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Michael J. Glennon

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By MICHAEL J. GLENNON*

Thank you very much, Dean Martinez, for that very kind introduction. It is a great honor to be here today to give the first Rudolf B. Schlesinger Memorial Lecture.

As the plane landed last night at the airport, I was mentally transported back to 1977—my first visit to San Francisco, when I came out here for a meeting of the American society of International Law with two members of the NYU law faculty, Tom Franck and Andy Lowenfeld. As the plane landed at the airport in 1977, I remember Andy gazing out the window, looking back at Tom and me and saying, "This place could cause a person to lose all ambition."

Well, Boston is a city of many charms, but no one has ever accused Boston of causing a person to lose all ambition. This is the first time I have been back to California since accepting my current post at the Fletcher School of Law and Diplomacy and it is really a great honor to be here. I could not think of a better reason to return to California than to be here with you today.

Several years ago, during the run up to the war in Kosovo, the story is told that Secretary of State Albright received a telephone call from her opposite number, British Foreign Secretary Robin Cook. Cook reportedly advised Secretary Albright that he had "problems with our lawyers." The lawyers to the British Foreign Ministry apparently had advised him that NATO needed the approval of the U.N. Security Council before commencing the bombing of Yugoslavia. Secretary Albright famously responded, "Robin, get new lawyers."

I suppose one could speculate as to what motivated our Secretary

* Fletcher School of Law and Diplomacy, Tufts University. Professor Glennon gave the Inaugural Rudolf B. Schlesinger Memorial Lecture on International and Comparative Law at the University of California, Hastings College of the Law on Thursday, February 12, 2004.

of State to make that response. One possibility is that she thought the lawyers to the British Foreign Office were simply wrong, and that the American lawyers, upon whose advice she was apparently relying, were correct. Another possibility—more likely, I believe—is that she, like many American policy makers, had come to believe that international lawyers subsist in a strange parallel universe like a kind of religious cult, an "invisible college" engaged in analysis altogether removed from that of policy makers in the other half of that universe.

I want to explore today the question of how this parallel universe came into existence. Why is it that policy makers sit, in effect, in one room and decide whether to use force based upon its costs and benefits, and international lawyers sit in another room and engage in legal analysis which is all too often removed from the decisions made by the policy makers? I want to explore this question by examining three different elements of American foreign policy: first, its objectives; second, the means by which American foreign policy objectives are pursued—specifically the extent to which the United States uses and should use international institutions, looking at international organizations and rules governing the use of force; and third, to say a final word about how, in my view, the United States should deal with a world in which the U.N. collective security system has all but collapsed.

First, it is often said that the United States has no foreign policy, that it is all ad hoc, all improvisation. I believe that is incorrect. In my view, the United States has a simple and quite coherent foreign policy directed at one central objective: to preserve American preeminence. That objective is set out in the famous National Security Strategy Statement, of September 2002. But one would be wrong to think that this objective is either new or unique to the Bush Administration. It was indeed Secretary of State Albright who went around the world referring to the United States as "the world's one indispensable nation." It was the Reagan Administration and the Bush Administration, before the Clinton Administration, that sought in effect to bury what President Reagan referred to as the "Evil Empire," recognizing full well, of course, that the consequence would be American hegemony. Whether it was wise to articulate this objective as forthrightly as the Bush Administration did in the NSSS or as Madeline Albright did many times is a separate question, upon which reasonable people can differ. But it seems to me indisputable that it is and has been the objective of American policy makers for some time. It is, moreover, accurate to say that it is the objective of

other states to expand and preserve what power *they* have. States seek to enhance their security by enhancing their power. That is how the international system works. Sometimes that objective coincides with the collective interest. But it is not correct that individual interest and collective interest always coincide, as one prominent member of the U.N. Blue Ribbon Commission on U.N. Reform has frequently said. State individual interest and the collective interest are unfortunately sometimes at odds. And when the individual interest of the state is at odds with the collective interest, states choose their own national interest over the collective interest.

