which they blame the West. *Id.* at 15. *See also* MacFarquhar, *supra* note 7 (referring to Mullah Mustapha Kreikar's proclamation that Iraq war would be culmination of all Muslim efforts since collapse of Caliphate in early twentieth century).

11. *See* SHAWCROSS, ALLIES, *supra* note 5, at 173 (detailing international response to overthrow of Hussein). French Foreign Minister Dominique de Villepin, for instance, has insisted that France and the Pope's opposition to the war was the only reason the world managed to avoid a Christian-Muslim "clash of civilizations." *Id. See also* Dominique de Villepin, Speech before the United Nations Security Council, *available at* http://www.diplomatie.gouv.fr (July 3, 2003) (warning international community to "beware of playing into . . . hands of those who want . . . clash of civilizations"). *See generally* SAMUEL P. HUNTINGTON, THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER (1998) (arguing that global community should be seen in terms of cultural "civilizations" fated to conflict rather than as collection of independent States).

to counteract the threat of militant Islam through the equally militant promotion of Western-style democracy.[12] As appealing as such absolutist agendas may be, particularly to those frozen in dogmatic extremity, there is a real danger of conflating religious fanaticism and political grievances under the catch-all ideology of Islamic extremism.[13] Bush's war against an amorphous and irrational "axis of evil" provides a case in point: by refusing to deal with the political disparities and moral ambiguities inherent in the terrorist threat, the Bush administration has relied on the same rationale to justify war on the two very different dangers of repressive tyranny and religious nihilism.[14]

One needs only look at the tensions between Europe and the United States to recognize the polarization engendered by Bush's foreign policy on Iraq.[15] A Reagan-like politician with a strong religious bent, George W. Bush has been decried as the "American idiot"[16] who has contributed to "*la crétinisation*"[17] of

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12. *See* Foer & Ackerman, *supra* note 2, at 18 (recounting Cheney's unsuccessful attempts to convince former Bush administration to support Boris Yeltsin's election as President of Russian Republic). Grounded in the belief that true international security depends on the expansion of "the community of peaceful democratic [N]ations," the aggressive promotion of democracy through military power, currently advocated by the neoconservative movement and many in the Bush administration, initially emerged out of Richard Cheney's push for regime change in the former Soviet Union under Gorbachev. *Id.*

13. *See* Gary Kamiya, *"An End to Evil" by David Frum and Richard Perle*, Salon.com (Jan. 30, 2004), *at* http://www.salon.com/books/review (criticizing neoconservative tendency to define terrorism too broadly). *See generally* MICHAEL MANN, INCOHERENT EMPIRE (2003) (arguing that attacking national terrorists that do not directly threaten United States would only create more enemies and mire country in guerrilla wars impossible to win). In their expansive war on terror, prominent neocons like David Frum and Richard Perle have been much criticized for their failure to differentiate between national and international terrorist groups like Hezbolla and Al Qaeda. *Id.*

14. *See* Jonathan Marcus, *Iraq's War after the War*, BBC NEWS, *available at* http://news.bbc.co.uk/2/hi/middle_east/3524640.stm (Mar. 19, 2004) (pointing out distinctly American tendency to conflate Iraq and war on terror). *See also* Hal Rhodes, *Iraq Fixation: Bush Administration Confused Threats of Terrorism, Saddam*, ALBUQUERQUE TRIB., *available at* http://www.abqtrib.com (Mar. 31, 2004) (noting that Bush administration's conflation of terrorist threat and Iraq invasion has led to widespread confusion among Americans).

15. *See generally* ROBERT KAGAN, OF PARADISE AND POWER: AMERICA AND EUROPE IN THE NEW WORLD ORDER (2003) (outlining changing relationship between United States and Europe in post-Cold War world).

16. *See, e.g.*, Suzanne Hansen, *Bush Is An Idiot, But He Was Right About Saddam*, Salon.com (Mar. 22, 2003), *at* http://archive.salon.com/books (interviewing left-wing political and cultural critic, Paul Berman, on threat of Islamic totalitarianism).

17. *See, e.g.*, Duhamel Olivier, *L'implosion presidentielle*, LE MONDE, Apr. 20, 2002, at 1 (referring to Bush administration's "cretinization" of U.S. foreign policy).

the United States,[18] and lauded as a "conviction politician"[19] driven more by principle than expediency, a "leader and a transformative figure on the American and world stage."[20] Given this divisiveness, it is astonishing, and somewhat sad, to come across a book like William Shawcross' *Allies*.[21] A left-wing historian who made his journalistic reputation lambasting the United States' war in Cambodia with *Sideshow*,[22] and later anatomized the failures of UN intervention in *Deliver Us From Evil*,[23] Shawcross now identifies with the neoconservative hard-liners in an ardent endorsement of American supremacy and the war in Iraq.[24]

In fact, Shawcross is only one of several prominent figures to have produced left-wing arguments for military intervention in Iraq. In late 2002, columnist Christopher Hitchens resigned his position at *The Nation* for what he saw as the magazine's disturbing transformation from a "debating ground between liberals and radicals" to the "voice and the echo chamber of those who truly believe that John Ashcroft is a greater menace than Osama bin Laden."[25] The English press has sardonically attributed Shawcross' rightward conversion to his recent inheritance and marriage to a "socialite heiress,"[26] though this scarcely ex-

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18. *See* SHAWCROSS, ALLIES, *supra* note 5, at 40-41 (defending President Bush against his European critics).

19. *See* SHAWCROSS, ALLIES, *supra* note 5, at 46 (attributing unlikely friendship between Tony Blair and George W. Bush to shared religious faith).

20. *See* Woody West, *Leading America: Bush Country: How Dubya Became A Great President While Driving Liberals Insane*, WASH. TIMES, Feb. 24, 2004, at A19 (book review).

21. *See* SHAWCROSS, ALLIES, *supra* note 5.

22. WILLIAM SHAWCROSS, SIDESHOW (1980).

23. WILLIAM SHAWCROSS, DELIVER US FROM EVIL: WARLORDS AND PEACEKEEPERS IN A WORLD OF ENDLESS CONFLICT (2001) [hereinafter SHAWCROSS, DELIVER US FROM EVIL].

24. *See* SHAWCROSS, ALLIES, *supra* note 5, at 59 (discussing idea of qualified sovereignty). Far from dismissive of the radical neoconservative policy recommendations, Shawcross argues that "some of the neocon arguments about human rights sound close to mainstream liberal internationalist thought," and subscribes to the theory of revocable sovereignty embraced by neoconservatives as sufficient justification for unilateral action. *Id. See also* DAVID FRUM & RICHARD PERLE, AN END TO EVIL: HOW TO WIN THE WAR ON TERROR 120 (2003) (arguing that since national sovereignty is obligation as well as entitlement, governments that do not protect rights of citizens forfeit rights to sovereignty). For a more in-depth discussion of the theme of revocable sovereignty and its role in the "right of humanitarian intervention," see REP. OF THE INT'L COMMISSION ON INTERVENTION AND ST. SOVEREIGNTY, THE RESP. TO PROTECT, *available at* http://www.dfaitmaeci.gc.ca/iciss-ciise/report-en.asp (2001).

25. *See* Christopher Hitchens, *Taking Sides*, THE NATION, Oct. 14, 2002, at 9 (citing ideological disagreement over Iraq war as behind decision to quit post at *The Nation*).

26. *See* Edward Vulliamy, *William the Conqueror*, OBSERVER, July 13, 2003 (condemn-

plains why outspoken liberals like Paul Berman, Andre Glucksmann, and Bernard Kouchner have adopted similar pro-war positions.[27] Others find it more instructive to consider the possibility that it is not leftists who have strayed from their principles, but reality itself that has gone astray. James Traub attributes the leftist case for war to the underlying realization that "a morally driven foreign policy looks very different after September 11 than it did before," and that the invasion of Iraq is therefore the "consummation, rather than the contradiction" of traditional leftist beliefs.[28] In a world where militant terrorists advocating mass murder on religious grounds view themselves as "freedom fighters" and radical liberals advocating military action on idealistic grounds call themselves "neoconservatives," the leftist conversion somehow begins to make sense.[29]

As a good friend of both Kofi Annan and Sergio Vieira de Mello, the high-ranking Brazilian diplomat killed in the UN bombing in Baghdad last August,[30] Shawcross is superbly equipped to assess the impact of rogue States and terrorist organizations on global security.[31] He is also well placed to comment on the risks of preemptive invasion for existing alliances and the

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ing Shawcross' conversion from role as "poster boy of anti-Vietnamese War Left" to friend of American hard Right as betrayal of principles).

27. *See* Bernard Kouchner, *La France est dans l'impasse*, LE MONDE, Mar. 3, 2003, *translated in* WATCH: COVERING THE WAR ON TERROR (Mar. 4, 2003), *at* http://watch. windsofchange.net/themes_45.htm (criticizing France's opposition to war in Iraq). Following the allies' failure to find weapons of mass destruction, there has been a tendency among many leftist advocates of the war to focus on the humanitarian consequences of the invasion. In a recent interview, for instance, Kouchner stated that "[w]ar is a very bad solution. But there is a solution that is worse than very bad: leaving in place a dictator who massacres his people." *Id.*

28. *See* James Traub, *The Good War?*, N.Y. TIMES, Jan. 11, 2004, at G7 (book review). For an extended discussion on the revolutionary foreign policy of the Bush administration even before September 11th, see James Traub, *The Bush Years: W.'s World*, N.Y. TIMES MAGAZINE, Jan. 14, 2001.

