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Unipolar Disorder: A European Perspective on U.S. Security Strategy

By DIANE MARIE AMANN*

Much has been said about the National Security Strategy that U.S. President George W. Bush released one year after the terrorist assaults of September 11, 2001.¹ The Strategy's declaration that the United States would strike first to prevent attack even before an enemy possessed the capability to attack—a point in time much earlier than when tradition would have condoned an act of anticipatory self-defense—provoked considerable comment.² Debate within America encompassed multiple points of view; nonetheless, and perhaps not surprisingly, much of the debate reflected an

* Visiting Professor of Law, University of California, Los Angeles, School of Law; Professor of Law, University of California, Davis, School of Law (Martin Luther King, Jr. Hall). This essay owes much to insights gained during 2001-2002, when the author was, thanks to Professor Mireille Delmas-Marty, a *Professeuse invitée* at the Université de Paris 1 (Panthéon-Sorbonne), and also, thanks to Professor William A. Schabas, a Visiting Professor at the Irish Centre for Human Rights, National University of Ireland-Galway. Thanks also are due to Clémentine Olivier for her comments on an earlier draft, and to Ryan Walters for his most valuable research assistance. A version of this essay was presented at a Feb. 6, 2004, roundtable at the University of California, Hastings College of the Law, as commentary to Professor Thomas M. Franck's principal presentation, published in this volume as *Preemption, Prevention and Anticipatory Self-Defense: New Law Regarding Recourse to Force?*, 27 HASTINGS INT'L & COMP. L. REV. 425 (2004).

1. THE WHITE HOUSE, THE NATIONAL SECURITY STRATEGY OF THE UNITED STATES OF AMERICA (Sept. 2002), available at <www.whitehouse.gov/nsc/nss.html> [hereinafter Strategy or NATIONAL SECURITY STRATEGY].

2. Anticipatory self-defense often is traced to a mid-nineteenth century dispute that followed the British sinking of the U.S. schooner *Caroline*. During negotiations, U.S. Secretary of State Daniel Webster wrote that exceptions to the rule confining use of force to instances of actual self-defense would apply only if the "necessity of that self-defence is instant, overwhelming, and leaving no choice of means, and no moment for deliberation." Letter from Daniel Webster to Lord Ashburton (Aug. 6, 1842) quoted in 2 JOHN BASSETT MOORE, A DIGEST OF INTERNATIONAL LAW 409, 412 (1906). Exemplifying debate about the Bush doctrine of preventive war are the articles collected in *Agora: Future Implication of the Iraq Conflict*, 97 AM. J. INT'L L. 553, 553-642 (2003).

American perspective. This essay, in contrast, considers the Strategy from a European perspective, one that prefers pluralist dialogue to paternalist dictate.³ The discussion proceeds on the belief that to study U.S. action from a vantage point outside the United States—from the perspective of an external audience—will lead to better understanding not only of that audience, but also of the United States itself.

Given the events that followed release of the Strategy, this essay reads in large part as a narrative about France. It is not only a French account, however. France did shoulder the brunt of criticism from many who supported the Bush Administration's call for invasion of Iraq. Congress' cafeteria sold "Freedom fries" but not "Freedom chocolate cake," after all, and prowar protesters dumped Bordeaux but not borscht. Yet France did not stand alone in opposition. In February 2003 millions of antiwar marchers filled streets in the capital cities of the United States' historic allies, even as U.S. diplomats were reporting that "[m]any people in the world increasingly think President Bush is a greater threat to world peace than Iraqi President Saddam Hussein."⁴ France's view thus was not an outlier, but rather in step with the views of many in Europe.