An example of what I am talking about is not simply the United States but France. France has in recent years undertaken a foreign policy project, which its former Foreign Minister, Hubert Vedrine, has said is the central objective of French foreign policy—namely, to return the world to a multi-polar configuration of power. The aim of French diplomacy over the last several years has been to knock the United States down a peg. I was in Paris at a symposium a few days ago where Vedrine was a participant, and he reiterated that objective. The aim of France, I might add further, is not simply to narrow the gap between French power and American power, it is to preserve whatever gap exists between France and third-tier power competitors such as Poland and Spain. Recall that when ten Eastern European states had the effrontery to question French opposition to the United States in the Security Council in the run up to the Iraq War, they were said by French President Jacques Chirac to be "not well brought up." It is France's objective to preserve and enhance French power, and it does this, to the extent that it can do so, by enlisting other states in the project. This is why China and Russia have been no less forthright in their willingness to join in pursuing the objective of a multi-polar world. It is not simply at the United Nations that these efforts have become visible. The crisis that erupted last December in the European Union in Brussels, with the collapse of talks on the new European Constitution, occurred precisely because the French and Germans were not about to let third-tier power competitors use the new Constitution to get a leg up on them.

Now, let me be clear. I believe it is entirely appropriate for these states to seek greater power at the expense of the United States. If American policy makers were sitting in Paris, Berlin, Moscow or Beijing, we too would be engaged in precisely the same project that they are. But, by the same token, it is also entirely appropriate for the United States to seek to expand and preserve its own power. If

French policy makers were sitting in Washington, if France sat atop the world as the preeminent power, it would do precisely the same thing as the United States is doing today. It is therefore neither realistic nor desirable to expect the United States voluntarily to forego its preeminence. Other states would not do so; if the United States were to do so, chances are great that it would be replaced in the world by some other locus of power—power not committed to the ideals to which the United States is committed, and quite possibly dominated by states which have a long history of oppression. That development would not be good for the United States, and it would not be good for the world.

So much for ends. Let me say a word about means. Some would suggest that the discussion of means to this end of preserving American power ought to begin with a discussion of the debate about multilateralism versus unilateralism. I believe that these two categories present a false choice, that the debate about unilateralism versus multilateralism is misdirected. Multilateralism and unilateralism are not, as they are often presented to be, oppositional categories, but rather exist in a kind of symbiotic relationship. Unilateralism can, in certain circumstances, promote multilateralism. The exercise of unilateral power can make multilateral institutions more viable. As an example, consider the exercise of unilateral power by the United State in the run-up to the Iraq War, when the United States unilaterally enforced Security Council resolutions without the Council's authorization—an action that redounded to the benefit of a multilateral institution, the United Nations. Unilateralism promoted multilateralism. Similarly, the use of multilateral institutions can further the ability of the United States to act unilaterally by enhancing American power. Multilateralism, through the use of "coalitions of the willing," can have the effect of softening the jagged edges of hegemony. Multilateralism can make it easier for the United States to get its way. The United States, moreover, has an interest in the creation and maintenance of certain categories of rules within the international system. Force is not always the best means of achieving American policy objectives. It is strategic in certain circumstances to cultivate institutions that will, in the long term, redound to the net benefit of long term American interests, even if short term sacrifice is entailed. So it seems to me the real question is not whether the means chosen by the United States ought to be multilateral or unilateral. The real question is the extent to which the United States should subject itself to international

regimes.

By international regimes I mean organizations and international rules. Let me talk about those separately. First, organizations. Let me begin by underscoring the point I just made. The use of international organizations can advance U.S. national interests. American national interests are advanced today, for example, by the special U.N. team that has been dispatched to Iraq by the Secretary General to help determine whether it is possible to hold an election in Iraq prior to the transfer of sovereignty, which is scheduled to occur on June 30. It will be useful for the United States to have an independent arbiter, such as the United Nations, to tell the Iraqi people that it is impractical to hold an election before that time, if that indeed turns out to be the case. I believe the United States, in fact, should have gone further and invited U.N. weapons inspectors from the International Atomic Energy Agency into Iraq to be at the side of the United States in the event that WMDs are discovered. Why? Because it helps advance American power if the United States is believed in the event that WMDs are discovered. And there are many people, not without foundation, who will be suspicious if the U.S. weapons inspectors claim on their own to have discovered WMDs in Iraq. So it seems to me mistaken to try, as George Will has urged, to delegitimize the United Nations. The United Nations and other international organizations can be effective tools for the United States to use in pursuing its strategic objectives.