29. *See* Douglas Sanders, *Line Dancing in the Oval Office, the Hard Way*, GLOBE AND MAIL, Jan. 17, 2004, at F3 (discussing shifting distinctions between politics of "hardliners" and "soft-liners" with respect to U.S. foreign policy).

30. *See De Mello: U.N.'s Iraq Envoy*, CNN.com (Aug. 19, 2003), *at* http://www.cnn. com/WORLD (recounting brilliant career and sudden death of Brazilian diplomat Sergio Vieira de Mello).

31. *See* Edward Vulliamy, *Appointment in Samara*, OBSERVER, Dec. 28, 2003, at 14 (book review). William Shawcross made his name with "one of the greatest pieces of journalism" about the destruction of Cambodia by Richard Nixon and Henry Kissinger, and has written extensively about the revolutions that toppled communism in Eastern Europe. *Id.* *See also* William Shawcross, Curriculum Vitae, *available at* http://www.williamshawcross.com/curriculum-print.html (last visited Apr. 11, 2004).

future prospects for the international rule of law.[32] An analysis of the ways in which the international community has "confronted evil,"[33] Shawcross' brief polemic argues that U.S. President George Bush and British Prime Minister Tony Blair were right to go to war without UN clearance,[34] and that the hypocrisy of Jacques Chirac was largely responsible for the collapse of international consensus over the war.[35] His curious identification with Bush and his neoconservative allies as the most qualified to implement this humanitarian agenda, however, fails to recognize essential differences between the leftist case for war and the hard-line justification for regime change in Iraq.

I. *ANTI-AMERICANISM AND THE COLLAPSE OF CONSENSUS*

Whether or not one subscribes to the view that Bush cooked the intelligence to justify a war that many in his cabinet had advocated for years, the U.S.-led invasion of Iraq has, if nothing else, provoked an impassioned debate over how international relations should be conducted in the post-September 11th world.[36] To liberal internationalists, preserving the legal authority and moral credibility of the United Nations as the principle forum for ensuring peace and security remains paramount.[37] The less

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32. *See* Jason Cowley, *Once a Model Progressive, He is Now the Royal Choice to Write the Queen Mother's Life and an Apologist for War in Iraq - Man of the Year: William Shawcross — Biography*, NEW STATESMAN, Dec. 15, 2003 (recounting Shawcross' long-held interest in impact of U.S. power on global alliances and role of UN as mechanism for spread of human rights and democracy).

33. *See* SHAWCROSS, ALLIES, *supra* note 5, at 7 (describing effects of global terrorist threat on international relations and diplomacy following September 11th).

34. *See* SHAWCROSS, ALLIES, *supra* note 5, at 217-18 (arguing why war in Iraq was legal under existing UN framework). Specifically, Shawcross argues that no second Security Council resolution was required to legally endorse the war because Iraq had already been in "material breach" of its obligations to disarm under Resolution 678. *Id.*

35. *See* SHAWCROSS, ALLIES, *supra* note 5, at 97-98 (describing ongoing commercial relationship between France and Iraq). According to Shawcross, French President Jacques Chirac was looking out for his own economic interests when he attempted to give Iraq the benefit of the doubt by undermining UN inspection systems and violating UN trade sanctions. *Id.*

36. *See Re-ordering the World*, Economist.com (Mar. 21, 2003), *at* http://www.economist.com (discussing future impact of Iraq war on international relations and emergence of new world order). *See also* Kurt M. Campbell, *The End of Alliances? Not so Fast*, 27(2) WASH. Q. 151-63 (Spring 2004) (responding to view that transatlantic alliance only slows U.S. response time to urgent challenges and reduces U.S. freedom of movement in international arena).

37. *See* SHAWCROSS, ALLIES, *supra* note 5, at 218 (discussing legality of Iraq war and need for UN to adapt to terrorist threat).

than stellar record of humanitarian intervention in Bosnia, Kosovo, Rwanda, and Sierra Leona, however, has exposed fundamental flaws in a system intended to ensure collective security while, at the same time, respecting national sovereignty.[38] Long before September 11, 2001, Secretary-General Kofi Annan prompted a massive shift in traditional UN doctrine when he declared that human rights would finally "take precedence over concerns of [S]tate sovereignty."[39] Responding to the assertion of national sovereignty as justification for domestic repression and recognizing the international security implications of humanitarian crises, Annan had implicitly authorized the greater use of force in humanitarian intervention.[40]

But because the United Nations, and Annan especially, remains "multilateralist by precedent,"[41] the unilateral approach espoused by the United States continues to challenge the foundations of international law and fracture the transatlantic alliances established under its aegis.[42] An influential group of ad-

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38. *See* Franklin Foer, *Turtle Dove: How Kofi Annan Fooled the Bushies*, NEW REPUBLIC, Oct. 14, 2002, at 20 (detailing strained relationship between UN Secretary-General Kofi Annan and United States). The UN's ineptitude was perhaps most glaringly apparent in its inability to stop the Serb assault on the "safe area" of Srebrenica as Serbs implemented their policy of "ethnic cleansing" on all Bosnian Muslims who had fled similar assaults in other towns. According to one anonymous official, the UN's inability to "save the people of Srebrenica from the Serb campaign of mass murder . . . [was] in part rooted in a philosophy of neutrality and nonviolence wholly unsuited to the conflict." *Id.* at 22. Many attribute the UN's failure in Bosnia to its untenable position of acting as a neutral arbiter in a morally unambiguous situation. *Id.*

39. *See* Foer, *supra* note 38, at 21. *See also* U.N. CHARTER art. 2, para. 4 (instructing "[a]ll Members [to] refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any [S]tate"). Based on the principle of "sovereign equality," the 1945 UN Charter was more concerned with promoting the interests of individual States than protecting human rights and individual liberties. *See* Alain Pellet, *State Sovereignty and the Protection of Fundamental Human Rights: an International Law Perspective*, 1(1) PUGWASH OCCASIONAL PAPERS, *available at* http://www.pugwash.org (Feb. 2000) (arguing that State sovereignty is not defense against gross violations of human rights).

40. *See* SHAWCROSS, ALLIES, *supra* note 5, at 59-60 (quoting from two speeches before General Assembly in summer of 1998 and on September 20, 1999). Annan's argument for qualified sovereignty is grounded on the idea that the UN Charter was "not meant as a license for governments to trample on human rights and human dignity" and that "a great number of peoples . . . need more than just words of sympathy from the international community." *Id.*

41. *See* Foer, *supra* note 38, at 20 (quoting from Annan's speech before General Assembly on September 12, 2002).

42. *See* U.N. CHARTER art. 51. Article 51 states that "[n]othing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has

ministrative officials, referred to derisively as the "ideologues of American Empire,"[43] now maintains that global security can be achieved only by rejecting international treaties and institutions, embracing the doctrine of preventative war, and eschewing diplomacy for unilateralist force whenever core interests are at stake.[44] Distrustful of international frameworks and collective security, neoconservatives ("neocons")[45] like Vice President Cheney, Deputy Secretary of Defense Paul Wolfowitz, and Richard Perle, an arms control expert popularly known as the "Prince of Darkness," dismiss the founding principles of the UN as a tool for undemocratic Nations to constrain the United States and view the war in Iraq as an opportunity to assert Pax Americana under a unipolar world.[46]

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taken measures necessary to maintain international peace and security." *Id.* Meant to prevent the risk of military intervention based on the self-interested political motives of powerful Member States, the UN Charter maintains a sharp distinction between unilateral and collective intervention, allowing for the former only in the context of self-defense. *See* Joseph S. Nye, Jr., *Unilateralism v. Multilateralism: America Can't Go it Alone*, INT'L HERALD TRIB., June 13, 2002, at 8 (arguing that U.S. foreign policy should maintain general preference for multilateralism).

43. *See* SHAWCROSS, ALLIES, *supra* note 5, at 51-52 (discussing origins and evolution of neoconservative movement). *See also* Joshua Muravchik, *The Neoconservative Cabal*, AM. ENTERPRISE INST. FOR PUB. POL'Y RES., *available at* http://www.aei.org (Sept. 3, 2003) (deconstructing "myth" of neoconservative faction within Bush administration as misinformed conspiracy theory).

44. *See generally* FRUM & PERLE, *supra* note 24 (arguing that militant promotion of democracy overseas and strengthening of security measures at home are only way to "win" war on terror). Among the policy recommendations made by neocon hard-liners include the aggressive push for regime change in Iran, North Korea and Saudi Arabia, Syria, the total abandonment of the Israeli-Palestinian peace process, a new PATRIOT Act that would revoke the citizenship of Americans found donating money to "terrorist" organizations, and the threatened withdrawal of U.S. membership from the United Nations unless it amends its Charter to allow for "preemptive self-defense." *Id.*

45. *See* Irving Kristol, *The Neoconservative Persuasion*, WKLY. STANDARD, Aug. 5, 2003 (discussing origins of neoconservative movement). The term "neocons" derives from a disdainful reference to former leftist intellectuals who had been disillusioned by the backlash against McCarthyism in the late 1960s. *See* SHAWCROSS, ALLIES, *supra* note 5, at 52. *See generally* JAMES MANN, RISE OF THE VULCANS: THE HISTORY OF BUSH'S WAR CABINET (2004) (detailing early careers and rise to power of Bush's inner circle and their dramatic impact on U.S. foreign policy).

