

Hegemony on a leash?: Neo-Conservatism, American foreign policy, and the United Nations

Thesis Question: How did Neo-Conservatism influence the Bush administration's case for the Iraq War to the Security Council?

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Abstract: *In the post-Cold war era, people have declared the “end of ideology”. They have questioned its relevance in an increasingly globalized world. I would like to demonstrate that ideology still retains an influence on policymakers. I shall demonstrate that Constructivism is the most appropriate theoretical framework with which to analyse the influence of ideology, and shall use the case study of the Bush administration’s engagement with the UN Security Council in the lead up to the Iraq War. Much has been written about the influence of Neo-Conservatism on Bush’s post-9/11 foreign policy, but the issue of its precise influence on the Bush Administration’s case to the UN Security Council has not been thoroughly explored. The US’s inability to obtain a broad consensus on the issue of confronting Saddam was symptomatic not only of a clash in perspectives with its fellow UNSC permanent member nations, but also of a wider ideologically-driven ambivalence towards global governance. I am using a Constructivist theoretical perspective to examine the UN’s institutional facts and inter-subjective norms, and to explore the emergence of disparities in socialization and norm acceptance amongst different member states. These disparities laid the foundations for a Neo-Conservatism that claims to be steeped America’s rich history of foreign policy exceptionalism, domestic culture wars, and consequently espouses a morally robust, militaristic notion of America’s national identity that many see as being at odds with the UN charter. This paper will deepen our understanding of America’s post-Cold War attitude toward global governance, and the implications that this has for the future of the world political system.*

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ACCRONYMS

ACCRONYMS	Full Description
UNSC	United Nations Security Council
UNGA	United Nations General Assembly
PNAC	Project for A New American Century
CCNY	City College of New York
UNSCOM	United Nations Special Commission
UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
WMD	Weapons of Mass Destruction

Introduction

The modern history of mankind is dominated by ideology. Ideological considerations have been a cause of war, have formed the foundation of many economic systems, and have been implicated in the rise and fall of empires and kingdoms. I am making use of Jon Plamenatz's definition of ideology as "a set of closely-related beliefs or ideas, or even attitudes, characteristic of a group or community".¹ Ideologies tend to posit theories concerning human experience and the external world; and set out plans for social and political organization. Famous examples include Communism, Nationalism, and Conservatism. Does ideology still influence the decisions that statesmen make? How much agency do states and their leaders have? Have we entered an age of technocratic pragmatism in which ideology is largely obsolete? This is the question my thesis seeks to address.

Much of recent academic discourse concerning ideology is dominated by the notion that traditional ideologies are waning in influence. The ostensible "end of ideology", (as declared by Daniel Bell) has consequently been a key theme in the literature on political theory.² Some argue that the impact of globalization and modernization has led modern governance to be a more technocratic, pragmatic sphere than ever before. Roger Burbach writes that "there has been a fundamental shift with globalization" which he argues has led to "a postmodern political age" in which "the political ideologies, or metanarratives, that drove the politics of the twentieth century [are] largely irrelevant".³ Burbach argues that globalization has led to the convergence of political cultures in different countries, as well as less political choice due to market forces constraining the range of policy options that are available to states.

Many Positivist, scientific approaches to the study of political motivation have sought to caricature ideology as a form of irrational dogma and associated it with the doctrinaire belief systems that caused a great deal of war and destruction throughout the 20th century, but have less significance today.⁴ Freeden correctly notes that Western, English-speaking democracies are often described as "post-ideological", because all of the mainstream political parties have agreed on a core consensus of supposedly "liberal" values that

¹ John Plamenatz *Ideology*. London: Macmillan, 1970, Page 15

² Michael Freeden, "Confronting the Chimera of a 'post-Ideological' Age." *Critical Review of International Social and Political Philosophy* 8, no. 2, 2005 Pages 247–262.

³ Roger Burbach, Fiona Jeffries, and William I. Robinson. *Globalization and Postmodern Politics: From Zapatistas to High-Tech Robber Barons*. Pluto Press, 2001. Page 10

⁴ This is discussed in: Michael Freeden, "Confronting the Chimera of a 'post-Ideological' Age." *Ibid.* and in Karl Mannheim, *Ideology and Utopia* New York: 1st publ. 1936, Pages 153-64.

emphasize tolerance and pluralism. According to this perspective, as parties and movements from different perspectives agree to co-exist and collectively participate in political processes, they are likely to develop a common political culture and are less likely to be polarized into competing belief systems.

However, there are still fierce disputes about how “shared values” should be interpreted and implemented. Freedon writes that the battle over liberalism and how to interpret it offers us a window into the nature of today’s ideological battles.⁵ Freedon also notes that analysis of ideologies has too frequently been left to the realms of political and moral philosophy. In these fields, the concepts and ideas in ideologies are analysed for their logical coherence, not their social or political impact.⁶ Freedon writes that we need a thorough engagement with ideology in order to make sense of what motivates policymakers in today’s globalized world.

Globalization comes with additional challenges for nation states. Nations and cultures become more interconnected and mutually interdependent. Ideas and beliefs shape this process and are themselves shaped by it. The vast array of political parties and movements throughout the world make it clear that globalization has not always led to a convergence of state perspectives and opinions in the same direction. Nation states may be impacted with the same outside forces. Nevertheless, different nations react differently to markets, to climate change crises, and to multilateral institutions, like the United Nations.

Despite not necessarily being the core cause, the United Nations (UN) has an inevitable role to play in modern globalization. The UN is mankind’s most comprehensive attempt at international co-operation. Although the process of globalization itself has been driven by the markets and technology, the UN is the organization that has frequently been tasked with overseeing globalization and its impact.⁷ The UN has to resolve disputes between nations, lead worldwide development initiatives, and help tackle climate change and inequality. The UN is also perceived as having a great deal of moral authority, as it is a symbol of global co-operation and equality between states.

The UN has its own ideology and outlook that it seeks to spread. It promotes norms and values that roughly equate to what IR scholars would term “liberal multilateralism”. I define this as the belief that the world is best served by a movement toward increasing levels of harmonious cooperation between political communities. These are values that emphasize collective security, and discourage states from using force against one another.⁸

⁵ Michael Freedon, op.cit.

⁶ Michael. Freedon, op.cit

⁷ For a discussion on the UN’s role in globalization, see John Gerard Ruggie, “The United Nations and Globalization: Patterns and Limits of Institutional Adaptation” *Global Governance*, Vol. 9, No. 3 (July–Sept. 2003), Pages 301-303

⁸ These principles are outlined in Article 1 of the UN Charter. Although the UN Charter does not use explicitly political or ideological language, it speaks of the importance of global co-operation, respect for human rights and fundamental freedoms. See: United Nations, ‘Chapter I: Purposes and Principles (Articles 1-2)’. *United*

The UN has also increased the interconnectedness of states by providing a forum for diplomacy, trade deals and co-operation. As the UN enables states to vote concerning the passage of resolutions, they have the capacity to impose restrictions on each others actions. The UN has been accused of eroding the sovereignty of its member states.⁹ There are concerns that the UN constrains state agency through requiring nations sign up to a set of shared norms, values and regulations. These are embodied most importantly by the UN Charter and numerous other conventions and treaties that are part of the UN system.

The UN Security Council (UNSC) Is the most important example of the UN's authority, as it is the body that pushes binding resolutions concerning the use of force.¹⁰ The way states respond to the Security Council depends on several factors. In this thesis I am going to explore the extent to which ideology is still a factor in state foreign policy towards the UNSC. The UNSC has rules and practices that are based on a certain ideological outlook, and that how states relate to it is based on the extent to which they agree with it's ethos.

Norms can be defined as : "generalised standards of conduct that delineate the scope of a state's entitlements, the extent of its obligations, and the range of its jurisdiction".¹¹ The norms that the UNSC promotes in theory are a product of collective agreement, but in practice have grown in directions that not every state agrees with. For the UNSC to be successful, member states must consent to join it, and have to broadly agree with its aims and its mission. Most importantly, they must agree to respect its authority, abide by its rules and comply with its norms. This may sometimes mean modifying/adjusting their own actions, or incorporating UNSC norms into their foreign policy decision making processes.

How does the spectrum of attitudes towards the UNSC differ from country to country? Nations may have varying reasons for wanting to dissent from UNSC norms. Nations have distinct values and priorities that clash with the norms of the UNSC. For example, The Israel and its supporters have repeatedly alleged that the UNSC is biased against it for this very reason.¹² It consequently does not always appear to be in their national interest to comply

Nations Charter. Accessed 14 September 2022. <https://www.un.org/en/about-us/un-charter/chapter-1>. 24 October 1945, 1 UNTS XVI 7

⁹ For a general discussion of US's resistance to UN norms, see Peter J Spiro,. 'The New Sovereignists: American Exceptionalism and Its False Prophets', *Foreign Affairs*, 28 January 2009. <https://www.foreignaffairs.com/articles/united-states/2000-11-01/new-sovereignists-american-exceptionalism-and-its-false-prophets>.

¹⁰ United Nations, 'Chapter VII: Article 42'. Op.cit . Accessed 14 September 2022. An example that I shall be looking at is Resolution 678 that authorized the Security Council to use "all necessary means" to expel Iraq from Kuwait.

¹¹ Gregory A. Raymond, 'Neutrality Norms and the Balance of Power', *Cooperation and Conflict*, vol. 32, no. 2, 1997, Page 128

¹² In February 2022, Ambassador Meirav Eilon Shahar wrote a letter the Chair of the UN Human Rights Council, explaining that Israel's refusal to participate in an inquiry was due to profound differences Israel has with the Council. GOV.IL. 'Response to Invitation to Participate in UNHRC Commission of Inquiry' *Ministry of Foreign*

with UNSC norms. In some cases, it may be the fact that powerful nations do not want to have their choice of policy options restricted by multilateral institutions that require them to fulfill additional obligations.

National attitudes to UNSC norms should not be viewed in isolation, but should be viewed as part of a whole global process of states internalizing and rejecting norms. This process is influenced by cultural and ideational trends within a country as well as structural influences that are exogenous to the nation-state. It is an intersection of factors concerning identity, power and the structure-agency dichotomy. For example, countries like China, Mexico, Pakistan, Russia, South Africa and have all repeatedly rejected the UN's notion of peacekeeping operations premised on the idea of humanitarian intervention.¹³

The US may be a valuable state for a case study through which to explore the issue of nonconformity with UN norms. It has long been the world's pre-eminent superpower. How the US relates to the UN has profound implications for the world system. The US had a central role in founding the UN in 1945, initially under the understanding that such an institution would be conducive to the American national interest. However, the UN and UNSC have evolved significantly beyond their initial remit, and have developed the capacity to place severe restrictions on the US's use of its military. The US frequently sees free use of its military as a prerequisite for preserving its national security. America's preponderant military might and status as a unipolar hegemon means that it has the ability to achieve its desired outcomes unilaterally, without recourse to the UN. As a result, successive US governments have attempted to pursue military operations with as little UN involvement as possible.

In addition, new ideological developments in a hegemonic superpower have the potential to shake the world system to its core. This was evident during the Trump administration. Donald Trump rode a wave of anti-establishment populism that expressed passionate opposition to what he termed "globalism".¹⁴ Trump has undoubtedly been willing to violate

Affairs Accessed 16 September 2022. <https://www.gov.il/en/departments/news/response-to-invitation-to-participate-in-unhrc-coi-17-feb-2022>.

The UN's anti-Israel bias is also a key theme amongst Pro-Israel voices in the United States, for example, see The Editorial Board, 'The U.N.'s Israel Libel Machine Expands'. *Wall Street Journal*, December 27th 2021. Accessed 14 September 2022. <https://www.wsj.com/articles/the-u-n-s-israel-libel-machine-expands-11640648491>., and Jonathan S Tobin, 'More than Just Another Anti-Israel U.N. Farce', 17 March 2017. *National Review*. <https://www.nationalreview.com/2017/03/un-report-israel-apartheid-accusation-outrageous-anti-semitic/>.

¹³ Michael Pugh, 'Peacekeeping and Critical Theory'. *International Peacekeeping* 11, no. 1 (1 March 2004): Pages 39–58

¹⁴ A Trump official quoted by the New York Times described globalism as: "An economic and political ideology which puts allegiance to international institutions ahead of the nation-state" See: Liam Stack, 'Globalism: A Far-Right Conspiracy Theory Buoyed by Trump'. *The New York Times*, 14 November 2016, sec. U.S. <https://www.nytimes.com/2016/11/15/us/politics/globalism-right-trump.html>.

diplomatic convention unlike any previous US president.¹⁵ He also withdrew the US from the UN Human Rights Council and UNESCO.¹⁶

In terms of major historical events, I would still argue that the most consequential clash of the US with the UN was the Bush administration's case for the Iraq war in late 2002 and early 2003. In the aftermath of 9/11, the Bush administration's "War On Terror" had ushered in a new era of global politics.¹⁷ It was driven by Neo-Conservatism, a very peculiar ideology. In his article: "Why the Bush Administration Invaded Iraq: Making Strategy after 9/11", Jeffrey Record writes, "It is impossible to explain the road from 9/11 to the invasion of Iraq without recognizing the tremendous influence of neoconservative opinion, both inside and outside the administration, on the Bush White House."¹⁸

Neo-Conservatism had a vision for a radical overhaul of the manner in which the US approached war and engaged with multilateral institutions. In this case the Bush administration ultimately tried and failed to persuade the Security Council to explicitly back the Iraq War, and then went to war on the basis of previous Security Council resolutions.

In this thesis, I will explore the history of the UN and the US's role in founding it. I will then trace the origins of Neo-conservatism as an ideology, explore how it influenced the Bush Administration, and ultimately shaped its diplomatic actions in the UN Security Council. This will involve me demonstrating how Neo-conservatism grew out of a specific strain of the American political and foreign policy tradition, how it emphasizes many unique aspects of America's national identity, and how it has sought to resist the growing influence United Nations norms on US foreign policy. The research question I shall seek to answer is: How did Neo-Conservatism influence the Bush administration's case for the Iraq War to the Security Council?

There is, naturally, a degree of overlap between the Bush administration's initial rationale for war and the case the administration ultimately made to the UN Security Council. The initial rationale for the Iraq war has been among the most contested foreign policy issues of the early 21st century. There has always been an ongoing debate about the extent to which the Bush administration was motivated by greed, desire for access to oil, the desire to revisit

¹⁵ "People Actually Laughed at a President": At U.N. Speech, Trump Suffers the Fate He Always Feared' *Washington Post*. 25th September 2018, https://www.washingtonpost.com/politics/people-actually-laughed-at-a-president-at-un-speech-trump-suffers-the-fate-he-always-feared/2018/09/25/990b1d52-c0eb-11e8-90c9-23f963eea204_story.html. Accessed 26 September 2022.

¹⁶ 'United States Gives Notice of Withdrawal from UNESCO, Citing Anti-Israel Bias'. *American Journal of International Law* 112, no. 1 (January 2018): 107–9.
Julian Borger, 'US Quits UN Human Rights Council – "a Cesspool of Political Bias"'. *The Guardian*, 19 June 2018, sec. World news. <https://www.theguardian.com/world/2018/jun/19/us-quits-un-human-rights-council-cesspool-political-bias>

¹⁷For a detailed exploration of 9/11 as a game-changer, see Roberta Haar, 'Explaining **George W. Bush's** Adoption of the Neoconservative Agenda after 9/11'. *Politics & Policy* 38, no. 5 (1 October 2010): Pages 965–90

¹⁸ Jeffrey Record, "Why the Bush Administration Invaded Iraq: Making Strategy after 9/11", *Strategic Studies Quarterly*, Vol. 2, No. 2 (SUMMER 2008), Page 64

unfinished business from the Gulf War, as well as domestic political considerations.¹⁹ I am not expressing a view concerning the precise role of these other factors. None of them were a key theme in the Bush Administration's engagements with the Security Council.

In any case, such motivations are still perfectly compatible with the notion of ideology being a decisive factor. Ideational explanations do not contradict the egoistic logic of choice in which actors pursue instrumental policies that maximize the likelihood of them achieving their self-interested goals. Ideas and beliefs shape the divergent opinions that policymakers have about what constitutes a positive, goal maximizing outcome and how such an outcome can be achieved. For example, ideology could have easily shaped how the Bush administration viewed the importance of gaining access to Iraqi oil.

My thesis concerns ideology and socialization as influences on belief and subsequent action. I accept the premise that politics is driven by power and self-interest. I would just like to argue that power and self-interest are constituted by ideational and cultural factors, as well as material. Human beings access and interpret reality through an ideas and concepts that are not always directly related to their material surroundings. I would like to argue that there is an element of worldview and ideology that undergirds all political action.

As ideology is a product of shared ideas and inter-subjective understandings of the world, it is an innately social phenomenon. Therefore, I have chosen a Constructivist approach because Constructivism emphasizes the social constitution of political phenomena.²⁰ In debating ideology and its impact on policymaking, we run into several issues of epistemology and causation. How can we prove ideological influence?

In Chapter one, I shall review the existing literature, and explain the unexplored issue on which I am hoping to shed some light. There has been a lot of analysis about Neo-Conservatism and the Bush administration over the years. Especially the "War on Terror" and the invasions of Iraq and Afghanistan. There as yet has not been a full exploration of the role of Neo-Conservatism in shaping the case that the Bush administration made to the Security Council.

In Chapter two, I will lay out a theoretical framework concerning the influence of ideas on how policymakers perceive reality and interpret evidence. The distinguishing feature of an ideational theory is that goals and beliefs can vary independently of the objective material conditions, leading to different decisions. The ideas in question have their origins in a source exogenous to the material conditions of the situation under examination. I shall use the congruence method to demonstrate that the statements and actions of key Bush administration officials reflect the influence of Neo-Conservative ideology that had

¹⁹For some information about the accusations concerning oil, see: Katty Kay 'Analysis: Oil and the Bush Cabinet', *BBC News*, 29 January 2001. <http://news.bbc.co.uk/1/hi/world/americas/1138009.stm>. For a more detailed discussion of the multiple motivations that have been posited for the invasion, see: Jeffrey Record, *Wanting War: Why the Bush Administration Invaded Iraq*. Potomac Books, Inc., 2010.

²⁰ Emanuel Adler, "Seizing the Middle Ground: Constructivism in World Politics." *European Journal of International Relations* 3, no. 3 (September 1, 1997): 319–63.

permeated large swathes of the Republican foreign policy elites in the aftermath of 9/11. I shall contrast my foundationalist Constructivism against more post-modern forms of Constructivism, as well as more Positivist forms of IR theory. I shall use this approach to discuss how states can reject norms from multilateral institutions, and how ideology plays a role in this. I will also look at several fundamental questions about the nature of knowledge, the nature of state agency, and how multilateral institutions impact the actions of states. I will use this to explain how certain political traditions within the United States have to come to reject UN norms despite the historical role of the US in founding and developing the UN.

In Chapter three, I will explore the historical context of US engagement with the UN Security Council. The US has always had a complicated relationship with the UN, particularly the Security Council. It was a founding member that helped build and legitimize the UN, but has since frequently had interests and policy preferences that appear to be at odds with the UN's norms and ethos. Was the Bush administration an aberration in the history of US-UN relations or was it a continuation of the status quo?

To fully analyse the impact that it can have on policy decision-making, I will use Chapter Four to explore the historical origins of Neo-Conservatism. Neo-Conservatism has its origins in a group of Jewish thinkers who migrated away from the left, and began to champion a radical, interventionist understanding of American exceptionalism. I need to identify the context the ideology emerged from and the problem or challenge an ideology was devised to address. I would also like to explore the implications that journeys across the political spectrum have for people's worldviews.

I will subsequently devote Chapter Five to examining the Bush administration's use of evidence of the Iraqi WMD threat. I would like to explore how a priori beliefs influenced the administration's analysis and presentation concerning CIA intelligence findings and Iraq's declarations to the UN. The Bush administration had a reading of the evidence that clashed with other Security Council member states. This was despite the fact that other states had similarly false intelligence concerning Iraqi WMD.

In Chapter Six, I shall explore the Bush administration's use of international law to make the case for the moral legitimacy of the war in Iraq. The Bush administration made a half-hearted attempt to get a second resolution that did not demonstrate a genuine desire to illicit the perspectives or viewpoints of other UNSC member states. Once the Bush administration had given up on getting a second resolution, it made its case for war by interpreting Security Council resolutions in a way that was contrary to the will of the rest of the council. This difference in interpretation was evidence of a unique vision and understanding of the respective roles of the US and UN in the global order.

I will seek to demonstrate that the ideational explanations are corroborated by public speeches, interviews, private correspondence between officials and also off-the-record statements that key Bush administration officials have made in private. I shall also make use of interviews that I have had with key Bush administration officials. From this, I shall seek to identify recurring themes and patterns that reveal how key officials saw the situation, and what factors were motivating their key decisions.

I will conclude with some observations about what my findings tell us about the role of ideology in the 21st century, and the implications that this has for cooperation between states in the global system. Differences in outlook between states present an additional challenge to multilateralism and diplomacy. We need to trace the origins of ideas and explore their impact on policy to see how best the competing perspectives of different governments and nations can be reconciled on the world stage.

Chapter 1: Literature Review: The Bush Administration and Neo-Conservatism

The Build-up to the Iraq War

I shall begin by exploring some of the literature that has been written concerning the influence of Neo-Conservatism on the Bush administration's decision to go to war as a whole. This is important for me to explore as it explains the wider backdrop and context from which the Bush administration's case for war to the Security Council emerged.

In Andrew Flibbert's "The Road to Baghdad", he uses a Constructivist framework to argue that Neo-Conservative ideas played an enormous role in the Administration's decision-making.²¹ He identifies four tenets of Neo-Conservatism that he thinks were particularly consequential. The first of these is a belief in American hegemony as having a benevolent impact on the world. He writes that the Bush administration argued that America's status as a virtuous and noble nation meant that its unipolar dominance of world politics was a positive thing for the rest of the world.

The second and third key beliefs that Flibbert identifies are a Manichaeian (good vs evil) conception of politics coupled with the belief that regime type is the main determinant of nation's foreign policy. The fourth belief is an enormous faith in military force as an effective instrument for projecting power and influence.²² Flibbert writes that when combined, these ideas defined the core purposes of US foreign policy and came to shape the Bush administration's moral compass for dealing with problems and navigating threats.

Flibbert focuses on the ideas themselves rather than the specific personalities within the Administration who held them, and makes clear that arguing that Neo-Conservative ideology had an influence on the administration is not the same as arguing that a "cabal of Neocons" hijacked the entire decision-making apparatus of the US government. He writes: "specific ideas can matter greatly even without ideological unity among policymakers, or between political leaders and their constituents."²³

He also ultimately argues that it was ideas not ideology that had the most decisive impact. He justifies this distinction by demonstrating that administration officials adopted certain Neo-Conservative ideas with respect to confronting Iraq, but were not necessarily permanently converted to such an outlook, still retaining other ideational commitments. With respect to this, Flibbert is also keen to point out that the deep divisions that remained within the administration.

He writes: "While the liberal focus on democracy and authoritarianism accorded moral and analytical centrality to the individual and to personal freedom, the call for U.S. hegemony assumed the normative and empirical primacy of state power and national interest. These two ideas are not

²¹ Andrew Flibbert, "The Road to Baghdad: Ideas and Intellectuals in Explanations of the Iraq War." *Security Studies* 15, no. 2 (July 1, 2006): Page 313

²² Ibid, Page 312

²³ Ibid, Page 351

easily reconciled, but they reflect the deceptively complex ideological crosscurrents— Straussian, Wilsonian, Hayekian, and Jacksonian, among others—in administration thinking”. He argues that the importance of ideas to the Bush administration’s foreign policy does not mean that there was ever a full consensus of outlook. The aftermath of the 9/11 terror attacks shattered the foreign policy status quo of the US establishment meaning there was room for newer, more radical ideas to temporarily take hold.

In “Understanding the Bush Doctrine”, Robert Jervis refrains from using the term “Neo-Conservatism”, but describes and evaluates an ideology very similar to the one described by Flibbert, with the four elements he identifies overlapping significantly with those outlined by Flibbert. The main difference is that Jervis puts more emphasis on the ideology’s amplified threat perception and less on its binary conception of good vs evil in the world system.

Jervis argues that democracy promotion was also key to the Bush administration’s outlook, and a key motivation for the invasion of Iraq. He acknowledges that the Bush administration was not willing to sacrifice stability or wider national interests in countries like Saudi Arabia and Egypt for the sake of democracy promotion. Nevertheless, he quotes numerous statements from administration officials arguing that the tenets of liberal democracy can be implemented in any culture and resonate with a universal human yearning for freedom and democracy.

Jervis, also emphasizes the fact that even if such lofty rhetoric was initially a ploy to wrap self-interested *realpolitik* in moralistic packaging, Bush administration actions before and after the invasion remained consistent with this pro-democracy outlook. He writes: “there is a tendency for people to act in accord with the explanations they have given for their own behavior, which means that the doctrine could guide behavior even if it were originally a rationalization.”²⁴

Jervis argues that the decision to go to war is very difficult to understand if the sole motivation was disarming Saddam or even putting an end to his regime. He writes that it only makes sense within the wider context of the Bush administration’s desire to bring democracy to the Middle East, express solidarity with reformers throughout the world and send a message discourage tyrants. He places the Bush administration firmly within the Wilsonian tradition of wanting the US to be on the “right side of history” through supporting the onward march of liberty throughout the globe.²⁵

Jervis draws a parallel between the Bush administration’s outlook concerning Iraq, and the outlook that numerous US administrations had concerning the Soviet Union during the Cold War. Jervis emphasizes the unprecedented nature of the US’s post-Cold War hegemony over the global system as a big factor in the adoption of a unilateral foreign policy outlook by the Bush administration. He describes the outlook as “the product of idiosyncratic and structural factors”.

The third article I shall briefly discuss is Williams and Schmidt, “The Bush Doctrine and the Iraq War: Neoconservatives Versus Realists”, In a similar vein to Jervis and Flibbert, Williams and Schmidt identify four key elements of Neo-Conservatism. They argue that these are the belief in American hegemony, preemptive war, unilateralism and democracy promotion.

Their unique contribution to this debate is their exploration of the factors that enabled Neo-Conservatism to prevail over Realism in the foreign policy debates that culminated in the invasion of Iraq. Many Realists fiercely opposed the war, seeing it as a reckless, imprudent use of force in a

²⁴ Robert Jervis, ‘Understanding the Bush Doctrine: Preventive Wars and Regime Change’. *Political Science Quarterly* 131, no. 2 (n.d.): Page 365

²⁵ *Ibid*, Page 366

theater that was not vital to the national security of the United States. Williams and Schmidt argue that Neo-Conservatism exposed Realist shortcomings in the debates concerning both the morality and efficacy of US foreign policy as pertained to national security.

According to Williams and Schmidt, Realist efforts to keep the national interest severed from values-based moral considerations failed to gain political traction in post 9/11 era in which American public discourse needed a compelling narrative to help galvanize and heal the nation from the trauma of a devastating terrorist attack. They write: "Unable to connect adequately to the values and identity of the American people, a realist foreign policy will fail to generate either the commitment or the resources necessary to ensure its success"²⁶

Williams and Schmidt argue that Neo-Conservatives managed to successfully link issues of foreign policy with domestic issues concerning national identity and the fundamental moral foundations of modern society. Neo-Conservatives were also able to appeal to more traditional conservatives and members of the religious right. These were constituencies who although having a very different starting point, shared Neo-Conservative concerns about the moral decay of modern America.

This narrative also allowed Neo-Conservatism to resonate with elements of the populist grassroots right wing. "It sees and presents itself as representing the real American public that believes in the values and virtues constituting the American public interest, but whose voices have been disparaged and marginalized by dominant social and political elite".

Williams and Schmidt write that Neo-Conservatives thought that this robust moral grounding gave them a strong foundation for having a bolder and more assertive agenda for the projection of American power worldwide. Neo-Conservative antipathy towards traditional balance-of-power politics. They argue that Neo-Conservatives see American dominance as a way of avoiding the dangerous geo-political rivalries and arms races that previously have led the world system to the brink of calamity. Neo-Conservatives also insist that smaller nations will simply jump on the American 'bandwagon' of Western democratic values rather than attempting to challenge or rival American supremacy.

As an extension of this reasoning, unilateralism and preemptive war were now necessary because traditional methods of deterrence were no longer effective against rogue regimes that were potentially aligned with terrorists. Williams and Schmidt quote the 2002 National Security Strategy, which says: "traditional concepts of deterrence will not work against a terrorist enemy whose avowed tactics are wanton destruction and the targeting of innocents; whose so-called soldiers seek martyrdom in death and whose most potent protection is statelessness." The US would need to strike first and not run the risk of waiting to be attacked by suicidal adversaries who did not fear death. Neo-Conservatives alleged that Realism could not sufficiently answer this dilemma, assuming that all enemies were rational actors.

Ultimately, the features of Neo-Conservatism that enabled it to prevail over Realism in American domestic debates were the very same features that led the US's foreign policy outlook to clash with the outlook of other member states of the Security Council. Exploring that confrontation in more depth requires us to be aware of several additional factors.

The institutional context of the Security Council had a particular set of prevailing norms that were intended to guide the way in which member states pursued foreign policy and justified their courses of action before the Security Council chamber. The Bush administration's particular approach to

²⁶ Williams and Schmidt, Page 213.

explaining itself to the Security Council raised profound questions about the extent to which US government accepted the norms of the Security Council and was willing to listen to the concerns of its fellow member states.

So far, we have seen that both Realist and Constructivist analyses have yielded useful insights with regards to the overall outlook of the Bush administration and how that influenced its decision to invade Iraq. Differences in theoretical approaches become more consequential when we explore the manner in which the Bush administration made its case to the UN Security Council. This is what I shall now explore.

The Security Council

The confrontation that took place within the Security Council in the lead-up to the Iraq War was part of a global diplomatic and geo-political crisis that had captured the world's attention. It was a global referendum on the role of the Security Council, the utility of diplomacy in issues of disarmament, and the role of the use of force. It was a clash of values, belief systems interpretations of the UN Charter and different understandings of collective security. It was the first real test of the extent to which the UN Security Council could maintain its authority when having a dispute with a unipolar superpower. Much has been written about the legacy of this confrontation and how it has impacted the UN Security Council.

Many in the media argue that the Bush administration's case for War ultimately undermined the US's credibility on the world stage.²⁷ They argue that the US made false claims concerning intelligence, intimidating and bullied other nations on the Security Council.

1.1 Conventional Approaches

I will first examine conventional approaches. By "conventional", I mean Realist and Liberal approaches that are orientated towards analyzing diplomatic interactions through emphasizing material factors and hard power. These approaches differ slightly with respect to the reconcilability of competing state interests and relative vs absolute gains.

A few months after the invasion of Iraq, International Law scholar Michael Glennon wrote an article that was published in the May/June 2003 issue of *Foreign Affairs* entitled; "Why the Security Council Failed", in which he lamented the shortcomings of the UNSC to effectively deal with the diplomatic confrontation concerning Saddam and concludes that attempts to use international law to tame the use of force have largely failed.²⁸ Glennon's article has many of the features of a realist account of the failures of a legalistic institution to adapt to the realities of global power politics. Glennon presents a bleak picture of a Security Council that was doomed to failure in the age of American Unipolarity. He puts the fault with the nature of the UN as an organization, and the failures of multilateralism, not with the Bush administration's ideology.

Glennon correctly notes that a key disagreement that the US had with the UN concerns the role of international law in global politics, and the UN's place in that regulatory framework. He draws an analogy between the US's attitude towards the UN's regulative role and its attitude towards the

²⁷ As an example, see Julian Borger, 'Colin Powell's UN Speech: A Decisive Moment in Undermining US Credibility'. *The Guardian*, 18 October 2021, sec. US news. <https://www.theguardian.com/us-news/2021/oct/18/colin-powell-un-security-council-iraq>.

²⁸ Michael J. Glennon, 'Why the Security Council Failed'. *Foreign Affairs* 82, no. 3 (2003): 16–35. <https://doi.org/10.2307/20033576>.

regulation of financial markets. He writes that as with financial markets, the US prefers leaving the field of great power rivalry and competition open for as long as possible, and only advocates passing resolutions as a corrective measure, or as a “last resort”. He argues that Americans across the political spectrum have an outlook that “Americans prefer as a more laissez faire approach to the regulation of international disputes, after-the-fact, corrective laws. They tend to favour leaving the field open to competition as long as possible and view regulations as a last resort, to be employed only after free markets have failed”²⁹ This is a useful analogy, as it demonstrates the desire of the Bush administration to avoid external constraints on its actions.

Glennon attributes this attitude to America’s unipolar material power advantage. Of course, it can be intuitively understood that the world’s pre-eminent military superpower may be less likely to want multilateral institutions intervening in situations where its clear material advantage all but ensures that the US will obtain its desired outcome. Glennon is correct in identifying that one of the root causes of the US dissatisfaction with the United Nations comes from its advocacy of norms that dilute or minimize power differentials between member states. He cites this as the reason for George Bush’s many declarations that he would not be deterred in his push for a military solution by the lack of a UNSC resolution.

However, we need a more detailed exploration of the implications that an individual Administration’s ideological outlook may have for its attitude towards global governance. This includes how they view the UN. They may view it as a profound global co-operative endeavor that has genuine hope of preserving peace, or they may view it as an instrument that can be used and manipulated to the convenience of a nation-state’s specific agenda.³⁰

In the July/August issue, *Foreign Affairs* published three brief but illuminating responses to Glennon by Anne Marie Slaughter, Ian Hurd, and Edward Luck under the theme “Stayin Alive: The rumors of the UN’s Death Have Been Exaggerated”. In their critiques of Glennon, Hurd and Luck argue that Glennon had misinterpreted the initial purpose and scope of the UN.

In his article, “The End of an Illusion”, Luck commends Glennon for his attempt to apply the logic of political realism to a subject that at that stage had been dominated by grandiose moralizing. However, he argues that Glennon has presented a series of false dichotomies between normative and political dimensions, and also between realism and multilateralism. He observes that Glennon does not fully analyze the intersection of these various factors, simply excluding one in favor of the other. As I will explore in my theory chapter, normative assumptions shape the way policymakers navigate the political world and seek to achieve what is in their national interest. Realist policymakers do tend to conceive of their national interest in self-interested, unilateral terms. Nevertheless, in an interconnected world, policymakers with a Realist outlook still need to engage multilateral institutions.

In “Misreading the Record”, Anne Marie points out what she sees as three central fallacies of Glennon’s article.³¹ The first is his assumption that the foundation of the United Nations was the

²⁹ Michael J. Glennon, ‘Why the Security Council Failed’. *Foreign Affairs* 82, no. 3 (2003): 16–35.
<https://doi.org/10.2307/20033576>.

³⁰ Ibid.

³¹ Anne-Marie Slaughter, ‘Misreading the Record’. *Foreign Affairs* 82, no. 4 (2003): 202–4.
<https://doi.org/10.2307/20033662>.

triumph of legalism. Secondly, she accuses him of having too simplistic a definition of America's national interest. Slaughter writes; "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".³² She interprets America's national interest as also consisting of the "soft power" that helps persuade other nations that the US is abiding by the same norms that it expects other nations to abide by. Thirdly, Slaughter argues that Glennon's analysis is based on the mistaken assumption that the frequency with which the UN Charter has been violated means it has lost its authority. She argues that despite the imperfect compliance of many nations, the moral authority of the UN Charter should still be upheld. The mere fact that laws are violated should not invalidate the authority of the law-giver.

In "Too Legit to quit", Hurd argues that the Security Council did its job effectively during the lead up to the Iraq War. From Hurd's point of view, the Council's failure to stop military action altogether was beside the point. The fact the Security Council's refusal to endorse military action clearly raised the political costs of military action meant that the Security Council had served its purpose. Washington would have preferred to have the Security Council on board. This demonstrated that the Security Council's legitimacy was still a prized asset on the world stage, regardless of the ideological predispositions of the incumbent administration.

A more detailed work on this topic is David Malone's *The International Struggle Over Iraq: Politics in the UN Security Council*. David Malone is a former Canadian Ambassador to the UN and current UN Under-Secretary General. Malone claims that he is not making a theory-based argument and purports to base his analysis entirely on a pragmatic understanding of the encounters he has had with the UN system in his many years as a Diplomat, journalist and academic.³³ Malone's book is a concise work that intends to identify what lessons the UN can learn from the Iraq debacle. He seeks to investigate the shortcomings of the UN in its handling of the Iraqi crisis, and seeks to make recommendations for reform.³⁴

Despite praising Kofi Annan as a world leader and visionary, Malone apports much of the blame for the US-UN impasse to the UN's mismanagement of the disarmament process. Malone emphasizes that the misimplementation of the sanctions regime paradoxically increased Saddam Hussein's boldness in facing the Security Council while simultaneously allowing him to engender a wave of anti-Western and anti-UN sentiment in the Iraqi populace.³⁵ Malone writes that the many compromises and concessions that Saddam had managed to get from the UN during the Oil-for-food programme (the use of Saddam Hussein's preferred Bank, the Council's overlooking of oil smuggling) increased Saddam's confidence that he could continue to ride the UN system. Malone writes that this in-turn rang the alarm bells of the US.

Malone also writes part of the problem emerged from difficulties in the UN Security Council's transition; "away from a politico-military mode in which it mediated between warring states, to a mode in which it sits at the apex of a global legal-regulatory architecture".³⁶ This shift in the UN's role has entailed more authority to place restrictions on states and an increasing perception of the

³² Ibid.

³³ David M. Malone, *The International Struggle Over Iraq: Politics in the UN Security Council 1980-2005*. The International Struggle Over Iraq. Oxford University Press. Page 3

³⁴ Ibid. Page 2

³⁵ Ibid. Page 135

³⁶ Ibid. Page 2, Ibid. Page 137

UN Security Council as a source of legitimacy. The UN Security Council's transition from mediation to regulation is part of the gradual evolution that I have already explored and is a theme that will explore in more detail in my Chapter on the history of US-UN relations.

Malone acknowledges the influence that Neo-Conservatism had on the Bush administration, but does not see it as being overly consequential. Malone argues that before the ascendance of Neo-Conservatism under the Bush administration, the increasing American tendency towards Unilateralism had already been on a collision course with the UN's approach to dealing with security threats.³⁷ He writes that American suspicion of the recent reforms to the UN meant that Washington had had a consistent habit of devaluing and undermining the authority of the UN Security Council, dating back to the Clinton administration. This had cast doubt on its commitment to the procedures of the multilateral institution regardless of which party occupied the White House. Despite this, he still argues that the US did still deploy a significant amount of diplomatic, financial and military resources in attempting to persuade other members of the Security Council to support its preferred course of action.

Malone ultimately accuses all five permanent members of an "instrumental multilateralism", that is shaped by each respective country's national interest and not always conducive to the co-operative ethos of the UN charter. He portrays this as a classic clash of *realpolitik* with the principles of global multilateralism. Although Malone mentions ideology, he does not fully explore its role in America's efforts to get to grips with the UN's changing role and its implications for America's instrumental use.

In his book, *Channels of Power*, Alexander Thompson uses a rationalist approach to analyse the motivations of the US for going through the United Nations in the leadup to the Iraq War. He argues that Neo-Conservative ideology was one of three factors that led the Bush administration to take its particular approach. The other two factors he identifies are post-9/11 vulnerability and experiences from previous multilateral interventions. These two factors can be applied to the entire American political establishment, many of whom did not support the Bush administration's course of action, so the ideological dimension still emerges as the key factor.

In keeping with the instrumental theme, Thompson puts forth a series of hypotheses concerning the political benefits that a state accrues through working through multilateral institutions. States work through multilateral institutions to reduce the political costs of coercive policies (ie policies that involve the use of military power), signal to other states that they have benign intentions, and signal to the domestic public in other states that the action has desirable consequences. He also writes that when states do not value flexibility or anticipate high political costs for military action, they are more likely to opt to use multilateral institutions. Thompson writes that "the Bush administration chose to take action against Iraq without UNSC approval because it deemed the costs of working through the UN too high in the end."³⁸³⁹ He points out the fact that the strong version of legitimacy based arguments argue that states internalize norms and that this causes them to willingly act in conformity with those norms. Thompson correctly argues that such an approach cannot explain the

³⁷ Ibid. Page 210

³⁸ Alexander Thompson, *Channels of Power: The UN Security Council and U.S. Statecraft in Iraq* (Ithaca, NY: Cornell University Press, 2009), Page 168

³⁹ Ibid. Page 42

inconsistency of states that sometimes act in accordance with multilateral norms and other times completely disregard them.⁴⁰

Rationalist hypotheses like that of Thompson require cross case comparisons, to test their external validity. Thompson makes use of two case studies, comparing the First Gulf War to the 2003 Iraq War. The two cases share several similarities in that the same states are involved and the same multilateral institution (The UN) is present. The fact that the role of the UN differs in the two cases means that potential conclusions for his theory can be drawn. Thompson does not fully analyse the evolution of norms and ethos in the UN that had taken place in the intervening time between these two case studies, and the clear differences in the priorities of each Bush administration.

In 2003, Thompson also argues that the multilateral voices from within the Administration like Colin Powell emphasized the political cost of proceeding without UN support rather than the moral implications of violating UN norms.⁴¹ Thompson writes; "Powell and others pushing for a multilateral approach stressed the political costs of proceeding without UN support and made arguments in consequential rather than normative terms."⁴² He does not think norms, values or domestic ideologies were a key factor in the disagreements that occurred. Thompson does acknowledge that legitimacy based arguments may also be able to shed some light on state motivation, as working through a multilateral institution legitimates government actions in the eyes of the international community and makes it easier to rally support.

Thompson identifies a key instance in which he thinks the US misunderstood the workings of the UN as an instrument. He argues that both the United States and Britain made a key tactical error in their advocacy for war by prematurely seizing on Hans Blix's January 27th report, which had declared that the Saddam regime had still not fully accepted the UN's requirement for it to disarm. This was before the full completion of the inspection process, and simply exposed the fact the US and UK were not fully committed to the process. Thompson writes; "Their zeal caused other governments to dig in their heels and may have convinced Blix that he should be more cautious in the future so as not to provide ammunition to the hawks."⁴³ He presents this as a tactical error and attributes it to a lack of prudence, and not to any radical difference in outlook between the US and the other Security Council member states.

According to Thompson's analysis, in principle, the Bush administration had a viable chance of persuading the Security Council to endorse a war, it was the specific details of agreeing on a timeline and drafting the resolution that proved to be the challenge. Cheney and Rumsfeld wanted an inspections regime with expanded no fly and no-drive zones, and also wanted member states to be able to send their own inspectors with UN member staff. These proposals were ultimately rejected. One of the things that derailed their UN efforts was their desire to use these coercive militaristic measures under the veneer of multilateral cooperation. This was tied to their belief in US military power as being the only thing that could truly solve the Iraq problem.

Thompson argues that ideological considerations led the Bush administration to be more sensitive to any potential constraints on its freedom of action, which led them to violate norms that the United States had previously affirmed. What is needed is a further analysis of the capacity that norms have to restrict nation states in the exercise of their material power. What also requires more exploration

⁴⁰Ibid Page 42

⁴¹ Ibid. Page 154

⁴² Ibid. Page 154

⁴³ Alexander Thompson, *Channels of Power: The UN Security Council and U.S. Statecraft in Iraq*. Ithaca, UNITED STATES: Cornell University Press, 2010 page 147

is the tendency of states to behave like fully socialized actors in one context and then violate the very same norms in another.

In “Did Chirac Say ‘Non’? Revisiting UN Diplomacy on Iraq, 2002-03” Stefano Recchia uses a counter-factual thought experiment to argue that the Bush administration’s lack of success in its effort to gain a second resolution was due to its lack of willingness to make tactical concessions or delay its plans for military operations. He identifies the key factors concerning how much the US will value multilateral approval for any given operation; the sense of urgency/time constraint and the anticipated operational commitment.

He notes that Paul Wolfowitz and Scooter Libby had been lobbying for an invasion of Iraq ever since the Bush administration came to office. This cause was bolstered after 9/11. The administration’s belief in American military supremacy meant they did not anticipate much resistance or difficulty in overthrowing the regime and securing Iraq. They also assumed that much of Iraq’s security and administrative apparatus would remain intact and there would not be much of a need for stabilization or nation-building. They believed that the United States forces would be greeted as liberators. Recchia writes that all of these beliefs reduced the incentive for them to take the UN route. As well as the fact that the UN was not a major factor in domestic American politics. Recchia does not fully explore the impact that the Neo-Conservative beliefs in the nature of totalitarian threats had on Wolfowitz and Libby’s analysis.

He also argues that the only reason the administration eventually used the UN route was the insistence of Colin Powell. Similarly to Thompson, Recchia writes that Powell, Rumsfeld and Cheney ultimately agreed that the UN route would only be useful if it enabled them to garner support for military action at little cost. Stefano Recchia argues that the US had a hard time garnering support, as it did not have a true commitment to multilateral procedure and consequently did not make the same sustained diplomatic efforts that Bush Sr and James Baker did in the lead up to the Gulf War.⁴⁴ He ultimately concludes that the main obstacle to Security Council approval was the Bush administration’s own impatience, and not the flaws of the Council system or the intransigence of the French. Although primarily concerned with the viability of the norms of multilateralism amongst competing nations, Recchia’s analysis also opens the way for domestic ideology to emerge as a key factor.

Although acknowledging ideology, conventional approaches have tended to portray the build-up to the Iraq war as a confrontation of P-5 powers concerning bread and butter issues of *realpolitik*.⁴⁵ They see bad decisions by states as tactical errors or examples in poor judgement. They do not fully explore the role of a-priori ideas and biases in shaping the decisions that policymakers make.

In the chapters that follow, I will explore the manner in which the *realpolitik* of states on a larger scale is part of what has ultimately led to the emergence of multilateralism in the Security Council and the UN more broadly, as different states attempt to reconcile their conflicting agendas. In this case, the Bush administration clashed with Security Council because it realized that American acceptance Security Council norms was gradually leading to a loss of its policy autonomy. This was

⁴⁴ Stefano Recchia, ‘Did Chirac Say “Non”? Revisiting UN Diplomacy on Iraq, 2002-03’. *Political Science Quarterly* 130, no. 4 (2015): 625–54.

⁴⁵ Andrew Flibert, “The Road to Baghdad: Ideas and Intellectuals in Explanations of the Iraq War.” *Security Studies* 15, no. 2 (July 1, 2006): 310–52. <https://doi.org/10.1080/09636410600829570>.

increasingly precious policy autonomy that it now needed a lot more of in a dangerous post-9/11 world.

The UN's attempted dilution of the US's hegemony has not stopped large swathes of the American foreign policy establishment from continuing to see respect for the UN as a pivotal part of America's national interest.⁴⁶ It is the UN's role as the arbiter of norms in the international system that provokes opposition from certain domestic American ideologies. It is primarily on the right of American politics that the US's inability to shape the United Nations agenda has become a particularly frequent source of frustration.

I will now argue that the Constructivist approaches have so far given the most insights concerning the role of norms and ideology in the debates that took place in the lead-up to the Iraq War.

1.2 Constructivist Approaches

Constructivism is an approach to international relations that emphasizes the social and ideational constitution of world politics. As I shall explore in my theory chapter, a key insight of Constructivism is Holism, which enables us to see that multilateral institutions are more than simply the sum of the member states that comprise them. Another key insight is that member states internalize some norms from multilateral institutions, but some of these norms are subsequently met with resistance from emergent domestic ideologies. Constructivist literature grants a much larger role to institutional norms and domestic ideologies that can help correct the gaps and shortcomings of the earlier literature.

Constructivism is an approach to IR that may enable me to account for the impact of the diffusion of UN norms on member states and the ultimate backlash that this can provoke. In this case, the UN's diffusion of norms concerning restrictions on the use of force clashed with many American understandings of the UN's instrumental role. This clash happened due to a lack of clarity on both sides about the precise nature of the UN's role and how it is used by nation states. As the United States is a nation whose identity is uniquely tied up in a post-WW2 constellation of global institutions, its ontological security is particularly dependent on how it relates to them. As ideology has a central role in a state's search for ontological security, this is the thing that I am arguing shaped the Bush administration's engagement of the United Nations.

As I have argued in the previous chapter, some Constructivist approaches are flawed firstly because they do not pay enough attention to the brute material foundations of reality, and simply assume that everything is constituted by discourse. Secondly, as they make the realities of world politics too

⁴⁶ "Does John Kerry Pass the Global Test?" *The Globalist* (blog), October 27, 2004.
<https://www.theglobalist.com/does-john-kerry-pass-the-global-test/>.

dependent on the subjective perceptions of actors, they assume too much knowledge on the part of such actors, and ultimately do not leave any explanatory role for ideology in shaping state action.

A key example of this is Laura Shepherd's I article; "To Save Succeeding Generations from the Scourge of War".⁴⁷ Shepherd seeks to tackle the Bush administration's diplomatic efforts in the Security Council from an Interpretivist standpoint and sees reality as being entirely constituted by how actors perceive, interpret and perform it.

Shepherd writes that the performativity of US foreign policy is not simply one single act, but is a repeated series of practices that enables discourse to produce the effects that it purports to name and identify. Shepherd also argues that security is an ideational construct that is not achievable, but simply functions as a way of reproducing notions of a Hobbesian world order in which the international is a separate realm from the domestic conventional logics of security.

As a result, Shepherd argues that the US and UN discourses shared much in common. They were both organized around logics of security. Both seeing the conceptualization of Iraq as a threat and the need to act against it as non-problematic. It is true that in the aftermath of 9/11, the Bush administration was operating according to the logic of a Hobbesian anarchical world order. Shepherd argues that the US had a discourse that located sovereignty in the state and emphasized the exceptional nature of the state of world politics in the aftermath of 9/11. This involved the delegitimization of the UN due to its perceived inability to maintain order in the world system. The exceptional state of affairs meant that the sovereign power of the United States was required to maintain order.⁴⁸ By contrast UN's discourse extolled its own status as a legitimator of action on the world stage, and emphasized the need for collective action to solve the world's problems. It was also more hesitant to jump to the conclusion that Iraq was an imminent threat to world peace.

Shepherd's analysis places less emphasis on the material factors that were in play. The fact that the US and the UN both agreed on Iraq as a threat despite having contrasting normative premises demonstrates that these perceptions were not only discursively shaped but had some basis in a pre-discursive reality. Shepherd does not sufficiently explore the extent to which brute material foundations of America's national interest also informed how it engaged the UN. The need to maintain American military hegemony and eliminate a dangerous regime added a sense of urgency to America's case for confronting Saddam. By contrast, the UN and many of its member states shared America's perception of Saddam as a threat, but were committed to following multilateral procedures even if that meant delaying action.

Shepherd argues that the US's rationale for the invasion of Iraq was "schizophrenic", containing many contradictory elements. The US could not seem to decide whether the main threat was chemical/biological weapons, nuclear activities, or links to Al Qaeda. Shepherd does not fully explore the extent to which the Bush administration's incoherent case for war betrayed its lack of understanding of the instrument it was using. Wolfowitz himself later admitted that the Bush administration was not sure which rationale would resonate the most Security Council chamber and

⁴⁷ Laura J. Shepherd, "To Save Succeeding Generations from the Scourge of War": The US, UN and the Violence of Security'. *Review of International Studies* 34, no. 2 (2008): 293–311.