My message, therefore, is simple. The United States should use international organizations where they are available to advance its national interest. But it should recognize their limitations. Those limitations fall essentially in two categories. First, I have already described one set of limitations—international organizations can be used as tools by power competitors of the United States to check American power. That is how France sought to use the Security Council in the run-up to the Iraq War. In each case, the United States has to engage in long-term cost/benefit analysis to determine whether American involvement in an international organization advances or retards its national interest. In doing so, it needs to avoid getting unduly reliant upon that organization. It needs to be aware that it is easy to become habituated to the legitimacy of an international organization as a condition to acting unilaterally. And like it or not, it is essential that the United States retain the capacity to act unilaterally in appropriate circumstances. That is one reason why, for example, the Bush Administration correctly decided not to

go to the U.N. Security Council to seek the Council's authority to use force against Afghanistan following the attacks of September 11. Recall that in similar circumstances at the time of first Gulf War, when Iraq attacked Kuwait, the first Bush Administration *did* go to the U.N. Security Council, even though an argument could easily have been made that no Security Council authorization was required. Under Article 51 of the U.N. Charter, Kuwait had every right to act in self defense, as did the allies that it enlisted. A similar argument could have been made, and indeed was made, by the United States with respect to Afghanistan. I believe that the United States made the correct decision by not going to the Security Council. It is important not to get locked into a situation in which we are dependent upon the legitimacy of the United Nations to act.

A second set of limitations of the capacities of international organizations can be gleaned from the literature of social science on the subject of cooperation. The question that the literature addresses is: what conditions are necessary for cooperation to take place? Cooperation for this purpose is viewed broadly as cooperation among individuals, cooperation among groups, cooperation between nations. It is relevant to law because law is a form of cooperation. When the conditions needed for cooperation are not present, it is much more difficult for the rule of law to function effectively. The literature I refer to identifies over a dozen conditions that facilitate cooperation; these are necessary to permit the effective regulation of a subject matter by international law. I am not going to run through all of those conditions today, but I will suggest to you that if one were to ask whether the conditions necessary for the effective regulation of force in the world exist today, one would conclude with regret that those conditions are not present.

Now, some might say, "Ah, this is a bunch of nonsense. All we need is bold leadership." With bold leaders, dynamic leaders—notwithstanding the fact that the conditions are not present—one might think that it is possible for a newly spiffed-up international organization to lead the world into a new Aquarian era of light and peace and justice. This sentiment cannot readily be dismissed; many idealists believe it. But I might simply suggest that those of you who are familiar with the work of the American legal realists will appreciate why this sentiment ought to be received with some skepticism. One leading legal realist, Karl Llewellyn, investigated why some working rules gradually, over time, become paper rules. His work was carried out long before social scientists had gathered

the data that they have on conditions necessary for cooperation and for the operation of an effective rule of law. But the truth is that Llewellyn was talking about very much the same thing: while bold leadership can come up with a new scheme that seems at the outset to be one of sparkling hope, absent the necessary conditions it soon collapses. And working rules soon become paper ones.

I want to give you, rather than talking abstractly, three examples of the kinds of conditions that social scientists have suggested are necessary for legal regulations to work. I want to discuss those conditions in the specific context of the regulation of force by the U.N. Security Council.

First, it is necessary to have a consensus on basic values. Imagine a community in which the question is whether the use of fireworks should be permitted, and if so when. One half of the community believes that fireworks should be permitted at night but not during the day. The other half, vice versa. Can that community agree when fireworks should be permitted? The answer is of course that no agreement is possible because no underlying consensus is present. You can come up with "weasel words" in a city ordinance to the effect that the use of fireworks are permitted when appropriate—which is effectively what some of the international instruments do in regulating the use of force. But ultimately, when these instruments are tested they will be seen to be have no bite, precisely because there is no consensus behind them.

That is exactly what exists today in the international community with respect to the use of force. I started out by talking about Kosovo. Humanitarian intervention, perhaps more than any other recent example, illustrates exactly what I am talking about. It has often been said that Kosovo is an example of a situation in which there is a new, emerging norm of humanitarian intervention, of which we should take cognizance. The truth is that the new, emerging norm exists largely in the minds of the leaders (and perhaps the populations) of a handful of Western and Northern democracies. China, India, and Russia all objected to NATO's action in Kosovo. The states of Africa, South America and Central American objected to what NATO did in Kosovo. They have been on the short end of the stick when it comes to intervention, and are not about to sign onto a new international regime that permits humanitarian intervention—perhaps for pretextual purposes—or to reopen a very sorry and sordid history that they are glad to have behind them.

Following the Kosovo war, Kofi Annan came up with a forward-

looking proposal. He suggested to the U.N. General Assembly that intrastate genocide should no longer be shielded by sovereignty—that when intrastate genocide occurs, as he suggested it did in Kosovo, outside states should be permitted to intervene to stop it. The reaction in the General Assembly to Kofi Annan's proposal was interesting. I went through that debate. It occurred over a period of about six weeks. Half the members of the General Assembly responded. Of that half, about one-third supported it, one-third opposed it, and one-third essentially spoke out of both sides of their mouths, making it impossible to tell which side they were on. So in the General Assembly, about one-sixth supported what the Secretary General was proposing, and one-sixth opposed it—suggesting again that there just is no consensus today with respect to this fundamental question of when force should be used.