46. *See* SHAWCROSS, ALLIES, *supra* note 5, at 57-59 (discussing radical objectives of neoconservative movement). Neocons have more euphemistically defined their own movement as "a robust approach to the foreign scene . . . [that] sees no inherent incompatibility between American interests and American ideals." *See* Michelle Goldberg, *Is this the Neocon Century?*, Salon.com (Dec. 17, 2003), *at* http://www.salon.com/opinion (quoting arbitrator from recent panel discussion on neoconservative movement between neocon kingpin Richard Perle and liberal journalist Joshua Micah Marshall).

It is impossible to make sense of either the neocon agenda or the leftist case for war without considering the history of the United States' schizophrenic foreign policy in the Middle East. The "bastard offspring" of nationalism and socialism, the dictatorial style of government and indoctrination practiced by Saddam Hussein's regime has never been in doubt.[47] Closely following Joseph Stalin's model of expurgating conspirators, Hussein's first act as president involved reading out the names of fifty-four suspected co-conspirators at a meeting of senior party members and ordering those officials not suspected of treachery to take part in the firing squads that dispatched the "guilty."[48] In 1988, Hussein ordered at least 5,000 people from the Kurdish town of Halabja gassed to death for collaborating with Iran.[49] Three years later, he deployed some eighty Republican Guard tanks to brutally suppress the Shia rebellion in Basra.[50] It has since been estimated that Hussein has murdered at least 300,000 of his own people since 1991.[51] For much of his regime, however, the

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47. *See* Bernard Lewis, *What Went Wrong?*, ATLANTIC MONTHLY, *available at* http://www.theatlantic.com/issues/2002/01/lewis.htm (Jan. 2002) (exploring underlying reasons behind fall of Muslim civilization). Bernard Lewis cogently argues that the two dominant ideologies of socialism and nationalism as applied to Muslim Nations have now both been discredited. For despite their national independence, the majority of Muslim countries barely survive on primitive infrastructures and indoctrination techniques based on terror and repression. *Id.*

48. *See* SHAWCROSS, ALLIES, *supra* note 5, at 19 (arguing that Hussein's willingness to use weapons of mass destruction against West can be inferred from appalling human rights violations against own people and neighboring countries). *See also* Richard Walker, *Saddam's Legacy of Violence and War*, MSNBC NEWS, *available at* http://www.msnbc.msn.com/id/3708671 (Dec. 14, 2003) (recounting Hussein's rise to power and subsequent terrorization of Middle East region).

49. *See* SHAWCROSS, ALLIES, *supra* note 5, at 21 (describing Hussein's biological weapons program and Halabja massacre). The use of biological and chemical weapons against Iran and Kurdish rebels during the Halabja massacre is widely considered to be the first time since the Holocaust that a government is known to have gassed its own people. *Id.*

50. *See Who are the Shia?*, BBC NEWS, *available at* http://news.bbc.co.uk (Mar. 3, 2004) (describing history of Iraq's largest ethnic group and its criticism of U.S. plans to handover power in Iraq).

51. *See* SHAWCROSS, ALLIES, *supra* note 5, at 160 (recounting how gruesome evidence of human rights violations surfaced in Iraq following collapse of Hussein's regime). As people went searching for lost love ones in mass graves, Iraqis come forward with tales of personal atrocities, and DVDs of police torture and arbitrary executions went on sale all over Iraq, the fall of the Baath regime precipitated the discovery of an overwhelming amount of evidence confirming Hussein's "reign of terror." *Id.* at 160-61. *See also* Jack Kelley, *Iraqis Pour Out Tales of Hussein's Torture Chambers*, USA TODAY, Apr. 14, 2003 (describing personal accounts of Hussein's preferred methods of torture).

United States has turned a blind eye to these human rights viola-
tions, even providing him with limited intelligence assistance, in
the hopes that he might help curb the even greater danger per-
ceived from Iran.[52] Not until Iraq's invasion of Kuwait in 1990
did the United States begin to reappraise the threat.[53] Yet UN
Security Council Resolution 678, which authorized the Gulf War,
failed to mandate Hussein's removal.[54] Prior to Bush's radical
foreign policy changes, the intent has always been, as the Clin-
ton administration often said, to leave Hussein "in his box"[55] in
the hopes that he might be overthrown from within.[56]

This misplaced expectation of Hussein's demise continued
to inform the U.S. policy of containment over the next twelve
years.[57] Passed in March 1991, Resolution 687 conditioned its
ceasefire on the internationally supervised disarmament of Iraq's
weapons of mass destruction ("WMD"), and created an inspec-

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52. *See* SHAWCROSS, ALLIES, *supra* note 5, at 20 (recounting Washington's decision
to offer limited intelligence to Hussein in attempt to curb Ayatollah). In 1979 Ayatollah
Khomeini drove from power the Shah of Iran, on whom the United States had relied as
part of its defense of the Middle East oil fields. *Id.* Like much of U.S. Cold War policy,
the United States' aggressive stance towards Khomeini had more to do with protecting
its own economic interests than with any moral denunciation of human rights abuses.
See What have been the Role and Effects of U.S. Foreign Policies and Actions in the Middle East?,
GLOBAL CONNECTIONS, *at* http://www.pbs.org/wgbh/globalconnections/mideast/ques-
tions/uspolicy (last visited Apr. 11, 2004) (arguing that economic interests have long
motivated U.S. intervention in Middle East).

53. *See* SHAWCROSS, ALLIES, *supra* note 5, at 22 (describing circumstances surround-
ing UN Security Council's decision to pass Resolution 678, authorizing use of force to
expel Iraq from Kuwait).

54. S.C. Res. 678, U.N. SCOR, 45th Sess., 2963rd mtg. at 27-28, U.N. Doc. S/RES/
0678 (1990).

55. *See* Robert Kagan, *Saddam's Impending Victory*, WKLY. STANDARD, Feb. 2, 1998
(comparing Clinton's policy of containment toward Iraq with forced demilitarization of
Germany's Rhineland following World War I).

56. *See* SHAWCROSS, ALLIES, *supra* note 5, at 23 (outlining chronology of Operation
Desert Storm in early 1991). In the event that Iraq failed to pull out of Kuwait by
January 15, 1991, Resolution 678 enabled Member States "to use all necessary means . . .
to restore international peace and security" in the region. *See* S.C. Res. 678 (1990),
supra note 54. *But see* SHAWCROSS, ALLIES, *supra* note 5, at 23 (noting that, despite broad
language of mandate, Resolution 678 authorized nothing more than use of military
force for liberation of Kuwait, not overthrow of Baathist regime).

57. SHAWCROSS, ALLIES, *supra* note 5, at 26-38 (describing United Nation's ineffec-
tual attempts to disarm Iraq following Gulf War). Given his history of "playing the
reluctant warrior," some commentators have questioned the sincerity of Colin Powell's
efforts to garner UN support for the war in Iraq. *See* Charles Krauthammer, *Powell's Iraq
Containment Policy Fails*, DETROIT NEWS, Jan. 14, 2003 (arguing that Powell harbored
ulterior motives to undermine Bush's call for war in favor of his personal preference for
policy of containment).

tions regime, United Nations Special Commission on Iraq, ("UNSCOM")[58] to enforce its directives.[59] In response to Iraq's attempts to block UN inspectors in 1997, Resolution 1134[60] threatened to impose travel restrictions on Iraqi officials, though the abstention of five Member States served only to strengthen Hussein's defiance of international law.[61] Following Hussein's use of security forces to crush antigovernment riots on the heels of a prominent Shiite leader's assassination in 1999, Resolution 1284[62] subsequently created a new inspections regime ("UN-MOVIC")[63] and extended the oil-for-food program.[64] The United States learned soon enough, however, that containment did nothing to put an end to Hussein's cruelty, while effectively lending bin Laden further justification for his *jihad* against the West.[65]

The eventual failure of the containment policy to disarm Iraq underscores another of Shawcross' major themes: that the collapse of consensus over how the international community

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58. *See* UN Special Commission on Iraq ("UNSCOM"), *available at* http://www.un.org/Depts/unscom/unscom.htm (last visited Apr. 11, 2004) (delineating mandate to carry out on-site inspections of biological and chemical capabilities in Iraq, supervise destruction by Iraq of ballistic missiles with range greater than 150 km, and monitor compliance with mandate not to use, develop, or acquire such weapons).

59. S.C. Res. 687, UN SCOR, 46th Sess., 2981st mtg., UN Doc. S/RES/687 (1991). Resolution 687 was part of a thirty-year struggle by the international community to create a network of treaties to prevent the spread of chemical and biological weapons. *See* SHAWCROSS, ALLIES, *supra* note 5, at 26-27 (outlining limited effectiveness of UN Special Commission in disarming Iraq).

60. S.C. Res. 1134, UN SCOR, 52nd Sess., 3826th mtg., UN Doc. S/RES/1134 (1997).

61. *See* SHAWCROSS, ALLIES, *supra* note 5, at 30 (describing United Nation's response to Hussein's 1997 attempts to block weapons inspectors).

62. S.C. Res. 1284, UN SCOR, 54th Sess., 4084th mtg., UN Doc. S/RES/1284 (1999).

63. *See* United Nations Monitoring, Verification and Inspection Commission ("UN-MOVIC"), *available at* http://www.unmovic.org (last visited Apr. 11, 2004) (replacing UNSCOM as organization responsible for eliminating development of weapons of mass destruction in Iraq and enforcing compliance with international obligations as laid out by UN Security Council).