⁴⁸ Ibid.

with the general public, and ultimately settled on the WMD threat as the thing the most people could agree on.⁴⁹

In his article “Power and Rhetorical Bargaining”, Ben Mor (similarly to Riggs) takes a more foundationalist Constructivist approach in analyzing the Bush Administration’s diplomacy in the Security Council. Like many other Constructivists, Mor writes of the distinction between the military arena and the rhetorical arena. Mor argues that this approach is necessary as the diplomatic and institutional context of the UN is an arena in which the US’s military power will not always generate its desired outcomes. “The paradox of unrealized power” means that material resources that are useful in one context may not be useful in another. Mor writes that America having a military power in the rhetorical arena was analogous to a player who “had a great bridge hand but happened to be playing poker”.

Mor writes; “The two questions posed are, first, what is the structural context of the rhetorical arena, namely what parameters can be assumed to define the bargaining situation? Second, within this context, how do actors behave—what are the rhetorical means by which they seek to persuade and thereby obtain their preferred diplomatic outcomes?”. He explores the structural context of the United Nations rhetorical arena and how this structure influenced the arguments made by the Bush administration in the process of attempting to secure authorization for the war. The Bush administration adapted to this rhetorical context and framed many of its arguments in terms of the Security Council resolutions that Saddam had already violated.

Mor notes that when states adapt in this way, they unwittingly participate in the reinforcing of norms, even when engaging in what they think is simply self-interested behavior.⁵⁰ When states strategically or instrumentally use UN norms on a micro-level, on a macro level they are still reinforcing the norms themselves. He writes: “since the motivation for the appeal cannot be observed directly and may be difficult to infer, the public rhetoric is cast in the language of fully socialized actors”. Consequently, Instrumental use reinforces UN norms in a manner that nation states are not always fully aware of.

The Bush administration found itself in a situation in which it attempted to make use of some of the Security Council’s procedures and norms in order to achieve its desired outcome, but thought it could avoid incurring the restrictions that came with it. As Mor writes; “The stronger the United States promoted—in competition with France and Germany—its identity as a responsible UN member, the more difficult it became to defend an intention to act outside the organization.” Using the UN as an instrument entails a certain commitment to its norms, which makes it harder to justify the use of alternative instruments, as the particular processes and procedures of the UN must be followed. As Kofi Annan later declared in an address to the UN General Assembly; “Those who seek

⁴⁹ The Independent. ‘WMD Just a Convenient Excuse for War, Admits Wolfowitz’, *The Independent*, 30 May 2003. <http://www.independent.co.uk/news/world/middle-east/wmd-just-a-convenient-excuse-for-war-admits-wolfowitz-106754.html>.

⁵⁰ Ben D. Mor, ‘Power and Rhetorical Bargaining: The UN Security Council Debate on the Iraq War’. *Global Society* 21, no. 2 (1 April 2007): 229–47.

to bestow legitimacy must themselves embody it, and those who invoke international law must themselves submit to it"⁵¹

This did not fit well with the Bush administration's priorities. As Bush declared in his State of the Union address, what ultimately made the UN a questionable instrument was the fact that it was too wedded to procedure, and not sufficiently interested in actual results.⁵² The US was interested in results, not adherence to a specific multilateral process for its own sake. The concept of instrumentalization presupposes the notion that the outcome is the most important thing. The UN is a body in which the principles and norms by which something is done increasingly matter just as much as the ultimate outcome.

Ultimately, the Bush administration's confusion about how exactly to use the UN as an instrument led it to argue that what was at issue was not the Bush administration's adherence to the principles of international law (the same principles it was invoking in its case against Saddam), but the effectiveness of the UN as an international organization. Hence Bush's famous declaration that the UN would either back the US's desired course of action, or be consigned to be irrelevant.⁵³

Mor provides a very illuminating account of the issues that emerge when a nation-state attempts to use an multilateral organization to achieve a self-interested outcome. Mor's analysis concerns itself with exploring the nature of the instrument and how actors relate to it. It does not extend to exploring the domestic factors that shaped how America engaged the instrument. He states that what is also needed is an additional insight into the motivations of the actors and how they were influenced by their respective ideological outlooks and the public opinion of their domestic constituencies. This thesis is partially a response to Mor's call for a more in-depth analysis of the relationship between ideological attachments and argumentation in the UN.

In the next chapter, I shall outline my Constructivist theoretical approach.

⁵¹ 'TRANSCRIPT OF PRESS CONFERENCE BY SECRETARY-GENERAL KOFI ANNAN AT UNITED NATIONS HEADQUARTERS, 19 JANUARY 2005 | Meetings Coverage and Press Releases'. *United Nations* Accessed 21 August 2020. <https://www.un.org/press/en/2005/sgsm9683.doc.htm>.

⁵²"America's purpose is more than to follow a process — it is to achieve a result: the end of terrible threats to the civilized world" 2003 State of the Union Transcript, 'President Delivers "State of the Union"' *White House Archives*. January 28, 2003. <https://georgewbush-whitehouse.archives.gov/news/releases/2003/01/20030128-19.html>.

⁵³ Guardian Staff, 'George Bush's Speech to the UN General Assembly'. *The Guardian*, 12 September 2002. <http://www.theguardian.com/world/2002/sep/12/iraq.usa3>.

Chapter 2: Constructivism

Before I delve into Neo-Conservatism in more detail, I need to lay out my theoretical approach. In this chapter, I will outline the theoretical approach I will use to explore the role of ideas and beliefs in the Bush administration's decision-making.

The precise outcomes I am seeking to explain are the following; firstly, that the Bush Administration developed an inflated reading of the threat posed by Iraq that was not shared by other member states who had access to similar intelligence estimates about Saddam's WMD.⁵⁴ Secondly, that the Bush administration interpreted Security Council resolutions in a way that was contrary to their original intent and contrary to the collective will of the Security Council. The Bush administration also made the Security Council's continued relevance contingent upon its willingness to support America's predetermined course of action.⁵⁵ This approach simultaneously called into question the moral legitimacy of the United Nations in its current composition, and its claim to be the only institution that could authorize the use of force.

Proving causation concerning ideas is difficult. We cannot directly observe the mental thought processes of policymakers. Even when the relevance of unobservable ideas is well-substantiated and accounted for, it is still difficult to demonstrate that any particular idea was the motivation of any one actor at any given time. Even if it can be proven that an actor had a given belief, it is still difficult to prove beyond all reasonable doubt that the actor applied the said belief to the choice being explained, and that there were no other unseen factors that influenced their decision.

Therefore, I am using an approach that places less emphasis on direct observation. I am using the congruence method to demonstrate that the Bush administration's words and actions concerning the Security Council were consistent with a Neo-Conservative worldview. I shall make use of memoirs, contemporary media reports, leaked briefings, and interviews that I have done with leading policymakers. This will enable to explore the motivations behind the Bush administration's actions, and identify recurring themes and patterns in the statements and decisions of key officials.

There is evidence that the actors had access to certain beliefs/ways of thinking and ultimately adopted them. There is also a series of decisions they made which is consistent with said beliefs. I am arguing that the consistency of stated belief and ultimate policy direction is always likely to be of genuine causal relevance, and not merely a coincidence. As Alan Jacobs writes; "From the actor's operational code beliefs, the investigator deduces what implications they have for decision. If the characteristics of the decision are consistent with the actor's beliefs, there is at least a presumption that the beliefs may have played a causal role in this particular instance of decision-making"⁵⁶

⁵⁴ Nicholas Lemann, "How It Came To War," March 24, 2003.
<https://www.newyorker.com/magazine/2003/03/31/how-it-came-to-war>.,

⁵⁵ "George Bush's Speech to the UN General Assembly." *The Guardian*, September 12, 2002, sec. World news.
<https://www.theguardian.com/world/2002/sep/12/iraq.usa3>.

⁵⁶ Frank Schimmelfennig, "Efficient process tracing: Analyzing the causal mechanisms of European integration" Bennett, Andrew, and Jeffrey T Checkel. *Process Tracing: From Metaphor to Analytic Tool*. Cambridge: Cambridge University Press, 2017. Chapter 4, Page 98
Alan Jacobs, "Process Tracing the Effects of Ideas", op.cit. Chapter 2, Page 44

I must acknowledge there are frequently other mitigating factors that prevent a policymaker's actions from being consistent with their beliefs. The policymakers decisions will be influenced by their need to obtain electoral support, the need for compromise, and other domestic or international constraints. This may significantly modify their ultimate decision. In the case of the Bush administration, there are many other factors that are frequently posited as the true motivations for war.

Variables such as greed, the desire for access to Iraq's plentiful oil reserves, electoral politics, and the need to divert attention away from domestic problems including the disputed election and government failures concerning Hurricane Katrina. None of these motivations were a prominent theme in the Bush administration's case to the Security Council. These motivations are also not mutually exclusive with the idea of ideology also being a core motivation.

In this chapter, I shall seek to justify the presumption that beliefs have a causal role in decision-making. I shall seek to demonstrate that objective, value-neutral perception of reality is impossible, and that all human perception and decision-making is value-laden. Ideologies and values concern human efforts to navigate an uncertain world. When policymakers have to make decisions and implement policy, they do so based on limited information about the plans of other states, as well as future events and contingencies. I shall also demonstrate that I do not have to directly observe the causal process of ideology influencing policy in order to explore it. I will spend some time explaining the shortcomings of approaches that make reality dependent on direct empirical observation. Ideological causation is part of reality, and has an existence independent of our ability to directly perceive it.

One outcome of ideological causation that I can explore is the manner in which the US has responded to norms promoted by the UN. The UN's multilateral norms are a product of a liberal internationalist ideology. This is an attempt by states firstly to make sense of the world through co-operating, pooling ideas, information and resources. As Multilateral institutions like the UN evolve and grow in influence, they develop norms and agendas that may go beyond their initial remit. As set out in the introduction, this thesis is making use of Raymond's definition of norms as: "generalised standards of conduct that delineate the scope of a state's entitlements, the extent of its obligations, and the range of its jurisdiction".⁵⁷ When a collection of beliefs has prescriptive rules that constrain state actions within a particular context, it becomes a norm.

Multilateral institutions seek to spread these norms to member states. If nation states have to abide by certain rules and restrictions, there is less uncertainty about their future actions, and less scope for other nations to perceive them as a threat. State actions with respect to multilateral institutions are driven by their acceptance or rejection of the norms of such institutions. Their response to these norms is in-turn driven by their history, size and role in the global system. State rejection of norms is a product of incompatibility with a state's existing culture and values. Nations strive to have shared values and a sense of unified purpose and a sense of continuity with the past. This is what many scholars describe as "ontological security".⁵⁸ In the case of the US, this ontological security was underpinned by the US's dominance of the world system.

⁵⁷ Gregory A. Raymond, 'Neutrality Norms and the Balance of Power', *Cooperation and Conflict*, vol. 32, no. 2, 1997, Page 128

⁵⁸ I shall be citing: Trine Flockhart, "The Problem of Change in Constructivist Theory: Ontological Security Seeking and Agent Motivation." *Review of International Studies* 42, no. 5 (December 2016): 799–820.

In the aftermath of 9/11, the Bush administration lacked information about threats and the intentions and potential actions of other states. The Bush administration's antidote to uncertainty was an emphasis on totalitarian regimes as posing a unique threat. It sought to understand the world through emphasizing military power, preventive war and anti-totalitarianism. Abstract, universal principles such as these can provide a guide for action when specific information concerning threats was lacking.

This led the Bush administration to reject many liberal, multilateral norms. The Bush administration also dismissed excessive deference to modern UN norms as a sign of weakness. Due to this, the Bush administration adopted a needlessly confrontational approach when dealing with other Security Council member states.

Neo-Conservatism is shaped by abstract principles more so than other Conservative policy approaches. This is because it emerges out of an ideological odyssey across the political spectrum. It has a convert's zeal for the cause of American Exceptionalism, is an effort to unite to build a coherent vision of America's destiny by emphasizing the unique threats posed by totalitarian regimes, and the obsolescence of multilateral institutions like the UN Security Council.

The main area in which the Bush administration specifically rejected UN norms was the use of force. They dissented from UN norms concerning what constituted a threat, at what stage force could be used, and how force was to be legitimated. The norms that the Bush administration rejected were the importance of multilateralism, the Security Council's exclusive right to legitimate force and the idea of force as a last resort. Ultimately, it became clear that the other nations of the UN Security Council had internalized norms much more than the Bush administration.

The Bush administration's refusal to conform to Security Council norms was motivated by ideology, but still had a material dimension. Powerful nation states have more scope to resist being socialized into norms that do not conform to their values (the fact that they also help shape the development of such norms is something I will explore in more detail later in this chapter). The US was the world's pre-eminent military and economic superpower. The US has been the largest financial contributor to the UN every year since its founding in 1945. In 2003, the United States funded 22 percent of the UN regular budget, as well as more than 27 percent of the peacekeeping budget.⁵⁹

This meant it had considerable leverage over UN personnel and member states and had more scope to push back against norms that it found objectionable. The US was also less likely to incur a significant cost from its refusal to abide by UN norms. These circumstances were markedly different from those of Iraq, a much smaller, weaker country that was dependent on a single natural resource (oil). Iraq consequently had its economy decimated throughout the 1990s as a result of UN sanctions that remained in place after the passage of Resolution 661, due to Iraq's refusal to respect the territorial sovereignty of Kuwait.⁶⁰

⁵⁹U.S. Participation in the United Nations: U.S. Financial Contributions', *Department Of State. The Office of Electronic Information, Bureau of Public Affairs*, Accessed 6 September 2022. <https://2001-2009.state.gov/r/pa/ei/rls/24236.htm>.

⁶⁰ The economic impact of sanctions on Iraq is explored in more detail in: Ahmed Shehabaldin, and William M. Laughlin. 'Economic Sanctions against Iraq: Human and Economic Costs'. *The International Journal of Human Rights* 3, no. 4 (1 December 1999): 1–18.

Hegemonic dominance over the world system also meant that the US had more to lose from conforming to norms that restricted its use of force. The US had the ability to achieve its desires through force, given its preponderant military might and lack of serious competitor in a unipolar, post-Cold war world. Of course, I must acknowledge that these material factors could have applied to any US administration. I am seeking to explore why the Bush administration appeared to reject UN norms more vehemently than previous US administrations.

In this chapter, I shall outline my foundationalist Constructivist approach, and explain its place within the wider spectrum of Constructivist thought. I am going to demonstrate that certain IR approaches focus too exclusively on either material or ideational factors without an appropriate synthesis of the two. Positivist methodology separates facts from values and does not explore the extent to which our perception of facts is itself value-laden. Post-positivist methodology focuses more on the social and ideational dimension of politics, but neglects the material. Foundationalist Constructivism allows me to expose the dilemmas that are inherent in state decision-making and demonstrate why ideology can have such a powerful role.

I will outline the implications that Constructivism has for how we understand the role of ideology in constituting state interests and the role of multilateral institutions. I will then establish that states still have agency despite being influenced by structure, with the diffusion of norms within the international system being part of structure. In this case ideological perspectives can emerge in support of or in reaction to the growing role of multilateral institutions within the world system. Thirdly, I will demonstrate that their ideology (itself a product of the diffusion of norms) shapes how actors see things. Ideology becomes a factor in domestic political debates and ultimately shapes the behaviour of states and has implications for how they engage with multilateral institutions.

2.1 Basic Principles of Constructivism

Much has been written on the manner in which Constructivism has enriched the study of International Relations by adding a non-material, social dimension to the analysis of phenomena in the international system.⁶¹ Constructivism is known to encompass a broad and diverse range of theoretical approaches. These approaches broadly agree about the social and ideational constitution of international politics, but disagree about the direct implications that this has for empirical research. Some Constructivist approaches are influenced by and to varying degrees overlap with various outlooks such as Post-Modernism, Feminism, and other more critical approaches. A thorough exploration of all of these theoretical strands would be beyond the scope of my thesis.

This thesis concerns how belief emerges, how it can be justified and what implications it has for policy. Consequently, the main divide within the Constructivist school with which I am concerned is the one pertaining to foundationalism. I define foundationalism as the belief that all justified beliefs rest ultimately on a foundation of non-inferential knowledge. Such non-inferential knowledge consists of axiomatic “basic beliefs” that are in need of no prior justification. The distinctions that Ted Hopf (Conventional and Critical), Finnemore and Sikkink (Modern and Post-Modern), Brglez and Marsh (Thin and Thick) make between different forms Constructivism largely concern the issue of Foundationalism as a major point of dissension.⁶² In both cases the latter approach tends to have a decidedly anti-Foundationalist outlook. These outlooks express doubt about the extent to which there is an objective reality to begin with, arguing that reality is entirely socially constructed by the observations and perceptions of conscious actors.⁶³

This is important for my thesis because I am seeking to demonstrate that the brute material power of the United States was a key factor in the emergence of Neo-Conservatism. The

⁶¹ For a full exploration of Constructivism, see: Martha Finnemore, , and Kathryn Sikkink. “TAKING STOCK: The Constructivist Research Program in International Relations and Comparative Politics.” *Annual Review of Political Science* 4, no. 1 (June 2001): 391.. Emanuel Adler, “Seizing the Middle Ground: Constructivism in World Politics.” *European Journal of International Relations* 3, no. 3 (September 1, 1997): Pages 319–63. Hopf, “The Promise of Constructivism in International Relations Theory.” *International Security* 23, no. 1 (1998): Pages 171–200.

⁶² Ted Hopf, “The Promise of Constructivism in International Relations Theory.” *International Security* 23, no. 1 (1998): 171–200. Milan Brglez, “Reconsidering Wendt’s Meta-Theory: Blending Scientific Realism with Social Constructivism.” *Journal of International Relations & Development* 4, no. 4 (December 2001): 339. David Marsh, ‘Keeping Ideas in Their Place: In Praise of Thin Constructivism’. *Australian Journal of Political Science* 44, no. 4 (1 December 2009): 679–96. Finnemore, Martha, and Kathryn Sikkink. “TAKING STOCK: The Constructivist Research Program in International Relations and Comparative Politics.” *Annual Review of Political Science* 4, no. 1 (June 2001): 391.

⁶³ Martha Finnemore, , and Kathryn Sikkink. “TAKING STOCK: The Constructivist Research Program in International Relations and Comparative Politics.” *Annual Review of Political Science* 4, no. 1 (June 2001): Page 391.

post-Cold war incarnation of Neo-Conservatism that I am exploring was a product of a hegemonic power looking to maintain its dominance of the world system.

In arguing that Neo-Conservatism influenced the Bush administration's foreign policy, I will first explore exactly how I think beliefs influence state perceptions of self-interest and ultimately activate desires within a nation-state. As I mention in my introduction, I am taking a foundationalist Constructivist approach. I am emphasizing the role of beliefs in shaping desires and interests. It gives ideas a constitutive role in shaping power politics. This does not mean that material imperatives of power and self-interest are any less important, but that they are interpreted and given meaning through the lens of a state's values and outlook.

Conventional approaches have been criticized for not paying enough attention to the manner in which beliefs influence perceptions of the national interest. When I use the term "conventional" approaches to IR, I refer to Neo-Realism and Neo-Liberalism. These are the structural approaches that have come to dominate IR in the aftermath of the behavioural revolution in social science, and the publication of Kenneth Waltz's 1979 work *Theory of International Politics*.⁶⁴ They have supplanted earlier, classical versions of Liberalism and Realism, which were less systemic and placed more emphasis on human nature.

I would like to argue that the main shortcomings of these conventional approaches to IR emerge from their theoretical foundations in Rational Choice theory. I define Rational Choice theory here as the belief that : "political behaviour is best explained through the application of "value-neutral" assumptions which posit man as a self-interested, purposeful, maximizing being."⁶⁵ It is a view influenced by the behavioural conviction that social and political theories should be based on the study of people's observable actions, not on the values or beliefs that they claim to espouse. Rational choice theory also assumes that agents have great deal of knowledge of the events, consequences and acts that constitute their environment. Most importantly for my analysis, Rational choice theory contains the Positivist belief that knowledge can be objective and separated from values and beliefs.⁶⁶ Knowledge that is neutral and objective therefore becomes generalizable as it does not depend on the subjective perceptions of particular actors in particular contexts. This therefore enables Positivists to hypothesize and test universal laws about deterministic causal links between phenomena.

⁶⁴ Stephen A Kocs,. 'Explaining the Strategic Behavior of States: International Law as System Structure'. *International Studies Quarterly* 38, no. 4 (1994): Page 535 <https://doi.org/10.2307/2600864>. This is also discussed in: Alexander Wendt,. *Social Theory of International Politics*. Cambridge, UK ; New York: Cambridge University Press, 1999.Chapter 1, Page 2

⁶⁵ Mark P Petracca, "The Rational Choice Approach to Politics: A Challenge to Democratic Theory." *The Review of Politics* 53, no. 2 (ed 1991): Page 289.

⁶⁶ Ibid. Mark P Petracca,. "The Rational Choice Approach to Politics"

These assumptions permeate the writings of Neo-Realists and Neo-Liberals.⁶⁷ Consequently, these mainstream approaches focus on material rather than ideational phenomena. They only consider things that can be directly observed, things that qualify as empirical knowledge. Since beliefs and identities cannot be directly observed and measured, conventional approaches do not give them much of a role in explaining political outcomes.⁶⁸ This also leaves partially socially constructed entities like the “state” and “institutions” with insufficient ontological grounding.⁶⁹

They also begin with the assumption that interests and identities are exogenously given and are not framed by non-material factors.⁷⁰ Such approaches depend on the assumption that one can reach an objective definition of the national interest, which involves goals such as increase in the health, wealth, security and well-being of a nation-state. This is an objectivist epistemology that I would argue lacks explanatory power.⁷¹

Waltz denies that it is necessary to explore internal ideational variables within a state when seeking to explain state decisions and actions. He treats the state as a “black box”.⁷² Waltz assumes that states have uniform internal characteristics (except for relative size), hence his famous “billiard ball” analogy.⁷³ He goes on to argue that the external pressures of the international system cause states to act the same way regardless of their internal constitution. They all have the same basic incentives regardless of ideology or cultural background.

Consequently, Neo-Realism in particular posits that power and self-interest are the main motivating factors for agents in the international system, and does not allow a significant (or indeed any) explanatory role for norms or institutions in the international system. It sees norms and values as simply retrospective rationalizations for self-interested acts. To the extent that multilateral institutions are also products of norms and ideas that are shared by

⁶⁷ Steve Smith, ‘Positivism and Beyond’. In *International Theory: Positivism and Beyond*, edited by Ken Booth, Marysia Zalewski, and Steve Smith, Pages 11–44. Cambridge: Cambridge University Press, 1996.

⁶⁸ Alexander Wendt, ‘Anarchy Is What States Make of It: The Social Construction of Power Politics.’ *International Organization* 46, no. 2 (1992): 391–425.

⁶⁹ Emmanuel Navon, ‘The ‘Third Debate’ Revisited.’ *Review of International Studies* 27, no. 4 (2001): 611–25.

⁷⁰ Alexander Wendt, ‘Anarchy Is What States Make of It: The Social Construction of Power Politics.’ *International Organization* 46, no. 2 (1992): 391–425.

⁷¹ Emmanuel Navon, ‘The ‘Third Debate’ Revisited.’ *Review of International Studies* 27, no. 4 (2001): 611–25.

⁷² Kenneth N Waltz, *Theory of International Politics*. 1 edition. Long Grove, Ill: Waveland Press, 2010 Chapter 5

⁷³ This is also explored in: Joao. Resende-Santos, *Neorealism, States, and the Modern Mass Army*. Cambridge University Press, 2007. Pg 307

the nation-state, Neo-Realist approaches see multilateral institutions simply as instruments through which states act, not having any causal power of their own.⁷⁴

Liberal approaches allow for more of a role for institutions and ideas, as they argue that co-operation between states is possible and can lead to mutually beneficial outcomes, or “absolute gains”, as well as enhancing trust and confidence between states. However, more recent Liberal approaches (particularly Neo-Liberal Institutionalism) ultimately concede too much to the materialist assumptions of Neo-Realism, so cannot fully account for the role of norms and values. Liberal approaches such as those of Ikenberry and Keohane simply add some limited ideational variables onto a material base.⁷⁵ Under this scheme, ideas are still severely restricted by structural constraints. Furthermore, many Liberal analyses see multilateral institutions as not having any autonomous causal force on their own and assume that they simply die when states have no further incentive to maintain them.⁷⁶ Such an approach gives an incomplete picture of how ideas shape interaction between states and how multilateral institutions help constitute relations between states.

Such a structural analyses of America’s interaction with other states in the international system would give me insufficient scope to answer my research questions. As pertains to the post 9/11 Bush administration, this form of analysis ultimately leads to the conclusion that the only consequential factor that has characterized America’s post-Cold war interactions with other agents within the world system has been the enormous disparity in America’s military and economic capability when juxtaposed against any other nation.⁷⁷

I would argue that this hegemonic role in the world system has set the parameters of self-perception of its American identity and interests, but it has not determined them. From George H W Bush’s “New World Order” to Clinton’s multilateralism, we have seen that there are a whole host of foreign policy outlooks all compatible with America’s realization of its unique place as the world’s leading superpower.⁷⁸ In addition, as these Positivist approaches frequently assume that actors have , comprehensive knowledge of their environment, there is no role for ideology as an explanatory variable.

As a result of these shortcomings in the mainstream approaches, a new branch of “Post-Positivist” approaches of IR emerged in the 1980s that sought to challenge the Positivist

⁷⁴See John J. Mearsheimer, “The False Promise of International Institutions.” *International Security* 19, no. 3 (1994): 5–49.

⁷⁵ G. John. Ikenberry, “Is American Multilateralism in Decline?” *Perspectives on Politics* 1, no. 3 (2003): 533–50.

⁷⁶ Jeffrey T Checkel, ‘The Constructivist Turn in International Relations Theory’. Edited by Martha Finnemore, Peter Katzenstein, and Audie Klotz. *World Politics* 50, no. 2 (1998): 324–48.

⁷⁷ The shortcomings of purely structural approaches to US foreign policy are discussed in: Tudor Onea, “Putting the ‘Classical’ in Neoclassical Realism: Neoclassical Realist Theories and US Expansion in the Post-Cold War.” *International Relations* 26, no. 2 (June 1, 2012): 139–64. <https://doi.org/10.1177/0047117811430674>.

⁷⁸ G. John Ikenberry, “Is American Multilateralism in Decline?” *Perspectives on Politics* 1, no. 3 (2003): Pages 533–50.

foundations of Realism and Liberalism. This became known as the “Third Debate” of IR.⁷⁹ “Post-positivism” is a term that refers to a wide range of approaches. In this context I define these approaches as being united by Interpretivist beliefs concerning the nature of knowledge and belief. The core tenet of Interpretivism is the belief that the empirical research methods of the natural sciences cannot be applied to the social sciences.⁸⁰ Such approaches consequently attempt to dissolve the subject-object distinction, seeking to acknowledge the impact that the observers assumptions can have on their perception of what they are observing. Interpretivists posit that social phenomena exist primarily in the minds of actors and observers. They consequently argue that all beliefs and observations about such phenomena are open to dispute, that we constitute the world through the way we describe it, and that there is no objective reality aside from the one we construct through our own thoughts and perceptions. The Post-Positivism - Rationalism divide has consequently become one of the most contentious issues in IR.⁸¹

Examples of users of Post-positivist approaches include R L Doty, and David Campbell. R L Doty discusses foreign policy as a form of social practice and social performance.⁸² Doty talks of foreign policy actors following “social scripts”. They portray the practices of foreign policy as entirely socially constructed, and not being built on any pre-existing brute material foundation. R L Doty uses a discursive approach in which autonomy is granted to language in itself, and signifiers (words and images) do not have to refer back to the signified.⁸³ (the shared template) According to this approach, discursive practices are not traceable to a stable center. Doty writes that “Policy makers also function within a discursive space that imposes meanings on their world and thus creates reality”.⁸⁴

Understanding something involves rendering something unfamiliar in terms of the familiar. Even a supposedly objective perception of a material object still requires this. If I describe a box as brown and cube-shaped I have already used terms and signifiers that are discursively understood. Even a supposedly objective material description of an object still pays an enormous debt to interpretation and discourse. As a result, David Campbell ultimately argues because our only ways of relating to reality are comprised of discourse, we ultimately have no basis for positing that there is a pre-discursive reality. Campbell writes

⁷⁹ Emmanuel Navon, “The ‘Third Debate’ Revisited.” *Review of International Studies* 27, no. 4 (2001): Pages 611–25.

⁸⁰ Heikki Patomaki, and Colin Wight. “After Postpositivism? The Promises of Critical Realism.” *International Studies Quarterly* 44, no. 2 (2000): Pages 213–37.

⁸¹ Emmanuel Navon, “The ‘Third Debate’ Revisited.” *Review of International Studies* 27, no. 4 (2001): Pages 611–25.

⁸² Roxanne Lynn Doty ‘Foreign Policy as Social Construction: A Post-Positivist Analysis of U.S. Counterinsurgency Policy in the Philippines’. *International Studies Quarterly* 37, no. 3 (1993): Pages 302, 303
<https://doi.org/10.2307/2600810>.

⁸³ Roxanne Lynn Doty, . Ibid. Page 301

⁸⁴ Ibid.

that States are inherently paradoxical entities that do not possess pre-discursive, stable identities.⁸⁵ They are constantly evolving and reinventing themselves.

In contrast to this, I am arguing that the way policymakers interpret reality is heavily influenced by ideas and values but is not solely constituted by them. I am arguing that the reason ideology has a role is due to state actors having value-laden, subjective perceptions of reality. My stance presupposes that there is an objective material reality, not that policymakers create reality by their very discourse. I am arguing that discourse influences reality, but only to the extent that it enables us to interpret and respond to a pre-existing material reality.

I would argue that Post-positivist approaches are overly ambitious about the extent to which changes in thinking can lead to genuine changes in the objective reality of the political sphere. The Post-positivist approaches ultimately replicate the shortcomings of traditional IR (Realism and Liberalism) that Constructivism is intended to remedy. Specifically, they make the realities of the international system too dependent on the subjective perceptions of actors, assume too much knowledge on the part of such actors, and ultimately deprive ideology of any major explanatory role in accounting for state action.

In *Social Theory of International Politics* (1999), Wendt introduces Scientific Realist Constructivism as a halfway point in the ostensibly polarized and stratified Rationalist vs Post-positivist debate.⁸⁶ As Wendt writes; “SR (Scientific Realism) is premised on ‘the following three principles: (1) the world is independent of the mind and language of individual observers; (2) mature scientific theories typically refer to this world; (3) even when it (this world or the aspects of it under observation) is (are) not directly observable”.⁸⁷ This is widely cited as a landmark work in Constructivist IR, as it demonstrated that scientific, structural and causal inquiry could still be done into cultural and ideational phenomena.

I am going to make extensive use of Wendt’s work in laying out my theoretical foundations, and then explore how his insights can be applied to foreign policy analysis. Firstly, I will briefly outline the minor difference I have with his uses of key terms. In *Social Theory*, Wendt identifies himself as a “positivist” on the basis of his belief in the empirical scientific method.⁸⁸ Although he amends this somewhat in his later writings⁸⁹, my definition of

⁸⁵ David Campbell,. *Writing Security: United States Foreign Policy and the Politics of Identity*. Minneapolis, UNITED STATES: University of Minnesota Press, 1998. Page 4

⁸⁶ Alexander Wendt,. *Social Theory of International Politics*. Cambridge, UK ; New York: Cambridge University Press, 1999. Chapter 2, Pg 51

⁸⁷ Alexander Wendt,. *Social Theory of International Politics*. Cambridge, UK ; New York: Cambridge University Press, 1999. Chapter 2, Pg 51

⁸⁸ Alexander Wendt,. *Social Theory of International Politics*. Cambridge, UK ; New York: Cambridge University Press, 1999, Chapter 1, page 39, 47, and 77

⁸⁹ Alexander Wendt,. “On the Via Media: A Response to the Critics.” *Review of International Studies* 26, no. 1 (January 2000): Pages 165–80.

Positivism is still somewhat narrower. Positivism can be more specifically defined as the belief in the empirical scientific method as the only source of knowledge. It also entails the belief that we cannot perceive things beyond the manner in which they appear to us, and is consequently primarily concerned with methodology and less with epistemology or ontology. Scientific Realism more broadly features the belief that reality is multi-layered, consisting of more than just what we observe for ourselves.

Consequently, although Wendt lays important foundations for a Scientific Realist form of Constructivism, he doesn't fully explore the fact that Scientific Realism exposes some of the very same errors in both Postivism and Interpretivism. Rivas, Brglez, and Patomaki (and Wight) all argue that Wendt is in error when he attempts to pitch Scientific Realism as a compromise between the two.⁹⁰ They argue that Interpretivist approaches counter-intuitively share much in common with the Positivism of the mainstream IR. They go on to argue that far from being a "*via media*" or halfway point, Scientific Realism is a radical turn that departs from and refutes the flawed anti-Realist epistemological assumptions that prevail in both camps.⁹¹ I would also like to explore the extent to which a Scientific Realism-based approach to Constructivism corrects the errors both of more critical forms of Constructivism and of more Conventional forms of IR.

As noted above, Scientific Realism accepts that human observation of reality can never be truly objective. A subjectivist epistemology would state that we can never have an objective knowledge of the world around us, and whatever "knowledge" states think they have will inevitably be filtered through their pre-conceived assumptions and subjective perceptions. Post-positivism takes this a step further and argues that because we cannot attain objective knowledge of the world, free of bias, that we therefore cannot posit that it exists beyond our subjective interpretations.⁹² From the perspective of an Post-Positivist/Intepretivist (like Campbell), our only method of deciding whether or not statements correspond to reality is by means of looking at other statements. It therefore makes no sense to assume that reality has an independent existence to begin with.⁹³

⁹⁰ See Milan Brglez, "Reconsidering Wendt's Meta-Theory: Blending Scientific Realism with Social Constructivism." *Journal of International Relations & Development* 4, no. 4 (December 2001): Page 339. Patomaki, Heikki, and Colin Wight. "After Post-positivism? The Promises of Critical Realism." *International Studies Quarterly* 44, no. 2 (2000):Pages 213–37. Wight, Colin, and Jonathan Joseph. "Scientific Realism and International Relations." In *Scientific Realism and International Relations*, edited by Jonathan Joseph and Colin Wight, 1–30. London: Palgrave Macmillan UK, 2010. Colin Wight and Jonathan Joseph. "Scientific Realism and International Relations." In *Scientific Realism and International Relations*, edited by Jonathan Joseph and Colin Wight, 1–30. London: Palgrave Macmillan UK, 2010.

⁹¹ Colin Wight and Jonathan Joseph. *Ibid.*

⁹² Emanuel Adler, "Seizing the Middle Ground: Constructivism in World Politics." *European Journal of International Relations* 3, no. 3, September 1, 1997 : Page 332.

⁹³ Heikki Patomaki, and Colin Wight. "After Postpositivism? The Promises of Critical Realism." *International Studies Quarterly* 44, no. 2 (2000): Page 217.

This kind of anti-foundationalist reasoning, through its insistence that everything is open to dispute, ultimately leads to an infinite regression in which nothing is justifiable. If the validity of each belief is dependent on there being one that preceded it, this can only lead to a never-ending chain of inferential beliefs in which no justification is ultimately possible. The idea of no justification for beliefs being possible is unpalatable to an IR that seeks to engage reality through explaining the causes of material and social phenomena.⁹⁴ Although Constructivism encourages scepticism of truth claims, it allows us to have an objective basis for being able to justify why we believe something and why one belief is more reasonable than the other. This is perfectly compatible with a subjectivist epistemological stance which argues that even though objective truth exists, we can never claim to have a full, uncompromised understanding of it.

The implications of this difference in epistemology become more apparent when we look at the agent-structure dichotomy in IR. I am arguing that the diffusion of norms is restricted by the imperfect understanding that agents have of the social reality from which those norms originate and my agent resistance to norms. This may appear contradictory as a Constructivist framework of course sees the understandings of agents (however limited) as one of the very things that constitute this social reality.⁹⁵ However, unlike a Post-Positivist framework, my Constructivism does not see social constructions as the only things that shape reality. I begin with the premise that social structures have a material foundation that exists even before they are given social meaning. We give social meaning to our objects through our perceptions and discourse, but the objects to which we refer still need to have a prior existence that informs the meaning we ultimately give.

I will briefly return to the box analogy that I mentioned earlier. Post-positivists like Campbell argue that describing a box as brown and square relies on socially constructed discursive understandings of these terms and then relates them to the box under observation. They argue that the fact that we cannot understand this box in any context outside of our socially constructed discourse weakens our basis for positing that it exists outside of this discursive context. I would argue that they are committing the epistemic fallacy of conflating epistemology with ontology. The fact that we have no epistemological knowledge of the box outside of discourse does not mean that it has no objective ontological existence outside of our discourse. Reality exists independently of our perceptions and does not depend on human observation.

In his *Construction of Social Reality*, John Searle demonstrates that a socially constructed reality presupposes a non-socially constructed reality.⁹⁶ He explains that you cannot have “institutional facts” without brute facts. To construct money, property and language as social facts, there have to be raw materials of the pieces of metal, paper, land and sounds.

⁹⁴ Emanuel Adler, op.cit. Page 333.

⁹⁵ Peter M Haas and Ernst B. Haas, “Pragmatic Constructivism and the Study of International Institutions.” *Millennium* 31, no. 3 (July 1, 2002): Pages 573–601.

⁹⁶ John R Searle, *The Construction of Social Reality*. Simon and Schuster, 2010. Page 32

Those raw materials cannot be socially constructed without pre-supposing some even rawer material from which they are constructed. Searle summarizes this in the form of an equation; If “structure X counts as Y in C, the iterations must bottom out in an X element that is not an itself an institutional construction”.⁹⁷ Searle goes on to outline the familiar Foundationalist critique mentioned above, explaining that without an ultimate brute material starting point, we would be left with an infinite regression of social construction.⁹⁸

This analysis applies very poignantly to ideologies. Ideologies presuppose material realities. Ideologies seek to change the world or steer it in a certain direction, or to stop it from being changed by opposing forces. This even applies to Conservative ideologies that are ostensibly attempting to preserve the current order. Even the act of preserving things as they are requires resistance or opposition to natural forces innate in any political system that may lead to the deterioration or decline of the very thing that one is seeking to preserve (see Chesterton’s “Paradox of Conservatism” in *Orthodoxy*).⁹⁹ Such ideologies all presuppose an independent reality that pre-dates human observation. As a result, any approach that undermines the material component of reality cannot fully understand the nature of ideology.

In addition, social structures are only given social meaning through the long-term interactions and inter-subjective understandings of multiple agents. An understanding has to be collective for it to endow an object with meaning. The flawed perceptions that I am arguing agents hold are *subjective* (being held by only one individual agent), it is only when they become *inter-subjective* (held by multiple agents) that they acquire causal power. As Wendt notes, social reality still confronts each individual agent as an objective fact, they do not have the capacity to single-handedly wish it away through their own subjective perceptions.¹⁰⁰ Consequently, within my conceptual scheme, the role that an individual agent has in shaping reality is relatively small, contingent, and can still lead to the agent having an imperfect understanding of its wider social structure.

Under Post-Positivist framework, human beings may be expected to have more knowledge of a social environment that they themselves have brought into existence *ex nihilo*, through their own subjective perceptions and observations. I would argue that a Post-Positivist theoretical framework would preclude us from making the *subjective/inter-subjective* distinction that I have outlined above, in much the same way that it famously dissolves the *subject-object* distinction. In order for *subjective* perceptions to become *inter-subjective* understandings, they need to be shared by multiple agents. For this to happen, agents need

⁹⁷ Ibid. Page 150

⁹⁸ Ibid.

⁹⁹, G. K. Chesterton *Orthodoxy*. CreateSpace Independent Publishing Platform, 2015.

Hitchens, Christopher. ‘The Reactionary’. The Atlantic, 6 February 2012.
<https://www.theatlantic.com/magazine/archive/2012/03/the-reactionary/308889/>.

¹⁰⁰ Alexander. Wendt, *Social Theory of International Politics*. Op.cit. Chapter 2, Page 51 See also Wesley W Widmaier, “Constructing Foreign Policy Crises: Interpretive Leadership in the Cold War and War on Terrorism.” *International Studies Quarterly* 51, no. 4 (2007): Pages 779–94

to have a common point of reference grounded in a “pre-social” reality. As Searle explains, each utterance by one individual agent requires a publicly accessible reality in order to be intelligible to other agents.¹⁰¹ This applies even to unspoken ideas shared between conscious minds. A publicly accessible reality cannot itself be a product of social construction, as this again leads to an infinite regression.

I will now look at the implications that my foundationalist approach has for state agency.

¹⁰¹ John R Searle, *Op.cit.*, Page 149

2.2 State Agency

Scientific Realism begins with the premise that there is a real world that exists independently of our sense perception. This objective reality is both materially and socially constituted. A Scientific Realist approach can accept the objective reality of social structures and phenomena that exist even though they cannot be directly observed. This objectivist ontology does not necessarily lead to an objectivist epistemology, nor does it remove the agency of state actors in the international system.¹⁰² I will seek to use this framework to demonstrate firstly that the state is a viable entity and unit of analysis. I will then demonstrate that state ideologies are a crucial factor in determining the outcomes of global politics.

In arguing for ideology as a key explanatory variable, I am arguing that state action is shaped by something more than the mere material realities of each nation's place in the global system. In order to justify my understanding of state agency, I first need to conceptualize what I understand by the term "state". In his influential *Social Theory of International Politics*, Wendt explains that an objective ontology of the state is essential for any study of social relations.¹⁰³ He uses a Weberian definition of the state as a unit that has a monopoly on the legitimate use of force. He argues that this issue of the use of force is the fundamental problem of social life that governs all other aspects of interaction.¹⁰⁴ He uses this to justify his use of the state as a key unit of analysis. He demonstrates that states are more than just instrumental theoretical constructs functioning as analytical tools.

By their very definition, states become the central entity through which human organizational and social relations are constituted and maintained. They are real, objective entities that have a corporate identity, as well as human qualities such as intentionality and interests.¹⁰⁵ Wendt argues that unlike other social structures, states are corporate agents because the individuals that comprise them have a shared understanding of themselves as constituting a collective entity, and they have a "decision structure that both institutionalizes and authorizes collective action"¹⁰⁶, most importantly; the use of force. The term "objective" is not synonymous with "material", although the two are frequently conflated.¹⁰⁷ States have material and social dimensions both of which are objective. The objective nature of the social and ideational reality of the state is the first thing that gives ideology a role as a political force.

¹⁰² Colin Wight, , and Jonathan Joseph. "Scientific Realism and International Relations." In *Scientific Realism and International Relations*, edited by Jonathan Joseph and Colin Wight, 1–30. London: Palgrave Macmillan UK, 2010. https://doi.org/10.1057/9780230281981_1.

¹⁰³ Alexander. Wendt, *Social Theory of International Politics*. Cambridge, UK ; New York: Cambridge University Press, 1999. Chapter 5, pg 218

¹⁰⁴ Ibid. Chapter 1, page 9.

¹⁰⁵ Ibid. Chapter 5, pg 219

¹⁰⁶ Ibid. Chapter 5 pg 218

¹⁰⁷ Colin,Wight, and Jonathan Joseph. "Scientific Realism and International Relations." In *Scientific Realism and International Relations*, edited by Jonathan Joseph and Colin Wight, 1–30. London: Palgrave Macmillan UK, 2010. https://doi.org/10.1057/9780230281981_1.

Being comprised of and lead by individuals, states inevitable interact with norms and ideas. As America is a nation-state that interacts under the framework of a wider international system, the agent-structure dichotomy is a key factor in shaping the kinds of ideas that ultimately influence its domestic ideologies. Klotz and Lynch write that; “Constructivists define “structure” as institutionalized--but not immutable- patterns of social order that reflect historical context”¹⁰⁸

One way in which nation states interact with norms is when they are socialized into multilateral institutions through interaction with other agents. Although the international system is anarchical, it still consists of a network of multilateral institutions, the most prominent of which is the United Nations. These multilateral institutions have emerged from collective attempts by states to co-operate, find peaceful methods of resolving disputes, and thus mitigate the effects of anarchy. multilateral institutions provide a framework of norms and rules that form a constitutive part of the international system. Shannon and Keller write; “Norms are more than mere laws; they are the intersubjective prevailing societal ideas of legitimate behaviour.”¹⁰⁹

It is argued that this socialization leads to the internalization of the norms of the IO, and discourages member states from violating such norms, even if Realist imperatives concerning the national interest dictate that it may be advantageous to do so.¹¹⁰ Consequently, at first glance it may appear to be an anomaly for Constructivist thought when a nation acts in a way that is perceived to be in contravention to United Nations norms, as the Bush Administration did during the Iraq War. I intend to demonstrate that despite the influence of the structural realities of the international system, states still retain agency that enables their internal ideological pre-dispositions to influence their foreign policy.

My subjectivist Epistemology also has clear implications for the agent-structure debate. Many Constructivist writers have noted that structure is meaningless without the intersubjective knowledge of agents.¹¹¹ Consequently, the socialization of agents does depend on their knowledge of their social environment. The fact that agents have to “learn” in order to be socialized means they do have some active participation in their socialization and do retain agency. State internalization of norms is not an inevitable, deterministic process.¹¹² I have already noted that Scientific Realism can demonstrate that this knowledge is limited and contingent. Lacking complete knowledge of their social environment, states act on their pre-existing prevailing norms and beliefs. The process by which each state internalizes and interprets norms becomes dependent on its internal constitution. Furthermore, the fact the international system features various conflicting norms and patterns of behaviour demonstrates that states have choice in terms of which ones they can internalize and act upon.

¹⁰⁸ Audie Klotz, Cecelia Lynch, Jeffrey T. Checkel, and Kevin C. Dunn. “Moving beyond the Agent-Structure Debate.” *International Studies Review* 8, no. 2 (2006): Page 355–81.

¹⁰⁹ “Leadership Style and International Norm Violation: The Case of the Iraq War” *Foreign Policy Analysis* Oxford Academic. Accessed October 30, 2019. <https://academic.oup.com/fpa/article/3/1/79/1795506>.

¹¹⁰ Jeffrey T Checkel, op.cit

¹¹¹ Ted. Hopf, opcit.. Emanuel Adler,op.cit.

¹¹² Trine Flockhart, “The Problem of Change in Constructivist Theory: Ontological Security Seeking and Agent Motivation.” *Review of International Studies* 42, no. 5 (December 2016): Page 799–820.

In the previous section I have sought to demonstrate that my approach to Constructivism is well placed to give states a solid ontological grounding, and give ideology a key explanatory role. However, Constructivism also retains a profound appreciation for the role of the structural realities of the international system that states occupy. Now I intend to demonstrate that states can still retain agency under such a framework. I would ultimately like to explore the extent to which Constructivism can focus on internal state dynamics at the “first image” “I” level of analysis without undermining its wider premise that the agent is ultimately constituted by the broader structure of the international system. I define “agency” in this context as the capacity of actors to act independently and make their own free choices. For a policy or action to be accurately described as “freely chosen”, there must exist the possibility for the actor to have done otherwise, with their action not being a deterministically ordained foregone conclusion.

The issue of agency has not been sufficiently explored in much of Constructivist IR. Checkel argues that although Constructivists write about the mutually constituted nature of agents and structures, they ultimately still follow a Structural approach that on the surface appears to dismiss agency.¹¹³ Checkel writes; “The result is that constructivism, while good at the macro-foundations of behaviour and identity (norms, social context), is very weak on the micro-level. It fails to explore systematically how norms connect with agents”.¹¹⁴

Many argue that a challenge is posed to state agency by the “Holistic” approach to Wendtian Constructivism that I intend to pursue. “Holism” in this context simply means the belief that multilateral institutions are more than the sum of their individual parts. Once constituted, they acquire an ontological significance which has far more social capital and causal power than a mere collection of nation-states. Wendt expresses concerns that paying too much attention to individual agents within a system undermines holism by implying that such individual agents are independently existing.¹¹⁵ Finnemore and Sikkink argue that individual agent approaches simply assume that collective understandings are an aggregate extension of individual action and deny that they have any independent causal power or ontological status.¹¹⁶ These thinkers have expressed reservations that excessive concern with the solitary, internal processes of individual agents defeats the wider goal of Constructivism, i.e analysis of international politics in a manner that takes full account of social interaction as a constitutive factor in identity and interest formation. Consequently, many structurally-orientated Constructivist approaches have paid insufficient attention to state agency as a major factor in their analysis.

However, state agency can still emerge from a context in which states respond to being acted upon by structure. This may seem like a paradoxical notion of agency that first requires the agent to be “acted upon”, but all social agency presupposes an outside environment or structure that interacts with or “acts upon” the agent. The main form of interaction between Structure and Agent that I am concerned with is the diffusion and internalization of norms. It is true that many of the factors that influence decision-making emerge from the diffusion of norms that dictate and influence behaviour.

¹¹³ Jeffrey T. Checkel, *Ibid.*

¹¹⁴ Jeffrey T Checkel, *Ibid.*

¹¹⁵ Alexander. Wendt, “Anarchy Is What States Make of It” *op.cit.*

¹¹⁶ Martha, Finnemore, and Kathryn Sikkink. “TAKING STOCK: The Constructivist Research Program in International Relations and Comparative Politics.” *Annual Review of Political Science* 4, no. 1 (June 2001): Page 391.

The internalization of norms by its very nature cannot be a passive or involuntary process as it requires the active participation of the agent onto whom norms are being internalized.

Multilateral institutions, while not being an “authority” in a sense that negates the premise of an anarchical international system, still represent an attempt by states to initiate co-operation and mitigate the impact of this anarchy. Despite their limited enforcement capacity, multilateral institutions give states an incentive to comply with norms that encourage peaceful resolution of disputes and compliance with international law.¹¹⁷ If we take a holistic approach to multilateral institutions, we see that they have a great deal of social capital, as they embody a sense of legitimacy and moral authority that is greatly valued by actors in the international system.¹¹⁸ If we combine this with our understanding of the previously discussed limited knowledge that individual agents have, we can see that state participation in multilateral institutions can consequently lead to outcomes that states have not envisaged.

Barnett and Finnemore use principal-agent analysis to argue that multilateral institutions like the UN have a tendency to develop agendas of their own that go far beyond the intentions of many of the member states that have created and comprise them.¹¹⁹ They incorporate insights from sociology to demonstrate that as multilateral institutions like the UN grow, they develop autonomous authority that emerges from the perceived legitimacy of the Weberian “rational-legal authority” they embody and because of their exclusive control over a great deal of technical expertise and information. This refutes the idea that multilateral institutions are simply the sum total of the actions of individual states.