In 2001, just hours after the September 11 attacks on New York and Washington, the president of France appeared on television and proclaimed the solidarity of the French people with those of America, stating, "*Ce qui s'est produit aux États-Unis nous concerne tous.*"—"What happens to the United States affects us all."⁵ Less

3. See generally, e.g., MIREILLE DELMAS-MARTY, TOWARDS A TRULY COMMON LAW (2002). The approach also has adherents on this side of the Atlantic. E.g., Adeno Addis, *Individualism, Communitarianism, and the Rights of Ethnic Minorities*, 66 NOTRE DAME L. REV. 1219, 1223-27 (1991) (advocating "critical" rather than "paternalistic" pluralism).

4. Glenn Kessler & Mike Allen, *Bush Faces Increasingly Poor Image Overseas*, WASH. POST, Feb. 24, 2003, at A1; see Joel R. Paul, *The Bush Doctrine: Making or Breaking Customary International Law?*, 27 HASTINGS INT'L & COMP. L. REV. 457 (2004) (discussing widespread popular opposition to war). A March 2003 poll found a high rate of disapproval of U.S. policy toward Iraq among Europeans, even in countries that eventually helped the United States to invade Iraq. Robert J. Samuelson, *The Gulf of World Opinion*, WASH. POST, Mar. 27, 2003, at A21. A year later the same poll concluded: "A year after the war in Iraq, discontent with America and its policies has intensified rather than diminished." Pew Global Attitudes Project, *Mistrust of America in Europe Ever Higher, Muslim Anger Persists* 1 (Mar. 16, 2004), <www.washingtonpost.com/wp-srv/world/text/pew_031604.pdf> (visited Mar. 16, 2004).

5. *Jacques Chirac condamne une 'épouvantable tragédie'*, AGENCE FRANCE PRESSE, Sept. 11, 2001 (noting that Chirac also expressed "'to the American people

than a year and a half later, that same president, Jacques Chirac, famously broke ranks with the United States. Referring to the U.N. Security Council authorization of the arms inspections then under way, he said late in February 2003 that “there is no reason that justifies departing from Resolution 1441.”⁷ Earlier in the month he had insisted, much to the dismay of U.S. officials, “*Rien ne justifie aujourd’hui une guerre.*”—“Nothing today justifies war.”⁸ Chirac attributed difference of opinion with the United States to, as he put it, a matter “that supposes a moral approach.”⁹

The United States scarcely lacks for moral approaches. Concerns about the state of the Union’s morals often are voiced in America’s political arena. Interest groups that lay claim to the moral high road often win the ear of U.S. policymakers, who themselves are wont to defend a decision on the ground that it adheres to a moral code. But Chirac was talking about a different morality. To the ears of many Europeans, U.S. morality is unbending and uncritical. It reflects its own value system; seldom is it receptive to the kind of discourse that Judge Abraham D. Sofaer rightly has urged.¹⁰ President Bush embraced a binary U.S. notion of morality in his famous post-September 11 statement: “Either you are with us, or you are with the terrorists.”¹¹

It is not new for an American leader to expect others to act in accord with his sense of what is moral. A recent account of the multilateral peace conference that followed World War I is rife with anecdotes of Europeans’ frustration at the moral certainty of Woodrow Wilson, with whom some commentators have compared

the solidarity of all French people in this tragic ordeal”). To similar effect a front-page editorial in a leading Paris daily declared, “We are all Americans.” Jean Marie Colombani, *Nous sommes tous Américains*, LE MONDE, Sept. 13, 2001, at 1.

6. Jean Marie Colombani, *Nous sommes tous Américains*, LE MONDE, Sept. 13, 2001, at 1.

7. *Chirac et Aznar reconnaissent leurs “divergences de vues” sur l’Irak*, AGENCE FRANCE PRESSE, Feb. 26, 2003 [hereinafter *Chirac et Aznar*]. See S.C. Res. 1441, U.N. SCOR, 57th Sess., 4644th mtg., U.N. Doc. S/RES/1441 (2002).

8. Peter Finn, *U.S.-Europe Rifts Widen Over Iraq*, WASH. POST, Feb. 11, 2003, at A1; *Déclaration commune Paris/Moscow/Berlin, l’Irak autorise les vols d’U2*, AGENCE FRANCE PRESSE, Feb. 10, 2003 [hereinafter *Déclaration commune*].