64. *See* SHAWCROSS, ALLIES, *supra* note 5, at 29-30 (describing effectiveness of Iraqi propaganda to foster anti-Americanism within international community). Hussein's propaganda machine was adept at exploiting the oil-for-food program by disallowing the distribution of supplies to the Iraqis while convincing many in the international community that UN sanctions were starving a generation of Iraqi children. *Id.*

65. *See* SHAWCROSS, ALLIES, *supra* note 5, at 37 (discussing adverse consequences of containment for welfare of Iraqi people as well as authority of United Nations). Referring to the U.S. troops stationed in Saudi Arabia since 1991, bin Laden cited the "armed Christian soldiers" in the sacred land as the ultimate sacrilege. *Id.*

should deal with criminal States is as dangerous to international peace and security as the terrorist threat itself.[66] Containment proved to be an unsatisfactory compromise between Security Council Members advocating a more aggressive approach toward Iraq and those — notably China, France, and Russia — urging the relaxation of sanctions and inspections in the interests of commercial trade.[67] France bears the brunt of the book's denunciation; Shawcross blames French President Jacques Chirac for deliberately undermining both the war itself and the subsequent reconstruction efforts in Iraq.[68]

As opposed to the British tradition of cultivating a "special relationship" with the United States following World War II, France has consistently maintained an antagonistic foreign policy intended to respond to *"le defi Americain"* and gain the upper hand in what it sees as a bitter rivalry between *la Francophonie* and *les Anglo-Saxons*.[69] In truth, French antipathy exemplifies a more widespread European trend towards aggressive anti-Americanism,[70] which some critics consider an inevitable reaction to the United States' global preeminence since the Second World War.[71] As the latest, and perhaps most flagrant, example of

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66. *See* SHAWCROSS, ALLIES, *supra* note 5, at 153 (arguing that international community's failure to enforce UN resolutions on Iraq's disarmament would lead to distrust among allies and disrespect among enemies).

67. *See* SHAWCROSS, ALLIES, *supra* note 5, at 27-28 (discussing underlying reasons behind failure of disarmament program under UNSCOM).

68. *See* SHAWCROSS, ALLIES, *supra* note 5, at 97(describing how France's commercial dealings with Iraq threatened to undermine UN Security Council efforts to punish it). Shawcross describes the French proposal for the immediate handover of power to an Iraqi provisional government as a "desperately cynical attempt to make sure that the 'Anglo-Saxon' attempt to create a better Iraq was bound to fail." *Id.* at 209.

69. *See* SHAWCROSS, ALLIES, *supra* note 5, at 77-78 (outlining history of French antagonism towards United States following World War II). *See also* Amir Taheri, *Not Normal*, NAT'L REV., Nov. 26, 2002 (examining intellectual laziness underlying French anti-Americanism and its detrimental impact on international peace and security).

70. *See* SHAWCROSS, ALLIES, *supra* note 5, at 181-82 (recounting how reaction of many Western intellectuals to Iraq war has been informed by "reflexive anti-Americanism"). It is important to note that anti-Americanism is not limited to Europe; many Americans now perceive their own country as a greater threat to world peace than Iraq. Prominent novelist and essayist Gore Vidal, for instance, has dismissed the "Bush-Cheney junta," claiming that "there are many bad regimes on earth . . . at the moment I would put the Bush regime as one of them." *Id.* For an interesting take on how countries tend to embrace American culture while decrying its global influence, see Sam Vaknin, *The Roots of Anti-Americanism, at* http://samvak.tripod.com/pp112.html (last visited Apr. 11, 2004).

71. *See* Huntington, *supra* note 9, at 22 (suggesting that cultural hegemony will

"America as intruder,"[72] the U.S.-led invasion of Iraq raised the level of resentment toward the United States (and Britain by association) to an unprecedented pitch. British intellectual Tariq Ali referred to the "decolonization" of Iraq by the United States and its "bloodshot British adjutant."[73] Playwright Sir David Hare condemned the United States and Britain for their decision to "annex" Iraq.[74] Michael Meacher, a former Labor Minister, went so far as to suggest that September 11th was part of an American conspiracy.[75] Pointing out such critics' unwillingness to acknowledge Bush's humanitarian motives, Shawcross responds by wondering how such a "visceral loathing of America" could so completely eclipse the salutary consequences of Hussein's defeat: thanks to U.S. intervention, twenty-three million Iraqis who have suffered under a repressive regime for decades now have hope.[76]

Shawcross' puzzled bewilderment turns to utter contempt when he addresses the issue of French anti-Americanism and its impact on European foreign policy.[77] Arising out of a centuries-old tradition of condescension and fear, French antipathy for the United States has become a national pastime offering a "rare

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bring United States into direct conflict with major regional powers as each Nation struggles to shape future course of history).

72. *See* SHAWCROSS, ALLIES, *supra* note 5, at 78 (discussing political and cultural origins of global resentment towards United States).

73. *See* Tariq Ali, *Re-Colonizing Iraq*, NEW LEFT REV., *available at* http://www.newleft review.net/NLR25501.shtml (May-June 2003) (arguing that Bush administration has used September 11th as excuse for pursuing aggressive imperialist agenda).

74. *See* SHAWCROSS, ALLIES, *supra* note 5, at 183 (describing critical reaction of many Western intellectuals and artists to war in Iraq).

75. *See* SHAWCROSS, ALLIES, *supra* note 5, at 184 (recounting how anti-Americanism has often been tainted by conspiracy theory). Questioning the United States' convenient failure to avert September 11th, Michael Meacher argues that the war on terrorism "has the hallmarks of a political myth propagated to pave the way for a wholly different agenda — the U.S. goal of world hegemony." Michael Meacher, *This War on Terrorism is Bogus*, GUARDIAN, Sept. 6, 2003, at 21 (arguing that U.S. war on terror is pretext for Bush administration's imperialistic aspirations).

76. *See* SHAWCROSS, ALLIES, *supra* note 5, at 185-86 (referring to prominent intellectuals and public figures who have supported war in Iraq).

77. *See Ever Awkward, Sometimes Risky*, ECONOMIST, Feb. 1, 2003 (arguing that France's apprehension with respect to concept of American "hyperpower" has made it awkward member of Western alliance). Despite France and Germany's outspoken opposition to the war, however, it is important to remember that Europe as a whole remains essentially divided on the Iraq issue. *See European Foreign Policy on Iraq*, Cosmopolis (Mar. 2003), *at* http://www.cosmopolis.ch/english/cosmo34/european_foreign_policy_iraq.htm (examining history of European foreign policy on Iraq).

terrain . . . where conflicting political and intellectual forces can find common ground."[78] As Shawcross is quick to point out, however, it is also a pathological delusion and a disingenuous consolation for the European failure to cope with international conflict.[79] According to Shawcross, the 1992 Maastricht Treaty,[80] in purporting to "mark a new stage in the process of European integration," merely created "a new bureaucracy and new pretensions."[81] Far from being the self-proclaimed "moral conscience of the world," France's failure to take action against the genocidal extremists in Rwanda, Shawcross attributes to the chummy relationship between Hutu President Habyarimana and former French President Francois Mitterand.[82] For all its affected grandeur, Shawcross reminds the Franco-German alliance that neither Nation has enjoyed a military victory since 1870.[83]

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78. John Vinocur, *Why France Disdains America: Two New Books Scrutinize a Traditional Gallic Obsession*, INT'L HERALD TRIB., Oct. 9, 2002, at 1 (book review). For a fresh look at the underlying causes of anti-Americanism in France, see generally JEAN-FRANÇOIS REVEL, L'OBSÉSSION ANTI-AMERICAINE (2003).

79. *See* SHAWCROSS, ALLIES, *supra* note 5, at 79-87 (recounting collective failure of European organizations to deal with collapse of Yugoslavia and Balkan conflicts).

80. Consolidated version of the Treaty establishing the European Community, O.J. C 325/33 (2002), 37 I.L.M. 79, *incorporating changes made by* EC Treaty of Nice amending the EC Treaty on European Union, the Treaties establishing the European Communities and certain related acts, Feb. 26, 2001, O.J. C 80/1 (2001) (amending EC Treaty on European Union ("TEU"), EC Treaty establishing the European Community ("EC Treaty"), EC Treaty establishing the European Coal and Steel Community ("ECSC EC Treaty"), and EC Treaty establishing the European Atomic Energy Community ("Euratom EC Treaty") and renumbering articles of TEU and Consolidated EC Treaty).

81. *See* SHAWCROSS, ALLIES, *supra* note 5, at 79 (arguing that founding of European Union has done nothing to create European superpower comparable to United States).

82. *See id.* at 80 (describing France's cynical role in Rwanda massacre). Shawcross makes a similar argument with regard to "Hussein's closest foreign friend," Jacques Chirac, whose staunch support of Iraq in the Security Council is ascribed to its position as one of Iraq's largest trading partners. *Id.* at 97. Others have argued that French hypocrisy should preclude the UN from overseeing the reconstruction effort altogether: since the French resistance to the disarmament of Iraq was largely motivated by commercial advantage, it should not now be allowed to reap the financial benefits of participating in the rebuilding of Iraq. *See* William Rees-Mogg, *French Duplicity Rules UN out of Rebuilding Iraq*, TIMES (LONDON), Apr. 7, 2003, at 16 (arguing that UN should not be in charge of reconstruction efforts in Iraq). *See also* William Shawcross, *Chirac's Cynical and Self-Serving Friendship with Saddam Means France must Play No Part in Rebuilding Iraq*, MAIL ON SUNDAY, Apr. 6, 2003, at 24 (contending that France should not be rewarded for "sweetheart deals" it made with Hussein).

