

## Misreading the Record

By Anne-Marie Slaughter

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Michael J. Glennon makes four fallacious arguments to support his claim that the Security Council has failed. First is his historical claim that the establishment of the UN represented a triumph of legalism in foreign policy. As early as 1945, *Time* magazine, reporting from the UN's founding conference in San Francisco, concluded that the UN Charter is "written for a world of power, tempered by a little reason." Or as Arthur Vandenberg, the Michigan senator whose switch from isolationism to internationalism was indispensable to U.S. ratification of the UN Charter, described it, "this is anything but a wild-eyed internationalist dream of a world state. ... It is based virtually on a four-power alliance." Such comments make clear that the UN always was, and remains today, a legal framework for political bargaining. Glennon's central insight -- that the UN's effectiveness depends on the power and will of its members -- was in fact the world body's point of departure.

Second, Glennon argues that the political context in which the UN operates has changed fundamentally and permanently. The United States has become a hyperpower and is determined to preserve that status; therefore, the other permanent members of the Security Council will inevitably try to use the body to thwart the United States. Glennon concludes that for Washington to use the UN today will thus only "advance the cause of its power competitors." But while Glennon is right about the power shift and the incentives of some other powers (although he ignores the role of the United Kingdom), his definition of U.S. self-interest is too crude. The United States has long had a strong interest in allowing itself to be constrained -- to the extent of playing by rules that offer predictability and reassurance to its allies and potential adversaries. As Harvard's Joseph Nye has pointed out, such behavior maximizes America's "soft power" (to persuade) as well as its "hard power" (to coerce).

Third, Glennon offers legal analysis, asserting that the charter should no longer be thought of as law because it has been violated so many times. It is certainly true that states have often used force without Security Council authorization since 1945. But in any legal system, international or domestic, breaking the law does not make the law disappear. We all must live with imperfect compliance, and that is as true at the World Trade Organization as it is at the UN. Furthermore, even during the Iraq crisis, the United States

acknowledged the force of the charter as law by relying on it as justification for its actions.

Finally, Glennon dismisses any moral claims for upholding the framework of the charter, dismissing "archaic notions of universal truth, justice, and morality" and insisting that "medieval ideas about natural law and natural rights ... do little more than provide convenient labels for enculturated preferences." But such ideals are not "imaginary truths"; they are goals that can never be fully achieved but that exist in all the world's countries, cultures, and religions. And the debate over their proper role in legal practice remains very much alive today.

Equally surprising is that Glennon is so eager to pronounce a death sentence on the Security Council today. As he admits, states routinely used force without UN authorization during the Cold War, when the U.S.-Soviet conflict froze the world body. But by lumping together the Security Council's stalemate this past March with its Cold War paralysis, Glennon completely ignores the UN's actions throughout the 1990s -- in the first Gulf War, Bosnia, East Timor, Haiti, Rwanda, Somalia, and, after the fact, Kosovo. Some of these crises were indeed shameful failures for the entire international community and particularly for its most powerful states. But in all save Kosovo, those states used the Security Council to frame their common response.

And consider the nearly two years since September 11, during which we witnessed the repayment of American UN dues and unanimous Security Council resolutions condemning terrorism, supporting the reconstruction of Afghanistan, and demanding the disarmament of Saddam Hussein. From November to March, Americans from Wall Street to Main Street actively watched the Security Council's every move -- the same people who, ten years ago, would not have known what the council was. Even today, the principal point of debate among the council's permanent members has become whether the UN will play a "vital" or merely a "central" role in Iraq. On the ground, meanwhile, the UN presence there increases daily through myriad agencies.

Glennon argues that looking at what Washington tried to achieve during the Iraq crisis rather than what it did achieve is naive -- that the Bush administration was determined from the beginning to go to war regardless of what the UN said or did. That is a fashionable view in many circles, and one that can never be disproved. But it requires believing, among other things, that the administration would have preferred sending possibly hundreds of young Americans and thousands of Iraqis to their deaths rather than genuinely trying to oust Saddam through coercive diplomacy. It requires overlooking French President

Jacques Chirac's decision, for his own political reasons, to focus the world on the threat of U.S. power. And it requires listening to Richard Perle, former chair of the Defense Policy Board, who has written openly of his hope that the war in Iraq will indeed be "the end of the UN," but ignoring Secretary of State Colin Powell, who has written and spoken of U.S. determination to continue working with and through it.

I agree with Glennon that we are once again in an era in which threats to international peace and security may increasingly require the use of force. But if so, genuinely recommitting the United States to a multilateral decision-making framework is America's only hope of ensuring that its fellow nations -- including its closest allies -- do not form coalitions to balance against it, as if the United States were the real problem. Pursuing such a strategy requires a blueprint for reforming the UN, not one for abandoning it.

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