Such an insight is the very essence of Holism, as it demonstrates that the norms that prevail are not necessarily the norms that are favoured by individual nation states. At first glance, this may also appear to undermine the concept of state agency by making the supposedly free, willing participation of states in multilateral institutions seem like a complete illusion. However, this is not a reason to question state agency *per se*. It is true that the bureaucratic edifice of organizations like the UN frequently grows beyond the scope of what nation-states had envisaged. States are indeed motivated by their need to conform to the prevailing norms that are being adhered to by other countries. Their reputation and ability to build strong diplomatic relations and co-operative agreements is frequently at stake. States have to balance these considerations concerning the costs and incentives of co-operation whenever they pursue courses of action on the world stage. However, state internalization of and co-operation with norms is still far from a foregone conclusion.

Through the subjectivist epistemology of Scientific Realism, it can be shown that although states exist in an objective social reality, they do not internalize norms at the same rate or in the same way. They also have different rates of compliance with norms. I earlier defined agency as the ability of an actor to make freely chosen decisions (ie with the possibility of having chosen otherwise). To this end, I shall argue that the existence of multiple competing norms from various sources in the international system means that states still have the ability to reject some norms in favour of others, depending on the inclinations of the incumbent leaders.

¹¹⁷ Peter M Haas, and Ernst B. Haas. “Pragmatic Constructivism and the Study of International Institutions.” *Millennium* 31, no. 3 (July 1, 2002): Page 582

¹¹⁸ Michael N., Barnett, and Martha Finnemore. “The Politics, Power, and Pathologies of International Organizations.” *International Organization* 53, no. 4, 1999: Page 707

¹¹⁹ *Ibid.* 707-709.

Finnemore and Sikkink demonstrate that norms do not enter a normative vacuum, but enter an international arena that has been characterized by previously existing norms.¹²⁰ “New” norms are more likely to be successful if they are compatible with existing norms. Many of the existing prevailing “norms” are things such as sovereignty, and national territorial integrity. States have had various ways of responding to this. Historically, the default dominant responses have been egoistic *Realpolitik* and self-help.

International norms are also met by the domestic norms that are prevalent within each nation-state. Compatibility is decisively influenced by the internal constitution of nation states that shapes their responses to a norm. The limitations of norm internalization and knowledge that I have outlined mean that nation-states will still be heavily influenced by their internal constitution. Domestic norms form a constitutive part of a nation's identity. As a result of this, their actions become shaped by pre-existing beliefs and attitudes from within each national culture, and particular ideologies can come to dominate and shape the foreign policy direction of each state, sometimes resisting the outside influence of norms. Various combinations of norms are internalized and lead to the voluntary pursuit of various policy outcomes. The fact that there are multiple forces present in the global system demonstrates that state agents can be influenced in multiple contrasting ways, and have multiple ways of internalizing this influence.

Finnemore and Sikkink argue that norm influence involves a three-stage process of norm emergence, norm acceptance and norm internalization.¹²¹ Norms do not always complete this “life cycle” and the step from the first to the second stage is particularly arduous, requiring a norm to reach a “tipping point” at which a sufficient number of nation-states have adopted the norm.¹²² As agent internalizations of these various norms are far from uniform, agents clearly have a choice in how they can respond to the aforementioned international norms. The nature and preferences of states have a role in explaining why some norms succeed and some do not, as well as why some nations internalize norms while others do not.

This confluence of different influences that acts upon states also provides a partial answer to the question of how a state can resist socialization into an International System by which the state itself is also socially constituted. Wendt raises this very issue in “Anarchy is what states make of it”, asking; (of states) “How can they seek to change that to which they owe their (role) identity?”¹²³ Wendt’s answer is a distinction between two notions of self, “Me” and “I”. He argues that “me” is the notion of self that is dependent on interaction with other agents within the system, whereas “I” is a notion of self that has more existential freedom and has more capacity to challenge the status quo.¹²⁴

If we look at Wendt’s work more broadly, he elsewhere makes a similar distinction between role identity and type identity.¹²⁵ “Role identity” is an approach that explores how a nation’s self-awareness is shaped by interaction with other states. “Type identity” concerns the self-constituted nature of a state’s identity, determined by its own internal structure and beliefs. There are variations

¹²⁰ Martha Finnemore, and Kathryn Sikkink. “International Norm Dynamics and Political Change.” *International Organization* 52, no. 4 1998: Page 893

¹²¹ Ibid.

¹²² Ibid.

¹²³ Wendt, “Anarchy Is What States Make of It: The Social Construction of Power Politics.” Ibid. Page 419

¹²⁴ Ibid

¹²⁵ Wendt, *Social Theory of International Politics*. Op.cit.

among nation-states that demonstrate that the structure-agent dichotomy, and the interactions of agents are only one part of a much larger constitutive process that involves internal processes occurring within agents themselves. Each state must decide how it intends to navigate and reconcile these two roles. States have differing circumstances under which they must do this.

This thesis focuses primarily on what Wendt describes as “type identity” by looking at how a state’s perceptions of its interests are shaped by its domestic political and socio-cultural spheres. This is the dimension of state identity that leads to states having the potential to resist norms that are promoted by multilateral organizations.

A key factor in this is material power. Earlier in this chapter I justified my Scientific Realism by citing Searle’s explanation of the importance of a material base for social interaction to have meaning. Wendt shows us the direct implications that this has for our examinations of political action in his clarification of the meaning of his famous concept “rump materialism”. Wendt argues that material conditions have at least two features that are independent of ideas. They define the limits of what is possible and they define the costs and benefits of alternative courses of action.¹²⁶

This material power advantage gives nations like the United States more scope to resist or “push-back” against socialization into an organization that does not generate its desired outcomes. As I have already argued, state agency consists of how states respond to being acted upon from outside. The larger the relative material power of the agent, the broader the possibilities and the more options it has in terms of agency. (eg the ability to single-handedly launching wars) The United States as a hegemonic superpower has had more scope to challenge norms to which it objects, and has been actively sought out as a key nation whose adoption of norms would make norms more likely to be accepted by other states.

I must first again emphasize that my focus on ideology does not negate the importance of the international structural factors that I have outlined elsewhere in this chapter, as it is partially a product of them. The aspects of structure that I so far have discussed concern the spread and internalization of norms. The prevailing foreign policy ideology of a particular time is a product of the precise manner in which the domestic constitution of a state has come into contact with the outside world, and what norms it has internalized or rejected. What we have in Neo-Conservatism is a unique combination of norms and values. Some of these norms have been internalized by international trends, and some have been harnessed from America’s domestic political culture. The traditional hard-power *Realpolitik* and Nationalistic aspects of Neo-Conservatism are the product of a certain interpretation of the above-mentioned global system. The domestic aspects of Neoconservatism are a product of an American domestic civil religion and the ensuing battle over its modern direction in the “culture wars”.¹²⁷

Ideology is a central explanatory variable in my foundationalist Constructivist framework. Because Scientific Realism posits that all perceptions and policy are theory-laden, ideology dictates what nation-states do with their agency. I have already established that the anti-Realist frameworks of

¹²⁶ Alexander Wendt, “On the Via Media: A Response to the Critics.” *Review of International Studies* 26, no. 1 January 2000: Page 166.

¹²⁷ This is explored in Taesuh Cha, ‘The Formation of American Exceptional Identities: A Three-Tier Model of the “Standard of Civilization” in US Foreign Policy’. *European Journal of International Relations* 21, no. 4 1 December 2015: Pages 743–67

Positivism and Post-positivism cannot account for ideology as an explanatory variable. Positivists focus on material and structural factors.

Positivist approaches argue that interests can be divorced from values. This leads them to assume that the appeals governments make to values are either rationalizations of self-interested actions or are simply momentary lapses of judgement when sentimentalism gets in the way of prudent policy-making.

On the other hand, Post-positivists focus on global ideational trends to the virtual exclusion of material concerns. Many of these Critical approaches go to the other extreme and argue that interests have no existence independent of values. This is a mistake, as the national interest is not conceived of by actors *ex nihilo*. It has a brute material foundation which is distinct from and beyond the control of actors. In order to understand the true nature of the national interest, we need to understand that it has both a material and ideational dimension.

My approach to foundationalist Constructivism recognizes that the national interest of states is not a static, a-priori entity, and argues that the social constructions and identities of states can shape and indeed constitute their interests. Constructivism can fully explain the tendency of Neo-conservatives to argue that America's ideals of liberty and democracy are a constitutive part of its national character that cannot be separated from its national interest. This is not an altruistic ideological mission in which national interests have been sidelined in favor of ideology (as Morgenthau and other Realists allege)¹²⁸, it is an egoistic one in which ideological tenets have been merged with the national interest and used to define it. According to this framework, the national interest and values of the United States are not mutually exclusive but can shape one another.

An important aspect of this ideological dimension of the national interest is the fact that it serves as part of America's search for ontological security. Flockhart writes that a state of ontological security exists; "when an agent has a stable view of 'self' with a sense of order and continuity with regard to the future, relationships, and experiences."¹²⁹ The concept of Ontological security demonstrates that states have needs that stretch far beyond conventional material concerns. In order to relate effectively with outside forces and fully exercise its agency, an agent has to have a stable, coherent view of its identity and place in the world. Ideologies have a crucial role in this by giving a state a view of reality that attempts to extol the uniqueness and strength of that particular agent. Neo-Conservatives have a view of the national interest that can serve both the material and ideational needs of the United States as a nation-state.¹³⁰ My foundationalist Constructivist framework can analyse this phenomenon in a way that rival approaches cannot. Ontological security is a concept that involves dimensions of a nation-state that are beyond the realm of direct empirical observation, something which is again very problematic Positivist approaches.¹³¹

¹²⁸ Hans J. Morgenthau (Hans Joachim). *In Defense of the National Interest: A Critical Examination of American Foreign Policy* / by Hans J. Morgenthau; with a New Introduction by Kenneth W. Thompson. Washington, D.C.: Washington, DC: University Press of America, 1982.

¹²⁹ Trine Flockhart, "The Problem of Change in Constructivist Theory: Ontological Security Seeking and Agent Motivation." *Review of International Studies* 42, no. 5 (December 2016): Pages 799–820.

¹³⁰ Kaufman, Robert Gordon. *In Defense of the Bush Doctrine*. Lexington: University Press of Kentucky, 2008.

¹³¹, Aaron Rapport. "Unexpected Affinities? Neoconservatism's Place in IR Theory." *Security Studies* 17, no. 2 (May 22, 2008): Pages 257–93.

The above-mentioned desire to conform to norms that are being observed by other nations is consequently not universal. This makes Constructivism much better placed to explain Exceptionalist narratives that are tied to unique qualities of particular nation-states. The American search for ontological security necessarily involves America's domestic political establishment coming to terms with America's role as a leading global power with unmatched military and economic might. America's dominant global role also means there is more scope for its "type identity" to shape its reactions to the international system. In "Collective Identity Formation and the International State", Wendt explains that the need for ontological security leads some states to fiercely resist encroachments on their sovereignty.¹³² The fear that an agent could potentially be overwhelmed or homogenized by structure is what leads it to seek ontological security. The search for ontological security is consequently a constant, interminable struggle, with battles within the confines of the state as well as challenges from external forces.

In this theoretical chapter I have sought to outline my approach to Constructivism. I have sought to demonstrate that a foundationalist, scientific Realist Constructivism will best enable me to meet my research objectives. It demonstrates that there is an objective reality that we cannot fully understand, which is what makes ideas and beliefs an important medium through which we interpret reality and make decisions. A subjectivist epistemology lays a solid foundation for me to explore how ideology influences and shapes America's relations with the United Nations, even though I cannot directly observe the cognitive decision-making processes of policymakers.

I shall now briefly discuss how this will inform my methodology. As I have discussed earlier in this chapter, I am going to use a combination of discourse analysis and the congruence method. Through discourse analysis, I can identify textual markers that point to key elements of the worldview of policymakers. This can enable me to link foreign policy narratives with ultimate policy output. In the case of the Bush administration, these are markers such as references to regime content, totalitarianism as a threat, and references to the shortcomings of multilateral institutions. The repetition of such themes and concepts indicates the nature of the ideational backdrop against which policy problems were being approached and acted upon within the administration.

Memoirs are writings that have since been published by key administration officials, that give their account and recollection of events that took place. Officials open-up about their respective roles in government and the input they personally had that informed government decision-making. Being written by policymakers who also attempting to enhance their legacy, memoirs can be an intrinsically biased research source. They are in some cases, openly self-serving.

As Leslie Pal writes, "the true value of...memoirs lies in their incidental portraits of political life. These unconscious echoes of the political imagination provide something rare indeed: a glimmer of the political life as it is seen and felt by those close to power. Unguarded asides may provide more fruitful insights than a chapter of flat anecdotes."¹³³ Whatever memoirs may lack in objectivity, they make up for in direct experience, being intimately bound up with the moving current of events as it unfolded in real-time.

¹³² Alexander Wendt, 'Collective Identity Formation and the International State'. *The American Political Science Review* 88, no. 2 (1994): Pages 384–96.

¹³³ Leslie A. Pal, "Thanks for the Memories...': Political Memoirs, Public Policy and the Political Imagination", *Canadian Public Policy / Analyse de Politiques*, Vol. 14, No. 1 (Mar., 1988), Page 93

Nevertheless, any memoirs I cite must be compared and examined in conjunction with other primary sources. This will involve examining statements made by Bush administration officials in interviews, speeches, press releases, and leaked documents. These documents are contemporaneous sources that include both government communications deliberately shared with the public, and private internal communications that were inadvertently leaked or have since entered the public domain. I hope that the wide variety of sources I use can minimize the impact that bias and spin have on how we interpret government decision-making.

I shall be exploring the most common themes and arguments that were used by the Administration, in relation to how it justified the war to the UN Security Council. A discursive approach acknowledges language as a material part of social reality. Consequently, it can analyse dimensions of reality that positivists overlook or downplay. My use of discourse analysis does not entail a belief that discourse is the sole thing that constitutes reality. Discourse has a large role in shaping reality but must still contend with an objective material foundation. Discursive construction of reality is shaped by the possibilities and constraints inherent in the material world. The advantage of this approach is that analysis can include relationships between people's material conditions and discursive practices. I will attempt to situate the rhetoric of policymakers within the materiality that they also have to navigate.

This is what I shall explore regarding the US's hegemonic position in the world system, and the implications this has for how it defines itself and engages with other nations. This will mean interpreting statements of US policymakers within the material context of the US's hegemonic position within the world political system. Through examining the material conditions that give rise to the constructions upon which policymakers draw, I can also explore the reasons policymakers draw upon one form of discourse and not another. US's dominant position within the world system means that it is perceived as wielding a significant amount of authority. US policymakers frequently perceive their country as having a significant leadership role within the global system. The material parameters of the US's position within the world system inform the content of the discourse that US policymakers engage in.

This approach is an alternative to overly simplistic versions of Positivism and Post-positivism. Post-positivists overlook the significance of material factors, failing to understand how they can be understood outside of discourse. Conversely, Positivist approaches still treat multilateral institutions as simply instruments through which states act and pay insufficient attention to the manner in which discourse and interaction between states lead to the emergence of norms that have the potential to clash with the outlooks and beliefs of individual nation states. They consequently have difficulty accounting for how states can get disillusioned with the direction of multilateral institutions, particularly the influence of multilateral institutions over their domestic affairs. Neither of these approaches can fully grapple with the ideological struggle that led American policymakers to question both the moral and political effectiveness of the United Nations and the norms it promotes.

To set the background for this I will make some observations about the backdrop of American political culture. America famously has a domestic political civil religion. Despite featuring a tacit baseline consensus about certain foundational aspects of America's liberal constitutional foundation, it is still contentious and divided.¹³⁴ This is exactly parallel to Freedman's observation

¹³⁴ Allan Bloom, *Closing of the American Mind*. Simon and Schuster, 2008.

about the contested nature of “liberal values”.¹³⁵ Culture shapes Identity, which then shapes interests and actions. The mainstream American political spectrum features agreement over certain core principles, but no overall consensus about the direction in which foreign policy should go. National identity sets the parameters in which the domestic debates concerning the national interest can take place. The state search for ontological security consequently features ideological battles between elites who are divided about the future direction of their nation.¹³⁶

The capacity of the UN to restrict the US in its pursuit of its foreign policy goals had been a key theme in domestic debates concerning encroachments on American sovereignty.¹³⁷ The evidence suggests that post-Cold war American foreign policy was decisively shaped by the growing prominence of UN norms, with the domestic reaction against this trend ultimately becoming a major factor in the emergence of Neo-Conservative foreign policy.¹³⁸ Several key Bush administration officials had deliberately framed their foreign policy outlook as a break from the multilateralism and excessive deference to the UN that had characterized the Clinton administration.¹³⁹ Many voices across the right of the American political spectrum had lamented the increasing influence of global governance on America’s foreign policy priorities and were concerned that it was undermining American sovereignty.¹⁴⁰ Such perspectives not only view institutions as a threat to their sovereignty, but think institutions are an insufficient mechanism to maintain peace and order in the global system.

In the case of the US, the key United Nations norm at issue has been the UN Charter’s prohibition of the use of force except in cases of self-defence or an explicit Security Council authorization. In the next chapter, I shall take a look at some historical case studies in which previous US governments have rejected this norm. I shall use historical examples to further explore how ideological outlook shapes policy and attitude to UN norms. I shall also demonstrate that the Bush administration was more brazenly anti-UN than previous administrations.

¹³⁵ Michael Freedon, op.cit.

¹³⁶ Jeffrey T Checkel, “The Constructivist Turn in International Relations Theory.” Edited by Martha Finnemore, Peter Katzenstein, and Audie Klotz. *World Politics* 50, no. 2 1998 Pages 324–48.

¹³⁷ John Bolton, “Should We Take Global Governance Seriously?” *Chicago Journal of International Law* 1, no. 2 September 1, 2000 <https://chicagounbound.uchicago.edu/cjil/vol1/iss2/2>.

¹³⁸ Shashi Tharoor, “Why America Still Needs the United Nations.” *Foreign Affairs* 82, no. 5 (2003): 67.

¹³⁹ Paul. Heinbecker, “Washington’s Exceptionalism and the United Nations.” *Global Governance* 10, no. 3 (2004) Pages: 273–79.

¹⁴⁰ Richard Perle, “Richard Perle: Thank God for the Death of the UN.” *The Guardian*, March 21, 2003, sec. Politics. <https://www.theguardian.com/politics/2003/mar/21/foreignpolicy.iraq1>.

Paul. Heinbecker, “Washington’s Exceptionalism and the United Nations.” *Global Governance* 10, no. 3 (2004): 273–79.

Peter J Spiro, op.cit.

Chapter 3: Historical Background of US-UN Relations

The mere act of the Bush administration making its case for war to the Security Council does not prove that it had deference for multilateral institutions. It did so at the behest of a major ally demonstrates that it sought input from other nation states. Bush administration initially wavered about whether or not it was necessary to make the case for war through the Security Council. The ultimate decision it made to attempt to get a second resolution was influenced more by concerns of political expediency than questions of true moral legitimacy.¹⁴¹

Once a decision has been made to go to war, governments are incentivized to gain backing from multilateral institutions like the Security Council, as this gives the war more legitimacy in the eyes of the general public. Despite this, a key principle of the Bush administration's case to the Security Council (expressed both implicitly and explicitly) was that the approval of the Security Council was ultimately not required.¹⁴² The administration also openly doubted the relevance of the UNSC and its ability to resolve disputes and confront security threats. The Bush administration's ultimately truncated attempt to get Security Council authorization was a perfunctory gesture.

It is the case that the US was simply being a hegemonic power and had a high opportunity cost from submitting itself to multilateralism. This opportunity cost cannot be fully understood without exploring the norms that have emerged in the UN. These norms have clashed with some of the most prominent schools of American foreign policy. The norms that emerge from interaction between states are frequently a product of these states attempting to reconcile their competing interests, pool information, and negotiate various forms of co-operation. In this chapter I shall explore the US's role in setting up institutions that it was initially confident would be conducive to an American-led world order. There was initial uncertainty about its precise nature as an instrument. Over time, its membership grew, and the UN's priorities and norms evolved in ways that ultimately put it at odds with the US's foreign policy agenda.

Despite this, the global continuity and stability the UN represents is still something of which the United States can make use, especially during uncertain times. Bruce Cronin describes the consequent dilemma in US-UN state of affairs as being a "paradox of hegemony".¹⁴³ The paradox of hegemony occurs when a state has an interest in respecting the framework of international law and global institutions that it helped set up even when it appears to be in the state's interests to act unilaterally. America's various foreign policy outlooks have had different ways of trying to navigate this dilemma and different responses to the norms of the UN and Security Council.

I am not going to undertake a full and comprehensive investigation of the norms that the United Nations promotes. I am focusing on the UN's norms concerning the use of force. The idea of the

¹⁴¹ See for example: Douglas J. Feith, *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. Reprint edition. New York; Enfield: Harper Perennial, 2009. Page 340

¹⁴² 'President Pleased with U.N. Vote', Remarks by the President on the United Nations Security Council Resolution, The Rose Garden *White House Archives* Accessed 23 April 2021. <https://georgewbush-whitehouse.archives.gov/news/releases/2002/11/20021108-1.html>.

¹⁴³ Bruce Cronin, 'The Paradox of Hegemony: America's Ambiguous Relationship with the United Nations'. *European Journal of International Relations* 7, no. 1 (1 March 2001): Pages 103–30

UNSC being the sole legitimator of the use of force in global politics has emerged as a very common interpretation of the UN charter.¹⁴⁴ America's rejection of this norm did not begin with the Bush administration. In my research for this thesis, I have found no evidence of any US president explicitly accepting the idea that the Security Council has sole authority to legitimate the use of force. There are certain principles that are shared across the spectrum of American foreign policy outlooks. We shall see in this chapter that the approach that American presidents have historically had to the United Nations has been intended to make sure that the United States is not restricted from using its preponderant military power when politically convenient. The US has historically seen the Security Council as something that can be used or sidelined depending on the circumstances.

However, the exclusivity in legitimating force that states such as the US would deny the Security Council is the very thing that it may need in order to effectively carry out its role. It is hard to separate issues of legitimation from issues of preventing war and aggression. In order to prevent war and aggression, the UN may need to have the authority to adjudicate which uses of force constitute unwarranted aggression, and which uses of force simply constitute valid self-defence. This is even more crucial if the Security Council is to decide on a collective use of force. It may also need to have the exclusive right to legitimate certain uses of force, otherwise its role is redundant. If states can simply act without Security Council legitimation, then the UN's refusal to legitimate certain forms of military aggression will do nothing to stop them from taking place. There is no evidence that the US has fully resolved this dilemma. The US's main priority is furthering its own national interest, not finding a coherent or consistent role for the UN or the Security Council.

As a result, Administrations of various ideological stripes have been ambivalent about the role of the Security Council in the world system, using it sparingly and instrumentally. Of particular interest to me are instances analogous to the Iraq War. These are situations in which the US has acted militarily without Security Council backing, and simply made perfunctory references to Charter principles or Security Council resolutions in order to justify military actions that were not explicitly authorized by the UNSC.

The fact this has been done by both Republican and Democratic administrations may initially appear to cast some doubt on the notion that ideology could be a key motivating factor in the US's attitude towards the Security Council. But the nature of this instrumental use has significantly differed from President to President, as we shall see. The US's use of the Security Council becomes more problematic in situations in which the ideological outlook and intentions of the incumbent administration do not coincide with other Security Council members or with Security Council procedure, or if the incumbent administration is generally less positively disposed towards the Security Council. Administrations whose military interventions reflect a multilateral ethos are more likely to obtain the support of the international community even when there is no explicit authorization.

In this chapter I will briefly look at examples of the US acting without UNSC approval during Reagan's invasion of Grenada, Bush Sr's intervention in Panama, and Clinton's intervention in Kosovo. These

¹⁴⁴ 'WHEN FORCE IS CONSIDERED, THERE IS NO SUBSTITUTE FOR LEGITIMACY PROVIDED BY UNITED NATIONS, SECRETARY-GENERAL SAYS IN GENERAL ASSEMBLY ADDRESS | Meetings Coverage and Press Releases'. Accessed 23 April 2021. <https://www.un.org/press/en/2002/SGSM8378.doc.htm>.

are the three administrations that immediately preceded George W Bush. There are clear parallels. In all three cases, no attempt was made to obtain explicit Security Council authorization for conflict. In all of these instances, the American justifications for using force implied that there were shortcomings in the Security Council's handling of the situation. In the cases of Grenada and Panama, military intervention caused controversy within the UN with some arguing that they were flagrant violations of international law. Whereas Bill Clinton's decision not to use the Security Council did not put him at odds with UN leadership in quite the same way.

In examining historical case studies, I would like to explore the justifications for each military intervention and what the justifications revealed about each administrations attitude to Security Council norms. How each US administration sees the role and utility of the Security Council will naturally have profound implications for the circumstances under which it decides to engage in military intervention without Security Council approval. I hope this will provide some background and context as to the nature of the US's relationship with the Security Council, and how ideology causes this to change.

3.1 The Origins of the UN

The historical role that the United States had in founding the UN is a key factor that is frequently cited in current literature on US-UN relations. One question that inevitably emerges is how various

leaders view the UN's evolution, and whether or not it has grown in a direction compatible with the ethos of its founding.¹⁴⁵ In order to lay out the precise nature of this claim, I need to explore precisely what the competing interpretations of the UN's role have been since it was founded. I can then analyse where exactly the Bush administration's approach fits into this framework.

The United States helped found the UN in the aftermath of World War II. The UN was the first international organization of its kind to receive American support.¹⁴⁶ Notions of a successor to the League of Nations were initially discussed between the Allied Powers at the Dumbarton Oaks Conference that took place from August 21, 1944, to October 7, 1944.¹⁴⁷ Roosevelt, Churchill and Stalin reviewed the Dumbarton Oaks proposal during the Yalta Conference in February 1945. The UN officially came into existence on October 24, 1945, after the Charter was ratified by the US and the other four permanent members of the Security Council. (UK, France, Soviet Union and China)

The theme of instrumentalization permeates many discussions of the United Nation's historical role in global politics. Even the more humanitarian and altruistic interpretations of the United Nations still see it as an instrument in some sense, as it is a vehicle geared towards helping to bring about a particular desired outcome, and more importantly, avoiding several undesirable and potentially catastrophic outcomes such as genocide and war. The preamble to the UN Charter states that the nations of the world had come together in order to ; "save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind."¹⁴⁸ It was designed to institutionalize a commitment to the maintenance of peace and to discourage unilateral acts of aggression.

The Charter addresses force in tremendous detail, outlining many situations in which it is not permitted for nations to use force. Article 2 (4) of the Charter states that; "all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any way inconsistent with the purposes of the United Nations". The only exceptions given to this are actions authorized by the Security Council under Chapter VII, and the right of states to individual and collective self-defence outlined in Article 51. Article 51 is generally only understood to apply if a nation has already been attacked. Article 24 states that "the primary responsibility for maintenance of international peace and security" lies with the UN Security Council, and that in signing the UN Charter, signatories have agreed that "in carrying out its duties under this responsibility the Security Council acts on their behalf".¹⁴⁹ According to most mainstream interpretations of these articles, all of the signatories to the UN Charter have delegated

¹⁴⁵ John R. "Bolton, Should We Take Global Governance Seriously?" *Chicago Journal of International Law*; *Chicago* 1, no. 2 (Fall 2000): Pages 205–21

¹⁴⁶ Stephen. Wertheim, 'Instrumental Internationalism: The American Origins of the United Nations, 1940–3': *Journal of Contemporary History*, 20 February 2019. <https://doi.org/10.1177/0022009419826661>.

¹⁴⁷ '1944-1945: Dumbarton Oaks and Yalta', *Cornell University Library Digital Collections* 26 August 2015. <https://www.un.org/en/sections/history-united-nations-charter/1944-1945-dumbarton-oaks-and-yalta/index.html>.

¹⁴⁸ 'Preamble: Official Charter of the United Nations UN Charter (Full Text)' *United Nations Website*, 15 April 2016. United Nations, "Charter of the United Nations" 24 October 1945, 1 UNTS XVI

¹⁴⁹ 'United Nations, "Charter of the United Nations" 24 October 1945, 1 UNTS XVI <https://www.un.org/en/about-us/un-charter/>

primary authority to authorize the use of force to the UNSC.¹⁵⁰ This has led to the common belief that the Security Council ordinarily has sole authority to legitimate the use of force (unless a nation has already been attacked).

It is clear that the victorious allies had several self-interested reasons for setting up an organization of this nature. Unlike his predecessor Woodrow Wilson, Franklin Delano Roosevelt had been pessimistic about the idea that mankind's better instincts could bring nations to the negotiating table and stop them from resorting to war in the event of international disputes.¹⁵¹ America's egoistic national interest was naturally a key consideration for Roosevelt, with him seeing the UN emerging as a major post-war instrument for the achievement of American goals. Roosevelt envisaged the United Nations as an institutionalized wartime alliance, that would secure and consolidate the victory that had been gained during the war, and help pave the way for a future world order in which America and the rest of the world could avoid being dragged into costly, destructive wars. The UN would enable American power and security to be reconciled with a global universalism in which the rest of the world was included and given a sense of security.

It was hoped that such an arrangement would be conducive to the projection of American influence and would not curtail America's use of its power. Scholars such as Ikenberry, Mearsheimer, Dunne and Hurd argue that the UNSC was simply a realpolitik bargain between the great powers in which they give up limited amounts of their policy autonomy in exchange for a stable global order that is amenable to their interests.¹⁵² Cronin writes; "By institutionalizing these norms [that were compatible with the American national interest] within a legally binding treaty, the UN would help to maintain the status and legitimize America's preeminent role in international affairs".¹⁵³ This was an outlook that saw the UN as an instrument for the achievement of US goals.

Stephen Wertheim interprets the concept of "instrumentalization" to mean that something can be used when convenient and sidelined when not needed.¹⁵⁴ From an American perspective, the uses of the UN under this understanding involve rallying multilateral support for self-interested actions. It is by no means clear how to distinguish between the self-interested actions that would benefit from

¹⁵⁰ Niels Blokker, 'Is the Authorization Authorized? Powers and Practice of the UN Security Council to Authorize the Use of Force by "Coalitions of the Able and Willing"'. *European Journal of International Law - EUR J INT LAW* 11 (1 March 2000): Pages 541–68.

¹⁵¹ Georg Schild, 'The Roosevelt Administration and the United Nations: RE-CREATION OR REJECTION OF THE LEAGUE EXPERIENCE?' *World Affairs* 158, no. 1 (1995): Pages 26–34.

¹⁵² John J Mearsheimer, "The False Promise of International Institutions." *International Security* 19, no. 3 (1994): 5–49. G. John Ikenberry "Is American Multilateralism in Decline?" *Perspectives on Politics* 1, no. 3 (2003): 533–50. Michael Dunne, 'The United States, the United Nations and Iraq: "Multilateralism of a Kind"'. *International Affairs (Royal Institute of International Affairs 1944-)* 79, no. 2 (2003): 257–77. Ian Hurd, 'Stayin' Alive/Too Legit to Quit: A Response to Michael J. Glennon'. *Foreign Affairs*, 2003. <https://www.scholars.northwestern.edu/en/publications/stayin-alivetoo-legit-to-quit-a-response-to-michael-j-glennon>.

¹⁵³ Bruce Cronin, 'The Paradox of Hegemony:: America's Ambiguous Relationship with the United Nations'. *European Journal of International Relations* 7, no. 1 (1 March 2001): Page 116.

¹⁵⁴ Stephen. Wertheim, 'Instrumental Internationalism: The American Origins of the United Nations, 1940–3': *Journal of Contemporary History*, 20 February 2019.

multilateral support through the UN, and actions that would not benefit from such multilateral support. As time has gone on, and the US has dealt with one foreign policy issue after another, the perennial presence of the UN as an instrument has meant that it has been more and more difficult for the US to identify the specific circumstances under which it does or does not need the UN. Even when the US has acted without Security Council authorization, it still comes before the Security Council to explain its actions to determine the future course of the occupied country.

To be able to ascertain when it does and does not need the UN, the United States would also need to be able to clearly conceptualize how the UN's role as an instrument fits into the broader framework of instruments at its disposal. The US's primary instrument is military force, with the UN being an additional, diplomatic instrument. Ideally for the US, it would want full discretion as to how to use these two instruments. This would mean sometimes using them as a very effective combination, and other times side-lining one in favour of the other. This has not always been possible.

Ikenberry describes the nature of the US's relationship with the UN as being an institutional bargain in which the US has given up some of its policy autonomy in exchange for a stable global order that is amenable to its national interest.¹⁵⁵ This model sees the UN as an instrument whose utility also comes with its own restrictions. One of these restrictions entails a commitment to restraint when it comes to the use of force. In addition, norms and practices have emerged that require the US to seek Security Council permission in order to make use of military force. Consequently, the Security Council cannot always be used in concert with other instruments. As it evolves and gains prominence, it has the potential to gradually encroach on America's discretion in making use of other instruments.¹⁵⁶

As a result, the Security Council can still be thought of as an instrument, but it is not an instrument in the conventional sense. The Security Council's role has very few clearly defined parameters, but continues to shift and evolve as the years pass and as the nature of conflict and cooperation between states changes. This means that the US and other states have less scope to foresee how it will evolve as an instrument, and to anticipate the long-term impact of their use of the UN. It can be argued that this ambiguity of role was written into the very foundations of the UN. The UN was designed with an open-ended mandate, to respond to the potentially unlimited range of threats and challenges that could emerge in the future.¹⁵⁷

There was an initial need for flexibility, due to the uncertainty about what security challenges would emerge as the years went by. Edward Stettinius, the then-US Secretary of State (1944-45) reported to President Roosevelt that ; "an overwhelming majority of the participating governments were of the opinion that the circumstances in which threats to the peace or aggression might occur are so

¹⁵⁵ G. John Ikenberry, 'Power and Liberal Order: America's Postwar World Order in Transition'. *International Relations of the Asia-Pacific* 5, no. 2 (1 January 2005): Pages 133–52.

¹⁵⁶ John Bolton, op.cit..

¹⁵⁷ Edward Luck, "The Creation of The Security Council and its relevance today" ed Lowe, Vaughan, ed. *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*. Oxford: Oxford University Press, USA, 2010. Page 63

varied that the provision should be left as broad and as flexible as possible.”¹⁵⁸ The possibility of evolving and adapting to changing global circumstances was an important consideration. Another factor was the need for consensus and unanimity amongst the victorious allies (UK, France, USA, Russia and China).

In his seminal 1966 article on this topic, entitled “Collective Legitimization as a Political Function of the United Nations”, Inis L. Claude Jr argues that the role of legitimator of action was not part of the original mandate of the UN, but emerged over time.¹⁵⁹ He argues that this role was thrust upon the UN by self-interested member states, who required an instrumental method of justifying their actions. Claude writes; “Collective legitimization is an answer not to the question of what the United Nations can do but to the question of how it can be used.” It is true that states have frequently used the UN as an arena to rally support for their self-interested uses of force. States like the US want an instrument that can help them get the support and participation of other states. In addition to rallying support, states also seek to lower the political costs of military action as pertains to their relations with other states that are entirely opposed to the military action. They reason that this opposition to military action will be less likely to harm their diplomatic relations with those states if the military action has gotten the support of a multilateral organization.

Related to this, there is also a “tug of war” that takes place between more powerful nations and weaker nations. This tug of war is what has had an enormous role in giving rise to the norms with which US has taken issue. As mentioned above, bigger countries use the UN as a way of legitimizing military action and rallying allies, and smaller countries use this legitimation role in order to try and tie powerful nations down and stop them from engaging in unilateral aggression. As Nico Krisch writes; “From the perspective of powerful states, institutions tend to appear as unwelcome constraints, as a ‘strategy of the weak’ intended to tie them down. For weak states, international institutions often represent precisely the opposite: tools of the powerful that are intended to conceal or even legitimate dominance.”¹⁶⁰ In every situation in which a given White House administration does not think the UN is a useful instrument, there are less powerful nations who think the UN should be front and centre in resolving the impasse.

More powerful countries have the potential to achieve their desired outcomes on the world stage through unilateral uses of force, so see a big opportunity cost in going through multilateral institutions. In order to mitigate against this opportunity cost, powerful nations like the US attempt to use the UN in order to project their power and influence, thus reinforcing existing power disparities. From a smaller country perspective, the UN needs to be able to restrict more powerful countries from militarily dominating smaller countries. The input of smaller countries into the UN has tended to be aimed at curtailing the dominance of the more powerful nation-states. This has often meant placing restrictions on the discretion of more powerful nations (and all other nations) in

¹⁵⁸Relations, United States Congress Senate Foreign Relations Committee. *The Charter of the United Nations. Hearings ... July 9-13, 1945*, 1945 Page 89

¹⁵⁹ Inis L. Claude, “Collective Legitimization as a Political Function of the United Nations.” *International Organization* 20, no. 3 (1966): Pages 367–79.

¹⁶⁰, Nico Krisch “The Security Council and the Great Powers” ed. Lowe, Vaughan, Adam Roberts, Jennifer Welsh, and Dominik Zaum. *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*. OUP Oxford, 2010. Chapter 5, Page 1

using force. They are only perceived as being able to do so if they have the support of nine members of the Security Council, with no strong opposition (veto) from one of the permanent five.

The process of gaining this support has been gradually evolved and become conflated with “legitimation”. To legitimate something means to make it just or lawful. Although rallying support is distinct from the concept of legitimation, these two concepts are easily conflated in a multilateral institution that aims for a consensus-building approach to solving world problems. State participation in UN procedures has had the impact of strengthening the UN’s moral authority, and of leading many states to interpret UN approval of military action as conferring legitimacy. Claude speculates with the notion that this role of legitimator may have emerged as an outgrowth of the failure of the UN to fulfill the role for which it was founded, that of actually preventing aggression and war between member states. This has led to the evolution of UN norms in a direction that ultimately led it to be seen by many as the main legitimator of the use of force.¹⁶¹

The main forum for more powerful nations has been the Security Council, whereas smaller nations have had a bigger voice in the General Assembly. My argument primarily concerns the role of the Security Council, as the Security Council passes legally binding resolutions. The General Assembly approves the UN budget, but its resolutions do not have any binding, or enforceable power. Nevertheless, General Assembly recommendations and resolutions are an important symbolic tool and microcosm of the opinions of member governments.¹⁶²The General Assembly also has an important role in setting the tone and tenor for the UN as an organization.

The framers of the Charter understood that the UN could only remain cohesive if all states had a stake in its progress, which is why it gave smaller nations equal rights in the General Assembly and gave them a forum in which to air their grievances. At its founding, the UN had 51 member states. In the General Assembly, all nations were given an equal vote, regardless of size or financial contribution. The General Assembly’s structure often takes the appearance of being fundamentally intended to dilute disparities in material power, in an effort to move towards a world order that is based on collective security, norms and accountability. For a smaller state, the risk of being invaded would be **greater** than the potential benefits that could be accrued from unilateral uses of force.¹⁶³

Smaller countries are therefore much more likely to push for the UN to be an institutional restraint on the use of force. They also seek to use an institution like the UN as an arena to get their voices heard and level the playing field of global politics. As a result, many Global South states have a combined GDP that would come to a fraction of that of the United States, and yet they frequently managed to thwart the US’s wishes in the General Assembly chamber, due to each General Assembly member state getting an equal vote, despite enormous disparities in their size and financial contribution to the body. This institutional structure has frequently led to counter intuitive outcomes that go against conventional notions of “might is right”. There have been contexts in which human rights norms, and the preferences of the weak have triumphed over strong actors and strong states.

¹⁶¹ Alexander Thompson, ‘Coercion through IOs: The Security Council and the Logic of Information Transmission’. *International Organization* 60, no. 1 2006: Page 1–34.

¹⁶² David M. Malone, *The UN Security Council: From the Cold War to the 21st Century*. Lynne Rienner Publishers, 2004.

¹⁶³ Shashi Tharoor, ‘Why America Still Needs the United Nations’. *Foreign Affairs* 82, no. 5 (2003): Pages 67–80..

Consequently, the United States's enormous clout and influence in the world has not prevented the chamber of the General Assembly from frequently repudiating key American foreign policy concerns, particularly as they pertain to Israel.¹⁶⁴ The process of drafting charters and resolutions is innately inter-subjective, having input from other parties. The US's attempts to universalize its values have not led to its complete domination of the chamber.¹⁶⁵ America's losses in the General Assembly have not in anyway changed the balance of power, but have undermined America's self-image as the dominant force in world politics.¹⁶⁶

Many of the norms that have prevailed in the UN are a product of "small country" concerns that are antithetical to the American national interest. As far back as 1975, Daniel Patrick Moynihan wrote of the tyranny of the UN's new majority that was comprised of anti-colonial, anti-Western states that were railing against a history of oppression and exploitation from the industrialized, first world nations.¹⁶⁷ This led them to be easy fodder for Soviet influence. Although most of these states did not overtly become Communist, they developed distinct collectivist, anti-Western ideologies. The prominence of these norms increased the likelihood that the UN's actions would clash with the instrumental goals for which America seeks to use it. Moynihan criticized American foreign policy in the UN for being excessively acquiescent in appeasing this numerically powerful bloc of developing nations.¹⁶⁸ Although General Assembly resolutions were not binding and it had no power to authorize the use of force, these developments still undermined the US's self-image as a global superpower throughout the Cold War.

In addition to this there is the widely held belief in the international community that the UN is more than an instrument, but a moral authority. This means it should be listened to and consulted not just as a means to achieving other national goals, but as an end in itself.¹⁶⁹ Proponents of this view argue that the stability of the global system is dependent on widespread adherence to UN norms, even when compliance with UN norms is not always convenient for individual member states.

There are two key obstacles that prevent the Security Council from being an effective instrument. Firstly, as I have mentioned elsewhere, the exclusivity in legitimating force that states such as the US

¹⁶⁴ Kathleen Teltsch, 'Moynihan Calls on U.S. to "Start Raising Hell" in U.N.' *The New York Times*, 26 February 1975, sec. Archives. <https://www.nytimes.com/1975/02/26/archives/moynihan-calls-on-us-to-start-raising-hell-in-un.html>.

¹⁶⁵ Lise Morjé. Howard, 'Sources of Change in United States-United Nations Relations'. *Global Governance* 16, no. 4 (2010): Pages 485–503.

¹⁶⁶ Bruce Cronin, 'The Paradox of Hegemony:: America's Ambiguous Relationship with the United Nations'. *European Journal of International Relations* 7, no. 1 (1 March 2001): Pages 103–30. <https://doi.org/10.1177/1354066101007001004>.

¹⁶⁷ Daniel Patrick Moynihan 'The United States in Opposition', *Commentary Magazine*. 1 March 1975. <https://www.commentarymagazine.com/articles/daniel-moynihan/the-united-states-in-opposition/>. See also: Gil Troy, *Moynihan's Moment: America's Fight Against Zionism as Racism*. Illustrated edition. Oxford ; New York: OUP US, 2012. Page 41

¹⁶⁸ Jacques Fomerand, "UN–U.S. Relations from the Standpoint of the Organization: What Can the UN Do with an 'Indispensable Nation' and 'Reluctant Sheriff'?" *American Foreign Policy Interests* 29, no. 4 (September 11, 2007): Pages 267–79.

¹⁶⁹ Staff, Guardian. 'War Would Be Illegal'. *The Guardian*, 7 March 2003. <http://www.theguardian.com/politics/2003/mar/07/highereducation.iraq>.

would deny the Security Council is the very thing that it may need in order to effectively carry out its role. What has consequently emerged is a bizarre “Catch-22” of legitimacy.¹⁷⁰ The US will only accept the authority of the Security Council to place restrictions on its own freedom to use unilateral force if it is confident that the collective security institutions are effective at maintaining peace and confronting global threats. Yet the Security Council can only be effective in containing threats if the US and other P-5 countries accept its authority.

Secondly, the Security Council is a body made up of member states with radically different political outlooks. This makes it difficult to agree a consensus on the best approaches to combatting security threats. This is an unresolved impasse that successive American administrations have had to navigate.

This meant that it has become difficult to use it instrumentally, as it cannot be easily bended to suit the will of the United States.¹⁷¹ The US has had difficulty imposing its will on both the General Assembly and Security Council, partly because of the legitimation role and expanded membership of both bodies. This has had particularly notable implications for the Security Council. The perceived inadequacy of the Security Council as an instrument has consequently been a recurring theme in the US’s engagements with the chamber. This has been a major justification for the US’s decisions to act outside of the procedures of the Security Council.

I need to examine how certain foreign policy outlooks navigate this complicated relationship, and what implications their approach has for the US’s propensity to use force without Security Council authorization. Different approaches from different administrations have emerged due to uncertainty about how exactly to make use of the UN. The ambiguity that has been written into the UN Charter and the dilemmas that have emerged mean that the role of the Security Council is open to interpretation.

The justifications for unauthorized military interventions have frequently been predicated on a certain understanding of the Security Council either not being up to the task of confronting a global security threat, or requiring the initiative of individual states. The justifications for US military actions that are undertaken without Security Council involvement have implied that the Security Council is not adequately prepared or is not taking a sufficiently proactive role in confronting security threats.¹⁷² According to this logic, a passive approach by the Security Council has the potential to necessitate vigilante enforcement of resolutions by individual member states (i.e interventions or enforcements of Security Council resolutions without explicit legal authority).¹⁷³

¹⁷⁰ Michael Ramsey, ‘Reinventing the Security Council: The U.N. as a Lockean System’. *Notre Dame Law Review* 79, no. 4 (1 July 2004): 1529.

¹⁷¹ G. John. Ikenberry, “Is American Multilateralism in Decline?” *Perspectives on Politics* 1, no. 3 (2003): Pages 533–50. “Bolton in a China Shop.” NYMag.com. Accessed October 3, 2018. <http://nymag.com/nymetro/news/politics/international/features/15457/#print>.

¹⁷² Richard Perle, ‘Richard Perle: Thank God for the Death of the UN’. *The Guardian*, 21 March 2003, sec. Politics. <https://www.theguardian.com/politics/2003/mar/21/foreignpolicy.iraq1>.

¹⁷³ Michael D Ramsey makes this argument in: ‘Reinventing the Security Council: The U.N. as a Lockean System’. *NOTRE DAME LAW REVIEW*, Page 1529. He argues that the legitimacy of the US’s 2003 invasion of Iraq can only be properly evaluated within the context of the Security Council’s failure to contain Saddam Hussein.

I am exploring the manner in which ideology shapes the way administrations interpret the Security Council's role. This in turn could potentially shape their decision to use force without recourse to the Security Council. The nature of the action itself also shapes the case ultimately made to defend it. Some courses of action by their very nature necessitate justifications that are out of step with the UN's multilateral ethos.

I will now examine three historical case studies in order to illustrate how the differences in justification for the use of force have differed depending on the outlook of the administration. In all of these cases, no explicit case for military action was made to the Security Council. I am looking at the initial motivations for military engagement, followed by the justifications to the chamber (if any were made). I am then looking at the ultimate responses from the Security Council and General Assembly to examine how the justifications were received by the majority of member states and the UN leadership, which will shed some light on the disparities in norm acceptance between the US and other member states.

3.2 Reagan and Grenada

The Reagan administration's robust stance against Communism is widely remembered as the defining feature of its foreign policy outlook. The Reagan doctrine had extolled the US's willingness to intervene militarily throughout the globe in order to stop the tide of Communism. It was a moral justification for American assistance of foreign movements that were battling tyrannical regimes. It was strongly influenced by Neo-Conservatism. Reagan argued that the US may legitimately offer military support to insurgencies that battle nondemocratic governments maintained by force or by foreign arms. This was the basis on which Reagan sent Contras and ship mines to Nicaragua from 1979. This was also the basis for the military intervention in Grenada. Grenada was a small island in the Caribbean, not far from the coast Central America.

On October 19th 1983, the Prime Minister of Grenada, Maurice Bishop was overthrown in a military coup. by a rival faction of hard core Marxist-Leninists in the New Jewel Movement. This faction was led by Bernard Coard, who Bishop and other moderates under arrest. This led to a considerable amount of instability, including a nationwide strike, and widespread protests. Bishop was eventually executed. The Grenadian Governor-General Sir Paul Scoon had allegedly requested an intervention, although there is still some uncertainty as to the precise nature and context of this request.¹⁷⁴ Members of the Organization of East Caribbean States (OECS) held an emergency meeting on the 21st October and decided that urgent action was required.¹⁷⁵ On October 25, U.S. troops (accompanied by 500 troops from neighbouring OECS countries) invaded the island, overthrew the government and attained full control of the country within three days.¹⁷⁶

This was the first major US military operation since the end of the Vietnam War. It was also the only land war launched during the Reagan era. The primary justification advanced by the Reagan administration was that the U.S. forces were participating in an act of collective self-defense under Article 8 of the OECS charter and that international law permitted it to perform military interventions in order to enforce obligations of regional organizations.¹⁷⁷ The administration cited concerns about the safety of US students and families that were in Grenada. Ronald Reagan later declared in remarks to military personnel at Cherry Point, North Carolina: "Some of those so quick to criticize our operation in Grenada, I invite them to read the letters I've received from those students

¹⁷⁴ Gary Williams, "Shrouded in Some Mystery": The Governor General's Invitation and the 1983 Grenada Intervention'. *The Journal of Imperial and Commonwealth History* 44, no. 1 (2 January 2016): 140–62.

¹⁷⁵ James Feron, 'BARBADIAN LEADER DESCRIBES DISPUTES AND CONFUSION IN ARRANGING INVASION'. *The New York Times*, 28 October 1983, sec. World. <https://www.nytimes.com/1983/10/28/world/barbadian-leader-describes-disputes-and-confusion-in-arranging-invasion.html>.

¹⁷⁶ Ibid.

¹⁷⁷ Ronald Reagan. 'Remarks of the President and Prime Minister Eugenia Charles of Dominica Announcing the Deployment of United States Forces in Grenada'. *Reagan Library Presidential Library and Museum*. Accessed 24 April 2021. <https://www.reaganlibrary.gov/archives/speech/remarks-president-and-prime-minister-eugenia-charles-dominica-announcing-deployment>.

and their families. They know this was no invasion; they know it was a rescue mission."¹⁷⁸ The OECS states also claimed that they had acted in self-defence, as the situation in Grenada was a threat to regional security, even though there was no evidence that Grenada had posed a direct military threat to them.¹⁷⁹

The US did not refer the situation to the Security Council for investigation or settlement, and took action prior to any Security Council determination that there was a threat to the maintenance of international peace and security. As for much of the Cold war, the US determined that the presence of the Soviet Union and China on the P-5 would make it impossible to get a resolution passed. Consequently, the US did not notify the Security Council of the proposed invasion.

In her address to the UN Security Council, US Ambassador Jeanne Kirkpatrick stated that the action was "reasonable and proportionate" to the threat posed by the deterioration of authority in Grenada and the threat it posed to the region. She argued that Article 2(4) was "complementary to Article 51 (which affirms the inherent right to individual or collective self-defence)-/." Legal scholar Allan Gerson argued that U.S. actions in Grenada were justified under the U.N. Charter as an act of collective self-defence in response to an armed attack. Though there had not been an actual 'armed attack' on the U.S. or on any of the other states of the Caribbean, Gerson maintained that Operation Urgent Fury was a legitimate act of self-defence.