83. *See* SHAWCROSS, ALLIES, *supra* note 5, at 86-87 (quoting Chilean historian and economist Claudio Veliz to point out paradox of Franco-German leadership in Europe). Although France and Germany may have "the nicest military uniforms, the shiniest boots, [and] the best martial music parades . . . they are also encumbered with the least impressive record in military matters." *Id.*

Drawing heavily from the work of foreign policy analyst Robert Kagan, Shawcross further argues that Europe's growing collectivist outlook, premised on an unwavering belief in the sovereign equality of all Nations, is at heart, a feeble attempt to rationalize individual States' inferiority complex in the face of American supremacy.[84] Empires have always been targeted by the disgruntled, the disenfranchised, and the dispossessed, who struggle to find ways to assert distinct social and political identities.[85] Shawcross maintains that since no single European power can approach the United States in terms of economic or military strength, attempts to "pool sovereignty" like the Franco-German alliance and the European Union are actually meant to create an alternative, or "counterweight," to the world's only superpower.[86] Still, for all the growing enthusiasm over the emergence of a "United States of Europe" as an integrated and formidable political entity, Shawcross points out that it was the United States, and not NATO,[87] that put a stop to the Balkan massacres after 200,000 people had perished under Europe's care;[88] and it was the United States, and not the European Union, that liberated Afghanistan from the Taliban regime.[89]

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84. *See* SHAWCROSS, ALLIES, *supra* note 5, at 89 (claiming that Europe's growing emphasis on international law is response to failure to match power of United States). According to Robert Kagan, Europe is "moving beyond power into a self-contained world of laws and rules and transnational negotiation and cooperation," while the United States continues to "exercise power in the anarchic Hobbesian world where international laws and rules are unreliable and where true security . . . depend[s] on the possession and use of military might." Robert Kagan, *Power and Weakness*, 113 POL'Y REV., *available at* http://www.policyreview.org/JUN02/kagan.html (June 2002) (attributing current transatlantic tensions to divergent perspectives of United States and Europe with respect to "morality of power").

85. *See, e.g.*, Richard K. Moore, *America and the New World Order*, NEW DAWN, *available at* http://cyberjournal.org/cj/rkm (Feb. 4, 1997) (arguing that globalization is form of political regression threatening democratic institutions and individual freedom).

86. *See* SHAWCROSS, ALLIES, *supra* note 5, at 87 (discussing complex political motives behind formation of European Union).

87. North Atlantic Treaty Organization ("NATO").

88. *See* SHAWCROSS, ALLIES, *supra* note 5, at 85 (discussing tensions in alliance during NATO campaign in Kosovo). Shawcross' argument here is somewhat misleading: in fact, the bulk of the peacekeeping operations in Bosnia had been conducted solely under NATO's authority, although President Clinton had deployed 2,500 troops to the region eleven days before the peace treaty was signed on December 14, 1995. *See With Independence Came War: Recent Events in the Balkans*, CNN.com, *available at* http://www. cnn.com/WORLD/Bosnia/time/time6.html (last visited Apr. 10, 2004) (containing timeline of Balkan conflict).

89. *See* SHAWCROSS, ALLIES, *supra* note 5, at 85 (noting that 200,000 people died in Balkans before United States' intervention). *But see* George Kenney, *The Bosnia Calcula-*

II. *THE UNILATERAL SOLUTION*

Shawcross undoubtedly agrees with Tony Blair's declaration, in a July 2003 speech before Congress, that the notion of Europe competing with the United States is both "dangerous" and an "anachronism."[90] Nonetheless, it is difficult to reconcile Shawcross' staunch support of the United Nations, that pre-eminent of all international organizations, with his faith in American supremacy as essential to the security of the world.[91] Shawcross' allegiances seem genuinely torn between a deep-rooted faith in multilateralism, shared by most liberal internationalists, and a growing support of preemptive unilateralism based on the Manichaean evildoers-respond-only-to-force worldview. In *Deliver Us from Evil*, he dismissed the "idealized belief" that the United Nations is an independent and objective body of sovereign States designed to bring peace and economic development to the world.[92] He seems equally reticent, however, to fully adopt the neoconservative position that multilateralism is merely a "synonym for an ineffective and unfocused policy involving internationalism of the lowest common denominator."[93]

The familiar critique that the United Nations has never been more than a political instrument of the United States[94] is

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tion, N.Y. TIMES MAGAZINE, Apr. 23, 1995 (arguing that number of fatalities in Bosnian war was actually between 25,000 and 60,000).

90. SHAWCROSS, ALLIES, *supra* note 5, at 222 (arguing that despite opposition of France and Germany, most European governments supported the war). Blair fervently expressed his support of the U.S.-British alliance as follows: "If Europe and America are together, the rest will work with us. If we split . . . nothing but mischief will be the result." *See Tony Blair's Speech to the U.S. Congress*, GUARDIAN, *available at* http://www.guardian.co.uk (July 18, 2003).

91. *See* Peter W. Rodman, *Multilateralism and its Discontents*, FREEDOM IN THE WORLD 1998-99, *available at* http://freedomhouse.org/survey99/essays/rodman.html (last visited Apr. 15, 2004) (describing tension between U.S. commitment to multilateralism and increasing tendency to unilaterally shape world events).

92. *See* SHAWCROSS, DELIVER US FROM EVIL, *supra* note 23.

93. Gerard Henderson, *World Parliament a Pipedream*, SYDNEY INST., *at* http://www.thesydneyinstitute.com.au/150703.htm (July 15, 2003) (quoting Australian Foreign Minister Alexander Downer's address to National Press Club on June 26, 2003). David Frum and Richard Perle go so far as to argue that multilateral agreements actually encourage nuclear proliferation. *See* FRUM & PERLE, *supra* note 24, at 108-09 (arguing that Iran's formal adherence to Nuclear Non-proliferation Treaty has impeded International Atomic Energy Agency's ability to curtail Iran's nuclear aspirations).

94. *See, e.g., N. Korea: UN a 'Tool of U.S.'*, CNN.com (Nov. 5, 2003), *at* http://edition.cnn.com/2003/WORLD (discussing North Korea's opposition to resolution with International Atomic Energy Agency aimed at safeguarding country's nuclear material).

true to the extent that the UN Security Council can only act when it suits the interests of its five permanent Members, one of which is the United States.[95] But as France's public and unequivocal opposition to the war in Iraq demonstrates, the United States has also been forced to grapple with the ideological and political divisions among its veto-wielding neighbors as well as the obstinate neutrality of the UN Secretary-General himself.[96] For in spite of Powell's pet phrase, "My man Kofi," Annan has never acted as if he were just another member of the Bush Cabinet in his firm adherence to a constructionist interpretation of Security Council resolutions.[97] That the Bush administration tried so hard to fit its case against Hussein into the UN framework governing the use of force runs counter to the proposition that the United Nations is simply a front for American unilateralism.[98]

A brief overview of the legal justifications for military intervention under Chapter VII of the UN Charter might be instructive here.[99] Although Article 2(4) prohibits any Nation from us-

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95. *See The United Nations: A Force for Peace?*, 9 SOCIALIST REV. AOTEAROA N.Z., *available at* http://www.iso.org.nz/sr/9/un.htm (Summer 2001-02) (arguing that UN provides humanitarian cover for imperialist aspirations of United States). According to John Bolton, a former Bush Senior Undersecretary of State, "[t]here is no United Nations . . . [t]here is an international community that occasionally can be led by the only real power left in the world, and that is the United States, when it suits our interests, and when we can get others to go along." *Id.*

96. *See* Foer, *supra* note 38, at 20 (discussing love-hate relationship between UN Secretary-General and Bush administration).

97. *See id.* Although Annan is generally regarded as one the greatest secretary-generals in United Nations history for his efforts to reform the UN's vast bureaucracy and his innovative approach to the doctrine of State sovereignty, he has been much criticized for his failure to take a more aggressive stance towards rogue Nations that continually flout UN authority: "[u]nfortunately, Annan reverts to conventional UN secretary-general behavior at the worst possible moments. In the face of genocide and dictators, he loses his nerve." *Id.*

98. *See* Rachel S. Taylor, *The United Nations, International Law, and the War in Iraq*, WORLD PRESS REV., *available at* http://www.worldpress.org/specials/iraq (last visited Apr. 10, 2004) (assessing merits of legal arguments proffered by Bush administration in case against Iraq). In addition to the infamous argument concerning the risk Hussein's weapons of mass destruction posed to the United States, Powell also contended that Iraq had to answer for its numerous violations of Security Council resolutions, so as to prevent placing the United Nations "in danger of irrelevance." *Id.* Blair relied more heavily on Powell's second argument, while Bush tended to emphasize the link between Hussein's corrupt regime and the global terrorist network. *See* SHAWCROSS, ALLIES, *supra* note 5, at 186-87 (describing backlash against Tony Blair following failure to find weapons of mass destruction in Iraq).

99. *See* U.N. CHARTER, chap. VII. Entitled "Action with Respect to Threats to the

ing force against another,[100] the Charter permits two exceptions to this institutional respect for territorial integrity: when force is necessary to maintain "international peace and security,"[101] and when force is required in self-defense against an "armed attack."[102] The latter represents the sole provision enabling the use of unilateral force,[103] though its mandate has gradually been extended to include situations where an armed attack is "imminent."[104] In a 1962 legal opinion on the options facing Washington during the Cuban Missile Crisis, the Kennedy Justice Department noted that the UN Charter does not "prohibit the taking of unilateral preventive action in self-defense prior to the occurrence of an armed attack."[105] Shawcross cites the eminent British barrister Christopher Greenwood when he asserts that the increasing severity of the modern terrorist threat demands a corresponding expansion of the traditional scope of "imminent danger," as first defined by Daniel Webster in the *Caroline* case.[106]

Peace, Breaches of the Peace, and Acts of Aggression," Chapter VII of the Charter vests in the Security Council the authority to address threats to international peace and security through legally binding coercive measures. *Id.*

100. *See* U.N. CHARTER art. 2, para. 4.