9. *Déclaration commune*, *supra* note 8.

10. See Abraham D. Sofaer, *Professor Franck’s Lament*, 27 HASTINGS INT’L & COMP. L. REV. 437, 438, 440 (2004).

11. ‘*Human Freedom . . . Now Depends on Us*,’ L.A. TIMES, Sept. 21, 2001, at A5 (reprinting of President’s Sept. 20, 2001, speech to joint session of Congress).

Bush.¹² In the view of the British prime minister, Wilson came to Paris “like a missionary to rescue the heathen Europeans, with his ‘little sermonettes’ full of rather obvious remarks.”¹³ That sentiment echoed nearly a century later when Bush revived Wilson’s claim that “America has a spiritual energy in her which no other nation can contribute to the liberation of mankind.”¹⁴ A paternalist vein likewise surfaced in Bush’s 2002 National Security Strategy. As might be expected, the Strategy declared, “The purpose of our action will always be to eliminate a specific threat to the United States.” But the sentence did not stop there; rather, it ended with an avuncular promise also to act when the United States perceived that “our allies and friends” were under threat. The Strategy next evoked the just-war theory of a medieval moralist, St. Thomas Aquinas, when it said, “The reasons for our actions will be clear, the force measured, and the cause just.”¹⁵

The Bush Administration subsequently called the world to arms, claiming that Iraq was working toward deployment of weapons of mass destruction. Many remained unconvinced; indeed, signs carried by many who marched against the war charged that thirst for oil, not hunger for peace, drove the Administration.¹⁶ France concluded that no just reason for war had been established, and announced that it would exercise its veto to keep the Security Council from acting. U.S.

12. See MARGARET MACMILLAN, PARIS 1919 13-14, 23, 86, 90, 287, 298 (Random House Trade 2003) (2002) (discussing European leaders’ reactions toward Wilson); John Keegan, *Resolve: The Right Response for Our Times*, WASH. POST, Oct. 6, 2002, at B1 (comparing Bush’s National Security Strategy to Wilson’s Fourteen Points); Lawrence F. Kaplan, *The Good Fight; A New Playbook for Fighting Terrorism, from Two Former Bush Administration Insiders*, WASH. POST, Jan. 4, 2004, at T3 (approving, in review of a book co-authored by architects of Administration doctrine, of parallels drawn between them and “Woodrow Wilson’s ‘crusading’ foreign policy style”).

13. MACMILLAN, *supra* note 12, at 14 (citing *inter alia* I DAVID LLOYD GEORGE, THE TRUTH ABOUT THE PEACE TREATIES 223-24 (1938)).

14. Dana Milbank, *Bush Lashes Out at Europe*, WASH. POST, May 22, 2003, at A1 (reporting that Bush quoted Wilson in a speech intended to show that “well-intentioned American efforts to reduce hunger in Africa have been thwarted by European policies” limiting biotechnology).

15. NATIONAL SECURITY STRATEGY, *supra* note 1, pt. V; II ST. THOMAS AQUINAS, THE SUMMA THEOLOGICA 221 (Hackett 1988) (1266-73) (stating that war may be just on “the authority of the sovereign by whose command the war is to be waged,” if there is a “just cause,” and if belligerents “have a rightful intention.”).

16. See, e.g., *Les manifestations contre la guerre mobilisent près de 10 millions*, AGENCE FRANCE PRESSE, Feb. 15, 2003 (reporting that millions had demonstrated throughout Europe, and that “[e]verywhere slogans called for peace and asked the United States to renounce this ‘war for oil.’”).

leaders expressed outrage even as they forged a coalition that in March 2003 invaded Iraq without U.N. sanction. Nearly a year later, *Le Monde* wrote that Democrats and Republicans alike still deemed the French resistance to the United States “*déloyale*.”¹⁷ Susceptible to translation as “disloyal” or “underhanded,” the term is not easily reconciled with Chirac’s profession of a “moral approach.”