More controversially, Jeanne Kirkpatrick argued that Article 2(4)'s prohibition on the use of force, was not absolute, and should be interpreted within the context of the human rights provisions contained elsewhere in the Charter. U.S. Ambassador Jeanne Kirkpatrick argued that the language used in Article 2 (4), "or in any other manner inconsistent with the purposes of the United Nations," provided "ample justification" for the use of force in Grenada, as "in pursuit of the other values also inscribed in the Charter-freedom, democracy, peace." She argued that the Charter clearly emphasizes democracy and human rights as bedrock values of the world order, and disapproves of totalitarianism.¹⁸⁰ Most readings of the Charter do not acknowledge a right to regime change simply for the purpose of overthrowing a totalitarian regime. (I shall explore her role in the Reagan administration in more detail in my chapter on Neo-Conservatism)

Although the operation had involved multiple nations, key US allies had not been informed. The UK (a key stakeholder, given Grenada's status within the Commonwealth) had been kept in the dark concerning the plans leading up to the invasion. Margaret Thatcher privately shared her reservations about the invasion. As a result, the international response to America's intervention was overwhelmingly negative. A United Nations Security Council vote to condemn the invasion was vetoed by the United States, which cast the sole negative vote. Togo, the UK and Congo Zaire

¹⁷⁸ Ronald Reagan. 'Address at Cherry Point Marine Corps Air Station on the U.S. Casualties in Lebanon and Grenada'. *Ronald Regan Presidential Library* Accessed 26 March 2021. <https://www.reaganlibrary.gov/archives/speech/address-cherry-point-marine-corps-air-station-us-casualties-lebanon-and-grenada>.

¹⁷⁹ 'TRANSCRIPT OF ADDRESS BY PRESIDENT ON LEBANON AND GRENADA'. *The New York Times*, 28 October 1983, sec. U.S. <https://www.nytimes.com/1983/10/28/us/transcript-of-address-by-president-on-lebanon-and-grenada.html>.

¹⁸⁰ Richard. Bernstein, 'U.S. DELEGATE IN U.N. CALLS INVASION AN ACT OF DEFENSE'. *The New York Times*, 28 October 1983, sec. World. <https://www.nytimes.com/1983/10/28/world/us-delegate-in-un-calls-invasion-an-act-of-defense.html>.

abstained. This was the first time that the United States had ever had to stand alone in voting against a resolution condemning its actions. The 38th session of the UN General Assembly also expressed its disapproval of the invasion in a resolution that passed by a wide margin, and called for the withdrawal of foreign troops from Grenada.

Unsurprisingly, the action had considerable Neo-Conservative approval. In an article for the *New York Times*, Norman Podhoretz championed Reagan's intervention in Grenada as an example of a principled military intervention, on the side of weak democratic forces overwhelmed by Soviet-backed communists.¹⁸¹ He was also pleased with the re-assertion of American global military might and he praised the "clarity of purpose" of the intervention. Such clarity would have been almost impossible to achieve through a UN Security Council that was deadlocked due to a P-5 ideological impasse involving the US, the Soviet Union and their respective allies. Grenada is a very important example of a US invasion that prompted worldwide outrage concerning American unilateral aggression, while clearly reflecting Reagan's belief in the unsuitability of the Security Council as an instrument for fighting communism during the Cold War. I will now look at Bush Sr's invasion of Panama.

3.3 Bush Sr and Panama

George Bush Sr succeeded Ronald Reagan in January 1989. As the Cold war was now coming to an end, the Security Council was newly empowered, having been freed from the US-Soviet impasse. This resulted in a new, more proactive approach. As a result, Bush Sr's foreign policy is primarily remembered for his successful UN Security Council-mandated intervention in the Gulf War and expulsion of Iraq from Kuwait. Consequently, his unilateral invasion of Panama is frequently overlooked. The lead up to the Gulf War saw tireless multilateral diplomacy by the Bush Sr administration. Bush Sr ultimately succeeded in gaining Security Council authorization for using military force to expel Iraq from Kuwait. However, the Bush Sr administration had no robust commitment to multilateralism. This was a war with Realist objectives concerning America's geopolitical interests. Bush Sr was fortunate that America's national interest in this case coincided directly with the need for the Security Council to preserve stability in the Middle East and punish an act of unilateral aggression by Iraq. This was not true of the Panama invasion.

As the Cold War was coming to an end, it was thought that the US and Soviet Union would no longer be tempted to circumvent international law in order to serve the ends of their protracted ideological conflict. Yet in 1989, the United States invaded Panama without authorization. The invasion of Panama was the US's first non-Cold war related military intervention since World War Two. The military government of Noriega had been ruling Panama since 1983. He had initially been supported by the US, and been a conduit for the CIA supplying aid to the Contra rebels in Nicaragua. The CIA also launched many intelligence operations from Panama during this time. His relations with the US began to deteriorate in the last 1980s as he was accused of covert co-operation with Fidel Castro in Cuba and his involvement in drug trafficking. The latter accusation ultimately culminated in him

¹⁸¹ Norman Podhoretz, 'Opinion | PROPER USES OF POWER'. *The New York Times*, 30 October 1983, sec. Opinion. <https://www.nytimes.com/1983/10/30/opinion/proper-uses-of-power.html>.

being indicted by federal grand juries in Tampa and Miami.¹⁸² Reagan administration began negotiating for him to step down in 1986. It also enforced sanctions on Panama in 1988.

Tensions escalated after the disputed 1989 election, as the US had raised concerns about irregularities in the voting process. Noriega clung to power despite claims from the opposition that he had lost the election. In August 1989, the United States informed the United Nations Security Council that United States that the safety military personnel in Panama had been undermined. Noriega had also impeded the US's access to the Panama Canal. Since 1914, the Panama Canal had been a vital trade route for the United States. By 1992, 14% of all the United States' international seaborne trade passed through the Panama Canal.¹⁸³ The Panama Canal was crucial for continued U.S. economic stability and prosperity and the US was willing to go to great lengths to ensure continued access to it. The US even claimed that Panama had acted in violation of several bilateral treaties regulating the Panama Canal, with these treaties ultimately giving the United States the right to use force against Panama.

In September 1989, the United States refused to recognize Noriega's government and suspended all imports of Panamanian sugar. In October, the United States had a hand in a foiled coup attempt against General Noriega by the Panamanian Defense Forces. In November, the United States military began to make serious plans to invade Panama. On December 15, 1989, the National Assembly of Panama declared that a state of war now existed between Panama and the United States.¹⁸⁴ Bush argued that by declaring that a state of war existed between the U.S. and Panama, Noriega had threatened the lives of the approximately 35,000 U.S. citizens living in Panama. Panamanian forces had also killed an unarmed US serviceman. The US had also received intelligence reports concerning planned commando attacks on American citizens in Panama's residential suburbs.

In December 1989, in response to this perceived mounting threat, the United States invaded Panama. The military action was known as Operation Just Cause, and involved troops stationed both in Panama and in the United States. They attacked and defeated the Panamanian Defense Forces (PDF), removed the existing government of Panama, and installed a group that had been the apparent victors in elections held earlier that year. Noriega was eventually extradited to the US to face charges.¹⁸⁵ In total, 12,000 US military personnel which were deployed (in addition to the roughly 12,000 troops that were already stationed in Panama), 26 Americans and 700 Panamanians were killed during the invasion.¹⁸⁶

¹⁸² Ved P. Nanda, 'The Validity of United States Intervention in Panama under International Law'. *The American Journal of International Law* 84, no. 2 (1990): Pages 494–503.

¹⁸³ Ibid.

¹⁸⁴ Ibid.

¹⁸⁵ Carl T. Bogus, 'The Invasion of Panama and the Rule of Law'. *The International Lawyer* 26, no. 3 (1992): Pages 781–87.

¹⁸⁶ Eytan Gilboa, 'The Panama Invasion Revisited: Lessons for the Use of Force in the Post Cold War Era'. *Political Science Quarterly* 110, no. 4 (1995): Pages 539–62.

During the invasion of Panama, democratization and defence of human rights were cited as key motivations.¹⁸⁷ The US argued that it was restoring democracy in Panama, and stemming the trend towards authoritarianism that had characterized Noriega's rule. The US side-lined the Security Council during this invasion, only making perfunctory gestures that resembled half-hearted attempts at justifying itself under international law. The US government invoked Article 51 of the UN Charter, which entitled the US to act in self-defence.¹⁸⁸ The US claimed that US citizens and military personnel had been endangered by the Panamanian regime. This justification was also based at least in part on pre-emptive logic, even if it was based on initial Panamanian provocation. The US also claimed it was extraditing Noriega based on his violations of international law concerning drug trafficking.¹⁸⁹ Many international lawyers support the right of states to rescue their citizens abroad, and the US's invocation of Article 51 had some plausibility. However, this military operation was far out of proportion to what was needed for a rescue. Proportionality of action is a key principle of international law.

Unlike the aftermath of Grenada, after the Panama invasion the US still retained the support of several allies. The US retained the support of its allies because the Panamanian invasion was not an enormously polarizing issue for domestic governments in Western countries. It also did not take place in a geo-politically sensitive region of the world, unlike US-led conflicts that were to come. The UN votes were divided along ideological lines, with Western nations mostly siding with the US, and Ex-Soviet bloc and non-aligned countries more inclined to condemn US action. The Soviet Union and the third world council members argued that the intervention violated the United Nations Charter. The United States, Britain and France vetoed a Security Council resolution criticizing the American invasion of Panama, although a majority of the Council's 15 members voted in favour. The UN General Assembly passed a resolution condemning the invasion of Panama by a vote of 75 to 20, with 40 abstentions.¹⁹⁰ Consequently, although not as unanimous as the Grenada invasion, the Panama invasion still provoked significant international opposition. It also demonstrated that although the Cold war was coming to an end, the Security Council would continue to be a divided body, and there would remain the temptation for the US to sideline the Security Council when pursuing military action. I will now look at Clinton's intervention in Kosovo, which was met with much less global opposition.

¹⁸⁷ "Public Papers- Address to the Nation Announcing United States Military Action in Panama 1989-12-20" – *George H W Bush Presidential Library and Museum*, Accessed 26 April 2021. <https://bush41library.tamu.edu/archives/public-papers/1356>.

¹⁸⁸ Nanda, op.cit

¹⁸⁹ "Public Papers- Address to the Nation Announcing United States Military Action in Panama 1989-12-20" Ibid.

¹⁹⁰ John Quigley, 'The Legality of the United States Invasion of Panama'. *Yale Journal of International Law* 15, no. 2 (1 January 1990). <https://digitalcommons.law.yale.edu/yjil/vol15/iss2/3>.

3.4 Clinton and Kosovo

The primary rationale for American military interventions undertook a dramatic shift under Clinton.¹⁹¹ Clinton's foreign policy priorities converged in many important ways with those of the UN.¹⁹² Clinton's tenure coincided with an era in which the Security Council had a growing ambition about what it could do on the world stage was matched by a realization that there were many troubled spots throughout the globe that needed pro-active solutions. The 1990s was a decade in which intra-state warfare was more common than inter-state warfare. Civil wars and genocides had led to many situations in which civilian casualties were the direct targets of attacks and not simply part of the indirect collateral damage.

In 1994, President Clinton sent 16,000 American troops to Haiti, under the auspices of the U.N., to help oversee a democratic transition. Under Clinton, American troops also participated in U.N. peacekeeping missions in war-torn countries such as Macedonia and Rwanda. The US initially helped implemented a no-fly zone through the UN in Bosnia, in theory committed to in August 1992 but enforced only in the late spring of 1993, after a deal was reached between U.N. Security Council members. On 16 April 1993, The United Nations Security Council declared Srebrenica a UN safe area under the protection of UN peacekeeping forces with Resolution 819.¹⁹³ However, necessary steps were not taken to ensure the safety of this region, and instability ultimately culminated in genocide.

The sense of shame that Clinton and other NATO leaders felt at their failure to prevent more human carnage in Bosnia was a big factor in their intervention in Kosovo.¹⁹⁴ Atrocities in the former Yugoslavia had been happening since 1991. Kosovo was inhabited both by ethnic Albanians and Serbs, and had previously been a province of the former Yugoslavia. It had gained significant autonomy within Yugoslavia and had an Albanian-majority population. It was now trying for independence. In opposition to this, the Serb-dominated Yugoslavia army was deployed in Kosovo. There was a risk that the situation was again going to escalate into ethnic cleansing.

In early 1998, the UN Security Council imposed an arms embargo on Yugoslavia. As the situation further deteriorated, many observers suggested further action. Resolutions 1199 and 1203 had declared that Yugoslavia must stop all action against the civilian population and accepted the fact

¹⁹¹ Stephen M. Walt, 'Two Cheers for Clinton's Foreign Policy'. *Foreign Affairs* 79, no. 2 (2000): Pages 63–79. <https://doi.org/10.2307/20049641>.

¹⁹² Lise Morjé Howard, 'Sources of Change in United States-United Nations Relations'. *Global Governance* 16, no. 4 (2010): Pages 485–503.

¹⁹³ UN Security Council, *UN Digital Library*, (48th. 'Resolution 819 (1993)', 16 April 1993. 819 <https://digitallibrary.un.org/record/164939>.

¹⁹⁴ 'Clinton Defends Kosovo Action' *CBS NEWS*. Accessed 23 September 2022. <https://www.cbsnews.com/news/clinton-defends-kosovo-action/>.

that the NATO alliance had a direct stake in seeing the Kosovo resolved.¹⁹⁵ Military intervention became a strong possibility due to overwhelming humanitarian necessity. Russia and China had made it clear that they would veto any further action through the Security Council. NATO ultimately did not even make an attempt to convince the Security Council to authorize the intervention. There is an argument that an attempt to gain authorization for the UN would have shown respect for the Security Council. However, others thought that it would be more difficult to get public support for an intervention that had been explicitly vetoed by the Security Council. Persuading China and Russia not to veto a resolution authorizing force looked like an insurmountable obstacle. The failure of the Security Council against concerned the ideological divisions amongst permanent members. The prevailing sentiment of the UN shared the outlook of the US, with China and Russia being dissenters.

A few days later, the US and its NATO allies agreed on a plan of Air strikes to defend the remaining Muslim civilians. The NATO bombings began on March 24th. There were no boots on the ground and there was no ground invasion. The decision not to use the Security Council was because of an emergency humanitarian intervention that was driven by liberal internationalist principles. This reasoning for the intervention demonstrated Clinton's concern for regional stability.

After the bombing began, one serious attempt was made to pass a Security Council condemnation of the NATO intervention. On 26th March 1999, a draft resolution sponsored by Russia called for an immediate end to the use of force against Yugoslavia.¹⁹⁶ Only three states voted in favour and 12 voted against. Although, it was trying to enforce UN Security Council resolutions without the legal authority to do so, it was difficult to argue that this was an unambiguous dismissal of the Security Council's capacity to resolve this crisis.¹⁹⁷ Most Security Council members did not consider the action against Yugoslavia to be flagrantly illegal. Even though there were no international legal instruments to explicitly justify the intervention in Kosovo, most Security Council members states accepted that this intervention although imperfect, was in-keeping with the general goals and ethos of the UN charter. NATO's bombing of Kosovo was ultimately judged as being compliant with the UN Charter.¹⁹⁸ In addition, after the intervention, Resolution 1244 was passed, which authorized an international civil and military presence NATO-led campaign, and established a UN administration over Yugoslavia.¹⁹⁹

The absence of an international fallout from Clinton bypassing the Security Council was due to the fact that Clinton's intervention in Kosovo was not motivated primarily by the US's egoistic national interest, but by an impending humanitarian crisis. Clinton had a more inclusive sense of America's national interest, interpreting it as being in concert with the priorities of multilateral organizations like NATO and the UN Security Council.

¹⁹⁵ S/RES/1199(1998), S/RES/1203

¹⁹⁶ 'SECURITY COUNCIL REJECTS DEMAND FOR CESSATION OF USE OF FORCE AGAINST FEDERAL REPUBLIC OF YUGOSLAVIA UN Press', Press Release, SC/6659. <https://press.un.org/en/1999/19990326.sc6659.html>. Accessed 23 September 2022.

¹⁹⁷ Adam Roberts, 'NATO's "Humanitarian War" over Kosovo'. *Survival* 41, no. 3 (1 January 1999): Pages 102–23.

¹⁹⁸ 'SECURITY COUNCIL REJECTS DEMAND FOR CESSATION OF USE OF FORCE AGAINST FEDERAL REPUBLIC OF YUGOSLAVIA UN Press' op.cit.

¹⁹⁹¹⁹⁹ UN Security Council, *UN Digital Library*, (48th. 'Resolution 1244 (1993)' S/RES/1244, 16 April 1993. <https://digitallibrary.un.org/record/164939>.

They were acting to forestall an imminent genocide and prevent unnecessary human suffering. This fear was justifiable given the recent nightmare of Bosnia. President Chirac argued that the “humanitarian situation constitutes a ground that can justify an exception to a rule”²⁰⁰ Some cited the 1948 Genocide Convention and the 1949 Geneva Convention. Because the oppression of the Kosovo Albanian population was increasingly becoming a threat to regional order and peace. In his statement concerning the bombings, Secretary General Annan called for an end to the NATO bombing only on the condition that the Yugoslav authorities stopped harming civilians, ceased military operations and allowed refugees to return.²⁰¹ He also refused to condemn the intervention as being a violation of international law.

Despite acting without the Security Council, Clinton’s justifications for his intervention demonstrated a profound respect for multilateral principles. Clinton did not attempt to impose a pro-American regime, obtain control over territory or resources, or pursue any other self-interested goals. It can be argued that it was also this outlook that enabled Clinton to circumscribe this as an aerial campaign and ultimately resist the temptation to deploy troops on the ground.²⁰² Nevertheless, it must be acknowledged that Clinton’s actions still demonstrate an acknowledgement of the fact that there are circumstances under which the US must act, even without UN authorization.

Earlier in this chapter, I discussed the difficulties the US may have in determining which military operations stand to benefit from Security Council involvement and which operations do not. From the US’s perspective, when the Security Council does not proactively enforce peace, it becomes necessary for individual states to act on their own initiative. The scope for the Security Council’s role thereby becomes smaller and smaller.

The common feature in all these cases was the perceived inability of the Security Council to devise solutions to security problems like Panama, Grenada, and Kosovo. This was due to the inability of P-5 member states to come to agreement concerning an appropriate course of action. The ideological divisions of the P-5 will always be an obstacle. The challenge of multilateralism is dealing with the different perspectives of member states and devising an approach that is acceptable to all parties, or at least passes the threshold of required votes, and does not incur a veto from any member state. This may not always be possible. The failure or inability to unite the Security Council around an agreed course of action is what may lead the US to decide to use force without authorization.²⁰³

These three historical examples illustrate the point that failures of multilateralism are always possible. However, they are made significantly more likely when the incumbent administration has an outlook that is less sympathetic to multilateralism, as in the case of Panama and Grenada. There is also a greater political cost to the military operation, as Security Council member states are less likely to sympathize with the motivations for the military intervention.

²⁰⁰ Ivo H. Daalder, and Michael E. O’Hanlon. *Winning Ugly: NATO’s War to Save Kosovo*. Brookings Institution Press, 2004, Page 44

²⁰¹ ‘Secretary-General Offers Conditions to End Hostilities in Kosovo’, press release SG/SM/6952, 9 April 1999.

²⁰² Erlanger, Steven. ‘NATO Was Closer to Ground War in Kosovo Than Is Widely Realized’. *The New York Times*, 7 November 1999, sec. World. <https://www.nytimes.com/1999/11/07/world/nato-was-closer-to-ground-war-in-kosovo-than-is-widely-realized.html>.

²⁰³ Michael D Ramsey, ‘Reinventing the Security Council: The U.N. as a Lockean System’. *Notre Dame Law Review* 79, no. 4 (1 July 2004): 1529.

Many UN member states had considerable sympathy for Clinton's motives in Kosovo. This partly due to the genuine intent to avert genocide, and also due to the multilateral nature of the campaign. This meant that the Clinton administration did not incur a significant political cost due to the fallout from the NATO campaign. There was less international sympathy for the US interventions in Grenada and Panama.

In this chapter, I have sought to set the historical context of the US's relationship with the UN and its Security Council. I have explored how the Security Council evolved over time and began to develop norms that were not always in keeping with the US national interest. I have also sought to use historical case studies to justify my presumption that ideology shapes US foreign policy decision-making with respect to war and the UN Security Council. The actions of Bush Sr, Reagan and Clinton are congruent with the outlooks that they were respectively known to have.²⁰⁴ This is the ideological impact I am arguing was even more decisive in the Bush Administration. Neo-Conservatives are more likely to pursue unilateral courses of action than other America foreign policy traditions and are consequently less likely to accept the level of restriction the Security Council may impose. Neo-conservative motivations for the Iraq war were so politically unpalatable that the most consequential P-5 opposition they provoked was not from Russia or China, but from France, a traditional ally.

In the next chapter, I will now Neo-Conservatism in more detail. I shall look at its origins, history, and how it came to have such a tremendous influence over the foreign policy establishment of the US.

²⁰⁴ Realism in the case of Bush Sr, muscular American Nationalism in the case of Ronald Reagan See: Kane, John. 'American Values or Human Rights? U.S. Foreign Policy and the Fractured Myth of Virtuous Power'. *Presidential Studies Quarterly* 33, no. 4 (2003): Page 787

Chapter 4: Neo-Conservatism

In my theory chapter, I have set forth a theoretical framework based on foundationalist Constructivism. There is an objective world that exists independently of human perception, but human beings have limited knowledge and understanding of this world. Our uncertainty about the world around us shapes everything we do. Ideologies are an attempt to make sense of the world, identify patterns and explain events based on limited information. I am arguing that Neo-Conservatism is the ideology that drove the Bush administration's efforts in the "War on Terror" and ultimately led to the invasion of Iraq war.²⁰⁵ In this chapter, I shall discuss Neo-Conservatism in more detail.

Neo-Conservatives argued that totalitarian regimes posed a unique threat to the American way of life. Totalitarianism leads such regimes to have an innately have a violent and coercive internal disposition in dealing with their own citizens. This has profound implications for how they engage with the outside world, especially for their willingness to resolve disputes with other states peacefully and their compliance with international law. Neo-Conservatives also see totalitarian regimes as having a tremendous capacity for swift mobilization of state security resources.

This is not intended to be a comprehensive history of Neo-Conservatism. I am simply seeking to trace the origins of the Neo-Conservative belief in American exceptionalism, preventive war and regime change.

These are the aspects of Neo-Conservatism that I am arguing put the Bush administration at odds with traditional allies on the Security Council. Due to the influence of Neo-Conservative ideas, the Bush administration began with *a priori* assumptions about the Saddam regime that meant regime change was a foregone conclusion, regardless of the absence of conclusive evidence that Saddam Hussein was a threat. In a post 9/11 era with new challenges that included rogue nations and terrorist networks, their belief in the efficacy of the use of force had wide ranging consequences. It meant that they thought they could justify single-handedly enforcing Security Council resolutions without specific authorization, and that they could engage in preventive strikes.

²⁰⁵ Neo-Conservatism as a motivation for the Iraq is explored more generally in: Brian C. Schmidt, and Michael C. Williams. 'The Bush Doctrine and the Iraq War: Neoconservatives Versus Realists'. *Security Studies* 17, no. 2 (22 May 2008): 191–220. <https://doi.org/10.1080/09636410802098990>, John Dumbrell, 'The Neoconservative Roots of the War in Iraq.' In *Intelligence and National Security Policymaking on Iraq: British and American Perspectives.*, edited by James P. Pfiffner and Mark Phythian, 19–39. Manchester: Manchester University Press, 2008. <http://www.manchesteruniversitypress.co.uk/catalogue/book.asp?id=2592>. Chuck Hagel, and Peter Kaminsky. *America: Our Next Chapter: Tough Questions, Straight Answers*. First Edition edition. New York: Ecco, 2008.

A preventive strike is a strike that is initiated with the purpose of eliminating the potential threat of an enemy when that threat is not understood as being imminent. This is different from a pre-emptive strike, in which a nation attacks an enemy in anticipation of an immediate threat.²⁰⁶ With this approach, a nation seeks to forestall enemy preparations for an attack before they fully materialize into a threat. This is the tenet of Neo-Conservatism that caused the most controversy, and most clearly put the Bush administration on a collision course with the United Nations.

As noted in my chapter on the history of US-UN relations, American Conservatives of various stripes have historically been sceptical of the United Nations for a variety of reasons. I have also conceded that Presidents on all sides of the political spectrum have used force without Security Council authorization. This thesis seeks to demonstrate that Neo-Conservatism's unique form of radical militarism put the Bush administration at odds with the UN. This was because unilateral enforcement of Security Council resolutions and preventive war went against most mainstream interpretations of the UN Charter.

Neo-Conservatism is the ultimate embodiment of an American rejection of the multilateral norms that liberal internationalist organizations like the UN promote. More specifically, Neo-Conservatism is the foreign policy outlook that has been most forceful in rejecting the notion of the UN Security Council as an exclusive legitimator of force. Neo-Conservatives are also more interventionist and demonstrate more of a concern with the rest of the world than many other right-leaning US foreign policy worldviews.

Traditional Conservatism is based on respecting convention, and tradition. It is pragmatic, has less a priori assumptions. More traditional forms of Conservatism are inclined toward Nationalist, Realist or Isolationist outlooks.²⁰⁷ They are less inclined to disturb the status quo and more concerned with preserving a favourable "balance of power", regardless of the ideological content of the regimes they deal with.

However, this chapter shall seek to demonstrate that the main reason Neo-Conservatism is distinct from other forms of Conservatism because many of its founding thinkers have their intellectual origins on the Jewish left. Due to its origins in idealistic forms of left-wing activism, Neo-Conservatism is more likely than traditional Conservatism to be a product of consciously formulated, a priori ideas. These formulated ideas are a-priori principles, not based on evidence or direct observation. These principles involve active anti-totalitarianism and humanitarian solidarity with victims of tyrannical regimes.

²⁰⁶ Kaufman writes that this is the main distinction between the two different forms of strike: Whitley Kaufman, 'What's Wrong with Preventive War? The Moral and Legal Basis for the Preventive Use of Force'. *Ethics & International Affairs* 19, no. 3 (December 2005): Page 23.

²⁰⁷ This is discussed by Brian Rathbun in Rathbun, Brian C. 'Does One Right Make a Realist? Conservatism, Neoconservatism, and Isolationism in the Foreign Policy Ideology of American Elites'. *Political Science Quarterly* 123, no. 2, 1 June 2008: Pages 271–99.

In exploring the journey of early Neo-Conservatives and synthesizing some of their early work, this chapter shall demonstrate that Neo-Conservatism has its origins in a group of second-generation 20th century American Jews, and their intellectual odyssey that began on the left of politics, as Trotskyists and Liberals. As they moved from the left to the right of the political spectrum, they still retained a desire to maintain humanitarian solidarity with the global anti-totalitarian movements that they had championed in their leftist days.²⁰⁸ As America was a beacon of freedom and resistance to tyranny, this anti-totalitarianism became wedded to America's national interest. They concluded that the best way to oppose totalitarianism was through an assertive form of American hegemony. In the aftermath of 9/11, their opposition to totalitarianism also led them to over-estimate the threat posed by such regimes, and to advocate for preventive war.

Neo-Conservatives began to see that the struggle against tyranny was best waged by conserving the values of the American liberal democracy and fighting the Soviet Union. As Joshua Muravchik wrote; "however much capitalist America might fall short of our edenic socialist vision, Communism was infinitely farther from the mark and, to boot, posed a lethal threat".²⁰⁹ Thinkers like Kristol and Podhoretz ultimately reconciled themselves to American Capitalism and began to advocate for a re-assertion of muscular American values at home. They also realized that moral issues are interconnected with concerns of national security. As America was a diverse melting pot, it was a living embodiment of liberal, humanitarian values. They came to advocate a much more bold and uncompromising embrace of American exceptionalism.

I define American Exceptionalism as the belief that America is unique among nations due to its founding on principles of freedom, liberty and democracy. America serves as a shining example to the world, has special responsibilities and is not subject to the restrictions and life cycles that characterize other nation states. The American system is the best regime to which all other political systems should aspire. This makes it a beacon of hope that the entire world should look up to and seek to emulate. This also means that the US should not be subject to moral dictates from multilateral institutions that lack the unique moral legitimacy that the US has.

American foreign policy outlooks throughout the political spectrum all share this notion of America as an exceptional nation. Varying degrees of American Exceptionalism are part of a nascent domestic consensus in American politics. However, what policymakers do with this Exceptionalism frequently depends on other aspects of their worldview. Neo-Conservatism has a more assertive interpretation of American Exceptionalism that is more militaristic and more dismissive of global governance. Neo-conservatives came to argue that this approach of hypervigilance towards tyrannical adversaries has been vindicated by the end of the Cold

²⁰⁸ Gary Dorrien, *Imperial Designs: Neoconservatism and the New Pax Americana*. 1 edition. New York: Routledge, 2004. Chapter 1, Page 8

²⁰⁹ Joshua Muravchik, 'Comrades' *Commentary Magazine*, 1 January 2006.
<https://www.commentary.org/articles/joshua-muravchik/comrades/>.

war and the fall of the Soviet Union. The Cold war was a global impasse in which organizations like the US were effectively paralyzed and impotent.

The left wing background and Jewish heritage of many Neo-Conservatism have been enormously consequential in hoping to shape an ideology that is fiercely unapologetic in its espousal of American militarism. As I am attempting to trace the evolution of Neo-Conservatism, my argument will be a chronological one. In this chapter I will trace the evolution of Neo-Conservative thought throughout the second half of the 20th century. I will outline its key tenets and beliefs in the post Cold war era. I shall now begin with the early years.

4.1 Early Years

Many of the thinkers who would come to be associated with Neo-Conservatism had their origins on the left of American politics. The term “Neo-Conservatism” was first applied pejoratively by Michael Harrington (The American socialist leader) in his 1973 *Dissent* article, “The Welfare State and its Neoconservative critics”.²¹⁰ This initial use of the term primarily concerned domestic policy. Harrington was critical of his erstwhile allies whose moralism he now thought had led them to abandon the left wing causes of fighting inequality and championing the rights of the poor and oppressed.

In his book, *The Rise of the Counter-Establishment*, Sidney Blumenthal argues that the first generation of Neo-Conservatives were primarily defined by the decade during which they were student radicals (1930s) and the decade in which they reacted against student radicals (1960s).²¹¹ The rapid transformations that took place in world politics in the intervening 30 years provided the backdrop for a rapid political evolution amongst this group of thinkers that would be enormously consequential in the second half of the 20th century. Blumenthal writes that in Marxism in particular the young Trotskyists “learnt the political value of universal principles, the dynamic role of history, and the crucial role of the vanguard”²¹²

One particular faction of the first generation of Neo-Conservatives emerged from the infamous alcove No. 1 of the City College of New York in the late 1930s and early 1940s.²¹³ This group included Irving Kristol, Daniel Bell, Nathan Glazer and Gertrude Himmelfarb, who would later come to prominence as part of the New York intellectuals.²¹⁴ The alcoves were chambers that were the “hangouts” for various factions of budding student activists. Many of the occupants of Alcove No.1 were followers of the leading American Trotskyist Max Shachtman. Trotskyists of this era (such as Sidney Hook and James Burnham in 1933) were convinced that the Russian Revolution had not done enough to liberate the working class.²¹⁵

Beginning in the 1930s, they also argued that the Soviet Union had abandoned the dream of a free, democratic socialism and morphed into a brutal, totalitarian state. Many of Kristol’s

²¹⁰ Michael Harrington, ‘The Welfare State and Its Neoconservative Critics’ *Dissent Magazine*.. Accessed 26 March 2022. <https://www.dissentmagazine.org/article/the-welfare-state-and-its-neoconservative-critics>.

²¹¹ Sidney Blumenthal, *The Rise of the Counter-Establishment: From Conservative Ideology to Political Power*. New York: Times Books, 1986. Page 138-40

²¹² Ibid. Page 124

²¹³ Irving Kristol, ‘Memoirs of a Trotskyist’. *The New York Times*, 23 January 1977, sec. Archives. <https://www.nytimes.com/1977/01/23/archives/memoirs-of-a-trotskyist-memoirs.html>.

²¹⁴ Neil Jumonville explains this in the editors introduction of : *The New York Intellectuals Reader*. Taylor & Francis, 2007, Page 38

See also Anemona Hartocollis, ‘At City College, Still Arguing the World’. *The New York Times*, 24 October 2004, sec. New York. <https://www.nytimes.com/2004/10/24/nyregion/thecity/at-city-college-still-arguing-the-world.html>.

²¹⁵ Irving Kristol, ‘Memoirs of a Trotskyist’. *The New York Times*, 23 January 1977, sec. Archives.

generation of Trotskyists came to conclude that totalitarianism was a much bigger threat to democracy than capitalism. This belief was reinforced by the horrors of the Second World War. Many who were previously on the radical left began to accept that a proletariat revolution was untenable and that their best hope for social justice was a form of progressive social democracy. They also began to find common cause with the American establishment in the fight against Fascism and their hostility to liberalism consequently began to fade.²¹⁶

During this time, the American Jewish Committee founded *Commentary* magazine in 1945, with Elliott Cohen as editor.²¹⁷ It was founded with the intent of eschewing Jewish American political radicalism, and leading Jewish intellectuals into a home in which they could reconcile their heritage with mainstream American values. Cohen wished to “harmonize country and heritage into a true sense of at-homeness”.²¹⁸ The editorial team at *Commentary* would also come to include Kristol, Norman Podhoretz, Nathan Glazer, Irving Howe, Clement Greenberg, Robert Warshow, Robert Clurman and Saul Bellow.

As the battle lines of the Cold War became clearer and the debates intensified in the 1960s, it became increasingly apparent that the pernicious influence of the New left was seeping into mainstream liberalism. Irving Kristol castigated American liberals for what he saw as their naivety in the face of the Soviet threat. As early as 1952, Kristol had written; “[T]here is one thing that the American people know about Senator McCarthy: he, like them, is unequivocally anti-Communist. About the spokesmen for American liberalism they feel they know no such thing. And with some justification.”²¹⁹ Senator Joseph McCarthy was the Republican Senator for Wisconsin from 1947 until his death in 1957. He attained considerable national prominence in the 1950s, being an outspoken opponent of what he saw as Communist infiltration of key American institutions. Although critical of McCarthy, Kristol respected his robust stance against the Soviet Union, and lamented the failure of the American left to demonstrate such ideological coherence.

By 1961 Kristol had become much more sympathetic to the long term goals of US foreign policy.²²⁰ In 1965, Irving Kristol founded *The Public Interest*. Kristol’s views on domestic policy had also been undergoing a shift. Having been raised in poverty, he was sympathetic to the goals of Lyndon B Johnson’s Great Society, but was sceptical of government regulations and central planning. He was also sceptical of the left wing counter-culture that

²¹⁶ Irving Kristol, *Neoconservatism: The Autobiography of an Idea*. 1st Elephant Paperback Ed edition. Chicago: Ivan R Dee, 1999. Page 3-4

²¹⁷ Norman Podhoretz, ‘Elliot E. Cohen, A Remembrance’. *The Princeton University Library Chronicle* 63, no. 1–2 (2002): Page 2501

²¹⁸ Elliot Cohen, ‘An Act of Affirmation’, *Commentary*, 1 November 1945.
<https://www.commentary.org/articles/elliotecohen/an-act-of-affirmation/>.

²¹⁹ Irving Kristol, ‘“Civil Liberties,” 1952—A Study in Confusion,’ *Commentary* March 1952: 229.

²²⁰ He discussed this with Stuart Hughes in. ‘Deterrence’ *Commentary*, 1 July 1961.
<https://www.commentary.org/articles/irving-kristol/deterrence/>.

had emerged on the back of social justice activism. Kristol's new magazine brought together several thinkers who had challenged the progressive consensus on key domestic issues. On the staff of *The Public Interest* were figures such as Daniel Patrick Moynihan and Daniel Bell. Moynihan had already begun to dissent from the left on domestic issues.

In his article "Memoirs of a Trotskyist", Kristol is very quick to differentiate the radicalism that him and other future Neo-Cons were involved in the 1930s, from the youth counter-culture that they would later oppose in the 1960s.²²¹ Many of the 1960s movements were led by the "baby-boom" generation whose new emphases were increasingly informed more by self-indulgence than by genuine resistance to persecution.

He describes his alma mater, the City College of New York (CCNY) as a school that had many student-led political movements, providing a good introduction to political debate and activism. He also points out that it was a very grim, austere institution that lacked the opulent facilities of the more prestigious Universities, but was the best education that many poor inner-city Jews could access.²²² Kristol later wrote that his involvement in student activism and engagement in many fierce political debates meant that he got a better education than students at many other more elite institutions. Kristol wrote: "my involvement in radical politics put me in touch with people and ideas that prompted me to read and think and argue with furious energy."²²³

Kristol writes that the Trotskyist movement of which he was a part was very disciplined and committed, young activists were guided and mentored by older cadres. They originally argued that the exploitative nature of Western capitalism had been the main threat to liberty of down-trodden people, particularly the proletariat of the American cities in which they had grown up. These beliefs had been amplified by their experiences during the Great Depression. By contrast, the 1960s left was espousing forms of relativism that were antithetical to the principles that he thought the left had historically stood for. Irving Kristol wrote that the new left were; "far less dismayed at America's failure to become what it ought to be than they [were] contemptuous of what it thinks it ought to be. For them as for Oscar Wilde, it [was] not the average American who [was] disgusting; it [was] the ideal American."²²⁴

Kristol argued that the values of liberty and freedom of tyranny that the traditional left had espoused were under threat from a new left that was increasingly losing its moral compass. Kristol argued that this activism struck at the very heart of the core tenets of American civilization in a way that was far more pernicious than the radical youth movements of his youth.

²²¹ Allan. Bloom, *Closing of the American Mind*. Simon and Schuster, 2008.

²²² Irving. Kristol, 'Memoirs of a Trotskyist'. *The New York Times*, 23 January 1977

²²³ Ibid.

²²⁴ Kristol, Irving "'When Virtue Loses All Her Loveliness'—Some Reflections on Capitalism and 'the Free Society'," *The Public Interest*, Fall 1970.

The 1960s was also the decade in which Norman Podhoretz began to emerge as a central figure. Podhoretz was a decade younger than Kristol and co, and had not participated in the Trotskyist activism of the 1930s. Nevertheless, he was of a very similar background. He had also grown up in inner city New York, and was raised in a Jewish, Yiddish speaking family. He attended Columbia University at age sixteen, and studied under Lionel Trilling.²²⁵ He went on to study at the Jewish Theological Seminary and then at Cambridge. Upon completion of his studies he returned to New York and entered the orbit of the New York intellectuals. He joined *Commentary* as a literary critic, eventually becoming its editor in 1961. Norman Podhoretz later reflected that the purpose of *Commentary* was to lead Jewish intellectuals; “out of the desert of alienation... and into the promised land of democratic, pluralistic and prosperous America”.

Lionel Trilling’s writings had an enormous influence on Podhoretz for the rest of his career. Murray Friedman describes Trilling (as well as Cohen and Strauss) as being at the core of what was an emerging movement of Jewish Conservatism.²²⁶ Trilling was a liberal who was sceptical of many of the excesses of modern progressivism. He argued that modern liberalism in its rationalist quest for the expansion of human progress and freedom was ignoring the complexities of human nature. Many writings in *Commentary* echoed this line of reasoning. In a 1958 *Commentary* article about the Puerto Rican community, Glazer had argued that many well-meaning government welfare programs had actually reinforced the cycle of poverty and deprivation. Evidently, part of the process of coming to terms with mainstream America meant developing a new understanding of the social inequalities that had plagued the United States since its founding.²²⁷

Podhoretz was also becoming increasingly alienated from the post war American left. He wrote columns in *Commentary* suggesting there was an element of complacency in the American psyche. He was sharply critical of the new liberalism that began to emerge in the 1950s. He was concerned that its emphasis on counter-cultural hedonism and pleasure for its own sake was a road to moral ruin.²²⁸ Podhoretz is quoted as having described this new liberalism as “a conglomeration of attitudes suitable only to the naïve, the callow, the rash.”²²⁹ Many editorials in *Commentary* also accused the New Left of stoking anti-Jewish

²²⁵ Michael Kimmage, ‘Lionel Trilling’s “The Middle of the Journey” and the Complicated Origins of the Neo-Conservative Movement’. *Shofar* 21, no. 3 (2003): Pages 48–63.

²²⁶ Murray Friedman, *The Neoconservative Revolution: Jewish Intellectuals and the Shaping of Public Policy*. Cambridge: Cambridge University Press, 2005, Page 36.

²²⁷ Murray Friedman, *The Neoconservative Revolution: Jewish Intellectuals and the Shaping of Public Policy*. Cambridge: Cambridge University Press, 2005, Page 38.

²²⁸ Norman Podhoretz, “My War with Allen Ginsberg,” *Commentary*, August 1997, 32.

²²⁹ Norman Podhoretz, *Doings and Undoings: The Fifties and After in American Writing*

prejudice through portraying Jews as privileged and oppressive.²³⁰ They also accused Jewish radicals of being willing participants in a movement that would eventually lead to their marginalization. "All the roles that Jews play are roles that the New Left disapproves of, and wishes to reduce," Nathan Glazer later wrote in 1971. The Left is critical "of all private business, and of its whole associated institutional complex--lawyers, stockbrokers, accountants, etc.--in which Jews are prominent. The kinds of society it admires have no place for occupations in which Jews have tended to cluster in recent history."²³¹

Under Podhoretz, the magazine became more global in its outlook, exploring problems facing Jews throughout the world, particularly as pertained to Israel. Podhoretz and *Commentary's* support for Israel was particularly galvanized by the Six-day and Yom Kippur wars. The Six Day war in particular awakened many to the dangers of a Second Jewish holocaust within a quarter century of the first one. Leftists were critical of Israel and sympathetic to third world liberation movements. It was American conservatives who were supporting Israel, and American military power that was helping defend it from oblivion. This fact helped soften many Jewish attitudes to America's use of force abroad.

With respect to the Cold War, Podhoretz championed the idea of the "vital centre". This concept was popularized by Arthur Schlesinger in his 1949 book of the same name. Schlesinger at the time denied that this was simply a "middle of the road" compromise between right and left. He wrote that the vital centre was "liberal democracy against its mortal enemies-an attempt to strengthen the liberal case against the renewed totalitarian impulse".²³² Podhoretz wanted this concept to be the basis for a united, bipartisan American front against communism. Thinkers like Kristol and Podhoretz concluded that the best way to fight tyranny was a re-assertion of muscular American values at home, and vigilance about the security threat the Communist movements throughout the world posed to American interests. They were still hopeful that the Democratic party would be receptive to this line of thinking.

However, more militant forms of Anti-Communism had been discredited to many on the American left, due to the ongoing Vietnam war. America's direct involvement in the Vietnam conflict began with the introduction of troops in 1965 and lasted until 1975. The lives high human cost and resources wasted exacerbated the war-weariness of the American general public, which was also beginning to have an enormous impact on political discourse. This became known as "Vietnam syndrome". The general public felt it was no longer feasible to commit American personnel and resources into military interventions in

(New York: Farrar Straus, 1964) Page 106–7.

²³⁰ Edward S. Shapiro, 'Jews and the Conservative Rift'. *American Jewish History*, 1 June 1999, Page 195.

²³² Arthur M. Schlesinger Jr., *The Vital Center*, (Boston: Houghton Mifflin, 1949), Page 147.

far-flung parts of the world.²³³ Kristol and Podhoretz were also critical of America's conduct during the Vietnam War in various respects. In 1976, Podhoretz argued that the war was right in principle but wrong in implementation, and lamented the failures of the war as a setback for the anti-Communist cause.²³⁴ They argued that a noble cause should not be discredited due to certain failures in implementation.

Nevertheless, the anti-War mentality was a key feature of the New Liberalism that began to take hold of the Democratic party in the 1960s. The high watermark of this transition came with the nomination of George McGovern for the presidential election in 1972.²³⁵ Up until this point, the core of the Democratic had still been reliably anti-Communist, and had supported a strong national defense. McGovern favoured a more conciliatory approach with the Soviet Union, arguing that too much post-war American foreign policy had been based on militarism and bluster. Although McGovern's views ultimately had little resonance with the larger American populace, they were shared by large swathes of the American educational and cultural elite.²³⁶

McGovern defeated the Neo-Conservative's preferred candidate, Henry Jackson. Jackson had emerged as a standard-bearer for Democrats who were still committed to strong national defense and a tough stance against the Soviet Union. He essentially wanted to return the United States to the anti-Communist position best exemplified by President Harry Truman (1945-1953). At this point, in the early-to-mid 1970s some Neo-Conservatives officially still belonged to the Democrats, even though they had many disagreements with the official party platform.²³⁷ Yet McGovern shared none of their agenda, and it became increasingly clear that a Neo-Conservative outlook had no place in the Democratic party. The final attempt of the hard-line anti-Communists to reclaim the Democratic party ended in failure when Jackson was soundly defeated in the primaries of 1976, after an initially promising start that had included victories in Massachusetts and New York.

Despite this disillusionment, Kristol and his fellow Neo-Conservatives still did not feel at home on the right of American politics. Some of them were also resistant to the notion that they had moved to the right, preferring to argue that mainstream liberalism had collapsed on the left, and that they were upholding its true values. They passionately defended the legacy of Franklin Delano Roosevelt and his interventionist "New Deal".²³⁸ They retained an

²³³ George C. Herring, explores this in 'The "Vietnam Syndrome" And American Foreign Policy'. *The Virginia Quarterly Review* 57, no. 4 (1981): 594–612.

²³⁴ Norman Podhoretz 'Making the World Safe for Communism' *Commentary Magazine.*, 1 April 1976. <https://www.commentary.org/articles/norman-podhoretz/making-the-world-safe-for-communism/>.

²³⁵ Roberta N Haar,. 'INSURGENCY AND AMERICAN FOREIGN POLICY: The Case of George McGovern'. *World Affairs* 180, no. 2, 1 June 2017 : Page 42.

²³⁶ Ibid.

²³⁷ And some to the Social Democrats USA, while some were in the Committee on the Present Danger.

²³⁸ Norman Podhoretz discusses this in;, *Breaking Ranks : A Political Memoir*. New York: Harper & Row, 1979. Page 86.

affinity for the welfare state, and a disdain for the free-market libertarianism that was prevalent on the right. The historian Richard H. King described Neo-Conservatism as "less a new ideological departure than a hardening of mood within the liberal consensus."²³⁹

Nevertheless, a political re-alignment did begin to take place, with the newly named "Neo-Conservatives" drifting across the political spectrum. Irving Kristol wrote; "As The Public Interest continued on its modest way, at first with a circulation of 2,000 to 3,000, all sorts of portentous things were happening around us--which made us feel, and made us appear to be, more conservative than we had anticipated."²⁴⁰ It was at this point that Kristol began to openly dissent from the more progressive versions of what he termed; "official liberalism".²⁴¹ In May 1972, the *Wall Street Journal* published an article entitled; "Irving Kristol and Friends", which was a profile of him and his role in an emergent ideology that was gaining an increasing amount of traction. Kristol soon became a regular contributor to the *Wall Street Journal*. He also joined the American Enterprise Institute and moved to Washington DC.

²³⁹ King, Richard H. 'Up from Radicalism'. *American Jewish History* 75, no. 1 (1985): 61–85.

²⁴⁰ Kristol, Irving. 'American Conservatism 1945-1995'. *Public Interest*, no. 121 (22 September 1995): 80–92.

²⁴¹ Kristol, 'American Conservatism 1945-1995' Pg 86.

4.2 Differences with existing Conservatives

Irving Kristol later acknowledged that one of the tasks of the Neo-conservatism had been to steer the American right in a new direction. Reflecting on the early years, he wrote in his 2003 essay "The Neo-Conservative persuasion": "one can say that the historical task and political purpose of neoconservatism would seem to be this: to convert the Republican party, and American conservatism in general, against their respective wills, into a new kind of conservative politics suitable to governing a modern democracy".²⁴² Proponents of Neo-Conservatism were quick to distinguish it from what they see as the older, more reactionary forms of Conservatism. Kristol also wrote; "Neoconservatism is the first variant of American conservatism in the past century that is in the "American grain." It is hopeful, not lugubrious; forward-looking, not nostalgic; and its general tone is cheerful, not grim or dyspeptic."²⁴³

Kristol and other Neo-conservatives argued that traditional conservatives had an outdated worldview that was not well placed to deal with a set of increasingly emboldened modernist ideologies. The cosmopolitan and forward-looking nature of post-1960s American society meant that an updated form of conservatism was needed to confront the left wing ideologies on their own terms. The effete, country club Republicanism would have to make way to a party that more accurately reflected the challenges faced by modern America. As an example. It was clear that Neo-Conservatives still saw the government as having a bigger role in the economy and society than most traditional conservatives, in particular arguing for higher government spending in order to finance a stronger military. Many leading traditional conservatives noted that they had new allies in the form of the so-called Neo-Conservatives, but were divided as to how to receive them. I shall now explore traditional Conservatism in more detail, and outline the aspects of it that clashed with this new form of Conservatism that was beginning to emerge. Neo-Conservatism was to emerge as a unique influence on American foreign policy that was distinct from other forms of Conservatism.

Traditional conservatives argue that they simply take a pragmatic approach to defending what is best and most noble in the traditions and institutions that we have inherited. It goes without saying that traditional American values are a contested concept. By "American values", I am referring to the beliefs that characterized the traditional American conservatism that the "Neo-Cons" supplanted. These were the belief in small government,

²⁴² 'The Neoconservative Persuasion'. Accessed 3 March 2020. <https://www.washingtonexaminer.com/weekly-standard/the-neoconservative-persuasion>.

²⁴³ Irving Kristol, *Reflections of a Neoconservative: Looking Back, Looking Ahead*. New York: Basic Books, 1983.

rejection of the welfare state (if any at all), and a narrow, inward looking conception of America's national interest. During the 20th Century, American conservatism was best embodied by figures like Russell Kirk and William F Buckley at the *National Review*.

Figures such as Russell Kirk have described traditional Conservatism as a disposition rather than an ideology.²⁴⁴ They have argued that true Conservatism expresses scepticism for new ideologies, and for all-encompassing narratives or proposals for wholesale change. Conservatism tends to be practical and local in its outlook, avoiding ostensible "universal" solutions to problems.

Conservatives like Burke have historically argued that their outlook is the only realistic philosophy that respects the need that society has for order, hierarchy and freedom.²⁴⁵ The role of traditional institutions is frequently at risk of being undermined by new progressive, modern outlooks, that seek to expand the role of government. This is done in the name of reforming outdated government policies or reducing inequalities and disparities in modern society. Conservatives argue that while these may be noble goals in principle, they overestimate the capacity of government to deliver solutions to these problems. Progressive policies ultimately result in excessive government intrusion into people's lives, higher taxes, more bureaucracy, and the imposition of policies that are at odds with the traditional values of the American people.²⁴⁶

Due to its desire to preserve and defend existing ways of doing things, the traditional conservative outlook on the whole is less likely to be a product of rational thought or consciously formulated ideas. Lionel Trilling described Conservatism as expressing "irritable mental gestures which seek to resemble ideas".²⁴⁷ Of course, many see this lack of ideological baggage as a strength. When approaching issues of foreign policy, their lack of overt ideological motivation leads many traditional Conservatives to be more likely to make decisions based on calculations of the balance of power, and realpolitik. More traditional forms of Conservatism have consequently had an affinity for balance of power Realism.