101. *See* U.N. CHARTER art. 43, para. 1. Article 43(1) mandates that "[a]ll Members of the United Nations . . . undertake to make available to the Security Council . . . armed forces, assistance, and facilities . . . necessary for the purpose of maintaining international peace and security." *Id.*

102. *See* U.N. CHARTER art. 51.

103. *See* The RIGHT OF SELF-DEFENSE IN THE UN CHARTER ART. 51, at 10 (2002), *available at* http://www-hotel.uu.se/juri/sii/pdf/Examensarbete.pdf (last visited Apr. 10, 2004) (describing role of Article 51 in use of unilateral force under Charter). The sole exception to the multilateralist approach underscoring the rest of the Charter, Article 51 is based on the belief that "[t]he survival of [S]tates is not a matter of law:" since the preservation of the State has precedence over positive law, each State must decide for itself how to mount a defense. *Id.* (quoting former Secretary of State Dean Acheson).

104. *See* Taylor, *supra* note 98 (summarizing traditional arguments for pre-emptive self-defense under Charter).

105. *See* David Rivkin Jr. & Lee A. Casey, *Leashing the Dogs of War*, NAT'L INT., Fall 2003, at 58 (discussing divergent approaches of Europe and United States with respect to when it is permissible to launch armed attacks, how warfare must be waged, and how relevant legal norms should be enforced).

106. *See* SHAWCROSS, ALLIES, *supra* note 5, at 115-16 (arguing that policy of "anticipatory self-defense" is justified by gravity of modern terrorist threat). Originating from an 1837 incident in which British troops attacked the ship Caroline, used by U.S. citizens to take supplies to Canadian rebels fighting British rule, the definition of "imminent" in the context of self-defense traditionally referred to any need for action that is "instant, overwhelming, and leaving no choice of means, and no moment for delibera-

Still, it is difficult to see how the doctrine of preemptive self-defense, as advocated by the Bush administration in his National Security Strategy (the "Bush doctrine")[107] fits within even an expanded version of the UN framework. Unilateralism is anathema to the underlying principles of the Charter, and Article 51 grants the right of self-defense only "until the Security Council has taken measures necessary to maintain international peace and security."[108] This suggests that the use of force would *not* be justified so long as there is time for deliberation before the Security Council.[109] With Iraq, the Security Council has had more than twelve years to come up with ways to contend with Saddam Hussein.[110] As Shawcross himself concedes, there has been no evidence that Iraq poses an "immediate" threat to global security, although there is "irrefutable evidence" that his intent to develop WMD technology constitutes an "inevitable" threat.[111]

Shawcross also subscribes to the administration's argument that Iraq's non-compliance with the disarmament provisions of Resolution 678,[112] 687,[113] and most recently, Resolution 1441,[114]

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tion." *See* Taylor, *supra* note 98 (discussing meaning of "imminence" with respect to Article 51).

107. *See* The White House, The Nat'l Security Strategy of the United States of America, *available at* http://www.whitehouse.gov/nsc/nss.html (2002) (providing blueprint of Bush administration's strategies for conducting war on terror and promoting global democracy).

108. *See* U.N. CHARTER, art. 51.

109. *See* Taylor, *supra* note 98 (summarizing arguments for why war in Iraq is illegal).

110. *See* George W. Bush, *President Says Saddam Hussein Must Leave Iraq Within 48 Hours*, Address to the Nation (Mar. 17, 2003), *at* http://www.whitehouse.gov/news/releases/2003/03/20030317-7.html (introducing ultimatum for immediate disarmament of Iraq following twelve years of ineffective diplomatic efforts). Resolution 678, the first of several international mandates calling for the disarmament of Iraq, was passed in 1990, more than twelve years before the U.S.-led invasion. *See* S.C. Res. 678 (1990), *supra* note 54.

111. *See* SHAWCROSS, ALLIES, *supra* note 5, at 192 (relating how UN inspector David Kay uncovered evidence indicating Hussein's intentions to acquire weapons of mass destruction as soon as restrictions were removed). Although his administration failed to take action, President Clinton presented a similar argument for preemptive self-defense: "If we fail to respond today, Saddam, and all those who would follow in his footsteps, will be emboldened tomorrow by the knowledge that they can act with impunity, even in the face of a clear message from the United Nations Security Council." *Id.* at 215.

112. S.C. Res. 678 (1990), *supra* note 54.

113. S.C. Res. 687 (1991), *supra* note 59.

114. S.C. Res. 1441, UN SCOR, 57th Sess., 4644th mtg., UN Doc. S/RES/1441 (2002).

has already provided Member States with the requisite legal authority to use "all necessary means" against Iraq, despite the Security Council's failure to pass a second resolution.[115] Anxious to abide by the letter of the law, British Prime Minister Tony Blair favored seeking just such a resolution in order to definitively ensure the legality of the war.[116] Blair's insistence was not without merit. According to most Members of the Security Council, only the Council itself — and not individual Members — has the authority to determine how to deal with violations of the body's resolutions, a line of reasoning corroborated by the text of Resolution 687 itself: "The Security Council . . . [d]ecides to remain seized of the matter and to take such further steps as may be required."[117] Although Resolution 1441 was passed by a vote of 15-0 on November 8, 2002,[118] the deliberate ambiguity of its phrasing was meant to appease the reservations of more reticent Council Members like France, which insisted that any response to Iraqi noncompliance be worked out in a second resolution.[119]

Shawcross' account of the frantic five-week search for the nine Member votes needed to pass this second resolution exemplifies the continued vitality of the United Nations as a truly democratic institution, as well as the centrality of the Security Council as the world's most important forum for public de-

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115. *See* SHAWCROSS, ALLIES, *supra* note 5, at 218 (reiterating legal bases for war against Iraq).

116. *See* SHAWCROSS, ALLIES, *supra* note 5, at 116 (describing efficacy of second UN Security Council resolution authorizing war against Iraq).

117. S.C. Res. 687 (1991), *supra* note 59. The issue of who decides how to interpret UN Resolutions was raised earlier in 1998 as U.S. and British war planes launched air strikes against Iraq for continuing to impede the work of UNSCOM in violation of Resolution 687. *See* Taylor, *supra* note 98 (describing argument that decision to use "all necessary means," as authorized by Chapter VII, should be left to Security Council, and not to individual States). When the Security Council met on December 16, 1998 to discuss whether individual Member States could resort to force without renewed Security Council consent, not all Members of the Council agreed on the legality of the air strikes. *Id.*

118. *See* SHAWCROSS, ALLIES, *supra* note 5, at 118 (describing UN Security Council's unanimous passage of Resolution 1441). Given expectations that Syria would abstain and serious doubts expressed by Russia earlier in the day, the 15-0 vote came as somewhat of a surprise. *See* Terence Neilan, *"Serious" Action Vowed if Inspectors are Barred*, INT'L HERALD TRIB., *available at* http://www.iht.com/articles/76439.html (Nov. 9, 2002) (describing circumstances surrounding passage of Resolution 1441).

119. *See* Taylor, *supra* note 98 (discussing significance of UN Resolution 1441 in authorizing war in Iraq).

bate.[120] As Syria insisted on the need to protect the "dignity" of Iraq and the French and Americans quarreled over the shifting connotations of a "material breach,"[121] the United States evinced a genuine attempt to exploit the multilateral channels of international law.[122] That it eventually failed to secure the necessary votes is largely due to French President Jacque Chirac's attempt to derail Anglo-British diplomatic efforts before the Council.[123] Echoing the view that "Chirac would now have the blood of American and British soldiers on his hands," Shawcross argues that France's decision to veto the second Security Council resolution actually precipitated the war by ensuring that there would never be enough pressure on Hussein to disarm voluntarily.[124] Only briefly touching on Bush's mistreatment of Blair, Shawcross openly condemns Chirac for single-handedly undermining the international rule of law and endangering global security.[125]

This is a fresh perspective, one untainted by the reflexive anti-Americanism that seems to have informed so many Western

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120. *See* SHAWCROSS, ALLIES, *supra* note 5, at 118 (applauding unanimous passage of Resolution 1441).

121. *See* SHAWCROSS, ALLIES, *supra* note 5, at 117 (describing heated discussions and political posturing of Security Council Members prior to passage of Resolution 1441). Concerned that the draft resolution would make war inevitable by setting the threshold requirement for "material breach" too low, the French were determined not to allow the United States to incorporate "hidden triggers" for military action into the text. *Id. See also* Jean-Paul Chagnollaud, *Letter from France*, GLOBAL POL'Y F., *available at* http://www.globalpolicy.org (Oct. 28, 2002) (attributing France and Germany's decision to remove references to "material breach" and "serious consequences" from text of Resolution 1441 to concerns that such phrases might be used as "hidden triggers" for U.S. military action).

122. *See* SHAWCROSS, ALLIES, *supra* note 5, at 118 (lauding unanimous passage of Resolution 1441 as tribute to skills of UN diplomats and important success for United States and Britain). *See also* USUN Press Release, Explanation of Vote by Ambassador John D. Negroponte, United States Permanent Representative to the United Nations, on Resolution 1511 addressing the Situation in Iraq, *available at* http://usinfo.state. gov/topical/pol/usandun/03101607.htm (Oct. 16, 2003) (declaring that U.S. government's careful consideration of proposed resolution reflects commitment to multilateral approach on Iraq).

123. *See* SHAWCROSS, ALLIES, *supra* note 5, at 148 (recounting France's explicit intentions to veto second resolution endorsing war in Iraq).