What, then, was the morality that led leaders in France—and Russia, and Germany, not to mention the populace of much of Europe, even of Euroskeptic Britain—to reject Bush’s claim that Hussein’s Iraq posed a threat that justified invasion?

Another phrase from Chirac suggested an answer. “War is the worst of solutions,” he said at a February 2003 press conference with Spanish Prime Minister José María Aznar. “It is an admission of failure.”¹⁸ During the roundtable at which this paper was presented Judge Sofaer labeled it “Mickey Mouse” to say—as Chirac essentially did—that force is always evil.¹⁹ Many Americans no doubt would agree. But many Europeans would not. World War II, one in a bloody series of wars waged on European soil, gave rise to a morality of restraint and tolerance, a morality of cooperation and compromise. This morality disfavors the concentration of power toward a unipolar source; specifically, toward what Hubert Védrine, then France’s foreign minister, called the American “hyperpower.”²⁰ Preferred is

17. Patrick Jarreau, *En pleine campagne électorale, France et Etats-Unis tentent de réchauffer leurs relations*, LE MONDE, Feb. 6, 2004.

18. *Chirac et Aznar*, *supra* note 7. The Spanish government, like that in Britain, joined the U.S.-led coalition that struck against Iraq, notwithstanding strong popular opposition; see also Samuelson, *supra* note 4 (reporting that 60 percent of those polled in Britain, and 79 percent of those in Spain, disapproved of the war before it began). A year later, after a terrorist bombing at a Madrid train depot killed nearly 200 people, voters turned out Aznar’s conservative government in favor of socialists, who soon withdrew Spain’s 1,300 troops from Iraq. See Robin Wright & Bradley Graham, *U.S. Works to Sustain Iraq Coalition*, WASH. POST, July 15, 2004, at A1 (noting that Spain’s withdrawal prompted similar retreats by two other coalition members); Keith B. Richburg, *Spanish Socialists Oust Party of U.S. War Ally*, WASH. POST, Mar. 15, 2004, at A1 (linking election results to bombing and popular dislike of Iraq war).

19. Remarks of Abraham D. Sofaer, Feb. 6, 2004. Indicative of these differing sensibilities, when a study of post-World War I negotiations was published in the United States, it bore the title *Paris 1919*, rather than *Peacemakers*, its title in Europe. See MACMILLAN, *supra* note 12, copyright page.

20. See HUBERT VÉDRINE WITH DOMINIQUE MOÏSI, *FRANCE IN AN AGE OF GLOBALIZATION 2-3* (Philip H. Gordon trans. 2001) (defining the chosen term to mean “very big or very much” power, and remarking, “The word ‘superpower’ seems to me too closely linked to the cold war and military issues.”).

multipolarity. A multipolar world entails a balance of power, but one quite unlike that of the Cold War. Multipolarity imports what might be termed a morality of comparative advantage. By this notion, all states exist in a globalized and interdependent world. No one state is entirely self-sufficient. Each has weaknesses and strengths. Thus it is best that states work together toward the best common advantage. “*Ce n’est pas du wishful*,” Chirac told an American journalist: far from wishful thinking, multipolarity, in Chirac’s view, describes the world as it already exists.²¹

A state that pursues a morality of comparative advantage favors flexibility and stays open to shifting its alliances as issues shift.²² It hardly abandons national self-interest, however; nor is it immune to paternalism. Chirac himself ill-advisedly chided those Eastern European states that decided to join the U.S. coalition for having been “‘badly brought up,’ and having missed ‘an opportunity to keep silent.’”²³ Still, a comparative moral approach is better adapted to interpret national self-interest so as to comprehend goals that serve more than the narrow needs of one’s own state.²⁴ This European morality thus speaks of borderless human rights as national interest as reflexively as American morality equates national interest with national security.