²⁴⁴ Johnson, Matthew. 'Conservatism and Ideology'. *Global Discourse* 5, no. 1 (2 January 2015): 1–3. <https://doi.org/10.1080/23269995.2015.970807>.

²⁴⁵ "I will not cede more power to the state, I will not willingly cede more power to anyone" William F. Buckley, *Up From Liberalism*. Ravenio Books, 2016.

²⁴⁶ William F. Buckley described the welfare state as "the way station on the road to 1984" in : *Rumbles Left And Right By William F Buckley 1964 Introduction By Russell Kirk*, 1964, Page 29, Accessed via <http://archive.org/details/RumblesLeftAndRightByWilliamFBuckley1964IntroductionByRussellKirk>.

²⁴⁷ Lionel Trilling, 'The Liberal Imagination', *Commentary*. by. Accessed 5 March 2020. <https://www.commentarymagazine.com/articles/stephen-spender/the-liberal-imagination-by-lionel-trilling/>.

Edmund Burke shared the Realist view of maintaining that the everyday practice of politics should not be restricted by a-priori principles that are antecedent to the political sphere.²⁴⁸ It has been frequently noted in the literature that more traditional Conservative outlooks have a tendency to adopt foreign policy outlooks that are more closely associated with Political Realism.²⁴⁹ Like traditional Conservatism, Realism is a status quo-based worldview that isn't overtly ideological and is sceptical of proposals for radical change and reform in both a domestic and international context.²⁵⁰ Like Burke's outlook, the Realism of many traditional Conservatives also maintains a commitment to tradition of *realpolitik* logic that while espousing traditional morality, still seeks to separate it from the national interest.²⁵¹ Realists also do not leave much of a role for ideological beliefs or domestic political considerations in their foreign policy analysis, and do not treat them as major analytical factors. They also like to avoid alienating potential allies with unnecessary militarism or surprise attacks, as there is the risk that other nations will balance against an overly belligerent hegemon.

As Neo-Conservatives drifted away from the Democratic Party in the 1960s and 70s, they encountered a Republican party dominated by Henry Kissinger's *Realpolitik* as the prevailing foreign policy outlook. Kissinger had a sceptical but deferential attitude to the United Nations, demonstrated by his disagreement with Daniel Patrick Moynihan, concerning the UN's infamous Resolution 3379 that equated Zionism with racism. In November 1975, US Ambassador to the UN Daniel Patrick Moynihan became an overnight political sensation due to his impassioned rhetoric denouncing the United Nations General Assembly for passing this resolution. In his book, *Moynihan's Moment*, Gil Troy writes about how Moynihan's anti-UN, pro-Israel rhetoric angered Kissinger and undermined the policy of détente.²⁵² By contrast, Kissinger did not think foreign policy should be so heavily influenced by ideological considerations. Moynihan was one of the first generations of Neo-conservatives, and ideological concerns decisively shaped his defence of Israel as a model of democracy in the Middle East.

²⁴⁸ Edmund, Burke, Frank M Turner, and Darrin M McMahon. *Reflections on the Revolution in France*. New Haven: Yale University Press, 2003.

²⁴⁹ The implications of Conservatism for foreign policy are explored in: Jennifer Welsh, "I" Is for Ideology: Conservatism in International Affairs." *Global Society* 17, no. 2 (April 1, 2003): Pages 165–85.,

²⁵⁰ Edmund Burke wrote ; "I must fairly say I dread our own power and our own ambition. I dread our being too much dreaded. Sooner or later, this state of things must produce a combination against us which may end in our ruin" Found in Burke, Edmund. *The Works and Correspondence of the Right Honourable Edmund Burke*. F. & J. Rivington, 1852, Page 51. Also see Michael C Desch,. "It Is Kind to Be Cruel: The Humanity of American Realism." *Review of International Studies* 29, no. 3 (2003): Pages 415–26.

²⁵¹ See Joshua R. Itzkowitz. Shifrinson, 'George H.W. Bush: Conservative Realist as President'. *Orbis*, Special Issue on Conservative Internationalism, 62, no. 1 (1 January 2018): Pages 56–75.

²⁵² Gil. Troy's, *Moynihan's Moment: America's Fight Against Zionism As Racism*. Cary, UNITED STATES: Oxford University Press, Incorporated, 2012.

Kissinger, while acknowledging the shortcomings of the UN, still saw it as an important part of America's diplomatic arsenal, and did not want ideological crusades to undermine America's national interest.²⁵³ Realist considerations led Kissinger to opt for a less belligerent approach towards unfavorable trends within the UN General Assembly. This was partially due to strategic considerations about a General Assembly still deadlocked along ideological lines despite the thawing of Cold War tensions during détente.

Nevertheless, traditional Conservatives were sufficiently robust in their anti-Communism and traditional morality to find at least some common cause with the fledgling Neo-Conservatives. In the early 1970s, William F. Buckley, Jr.'s *National Review* was the closest thing that the traditional conservative movement had to an official voice. It extended an olive branch to the Neoconservatives (specifically to *Commentary* magazine), welcoming them to the conservative ranks with an editorial in its March 9, 1971 issue that was entitled; "C'mon In, the Water's Fine."²⁵⁴

Irving Kristol had been critical of the *National Review*, describing its anti-liberal writings as "sophomoric" and anti-intellectual.²⁵⁵ He also considered its recalcitrant opposition to the New Deal to be anachronistic in the post war era. Coming from a very humble Brooklyn beginnings, he was one of many "children of the depression". Despite the shortcomings of government programmes that he had identified, the US government's attempts to improve urban welfare and alleviate poverty still resonated with him in a very deep and profound way. He also thought that most reasonable political voices had reached a consensus concerning the New Deal as a flawed but necessary government undertaking. He had to time for the *laissez faire* approach of the traditional Conservatives. Kristol argues that Neo-Conservatism was the first form of Conservatism that has tapped in to America's true nature, a revolutionary republic, founded on post-Enlightenment ideals. As Neo-Conservatives see politics is a struggle against tyranny and in favour of liberty, they argue that the United States's status as an exceptional nation founded in liberty should be front and centre of its foreign policy considerations. Neoconservatives argue (more so than other foreign policy traditions) that America's ideals of liberty and freedom mean that it has a moral superiority that other nations should respect.²⁵⁶

²⁵³ Bernard Gwertzman. 'KISSINGER WARNS OF HASTE ON U.N.' *The New York Times*, 13 November 1975, sec. Archives. <https://www.nytimes.com/1975/11/13/archives/kissinger-warns-of-haste-on-un-assails-zionism-resolution-but-he.html>.

This is also explored in Thomas A Schwartz, "Henry Kissinger: Realism, Domestic Politics, and the Struggle Against Exceptionalism in American Foreign Policy." *Diplomacy & Statecraft* 22, no. 1 (March 2011): 121–41. <https://doi.org/10.1080/09592296.2011.549746>.

²⁵⁴This is mentioned in: Jonah Goldberg, 'The End of Neoconservatism' *National Review*, 21 May 2003. <https://www.nationalreview.com/2003/05/end-neoconservatism-jonah-goldberg/>.

²⁵⁵ Irving Kristol, 'American Conservatism 1945-1995'. *Public Interest*, no. 121 (22 September 1995): 80–92.

²⁵⁶ Charles Krauthammer argued this in his article; "The Unipolar Moment." *Foreign Affairs* 70, no. 1 (1990): 23. <https://doi.org/10.2307/20044692>, this idea is also echoed in: Robert Gordon. Kaufman, *In Defense of the Bush Doctrine*. Lexington: University Press of Kentucky, 2008 Page 31

Neo-Conservatism is a movement that is more ethnically and culturally diverse than the historically WASP (White Anglo-Saxon Protestant) -dominated mainstream of traditional American Conservatism. Many of the first generation of leading first generation Neo-Conservatives had Jewish heritage. Second generation Jewish Neo-Conservatives include William Kristol (son of Irving), Paul Wolfowitz (whose emergence I will explore in more detail later in this chapter), Elliot Abrams and Lewis “Scooter” Libby and Charles Krauthammer. It is also clear that the foundations of the Neo-Conservative movement are intricately tied to the odyssey of belonging and assimilation that they embarked on as second generation Jewish Americans in a predominantly Christian nation. The outcome of this odyssey ultimately led Neo-Conservatives to be extremely vocal in extolling the virtues of American Exceptionalism. Their embrace of their Jewishness ultimately paradoxically led them to be more enthusiastic in their embrace of American democracy. Liberal democracy came to be seen as the system most conducive to tolerance of Jews, and ultimate Jewish prosperity.

The story of American Jews as a microcosm of a certain interpretation of the story of America itself. The general narrative of American Exceptionalism argues that America was founded on Enlightenment values by immigrants from various European nations. Taesuh Cha argues that America’s “exceptional identity” emerged from the twin narratives of the “New World” experiment. The American founding was an escape from the horrors of war and nationalism under the Westphalian system on one hand, and a domestic struggle to civilize the native American Indians on the other.²⁵⁷ Hartz argues that America therefore emerged as the first “born liberal” state, a “blank-slate” or new beginning in which progressive, enlightenment values could be properly implemented without the reactionary, residual influences of feudalism and theocratic tradition that still continued to plague the European nations in which the Enlightenment had originated.²⁵⁸ It was a new experiment that inherited much of the cultural and intellectual tradition of European civilization while learning from its mistakes (monarchical despotism, sectarianism, nationalism).

This narrative has particular resonance for the Jewish immigrants who settled in America to seek refuge from the anti-Semitic scourges and persecutions of Europe in the 19th and 20th centuries. In 1955, American Jewish scholar Ben Halpern wrote an article entitled; “America is Different”.²⁵⁹ He argued that the story of Jews in America was singular, as they never had to undergo an emancipation process or prove themselves worthy of citizenship. America lacked a medieval past or history of Jewish persecution. Anti-Semitic movements were

²⁵⁷ Taesuh Cha, “The Formation of American Exceptional Identities: A Three-Tier Model of the ‘Standard of Civilization’ in US Foreign Policy.” *European Journal of International Relations* 21, no. 4 (December 1, 2015): 743–67. <https://doi.org/10.1177/1354066114562475>.

²⁵⁸ Louis Hartz *The Liberal Tradition in America*. Second edition. San Diego: Harvest, 1991.

²⁵⁹ Ben Halpern, “America Is Different,” *Midstream* 1 (Autumn 1955): 39–52.

consequently not as prevalent or endemic in the United States as they were in Europe, and no major party made any significant attempt to strip Jews of their civil and political rights.

I would like to argue that this movement of American Jews was uniquely placed to champion a narrative of the United States as unique because its citizens have been socialized into a nation to which they are united not by common blood or ancestry but by commitment to common ideals of freedom, liberty and equality. This was the origin of many Jewish former leftists ultimately becoming zealous converts to American Exceptionalism. As Joshua Muravchik wrote: “If one were to ask what was the best political system imaginable—Plato's question—then the answer for us (as for Plato) was socialism. But what about Cicero's question, namely, what is the best system extant? Measured by the abstract ideals we held—freedom, equality, opportunity—it was hard to deny that America came out on top.”²⁶⁰

Converts are famously more likely to have a passionate devotion to the virtues of a recently adopted ideology.²⁶¹ As newcomers to the conservative movement, their attempt to forge strong group identification may have resulted in amplified levels of commitment and passion. In the case of Neo-Conservatives, their odyssey across the political spectrum meant that they placed less emphasis on the traditional Conservative approaches of prudence and restraint. They were concerned with moral principles but without the same deference for tradition or commitment to the status quo that is common in other forms of Conservatism. They were willing to challenge existing systems and approaches. They were zealous and radical concerning the need to confront America’s enemies and concerning extolling the virtues of American Exceptionalism. They had a stronger belief in the need for radical and transformative measures. Pat Buchanan put it succinctly when he later wrote; “Conservatives were cradle anti-Communists. Neo-cons had the zeal of the convert.”²⁶² They became more radical than other conservatives in arguing for confronting the Soviet Union, and using militaristic means to curtail their influence.

This zealousness led Neo-Conservatives to be over-vigilant when it comes to issues of American national security. Consequently, the influence of Neo-Conservatism became more likely to lead analysts to over-estimate the threats that rival totalitarian regimes pose. Neo-Conservatives had a very expansive notion of America’s ontological security and of the amount of military power required from America to be safe from the attacks of such regimes. This is why beginning during the Cold War, Neo-Conservatives advocated for higher expenditure on national defence. Neo-conservatives thought that a combination of moral

²⁶⁰Joshua Muravchik, ‘Comrades’, *Commentary Magazine* 1 January 2006.
<https://www.commentary.org/articles/joshua-muravchik/comrades/>.

²⁶¹The social science mostly concerns religious conversion, but there are clear parallels, see: ‘The Zeal of the Convert Revisited’. Accessed 15 September 2022.

²⁶² Patrick Buchanan, *Where the Right Went Wrong* First edition. New York: St. Martin’s Griffin, 2005. Page 39

certainty and preponderant military power is the best response to the fear and uncertainty caused by rival regimes.

Several decades later, Podhoretz was to put it most succinctly when he said; that many traditional conservatives were; “so temperamentally remote from and unfamiliar with the phenomenon of ideological fervor that they thought the Soviets could in effect be bribed out of Communism by the right business deals.” Due to their familiarity with the ideological implications of Marxism and Socialism, Neo-Conservatives developed a unique reading of the US’s impasse of the Soviet Union. This reading became consequential when they eventually occupied many key posts in the Reagan administration. The decisive role that their ideas played in the US’s Cold war victory have become part of Neo-Conservative folklore. This is what I will now explore.

4.3 Victory in the Cold War

Many Neo-Conservatives argue that all of their key ideological precepts were vindicated by the US's victory in the Cold war.²⁶³ The US victory was driven by its awareness of the threat posed by totalitarian regimes, the consequent need for strong, hawkish national defense, and strong alliances with anti-Communist movements throughout the world. They perceived this as the crowning achievement of a Reagan administration that had a great deal of Neo-Conservative input. Ronald Reagan came to power in 1981, and the dissolution of the Soviet Union began in 1988 and was officially complete by 1991. Prior to the Reagan administration, there had been what was perceived by many as a stalemate between the US and the Soviets.

Beginning in the early 70s, sections of the right had begun to relax their previous hard-line, anti-Communist approach. In the late 1960s and early 1970s, Realist President Nixon (and later Ford) had sought a general easing of American tensions with the Soviet Union, which came to be known as *Detente*.²⁶⁴ It was hoped that a more moderate approach to engaging the Soviets would stabilize the arms race and enable the US to avoid costly conflicts and proxy wars that had been a focal point of its opposition to Communism.²⁶⁵ There were certainly some in the Conservative movement who were on-board with Nixon's *détente*.²⁶⁶ Nixon's right wing credentials and strong Conservative base of support were the very things that emboldened him to move to the foreign policy political centre without risking too much backlash. It did still remain a contentious issue, as Nixon's loyal base was never enough for him to have a commanding majority within the Republican party on the issue of *Detente*.²⁶⁷

This situation was too ambivalent for many Neo-Conservatives. When analysing the Soviet Union, Neo-Conservatives located the key feature of the Soviet Union less in its economic flaws or state atheism and more in its totalitarianism. This insight led them to go against the increasingly prevalent view of a weak Soviet system that was disintegrating and being reformed from within.²⁶⁸ They argued that the ideological menace of Soviet totalitarianism was still a grave global threat. Neo-Conservatives were also concerned that sections of the right had under-estimated the significance of this ideological struggle, portraying it as simply

²⁶³ For example, William Kristol and Robert Kagan. 'Toward a Neo-Reaganite Foreign Policy'. *Foreign Affairs; New York*, August 1996.

²⁶⁴ David W Noble, 'Conservatism in the USA'. *Journal of Contemporary History* 13, no. 4 (1978): Pages 635–52.

²⁶⁵ Olav Njølstad, 'The Collapse of Superpower Détente, 1975–1980'. In *The Cambridge History of the Cold War: Volume 3: Endings*, edited by Melvyn P. Leffler and Odd Arne Westad. The Cambridge History of the Cold War. Cambridge: Cambridge University Press, 2010. Pages 135–55

²⁶⁶ Julian E Zelizer, 'Détente and Domestic Politics'. *Diplomatic History* 33, no. 4 (2009): Page 656

²⁶⁷ Ibid. Page 567

²⁶⁸ Norman Podhoretz, *Commentary Magazine*. 'Making the World Safe for Communism', 1 April 1976. <https://www.commentarymagazine.com/articles/norman-podhoretz/making-the-world-safe-for-communism/>. 89

a bread-and-butter issue of pursuing America's national interest against a competing superpower.

Furthermore, Irving Kristol thought that in confronting a totalitarian enemy by democratic means, America was effectively fighting with one arm tied behind its back. Kristol later reflected on the Cold war with the following observation; "In the end the fundamental problem for America is that its foreign policy is democratic. This is something the world has not witnessed since ancient Athens, where a democratic foreign policy led to one disaster after another."²⁶⁹ US foreign policy was tied to popular opinion, and American popular opinion was ambivalent concerning foreign affairs.²⁷⁰ The fact that the US government was beholden to the opinions of the electorate was not always conducive to the militaristic policies that he wanted to see the government implement. Kristol wrote that the American public believed in a special American global role, but had no consensus on how exactly this role should be carried out. Americans were far more pre-occupied with domestic affairs. America's modern liberal welfare state had also led to underinvestment in the military. Increased welfare spending had been a drain on government resources, and public resistance against increased taxes had led national defense to be one of the areas that was financially neglected.²⁷¹

Totalitarian regimes like Soviet Union were unencumbered by such domestic factors. They were in a much stronger position to plan their economy with the needs of the military being a primary consideration.²⁷² They could mobilize military resources much more easily with less bureaucratic constraints.²⁷³ Consequently in confronting totalitarian regimes, Neoconservatives like Kristol argued that democracies were already at a disadvantage, and required a great deal more military power and vigilance in a dangerous world. The case against the Strategic Arms Limitations Talks (SALT) treaties consequently the became a foreign policy cause around which many Neo-Conservatives united. The SAKT treaties were intended to reduce the risk of an arms race between the US and Soviet Union by restricting the number of strategic missile defences.²⁷⁴

SALT involved two rounds of conferences between the US and Soviet representatives concerning arms control, beginning in 1969.²⁷⁵ In particular, Neo-Conservatives had long

²⁶⁹ American Enterprise Institute - AEI. 'A Post-Wilsonian Foreign Policy | AEI'. Accessed 22 September 2020. <https://www.aei.org/articles/a-post-wilsonian-foreign-policy/>.

²⁷⁰ Ibid.

²⁷¹ Jonathan D. Caverley, 'Power and Democratic Weakness: Neoconservatism and Neoclassical Realism'. *Millennium* 38, no. 3 (1 May 2010): Pages 593–614.

²⁷² Irving Kristol, 'My Cold War'. *The National Interest*, no. 31 (1993):Pages 141–44.

²⁷³ Irving Kristol, "Detente and Human Rights," *The Wall Street Journal*, April 15, 1977

²⁷⁴ 'Milestones: 1969–1976 - Office of the Historian'. Foreign Service Institute

United States Department of State, <https://history.state.gov/milestones/1969-1976/salt>.

²⁷⁵ Norman Podhoretz, *Commentary Magazine*. 'Making the World Safe for Communism', 1 April 1976. <https://www.commentarymagazine.com/articles/norman-podhoretz/making-the-world-safe-for-communism/>.

had concerns about the long term viability of the SALT agreements and the limitations on American nuclear defence. They thought that a big priority was curtailing the manufacture of strategic nuclear weapons. Mutually Assured Destruction (MAD) referred to the belief that neither the US or Soviet Union would strike first as a full scale conflict between the two nations would drag the entire world into nuclear oblivion. The very act of negotiating with the Soviet Union had granted it a moral legitimacy that many Neo-Conservatives found problematic.

They criticized the prevailing view that strategic interdependence was the only way for the US to contain the Soviet threat. A peace based on Mutually Assured Destruction (MAD) was also unsatisfactory for two major reasons. Firstly, it was an excessively defensive, reactive posture that was insufficient to confront the offensive, belligerent approach that the Soviet Union was taking.²⁷⁶ Secondly, MAD was ultimately dependent on fear, a fear that could cause the US to compromise its principles and refuse to persist in fighting a struggle for liberty against totalitarianism. This became their central argument against the foreign policy of both the Nixon (1969-74). and Ford (1974-77) Administrations.

Although Ford continued many features of Nixon's *Détente* policy, he also began the "Team B" project, and increasingly came under the influence of his Chief of Staff Donald Rumsfeld. Team B was a parallel government structure that came to have an inflated assessment of the threat posed by the Soviet Union.

During this time, Nuclear strategist Albert Wohlstetter had become another leading opponent of *Détente*. A City College of New York alumnus, and a veteran of the Jewish Trotskyist student activism, Wohlstetter was cut from the very same cloth as many of the leading Neo-Conservatives who I have discussed. He was a Mathematician by training, but had more recently done extensive research into the issues of nuclear non-proliferation and missile defence systems. He drew attention to how vulnerable overseas US Air Force bases were to a surprise Soviet attack.

In his 1974 *Foreign Policy* piece, he argued that the logic of mutually assured destruction that had formed the basis of the US-Soviet nuclear impasse was now increasingly obsolete.²⁷⁷ He also argued that advances in military technology meant that the US had more options than before concerning the use of force, including continuing the development of Anti-Ballistic Missile (ABM) systems. He also downplayed the urgency of

²⁷⁶ Jerry Sanders and Alan Wolfe. *Peddlers of Crisis: The Committee on the Present Danger and the Politics of Containment*. Boston, Mass: South End Press, 1983, page 165

concerns that ABM could spark a dangerous arms race , as he thought the US had already ceded too much strategic ground to the Soviet Union.²⁷⁸

Wohlstetter's insights were part of the inspiration for the creation of Team B. Team B was a special unit headed by Richard Pipes that was dedicated to more thorough analysis of Soviet defence capabilities. It was specifically intended to re-evaluate many of the CIA's conclusions.

At the University of Chicago, Wohlstetter taught and mentored Paul Wolfowitz.²⁷⁹ He supplied Wolfowitz with materials about nuclear energy that would ultimately form the basis of his dissertation on the subject. Wolfowitz also began to become a prominent voice in the debates concerning national defense. Wolfowitz worked in the Arms Control and Disarmament Agency from 1973 to 1977. In 1976, He had begun to have increasing doubts about the analytical methodology of the CIA and Intelligence communities when it came to assessing the Soviet threat.²⁸⁰

As Wolfowitz worked in Defense under Nixon, Ford and later Reagan, he developed radical ideas about how the intelligence-making process could be transformed. He argued that intelligence production should be more directly connected to the policy-making process.²⁸¹ Wolfowitz was clearly influenced by Wohlstetter's criticism of the CIA and its National Intelligence Estimate (NIE) for vastly under-estimating the extent of the Soviet threat to the national security of the United States. With the stakes so enormous, the US could not afford to risk understating the potential threat from a Soviet attack as the consequences could prove disastrous.

Due to conflicting intelligence concerning Soviet nuclear capability, Wolfowitz thought that US intelligence analysts needed to engage in much more detailed analysis of possible scenarios and counter-factuals. Wolfowitz also thought that intelligence analysts should share more information about the intelligence production process with policymakers. He argued that policymakers should be made more aware of debates and disagreements that took place between different intelligence analysts about how to interpret key evidence. Instead, Wolfowitz argued that they had disguised much of this uncertainty in compromise language that supported status quo US foreign policy and downplayed emerging threats. He thought they should think more seriously about worst case scenarios, and about making sure the US was adequately prepared in the event of a complete catastrophe.

²⁷⁸ Albert Wohlstetter, 'Is There a Strategic Arms Race?' *Foreign Policy*, no. 15 (1974): Pages 3–20. <https://doi.org/10.2307/1147927>.

²⁷⁹ Wolfowitz's career trajectory is explored by Khurram Husain in 'Neocons: The Men Behind The Curtain'. *Bulletin of the Atomic Scientists* 59, no. 6 (1 November 2003):Page 65. <https://doi.org/10.2968/059006013>.

²⁸⁰ Lewis D Solomon. *Paul D. Wolfowitz: Visionary Intellectual, Policymaker, and Strategist*. Westport, Conn: Praeger Publishers Inc.,U.S., 2007. Page 16.

²⁸¹ Wolfowitz's views on intelligence and policymaking are given more detailed treatment in: Jack Davis, "The Challenge of Managing Uncertainty: Paul Wolfowitz on Intelligence-Policy Relations." *Studies in Intelligence* 39, no. 5 (1996) :Pages 37-42

Assuming office in 1977, Carter's foreign policy drew the ire of Neoconservatives even more so than his predecessors. They thought Carter's implementation of these principles lacked prudence.²⁸² Neo-Conservatives shared Carter's passion for the spread of democracy, but criticized him for not being sufficiently discerning. For example, Carter ended American support for the Somoza dictatorship, and wanted to see Nicaragua make a democratic transition. Carter's refusal to support Somoza was a big factor in the Nicaraguan Revolution that enabled the Sandistas to take power in 1979. This new regime was far more harmful to America's national interests.²⁸³ Somoza had been a pro-Western dictator who the United States had supported and aided for many years, whereas the rule of the Sandistas brought Nicaragua into the realms of Soviet and Cuban influence.

At this point, Neo-Conservatives became increasingly keen to distinguish between different types of non-democratic government. Jeanne Kirkpatrick championed the distinction between authoritarian and totalitarian regimes. She argued that authoritarian societies were pre-liberal, whereas totalitarian regimes generally emerged in a post-liberal context in which democracy had been tried and explicitly rejected. The Soviet Union and its satellite states were the ultimate embodiment of this phenomenon. This reasoning was what informed Jeanne Kirkpatrick's essay "Dictatorships and Double Standards" and came to be known as the "Kirkpatrick Doctrine".²⁸⁴ Similarly, Kristol argued that traditional authoritarianism was not a major threat to the US or the liberal West, whereas totalitarian regimes were the self-declared enemies of the West.²⁸⁵ Traditional authoritarian regimes that were anti-Communist were still very useful and worthwhile allies for the United States.

Consequently, Kirkpatrick accused Carter of allowing a misplaced naïve moralism to blind him to strategic concerns in the struggle against Communism.²⁸⁶ (Neo-Conservative morality was concerned with the US national interest, whereas Kirkpatrick thought Carter was overly concerned with global humanitarianism and internationalism) *Commentary* magazine also devoted a large amount of editorial space to attacking the Carter administration for its failure to distinguish between authoritarian and totalitarian despotism, as well as his perceived lack of strength in confronting the Soviet Union.²⁸⁷ The latter point became

²⁸² Two articles by Walter Z Laquer are good examples of this; "The World & President Carter" February 1978, and 'Europe: The Specter of Finlandization', *Commentary Magazine* 1 December 1977. <https://www.commentary.org/articles/walter-laquer/europe-the-specter-of-finlandization/>. (Both accessed 26th March 2022)

²⁸³ Martha L Cottam, 'The Carter Administration's Policy toward Nicaragua: Images, Goals, and Tactics'. *Political Science Quarterly* 107, no. 1, 1992.

²⁸⁴ Jeanne Kirkpatrick, 'Dictatorships & Double Standards', *Commentary Magazine*. 1 November 1979. <https://www.commentary.org/articles/jeane-kirkpatrick/dictatorships-double-standards/>.

²⁸⁵ Irving Kristol, *Neoconservative Persuasion*. New York; New York: Basic Books, 2013 Page 224

²⁸⁶ Kirkpatrick. op.cit.

²⁸⁷ Walter Z Laquer, op.cit..

particularly important as Cold war tensions were ultimately reignited by the Soviet invasion of Afghanistan in 1979.

In addition, as the late 1970s became the 1980s, Neo-Conservatives also became increasingly critical of the multilateral framework that was being used to confront the Soviets. Irving Kristol described NATO as an “antiquated, bureaucratic alliance”.²⁸⁸ He argued that the US’s nuclear umbrella in Western Europe was not an effective guard against the Soviet Union. This became particularly apparent once the Soviet Union had achieved nuclear parity with the United States. It was based on the unrealistic notion that the US would defend European soil with equal zeal and military force as it would defend American soil. It was not conceivable that the United States would be willing to engage in an apocalyptic nuclear exchange with the Soviets in order to defend Europe.²⁸⁹ Kristol also argued that the Europeans were blind to the reality of an ideological war with the Soviets, and naively thought that the Russians would become more peaceful and civil on the global stage as their socio-economic system evolved and developed. For Kristol, this demonstrated the fact that multilateral alliances were inadequate, and the United States would have to take a much more decisive and if necessary, unilateral stance in the fight against Communism.

To the relief of the American right, Carter turned out to be a one-term President, and was succeeded by Ronald Reagan in 1981. At this stage, Neo-conservatism had gained a more much more prominent place on the right of American politics, and Reagan became the political figure around whom Neo-Conservatives rallied their support.²⁹⁰ Many Neo-Conservatives took up high-ranking positions in the Reagan administration. These were public officials such as Kirkpatrick, Elliott Abrams, Paul Wolfowitz, William Bennett, Robert Kagan and Richard Pipes., Richard Perle, Kenneth Adelman, and Eugene Rustow. They were able to wield significant influence over Ronald Reagan’s foreign policy.

Once Reagan entered office, he appointed Kirkpatrick as his Ambassador to the UN. With its distinction between Communist and non-Communist tyranny, Neo-Conservatism enabled the United States to provide a moral justification for supporting non-democratic right wing regimes like that of Marcos in the Phillipines. Reagan also supported and aided many anti-Communist authoritarian regimes throughout the Developing world. This restricted the Soviet Union in its efforts to expand its influence in these regions.

Despite Neo-Conservative triumphalism concerning the success of Ronald Reagan, it must be acknowledged that several Neo-Conservatives were dissatisfied with him throughout his time in office. Although he was the standard bearer for many Neo-Conservatives and allowed some of them into his administration, Reagan himself was never a “born-again Neo-con”. While his rhetoric reflected Neo-Conservative themes, his policies sometimes fell

²⁸⁸ Irving Kristol, ‘WHAT’S WRONG WITH NATO?’ *The New York Times*, 25 September 1983, sec. Magazine. <https://www.nytimes.com/1983/09/25/magazine/what-s-wrong-with-nato.html>.

²⁸⁹ Irving Kristol, ‘U.S. Foreign Policy Has Outlived Its Time’ *Wall Street Journal* (January 21, 1988)

²⁹⁰ Francis. Fukuyama, *After the Neocons: America at the Crossroads*, London, Profile, 2007, pg 16-17,

short of what Neo-Conservatives were advocating. In certain respects, the radicalism of Neo-Conservatives still went beyond what was feasible for the Reagan administration at the time. Reagan did not fully satisfy two of the founding thinkers of Neo-Conservatism. Kristol and Podhoretz frequently expressed dissatisfaction with his stance against Communism, fearing he had not gone far enough.²⁹¹ They argued that Ronald Reagan needed to do more to roll back the damage that been done during *Détente* in the 1970s.²⁹²

Speaking from outside the administration, Podhoretz was concerned that Gorbachev's policy of *glasnost*²⁹³ was a pretence of change and reform that was deliberately designed to deceive the Western world into a false sense of security that the Cold War was coming to an end.²⁹⁴

Podhoretz praised Reagan for his commitment to re-armament but heaped scorn on him for his pursuit of arms control agreements, and what he perceived as his failure to take action against Communist movements in the Caribbean and the Middle East. Podhoretz wanted more direct action to protect American interests such as stationed ground forces in the Persian Gulf, instead of having indirect engagement through proxies or surrogates, as Carter had done.²⁹⁵ Podhoretz at one point argued that Reagan's muscular anti-Communist rhetoric, and appeals to America's glorious destiny were a 'fig leaf' for a weak Cold War policy that was analogous to appeasement.²⁹⁶

Nevertheless, the Soviet Union collapsed due to increased economic pressure, being overstretched in Afghanistan, and popular revolts throughout Eastern Europe. Ronald Reagan contributed significantly to this. Firstly, he increased US military expenditure, and built US missile systems throughout Europe. This put more pressure on the Soviet Union to upgrade their own defenses, plunging ever more money and resources into an arms race at a time when the Soviet economy could not withstand it. Reagan also gave enormous support to rebels in Afghanistan that were fighting the Soviet invasion. Reagan's combative rhetoric denouncing the Soviet Union as an "evil empire" had a role in emboldening dissidents and rebels throughout Eastern Europe.

Although Reagan was not a doctrinaire Neo-Conservative, his administration was more receptive to Neo-Conservative ideas than any administration to date, and that some of

²⁹¹ Irving Kristol, 'The Muddle in Foreign Policy'. *Wall Street Journal*, (April 29, 1981). Podhoretz, Norman "What If Reagan Were President?," *New York Post* (April 29, 1986).

²⁹² Irving Kristol, 'U.S. Foreign Policy Has Outlived Its Time' *Wall Street Journal* (January 21, 1988)

²⁹³ Glasnost is a Russian term meaning "openness and transparency". It was adopted as a political slogan by Mikhail Gorbachev in 1986.

²⁹⁴ Gary. Dorrien, *Imperial Designs: Neoconservatism and the New Pax Americana*. 1 edition. New York: Routledge, 2004. Chapter 1, page 14

²⁹⁵ Norman Podhoretz, "The Neo-Conservative Anguish Over Reagan's Foreign Policy". *The New York Times*, 2 May 1982, sec. Magazine. <https://www.nytimes.com/1982/05/02/magazine/the-neo-conservative-anguish-over-reagan-s-foreign-policy.html>.

²⁹⁶ Norman Podhoretz, "How Reagan succeeds as a Carter clone" *New York Post*, October 7, 1986

these ideas did have a role in bringing about the demise of the Soviet Union. Reagan's victory over Communism became the cause celebre for a new generation of Neo-Conservatives, determined to emulate his fierce and unapologetic opposition to totalitarianism.²⁹⁷ Neo-Conservative publications would come to be littered with references to "Reaganite" and "Neo-Reaganite" foreign policy as the way forward for the United States.²⁹⁸

The UN Security Council was of course paralyzed throughout the Cold war, due to the fact that both the US and Soviet Union held a veto. Critique of global governance had been a recurring theme in Neo-Conservative literature. In a 1985 article entitled "International Law and International Lies", Irving Kristol described the entire concept of international law in its contemporary form as "one vast fiction" that is irreconcilable with the realities of great power politics.²⁹⁹ In another 1985 article, Irving Kristol specifically argued that the UN gave non-democracies the upper hand. He argued that unaccountable, autocratic regimes had the luxury of being able to violate international treaties to which they had agreed without fear of adverse consequences. By contrast, democracies were wrong-footed by the dilemmas and trade-offs inherent in the need to balance their adherence to international law with the need to secure their own national interest. Kristol wrote that as far as democracies are concerned, modern international law; "induces irresoluteness, guilt, and queasy hypocrisy whenever we are forced to confront the realities of the world we live in."³⁰⁰

In his article "Human Rights", Kristol also criticized the UN's Universal Declaration on Human Rights for implying a moral equivalency between liberal democracies and communist regimes.³⁰¹ By enshrining "social and economic rights" (the right to a job, the right to healthcare) and putting them on the same level as "political rights" (the right to vote, right to a fair trial). Kristol argued that this ultimately resulted in the implication that the totalitarian socialist regimes may have been justified in restricting the freedoms of their citizens on the premise of pursuing egalitarianism as a social and economic goal. He saw this reasoning as a gateway to excessive tolerance of non-democratic regimes.

Much has been made of the role of democracy promotion abroad in Neo-Conservatism.³⁰² It is important to clarify one or two misconceptions. There has been some dispute among

²⁹⁷ This new generation was led by William Kristol, Robert Kagan and Paul Wolfowitz

²⁹⁸ For example: William Kristol, and Robert Kagan. 'Toward a Neo-Reaganite Foreign Policy', *Foreign Affairs*, July/August 1996. <https://doi.org/10.2307/20047656>.

²⁹⁹ Irving Kristol, *Neoconservative Persuasion*. New York; New York: Basic Books, 2013, page 216

³⁰⁰ Irving Kristol, , "International Law and International Lies," *Wall Street Journal*, June 21, 1985.

³⁰¹ Irving Kristol, "'Human Rights': The Hidden Agenda," *The National Interest*, Winter 1986-87.

³⁰² The following scholarly articles make the claim that Democracy promotion is a key tenet of Neo-Conservatism: Michael C. Williams and Brian C Schmidt, 'The Bush Doctrine and the Iraq War: Neoconservatives Versus Realists'. *Security Studies* 17, no. 2 (22 May 2008): 191–220.

Neo-Conservatives about when the US should use force and for what purposes. Neo-Conservatives are popularly perceived as being willing to use military force in order to spread freedom and democracy abroad. I would argue that they advocate using force to overthrow totalitarian regimes that pose a unique threat to the United States, but not necessarily to promote democracy. This is an important distinction that I shall now explore further.

Mark J.L. McClelland, 'Exporting Virtue: Neoconservatism, Democracy Promotion and the End of History'. *The International Journal of Human Rights* 15, no. 4 1 May 2011: Pages 520–31.,

Oz Hassan,. 'Bush's Freedom Agenda: Ideology and the Democratization of the Middle East'. *Democracy and Security* 4, no. 3, 18 November 2008: 268–89.

Christopher Hobson,. 'A Forward Strategy of Freedom in the Middle East: US Democracy Promotion and the "War on Terror"'. *Australian Journal of International Affairs* 59, no. 1 (1 March 2005): Pages 39–53.

4.4 The importance of Democracy

Krauthammer argued that there were two Neo-conservative camps on the topic of democracy promotion; the democratic realists and democratic globalists.³⁰³ He was in the former camp. Democratic globalists defined America's national interest in terms of its values, and genuinely identified the spread of democracy as vehicle for strengthening the United States, and in some cases were willing to use the US military to bring about the spread of democracy. Democratic Realists thought that the US military should only be deployed when vital US interests were at stake, not for the purposes of spreading democracy.

Krauthammer claimed of Democratic Realism: "Its maxim was to "support democracy everywhere, but...commit blood and treasure only in places where there is a strategic necessity".³⁰⁴ Democratic Realism was very similar in outlook to the Kirkpatrick doctrine. Krauthammer wrote; "In the absence of omnipotence, one must deal with the lesser of two evils. That means postponing radically destabilizing actions in places where the support of the current non-democratic regime is needed against a larger existential threat to the free world". This was the Kirkpatrick doctrine in a nutshell, simply updated for a post-Cold War world. Krauthammer even cited American support for Pinochet and Marcos as key examples of this approach.

Democratic Globalists argued that the spread of Democracy was in the US's national interest and part of an exceptionalist American mission. The most vocal members of the Democratic Globalist camp were William Kristol and Robert Kagan. In 1997, Kagan wrote an article entitled; "Democracies and Double Standards" in which he completely repudiated the Kirkpatrick doctrine.³⁰⁵ Kagan argued that the "Kirkpatrick doctrine's approach of backing non-democratic regimes as long as they were anti-Communist had emerged from a binary world in which Soviet Communism was the main threat to liberal democracy. At that time, Communism was such a universal and pernicious threat, that all other moral concerns had to be temporarily cast aside. Kagan argued that in the absence of the Soviet Union, with the US having a much larger power advantage over its smaller enemies, moral concerns about non-democratic regimes should take up a far more prominent role.

Kagan also noted that Kirkpatrick had denied the precept that democracy could emerge in any time and place.³⁰⁶ From Kagan's perspective, this assertion had not aged well, with the intervening two decades witnessing sweeping transformations of countries throughout Asia,

³⁰³ Charles. Krauthammer, 'In Defense of Democratic Realism'. *The National Interest*, no. 77 2004: Pages 15–25.

³⁰⁴ Charles Krauthammer, 'The Unipolar Moment Revisited'. *The National Interest*, no. 70 2002: Pages 5–18.

³⁰⁵ Robert Kagan, 'Democracies and Double Standards', *Commentary Magazine*, 1 August 1997.
<https://www.commentarymagazine.com/articles/robert-kagan-3/democracies-and-double-standards/>.

³⁰⁶ Ibid.

Eastern Europe and Southern Africa into electoral democracies. These were nations that had no prior history of liberal democracy. The precise forms of tyranny that these countries were under also appeared to be less consequential during their democratic transitions. In a non-binary, post Cold war world, the authoritarian/totalitarian distinction became less important, and Kagan saw the spread of democracy as an effective antidote to all such forms of tyranny. "Towards a Neo-Reaganite foreign policy" by Kristol and Kagan is a classical exposition of Neo-conservative Democratic Globalism. Kagan and Kristol argue that the United States should enhance its power by being on the side of freedom, and confronting tyranny.³⁰⁷

Solidarity with other democratic nations had historically been a key principle for Neo-Conservatives. This was most eloquently outlined by Irving Kristol; "Finally, for a great power, the "national interest" is not a geographical term, except for fairly prosaic matters like trade and environmental regulation... And large nations, whose identity is ideological, like the Soviet Union of yesteryear and the United States of today, inevitably have ideological interests in addition to more material concerns. Barring extraordinary events, the United States will always feel obliged to defend, if possible, a democratic nation under attack from nondemocratic forces, external or internal."³⁰⁸ This was a qualified declaration of the need for US to be on the side of democracy, which still conceded that prudence and the national interest should be the first priority.

Most Neo-Conservatives were ultimately not willing to intervene and spread democracy in a way that would jeopardize the strategic interests of United States. They did not seek to confront non-democratic governments like Egypt and Saudi Arabia, as they were important allies. It did not seek to bring democracy to countries like Zimbabwe and Belarus, (even though Condoleeza Rice had famously declared them to be "outposts of tyranny") as they were not of vital strategic interest to the United States.³⁰⁹ Hence, democracy promotion was not the pivotal aspect of Neo-Conservatism that it is frequently portrayed as. Neo-Conservatives wanted to confront totalitarian regimes because they perceived them as dangerous threats to America's national security, not in order to spread democracy.

In his essay "Statesmanship in the New Century" Wolfowitz wrote; "Nothing could be less realistic than the version of 'Realism' that dismisses human rights as an important tool of foreign policy." He argued that democratic change was a way for America to weaken its

³⁰⁷ William Kristol, and Robert Kagan. 'Toward a Neo-Reaganite Foreign Policy', 1996.
<https://doi.org/10.2307/20047656>.

³⁰⁸ Irving Kristol, 'The Neoconservative Persuasion'. Accessed 3 March 2020.
<https://www.washingtonexaminer.com/weekly-standard/the-neoconservative-persuasion>.

³⁰⁹ 'From the Axis of Evil to the Outposts of Tyranny', *The Independent.*, 20 January 2005.

enemies and strengthen its friends.³¹⁰ However, we shall see that Wolfowitz's ultimate contributions to the policy debate concerning military interventionism were more concerned with eliminating urgent security threats than they were promoting democracy. Similarly, there was a 1996 report by the Washington Institute for Near East Policy (WINEP) that was signed by Neo-Conservatives including Jeanne Kirkpatrick, John Bolton, Douglas Feith, Zalmay Khalilzad, Daniel Pipes, Paul Wolfowitz and Robert Zoellick. It completely rejected any *carte blanche* commitment to promoting democracy everywhere, especially if this conflicted with the American national interest.³¹¹

It seems that the Democratic Realist variant of Neo-Conservatism ultimately prevailed.³¹² This desire to confront totalitarian states should not be conflated with democracy promotion. The role democracy played in Neo-Conservative rhetoric was disproportionate to the role that it played in their actual strategy. It was a way of galvanizing the American public who would not support military interventions unless they were presented as being motivated by benevolent and altruistic intentions rather than simple, crude *realpolitik*. This is worth emphasizing, because I want to make it clear that despite their grand narrative and idealistic rhetoric, the US national interest is still most important to Neo-Conservatives. It is in the national interest of the United States to be hyper-vigilant about totalitarian regimes and their capacity to launch surprise attacks. It is also in the national interest of the United States to be sceptical about organizations like the UN Security Council, that may potentially restrict America's freedom of action.

Nevertheless, Neo-Conservatives were not shy about extolling the superiority of American democracy. In the aftermath of the Cold War, the US was the world's sole superpower. As a unipolar hegemon, the US now had more influence over other nations than at any other point in its history. Their belief in American Exceptionalism was also emboldened, due to the US's constitutional model having outlasted and defeated yet another rival system. The US now having much more global leverage to enact its will throughout the world, American Exceptionalism was going to be more consequential to foreign policy considerations than ever before. It would mean more of a role of unipolar American force, and less of a role for multilateral institutions like the UN and NATO.

³¹⁰ Paul Wolfowitz, "Statesmanship in the New Century", Kagan, Robert, and William Kristol, eds. *Present Dangers: Crisis and Opportunity in America's Foreign and Defense Policy*. San Francisco, Calif: Encounter Books, 2000.

³¹¹ Washington Institute for Near East Policy, Report of the Presidential Study Group, *Building for Security and Peace in the Middle East: An American Agenda* (Washington, DC, 1997), Pg 60–61.

³¹² Krauthammer ultimately wrote; "the behaviour of the Bush administration implies that in practice, the distinction between democratic realism and democratic globalism may collapse, because globalism is simply not sustainable." Charles. Krauthammer, 'The Neoconservative Convergence'. *Wall Street Journal*, 22 July 2005, sec. Opinion

In 1997, (William) Kristol and Kagan helped launch the Project for a New American Century (PNAC).³¹³ This organization called for the overthrow of Saddam Hussein, and expounded a vision of America as a global hegemon that was not afraid to act militarily in different parts of the globe. The PNAC Statement of Principles did not place democracy promotion at the forefront of its priorities, but did emphasize the urgent need to: “challenge regimes that are hostile to our values”.³¹⁴ It also extolled the foreign policy of Ronald Reagan as a guiding light for future US administrations, talked of the need to strengthen and modernize the US military, and alluded to preventive war when it spoke of the need for the US military to : “meet threats before they become dire”.³¹⁵

The PNAC would come to have a tremendous amount of influence in American foreign policy-making circles. I shall now look more closely at the implications that this ultimately had for the Bush administration.

³¹³ “Statement of Principles” Project for the New American Century www.americancentury.org, as accessed via web.archive.org on 30th August 2022

³¹⁴ *Ibid.*

³¹⁵ *Ibid.*

Bush Administration

As I have noted in my introductory chapters, a challenge that emerges in exploring ideological influence in this case is the fact that policymakers are unlikely to freely admit to being influenced by any ideology, especially one as controversial as Neo-Conservatism. The key foreign policy figures (President George W Bush , Vice President Dick Cheney, National Security Adviser Condoleeza Rice, Secretary of Defense Donald Rumsfeld and Secretary of State Colin Powell) within the Bush administration were generally not known as Neo-Conservatives and do not appear to have identified as such.³¹⁶

As Flibbert writes: “I do not claim, for example, that a neoconservative cabal foisted its agenda on the administration, or even that second-tier officials won the internal policy debate that led to the Iraq war. I do contend, however, that certain ideas prevailed—some, but not all, articulated by a new generation of neoconservatives—when most of the administration’s principal players and the president himself adopted them”.³¹⁷

My argument is similar to the one outlined by Flibbert, in the sense that my case for ideological influence hinges on the content of the case that was ultimately made for regime change, not on the ideological self-identifications of individual members of the administration. The evidence does suggest that key figures of the administration had collectively been in the orbit of Neo-Conservatism, whether or not they individually identified as Neo-Conservatives. I shall now briefly explore the nature of this influence.

Future members of the Administration (Neo-Cons and non-Neo-con alike) had already found common cause and collaborated significantly throughout the 1990s. In 1992 future Under-Secretary of Defense Wolfowitz had a leading role in the drafting of the Defense Planning Guidance (DPG). He delegated much of the research involved to Lewis “Scooter” Libby, who had been a student of his at Yale, and would ultimately become Chief of Staff to Vice President Dick Cheney in the Bush administration. Libby also enlisted the help of Khalilzad, another future Bush administration official.

The DPG outlined a new vision of a unipolar world order, in which the United States exercised hegemony and kept any rising powers at bay. It also warned of mounting threats from rogue regimes, WMDs and argued that the US should proactively seek to use its foreign policy in order to secure vital access to raw materials and natural resources. It also unambiguously stated that the US had an interest in helping to confronting tyrannical

³¹⁶ Cheney and Rumsfeld were not considered to be Neo-Conservatives, see Roberta Haar, ‘Explaining George W. Bush’s Adoption of the Neoconservative Agenda after 9/11’. *Politics & Policy* 38, no. 5 (1 October 2010): Page 974-5. Rice was known as a Realist, see Craig Unger, *The Fall of the House of Bush: The Delusions of the Neoconservatives and American Armageddon*. Simon and Schuster, 2008, Pages 166-7

³¹⁷ Andrew Flibbert, “The Road to Baghdad: Ideas and Intellectuals in Explanations of the Iraq War.” *Security Studies* 15, no. 2 (July 1, 2006): Page 313

regimes. A draft of the DPG was eventually leaked to the *New York Times*, and caused a big media furor.³¹⁸

In 1996, several Neo-Conservatives were involved in the publication “A Clean Break: A New Strategy for Securing the Realm”. This was a policy document intended for Benjamin Netanyahu (then – Prime Minister of Israel). It was compiled by the *Study Group on a New Israeli Strategy Toward 2000*, which was a part of the Institute for Advanced Strategic and Political Studies. The study group was led by Richard Perle, but also had substantial input from David Wurmser and Douglas Feith.

It argued for an end to the current “peace process”, for the delegitimization of the Palestinian National Authority, and for the building of a stronger U.S.-Israel strategic military alliance. Most importantly for the purposes of this thesis, the document advocated for the removal of Saddam Hussein, and argued that Israel should take a more belligerent stance against totalitarian regimes in the Middle East. This report is yet another example of the radical foreign policy outlook that future members of the Bush administration were beginning to develop.

The following year, Paul Wolfowitz wrote an article entitled: “The United States and Iraq”. Wolfowitz identified the US’s three options with respect to Saddam as being containment, co-existence, or regime change.³¹⁹ He argued that containment was no longer a valuable option, due to the ever-changing political dynamics of the Middle East. In addition, Wolfowitz argued that the sanctions regime was hurting the Iraqi people as much as it was hurting the regime itself. Wolfowitz argued that engagement or restoration of normal relations with the regime also was not an option, as it would strengthen Saddam Hussein, and enable him to tighten his grip on power and continue to violate international law and destabilize the Middle East.