124. *See id. supra* note 5, at 149 (describing Tony Blair's criticism of France's decision to veto second resolution).

125. *See id. supra* note 5, at 148-49 (condemning Chirac for opposing second resolution on war in Iraq). *See also* William Shawcross, After Iraq: America and Europe, Harkness Lecture 14 (Mar. 27, 2003), *available at* http://www.cps.org.uk/shawcross.pdf (last visited Apr. 10, 2004) (stating that despite Washington's "mistakes," France and Germany are mostly to blame for collapse of consensus surrounding war in Iraq).

intellectuals' reaction to the war.[126] For much of the interna-
tional media and the vast majority of anti-war protesters, Bush
has been universally vilified as the second biggest villain of the
affair.[127] Even liberals willing to consider the removal of Hus-
sein as the next logical step in the "war against terror" do not
hesitate to condemn Bush for having bungled the diplomacy
necessary to assemble a cohesive coalition.[128] The United States
and Britain's decision to go to war without clear-cut UN author-
ity brought with it the usual accusations of political hypocrisy
and reckless impudence, although many failed to realize that
this was not the first time in recent years that distinct segments
of the international community decided to take matters into
their own hands.[129] Following unsuccessful efforts to achieve a
negotiated settlement between the Yugoslav government and the
separatist Kosovo Liberation Army in early 1999, NATO organ-
ized an aerial bombardment of Serb targets despite the failure to
secure a Security Council resolution in advance.[130] NATO's im-
pulsiveness was given *post hoc* legitimacy, however, as the Council
subsequently defeated, by a vote of 12-3, a proposed resolution
by Russia and China to demand an immediate end to the air
strikes.[131]

    Whether or not one subscribes to the doctrine of "collective
intervention,"[132] Shawcross' account of the legal ramifications of

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    126. *See supra* notes 69-78 and accompanying text (discussing Western intellectu-
als' acerbic criticism of Iraq war).
    127. *See* SHAWCROSS, ALLIES, *supra* note 5, at 150 (outlining most common criti-
cisms of war in Iraq). While some have insisted that the Bush administration harbored
imperialist intentions toward the oil-rich region of the Middle East, others have con-
demned it as hypocrisy to depose Hussein when there are other regimes that are
equally corrupt. *Id.*
    128. *See* Goldberg, *supra* note 46 (arguing that more deliberate approach to Hus-
sein would have garnered more international support for war, as well as more money
and troops for Iraq's reconstruction).
    129. *See* Johann Hari, *The Wrong War for the Right Reasons*, INDEP. ON SUNDAY, Oct.
26, 2003, at 17 (describing how Kosovo war shaped Tony Blair's aggressive foreign pol-
icy prior to September 11th).
    130. *See generally* GEN. WESLEY CLARK, WAGING MODERN WAR: BOSNIA, KOSOVO, AND
THE FUTURE OF COMBAT (2002) [hereinafter WAGING MODERN WAR] (recounting Clark's
experience leading NATO to victory in Kosovo, and explaining complexities of fighting
against unconventional forces and coordinating U.S. objectives with those of other Na-
tions).
    131. *See* SHAWCROSS, ALLIES, *supra* note 5, at 147 (arguing that Security Council's
decision to grant NATO action in Yugoslavia *post hoc* legitimacy is indicative of its falli-
bility with respect to authorizing humanitarian intervention).
    132. *See* Louis Henkin, *Kosovo and the Law of "Humanitarian Intervention"* 93 AM. J.

the U.S.-led invasion provides useful insight into the complex nature of legality within the context of multilateral military intervention.[133] Somewhat less helpful is his discussion of whether Hussein actually possessed the great WMD arsenal that justified the Bush administration's war against Iraq.[134] The Coalition's inability to find incriminating evidence of Hussein's armory following the war was initially ascribed to the proverbial haystack problem — part of Hussein's organized strategy of deception.[135] It was common practice for the regime to hide chemical shells among the sprawling collection of conventional weapons he had amassed since his rise to power in 1979.[136] It soon became clear, however, that there was no such evidence to be found,[137] at which point critics of the war instantly protested and proponents of the war had to come up with an alternative defense.[138] Once the WMD theory had turned out to be problematic, apologists for the war adopted the counter-intuitive position that the dearth of evidence uncovered since the fall of the regime actually constituted definitive *proof* of Hussein's guilt.[139] Shawcross

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INT'L L. 824-28 (1999) (suggesting that NATO bombing has set legal precedent for intermediate category of humanitarian intervention, in which organized group of Nations takes action with tacit acquiescence, as opposed to explicit authorization, of UN Security Council). *See also* WAGING MODERN WAR, *supra* note 130.

133. *See* SHAWCROSS, ALLIES, *supra* note 5, at 112 (stating that "[a] dozen lawyers with different opinions can, it goes without saying, dance on . . . head of . . . pin").

134. *See id.* at 186-93 (arguing that subsequent failure to find weapons of mass destruction in Iraq does not rule out underlying legitimacy of war).

135. *See id.* at 191 (attributing difficulty of search for weapons of mass destruction to Hussein's effective strategy of deception).

136. *See id.* (pointing out that Hussein had amassed about 600,000 tons of shells, rockets, and bombs).

137. *See* Statement by David Kay on the Interim Progress Report on the Activities of the Iraq Survey Group ("ISQ") before the House Permanent Select Committee on Intelligence, the House Committee on Appropriations, Subcommittee on Defense, and the Senate Select Committee on Intelligence [hereinafter Kay Interim Report], *available at* http://www.cia.gov/cia/public_affairs/speeches (Oct. 2, 2003) (outlining progress of Iraq Survey Group's investigation into Hussein's weapons of mass destruction programs). *See generally* HANS BLIX, DISARMING IRAQ (2004) (providing insider's account of diplomatic and inspection efforts leading up to war in Iraq and arguing that U.S.-led invasion was counterproductive to long-term aim of disarmament).

138. *See, e.g.*, Kate Norland, *A Liberal Defense of the War in Iraq*, CHI. MAROON, *available at* http://maroon.uchicago.edu/viewpoints (Jan. 16, 2004) (arguing that Hussein's willingness to endure sanctions and evade inspectors constitutes sufficient evidence that he possessed weapons of mass destruction prior to war).

139. *See* Bryan Robinson, *The Smoking Gun's Charred Trail*, ABCnews.com (Apr. 16, 2003), *at* http://abcnews.go.com/sections/world (referring to critics' contentions that Bush's focus on Iraqi government documents, many of which had been destroyed by

himself falls into this trap when he mentions that although the
Interim Report by U.S. weapons inspector David Kay discovered
nothing concrete, it had shed light on the elaborate efforts to
which Hussein had gone to destroy evidence and disrupt the in-
spection process.[140]

Another typical response to allegations of fraud has been to
highlight Hussein's criminal intent to acquire WMDs in the fu-
ture.[141] According to Rolf Ekeus, the Swedish diplomat who had
been appointed the first head of UNSCOM, although "the Iraqi
nuclear weapons projects lacked access to fissile material," it was
"advanced with regard to weapon design."[142] A recent report by
the Carnegie Endowment for International Peace similarly con-
cluded that the threat to international peace and security posed
by Iraq lay not in stockpiles of unconventional weapons, but
rather in Iraq's "long-standing determination to acquire such
weapons, its scientific and technical resources . . . to make them,
and its demonstrated willingness to use [them]."[143] It is one
thing for the international community to judge States based on
their intentions and capabilities,[144] but quite another to con-
demn them with circumstantial evidence grounded on specula-
tion of what they might be capable of in the future. Shawcross
greatly understates the extent of the intelligence problem when
he argues that, although intelligence can be wrong, "it has to be
taken seriously when there is nothing else."[145]

This is where his argument disturbingly falls into the *Minor-*

Coalition during war, served as excuse for failure to find evidence of weapons of mass
destruction in Iraq).

140. See SHAWCROSS, ALLIES, *supra* note 5, at 190 (referring to Kay Interim Re-
port's findings that Hussein had been developing "clandestine network of laboratories
and facilities" designed to produce biological weapons).

141. *See id.* at 191-92 (arguing that Kay Interim Report provided definitive evi-
dence of Hussein's continued attempts to acquire weapons of mass destruction).

142. *See* ROLF EKEUS, U.S. DEP'T OF ST., IRAQ'S REAL WEAPONS THREAT, *available at*
http://usinfo.state.gov/topical/pol/arms/03070223.htm (2003) (contending that evi-
dence of Hussein's intent to acquire WMD technology should have been enough to
justify war against Iraq).

143. JOSEPH CIRINCIONE ET AL., CARNEGIE ENDOWMENT FOR INT'L PEACE, WMD IN
IRAQ: EVIDENCE AND IMPLICATIONS 47 (2004) (summarizing unclassified and declassified
findings of study on weapons of mass destruction in Iraq).

144. *See* SHAWCROSS, ALLIES, *supra* note 5, at 70 (arguing that States should be
judged on their actions, intentions, and capabilities).