Europe has proved fertile ground for fostering this reflex. Surely European economic integration, initiated a half-century ago in order to reduce interstate competition, has played a role. Surely significant is the system established by the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms.²⁵ Through it many

21. Jim Hoagland, *Chirac’s ‘Multipolar World’*, WASH. POST, Feb. 4, 2004, at A23; *but see* VÉDRINE WITH MOÏSI, *supra* note 20, at 2 (stating that in 2001 the world, albeit “potentially multipolar,” was yet “unipolar,” and the “dominant ‘pole,’ the United States”).

22. Thus Védrine stated that contemporary foreign policy cannot be “static, nor defensive, nor merely declaratory. Nor can it be arrogant, since you need allies—who may vary depending on the subjects and the projects you’re trying to accomplish—to constitute blocking minorities or consensus. You need a policy that’s clear, creative, and flexible.” VÉDRINE WITH MOÏSI, *supra* note 20, at 19.

23. Craig S. Smith, *Chirac Scolding Angers Nations That Back U.S.*, N.Y. TIMES, Feb. 19, 2003, at A1 (quoting Chirac); *see also* Eleanor & Michel Leveux, *No, Chirac Didn’t Say ‘Shut Up’*, N.Y. TIMES, Feb. 23, 2003, § 4, at 12 (parsing Chirac’s reproof).

24. *See* Diane Marie Amann, *The International Criminal Court and the Sovereign State*, in GLOBAL GOVERNANCE AND INTERNATIONAL LEGAL THEORY (Ige Dekker & Wouter Werner eds., forthcoming 2004) (discussing this expanded view of national self-interest).

25. Nov. 4, 1950, 213 U.N.T.S. 221 (entered into force Sept. 3, 1953).

European states have felt the sting of being held responsible for serious violations of human rights. The United States' closest ally, Britain, has been a frequent respondent before the Strasbourg court.²⁶ France was told a few years ago that its agents had committed the international crime of torture.²⁷ These and other European countries have learned a lesson with which the United States has no experience: one gets past the embarrassment of external scrutiny, and may even change for the better for having been shamed.

Compounding these institutional differences is a difference of perception. After September 11 the United States sounded a global alarm: "Wake up! Wake up! There are terrorists out there!" Though a shock to many in America, this fact was hardly news in Europe. Britain was all too familiar with the tragedy of political violence against civilians. So too France, whose subways terrorists had bombed in the 1990s, and Spain, where 800 persons had died at the hands of Basque separatists. September 11 revealed a path to equal, interstate cooperation against a common criminal threat. But the United States chose not to follow that route. It made little show of consulting its allies about how to deal with terrorism; rather, it sought to impose on others its own untested and controversial solutions. European states did not fall lockstep into line. Having earlier adjusted to the risk of terrorism, most made relatively few changes in their own laws.²⁸ They did join a counterassault against Afghanistan, but objected to the subsequent U.S. detention of hundreds of men and boys, including many Europeans, at offshore sites like Guantánamo Bay, Cuba.²⁹ And some, France among them,

26. Cases have treated a wide range of issues, see, e.g., *Dudgeon v. United Kingdom*, 4 Eur. Ct. H.R. 149 (1981) (concluding that Northern Ireland's criminal laws against sodomy violated the Convention's right to privacy); *Ireland v. United Kingdom*, 2 Eur. Ct. H.R. 25 (1978) (ruling that some interrogation techniques violated the Convention's ban against inhuman and degrading treatment).

27. *Selmouni v. France*, 29 Eur. Ct. H.R. 403 (1999) (ruling that applicant had suffered torture while in police custody).

28. France did extend the period of permissible police detention without counsel, but only by a matter of days. *Projet de loi portant adaptation de la justice aux évolutions de la criminalité du 20 février 2004 (Perben II)* (Fr.). England authorized indefinite detention of aliens suspected of terrorism, but only in limited circumstances and subject to judicial review. Antiterrorism, Crime and Security Act, 2001, Ch. 24, (Eng.) at <<http://www.hms0.gov.uk/acts/acts2001/20010024.htm>> (visited Apr. 3, 2004).