Wolfowitz ultimately concluded that the only remaining option was regime change. In the same year, Wolfowitz and Khalilzad co-authored a *Weekly Standard* article in which they wrote; “It must be part of an overall political strategy that sets as its goal not merely containment of Saddam but the liberation of Iraq from his tyranny.”³²⁰

Wolfowitz also worked with Rumsfeld on Robert Dole’s 1996 Presidential campaign, and then served with him on the 1997 Commission to Assess the Ballistic Missile Threat. This

³¹⁸ The initial leak that caused the uproar: Patrick E Tyler, ‘U.S. STRATEGY PLAN CALLS FOR INSURING NO RIVALS DEVELOP’. *The New York Times*, 8 March 1992, sec. World. <https://www.nytimes.com/1992/03/08/world/us-strategy-plan-calls-for-insuring-no-rivals-develop.html>. The document was subsequently re-written, and a version circulated on April 16th 1992 is available on the US Government archives website: <https://www.archives.gov/files/declassification/isicap/pdf/2008-003-docs1-12.pdf> Last accessed 30th August 2022

³¹⁹ Paul Wolfowitz, “The United States and Iraq”, in *The Future of Iraq* (1997), ed John Calabrese *Middle Eastern Institute*

³²⁰ Paul Wolfowitz and Zalmay Khalilzad, “Overthrow Him” *The Weekly Standard*, December 1st 1997, Accessed via *The Washington Examiner*, “From the Archives of the Standard” <https://www.washingtonexaminer.com/weekly-standard/overthrow-him> 30th August 2022

Commission ultimately concluded that the threat from ballistic missile technology of rogue states was much greater than the intelligence community had previously thought. It also listed Iran, Iraq and North Korea (the future “Axis of Evil”) as particular causes for concern. The alliance between Rumsfeld and Wolfowitz would ultimately come to dominate the Bush administration’s Department of Defense.

Ideas and alliances between key officials were clearly beginning to crystalize during this time, and would prove tremendously consequential in the decade that followed. Nowhere was this more evident than at the PNAC. The PNAC was the key purveyor of Neo-Conservative thought throughout the 1990s. The PNAC had an astonishingly high concentration of future Bush administration officials within its network. No less than twenty-one future Bush administration officials were directly involved with the PNAC. This was either as signatories to its 1997 Statement of Principles, signatories to the 1998 letter to Bill Clinton advocating the invasion of Iraq, or as contributors to PNAC reports.³²¹

In addition to Rumsfeld and Wolfowitz, they were: Dick Cheney, Elliot Abrams (senior director for near east, southwest Asian and North African affairs on the National Security Council); Paula Dobriansky (undersecretary of state for global affairs); Richard L. Armitage (Deputy Secretary of State) Zalmay Khalilzad (president’s special envoy to Afghanistan and ambassador-at-large for Free Iraqis); ; Peter W. Rodman (assistant secretary of defense for international security affairs); Stephen Cambone (director of the Pentagon Office of Program, Analysis and Evaluation), John Bolton, Eliot Cohen (Defense Policy Board); Richard Perle (chair of the Pentagon’s semi-autonomous Defense Policy Board), Devon Gaffney Cross (Defense Policy Board); I.Lewis Libby (Vice President Cheney’s chief of staff), William Luti and Abram Shulsky (Directors of the Pentagon’s Office of Special Plans), James Woolsey (Defense Policy Board), David Wurmser (special assistant to the undersecretary of state for arms control) John Bolton (Under-Secretary of state for Arms Control and International Security), Robert B. Zoellick and Jeffrey Bergner.³²²

PNAC participants came from a variety of ideological backgrounds. They all shared a more ambitious, expansive definition of the national interest. They agreed with Neo-Conservatives about the need to prevent rival powers from emerging, the need for the US to act unilaterally, and the potential need for the US to be willing to use force prior to being attacked. Most importantly, future leading officials of the Bush administration had already had common-ground with the Neo-conservatives in their long-held desire to have a confrontation with Saddam Hussein.

The PNAC’s letter to Bill Clinton unapologetically declared that: “American policy cannot continue to be crippled by a misguided insistence on unanimity in the UN Security

³²¹ “Statement of Principles” *Project for the New American Century* www.americancentury.org, as accessed via web.archive.org on 30th August 2022

³²² John Bolton and Jeffrey Gergner were signatories of the PNAC’s letter to Bill Clinton advocating for the invasion of Iraq. Stephen Cambone, Devon Gaffney Cross, Abram Shulsky, are named as project participants in “Rebuilding America’s Defenses”. The rest of the listed officials were original signatories to the “Statement of Principles”

Council”.³²³ This was a rejection of the Security Council’s model of multilateralism and a call for the US to take the initiative in overthrowing Saddam Hussein with or without multilateral approval. For this policy suggestion to become reality, an opportunity needed to present itself. The PNAC’S earlier “Rebuilding America’s Defenses” report had prophetically declared that only a national security disaster on the scale of Pearl Harbour would initiate the foreign policy shift required that would enable their military and defence policy recommendations to be implemented.³²⁴ This opportunity ultimately came in the form of 9/11.

In 2001, George W Bush had been elected to the presidency after a much-disputed electoral victory over Al Gore. Pre 9/11, George Bush was widely believed have a pragmatic attitude to foreign policy prior to entering office.³²⁵ Many Neo-conservatives even opposed him and supported John McCain during the 2000 Republican primaries.³²⁶ John McCain’s war record as a Prisoner of War in Vietnam had naturally endeared him to many of the party faithful, and he used his distinguished record of military service as a platform from which to pledge to extend America’s influence in the world.

Bush, by contrast, had demonstrated little interest in pursuing an interventionist foreign policy. Bush declared during his election campaign: “If we're an arrogant nation, they'll resent us. If we're a humble nation, but strong, they'll welcome us. Our nation stands alone right now in the world in terms of power, and that's why we have to be humble, and yet project strength in a way that promotes freedom.”³²⁷ He had railed against the notion that the military was “the answer to every difficult foreign policy situation.”³²⁸

Consequently, when he entered office, Kristol and Kagan did not think Bush had a firm grasp of national security issues. and eviscerated him for his handling of the April 2001 China spy plane incident, accusing him of capitulating to Chinese aggression and calling it a “national humiliation”.³²⁹ Kagan also described Bush’s 2001 Defense budget as “reckless” and

³²³ “Letter to Bill Clinton” *Project for the New American Century*, www.americancentury.org, as accessed via web.archive.org on 30th August 2022

³²⁴ “Rebuilding America’s Defenses” *Project for the New American Century*, www.americancentury.org, as accessed via web.archive.org on 30th August 2022

³²⁵ Haar, Roberta. “Explaining George W. Bush’s Adoption of the Neoconservative Agenda after 9/11.” *Politics & Policy* 38, no. 5 (October 1, 2010): Pages 965–90.

³²⁶ Klein, Ezra. ‘RETURN OF THE NEOCONS.’ *The American Prospect*, 8 May 2008. <https://prospect.org/api/content/b9d44038-7bb2-58ba-9317-c70296bb52bd/>.

³²⁷ As quoted by *NBC News* in: ‘What a Difference Four Years Makes’. Accessed 30 August 2022. <https://www.nbcnews.com/id/wbna5899065>.

³²⁸ As quoted in Philip H Gordon, ‘The End of the Bush Revolution’. *Foreign Affairs* 85, no. 4 (2006): Pages 75–86. <https://doi.org/10.2307/20032042>.

³²⁹ There was a collision on the South China Sea, near Hainan Island between a US reconnaissance aircraft and a Chinese Naval fighter jet. There was one fatality on the Chinese side. The Bush administration attempted to diffuse the situation and expressed regret about the incident, whereas Kristol and Kagan thought that Bush should have been more forthright in admonishing China for flying fighter jets so dangerously close to American intelligence planes. See Robert Kagan and William Kristol, “A national humiliation” *The Weekly Standard*, 15th 105

“indefensible”.³³⁰ At this point, Bush had not pledged to spend significantly more on defense than what was spent under the Clinton administration.³³¹

This changed following the September 11th terrorist attacks.³³² 9/11 was a turning point in world politics that came to define an entire epoch of foreign policy. The World Trade Center was a very potent symbol of global capitalism. The Pentagon was a center of US military power. Successful attacks on these two iconic landmarks saw countless lives lost. It was a day of pain and trauma for the American public that brought with it a sudden sense of vulnerability and paranoia to the US national security establishment.

This also brought with it a desire for an immediate, forceful response as well as a decisive shift in worldview and a renewed sense of purpose. George Bush declared on September 20th; “in our anger and in our grief, we have found our mission and our moment.”³³³ The first response was of course, the October 2001 invasion of Afghanistan and the overthrow of the Taliban, who had played host to Al Qaeda. This was supported by a Joint Congressional resolution and met with substantial support from across the political spectrum.³³⁴ However, many still thought there was still more to be done, as it was widely believed that Al Qaeda networks stretched far beyond Afghanistan.

Numerous sources document the fact that from the day of the attacks, certain members of the Bush administration had been desperately trying to link the attacks to Saddam Hussein’s regime and use them as a pretext to invade Iraq. Richard Clarke writes in his memoir that in the immediate aftermath of 9/11, it became increasingly clear that both Rumsfeld, Wolfowitz and many other Administration officials were using the national tragedy to

April 2001. Accessed via *The Washington Examiner* <https://www.washingtonexaminer.com/weekly-standard/a-national-humiliation>

³³⁰ Robert Kagan, ‘Indefensible Defense Budget’ *Washington Post*, 20th July 2001
<https://www.washingtonpost.com/archive/opinions/2001/07/20/indefensible-defense-budget/bfc5637b-a739-4fbc-84ac-051c940a0d4a/>.. Accessed 30 August 2022.

³³¹ “President Bush has told top military officials that he plans to propose a Pentagon budget for the coming fiscal year that is essentially unchanged from the long-term spending plan outlined last year by his Democratic predecessor, Bill Clinton... he \$310 billion plan for the 2002 fiscal year that begins in October amounts to a rise of \$14 billion, or 4.7 percent, over the Pentagon's current budget. It does not include as much as \$10 billion in program costs that the Pentagon had hoped Mr. Bush would add” James Dao, ‘Bush Administration Holds to Clinton Budget for Pentagon Spending in 2002’. *The New York Times*, 7 February 2001, sec. U.S.
<https://www.nytimes.com/2001/02/07/us/bush-administration-holds-to-clinton-budget-for-pentagon-spending-in-2002.html>. Accessed 30th August 2022.

³³² Roberta. Haar, ‘Explaining George W. Bush’s Adoption of the Neoconservative Agenda after 9/11’. *Politics & Policy* 38, no. 5 (1 October 2010): Pages 965–90.

³³³ “Address to a Joint Session of Congress and the American People” September 20th, 2001 *George W Bush White House Archives*

³³⁴ Public Law 107–40, 107th Congress, September 18th 2001 *US Government Information Service*, <https://www.congress.gov/107/plaws/publ40/PLAW-107publ40.pdf> Gary C. Jacobson, ‘A Tale of Two Wars: Public Opinion on the U.S. Military Interventions in Afghanistan and Iraq’. *Presidential Studies Quarterly* 40, no. 4 (2010): Page 589

launch a case for a War on Iraq that they had been wanting since the inception of the Bush administration.³³⁵

The hysteria that emerged in the aftermath of these attacks enabled Neo-Conservative thinking to gain a prominent place in the Bush administration's foreign policy-making considerations.³³⁶ There was a particular emphasis on heightened vigilance concerning potential threats emerging from the Middle East.

One notable example of this was a briefing paper presented to the Defence Policy Board in Rumsfeld's private conference room on July 10th by French political analyst Laurent Murawiec, and leaked to the Washington Post the following month.³³⁷ The key point of the briefing was that the overthrow of Saddam Hussein would potentially bring about a sea change within Middle Eastern politics and eliminate numerous threats to American national security that were emanating from this region. This briefing was fiercely critical of Saudi Arabia, portraying it as a grave threat to the United States and accusing it of financing terrorism and radicalization.

This briefing was eventually leaked to the press, and there was a widespread public outcry. Officials in the administration did their best to distance themselves from the content of the briefing. A Pentagon spokesperson said: "Neither the presentations nor the Defense Policy Board members' comments reflect the official views of the Department of Defense,"³³⁸

It was true that the content of the briefing was not official US government policy, and did not reflect the outlook of the Defense Policy Board (a board which incidentally had several prominent non-Neo-Conservatives, including Henry Kissinger, as members). Nevertheless, it is clear that there was a debate occurring within the administration concerning the need to re-think some of the US's Middle Eastern alliances and to be more vigilant concerning unexpected threats that were potentially being fuelled by erstwhile allies like Saudi Arabia. Sources from within the administration made it clear that this debate was the beginning of a shift in outlook amongst officials that was being partially driven by Neo-Conservatives like Perle and Wolfowitz.³³⁹

As Deputy Defense Secretary in the Bush administration, Wolfowitz became increasingly concerned about the shortcomings of the American intelligence community. Along with Douglas Feith, Wolfowitz created a team known as the Policy Counterterrorism Evaluation

³³⁵ Richard A Clarke, *Against All Enemies: Inside America's War on Terror*. Reprint edition. New York: Free Press, 2004. Chapter 20, Pg 316

³³⁶ William Kristol and Robert Kagan publically acclaimed the fact that Bush had been converted to their way of thinking in "The Bush Doctrine unfolds" *The Weekly Standard*, 4th March 2002 <https://www.washingtonexaminer.com/weekly-standard/the-bush-doctrine-unfolds-2234> and in "An Administration of one" *The Weekly Standard*, December 1st 2003 as accessed via *Carnegie Endowment* <https://carnegieendowment.org/2003/12/01/administration-of-one-pub-1415>. This is explored in more detail by Roberta Haar in: 'Explaining George W. Bush's Adoption of the Neoconservative Agenda after 9/11'. *Politics & Policy* 38, no. 5 (1 October 2010): 965–90. <https://doi.org/10.1111/j.1747-1346.2010.00265.x>.

³³⁷ Thomas E. Ricks, "Briefing Depicted Saudis as Enemies", *The Washington Post*, August 6, 2002

³³⁸ Ibid.

³³⁹ Mark Thompson "Inside The Secret War Council" *Time Magazine*, August 19th 2002

Group (PCTEG), which eventually became the Office of Special Plans (OSP).³⁴⁰ This was intended to supplement the work of the CIA, especially with regards to investigating Iraq and its links to terrorist organizations.

The *New York Times* quoted officials as saying that Rumsfeld, Feith and Wolfowitz were challenging “cherished beliefs and assumptions”³⁴¹ which had led intelligence analysts to overlook certain kinds of information. The same *New York Times* article also talked of a “contentious” relationship between the Department of Defence and the intelligence agencies. This was confirmed by subsequent federal investigations into the intelligence surrounding the decision to invade Iraq.³⁴²

Wolfowitz argued that the purpose of the PCTEG revealed; “a phenomenon in intelligence work, that people who are pursuing a certain hypothesis will see certain facts others won’t, and not see other facts that others will. The lens through which you’re looking for facts affects what you look for.”³⁴³ This reasoning will be an important factor when I explore the Bush administration’s treatment of evidence in the next chapter.

In this chapter, I have sought to outline the key tenets of Neo-Conservatism, as well as outlining the unique historical trajectory of Neo-Conservatism as a belief system and the implications it now has for policy. Neo-Conservative thinkers were “zealous converts” to American Exceptionalism, had a unique reading of the Soviet threat due to their left-wing backgrounds and were further emboldened by victory in the Cold War. This made them more likely to overestimate the threat posed by totalitarian regimes and less likely to trust multilateral institutions.

As I have argued throughout this chapter, the policy of confronting totalitarianism had always been seen by Neo-Conservatives as part of America’s core national interest. They argued that totalitarian regimes harboured ill intent towards the United States, and had a unique capacity to militarize their nation states, violate non-proliferation treaties, and (post-9/11) harbour or collude with terrorists.

In the next chapter, I will examine more closely the composition of the Bush administration, and how Neo-Conservatism came to shape its agenda in the aftermath of 9/11, and crucially made it more likely to advocate preventive war. This had particularly profound

³⁴⁰ On February 9th, 2007 Inspector General Grumble reported to the Senate Armed Services Committee that inappropriate activities by the Office of Special Plans were directed by Feith and approved by Wolfowitz and Rumsfeld. “BRIEFING ON THE DEPARTMENT OF DEFENSE INSPECTOR GENERAL'S REPORT ON THE ACTIVITIES OF THE OFFICE OF SPECIAL PLANS PRIOR TO THE WAR IN IRAQ” Senate Hearing 110-232 *U.S. Government Printing Office* <https://www.govinfo.gov/content/pkg/CHRG-110shrg35438/html/CHRG-110shrg35438.htm>

³⁴¹ Eric Schmitt, and Thom Shanker. ‘THREATS AND RESPONSES: A C.I.A. RIVAL; PENTAGON SETS UP INTELLIGENCE UNIT’. *The New York Times*, 24 October 2002, sec. World

³⁴² “BRIEFING ON THE DEPARTMENT OF DEFENSE INSPECTOR GENERAL'S REPORT...” op.cit.

³⁴³ Ibid.

implications for how the Bush administration interpreted the evidence concerning Iraq, and interpreted the role of the UN Security Council.

Chapter 5: The Bush Administration's reading of the evidence

There were two dimensions to the case that the Bush administration made to the Security Council. The first was the evidence they presented concerning the threat posed by Iraq and the need for a military intervention. The second was the case concerning the moral legitimacy and the legality of an invasion. In this chapter, I will be focusing on the manner in which they presented the evidence of the threat. I am arguing that Neo-Conservatism played a major role in the administration's erroneous analysis of the evidence and perception of an urgent threat.

The norms of the UN and Security Council required the US to have some patience with the inspections process and the multilateral diplomacy that accompanied it. It also required the US to see war only as a last resort after military force had explicitly been authorized. These norms would also require an empirical assessment of the Iraq situation that was on shared intersubjective understandings between member states and not on one country's single unilateral agenda.

All of the Security Council member states could see that Iraq's co-operation had been hesitant and unsatisfactory. Many Security Council member states also had similar intelligence concerning Iraq's WMD programme.³⁴⁴ By early 2003, these other countries still thought it was too early to give up on the inspections process. They were not ready to conclude that Iraq needed to be disarmed by force. France in particular were not ready to abandon the inspections process.³⁴⁵ In addition, the UN's Monitoring, Verification and Inspection Commission (UNMOVIC)³⁴⁶ had not yet declared Iraq in "material breach" of the terms of the Resolution and still wanted to give the inspection process more time.

The Bush administration prematurely concluded that ongoing inspections were no longer the best course of action. The Bush administration thought that new evidence was no longer required as the nature of the Saddam regime and its pattern of behaviour throughout the

³⁴⁴ French intelligence up until 2001 shared most of the US's conclusions about Iraqi WMD proliferation. In early 2003, there was still a great deal of "common ground", but they simply refused to engage in the same level of alarmism as the US. See: Frédéric Bozo, *A History of the Iraq Crisis: France, the United States, and Iraq, 1991–2003*. Columbia University Press, 2016 Page 157. In addition, some of the US's own flawed intelligence was obtained through shared information from Germany, see: "Bundestag to Examine US-German Intelligence Fiasco on Iraq" *Deutsche Welle*, 15th April 2008'. Accessed 14 February 2022. <https://www.dw.com/en/bundestag-to-examine-us-german-intelligence-fiasco-on-iraq/a-3268261>.

³⁴⁵ Sally Bolton, 'UN War Doubters Unite against Resolution'. *The Guardian*, 5 March 2003, sec. World news. <https://www.theguardian.com/world/2003/mar/05/iraq.politics>.

³⁴⁶ The successor organization to the United Nation Special Commission (UNSCOM). Both bodies were founded for the purpose of overseeing Iraqi disarmament.

past two decades had conclusively proven that it had illicit weapons. The administration concluded that the UN's combination of inspections and diplomacy were not going to resolve the situation. This conclusion was a product of the Bush administration's belief in the unique threat posed by totalitarian regimes, and its lack of faith in the UN system.

The key flashpoints of the build up to war were the following; On the 12th September 2002, George Bush addressed the UN General Assembly and warned that military action would be unavoidable if Iraq continued its noncompliance with UN Security Council resolutions. On the 8th November 2002, the UNSC unanimously passed resolution 1441, giving Iraq a final opportunity to comply with its disarmament obligations. From November 2002 to March 2003, the UNMOVIC had not found Weapons of Mass Destruction (WMD), despite carrying out 700 inspections in Iraq. On February 6th 2003, Colin Powell gave a presentation to the UNSC in which he sought their backing for military action against Iraq. On 26th February 2003, the US and UK submitted a draft resolution to the UN, which declared that Iraq had missed its final opportunity to peacefully disarm. This resolution was opposed by France, Russia and Germany. On the 10th of March, France and Russia announced that they were ready to veto any UN Security Council resolution that immediately authorized war in the event of Iraq's failure to provide conclusive evidence of disarmament. On March 20th 2003, US-led forces finally invaded Iraq and removed Saddam Hussein from power within three weeks.

The two issues that the Bush administration focused on were arguments concerning Iraqi possession of WMDs and Iraqi links with Al Qaeda. I shall argue that the Administration used arguments from ignorance, an inappropriately high burden of proof, and a great deal of confirmation bias to justify an early abandonment of the inspections regime and swift rush to war. New evidence that contradicted their existing assumptions was interpreted as evidence of UN incompetence or elaborate Iraqi concealment mechanisms. The Bush administration ultimately argued that the scale of the potential threat and risk to American national security that the Saddam regime posed meant that the political benefits of pursuing the Security Council authorization any further were no longer worth the delay in eliminating the threat of Saddam.

The Bush administration also did not think the UN had the capacity to hold Iraq to account and thought the UN system could easily be used and manipulated by Saddam. This was evident in Powell's speech and in many other statements that were made by administration officials and have since been made in memoirs³⁴⁷.

I am taking an approach to examining the Bush administration's case for war that differs from the existing literature. Powell's speech to the Security Council is not remembered for

³⁴⁷ Several memoirs I will quote in this chapter, including: Colin Powell, *It Worked for Me: In Life and Leadership*. Reprint edition. HarpPeren, 2014, and Colin Powell, *It Worked for Me: In Life and Leadership*. Reprint edition. HarpPeren, 2014 as well as statements made by Paul Wolfowitz, Dick Cheney and John Negroponte.

its reasoning or interpretation of evidence but for its factual inaccuracies and howling intelligence errors. These misunderstandings were not unique to the US government, and were not the key flaw of its case for war to the Security Council. As already noted, several permanent member states of the UN Security Council shared the erroneous belief that Saddam still had WMDs. This did not mean there was an imminent threat. They did not think the evidence justified a rushed resort to war prior to the conclusion of the inspections programme.

As veteran CIA Agent Paul Pillar said; “Absent the drumbeat for war, even exaggerated estimates of Iraqi WMD prowess would have represented only a standard foreign policy problem. Bush administration intentions made a difference.”³⁴⁸ Even with over-inflated estimates of Iraq’s WMD capabilities, a less hawkish administration may have reasoned that it was worth waiting for stronger evidence of a threat, or more multilateral support. The Bush administration’s ideology and intentions turned Iraqi WMD from a cause for concern, to an urgent and potentially imminent threat.

A key factor in its case for war was the fact that the Bush administration perfunctorily used evidence as a convenient justification for a war it had already decided on. The Bush administration’s international diplomacy had ostensibly been a means of mobilizing the UN’s inspections apparatus in order to gain additional evidence concerning the status of Iraq’s WMD programmes. However, the Bush administration’s desire to invade Iraq was ultimately not driven by hard facts or evidence. The Bush administration had already wanted to invade Iraq prior to accessing much of the intelligence that was in Colin Powell’s presentation. It’s plans for an invasion were driven by the administration’s Neo-Conservative belief in preventive war as a way of confronting totalitarian regimes that posed a threat to American national security.

In the build-up to Hans Blix’s trip to Iraq on January 31st, Bush declared in a January 31st 2003 joint press conference with Tony Blair; “The idea of calling inspectors in to negotiate is a charade. If he is going to disarm, he must start disarming. That’s the only thing he needs to talk to the inspectors about, is, here, I’m disarming.” A journalist responded; “Mr. President, an account of the White House after 9/11 says that you ordered invasion plans for Iraq six days after September the 11th -- Bob Woodward’s account. Isn’t it the case that you have always intended war on Iraq, and that international diplomacy is a charade in this case?” In his subsequent response, Bush did not explicitly deny this, saying that the traumatic events of 9/11 had made it clear that containing Iraq was no longer feasible.

As I am using a Constructivist framework, I must note that states are indeed motivated by their need to conform to the prevailing norms of multilateral institutions that are being adhered to by other countries. This also applies to the United States. Their reputation and ability to build strong diplomatic relations and co-operative agreements is frequently at stake in the UN Security Council. States have to balance these considerations concerning the

³⁴⁸ Paul Pillar Talk, “Intelligence, Policy, and the War in Iraq,” *Council on Foreign Relations*, March 7, 2006 as referenced in *National Security Archive*, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB254/index.htm> Accessed February 14th 2022

costs and incentives of co-operation whenever they make policy on the world stage. Neo-Conservatism and its unique egoistic conception of America's national interest meant that the Bush administration had less of an incentive to compromise on its desired plans for the sake of facilitating co-operation with other nations. The US's stance in this case was shaped by an administration that had expressed its moral assertiveness and its willingness to unilaterally use military force in the often dangerous environment of a post-9/11 world. The US's military and economic dominance meant that it had more scope and latitude to refuse to conform with certain global norms that it thought were unlikely to generate its desired outcomes.

In the first section, shall begin by briefly exploring the role of false intelligence in the case that the Bush administration made. I shall then explore the administration's understanding of the burden of proof concerning Saddam's possession of WMDs. Finally, I shall demonstrate that the Bush administration's confirmation bias led it to inflated assessments of the threat from Saddam that went beyond the false intelligence that they had received.

5.1 False Intelligence not the determining factor

Before I outline my stance concerning ideological influence in more detail, I need to briefly revisit my Constructivist theoretical framework. I am arguing that an objective world exists. This is an objective world of which actors have imperfect knowledge. They consequently rely on their subjective perceptions. The imperfect knowledge that states have can take the form of information obtained directly from the states concerned. This by its very nature is flawed information, as states have an incentive to not be fully transparent with their rivals and to only disclose limited amounts of information. The additional information that states accumulate themselves via intelligence and reconnaissance is also inevitably flawed. The already-flawed and limited knowledge that states have (or think they have) is also filtered through their beliefs and assumptions about the world around them. This is how ideology becomes a factor in their actions. As value free analysis is impossible. Rathbun writes of ideologies and belief systems as "shortcuts" that enable actors to make sense of a complex world. He writes; "Belief systems provide a subjective lens that screens and helps statesmen cope with the abundance of information".³⁴⁹

The influence of ideology is heightened during times of particular uncertainty. As I have already noted, the information that states have is flawed and limited at the best of times. During times of crisis, or in the aftermath of epoch-changing shock events, accurate information becomes even more difficult to obtain. Uncertainty means that policymakers have difficulty reading the intentions of their adversaries, do not know what they are

³⁴⁹ Brian C Rathbun, 'Uncertain about Uncertainty: Understanding the Multiple Meanings of a Crucial Concept in International Relations Theory'. *International Studies Quarterly* 51, no. 3 (2007): 533–57.

planning, and consequently do not know what to prepare for. The Bush administration had difficulty in reading precisely what Saddam's intentions and ultimate plans were, and in determining what the existing status of his WMD programme was.

As I have argued in my chapter on Neo-Conservatism, uncertainty had long been a key concern, and this was now heightened in the aftermath of 9/11, a cataclysmic national tragedy. As Condoleezza Rice explained in her April 2004 statement to the 9/11 Commission: "Bold and comprehensive changes are sometimes only possible in the wake of catastrophic events—events which create a new consensus that allows us to transcend old ways of thinking and acting."³⁵⁰

In a post 9/11 world, the Bush administration needed a worldview that could make sense of what had happened and provide a blueprint for decisive action in a dangerous world. One of the key tenets of Neo-conservatism is the belief in the internal content of regimes as a determinant of their foreign policy.³⁵¹ Neo-Conservatives see totalitarian regimes as having a tremendous capacity for swift, unexpected mobilization of state military resources due to their centralized power model, lack of constitutional restrictions on authority and reliance on violence and coercion to maintain order. They are also harder to read and predict due to the caprice and malevolence of their rulers.

The obstacles that the Bush administration had in obtaining information about Iraq are well known. Saddam Hussein had been deliberately evasive. The UN inspections programme had many clear weaknesses in enforcement. The US also had flawed intelligence. As I have argued in my chapter on Constructivism, it is when information is in short supply that ideology gains a more prominent role. Neo-Conservatism influenced the case for war first by determining the early decision that regime change was the only solution. Its beliefs about totalitarian regimes shaped its view of the evidence. Its case to the UNSC reflected its beliefs about regime content determining actions, exacerbating uncertainty and amplifying threats.

In 2008, The Center for Public Integrity published a report with a list of 935 false statements made by the top eight administration officials in the period leading up to the Iraq war (From September 11th 2001 to September 11th 2003).³⁵² These statements concerned Iraq having WMDs and Iraq being operationally linked to Al Qaeda. Poor intelligence has frequently been blamed for the flaws of the Bush administration's case for war in the 2002-3. The false conclusions about Iraq's weapons capabilities and links to Al Qaeda were indeed a big factor that drove the Bush administration's case for war. I do not dispute this. Firstly, I have already noted the flaws and shortcomings of human perception when it comes to interpreting information. My theoretical framework assumes that a states information will

³⁵⁰ Condoleezza Rice, "Dr. Condoleezza Rice's Opening Remarks to Commission on Terrorist Attacks," 8 April 2004, previously accessed via : <http://www.whitehouse.gov/news/releases/2004/04/20040408.html>. , now available at <https://www.9-11commission.gov/hearings/hearing9.htm>

³⁵¹ Stefano Recchia, "Did Chirac Say 'Non'? Revisiting UN Diplomacy on Iraq, 2002-03." *Political Science Quarterly* 130, no. 4 (December 1, 2015): 625–54. <https://doi.org/10.1002/polq.12397>.

³⁵² 'False Pretenses'. *Center for Public Integrity*, 23 January 2008. <http://publicintegrity.org/politics/false-pretenses/>.

always be flawed and incomplete. These flaws mean that errors in intelligence are inevitable. However, flawed intelligence does not inevitably lead to preventive war. There are other factors that need to be explored.

The October 2002 National Intelligence Estimate was entitled: "Iraq's Continuing Programs of Weapons of Mass Destruction". One of its key judgements was that: "Iraq has continued its weapons of mass destruction programs in defiance of UN resolutions and restrictions". While there were differences of opinion about the precise nature and scope of Saddam's nuclear program, all the major branches of government, except the State Department, agreed with the assertion that: "Baghdad started reconstituting its nuclear program about the time that UNSCOM inspectors departed – December 1998."³⁵³ Bush writes in his memoir; "The conclusion that Saddam had WMD was nearly a universal consensus. My predecessor believed it. Republicans and Democrats on Capitol Hill believed it. Intelligence agencies in Germany, France, Great Britain, Russia, China, and Egypt believed it".³⁵⁴

I am not arguing that the ideological biases of the Bush administration interfered with the intelligence collection process. The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (hereafter referred to as the Robb-Silbermann Commission) was convened by George Bush in February 2004. It was a response to claims of a failure of intelligence in the lead-up to the Iraq war. March 2005, the Robb-Silbermann Commission largely cleared the Bush Administration over any allegations of politicizing intelligence. The report read; "The analysts who worked Iraqi weapons issues universally agreed that in no instance did political pressure cause them to skew or alter any of their analytical judgments."³⁵⁵ The Senate Committee on Iraqi WMD intelligence also did not find any explicit evidence of politicization of intelligence.

It is clear that the CIA made many errors throughout the process of intelligence collection. Errors that were not the fault of the Bush administration or of Neo-Conservatism. The Senate Select Committee concluded that "much of the information provided or cleared by the Central Intelligence Agency (CIA) for inclusion in Secretary Powell's speech was overstated, misleading, or incorrect."³⁵⁶ In his memoir, Colin Powell writes that the CIA share a great deal of the responsibility for the infamous errors in his February 2003 presentation to the Security Council. Powell writes; "And then I read articles and books by former CIA officials describing their shock at the unsupported claims in my UN speech. Where were

³⁵³ Quote from the Key Judgments section of the October 2002 National Intelligence Estimate, "Iraq's Continuing Programs for Weapons of Mass Destruction," www.fas.org/irp/cia/product/iraq-wmd.html.

³⁵⁴ George W. Bush, *Decision Points*. Random House, 2010. Page 242

³⁵⁵ Silberman-Robb Commission, Page 11.

³⁵⁶ Senate Select committee on Intelligence and United States Congress Senate Select Committee on Intelligence. *Report of the Select Committee on Intelligence on the U.S. Intelligence Community's Prewar Intelligence Assessments on Iraq Together with Additional Views*. U.S. Government Printing Office, 2004, Page 253

they when the NIE was being prepared months earlier, or when these claims were being written into the President's January 2002 State of the Union address?"³⁵⁷ He also goes on to write; "My staff worked on it well into the night, and Tenet and McLaughlin stood by every word".

Although the Bush administration was cleared of accusations of explicit politicization, the fact remains that it clearly did have an unconventional relationship with the intelligence community. This was because the Bush administration was not primarily concerned with where the evidence pointed. Administration officials it had already come to a conclusion about war many months prior to it being supplied with false intelligence. Even after the errors of the National Intelligence Estimate (NIE), the Bush administration's certainty and absolutism concerning Saddam's weapons capabilities was still misplaced, given how big and wide-ranging many of the gaps in the US's intelligence were.

The Bush administration also did not give the intelligence community full knowledge of the alternative structures of intelligence that it had set up. As I have noted elsewhere, they made use of an alternative intelligence apparatus including the Policy Counter-Terrorism Evaluation Group (PCTEG) and which later became the Office for Special Plans (OSP). In this process of supplementing the evidence, the Bush administration exacerbated some of the errors that had already been made by the intelligence community. They also potentially made it more difficult for the CIA to correct some of the errors in intelligence that were emerging. When speculating about Iraq's alleged WMD arsenal, Neo-Conservatives argued that uncertainty meant that the Bush administration had to be hypervigilant and adequately prepared for worst-case scenarios.

As I am not delving into the internal affairs of the CIA, I cannot precisely ascertain the exact impact that this had on its internal operations. My argument does not require me to do this. I will also not be theorizing concerning the precise impact that extra intelligence from the PCTEG and OSP had on the administration. My point is simply that Neo-Conservatives within the administration like Wolfowitz had a history of not wanting to be restricted by the empirical evidence produced by the intelligence community. They wanted to open the door to inflated threat assessments, as had happened during the Cold War. Therefore, it is very telling of their influence within the Bush administration that leading officials came to think it was necessary for the intelligence community's assessments to be scrutinized and supplemented from elsewhere in the Administration.

It is now clear that much of the US's intelligence on Iraq was out of date, and based on estimates and findings stretching back to the First Gulf War. Former Deputy Executive Director of the CIA John Brennan later reflected to PBS; "Looking back on it, some of that intelligence was faulty, because that estimate was based on a wide body of intelligence that had built up over the years. A lot of the previous intelligence was included in it, but it was

³⁵⁷ Colin Powell, *It Worked for Me: In Life and Leadership*. Reprint edition. HarpPeren, 2014, Page 185

not revalidated.”³⁵⁸ They had not obtained a significant amount of new intelligence since 1998, when UNSCOM inspectors were expelled from Iraq. There is also little evidence of the intelligence community re-evaluating its findings after UNMOVIC inspections resumed in 2002 and found no evidence of WMDs. Supplementary intelligence from within the administration was just another attempt to find justifications for regime change.

In a now-legendary meeting that took place in the Oval Office in December 2002, George Tenet is popularly believed to have told President Bush that the intelligence gathered for the case for removing Saddam was a “slam dunk”. There is a particularly memorable account of this in Bob Woodward’s memoir. In Tenet’s own memoir, he denies that this statement or the meeting in which it was uttered had any impact whatsoever on how the President proceeded.³⁵⁹ Bush had asked Rumsfeld to draw up a war plan on the 21st November 2001, more than two years earlier.³⁶⁰ He saw the first workable war plan in February 2002, ten months prior to his meeting with Tenet. He had also issued the first deployment order for sending troops to the region two weeks before meeting Tenet. It is clear that prior to any guarantees from George Tenet, Bush was already in no doubt that Iraq had WMDs and that Iraq was an immediate threat that needed to be eliminated.

To the Security Council and many of its member states, what was required was careful analysis of the available evidence. In contrast, the Bush administration saw moral clarity concerning the menace of totalitarianism as the best antidote to the uncertainty brought about by its lack of information concerning Iraq. Consequently, I am arguing that the Neo-Conservative ideology functioned as something of a cognitive “shortcut” as it enabled the Bush administration to attribute Saddam’s previous malicious actions to the totalitarian nature of his regime.

In a February 2003 speech at the Washington Hilton Hotel, Bush declared; “The current Iraqi regime has shown the power of tyranny to spread discord and violence in the Middle East. A liberated Iraq can show the power of freedom to transform that vital region by bringing hope and progress into the lives of millions.”³⁶¹

This was the explanation given for his many aggressive actions during the 1980s and 1990s, including his invasion of Kuwait (1990), his violation of numerous non-proliferation agreements and his non-compliance with the UN inspections team.³⁶² As the regime had not

³⁵⁸ “Interview with Paul Brennan” “The Darkside”, FRONTLINE, PBS, <https://www.pbs.org/wgbh/pages/frontline/darkside/interviews/brennan.html> Accessed on October 27th 2021

³⁵⁹ George Tenet, *At the Center of the Storm*. 1st edition. New York: HarperCollins, 2006, Page 359.

³⁶⁰ Bob Woodward, *Plan of Attack*. UK ed. edition. London: Simon & Schuster UK, 2004, Page 205.

³⁶¹ “President Discusses the Future of Iraq.” February 2003, White House Archives <https://georgewbush-whitehouse.archives.gov/news/releases/2003/02/20030226-11.html>

³⁶² Cheney declared in his VFW speech “We are, after all, dealing with the same dictator who shoots at American and British pilots in the no-fly zone, on a regular basis, the same dictator who dispatched a team of assassins to murder former President Bush as he traveled abroad, the same dictator who invaded Iran and Kuwait, and has fired ballistic missiles at Iran, Saudi Arabia, and Israel, the same dictator who has been on the State Department’s list of state sponsors of terrorism for the better part of two decades.” Dick Cheney, ‘Vice

changed throughout this time, it was assumed that the main factor previously pushing Iraq's aggression and non-compliance was still in play. In the eyes of the administration, this reduced the need for additional evidence of guilt when it came to the 2002-3 impasse concerning WMDs.

Prior to Bush's September 2002 speech to the General Assembly challenging the UN to confront Saddam Hussein, the Bush administration had demonstrated little to no interest in working with the UN or in continuing the inspections process. This stance again underestimated the capability of the inspections regime. The UNSCOM and later UNMOVIC had a tremendous amount of resources at their disposal. They had state-of-the-art equipment, satellite photos and their own covert intelligence. They also had access to advanced methods of analysing soil, water and biota samples.³⁶³

This meant that additional inspections were a way to gain information about Iraq and potentially fill in some of the gaps in the Bush administration's own intelligence. The UN's potential access to additional information was no longer a major consideration for the Bush administration. The Bush administration believed that Iraq was innately aggressive and dangerous due to the totalitarian nature of its regime. It also expressed the belief that the UN was impotent to contain Iraq due to its moral relativism and lack of urgency, both inevitable features of an ineffective multilateral bureaucracy. War was already a foregone conclusion for many in the administration, regardless of what evidence additional inspectors could find.

Prior to the passage of Resolution 1441, several members of the US government had already begun arguing that Saddam's lack of initiative within the disarmament process had nullified the role of the inspectors. They dismissed the process before it had been given a chance to resume. Cheney argued that resuming the UN inspection process would just give Saddam Hussein more time to stall and deceive the international community.³⁶⁴ He most emphatically made this point in a speech at Veterans of Foreign Wars meeting on September 29th; "A return of inspectors would provide no assurance whatsoever of his compliance with U.N. resolutions. On the contrary, there is a great danger that it would provide false comfort that Saddam was somehow "back in his box."³⁶⁵ Cheney had a notion of inspections as a merely perfunctory exercise, or simply designed to give the appearance that Saddam was being contained.

President Speaks at VFW 103rd National Convention'. *White House Archives* Accessed 12 February 2022. <https://georgewbush-whitehouse.archives.gov/news/releases/2002/08/20020826.html>.

³⁶³ Blix, *Disarming Iraq*, Page 122

³⁶⁴ Cheney, Dick, and Liz Cheney. *In My Time: A Personal and Political Memoir*. First edition. New York: Threshold Editions, 2011, Page 389

³⁶⁵ Dick Cheney, 'Vice President Speaks at VFW 103rd National Convention'. *White House Archives* Accessed 12 February 2022. <https://georgewbush-whitehouse.archives.gov/news/releases/2002/08/20020826.html>.

John Bolton declared in August 2002 that he thought US policy should insist on regime change in Iraq whether or not inspectors were re-introduced.³⁶⁶ Frank Gaffney (a leading Neo-Conservative who had previously served under Richard Perle in the Reagan administration) was quoted as saying; “Even if every one of Iraq’s secret weapons sites were found and their contents destroyed, as long as Saddam remains in power...it will be but a matter of months before he is back in the WMD business. In short, inspections without regime change amount to nothing more than an expensive, but ultimately futile postponement of the day of reckoning with Saddam Hussein.”³⁶⁷

Ultimately, with or without explicit evidence of WMD, the Bush administration had already set its sights on Iraq. As Rumsfeld himself later declared : "we did not act in Iraq because of dramatic new evidence of Iraq's pursuit of weapons of mass murder. We acted because we saw the existing evidence in a new light, through the prism of our experience on September 11."³⁶⁸

Consequently, when inspections did eventually resume, the Bush administration had an approach that differed sharply from other members of the Security Council. This included a different understanding of what needed to be proven, of where the burden of proof lay, and of how much time the inspections should be given. The failure of the inspectors to find any explicit evidence of WMDs did not mean that the threat from Iraq had been eliminated. The Bush administration would not even acknowledge what a positive development it was that Iraq had allowed inspectors for such a sustained period of time and the potential this provided for further containment of the Iraqi regime and restrictions on its offensive capabilities.

As Jeffery Record writes; “How different the world might look now had Bush pocketed his enormous victory of coercing Saddam into accepting an occupation of his country by an inspection regime, an occupation that would have precluded the necessity for a US invasion and made a laughingstock of Saddam’s pretensions on the world stage! It seems that the White House’s obsession with removing the Iraqi dictator blocked recognition of its stunning diplomatic triumph.”³⁶⁹

The Bush administration’s inflated assessment of Iraq’s offensive capabilities led it to interpret its position of relative strength in very grave, ominous terms. This meant that the administration assumed US national security was under severe threat, even in the absence

³⁶⁶ As quoted by Kidwai, M. Saleem in *US Policy Towards the Muslim World: Focus on Post 9/11 Period*. University Press of America, 2010 Page 81

³⁶⁷ As quoted by Paul Rogers, and Nick Ritchie in *The Political Road to War with Iraq: Bush, 9/11 and the Drive to Overthrow Saddam*. 1 edition. London; New York: Routledge, 2007. Page 108

³⁶⁸ As quoted in James Risen, David Sanger, and Thom Shanker, "In Sketchy Data, Trying to Gauge Iraq Threat," *New York Times*, 20 July 2003.

³⁶⁹ Jeffrey Record “Why the Bush Administration Invaded Iraq: Making Strategy after 9/11”, *Strategic Studies Quarterly* , Vol. 2, No. 2 (SUMMER 2008), Page 69

of clear empirical evidence of such a threat. I will first explore the Bush administration's understanding of the burden of proof.

5.2 Burdens of Proof

There were difficulties in establishing precisely what the burden of proof was for verifying Iraqi disarmament. When the inspections process resumed, two claims were simultaneously being made. Iraq was claiming that it had no WMD. The US and others in the international community were claiming that Iraq did have WMD. It was not clear who was correct. As we shall see, the Bush administration claimed that the burden of proof was on Saddam to prove that he had disarmed. This was a flawed stance.

In conventional logic, the burden of proof is always on the party making an assertion or proposition. In denying possession of WMDs, Iraq was making a negative claim and could not logically prove the nonexistence of WMD within its borders. That would require Iraq to prove a negative – proving non-existence. For the inspectors to verify this would require them to have simultaneous access to every single corner of Iraq. Therefore, to prove to a certainty the claim that X does not exist one would have to possess abilities that are themselves non-existent. To know that X exists only requires us to find a particular example or observe one specific instance of X. As Saddam Hussein could not demonstrate the absence of WMD across his territory, inspectors would have to find a “smoking gun” if they were to conclude that he was in breach of Resolution 1441.

In November 2002, the UN Security Council unanimously passed Resolution 1441, which required Iraq to welcome back weapons inspectors, and make a full disclosure detailing the status of its Nuclear, Chemical and Biological weapons programmes, warning of “serious consequences” if Iraq failed to comply.³⁷⁰ Resolution 1441 also stated that Iraq was in material breach of its obligations under Resolution 687, declaring; “...false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations.”³⁷¹

Yet Iraq had denied having WMDs and UNMOVIC had not come across any explicit evidence of guilt. In his memoir, Hans Blix recalls that regardless of what intelligence had been circulating amongst member states, he had been unwilling to begin the inspections with a presumption of guilt.³⁷² The outcome of the inspections process could not be assumed from the outset simply because Saddam Hussein was a brutal leader who had a history of non-compliance. Even if Saddam’s co-operation with the inspections process was hesitant, ambiguous and conflicted, this was not proof of him having WMDs.

Iraq submitted a report in December 2002, according to its obligations under Resolution 1441. The report was widely perceived as being inadequate. It had a lot of data missing, and

³⁷⁰ Department Of State. The Office of Electronic Information, Bureau of Public Affairs. “UN Security Council Resolution 1441,” S/RES/1441 February 25, 2003. <https://2001-2009.state.gov/p/io/rls/fs/2003/17926.htm>.

³⁷¹ Hans Blix, “Notes for briefing the Security Council regarding inspections in Iraq and a preliminary assessment of Iraq’s declaration under paragraph 3 of resolution 1441”(2002),

³⁷² Blix, *Disarming Iraq*, page 171

did not meet the requirements of the Security Council.³⁷³ Blix said of the report; "Regrettably, much in these declarations proved inaccurate or incomplete or was unsupported or contradicted by evidence. In such cases, no confidence can arise that proscribed programmes or items have been eliminated."³⁷⁴ Powell said in a statement about the report: "The declaration totally fails to address what we had learned about Iraq's prohibited weapons programs before the inspectors were effectively forced out in 1998."³⁷⁵

For the inspection process to succeed, it was necessary that the Iraqi government be fully transparent in all its disclosures and allow full and unfettered access to all relevant inspection sites and all relevant personnel. Blix conceded that Iraq was still falling short of fully meeting these requirements, but there was hope that things were progressing in the right direction.³⁷⁶ He also thought that Iraq's failure to meet the benchmark meant that more time was required, not necessarily that it was concealing weapons. As a result, the inspectors asked for more time in early 2003. On January 17, Hans Blix the IAEA director Dr. Mohamed El-Baradei had appeared at a news conference in Paris with Jacques Chirac. Even though Hans Blix did complain of the Iraqis not being "forthcoming on substance," him and El-Baradei did ultimately state that more time was required for the process to fully run its course.³⁷⁷

Chirac joined them and backed this request wholeheartedly, signalling that France and other Security Council nations had confidence in the inspections process. Chirac declared: "I note that the inspection system has proved very effective in the past," As the main purpose of this press conference was to ask for more time to complete the inspections, they acknowledged that patience was required and vehemently argued against the notion that the inspections process should be abandoned.

At the end of an Anglo-French summit in Le Touquet in February, Chirac again expressed full confidence in the inspection system, saying: "I note that in the first round, more arms were destroyed than in the Gulf war. Therefore the inspection system is very effective."³⁷⁸ The French government was also hesitant to put an official time limit on the process. Chirac said: "I can't establish a timeframe. It's not up to me. I have full confidence in the inspectors." French Foreign Minister Dominique de Villepin also told the UN that although there was no evidence that Saddam had so far been disarmed, inspectors had made it impossible for him

³⁷³ *Ibid*

³⁷⁴ <https://www.un.org/Depts/unmovic/BlixSC19dec.htm> Last accessed February 13th, 2022

³⁷⁵ "Press Conference on Iraq Declaration" Department Of State. The Office of Electronic Information, Bureau of Public Affairs. 'Press Conference on Iraq Declaration'. Department Of State. 19 December 2002. <https://2001-2009.state.gov/secretary/former/powell/remarks/2002/16123.htm>.

³⁷⁶ Hans Blix, *op.cit.*

³⁷⁷ As quoted by Sebastian Rolla in 'Chirac Backs U.N. Inspectors' Request for More Time'. *Los Angeles Times*, 18 January 2003. <https://www.latimes.com/archives/la-xpm-2003-jan-18-fg-allies18-story.html>.

³⁷⁸ Nicholas Watt, 'War Is the Worst Solution, Warns Chirac'. *The Guardian*, 5 February 2003, sec. Politics. <https://www.theguardian.com/politics/2003/feb/05/uk.iraq>.

to continue work on weapons of mass destruction, he was effectively contained, meaning a swift resort to war was not justifiable under present circumstances.³⁷⁹

The French also expressed concerns about the implications that premature abandonment would have for the future viability of the UN inspections system. French officials argued that the US should think more about the precedent that might be set if inspections are cut short. They thought it could sow seeds of doubt in the international community about the effectiveness of multilateral inspections, and ultimately undermine future UN disarmament efforts.³⁸⁰ Several UN member states agreed they needed more time to try and gather evidence and that it was premature to give up on the search. German Foreign Minister agreed that inspectors should be given “all the time which is needed” to carry out their duties.

In his February briefing to the Security Council, Blix declared: “In my 27 January update to the Council, I said that it seemed from our experience that Iraq had decided in principle to provide cooperation on process, most importantly prompt access to all sites and assistance to UNMOVIC in the establishment of the necessary infrastructure. This impression remains, and we note that access to sites has so far been without problems, including those that had never been declared or inspected, as well as to Presidential sites and private residences.”³⁸¹ Saddam was at least passively co-operating with the UN inspections. He was not reported as having blocked the inspectors from going anywhere or having directly interfered in their implementation of the inspection program. The Chief inspectors themselves claimed to have made some progress.³⁸² On February 15, Villepin again argued that a decision on war was premature and that inspections should continue.³⁸³

Nevertheless, it appeared as though there was still a long way to go, and they had still fallen short of demonstrating Iraqi compliance. Blix went on to note; “Such cooperation, as I have noted, requires more than the opening of doors. In the words of resolution 1441 (2002) - it requires immediate, unconditional and active efforts by Iraq to resolve existing questions of disarmament - either by presenting remaining proscribed items and programmes for

³⁷⁹ There is a summary of his press conference at ‘PRESS CONFERENCE BY FOREIGN MINISTER OF FRANCE | Meetings Coverage and Press Releases’. *United Nations*, Accessed 12 February 2022. <https://www.un.org/press/en/2003/villepinPC.doc.htm>.

³⁸⁰ “PRESS CONFERENCE BY FOREIGN MINISTER OF FRANCE”, op.cit.