It is no accident, therefore, that in drafting the statute of the International Criminal Court (ICC), the Rome Conference listed aggression as one of the four offenses that is prosecutable before the ICC, but curiously failed to define aggression. Why did it fail to define aggression? For the simple reason that there is no consensus today about what constitutes aggression. The Yugoslavs thought at the time of the Kosovo war that they were the victims of aggression and made that argument quite forcibly to the International Court of Justice (ICJ) in The Hague. Anybody who doubts that there is no consensus today as to when use of force is permissible ought to take a very close look at a poll (which is available on the internet) that was done recently by the German Marshall Foundation. They asked a half-dozen European countries and the poppulation of the United State a number of questions concerning the use of force, and the results were illuminating. They asked this simple question: "Do you believe it is appropriate to go to war to obtain justice?" Eighty-four percent of the U.S. respondents agreed that war is sometimes necessary to obtain justice. In Europe, the percentage was 48%. In Germany, only 39% of the poll's respondents agreed with that proposition, and 60% disagreed. Thirty-two percent of the U.S. respondents had an unfavorable view of the United Nations; only 21% of Europeans did. Fifty-five percent of the American respondents thought that the war in Iraq was worth the loss of life and other costs incident to attacking Iraq; only 25% of Europeans polled agreed with that proposition. Finally, respondents were asked to suppose that "North Korea has acquired WMDs and the U.N. Security Council has decided to attack North Korea to force it to give

up those weapons." The respondents were asked, "Would you support a decision by your government to take part in this action?"—approved, mind you, by the United Nations. In America, 72% of respondents said yes; 24% said no. In European only 41% of respondents said yes; 55% said no. So I suggest to you again that the evidence is plain—that the necessary consensus for regulating the use of force by the rule of law is lacking.

That is one of the conditions that the social scientists have distilled as a condition precedent for the effective regulation of a subject matter. The second is a relative equality of power. I have already discussed American unipolarity, but it is worth returning to this topic, if merely to note the great difficulty that a hegemonic power poses for the creation of an authentic legal order. Why is that? Well, for the simple, rather obvious and common-sensical reason that the strong believe that they do not need the rule of law to preserve or protect their interests. This is a subject that received a fair amount of attention in the Federalist Papers. James Madison, in the Federalist 51, asks this very question: why should the powerful in the United States be expected to honor the rule of law that we are setting out in this Constitution? And his answer is very curious. He says it is because of doubt about their future station. He hypothesizes that the strong will believe that at some point in the future they may no longer be strong, that they may not be able to rely upon their power to protect themselves, that they may need the law when their power has disappeared.

The problem today is, frankly, that the U.S. government has come to the conclusion—wrongly, I believe—that its power will continue indefinitely, and that it does not and will not need law to protect it. In these circumstances, it is extremely difficult to establish an authentic legal order in which all actors within the system are subject to the same rules. Hegemony is, in short, at odds with the fundamental notion of the rule of law, and this is true notwithstanding the identity of the hegemonic actor. It would be true if France or Russia or China exercised the preeminent power that the United States does today.

A third condition, the final condition, that is necessary for the effective operation of the legal system—for the effective regulation of a subject matter—is that there be a relative absence of free riders. In the international system today, in the provision of an important public good (namely, collective security) there are many free riders—most specifically in NATO, among American allies who have no

rational reason to give up their TVs, universal health care systems and early retirement systems, so long as the United States will deny itself all of those things to exercise the role of policeman of the world. The more the United States provides the public good of collective security by itself, the more it gets locked into a situation in which it is *required* to provide that public good, because competitive powers have a disincentive to expend resources for that same good.

So these are three of the conditions that are needed to make law work. Absent these conditions, and others like them, international organizations simply will not work, however well-designed they are. Tinkering with the architecture will not change things. To add seats to the Security Council for Brazil or Nigeria or India is to rearrange deck chairs on the Titanic. The problem is not with the architecture of the U.N. Security Council. The problem is not with the design of the Council. The problem is not with the shape of the temple that the law has constructed. The problem is with the ground on which the temple is built. And no architectural design is going to stand firmly on the fractured and fissured ground on which the international regulation of use of force stands today.