29. See, e.g., Diane Marie Amann, *Guantánamo*, 42 COLUM. J. TRANSNAT'L L. 263, 271-73 (2004) (discussing European opposition to U.S. detention policy) [hereinafter Amann, *Guantánamo*].

refused to support the United States in attacking Iraq. These varied responses to shifting situations evinced the flexibility inherent in a morality of comparative advantage.

Relativity of this sort does not sit well with those who celebrate American dominance in culture, law, and markets. The United States long has assumed that it holds all the comparative advantages. It was not the Bush but the Clinton Administration that declared the United States “indispensable” to world order.³⁰ Policies in pursuit of that proclamation, such as the United States’ passive-aggressive behavior toward the International Criminal Court, had piqued some in Europe well before September 11.³¹ Steps taken after that date intensified the sense that America was not listening to others, let alone adjusting its policies in light of others’ views. U.S. dismissiveness underscored a premise of exceptionalism: everything that the United States does matters, first and foremost.

Yet not everything that matters can be controlled by the United States. Just before the post-World War I peace conference began, French Premier Georges Clemenceau told an aide, “*Il est plus facile de faire la guerre que de faire la paix.*”—“It is easier to make war than it is to make peace.”³² His comment rang true in the year and a half after invasion of Iraq. What had seemed a quick and easy war had given way to a long and difficult peace. Occupying forces appeared unable to curb insurgent attacks and unlikely to effect a smooth restoration of sovereignty. The threat that was said to have justified war—that Iraq was ready and willing to use weapons of mass destruction against the United States or its allies—was not substantiated. As leader both of the invasion and of the occupation, America sustained criticism across the globe, not in the least in Europe. Events revealed that even though the United States held

30. Tyler Marshall, *Watchword for New Foreign Policy Team is ‘Collegiality,’* L.A. TIMES, Dec. 6, 1996, at A22 (citing use of term both by President William J. Clinton and by his Secretary of State, Madeleine Albright); see also MADELEINE ALBRIGHT, *MADAM SECRETARY: A MEMOIR* 446-47 (2003) (noting that Chirac had railed against “U.S. ‘unilateralism’” as early as 2000, and attributing some French irritation to jealousy).

31. See, e.g., Dominick McGoldrick, *The Permanent International Criminal Court: An End to the Culture of Impunity*, CRIM. L. REV. 627, 645-46 (1999); Martin Woollacott, *Bush’s team think we, the allies, crave US leadership*, GUARDIAN (London), Dec. 15, 2000, at 22.

32. ALEXANDRE RIBOT, *JOURNAL D’ALEXANDRE RIBOT ET CORRESPONDANCES INÉDITES* 255 (1936) (recording Clemenceau’s remarks at a meeting on Dec. 7, 1918); see also MACMILLAN, *supra* note 12, at xxx.

comparative military advantage, even though it held comparative economic advantage, it no longer held comparative moral advantage. By early 2004, the United States thus had reached out, however reluctantly, to the same organization that invasion had sidelined the year before, the United Nations. That initiative signaled a tacit awareness that to reclaim a modicum of goodwill, the United States must begin again to talk with others. Indeed, it must not only talk but also listen, not only urge its ideas on others but also adapt its own actions to the ideas of others.

Such a dialogue will necessitate a reexamination of relevant law. There is a need, as Professor Thomas M. Franck has said, to consider reform of the legal and institutional framework within which force may be used.³³ There is a need too to revisit the law that applies when force is in fact used, to fill those lacunae in humanitarian and human rights law that U.S. antiterrorism measures have exposed.³⁴ Dialogue requires Europe as well to engage in self-analysis; in particular, to consider means by which the United States and other reluctant powers might be drawn more closely to a framework that favors joint pursuit of advantage.³⁵ Unipolar disorder then might give way to a