³⁸¹ *The Guardian*. ‘Hans Blix’s Briefing to the Security Council’, 14 February 2003, sec. World news. <https://www.theguardian.com/world/2003/feb/14/iraq.unitednations1>.

³⁸² ‘The United States: Changed Utterly?’ *Strategic Survey* 103, no. 1 (1 May 2003): 68–76. <https://doi.org/10.1080/04597230312331339783>.

³⁸³ As quoted in Ahmed, Kamal, Ed Vulliamy, Peter Beaumont, Gaby Hinsliff, Paul Webster, and John Hooper. ‘Worlds Apart on War’. *The Observer*, 16 February 2003, sec. World news. <https://www.theguardian.com/world/2003/feb/16/iraq.foreignpolicy1>.

elimination or by presenting convincing evidence that they have been eliminated.” There was some debate concerning how this could be demonstrated.

As of February, no evidence had emerged from the inspections to justify the assumption that Saddam actually had any WMD to dispose of. As time went on, Blix later acknowledged that the requested evidence could not be provided if Iraq did not have said weapons to begin with. As Blix writes in his memoir; "It occurred to me that the Iraqis would be in greater difficulty if... there truly were no weapons of which they could 'yield possession'."³⁸⁴ If Iraq's lack of evidence for the elimination of its WMDs was simply due to it not having had said WMDs in the first place, how could this be verified?

The Bush administration's reasoning did not allow for the possibility that Iraq genuinely no longer had WMDs. The Bush administration was operating according to standards of verification that were entirely different from the UN and its other member states. This was famously made particularly apparent by Donald Rumsfeld, several months prior to the passage of Resolution 1441 and the resumption of the inspections process. In a February 2002 Department of Defense press briefing, Donald Rumsfeld was asked a question about the lack of evidence that Saddam had WMD and intended to use them or supply them to terrorist groups.

In response, Rumsfeld famously declared; "Reports that say that something hasn't happened are always interesting to me, because as we know, there are known knowns; there are things we know we know. We also know there are known unknowns; that is to say we know there are some things we do not know. But there are also unknown unknowns—the ones we don't know we don't know. And if one looks throughout the history of our country and other free countries, it is the latter category that tends to be the difficult ones."³⁸⁵ Rumsfeld was arguing that the absence of evidence was not evidence of absence, as there were conceivably innumerable classified pieces of evidence, documents, and confidential conversations ("unknowns") that the Bush administration and other observers had not had access to.

Consistent with Rumsfeld's statement, the Bush administration's ultimate argument was that in the absence of certain knowledge, the world should err on the side of suspecting the worst of Saddam Hussein and his regime, given its history of violating non-proliferation treaties and engaging in aggression against neighbouring states.³⁸⁶ This was a stance the Bush administration maintained throughout the build up to the war.

³⁸⁴ Hans Blix, *Disarming Iraq*. Bloomsbury, 2005. Page 90

³⁸⁵ *Department of Defense transcript*, "DoD News Briefing - Secretary Rumsfeld and Gen. Myers", February 12 2002. <http://archive.defense.gov/Transcripts/Transcript.aspx?TranscriptID=2636>, Accessed 26th October 2021

³⁸⁶ Bush declared before the General Assembly; "He has proven instead only his contempt for the United Nations, and for all his pledges. By breaking every pledge -- by his deceptions, and by his cruelties -- Saddam Hussein has made the case against himself." 'President's Remarks at the United Nations General Assembly'. *White House Archives* Accessed 12 February 2022. <https://georgewbush-whitehouse.archives.gov/news/releases/2002/09/20020912-1.html>.

Rumsfeld's February 2002 statement provoked a great deal of media ridicule.³⁸⁷ In principle, he was correct about the limits of the US's knowledge concerning potential future enemy threats. The problem was that he himself was making an affirmative claim that Saddam had WMDs and intended to use them. He was also acting on this belief and attempting to use it to justify policy. His observations about the limitations of human knowledge applied even more forcefully to his own spurious claims. Rumsfeld and the rest of the administration did not prioritize filling gaps in intelligence, but used the motif of fear and uncertainty to try and justify artificially inflated threat estimates about what Iraq was planning and capable of.

The Bush administration was making an "argument from ignorance". This is a textbook logical fallacy in which a given proposition is assumed to be true simply because it has not been proven false.³⁸⁸ As an example, Powell argued that the Iraq government had never accounted for all the chemical and biological weapons they admitted they had in 1995 and Saddam had produced no evidence of having destroyed them. An argument from ignorance can be considered persuasive only if the proposition has been tested and reasonable attempts have been made to disprove it. This becomes a more valid form of argument from ignorance, as it is a failure to find something after a thorough and systematic search. Their case could have benefited from evidence of additional searches and extra information.

Unfortunately, the Bush administration was thoroughly disinterested in the additional evidence that the continuation of the inspections regime could uncover, potentially filling gaps in their own intelligence concerning Iraq. Their case for war did not depend on assessments directly substantiated by empirical evidence. When evidence was ultimately used, it was merely a rationalization for decisions that had already been made.

For example, they chose WMD as their main justification for war not because there was compelling evidence, but because it was the justification that was most politically palatable. As Wolfowitz was later quoted as having said; "The truth is that for reasons that have a lot to do with the U.S. government bureaucracy we settled on the one issue that everyone could agree on which was weapons of mass destruction".³⁸⁹ Evidence had not been the key impetus for the Bush administration to make WMDs the core of their case against Iraq.

The Administration was very outspoken about its reservations concerning the inspections apparatus. Part of this impatience with the inspections process was based on the US's belief that Saddam had previously deceived and misled inspectors when being asked to disarm. The Bush administration believed that totalitarian regimes had a unique capacity for

³⁸⁷ Thom Shanker, 'Reporter's Notebook; On Tour With Rumsfeld, the Jacket Stays On and the Monkeys Stay Away'. *The New York Times*, 16 June 2002, sec. World. <https://www.nytimes.com/2002/06/16/world/reporter-s-notebook-tour-with-rumsfeld-jacket-stays-monkeys-stay-away.html>.

³⁸⁸ For more detail on Colin Powell's use of this form of argument, see: David Zarefsky, 'Making the Case for War: Colin Powell at the United Nations'. *Rhetoric & Public Affairs* 10, no. 2 (Summer 2007): Pages 275–302.

³⁸⁹ 'Defense.Gov Transcript: Deputy Secretary Wolfowitz Interview with Sam Tannenhaus, Vanity Fair'. Accessed 1 July 2020. <https://archive.defense.gov/Transcripts/Transcript.aspx?TranscriptID=2594>.

deception, due to their centralized decision-making structures, and lack of concern for transparency

As early as November 2002, Cheney and Rumsfeld had been trying to discredit Blix and the whole inspections process.³⁹⁰ Feith and Scooter Libby shared the view that the UNMOVIC by itself could not counter the Iraqi WMD threat.³⁹¹ Despite the US's role in setting up the UNMOVIC, officials like Douglas Feith still argued that the UNMOVIC was designed to appease Saddam in the aftermath of his disagreements with the UNSCOM. Feith writes in his memoir that the Bush administration believed that due to the inability of the UN to appropriately deal with Iraqi duplicity, UN sanctions against Iraq as well as the UNSCOM weapons inspections had been poorly implemented and administered.³⁹²

In a White House press briefing, Ari Fleisher openly criticized the inspectors and argued that they were not sufficiently vigilant to Iraq's capacity for secrecy and duplicity.³⁹³ They thought this naivety was made plain by the tepid reaction of inspectors to the discovery of previously unacknowledged unmanned drones, and revelations of hidden anthrax in Iraq. This had been referenced in Bush's October 2002 speech to Congress and was referenced again by Colin Powell in his Security Council speech. Feith had argued that as the inspectors did not conduct effective "no-notice" tours, the Iraqi regime could always move materials and weapons and preparation for the arrival of inspectors.³⁹⁴ In an internal administration memo, Rumsfeld also observed that the UNMOVIC was a much weaker organization than its predecessor.³⁹⁵

Another key example of US indifference concerning the disarmament was the US's attitude towards the IAEA. Although the IAEA had been set up independently of the UN, it still reported directly to the General Assembly and the Security Council. It was a part of the multilateral disarmament apparatus. Powell and Rice were sceptical of the IAEA's assertions concerning Iraq not having a nuclear weapons programme, and pointed to the IAEA's previous failures in Iraq. Rice said; "The IAEA of course missed the [nuclear] programme in 91, missed the program in 95, missed in in 98...we need to be careful about drawing these

³⁹⁰ Helena Smith, , and Ewen MacAskill. 'As Arms Inspectors Arrive, Row Erupts over US Smears'. *The Guardian*, 19 November 2002, sec. World news. <https://www.theguardian.com/world/2002/nov/19/iraq.unitednations>.

³⁹¹ Douglas J Feith,. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. Reprint edition. New York: Harper Perennial, 2009. Pg 301

³⁹² Douglas J. Feith, *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. Reprint edition. New York; Enfield: Harper Perennial, 2009. Pg 193

³⁹³ 'Press Briefing by Ari Fleischer (Text Only)' 10th March 2003, *White House Archives*. Accessed 13 December 2021. <https://georgewbush-whitehouse.archives.gov/news/releases/2003/03/text/20030310-4.html>.

³⁹⁴ Feith, op.cit.

³⁹⁵ Douglas J Feith,. *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. Reprint edition. New York: Harper Perennial, 2009. Pg 314

conclusions, particularly in a totalitarian state like Iraq³⁹⁶ Cheney also bluntly accused the IAEA of being wrong during his March 16th interview on *Meet the Press*.

As later recalled by Richard Haass, who in 2003 was director of the State Department's policy planning staff, "When it came to nuclear weapons, the intelligence at the time did not support acting. Iraq did not possess nuclear weapons or even a nuclear weapons program worthy of the name. Nor was it inevitable that over time Iraq would have been able to develop nuclear weapons, given the international sanctions in place."³⁹⁷

In addition, supposing Saddam in fact had Nuclear, Chemical or Biological weapons, his potential use of them would still be subject to the sobering logic of nuclear deterrence. Although he had infamously used chemical weapons against Iranian infantry and Kurdish villagers in the 1980s, these particular victims were incapable of effective retaliation. He had not used such weapons during the Gulf War of 1991 against Israel or coalition forces, both of which were capable of devastating retaliation.³⁹⁸

Due to its failure to consider any of the above, the administration put less emphasis on the findings of the inspectors, and more emphasis on the duties of the Saddam regime with respect to disarmament. The Bush administration thought that the only true evidence of Iraqi compliance was explicit evidence of the remains of weapons that had been destroyed, with the onus being on the Saddam regime to actively present this evidence, not on the inspectors to find it. Consequently, the Bush administration made clear that the mere failure of inspectors to discover any evidence of WMDs during inspections was not going to suffice as evidence that Iraq was not a threat. A declassified but partially redacted Department of Defense document, entitled "Dealing with Iraqi WMD: The Inspection Option" sheds a great deal of light on the Bush administration's reasoning in this respect. The memo reads; "It is important that the public not see the inspectors' failure to find anything as proof that Iraq is clear of WMD".³⁹⁹

In January 2003, John Negroponte declared; "The burden remains on Iraq to demonstrate compliance," adding that inspectors were there to "verify Iraqi disarmament, not to serve as detectives working to overcome elaborate concealment mechanisms."⁴⁰⁰ This echoed statements that had been made by Paul Wolfowitz and Donald Rumsfeld.

In a speech in London, Paul Wolfowitz, said; "It is not and cannot be [their] responsibility ... to scour every inch of Iraq. It cannot be their responsibility to search out and find every

³⁹⁶ As quoted by Blix, *Disarming Iraq*, Page 187

³⁹⁷ Richard N. Haass, *The Opportunity: America's Moment to Alter History's Course* (New York: Public Affairs, 2005), Page 185.

³⁹⁸ Jeffrey Record, "Why the Bush Administration Invaded Iraq: Making Strategy after 9/11", *Strategic Studies Quarterly*, Vol. 2, No. 2 (SUMMER 2008), Page 68

³⁹⁹ "Dealing with Iraqi WMD: The Inspection Option", *National Security Archive*
<https://nsarchive2.gwu.edu/NSAEBB/NSAEBB328/II-Doc09.pdf>

⁴⁰⁰ "No 'smoking Guns' Found by U.N. Inspectors in Iraq." *DeseretNews.com*, January 9, 2003.

<https://www.deseretnews.com/article/958372/No-smoking-guns-found-by-UN-inspectors-in-Iraq.html>.

illegal weapon or program."⁴⁰¹ He argued that this was the responsibility of the Iraqi regime. In a speech to the Council on Foreign Relations, Wolfowitz also said; "When an auditor discovers discrepancies in the books, it is not the auditors obligation to prove where the embezzler has stashed his money. It up to the person being audited to explain the discrepancy"⁴⁰² Deputy Secretary of State Richard Armitage was also quoted as having said "Keep in mind that the inspectors are not in the country on a scavenger hunt for weapons."⁴⁰³

Most significantly, in his February presentation to the Security Council, Powell was to declare; "This Council placed the burden on Iraq to comply and disarm and not on the inspectors to find that which Iraq has gone out of its way to conceal for so long. Inspectors are inspectors; they are not detectives"⁴⁰⁴ All of these statements interpreted the Security Council mandate in a way that freed the inspectors of any obligation to look any further into the issue, lowering the burden of proof that was required for them to accuse Saddam of still having WMDs. Of course, the Bush administration framed this as simply holding Iraq to account and pressuring it to take the initiative. In remarks he made at the White House on November 8th, President Bush declared; "Inspectors do not have the power to disarm an unwilling regime. They can only confirm that a government has decided to disarm itself.... Any Iraqi noncompliance is serious, because such bad faith will show that Iraq has no intention of disarming."⁴⁰⁵

In late January, the White House issued a document entitled; "What Does Disarmament Look Like?".⁴⁰⁶ The document noted that numerous Iraqi WMDs were as yet "unaccounted for". Yet the very existence of many of these weapons was uncertain. The only evidence for them was the aforementioned outdated intelligence dating back to the early 1990s, as well as some conjecture by intelligence officials. As France and other Security Council member states had similar false intelligence, the Bush administration was clearly not alone in its initial assumption that Iraq still had WMDs.⁴⁰⁷ But it had a uniquely dogmatic, unshakeable adherence to this assumption and an inflated assessment of what Iraq could potentially do

⁴⁰¹Wolfowitz was quoted in; 'Richard Norton-Taylor: Bush Has Little Intention of Playing by the Book | US News | The Guardian'. Accessed 20 March 2020. <https://www.theguardian.com/world/2002/dec/09/usa.iraq>.

⁴⁰² As quoted in : 'Full Text: In Wolfowitz's Words', *The New York Times*. 23 January 2003, sec. World. <https://www.nytimes.com/2003/01/23/international/full-text-in-wolfowitzs-words.html>.

⁴⁰³ William Safire, 'THE WAY WE LIVE NOW: 2-16-03: ON LANGUAGE; Hide-And-Seek'. *The New York Times*, 16 February 2003, sec. Magazine. <https://www.nytimes.com/2003/02/16/magazine/the-way-we-live-now-2-16-03-on-language-hide-and-seek.html>.

⁴⁰⁴ "Full Text of Colin Powell's Speech - Part 3." *The Guardian*, February 5, 2003, sec. World news. <https://www.theguardian.com/world/2003/feb/05/iraq.usa2>.

⁴⁰⁵ *Ibid.*

⁴⁰⁶ "What does disarmament look like?" White House, January 2003. *National Security Archive*. <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB80/wmd26.pdf> Accessed on 14th February 2022

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with such WMDs. The inspections were not important from the perspective of the Bush administration as they were not looking for the inspections to update them on the current status of Iraqi WMD, as they assumed Saddam's ongoing guilt.

In December 2002, when Wolfowitz was questioned by NATO ambassadors about what exactly it would take to prove that Iraq had given up its WMDs, he responded; "It's like the judge said about pornography...I can't define it, but I will know it when I see it."⁴⁰⁸ Such an open-ended standard of verification was far too ambiguous to be of any practical use to the inspectors or the UN. This idiosyncratic approach to verifying disarmament had more to do with the Bush administration's a priori biases than its flawed intelligence. Lack of confidence in the process led the Bush administration not only to be impatient with the inspections process, but also to repeatedly make unrealistic demands on the inspections team as a safeguard against what they perceived to be the duplicity of the Saddam regime and the incompetence of the UN.

In order to ascertain that he was willing to disarm, the Bush administration was looking for evidence of an epiphany or dramatic change in Saddam's behavior. In January 2003, National Security Adviser Condoleezza Rice had written an article in the *New York Times* entitled: "Why we know Iraq is lying".⁴⁰⁹ In this article, Rice contrasted the Iraqi government's recent actions with historical examples of successful disarmament processes that involved countries who were willing participants. She used the examples of South Africa in 1989, Kazakhstan in 1991 and Ukraine in 1994. She argued that these countries had willingly complied with inspectors, and had been transparent in all of their disclosures concerning nuclear, chemical and biological weapons.

Having assumed Saddam Hussein's guilt, the Bush administration declared that the purpose of the inspections was not to uncover WMD or find proof of guilt. As the Bush administration shifted emphasis away from finding empirical evidence of WMDs, it discussed in detail Saddam's record of deceiving inspectors and defying the UN. It then emphasized the fact there had been no apparent change in Saddam Hussein's behaviour since the resumption of inspections.

All of Rice's examples involved nations that had undergone or were about to undergo dramatic changes in government system, direction and foreign policy orientation. Two of those examples were ex-Soviet states that were dismantling weapons that they had inherited by default, not willfully constructed for their own defensive purposes. The South African government was presiding over the last days of the Apartheid system. This sheds

⁴⁰⁸ As quoted by Michael Dobbs, in. 'Lack of Hard Evidence Complicates U.S. Aims'. *Washington Post*, 8 December 2002. <https://www.washingtonpost.com/archive/politics/2002/12/08/lack-of-hard-evidence-complicates-us-aims/010dc7d9-2949-46a5-857f-f38624191826/>.

⁴⁰⁹ Condoleezza. Rice, 'Opinion | Why We Know Iraq Is Lying'. *The New York Times*, 23 January 2003, sec. Opinion. <https://www.nytimes.com/2003/01/23/opinion/why-we-know-iraq-is-lying.html>.

some light on the administration's position concerning a dramatic change in leader or outlook being the only thing that could bring about effective Iraqi disarmament.

In the absence of any visible transformation in the actions or priorities of the Iraqi government, the Bush administration assumed that any failure to find evidence of WMDs in Iraq was simply evidence of Saddam's continued efforts to conceal the truth. As Powell was to declare in his speech; "Saddam Hussein and his regime are not just trying to conceal weapons, they're also trying to hide people. You know the basic facts. Iraq has not complied with its obligation to allow immediate, unimpeded, unrestricted and private access to all officials and other persons as required by Resolution 1441"⁴¹⁰

I would argue that it was not necessary for Saddam Hussein to have a Damascus conversion about the need to enthusiastically participate in the inspections process. Saddam's behavior and attitude was a very subjective indicator and was an inappropriate barometer for ascertaining whether or not Iraq still had WMDs. The issue at hand was precise evidence of possession of WMD, not the attitude of the Iraqi leader and his government. Through this line of argument, the Bush administration was moving the goalposts of what needed to be verified. This put an unrealistic weight of expectation upon the inspection process, making it easier to prematurely conclude that the endeavor had failed.

The real reason for Iraq's hesitance in compliance may have had more to do with the geo-political instability of its wider region. As mentioned earlier, it appears as though the Bush administration did not fully consider the possibility that Iraq may have calculated that if it was perceived as having disarmed, it would be vulnerable to attack from hostile neighbors, so even though it did not have WMDs, it may still have maintained a sense of strategic ambiguity concerning what weapons it did and did not possess.

The kind of swift, and unambiguous resolution of the Iraq impasse that the US wanted would be difficult, given the geo-political complexities of the situation. Not taking full account of any other mitigating factors, America had made the calculation that if Iraq had truly disarmed and had nothing to hide, it would have no reason not to wholeheartedly and enthusiastically comply with the UN weapons inspections regime.⁴¹¹ Iraq's refusal or even hesitance to fully comply was therefore evidence that it still had WMDs.⁴¹² This logic collectively used to justify a swift, rushed progression to the conclusion that America had already reached, which was that Iraq had WMDs and that all peaceful methods of

⁴¹⁰ 'Secretary Powell at the UN: Iraq's Failure to Disarm'. *The Office of Electronic Information, Bureau of Public Affairs US Department Of State. The Office of Electronic Information, Bureau of Public Affairs.*, 5 November 2004. <https://2001-2009.state.gov/p/nea/disarm/index.htm>

⁴¹¹ Walker, Martin. "Bush v. Annan: Taming the United Nations." *World Policy Journal* 22, no. 1 (2 005): Pages 9–18.

⁴¹² "Remarks by the President on the United Nations Security Council Resolution 1441," *US Department Of State. The Office of Electronic Information, Bureau of Public Affairs.* November 8, 2002. <https://2001-2009.state.gov/p/nea/rls/rm/15019.htm>.

disarmament had already been attempted and that the only option left on the table was the use of force.

The US had concerns that the longer the prolonged inspections process went on, the more the bureaucratic quagmire would dilute the force and rigor of the demands that were being made of Iraq. Condoleezza Rice circulated a “Declaratory Policy on UN WMD Inspections in Iraq” in which she emphasized that the burden of proof was on Iraq to prove that it had disarmed, and implied that the longer the inspections went on, the more the burden of proof was being shifted to the inspectors.⁴¹³ The more inspections that took place and found nothing, the more observers would begin to suspect that Iraq genuinely did not have illicit weapons.

One demand they made was for key personnel suspected of involvement in the proliferation of WMD to be interviewed outside of the country, to limit undue interference and intimidation from the Iraqi government. Blix writes that Rice and other US officials did not understand the concerns that the UN had about taking Iraqi scientists out of the country for interviews, especially the risk that this would mean for the safety of their families.⁴¹⁴ Blix also writes that he suspected the real reason for US insistence on interviews outside of Iraq may have been to provoke a rejection from the Iraqi regime or trigger more defections.⁴¹⁵ These unreasonable demands were yet another way of truncating the inspection process.

It must be acknowledged that there were many stones left to be unturned in the process, and that Iraq had not quelled all international suspicions about illicit weapons within its borders. For example, in January 2003, inspectors had discovered a crate of warheads designed for chemical weapons, and they had concerns that this may be the tip of the iceberg. There were also suspicions that that Iraqi UAV drones and cluster bombs were potentially intended to be used for the delivery of chemical weapons.⁴¹⁶ However, this was all the more reason to continue with the inspection process, not prematurely cut it short. These attempts to cut the inspections process short were a product of a lack of interest in evidence and a pre-conceived regime change agenda.

Bush declared to the UN that the American approach was geared towards getting results, not simply following procedures for their own sake. The US government was not concerned about following UN procedures that required allowing more time for the inspections to run their course. George Bush declared in his 2003 State of the Union address; “America’s purpose is more than to follow a process — it is to achieve a result: the end of terrible threats to the civilized world.”⁴¹⁷

⁴¹³ Cited in: Douglas J. Feith, *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. Reprint edition. New York: Harper Perennial, 2009. Page 302

⁴¹⁴ Blix, *Disarming Iraq*, Page 94

⁴¹⁵ Blix, *Disarming Iraq*, Page 100

⁴¹⁶ Hans. Blix, *Disarming Iraq*. Bloomsbury, 2005, Page 177

⁴¹⁷ ‘President Delivers “State of the Union”’ *White House Archives* <https://georgewbush-whitehouse.archives.gov/news/releases/2003/01/20030128-19.html>. Accessed 21 September 2022.

The Bush administration's dismissal of the UN-led inspections process was emblematic of its attitude toward the UN as a whole. This is an example of the Bruce Cronin's "paradox of hegemony" that I discussed in Chapter 3. The US historically had an enormous role in setting up a constellation of multilateral institutions that it hoped would help ensure stability and peace in the world system. Although it appeared to be in the US's short-term interests to circumvent or undermine the UN to achieve an important geo-political goal, in the long term, this would potentially undermine institutions that have an enormous role in maintaining the global stability that the US favors.

Blix writes in his memoir that the US was the only Security Council member state that had openly attempted to undermine the inspections process.⁴¹⁸ Blix also writes of Negroponte's dismay that the UNMOVIC still had to follow the timetable of Resolution 1284, which had been passed in 1999, and called for quarterly inspections. The sense of urgency that had been brought about by US's military build-up and the passage of Resolution 1441 meant that such a timeline was no longer viable.

I will now look more closely at the Bush administration's idiosyncratic way of interpreting new information about Iraqi WMD.

⁴¹⁸ Hans. Blix, *Disarming Iraq*. Bloomsbury, 2005, Page 175

5.3 Confirmation bias

The Bush administration's confirmation bias meant that its claim of Saddam posing an immediate threat to the US was difficult to falsify. The Bush administration began with a presumption of guilt, because the main factor that had led to Saddam's previous violations of United Nations resolutions (the brutal and arbitrary nature of his domestic rule and consequent lack of respect for the rule of law whether domestically or international law) was still shaping his actions. The totalitarian nature of the Iraqi regime meant that it posed a unique threat to the United States. This threat existed even though the empirical evidence was ambiguous.

Raymond Nickerson describes confirmation bias as; "the seeking or interpreting of evidence in ways that are partial to existing beliefs, expectations, or a hypothesis in hand."⁴¹⁹ This bias leads policymakers to ignore or overlook evidence that potentially contradicts their existing beliefs. The Bush administration began with particular hypotheses concerning Iraq, then looked for evidence that confirmed them, while ignoring evidence that contradicted them.

The existing beliefs of the administration mostly featured worst-case scenario hypotheses. The Bush administration began with the assumption that Iraq still had WMDs and that it intended to use them to cause harm to the United States. When evidence emerged that cast doubt on existing beliefs, it was overlooked or not sufficiently explored. The administration also interpreted the failure of inspectors to find any evidence of WMDs not as evidence that there were none, but as evidence of the thorough meticulousness of Iraqi efforts to conceal the evidence and the continued success of Saddam's deception.

Ambiguous evidence was repeatedly used to support the Bush administrations existing stance, and important caveats were overlooked. An example of this was the US's use of an anecdote concerning Saddam's son-in-law, Hussein Kamel. Kamel had defected from Iraq to Jordan in 1995. He had been head of the Military Industrial Commission in Iraq. Kamel's defection was repeatedly cited by Powell (and Bush)⁴²⁰ as evidence of Iraq's WMD threat, and of the shortcomings of the inspections regime. Secretary of State In his presentation to the Security Council, Powell claimed; "It took years for Iraq to finally admit that it had produced four tonnes of the deadly nerve agent, VX. A single drop of VX on the skin will kill in minutes. Four tonnes. The admission only came out after inspectors collected

⁴¹⁹ Raymond S. Nickerson, 'Confirmation Bias: A Ubiquitous Phenomenon in Many Guises'. *Review of General Psychology* 2, no. 2 (1 June 1998): Pages 175–220.

⁴²⁰ In Cincinatti 'President Bush Outlines Iraqi Threat'. *White House Archives*. Accessed 12 February 2022. <https://georgewbush-whitehouse.archives.gov/news/releases/2002/10/20021007-8.html>.

documentation as a result of the defection of Hussein Kamal, Saddam Hussein's late son-in-law."⁴²¹ This was true. After his defection, the Kamel had given the UN access to hundreds of pages of documentation that he had taken with him, detailing Iraq's WMD plans. He had subsequently been interviewed by UN inspectors. What Bush and Powell failed to mention in any of their public statements on the issue was the fact that Kamal had told UN inspectors that the old WMD material had been destroyed.⁴²² Kamal testified that he ordered the destruction of the WMD stockpiles in anticipation of the resumption of UN inspections. Even though Iraq had retained the design and engineering details of these weapons, the fact remained that the programs were dormant and of no current threat to the United States or to Iraq's regional rivals, irrespective of Saddam's long-term intentions.

Another key example of a detail that was overlooked was a report sent to Donald Rumsfeld on September 9th 2002, written by Air Force Major General Glen Shaffer, who at the time was head of the Joint Staff's intelligence directorate. The report had many details about the enormous gaps there were in the administration's intelligence about Iraq's WMD programme, and the lack of certainty about the true scope of Iraq's WMD capabilities. The report makes clear that the intelligence community's current view on Iraq's WMD is based on "analytic assumptions and judgements rather than hard evidence".⁴²³ It also says; "the evidentiary base is particularly sparse for Iraqi Nuclear programmes".

The report also admitted that 90% of the intelligence community's analysis of Iraqi WMDs was based on imprecise intelligence.⁴²⁴ They could not confirm the identity or location of any Biological or Nuclear Weapon facilities. They also crucially could not demonstrate that there was an imminent threat. There does not appear to be any evidence that this report was ever circulated to any of the other key departments of the administration or that its content was taken into consideration when the Bush administration presented evidence to the Security Council. The Administration had a very low threshold for accepting evidence as accurate or authoritative. The outdated nature of much of the intelligence from the CIA was beyond their control.⁴²⁵ Yet their reasoning and presentation exacerbated the problem.

⁴²¹ Colin Powell, 'Remarks to the United Nations Security Council'. *Department Of State*. The Office of Electronic Information, Bureau of Public Affairs., 5 February 2003. <https://2001-2009.state.gov/secretary/former/powell/remarks/2003/17300.htm>.

⁴²² Julian Borger, 'Iraqi Defector's Testimony Confuses Case against Iraq'. *The Guardian*, 1 March 2003, sec. World news. <https://www.theguardian.com/world/2003/mar/01/iraq.julianborger>.

⁴²³ A September 2002 memo from Shaffer to Rumsfeld, with Joint Chiefs Briefing. Declassified by the Department of Defense, it is available in the Rumsfeld papers https://papers.rumsfeld.com/library/library_detail.asp?id=1. Last accessed on February 12th 2002.

⁴²⁴ Ibid.

⁴²⁵ The State Department Archives website has a full transcript of the speech, and all the video footage that Powell used, as well as a pdf file of the powerpoint slides that he presented before the Council. 'Secretary Powell at the UN: Iraq's Failure to Disarm'. *The Office of Electronic Information, Bureau of Public Affairs US Department Of State*. The Office of Electronic Information, Bureau of Public Affairs., 5 November 2004. <https://2001-2009.state.gov/p/nea/disarm/index.htm> Accessed 27th October 2021

The report that the White House had intended for Powell to use in his February 2003 Security Council speech had been assembled in Vice President Dick Cheney's office by a team led by Cheney's chief of staff, I. Lewis "Scooter" Libby, and John Hannah, the vice president's deputy assistant for national-security affairs. Libby and Hannah were both well-known Neo-Conservative hawks. Powell writes in his memoir that Libby (a former lawyer) designed it as a legal brief rather than an intelligence assessment.⁴²⁶ It was designed to make the case for a particular position, rather than simply present the facts as they currently were. Powell received the report on January 30th, Powell worked on this report together with CIA staff, and the final version of his speech had received significant input from the intelligence community.

In Powell's presentation to the Security Council, he referred to a lot of evidence that was already known to the Security Council chamber and had not been interpreted as evidence of an urgent threat. He discussed the 122mm chemical warheads that the UN had recently discovered, and speculated that they may have been simply the tip of the iceberg. Powell showed the Council chamber diagrams and satellite images of Iraqi weapons sites.⁴²⁷ He also played audio of intercepted communications between Iraqi military officers, suggested that their ambiguous conversation gave the impression that they were hiding key evidence in an effort to intentionally mislead the inspectors. Blix writes in his memoir that much of the material in Powell's presentation had already been made available to the UNMOVIC. They had already inspected most of the sites mentioned and taken samples from them. They had not found any conclusive evidence of illegal weapons.⁴²⁸ The Bush administration simply used such evidence to reinforce its existing suspicions.

In addition, Powell cited several unverified eyewitnesses. The most notable of whom was Rafid Ahmed Alwan al-Janabi, more commonly known as "Curveball". Up until that point, no American official had managed to directly interview Curveball.⁴²⁹ He was working with the German intelligence agency the Bundesnachrichtendienst (BND), who then passed his information onto the US Department of Defense. Curveball was said to have approached German intelligence officials with confidential information, maps and detailed descriptions of mobile weapons labs in Iraq.⁴³⁰ Their confidence in him rested on the accurate technical descriptions of advanced weaponry contained in his reports, which they thought were too detailed to simply have been fabricated. Although Curveball's reports had been used in the

⁴²⁶ Colin Powell, *It Worked for Me: In Life and Leadership*. Reprint edition. HarperCollins, 2014, page 182.

⁴²⁷ The images are still available on the State Department Archives website <https://2001-2009.state.gov/secretary/former/powell/photos/2003/17314.htm> (last accessed February 12th, 2022)

⁴²⁸ Hans Blix, op.cit. Page 124

⁴²⁹ Martin Chulov, and Helen Pidd. 'Curveball: How US Was Duped by Iraqi Fantasist Looking to Topple Saddam'. *The Guardian*, 15 February 2011, sec. World news. <https://www.theguardian.com/world/2011/feb/15/curveball-iraqi-fantasist-cia-saddam>.

⁴³⁰ Jane Mayer, 'The Manipulator'. *The New Yorker*. Accessed 18 March 2020. <https://www.newyorker.com/magazine/2004/06/07/the-manipulator>.

Pentagon since the last days of the Clinton administration, it was only now that his accounts came to be used as a justification for war.

Powell also discussed concerns about Saddam Hussein's covert attempts to acquire high-specification aluminium tubes from 11 different countries.⁴³¹ There were concerns that these could be used as part of a nuclear weapons programme. The specifications of tubes that had been sought by Iraq appeared to great to have simply been intended for use with rockets. Powell said ; "we actually have examined tubes from several different batches that were seized clandestinely before they reached Baghdad. What we notice in these different batches is a progression to higher and higher levels of specification, including, in the latest batch, an anodized coating on extremely smooth inner and outer surfaces. Why would they continue refining the specifications, go to all that trouble for something that, if it were a rocket, would soon be blown into shrapnel when it went off?"⁴³² Although this statement was substantiated by the intelligence that the US had, it was a justification for vigilance and caution, not regime change. This did not automatically prove the existence of an imminent threat and the only officials who interpreted it in such a manner were people who were inclined to believe in the existence of a grave threat prior to seeing the evidence.

Another by-product of the Bush administration's confirmation bias was its false belief that there was a link between Saddam Hussein and Al Qaeda. The administration had been trying to link Saddam Hussein with the terrorist group ever since the immediate aftermath of 9/11.⁴³³ Many in the Bush administration hoped that a tragedy on the scale of 9/11 would give them an opportunity to settle a score with Saddam Hussein that dated back to the First Gulf War. There was a desire to find a link between Al Qaeda and Saddam for this very reason. Tony Blair's former advisor Sir David Manning told the Chilcot Inquiry that Bush tried to convince Blair of Iraqi involvement in 9/11 as early as September 14th.⁴³⁴

The Bush administration's notion of an ominous totalitarian threat led it to over-estimate Saddam's ability to form alliances and co-operate with other organizations. In his speech to Veterans of Foreign Wars, Cheney painted a picture of an underworld of terrorism that tyrannical regimes had a unique capacity to tap into.⁴³⁵ As they were not bound by more

⁴³¹ Colin Powell, 'Remarks to the United Nations Security Council'. *Department Of State*. The Office of Electronic Information, Bureau of Public Affairs., 5 February 2003. <https://2001-2009.state.gov/secretary/former/powell/remarks/2003/17300.htm>.

⁴³² Ibid.

⁴³³ James H. Lebovic, 'The Iraq War, 2003–2011'. In *Planning to Fail: The US Wars in Vietnam, Iraq, and Afghanistan*, edited by James H. Lebovic, 0. Oxford University Press, 2019, Chapter Three .

⁴³⁴ As quoted by Haroon Siddique, 'Chilcot Inquiry Hears Bush Began Iraq War Drumbeat Three Days after 9/11'. *The Guardian*, 30 November 2009, sec. UK news. <https://www.theguardian.com/uk/2009/nov/30/chilcott-inquiry-bush-blair-alqaida>.

⁴³⁵ Dick Cheney, 'Vice President Speaks at VFW 103rd National Convention'. *White House Archives* Accessed 12 February 2022. <https://georgewbush-whitehouse.archives.gov/news/releases/2002/08/20020826.html>.

conventional methods of negotiation and diplomacy he thought that totalitarian regimes had more access to shadowy networks and illicit channels of communication.

The Bush administration thought that totalitarian regimes were also likely to find common cause with terrorists, who were also fugitives from international law.⁴³⁶ This was even though Al Qaeda and Iraq had ideologies and agendas that were polar opposite. The Bush administration knew, and Powell indeed acknowledged that Iraqi Baathism was a secular form of Arab nationalism that actually had little in common with the radical Islamism of Al Qaeda and its affiliated organizations. He thought a common enemy could unite them. To quote Colin Powell; "Some believe, some claim these contacts do not amount to much. They say Saddam Hussein's secular tyranny and al-Qaida's religious tyranny do not mix. I am not comforted by this thought. Ambition and hatred are enough to bring Iraq and al-Qaida together".⁴³⁷

Indeed, the Baathist regime and Al Qaeda both saw the removal of American influence in the Middle East and throughout the globe as a key geo-political goal. However, they had different, mutually exclusive reasons for this. Al Qaeda's ultimate goal was the establishment of a global Islamic fundamentalist caliphate. Saddam's goal was simply the territorial aggrandizement of Iraq as an Arab socialist republic and Middle Eastern powerhouse. They did have a common enemy, and both wished to use coercion and intimidation to secure political goals. However, it is still not clear how it would have been in Iraq's interests to ally with a loosely constituted, dispersed non-state organization, which had no tangible way of committing to honour agreements, and could easily cease co-operation if it was no longer convenient.

As with the WMD claims, the US intelligence community was heavily complicit in supplying false information about links between Iraq and Al Qaeda, as was the alternative intelligence apparatus of the PCTEG and OSP.⁴³⁸ Lawrence Wilkerson later said in a TV interview that Powell had at one point been about to delete everything in his speech that referred to a link between Al Qaeda and Iraq. Just at that moment, George Tenet had stormed into the office and dropped the bombshell that a high level al Qaeda operative had revealed under interrogation that there had been substantial operational co-operation between Iraq and Al Qaeda, that even included the secret police training Al Qaeda fighters.⁴³⁹ This information

⁴³⁶ David Frum, and Richard Perle. *An End to Evil: How to Win the War on Terror*. Reprint edition. New York, NY: Ballantine Books, 2004, Page 35

⁴³⁷ Colin Powell, 'Remarks to the United Nations Security Council'. *Department Of State*. The Office of Electronic Information, Bureau of Public Affairs., 5 February 2003. <https://2001-2009.state.gov/secretary/former/powell/remarks/2003/17300.htm>.

⁴³⁸ Deputy Inspector General for Intelligence, Inspector General United States Department of Defense (DoD IG), "Review of the Pre-Iraqi war activities of the office of the under Secretary of Defense for policy," (2007) Report No. 07-INTEL-04 (February 9, 2007)

Douglas. Feith, Department of Defense Briefing on Policy and Intelligence Matters. June 4, 2004 Available at <http://www.globalsecurity.org/intell/library/news/2003/intell-030604-dod01.htm> Accessed December 17th 2021

⁴³⁹ "Interview with Laurence Wilkerson", "The Dark Side" FRONTLINE, PBS <https://www.pbs.org/wgbh/pages/frontline/shows/gunning/interviews/perle.html>

turned out to be false, and had been obtained through waterboarding without any US personnel present. Nevertheless even with this CIA complicity and false testimony, there was still little empirical evidence to support a direct operational link between Iraq and Al Qaeda.

In his Security Council speech, Powell cited evidence of Abu Musab Al Zaqarwi (an associate of Bin Laden) having been sheltered in Baghdad with the full knowledge of the Saddam regime.⁴⁴⁰ Powell mentioned Zaqarwi 21 times and spent a total of 7 minutes talking about him throughout the speech.⁴⁴¹ He claimed that Zaqarwi had been active throughout Iraq and had a terrorist training camp in the Northeast of the country. He also cited evidence of at least eight meetings between Al Qaeda operatives and high-level Iraqi government officials, stretching back to the early 1990s. Powell argued that the threat of WMD possession combined with the possibility of collusion with Al Qaeda meant that the nature of the stakes and the risks to the security posed by Saddam Hussein's totalitarian regime were astronomical.

Administration officials thought that this cast further doubt on the notion that Iraq and Saddam could be contained through conventional deterrence and balance-of-power foreign policy. The potential involvement of third parties meant that Saddam would not necessarily have to launch a direct attack in order to inflict severe damage and casualties on the United States. As Richard Perle had told PBS as early as October 2001; "the argument that we could deter Saddam by threatening to destroy him if he used weapons of mass destruction against us is no longer relevant, if you allow the possibility that he could deliver weapons of mass destruction through anonymous third parties".⁴⁴²

As co-existence with a regime like Iraq was increasingly unthinkable, the Bush administration came to think that it would need a more proactive approach to national security. It would have to be willing to eliminate the threat before it fully materialized. As Powell declared at the end of his presentation; "given what we know of his [Saddam's] terrorist associations and given his determination to exact revenge on those who oppose him, should we take the risk that he will not some day use these weapons at a time and the place and in the manner of his choosing at a time when the world is in a much weaker position to respond? The United States will not and cannot run that risk to the American people. Leaving Saddam Hussein in possession of weapons of mass destruction for a few more months or years is not an option, not in a post-September 11th world."⁴⁴³

⁴⁴⁰ Colin Powell, 'Remarks to the United Nations Security Council', op.cit.

⁴⁴¹ Ibid.

⁴⁴² Interview with Richard Perle, "Gunning for Saddam", FRONTLINE, PBS, <https://www.pbs.org/wgbh/pages/frontline/shows/gunning/interviews/perle.html>, Accessed on October 27th 2021

⁴⁴³ Department Of State. The Office of Electronic Information, Bureau of Public Affairs. 'Remarks to the United Nations Security Council'. *Department Of State. The Office of Electronic Information, Bureau of Public Affairs.*, 5 February 2003. <https://2001-2009.state.gov/secretary/former/powell/remarks/2003/17300.htm>.

As John Yoo had earlier written: "Preventing a terrorist attack using WMD may require that the United States and its allies take advantage of a window of opportunity that opens before a rogue nation transfers WMD to a terrorist organization."⁴⁴⁴

In these statements, Powell and Yoo outlined the logic behind the Bush administration's willingness to engage in preventive military action. The US wanted to attack Iraq to prevent it from acquiring the capability to launch an attack. A hypothetical future attack would be impossible to precisely predict and would leave the US as wrong-footed and unprepared as it had been on the day of 9/11. In this case the potential threat that Iraq posed was made more stark by its potential ability to co-ordinate with groups like Al Qaeda, groups that had a long and prolific history of successfully launching deadly attacks on America's homeland. Powell was clearly unwilling to delay action until a smoking gun emerged or the threat materialized. This echoed a statement made a month earlier by Bush at the State of the Union address about it being too late to act once a threat was imminent.⁴⁴⁵

Furthermore, the Bush administration had previously argued that the UN had failed to take an appropriately serious stance on terrorism, with Bush mentioning in his 2002 General Assembly address that it risked being doomed to irrelevance if it did not do more.⁴⁴⁶ While Security Council Resolution 1373 had required nations to take a pro-active stance against terrorism, the Bush administration thought that it had not provided an adequate definition of terrorism, nor adequately punished state sponsors of terrorism.⁴⁴⁷ The UN's moral relativism had restricted it from dealing with co-ercive, unstable regimes that were allied to or creating safe havens for terrorists.

Consequently, positing a link between Iraq and Al Qaeda again pointed to a shortcoming of the UN and its inspection process. It exposed the weaknesses of what Perle described as "the liberal conceit of safety through international law administered by international institutions."⁴⁴⁸ The Iraq-Al Qaeda connection was something that the UN and other UN member states had not highlighted or picked up on. More broadly, the Bush administration thought that the UN was too compromised and morally diluted to defend the world order from the existential threats of rogue regimes and terrorists.

⁴⁴⁴ John Yoo, 'International Law and the War in Iraq'. *American Journal of International Law* 97, no. 3 (July 2003): Page 574.

⁴⁴⁵ 'President Delivers "State of the Union"' (Online Transcript), 2003 State of the Union Address *White House Archives*, Accessed 12 February 2022. <https://georgewbush-whitehouse.archives.gov/news/releases/2003/01/20030128-19.html>.

⁴⁴⁶ "President's Remarks at the United Nations General Assembly" (Online Transcript), 2003 State of the Union Address *White House Archives*, Accessed 12 February 2022. <https://georgewbush-whitehouse.archives.gov/news/releases/2002/09/20020912-1.html>

⁴⁴⁷ Richard Perle, 'Thank God for the Death of the UN', *The Guardian*. 21 March 2003, sec. Politics. <https://www.theguardian.com/politics/2003/mar/21/foreignpolicy.iraq1>.

⁴⁴⁸ *Ibid.*

Assuming that Iraq already had WMD. The Bush administration posited; (1);that there was evidence of communication between Iraq and al-Qaeda; (2) that this communication was proof of a working collaboration between them; (3) that this collaboration could potentially include the supply of WMD by Iraq to al-Qaeda; and (4) that this collaboration constituted an immediate and extraordinary threat to the US's national security. With or without the benefit of hindsight, it is clear that proposition 1 was true, but that the truth of proposition 1 in no way necessitated the truth of propositions 2, 3, and 4; i.e., while there were contacts, there was no evidence of active co-operation, and there were no plans to supply WMD to al-Qaeda. As we have seen, the Bush administration's approach made the lack of explicit empirical evidence for these claims into an irrelevant footnote.

This logic ultimately led the Bush administration to the conclusion that the US was facing a grave threat, and that the UN had repeatedly demonstrated that it was not up to the task of confronting this threat. Addressing the Security Council and making a perfunctory attempt to get a second resolution was just a method of placating the US's main ally (the UK), while also giving the body one final chance to get on board with a war that was going to happen regardless of whether or not it had explicit authorization.

As Powell said in his speech; "The issue before us is not how much time we are willing to give the inspectors to be frustrated by Iraqi obstruction. But how much longer are we willing to put up with Iraq's noncompliance before we, as a council, we, as the United Nations, say: "Enough. Enough." The gravity of this moment is matched by the gravity of the threat that Iraq's weapons of mass destruction pose to the world."⁴⁴⁹As far as the Bush administration was concerned, the threat was imminent and decisive action was required.

In this chapter, I have sought to demonstrate that the Bush administration engaged in inflated threat assessment. This was due to a distorted notion of where the burden of proof lay, and an unwillingness to re-assess their initial assumption concerning Saddam's guilt. This led them to question the efficacy of the UN inspections process, and prematurely conclude that regime change was the only solution. Aside from its flawed interpretation of the evidence, the second major problem was the fact that the Bush administration's ideology meant that it had a narrative for justifying war that clashed with most mainstream readings of the UN Charter and most conventional interpretations of the role of the Security Council.

During his Security Council presentation, Powell did not explicitly ask for a resolution authorizing war, he did not explicitly ask the Security Council to do anything. Due to Powell and Blair's insistence on going the UN route, the Bush administration would have preferred to have a second Security Council resolution, although they did not think it necessary. But if they were to explicitly ask for a resolution and be rejected, that would undermine their claim of not having needed one to begin with. Powell's speech was devised in a way that meant it could be used to advocate for a second resolution, but could also be used to

⁴⁴⁹ Powell UN Speech, op.cit.

advocate for military action without an explicit Security Council authorization. That is what Chapter 6 shall now explore.

Chapter 6 Making the case moral legitimacy of the invasion

In the previous chapter I have explored how Neo-Conservatism influenced the Bush administration's presentation of evidence in the build up to the war. In this chapter I am going to explore how Neo-Conservatism shaped the Bush administration's overall case for the moral and legal legitimacy of the war. The moral legitimacy of an invasion of course partly depends on the evidence of a threat, which is what I have explored in chapter 5. It also depends on how the nation sees the legal and ethical parameters of military action, and of legitimacy. This is what will be explored in this chapter.

We have seen that the Bush administration lacked knowledge concerning the precise threat level of the Saddam regime. In my chapter on Constructivism, I have explored how intersubjective understandings between agents have an important role in the social constitution of world politics, I shall now further explore the implications that this has.

Multilateralism is an effective antidote to a lack of knowledge, as it enables nations to collaborate with, obtain input and information from other countries. Different perspectives can help nations arrive at a more balanced and nuanced views of a crisis and enable it to devise more equitable solutions, even in the absence of complete information. When the prospect of using force is on the table, it is particularly important to obtain input from multiple parties. This is to help verify relevant information concerning a potential threat and to ensure that all alternative means of dispute resolution have been tried.

This is why a multilateral body like the UN Security Council is perceived by many as having exclusive authority to legitimize the use of force and adjudicate disputes involving force.⁴⁵⁰ It has an appropriate vantage point to determine the point at which all other methods of dispute resolution have been exhausted. In order to effectively carry out its role in maintaining peace and security, the Security Council may need to have exclusive authority to legitimize the use of force. The Bush administration rejected the notion of the Security Council as an exclusive legitimator of force. US officials did not think they needed additional insights or perspective over the best course of action.

⁴⁵⁰ Thierry Tardy summarizes this by writing: "states are to refer to the Security Council for all matters likely to involve the use of force on the international scene. Here, the Security Council retains an exclusive privilege and undergoes no formal control in its decision-making" Thierry Tardy, 'The UN and the Use of Force: A Marriage Against Nature'. *Security Dialogue* 38, no. 1 (2007): Page 54,

Neo-Conservatism meant that the Bush administration had an excessive amount of certainty that force and regime change was the only way to resolve the problem, despite its lack of knowledge concerning Saddam Hussein's true intentions and concerning the manner in which other nations would perceive regime change in Iraq. The a-priori assumptions that influenced its reading of the intelligence also influenced its reading of the UN Charter and its manner of engagement with other member states. The Bush administration did not understand the importance of multi-lateral enforcement of its resolutions.

When seeking legitimation from an authoritative body, compromises are often necessary. However, the Bush administration was not willing to compromise with France and other permanent members concerning the suitability or time frame of a potential invasion. The Bush administration made the Iraq situation a test of the UN's resolve, not of the appropriateness of their desired course of action. As a result, the administration failed to show sufficient respect for the Security Council and the input of other member states.

As argued in Chapter 2, the diffusion of multilateral norms to states from institutions is restricted by the agency that possess. This agency enables them to accept and reject norms. Security Council had prevailing norms concerning multilateralism and exclusive authority to legitimate the use of force. The US was a military hegemon whose hesitance or outright refusal to accept these norms made them more difficult to implement and enforce. The Bush administration's engagement with the Security Council reflected a lack of respect for the Security Council and distrust of the UN system driven by a lack of commitment to multilateralism. Its lack of agreement with UN norms meant that the Administration failed to make arguments that would be persuasive in an institutional, multilateral context.