So much for institutions. Let me now turn to the question of rules. I will suggest to you that a very similar conclusion results. In the absence of these conditions necessary for the effective operation of the rule of law, the U.N. collective security system has all but collapsed. The security system set up by the U.N. Charter is familiar to most of you. It can be easily summarized and is set out in Article 2, paragraph 4 and Article 51 of the U.N. Charter. The U.N. Charter prohibits states from using armed force against other states except in two circumstances: one, in self defense; and two, where it is authorized by the U.N. Security Council. There is no exception for humanitarian intervention. There was a theory behind this very straight-forward system. It was believed in 1945—across the street, when the U.N. Charter was drafted—that the Security Council would exercise a monopoly on the use of armed force and that self-help by states would be ended. Why? Because the Security Council would represent, in Winston Churchill's famous words, "a constabulary power before which the forces of barbarism and atavism would stand in awe." Well, it was wonderful dream. But, unfortunately, it never came to be, and for reasons with which we are all familiar. During the Cold War, the veto exercised by the Soviet Union in the Security Council precluded the establishment of the standing or stand-by force within the Security Council to provide the constabulary force that and

Churchill and Roosevelt and Truman had expected. And the upshot was that the Security Council never obtained the monopoly on the use of force that was expected, and states again were compelled to resort to self-help.

Indeed, since 1945, well over 200 instances have occurred in which force has been used by states in plain violation of the proscription of Article 2, paragraph 4. The most recent, obvious example is perhaps Kosovo, in which force was used by nineteen Western democracies representing 780 million people. The countries that took the lead in founding the United Nations bombed Yugoslavia without any semblance of authorization by the U.N. Security Council, without any plausible argument that they were acting in self defense. This is not the only recent example. Madeline Albright has referred to Africa's "First World War" (which much of the developed world rather missed), a huge interstate conflict that occurred in Africa in the 1990s, in which tens of thousands of people died. Nine African states at one point or another engaged in this interstate conflict.

One can make one's own judgment as to whether the U.S. use of force against Iraq complied with did or did not comply with the U.N. Charter. But it is worth inquiring why the North Koreans have so insistently asked the Bush Administration to sign a non-aggression pact with them. Why would North Korea make this request? The U.N. Charter was intended to be the mother of all non-aggression pacts. It was intended to end the need for non-aggression pacts. Who seriously would say to the North Koreans, "Oh, don't worry, you don't need a non-aggression pact with United States because the U.N. Charter is there to protect you"?

The unfortunate truth is that the U.N. Charter, in its proscription against the use of force by states, has gone the way of the Kellogg-Briand Pact of 1928—the treaty that was signed by every major belligerent in World War II—which prohibited the use of force as an instrument of national policy. Only a few short tragic years later, it proved to be a set of paper rules rather than working rules. Through that same process, the use of force provisions of the U.N. Charter also have tragically turned into paper rules rather than working rules.

What is that process? Let us return for a moment to the international legal system. Recall that the international legal system is, in jurisprudential respects, fundamentally different from the domestic legal order. The international system is a voluntarist system. States are bound only to those norms to which they consent.

States are not bound to norms to which they do not consent. States can express their consent by word or by deed. Yes, they did in 1945 express their consent to the U.N. Charter by signing onto the rule of Article 2, paragraph 4. But as a scientist looking at this question, would one conclude today that states still consent to the rule of Article 2, paragraph 4? We know what words they have used. But what *deeds* have occurred since 1945 from which that consent that might reasonably be inferred? And what additional words have occurred since 1945 from which that consent, or lack thereof, might reasonably be inferred?

Now, the answer occasionally is given that the United States and other states have never *explicitly* renounced the U.N. Charter or suggested that they are not bound by Article 2, paragraph 4. And indeed, in situations such as Iraq, states say they intend to respect international law. Tony Blair, during the Iraq crisis, said many times that the United Kingdom would never dream of violating international law. Similar statements were made during the attack on Yugoslavia. And from this, some observers conclude that the United Kingdom and the United States continue to accept the rule, notwithstanding all of the actual practice that would suggest otherwise. Well, weigh the practice against the words. Make your own choice. But let me simply suggest to you that states have no rational reason to confront other states, as they would be compelled to do if they explicitly renounced the rule. There are other reasons that states do not explicitly renounce international rules. In any event, the United States has never signed onto an "explicit renunciation" requirement.