33. Thomas M. Franck, *Preemption, Prevention and Anticipatory Self-Defense: New Law Regarding Recourse to Force?*, 27 HASTINGS INT'L & COMP. L. REV. 425, 431 (2004) (noting that to amend the U.N. Charter "is extraordinarily hard," and supporting an interpretation of Charter's terms "to conform to evolving practice"). Notably, as the U.N. General Assembly began its fall 2004 session, France and Britain, both permanent members of the Security Council, advocated expanding membership to include countries such as Germany, Japan, Brazil, and India. See UK, *France, Germany back permanent UN Security Council seat for Japan*, BBC MONITORING ASIA PAC., Sept. 24, 2004, available at 2004 WL 90390685; Michel Barnier appelle à une réforme de l'ONU, LE MONDE, Sept. 23, 2004 <www.lemonde.fr> (visited Sept. 23, 2004).

34. See, e.g., Amann, *Guantánamo*, supra note 28, at 276-78 (setting forth gaps in applicable law); Eric Metcalfe, *Inequality of Arms: The Right to a Fair Trial in Guantanamo Bay*, 6 EUR. HUM. RTS. L. REV. 573 (2003) (arguing that differences in detainees' status call for differences in adjudicative treatment).

35. Of critical concern are Europe's effort to forge a common defense policy and how that policy will mesh with NATO and other existing institutions. Nora Boustany, *The Case for Transatlantic Partnership*, WASH. POST, Mar. 31, 2004, at A21. On means toward cooperation that deserve consideration, see Diane Marie Amann, *Dialogue entre chercheurs de différentes traditions juridiques: Une perspective américaine*, in, VARIATIONS AUTOUR D'UN DROIT COMMUN 363, 374-77 (Mireille Delmas-Marty, Horatia Muir-Watt & Hélène Ruiz Fabri eds., 2002) (stating that non-Americans should look to mechanisms like margin of appreciation, established in cases like *Handyside v. United Kingdom*, 1 Eur. Ct. H.R. 737 (1976), to draw the United States closer to a human rights framework); see also Mireille Delmas-Marty, *Le rôle du juge européen dans la renaissance du jus commune*, in PROTECTIONS DES DROITS DE L'HOMME: LA PERSPECTIVE EUROPÉENNE: MÉLANGES À LA MÉMOIRE DE

multilayered, and multidirectional, discourse.

An opening appeared to present itself in February 2004. The adversaries of the prior year, U.S. Secretary of State Colin M. Powell and French Foreign Minister Dominique de Villepin, dined together. Their *tête-à-tête* was described as a means to begin to set aside differences, a first step toward warmer diplomatic relations.³⁶ But relations seemed not much better months later, as France and the United States squabbled again over Iraq.³⁷ One wonders in any event whether, despite the stated spirit of rapprochement, de Villepin had proved unable in February to resist stinging his dinner partner with a final French barb on the preventive war question: "*Mon cher Colin, je vous l'avais bien dit.*"—"Colin, I told you so."

ROLV RYSSDAL 397, 404-05, 412-13 (2000) (discussing margin of appreciation as a means to promote pluralist discussion among diverse traditions).

36. Corine Lesnes, *M. de Villepin annonce une "phase différente" dans les relations franco-américaines*, LE MONDE, Feb. 8, 2004 (reporting de Villepin's statement that the United States and France had entered a "different phase" in their relations).

³⁷ As this essay went to press, the United States' call for an international conference on Iraq had snagged in part on France's insistence that the conference discuss the withdrawal of U.S. troops. See Simon Tisdall, *Guests to Iraq forum still in dark over time, place—and aims*, GUARDIAN (LONDON), Sept. 29, 2004, at 13. Meanwhile, just weeks before the presidential election, Bush "took a campaign-season swipe at the French" by "asserting at a rally that 'the use of troops to defend American must never be subject to a veto by countries like France.'" Dana Milbank, *Bush Says Kerry Will Allow Foreign Vetoes*, WASH. POST, Oct. 3, 2004, at A8.