145. *See id.* at 151 (noting that many critics failed to realize corroboration of U.S.
and British intelligence by independent findings of other governments and organiza-
tions, including International Institute of Strategic Studies).

ity Report[146] universe of totalitarian morality and preemptive aggression advocated by certain neocon hard-liners. In a recent panel discussion on the historical ramifications of the zeitgeist that has empowered him, Richard Perle was unrepentant about the CIA's intelligence failure leading up to the war: "The fact that we have failed to unearth stockpiles [of WMDs]," said Perle, "doesn't change the assessment that had to be made at the time."[147] Rooted in the belief that admitting fault only projects weakness and invites more abuse,[148] the Bush administration's reluctance to admit its intelligence failures in Iraq is indicative of the neocon tendency to proceed as if all the events of the past three years — the missing WMDs, the mounting post-war resistance, the massive costs — have somehow vindicated their original beliefs.[149]

In his defense against some of the more malicious attacks and "absurd caricatures" of neocon views,[150] Shawcross either fails to recognize, or does not discuss, the essential differences between liberal internationalist thought and neoconservative doctrine. Perhaps the distinction is not readily apparent: both pro-war apologists and anti-war protesters lay claim to pragmatic agendas in the sense that both advocate foreign policies tailored to respond to what they perceive as the true terrorist threat after September 11th. Irving Kristol, the "godfather" of neoconservatism, memorably defined a neocon as "a liberal who was mugged by reality,"[151] prompting M.I.T. economics professor Lester

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146. *See* MINORITY REPORT (20th Century Fox 2002) (depicting future in which law enforcement will develop means of stopping murders before they occur).

147. *See* Goldberg, *supra* note 46 (downplaying importance of faulty intelligence for justifying war in Iraq).

148. *See Bush Acknowledges Flawed Intel without Admitting Fault*, DAILY NEWS, *available at* http://www.tdn.com/articles (Feb. 2, 2004) (arguing that Bush's refusal to admit fault is political tactic designed to generate uncertainty around failure to find weapons of mass destruction and soften otherwise harsh public judgment).

149. *See* Goldberg, *supra* note 46 (describing Richard Perle's tendency to ignore questions on whether neoconservatives contributed to faulty intelligence on Iraq).

150. *See* SHAWCROSS, ALLIES, *supra* note 5, at 61-62 (arguing that misrepresentation of neoconservative movement only inhibits helpful debate). William Pfaff writes of their "fanatic" and "totalitarian morality," and the BBC had portrayed them as a sinister cabal. *Id. See also* Michael Lind, *How Neoconservatives Conquered Washington — and Launched a War*, *at* http://www.ilbolerodiravel.org/kattivi_maestri/lind-neoconservatives.htm (Apr. 10, 2003) (describing neocon movement as product of "influential Jewish-American sector of . . . Trotskyist movement"). *But see* Kamiya, *supra* note 13 (referring to neocon tendency to dismiss critics as anti-Semitic Bush-haters).

151. *See* Gary North, *An Introduction to Neoconservatism*, LewRockwell.com (June 10,

Thurow to define a neo-liberal as "a liberal who was mugged by reality, but who has declined to press charges."[152] It is a clever aphorism that underscores the political schisms currently afflicting U.S. foreign policy.

While both neocons and liberals seek to improve the most troubled places in the world, hard-liners want to do so by aggressively installing democratic regimes that will be primarily friendly to the United States and its allies; liberals want to facilitate the formation of democratic governments that will be primarily friendly to their own people.[153] Neocons dismiss the founding principles of the United Nations and advocate unrestrained unilateral action whenever core interests are at stake;[154] liberals advocate the pursuit of UN authority and rely on the multilateral mechanisms established by international law whenever possible.[155] Most importantly, neocons treat the invasion of Iraq as "a divinely inspired crusade against evil which only a heretic could oppose;"[156] liberals view the war in Iraq as a distraction from the real war on terror.[157] This is the critical difference between pro-war polemics like William Shawcross' *Allies* and self-styled "manuals for victory" like Frum and Perle's *An End to Evil*.[158] Ultimately, it is also where the battle lines will, no doubt, be drawn as the United States struggles to reconstruct the devastation of Hussein's deposed regime.

2003), *at* http://www.lewrockwell.com (discussing distinction between "paleoconservatives" and "neoconservatives").

152. *See* North, *supra* note 151.

153. *See* Sanders, *supra* note 29, at F3 (discussing essential differences between neoconservatives and liberals supporting war in Iraq). *See also Liberal Hawks Reconsider the Iraq War*, Salon.com (Jan. 12, 2004), *at* http://slate.msn.com/id/2093620 (presenting ongoing dialogue between prominent left-wing supporters of Iraq war on how their attitudes have changed since U.S.-led invasion).

154. *See* SHAWCROSS, ALLIES, *supra* note 5, at 59 (discussing neocon arguments for doctrine of qualified sovereignty).

155. *See* Charles A. Kupchan, *Seeking Liberal Internationalism*, BANGOR DAILY NEWS, *available at* http://www.bangornews.com (Mar. 28, 2004) (tracing origins of liberal internationalism to President Franklin Roosevelt's effort to build bipartisan coalition behind multilateralism in 1940's).

156. *See* Kamiya, *supra* note 13 (outlining differences between neocon and liberal attitudes toward war in Iraq).

157. *See generally* RICHARD A. CLARKE, AGAINST ALL ENEMIES: AMERICA'S WAR ON TERROR (2004) (criticizing Bush's failure to deal effectively with Al Qaeda and global terrorist threat prior to September 11th).

158. *See* FRUM & PERLE, *supra* note 24, at 9 (discussing need for decisive action in war on terror).

CONCLUSION

Implicating such serious issues as refugee migration, environmental degradation, ethno-religious conflict, and WMD proliferation, the "failed State" phenomenon is no longer simply a regional problem. Insofar as fundamentalist dictators have supported international terrorist efforts, the attack on the World Trade Center offered a rude awakening to the grave and far-reaching implications of social collapse in any given country.[159] A failed State used for decades as a "tool to serve [Hussein's] cult of personality,"[160] Iraq has since undergone devastation in the orgy of looting that followed the Coalition victory.[161] As U.S. Secretary of Defense Donald Rumsfeld is quick to point out, a degree of civil unrest is endemic to any situation in which foreign armies are forced to assume responsibility for the daily operation of such troubled Nations as Afghanistan, Kosovo, Liberia, and Somalia.[162] What sets Iraq apart, among other things, is the general lack of consensus as to how the occupying force should now proceed. If the Coalition Provisional Authority ("CPA")[163] run by L. Paul Brenner is not a traditional military occupation authority in terms of its broad and ambitious mandate, it is also not a truly international effort with a clear strategy for reconstruction.[164] Shawcross admits as much when he argues that, however much countries try to convince themselves that

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159. *See* Phillip James Walker, *Iraq, Failed States, and the Law of Occupation*, 33(1) INT'L L. NEWS 8 (2004) (discussing "failed State" phenomenon).

160. *See* Walker, *supra* note 159, at 8 (discussing potential sources of legal authority for U.S.-led occupation of Iraq).

161. *See* Amnesty International, Iraq: Looting, Lawlessness and Humanitarian Consequences (Aug. 5, 2003), *at* http://www.web.amnesty.org (calling on coalition forces to take urgent measures to enforce law and order following military victory in Iraq).

162. *See* Donald Rumsfeld, Speech before Council on Foreign Relations, *available at* http://www.guardian.co.uk (May 27, 2003) (arguing that degree of civil unrest is endemic to all Nations undergoing transition from tyranny to freedom).

163. *See* Coalition Provisional Authority ("CPA"), *at* http://www.cpa-iraq.org/bremerbio.html (last visited Apr. 11, 2004) (describing Coalition Provisional Authority as temporary governing body designated by United Nations as lawful government of Iraq until such time as Iraq is sufficiently stable to assume sovereignty).

164. *See* Walker, *supra* note 159, at 1 (pointing out differences between occupation of Iraq and previous humanitarian efforts in Kosovo and East Timor). *See also* Ted Kennedy, *On the Administration's Failure to Provide a Realistic, Specific Plan to Bring Stability to Iraq*, Common Dreams News Center (Oct. 16, 2003), *at* http://www.commondreams.org/views03/1016-15.htm (criticizing Bush administration for failing to provide specific plan for subsequent reconstruction effort in Iraq).

Resolution 1483[165] "opens the way to peace which we must all build together," the decision to give the United States and Britain absolute control until Iraq establishes its own government is akin to endorsing Anglo-American hegemony in the country.[166]

Forcing democracy on societies traditionally schooled in repression necessarily requires a precarious balancing between establishing popular sovereignty within prescribed deadlines and meeting the onerous requirements of the constitutional process. According to Middle East expert Fouad Ajami, "[a] political culture that averts its gaze from mass graves and works itself into self-righteous hysteria over a foreign presence in an Arab country is a culture that has turned its back on political reason."[167] Shawcross fails to address it in his book, but one wonders whether a more competent leader than George W. Bush, perhaps one with a greater degree of "political reason," might have taken the time to better plan the peace as well as the war.

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165. S.C. Res. 1483, UN SCOR, 4761 mtg., UN Doc. S/RES/1483 (2003) (providing legal backing for occupation of Iraq and officially ending thirteen-year period of sanctions).

166. *See* SHAWCROSS, ALLIES, *supra* note 5, at 176-77 (stating that under Resolution 1483, United States and Great Britain have full control over Iraq's finances and are permitted to implement immediate sale of Iraqi oil on world market). For an interesting discussion of what has been called "the new imperialism," in which an occupying force reaps economic benefits by dispossessing the property of occupied countries, see Robert Chernomas, Canadian Center for Policy Alternatives, *Once Again: What Was the Real Motivation for War in Iraq?*, Fast Facts (July 23, 2003), *at* http://www.policyalternatives.ca/manitoba/fastfactsjuly23.html (discussing various ulterior motives for U.S.-led invasion of Iraq).

167. *See* SHAWCROSS, ALLIES, *supra* note 5, at 224 (discussing need to balance return of Iraqi sovereignty against creation of new administration capable of defending itself).