Finally, the conclusion that the United States has not renounced the rule can be reached only by a very selective review of the actual words spoken by decision makers of states that actually matter, such as the United States and the United Kingdom Let me draw your attention to statements made recently by American decision makers. For each one of these quotes, you can easily come up with a dozen more in a quick session on LexisNexis. January 27, 2003. Secretary of State Colin Powell said: "We continue to reserve our sovereign right to take military action against Iraq alone or in a coalition of the willing." Our sovereign right to take military action against Iraq? Is that consistent with the words of the U.N. Charter? In his 2003 State of the Union Address, President Bush said: "The course of this nation does not depend on the decisions of others." But the U.N. Charter has it that the authority of the United States to use armed force

depends, absent an armed attack (the prerequisite under Article 51 to use armed force), on the decision of the Security Council. Is the President's statement consistent with the U.N. Charter? President Bush, in his 2004 State of the Union Address, said: "America will never seek a permission slip to defend the security of our country." Again, the whole point of the U.N. Charter is that unless a state is subject to an armed attack, under Article 51 it needs the permission of the Security Council in order to use armed force.

So it seems to me, again, that one has to put *all* the evidence on the platter and weigh it *all*, keeping your eye on the ball. Does the international community in fact consent, today, to the rule set out in Article 2, paragraph 4 of the U.N. Charter? The answer, regrettably, is no. I say regrettably. I lament that conclusion. I think it is an unspeakable tragedy for humanity that the great legal experiment of the 20th Century—subjecting the use of force to the rule of law—failed. But I do not believe that the law is well served by denying that fact.

Which leads me to my final topic. How should the United States deal with this world in which the collective security regime of the charter has collapsed?

First, the United States should recognize that reality. Too many people in this country, international lawyers in particular, are in denial. Their heads are buried in the sand. The Secretary General of the United Nations is not, however. Kofi Annan held a press conference last year—one of the most extraordinary ever held by the Secretary General of the United Nations—in which he asked plaintively, "What are the rules?" The U.N. Secretary General does not ask that question if the answer is clear, if all you have to do is pick up some book on international law and look up the rules.

Second, the United States needs to recognize that American preeminence is not going to last forever. The U.S. economy will not support it, and the American people are ambivalent about maintaining American hegemony. Sooner or later, coalitions of adversaries will form that are likely to coalesce against the United States, making it increasingly expensive and dangerous to try to preserve American hegemony. For the United States, therefore, there is no alternative to the rule of law. And the United States, in my judgment, ought to use its power today to invest in the establishment of legal institutions to protect itself when hard military power will no longer be there to do that.

Third, in setting up these international institutions we have to be

smart this time and not jump the gun, which means not setting up international institutions before the necessary conditions are present to support them. Rather, the United States should work to *create* the conditions in which law is possible, in which the regulation of the use of force is possible. That is a long, slow process, and it means establishing a situation in which states are willing to accept outcomes because they have signed onto a pre-agreed process. This is counterintuitive for many people in the world, who jump immediately to the question of whether the outcome is one that they like. But a true commitment to the rule of law means signing onto a process that sometimes produces outcomes you do not like, because you recognize that in the long run your interests are served by that process.

Fourth, the United States needs to drop the moralist rhetoric, the notion that United States acts on the side of the forces of light, that it is a matter of good versus evil. This type of rhetoric makes compromise all the more difficult, and makes it all the more difficult to find the common ground upon which these institutions must ultimately exist.

Fifth, in the meantime we can console ourselves that this is not the end of the world. During the 19th Century, there were no legal institutions to regulate the use of force, and yet the number of battlefield casualties in Europe was reduced to one-seventh the number of battlefield casualties in Europe during the 18th Century. Why? Because a coalition of the willing, known as the Concert of Europe, kept the peace quite effectively. The point is that there are alternatives to law in preserving international peace. Kofi Annan, typically, put it well. He said, in words that international lawyers should heed, "The United Nations is not an end in itself." There are other ways to achieve the ends at which the United Nations is directed. And it seems to me incumbent upon international lawyers in particular, in view of the United Nations' failure, to look at those alternatives.

Finally, this is most important. The United States today needs to deal with the world at it is. Not the world as it should be. Not the world as we would prefer it to exist. Not the world as it might have been. But the world as it is. Henry Cabot Lodge said: "There is grave danger in unshared idealism." It is fine to be idealistic, but, in the world of international relations, one needs to know when that idealism is not shared.

If we do that, perhaps, someday, we will not need to "get new lawyers" when we confront a crisis, because our ideals and reality will finally have come to coincide.