As I have explored in Chapter 3, no post-war US administration has explicitly affirmed the Security Council's exclusive authority to legitimate force. The Bush administration was more vehement in its rejection of this notion of an exclusive right. The emergence of Neo-Conservatism was the ultimate embodiment of an American rejection of the multilateral norms especially as promoted by the UN. Particularly the notion of the multilateral Security Council having sole authority to authorize the use of force

Previous US administrations had known how to work within the UN system, despite what private misgivings they may have had concerning multilateralism. In 1990–1991, it was not always a foregone conclusion that the US would obtain a Security Council resolution to use force to expel Iraqi troops from Kuwait. Even British Prime Minister Margaret Thatcher was virulently opposed. Then-President George H. W Bush launched a charm offensive, personally travelling to several foreign capitals and ultimately helping to assemble a coalition of almost thirty nations.⁴⁵¹

Indeed a mere 18 months earlier, the incumbent Bush administration had initially made good use of the UN at the outset of the "War on Terror". In the aftermath of 9/11,

⁴⁵¹ Cecil V., Crabb, and Kevin V. Mulcahy. 'George Bush's Management Style and Operation Desert Storm'. *Presidential Studies Quarterly* 25, no. 2 (1995): Page 259

Resolution 1368 was unanimously passed which condemned the attacks and affirmed the US's right to self-defense, laying the groundwork for the US's invasion of Afghanistan. Resolution 1373 affirmed the need for global action against terrorism.⁴⁵² This solid response to the terrorist attacks was based on a strong multilateral consensus that the Bush administration had continued to rely on. This consensus was now at risk of collapsing under the weight of the Bush administration's controversial plans to invade Iraq and its increasingly imperious attitude toward the Security Council.

The Bush administration's stance had the potential to significantly weaken the Security Council. In certain respects - the Bush administration acknowledged the Security Council as a conferrer of legitimacy regarding the use of force, but not the sole legitimator. As a result, the Bush administration was not able to resolve the "Catch 22" of legitimacy outlined in Chapter 4. The Security Council can only operate as an effective legitimator if it is the only legitimator. If nations can obtain legitimation of acts of war from elsewhere, there is less of an incentive for them to go through the Security Council. This ultimately makes war more likely and makes the international system less stable. If it is the sole legitimator, the Security Council acquires a degree of moral authority. This means it should be listened to and consulted not just as a means to achieving other national goals but as an end in itself. This also means it has symbolic utility, as nations want to be perceived as complying with the norms and rules of an institution that is the arbiter of legitimacy on the world stage.

If the Security Council is merely one legitimator among many, that undermines its moral authority and leads it to be a less effective instrument when eventually called upon. Indeed, the only incentive for the Bush administration to go through the Security Council at all was the fact that the other nations viewed it as having exclusive authority to legitimate the use of force.⁴⁵³ It was in the US's interests for the Security Council to be strong as possible. This would enable it to enforce resolutions, confront lawbreaking countries, and co-ordinate global efforts to combat terrorism. In order to make effective use of the Security Council, the Bush administration had to show proper respect for it as a chamber that could confer legitimacy, not simply as a political tool. Neo-Conservatism led the Bush administration to lose sight of this.

Unfortunately, the Bush administration could not accept this notion of exclusive authority, as this would mean the dilution of American power and influence. In multilateral organizations, power becomes diffused, being dependent on the recognition and

⁴⁵²Security Council Resolution 1373, S/RES/1373, for an exploration of Bush's initial post 9/11 use of the Security Council, see also Stephen. Schlesinger, 'Bush's Stealth United Nations Policy'. *World Policy Journal* 25, no. 2 (2008): Page 3

⁴⁵³ An official letter from Chirac to the British government said the following: "... only the Security Council is authorised to legitimise the use of force. France appeals to the responsibility of all to see that international legality is respected." Telegram 135 Paris to FCO London, 18 March 2003, 'Iraq: Chirac's Reaction to Ultimatum', as quoted in : *The Report of the Iraq Inquiry: Executive Summary*. Canbury Press, 2017, Page 50.

acknowledgement of others. This led the Bush administration to be uniquely opposed to any constraints on America's right to use force. When the existence of power becomes conditional on the approval of others, it loses its efficacy.

As a result, many officials thought they did not need such legal permission for regime change from the Security Council. Security Council authorization was just a potential strategy to make an invasion of Iraq more politically palatable.

Members of the Bush administration claimed that they did not accept the authority of the Security Council to place restrictions on its freedom to use force, because it was not effective at maintaining peace and confronting global threats. The administration consequently did not believe that the Security Council could contain and disarm Saddam's Iraq.

Bush declared in his Hilton Speech; is now before the Security Council. If the council responds to Iraq's defiance with more excuses and delays, if all its authority proves to be empty, the United Nations will be severely weakened as a source of stability and order."⁴⁵⁴ Bush was arguing that the Security Council had repeatedly postponed taking any serious action in confronting Saddam Hussein, and had begun to undermine their own authority.

Bush and the rest of the administration argued that the weaknesses of the Security Council were due to the innate shortcomings of multilateralism and diplomacy. The weaknesses of a multilateral organization like the UN meant that the willingness of member states to use force was the only thing that made the Security Council's resolutions enforceable. Since the US was the most powerful Security Council member state, they argued that the US's strength and moral clarity were potentially the only things that could save the Security Council from being a toothless, ineffectual organization.

According to Richard Holbrooke (the US Ambassador to the UN during the Clinton administration), this anti-U.N. outlook of the Bush administration prevented the U.S. from making what should have been a persuasive case for regime change. "I thought the case against Saddam was a very strong one," he says. "And if you cared about the United Nations, you had a man who had violated over a dozen Security Council resolutions. And if you cared about the U.N., you couldn't let him do that with impunity. Yet, they couldn't get people on board. Why is that? Because this administration is incapable of making the case I just made, because that would have suggested that the U.N. was important. So they threw away their strongest argument."⁴⁵⁵

In *An End to Evil*, David Frum (Bush's Speechwriter) and Richard Perle (of the Defense Policy Board) approvingly describe the widespread American perception that US efforts to get UN approval for military action in Iraq were: "perfunctory courtesies, like saying "Excuse me"

⁴⁵⁴ "President Discusses the Future of Iraq." February 2003, *White House Archives* <https://georgewbush-whitehouse.archives.gov/news/releases/2003/02/20030226-11.html>

⁴⁵⁵ As quoted by Bryan Burrough, Evgenia Rose, David Peretz, and David Wise in "The Path to War | Vanity Fair." Accessed January 27, 2020. <https://www.vanityfair.com/news/2004/05/path-to-war200405>.

before you push your way onto a crowded subway car; You'd still board the car whether the other riders excused you or not"⁴⁵⁶

The Bush administration did cite Resolutions 1441 and 687 in support of its case for military intervention in Iraq. However, Bush administration officials argued that the failure of the Security Council to effectively enforce these resolutions meant it was now up to the US to act in order to forestall a grave threat. The Bush administration also interpreted Article 51's right to self-defence in a way that allowed for use of preventive force, before the emergence of an imminent threat. The Bush administration engaged in what appeared to be perfunctory use of Security Council resolutions, but had a reading and interpretation of them that was out of sync with the Security Council itself. It is clear that the content of the resolutions was not the US's true motivation for war, but a post-hoc rationalization for their longstanding desire to overthrow Saddam Hussein.

Other member states were ultimately unconvinced by this case for war. The resolutions had been multilaterally passed through the collective agreement of member states. It was incongruous for them to subsequently be unilaterally enforced without the collective agreement of other Security Council member states. Both the passage and enforcement of the resolution had to be multilateral. There would have to be something close to an inter-subjective consensus amongst Security Council members that it was time for regime change. This is what the Bush administration failed to achieve. Unilateral uses of force citing Security Resolutions constitute a form of "vigilante enforcement", something for which there is no provision in the UN Charter.

The Security Council and many of its member states largely shared America's perception of Saddam as a threat, but were committed to following multilateral procedures even if that meant delaying action. I shall begin by looking at the Bush administration's attempts to get a second Security Council resolution.

⁴⁵⁶ David Frum, Richard Perle, *An End to Evil: How to Win the War on Terror*: New York, NY: Ballantine Books, 2004. Chapter 8, Page 230

6.1 Final Attempts to get a Second Resolution

This chapter will first outline the succession of events that took place during the US's failed attempts to get a Second Security Council resolution. On February 6th, the US sought UN Security Council backing for a war in Iraq through Colin Powell's presentation. On February 10th, France, Germany, and Russia submitted a memorandum on Iraq to the Security Council that contained several counter-proposals as alternatives to war.⁴⁵⁷ including the strengthening of the inspections programme. This was seen as a response to America's increasingly belligerent approach, particularly as the US had already made clear its opposition to several of these proposals.⁴⁵⁸

Having decided to engage in the process of trying to get what they thought was an unnecessary Security Council resolution, the US would only accept a conclusive, final resolution that brought the process to a swift conclusion and directly paved the way to war. As a result, the US along with Britain and Spain began to circulate a draft second resolution on 24th February 2003. This draft stated that Iraq had "failed to take the final opportunity afforded it in Resolution 1441".⁴⁵⁹ This was widely interpreted as an attempt to authorize the "serious consequences" that had been threatened in Resolution 1441. The threshold required for the passage of a resolution was the support of nine of out of fifteen members. The US also had to make sure that nobody else from the permanent five (UK, France, Russia, China) vetoed the resolution.

They were initially aiming for a vote on or around March 7th. There were six undecided non-permanent members of the Security Council who the sponsors of the resolution had to try and persuade. The six undecided countries were: Pakistan, Chile, Mexico, Cameroon, Guinea, and Angola. This amended draft ultimately lost its momentum as negotiations reached a stalemate concerning proposals to extend the deadline. Russia and France expressed opposition to the Resolution, with Chirac explicitly threatening to veto it on March 10th.⁴⁶⁰

⁴⁵⁷ "Iraq: Joint declaration by the Russian Federation, Germany and France" (S/2003/164) 10 February 2003. <https://digitallibrary.un.org/record/487312>. Accessed 5th September 2022

⁴⁵⁸ An example of the reporting concerning the American reaction to the joint statement: 'CNN.Com - Bush "disappointed" by NATO Stalemate - Feb. 10, 2003'. Accessed 5 September 2022. <http://edition.cnn.com/2003/WORLD/meast/02/10/sprj.irq.wrap/index.html>.

⁴⁵⁹ 'Iraq: U.S./U.K./Spain Draft Resolution'. *Department Of State. The Office of Electronic Information, Bureau of Public Affairs*. Accessed 5 September 2022. <https://2001-2009.state.gov/p/io/rls/othr/17937.htm>.

⁴⁶⁰ Staff. 'Russia and France Threaten to Use Veto'. *The Guardian*, 10 March 2003, sec. World news. <https://www.theguardian.com/world/2003/mar/10/iraq.politics1>.

However, he left open the possibility that France could potentially support or abstain from voting on a different Resolution that would authorize the use of force at some point in the future. After Chirac made this declaration, it looked unlikely that the amended draft resolution in its current form had any hope of being passed. The smaller non-permanent members of the Security Council felt more empowered to voice their concerns and opposition to the resolution. In addition, although the amended draft did not have an explicit or direct authorization of military action, it meant that only a Security Council vote explicitly certifying Iraq's full and unambiguous co-operation would prevent an authorization of military action from taking effect.

Finally, there was a "benchmarks proposal" which was a last ditch attempt to break the deadlock. It was devised by the UK Representative to the UN Sir Jeremy Greenstock, Hans Blix and the Chilean Representative, Juan Gabriel Valdes. It was circulated to the Security Council on March 12th.⁴⁶¹ It involved the Security Council approving a second resolution that would outline a list of requirements for Iraq to fulfill and a deadline by which Iraq had to fulfill them. If the deadline passed without Iraqi compliance, the Security Council would have to adopt another resolution to authorize the use of force. The requirements involved Iraq allowing its scientists to travel abroad for interviews, and handing over or providing evidence of the destruction of all chemical and biological weapons.

The Bush administration was not keen on this proposal, as it involved more Security Council procedures and did not open the door to the immediate use of force. They reluctantly went along with it, but stipulated that it needed to be adopted within the next few days and that Iraq should be given no longer than a week to comply. The Bush administration also stipulated that any resolution had to have an ultimatum that automatically authorized the use of force if the deadline passed with Iraq still found to be non-compliant. The benchmark proposal that was circulated ultimately ceded to this American demand.

March 13-16th saw the final attempts at diplomacy, to prevent the US from withdrawing from the Security Council process. Desperate to retain UN control over Iraqi disarmament, Chirac attempted to compromise by proposing moving the inspection deadline up by 30 days. This was insufficient for the US. Consequently, on March 17th, 150 days after the passage of Resolution 1441, the US, Britain and Spain abandoned all attempts to get a second resolution passed.⁴⁶²

As we shall see, what may have hurt the US the most was the fact that its efforts at getting a Second resolution were a brief, perfunctory exercise geared towards lowering the ultimate political costs of an invasion. The Bush administration did not demonstrate a good faith

Chirac threatened to veto the resolution the following day in a televised address: Nick Paton, Walsh, and Brian Whitaker. 'Chirac Promises to Use Veto but Putin Faces Dilemma'. *The Guardian*, 11 March 2003, sec. World news. <https://www.theguardian.com/world/2003/mar/11/iraq.unitednations3>.

⁴⁶¹ Gordon, Philip, and Jeremy Shapiro. *Allies At War*. McGraw Hill Professional, 2004. Pages 151-154;

⁴⁶² Gregory B Marfleet and Colleen Miller, 'Failure after 1441: Bush and Chirac in the UN Security Council'. *Foreign Policy Analysis* 1, no. 3 (2005): Page 340

commitment to the principles of multilateralism on which the UN disarmament process was based.

As explained in Chapter Five, the Bush administration had a dogmatic, a-priori commitment to the principle of regime change as the only way to disarm Iraq. The administration consequently had a flagrant sense of impatience for UN Security Council procedures. The unpredictable nature of the threat from Saddam meant that the longer he was left in power, the bigger the risk to America's national security.⁴⁶³ They thought the longer the delay, the more geo-political complications would emerge.

The Bush administration was not sufficiently interested in the input of other nations. Morally, the Bush administration argued that the United States did not need to justify or legitimize itself in the eyes of other nation states. Bush declared in his State of the Union address that the US's national security did "not depend on the decisions of others" and that the US would be willing to use force with or without the approval of other nations.⁴⁶⁴ The White House chief of staff, Andrew Card, declared on NBC's *Meet the Press* : "The UN can meet and discuss, but we don't need their permission," thus making it clear that the US would not wait for the Security Council authorization before launching an attack.⁴⁶⁵

The US did not think it ultimately required the UN's legitimization. It could obtain its desired outcomes unilaterally. This stance led to the US projecting an image of itself as an aloof, imperious, self-interested hegemon. The Bush administration's American Exceptionalism was much bolder and more uncompromising than what had been seen in previous US administrations. Administration officials argued that America was an exceptional nation that had to lead the world in confronting totalitarianism. The US consequently had rights and responsibilities that did not apply to other countries. Due to its refusal to be dependent on external political support, the US was not willing to allow other countries to have significant input concerning how and when regime change would proceed.

Numerous other countries also had a stake in resolving the Iraq crisis, particularly Iraq's neighbors. Several Middle Eastern states were concerned about the destabilizing impact that an invasion would have on the region. Kuwait was the only neighboring country that

⁴⁶³ Bush even dismissed the notion that Saddam might be willing to go into exile in order to avoid a full-scale invasion. and argued that such an agreement could not be struck with somebody as untrustworthy as him. In response to Aznar suggesting this as an option, Bush declared: "No guarantee. He's a thief, a terrorist, a war criminal. Compared to Saddam, Milosevic would be a Mother Theresa." This was an overly moralistic analysis of the situation that obscured the facts of the scenario. The decisive factor in the viability of such an arrangement would not have been the honesty or deceitfulness of Saddam Hussein, but the practicalities of verifying his compliance with such an agreement as well as the effectiveness of whatever concessions could have been offered to incentivize him and his to regime to co-operate.

⁴⁶⁴ "State of the Union Address to the 108th Congress" January 28th 2003, *White House Archives*
https://georgewbush-whitehouse.archives.gov/infocus/bushrecord/documents/Selected_Speeches_George_W_Bush.pdf

⁴⁶⁵ As quoted by CNN IN: 'CNN.Com - White House: U.S. Doesn't Need U.N. Permission on Iraq - Nov. 10, 2002'. Accessed 5 September 2022. <http://edition.cnn.com/2002/US/11/10/iraq.policy/index.html>.

officially supported the invasion of Iraq.⁴⁶⁶ Syria thought that the inspections should continue and sanctions should be lifted.⁴⁶⁷ In addition, if it were the case that the US's military action was not backed by a Security Council resolution, Iraq's neighbors would also find it more difficult to justify opening their air space to U.S. forces and giving the US logistic support.

The Bush administration intuitively understood the innate advantages of having other countries onboard with a potential invasion.⁴⁶⁸ More multilateral support meant that other nations may also be willing to commit personnel and resources, lowering the burden on the US. It would also isolate Iraq even further, and make it more likely to surrender and succumb to disarmament demands. The Bush administration thought that this political support would be an added advantage that would be beneficial, but was not a requirement for the moral legitimacy of military action. The US did not appreciate the additional scope and perspective that multilateral deliberation could confer on the process of trying to find a solution.

I have noted that the Security Council's multilateral composition put it in a unique position to resolve disputes and bring some perspective and clarity to global disputes. Even without its exclusive right to legitimate force, the Security Council could still enable the United States to gauge the views of other countries about its desired course of action and get some additional input to supplement its own limited knowledge. However, the US had an interpretation of international law and the right to use force that was contrary to the position of most members of the Security Council. Consequently, it ultimately did not think that the prospect of securing more multilateral support and gaining additional information was worth the price of significantly altering its plans.

In addition, the administration was very pessimistic about the capacity of the Security Council to oversee a conclusive "final reckoning" with Iraq. The Security Council's shortcomings had never been more palpable than in its failure to deal with Saddam Hussein throughout the preceding two decades. As Rumsfeld later declared; "The United Nations sat there for years with 16 resolutions being violated, so just as we've seen a pattern of behavior on the part of Saddam Hussein, we've also seen a pattern of behavior on the part of the United Nations".⁴⁶⁹

⁴⁶⁶ "Operation Iraqi Freedom: Coalition Members", 27th March 2003, White House Archives, Accessed 22 September 2022. <https://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030327-10.html>.

⁴⁶⁷ x. *The Iraq War: Causes and Consequences* by Rick Fawn (Editor), Raymond A. Hinnebusch (Editor) (15-Jul-2006) Paperback. Lynne Rienner Firm, 1702. Page 129

⁴⁶⁸ In November 2002, Bush declared: "It's very important for our [NATO] nations as well as all free nations to work collectively to see to it that Saddam Hussein disarms," 'CNN.Com - Bush: Join "coalition of Willing" - Nov. 20, 2002'. Accessed 30 September 2022. <http://edition.cnn.com/2002/WORLD/europe/11/20/prague.bush.nato/>.

⁴⁶⁹ 'CNN.Com - Rumsfeld Dismisses Annan Statement - Nov. 19, 2002'. Accessed 5 September 2022. <http://edition.cnn.com/2002/US/11/19/rumsfeld.annan/index.html>.

Rice similarly declared; "We forget the Iraqi people have lived under sanctions for 12 years because the U.N. Security Council has been unable to deal with this tyrant who continues to defy the Security Council," Rice attributed this failure to the Security Council's apathy and unwillingness to take action.⁴⁷⁰

The Bush administration did not think that multilateral diplomacy that had been conducted concerning Iraq had constituted meaningful action. They argued that the Security Council's limited utility in the Iraq impasse depended almost entirely on the willingness of member states to use force. The Bush administration argued that Iraq would only be disarmed and pacified if war was on the table. Indeed the administration thought the willingness of member states to use force was the only thing that ultimately gave the Security Council legitimacy.

Bush was also quoted as saying; 'the United Nations must show its backbone. And we will work with members of the Security Council to put a little calcium there, put calcium in the backbone'. What was meant by "backbone" was simply the propensity to use military force, not only as a last resort, but as a primary instrument.⁴⁷¹ Explaining the administration's reasoning, Feith writes in his memoir; "Saddam was exposing a paradox: Any means short of war would be worthless unless Security Council members were willing to enforce them – through war if necessary"⁴⁷²

The Bush administration's pre-occupation with ideology and moral clarity led it to think more about the nature of the nation states with which it was negotiating on the Security Council. Leading US officials came to think that diplomacy was less effective if the states with whom it was negotiating were non-democracies. In an interview with *Vanity Fair*, Paul Wolfowitz argued that diplomacy alone was "just words" and would "rarely get you much unless you're dealing with people who basically share your values and your interests".⁴⁷³

The Bush administration also generally thought that the Security Council's moral resolve had been weakened by the outlook of the member states that comprised it. The UN Security Council permanent five was a mixture of Western democracies (UK, US, and France) and authoritarian regimes.(Russia and China)The same was true of the General Assembly and the Human Rights Council. The Bush administration consequently believed that multilateralism was less effective if the United Nations was occupied by non-democratic member states.

Since the immediate aftermath of 9/11, the Bush administration had railed against the moral relativism of the UN and its tolerance of countries that violated the human rights of

⁴⁷⁰ Juan Williams, 'Rice Urges U.N. Unity on Iraq'. *NPR*, 12 March 2003, sec. World.
<https://www.npr.org/2003/03/12/1189368/rice-urges-u-n-unity-on-iraq>.

⁴⁷¹ Bob Woodward, *Bush At War*. 2Rev Ed edition. Simon & Schuster UK, 2012. Page 100

⁴⁷² Douglas J. Feith, *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. Reprint edition. New York; Enfield: Harper Perennial, 2009. Page 200

⁴⁷³ 'Defense.Gov Transcript: Deputy Secretary Wolfowitz Interview with Sam Tannenhaus, *Vanity Fair*'. Accessed 24 April 2020. <https://archive.defense.gov/Transcripts/Transcript.aspx?TranscriptID=2594>.

their people. A recent example of this was Gaddafi's Libya being elected to chair the UN Human Rights Council in January 2003. Rumsfeld attacked the UN for allowing Iraq to become chairman of the United Nations Commission on Disarmament and choosing Libya to lead its Commission on Human Rights. He declared that the UN "seem(ed)s not to be even struggling to regain credibility,"⁴⁷⁴ There was a clash in values that would prevent effective co-operation. It also meant that the UN had been diverted from its founding principles and become morally compromised.⁴⁷⁵

When the time came, the non-democratic nature of P-5 states like Russia and China was not the key variable that shaped the US's disagreements with the Security Council. As already noted, the main country that ultimately derailed the Bush administration's resolution was France, a fellow Western democracy. The French most vocally did not share the US's perspective on the centrality of war to the enforcement of UN Security Council resolutions.

On 13 January 2003, only weeks after UN inspections had resumed, Rice informed French official Maurice Gourdault-Montagne, that the Bush administration was unwilling to delay its plans for regime change any longer, irrespective of France's opposition to war.⁴⁷⁶ On January 20th 2003, The French Foreign Minister Dominique De Villepin hinted that he would be willing to veto any resolution that authorized war. Woodward writes that Colin Powell was particularly furious at Villepin's insistence on ruling out war as an option. As Woodward later wrote, "Any leverage with Saddam was linked directly to the threat of war, and the French had just taken the threat off the U.N.'s table."⁴⁷⁷

On February 14th 2003, Villepin gave a speech to the Security Council, in which he declared; 'war is always the consequence of defeat'.⁴⁷⁸ By his estimation, the use of force was not the thing upon which the Security Council's legitimacy depended. If force did eventually come into play, it would be a sign of the Security Council's failure to resolve disputes through diplomacy. He therefore took the position that the use of military force should be avoided for as long as possible. In direct opposition to the United States, Villepin was arguing that war means the failure of collective security, not its enforcement or vindication. Even though the threat of war as a deterrent was an important tool, it was to be used only after all other

⁴⁷⁴ Thom Shanker, 'THREATS AND RESPONSES: GERMANY; RUMSFELD REBUKES THE U.N. AND NATO ON IRAQ APPROACH'. *The New York Times*, 9 February 2003, sec. World.
<https://www.nytimes.com/2003/02/09/world/threats-and-responses-germany-rumsfeld-rebukes-the-un-and-nato-on-iraq-approach.html>.

⁴⁷⁵ Richard Perle, 'Thank God for the Death of the UN', 21 March 2003, *The Guardian*. sec. Politics.
<https://www.theguardian.com/politics/2003/mar/21/foreignpolicy.iraq1>.

⁴⁷⁶ Frédéric Bozo, *A History of the Iraq Crisis: France, the United States, and Iraq, 1991–2003*. Columbia University Press, 2016, Page 190

⁴⁷⁷ Bob Woodward, *Plan of Attack*. Simon and Schuster, 2004, Page 285

⁴⁷⁸As quoted in: Kamal Ahmed, , Ed Vulliamy, Peter Beaumont, Gaby Hinsliff, Paul Webster, and John Hooper. 'Worlds Apart on War'. *The Observer*, 16 February 2003, sec. World news.
<https://www.theguardian.com/world/2003/feb/16/iraq.foreignpolicy1>

options had been exhausted. It being used as anything other than the last resort would simply threaten the stability of the world system.

Finally, in a March 10th interview on French national TV, Chirac declared; "No matter what the circumstances, France will vote 'no'. Right now we consider that there is no need for war to achieve the objective we fixed - the disarmament of Iraq."⁴⁷⁹ When Chirac made his famous veto threat, he meant that he would veto any draft resolution that could be used to authorize immediate war. He left open the possibility that France could potentially support or abstain from voting on a different Resolution that would authorize the use of force at some point in the future.⁴⁸⁰ The smaller non-permanent members of the Security Council felt more empowered to voice their concerns and opposition to the resolution.

Unsurprisingly, the Bush administration did not take kindly to this. State Department spokesman Richard Boucher immediately condemned Chirac's statement, calling it "disturbing." He said that by threatening a veto, Boucher had sent "precisely the wrong signal" to Baghdad allowing it to act with impunity. Richard Boucher said: "to tell Iraq that no matter what, they're not going to be subject to another Security Council resolution really sends the wrong signal to Baghdad, and we think makes it less likely that we can get Iraq to disarm peacefully."⁴⁸¹

France was a leading democracy, and prominent NATO ally that had a permanent seat on the UN Security Council. One would expect the Bush administration to give more respect and consideration to France's outlook even if they did not agree. In its entire UN history, France had only unilaterally used the veto once, in 1976.⁴⁸² A French veto would signify a significant rupture between the US and a key NATO ally. The Bush administration did not seem overly concerned about what the stigma of a veto would also cause long-term damage to US-French relations. Most importantly, having a resolution vetoed would be a damning indictment of American plans for an invasion, the consequences of which would reverberate for sometime to come. It would embolden other states that were opposed to the US's actions.

Nevertheless, members of the administration expressed utter indifference concerning whether France vetoed a resolution authorizing war. Wolfowitz wanted a resolution that would open the door to the use of force, even if such a resolution would be vetoed by France. He declared; "There are worse things than having our...draft defeated or vetoed by France"⁴⁸³ Jack Straw also notes in his memoir that "parts of the U.S. government weren't bothered about securing a consensus in the Security Council. If the other members of the

⁴⁷⁹ Nick Paton Walsh and Brian Whitake, 'Chirac Promises to Use Veto but Putin Faces Dilemma'. *The Guardian*, 11 March 2003, sec. World news. <https://www.theguardian.com/world/2003/mar/11/iraq.unitednations3>

⁴⁸⁰ Ibid.

⁴⁸¹ 'CNN.Com – Wolf Blitzer Reports- Transcripts'. Accessed 28 September 2022. <http://edition.cnn.com/TRANSCRIPTS/0303/12/wbr.00.html>.

⁴⁸² 'French Veto Move In U.N. Opposing Vote in Comoro Isle', *The New York Times* 7 February 1976, sec. Archives. <https://www.nytimes.com/1976/02/07/archives/french-veto-move-in-un-opposing-vote-in-comoro-isle.html>.

⁴⁸³ Douglas J. Feith, *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. Reprint edition. New York: Harper Perennial, 2009, Pg 314

Council supported it, fine; if they vetoed it, fine too.”⁴⁸⁴ This was because war was already a foregone conclusion with or without a Second Security Council Resolution.

In keeping with this stance, the administration used the language of moral crusading, not conducive to persuasion or prudent diplomacy. They attributed opposition to their plans for an invasion not only to political and tactical disagreements, but to a lack of courage and commitment on the part of France and other member states. Concerning P-5 members who had threatened to veto Second Resolution, Bush declared; “These governments share our assessment of the danger, but not our resolve to meet it.”⁴⁸⁵ On March 12th 2003, Condoleeza Rice said in an NPR interview with Juan Williams; “What we know is when democracies wait too long to confront tyranny, more people die.”⁴⁸⁶

The Bush administration also strongly implied that the relativistic atmosphere of the UN Security Council had also resulted in democracies themselves becoming morally compromised. Richard Perle told a *Guardian* reporter that France had a “cosy” relationship with Saddam’s Iraq.⁴⁸⁷ In response to Chirac’s diplomacy, US Vice President Dick Cheney appeared on *CBS* “Face the Nation” to reject the French attempt at compromise and declared; “it’s difficult to take the French serious”.⁴⁸⁸ He accused Chirac of employing delaying tactics in order to avoid a final reckoning with Saddam Hussein. In his memoir, Feith still describes China, France and Russia as “Saddam’s friends on the Security Council”.⁴⁸⁹

The Bush administration’s lack of concern with the perspectives of other nation states paints a picture of a unilateral push for war. The combativeness of statements made by US officials also gives the impression of an isolated United States. Nevertheless, throughout the build up to war, and after the war began, the Bush administration consistently argued that it had a multilateral coalition. In response to Kofi Annan’s post-invasion assertion that the Iraq War was illegal, Colin Powell said; “My reaction is that the Secretary General was incorrect. We believe that the war was necessary and it rested on sound principles of international law. We have made our case and we have, in our words, moved forward directly with a

⁴⁸⁴ Jack Straw, *Last Man Standing: Memoirs of a Political Survivor*. 1st Edition edition. Macmillan, 2012. Page 378

⁴⁸⁵ ‘Text: Bush’s Speech on Iraq’, *The New York Times*. 18 March 2003, sec. U.S. <https://www.nytimes.com/2003/03/18/politics/text-bushs-speech-on-iraq.html>.

⁴⁸⁶ Juan Williams, ‘Rice Urges U.N. Unity on Iraq’. *NPR*, 12 March 2003, sec. World. <https://www.npr.org/2003/03/12/1189368/rice-urges-u-n-unity-on-iraq>.

⁴⁸⁷ Guardian Staff, ‘Top Bush Aide Savages “selfish” Chirac’. *The Guardian*, 23 February 2003. <http://www.theguardian.com/world/2003/feb/23/usa.iraq>.

⁴⁸⁸ As quoted in: Brian Knowlton ‘Cheney and Powell Doubt That War Can Be Averted’. *The New York Times*, 16 March 2003, sec. World. <https://www.nytimes.com/2003/03/16/international/worldspecial/cheney-and-powell-doubt-that-war-can-be-averted.html>

⁴⁸⁹ Douglas J Feith, *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. Reprint edition. New York; Enfield: Harper Perennial, 2009. Page 198

spirited defence of our position, and of course, it's a position held by Australia and the United Kingdom and all other members of the coalition."⁴⁹⁰

However, even within its "coalition of the willing", the US was not significantly open to the input of other nations. Some members of the Bush administration thought that a unilateral approach was strong and could ultimately attract more allies in the long term. According to Wolfowitz, "When you are able to proceed on your own, you get a lot more help than when you don't."⁴⁹¹

In his book, Sir Jeremy Greenstock remarks on the US's lack of true multilateralism. The UK was the US's closest ally, and yet Greenstock writes; "Throughout the whole Iraq saga the UK never had a significant impact on US policy formulation." Greenstock declares; "We began to see that there was not much energy being expended in Washington on outreach, consultation and good relationships."⁴⁹²The US's engagement with allies was largely perfunctory. Allies were given the option of involvement, and were offered various incentives, but were not expected to influence the direction or priorities of any potential invasion of Iraq. It was "multilateral" in appearance but not in content.

The Bush administration wanted the support of the UK not because it valued the UK's input, but because it would make war less costly in terms of political capital. One of the benefits of having the UK on the side of regime change was the fact that the UK was in a better position to build bridges with other EU countries and other Security Council member states. However, the benefits of UK involvement were nullified by the US's lack of interest in seeking the UK's input and being open to advice and criticism of its desired courses of action. As Greenstock writes; "The UK's attempt to reconstitute a consensus had only a slim prospect of success, made slimmer by the recognition by anyone else following events closely that the United States was not proactively supportive of the UK's efforts and seemed to be preparing for conflict whatever the UK decided to do. These noises off were decidedly unhelpful to what I was trying to do (at the UN) in New York."⁴⁹³

⁴⁹⁰ This statement was uttered on Fox News, over a year after the invasion had begun: "Interview on Fox News Channel's Hannity and Colmes Show". *Department Of State. The Office of Electronic Information, Bureau of Public Affairs*. Accessed 5 September 2022. <https://2001-2009.state.gov/secretary/former/powell/remarks/36277.htm>.

⁴⁹¹ United States Congress House Committee on National Security, *United States Security Interests in the Post-Cold-War World: Hearings Held June 6, 1996*. U.S. Government Printing Office, 1996. Page 28

⁴⁹² As quoted in: Patrick Wintour 'UK Had No Impact on US Policy in Iraq, Says Top British Ambassador'. *The Guardian*, 1 November 2016, sec. World news. <https://www.theguardian.com/world/2016/nov/01/uk-no-impact-us-policy-in-iraq-says-top-british-ambassador-sir-jeremy-greenstock-book>.

⁴⁹³ Mark Tran, 'Iraq War Inquiry Key Witnesses: Sir Jeremy Greenstock'. *The Guardian*, 9 December 2009, sec. UK news. <https://www.theguardian.com/uk/2009/dec/09/chilcot-inquiry-jeremy-greenstock>.

In March 2003, the official list of “supporting” countries that the White House ultimately released had forty-nine nations.⁴⁹⁴ Most of these nations had only expressed verbal support. The substance of this coalition was minimal. Many of these countries were simply dependent on the US for economic aid and had been given ultimatums with future financial support being conditional on their support for US foreign policy. In early 2003, President Bush called Vicente Fox and Ricardo Lagos, his Mexican and Chilean counterparts, respectively, on the telephone, warning them that bilateral relations were at stake and reportedly threatening trade reprisals.”

Bush also threatened to withdraw aid from Angola and threatened to reverse his position on a free trade agreement with China if these countries did not back the US’s desired course of action. Very few countries offered meaningful, voluntary support.⁴⁹⁵ The resultant collection of nations was dubbed by the Institute for Policy Studies as the “Coalition of the Coerced”. The “Coalition of the willing” that ultimately invaded Iraq consisted of around 250,000 US combat personnel, joined by 45,000 British, 2,000 Australian, and 200 Polish troops.

The Bush-Aznar memo provides a key window into the Bush administration’s mindset with respect to securing more allies. It is a transcript of a February 22, 2003 conversation that took place in Crawford, Texas between US president George W. Bush, Prime Minister of Spain José María Aznar, National Security Advisor Condoleezza Rice, Daniel Fried, Alberto Carnero, and Javier Rupérez, the Spanish ambassador to the U.S. British Prime Minister Tony Blair and Italian Prime Minister Berlusconi participated by telephone.⁴⁹⁶ They were discussing submitting a Second Resolution that would have authorized war in Iraq.

March/April 2003 was seen by many officials as the opportune time for the US military to invade Iraq. The Bush administration placed excessive emphasis on it not only as a convenient time, but as a moment of truth. The Bush administration appeared to see March as a ‘date with destiny’ and applied a form of ‘now or never’ logic to the situation. Bush talked about being guided by a “historic sense of responsibility”.⁴⁹⁷ This was partly because of their fear of the ongoing threat from Iraq. “We have to get him right now. ... There are two weeks left. In two weeks, we’ll be militarily ready.”⁴⁹⁸

In favor of an expanded multilateral coalition, The Spanish leader at one point said; “but it would be good to be able to count on as many people as possible. Be a little bit patient.”

⁴⁹⁴ “Operation Iraqi Freedom: Coalition Members”, 27th March 2003, *White House Archives*, Accessed 22 September 2022. <https://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030327-10.html>.

⁴⁹⁵ Sarah Denny Anderson, Phyllis Bennis, and John Cavanagh. *Coalition of the Willing Or Coalition of the Coerced?: How the Bush Administration Influences Allies in Its War on Iraq*. Institute for Policy Studies, 2003.

⁴⁹⁶ A transcript of the meeting was leaked to El Pais, the Spanish daily newspaper. It was reprinted in the *New York Review of Books*: Mark Danner, “The Moment Has Come to Get Rid of Saddam” *New York Review of Books*, '. Accessed 5 September 2022. <https://www.nybooks.com/articles/2007/11/08/the-moment-has-come-to-get-rid-of-saddam/>.

⁴⁹⁷ Ibid.

⁴⁹⁸ Ibid.

Bush replied; “My patience is over,”.⁴⁹⁹ The Bush administration did not take sufficient stock of the many other factors that were in play, and the many other interested parties that had a stake in the Iraq situation. The Middle East was a complicated region.

Aznar was correct that it made sense to open such an enormous undertaking to as many potential partners as possible. The situation in Iraq was a global disarmament effort that had many stakeholders. These included Iraq’s neighbors, the other nations of the Security Council, and the UNMOVIC⁵⁰⁰ The Bush administration did not adequately explore the other factors and perspectives that the UN could give it access to.

A key factor in its case for war was the Bush administration’s lack of appreciation for the “Soft Power” utility of the Security Council. Soft Power in this context means the ability to secure support and alliances through non-economic or military means.⁵⁰¹ Due to their need for soft power, states frequently rely on institutions to do the work of legitimating their action, as it gives an appearance of them seeking the opinions and perspectives of other states.

In order to make use of this, the Bush administration would have to show adequate respect for the United Nations, which many nations saw as the ultimate embodiment of international co-operation and moral legitimacy. The Bush administration’s respect for the United Nations was seen by many as a proxy for its attitude towards the global community of states. We have seen that the Bush administration thought that the very factors that made the Security Council a legitimator in the eyes of the world were also its weakness. The Security Council was ineffective in this respect because of its multilateral ethos. Multilateralism made it difficult to authorize the use of force, as it required approval from multiple parties. The process of collaborative discussions, diplomacy, negotiations and compromises was an undue inconvenience that threatened to hinder American plans.

More significantly, in the months leading up to the war, the Bush administration expressed an open dislike for the UN’s emphasis on “processes” and procedures. Bush also argued that the excessively bureaucratic nature of UN procedure came at the expense of finding proactive solutions to problems. As quoted earlier, Bush declared in his 2003 State of the Union address; “In all these efforts, however, America’s purpose is more than to follow a process — it is to achieve a result”.⁵⁰² It had a reading of international law that was geared towards achieving self-interested results rather than demonstrating full adherence to multilateral processes.

⁴⁹⁹ Ibid.

⁵⁰⁰ Of the six countries that had land borders with Iraq, only Kuwait and Turkey were in the Bush administration’s 49 nation “Coalition list”.

⁵⁰¹This is a concept popularized by Joseph Nye, see: Joseph S. Nye, ‘Soft Power and American Foreign Policy’. *Political Science Quarterly* 119, no. 2 (2004): Pages 255–70.

⁵⁰² George Bush’s 2003 State of the Union Address, ‘President Delivers “State of the Union”’ *White House Archives*, Accessed 27 October 2021. <https://georgewbush-whitehouse.archives.gov/news/releases/2003/01/print/20030128-19.html>.

This was a stance that was contrary to the entire institutional character of the UN. The very core of liberal institutionalism is the emphasis on legal processes that may not always be politically convenient, but are key to ensuring that there are checks and balances within the system that prevent abuses of power and ensure that other member states have a say in issues in which they have a direct stake.⁵⁰³ A process that depended on the perception and opinions of others was not palatable to the Bush administration. Due to its emphasis on its military power and its willingness to launch war unilaterally, the Bush Administration felt less of a need to explain itself or seek the opinions of other states.

The other nations of the Security Council had the choice of either getting on board with the US invasion or being sidelined. Sir Jeremy Greenstock later said (as quoted by Recchia) that the US's approach had alienated the non-permanent members of the UNSC, who felt that the US was "rushing it [the resolution] beyond the logic of the situation".⁵⁰⁴ Of the ten non-permanent members of the Security Council, only Spain and Bulgaria supported a US-led military intervention without a second resolution. The other members wanted the second resolution to simply condemn Iraqi bad behavior, with any military intervention requiring a further resolution sometime further down the line.⁵⁰⁵ Many other members of the Security Council were open to supporting the resolution, but insisted on a longer timetable of 30 to 45 days.

In early 2003, several members of the Bush administration had originally thought that getting a second resolution was not necessary and that Resolution 1441 was a sufficient justification for war. In his statement on March 17th, Powell again reiterated this as he said at a press conference, "And as we negotiated our way through that, we made it absolutely clear that we did not believe that the resolution as it finally passed would require a second resolution. And, in fact, the resolution that we are not taking to a vote today is not a resolution that we believe was necessary."⁵⁰⁶

They wanted to proceed with a war on the basis of Resolution 1441. Colin Powell stated in an interview that: "the United States certainly believes, that there is probably enough authority in Resolution 1441 to take action if Iraq does not comply and does not cooperate".⁵⁰⁷ Their temporary decision to pursue a Second Resolution had not been to any need for

⁵⁰³ Bob Woodward, *Bush At War*. 2Rev Ed edition. Simon & Schuster UK, 2012. Page 111

⁵⁰⁴ Greenstock interview, as quoted in: Stefano Recchia, 'Did Chirac Say "Non"? Revisiting UN Diplomacy on Iraq, 2002-03'. *Political Science Quarterly* 130, no. 4 (2015): 625-54.

⁵⁰⁵ Douglas J Feith, *War and Decision: Inside the Pentagon at the Dawn of the War on Terrorism*. Reprint edition. New York: Harper Perennial, 2009, Pg 314

⁵⁰⁶ 'Briefing on Situation With Iraq'. *Department Of State. The Office of Electronic Information, Bureau of Public Affairs.*, 17 March 2003. <https://2001-2009.state.gov/secretary/former/powell/remarks/2003/18771.htm>.

⁵⁰⁷ 'Interview With Radio France'. *Department Of State. The Office of Electronic Information, Bureau of Public Affairs.*, 19 February 2003. <https://2001-2009.state.gov/secretary/former/powell/remarks/2003/17805.htm>.

legitimation or validation from their peers, or because explicit Security Council authorization carried any significant moral weight.

When the US's efforts to drum up support for a Second Resolution failed, the United States ultimately decided against seeking a vote.

On March 17th, George Bush announced that Saddam and his sons had 48 hours to leave the country or the United States would initiate military action. IAEA and UNMOVIC inspectors left Iraq on March 18th. On March 19th, the US commenced military action, with the UK, Australia and Poland also providing troops.

In this section, I have sought to demonstrate that the Bush administration's efforts to get a second Security Council resolution were undermined by its unilateral outlook and lack of concern with the perspectives of other nations. This made it difficult to build bridges and generate the necessary momentum that could have potentially led to more support in the Security Council chamber. I will now examine the detail of the US's ultimate legal justifications for war.

6.2 The Bush Administration's ultimate legal case for war

Writings about the Bush administration have tended to focus on the decision to invade Iraq itself, and not the case that was made to the Security Council in defense of the decision. I would argue that the Bush administration's failed attempts to make use of Security Council procedures reveal a great deal about its motivation and outlook. The mere act of invading Iraq without having been on the receiving end of an attack may have necessitated a justification that was out of step with Security Council norms, but how this justification was presented says a great deal about the implications that ideology had for the Bush administration's attitude to such an important multilateral institution.

Article 2(4) of the UN Charter prohibits member states from using force or threatening to use force against one another.⁵⁰⁸ There are two exceptions to this rule. The first is collective enforcement action authorized by the Security Council (under Articles 24 and 25) and the second exception is the inherent right to self defence outlined in Article 51. Article 51 refers to situations in which a nation has already been attacked. Article 24 says: "In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security"⁵⁰⁹ These instruments declare that it is the role of the Security Council to determine what constitutes a threat to peace and security and to take whatever measures are necessary to confront such threats.

In this case, the potential threat came from an Iraq regime that had violated the UN Charter by engaging in aggression in neighboring states and developing illicit weapons in a series of crises and wars stretching back to the 1980s.⁵¹⁰ As things stood, there was uncertainty about whether Iraq was in ongoing violation of Resolution 1441, which had offered Iraq a final opportunity to comply with its disarmament obligations.⁵¹¹

The Bush administration had a reading of this situation that was considerably different from the majority of the Security Council. As we have seen, in late 2002 and early 2003, the Bush administration had already expressed dissatisfaction at and even outright rejection of many of the multilateral norms and procedures of the Security Council. These were the very norms and procedures through which the resolutions concerning Iraq had been passed. The

⁵⁰⁸ "The UN Charter" *United Nations*, 1 UNTS XVI, Op.cit.

⁵⁰⁹ Ibid.

⁵¹⁰ For a full history of Iraqi disarmament, see: David Malone, *The International Struggle over Iraq [Electronic Resource]: Politics in the UN Security Council 1980-2005 / David M. Malone*. Oxford Scholarship Online. Oxford: Oxford University Press, 2006.

⁵¹¹ Sally Bolton, 'Powell Says Iraq Still Not Complying'. *The Guardian*, 7 March 2003, sec. World news. <https://www.theguardian.com/world/2003/mar/07/iraq.sallybolton>.

Bush administration could not fully respect the wording and intent of resolutions themselves while scorning the norms and processes that had produced them.

The Bush administration's denial of the Security Council's exclusive authority to authorize force led it to claim that it had the right to single-handedly enforce Security Council resolutions through military action. Their belief in the right of the United States to unilaterally use preventive force also led them to an idiosyncratic interpretation of the term "self-defense". I will first deal with the Bush administration's claim that it was enforcing Security Council resolutions.

As the Resolutions had been intended to rid Saddam Hussein of illicit weapons, the US claimed the right to deploy troops to Iraq in order to forcibly dis-arm Iraq, due to what it perceived as the failure of the Security Council to deal with this issue effectively.⁵¹² For the Bush administration, the efficacy of the Security Council ultimately depended on the willingness of member states to use force, thus it was incumbent upon a member state like the US to take the initiative in using force to ensure Iraq's adherence to previous Security Council resolutions.

On March 20th 2003, John Negroponte sent a letter to the President of the Security Council Mamady Traore, in which he officially informed the President that military operations in Iraq had begun.⁵¹³ In this letter, he outlined the official justification for the use of force as being Iraq's violation of Security Council resolution 1441. He argued that the Security Council recognized that Iraq was in "material breach" of its obligations on several occasions, including in October 2002 when it unanimously adopted Resolution 1441. According to his reading of international law, Iraq "materially breached" its disarmament obligations by failing to provide evidence of having discontinued its WMD programme. Resolution 1441 had given Iraq "a final opportunity to comply with its disarmament obligations" and warned Iraq of "serious consequences" if it failed to do so."⁵¹⁴

If Iraq failed to comply, resolution 1441 called for the Security Council to meet to "consider the situation".⁵¹⁵ The resolution threatened only "serious consequences" in such a circumstance.⁵¹⁶ The usual Security Council euphemism for force was; "all necessary means", something that was explicitly excluded from the wording of Resolution 1441.⁵¹⁷ Consequently, it required further deliberation and an additional resolution to initiate war.

⁵¹² As early as September 2002, Bush had publicly declared that the US would forcibly deal with Iraq if the UN was not willing. 'President's Remarks at the United Nations General Assembly', *White House Archives*, Accessed 22 September 2022. <https://georgewbush-whitehouse.archives.gov/news/releases/2002/09/20020912-1.html>.

⁵¹³ US Letter to the President of the Security Council, S/2003/353, 20 March 2003

⁵¹⁴ Ibid.

⁵¹⁵ UN Security Council Resolution 1441, S/RES/1441 (2002)

⁵¹⁶ Ibid.

⁵¹⁷ Relations, United States Congress Senate Committee on Foreign. *Hearings to Examine Threats, Responses, and Regional Considerations Surrounding Iraq: Hearings Before the Committee on Foreign Relations, United States*

When it was originally passed, Negroponte had acknowledged that Resolution 1441 did not contain an automatic authorization of war. Negroponte had said: "What this resolution says is if there are violations of the terms of this resolution and of Iraq's disarmament obligations, this matter is to be brought to the council for discussion and assessment. The resolution does not prejudge what might happen after that stage." He also declared; "If the Security Council fails to act decisively in the event of a further Iraqi violation, this resolution does not constrain any member state from acting to defend itself against the threat posed by Iraq, or to enforce relevant UN resolutions and protect world peace and security."⁵¹⁸

There were two issues here. Firstly, the issue of whether the resolution left open the possibility of using force in the event of Iraqi noncompliance. Paragraph 12 of Resolution 1441 indicated that if Iraq were found to have been non-compliant, the Council would then 'consider' the situation and the need for full compliance.⁵¹⁹ A proposal by France to replace the word 'consider' with 'decide' was ultimately rejected, due to opposition from the United States/United Kingdom. The exclusion of the word "decide" was taken by the US to imply that the Council would not need to make a formal decision before any military action could be taken.⁵²⁰

US legal advisers Taft and Buchwald argued: "The fact that this language was not included in Resolution 1441 as ultimately adopted shows that the Council decided only that it would consider the matter, but not that it would be necessary for it, or even its purpose, to make a further decision. Rather, the Council had already made the decision that violations described in paragraph 4 . . . would constitute a material breach of Iraq's obligations, and thus authorize the use of force to secure Iraqi compliance with its disarmament obligations."⁵²¹ This interpretation differed considerably from the intent of the other member states that voted for Resolution 1441.⁵²²

The second issue was whether the resolution allowed individual member states to use force to enforce its provisions should the Security Council collectively be unwilling to use force. The resolution explicitly said that the Security Council should meet and collectively consider

Senate, One Hundred Seventh Congress, Second Session, July 31 and August 1, 2002. U.S. Government Printing Office, 2002, Page 268.

⁵¹⁸ 'Security Council Members Say New Iraq Measure Contains No Automatic Triggers for Force', *United Nations*, 8 November 2002. <https://news.un.org/en/story/2002/11/50892-security-council-members-say-new-iraq-measure-contains-no-automatic-triggers>.

⁵¹⁹ Resolution 1441, S/RES/1441 (2002)

⁵²⁰ Marc Weller, 'Resolution 1441 (2002) and the Invasion of Iraq', In *Iraq and the Use of Force in International Law*, edited by Marc Weller, O. Oxford University Press, 2010. Chapter 5

⁵²¹ William H., Taft, and Todd F. Buchwald. 'Preemption, Iraq, and International Law'. *American Journal of International Law* 97, no. 3 (July 2003): Pages 557–63

⁵²² France, Russia and China drafted a joint statement on Resolution 1441 that said: "Resolution 1441 (2002) adopted today by the Security Council excludes any automaticity in the use of force." "Letter dated 8 November 2002 from the representatives of China, France and the Russian Federation to the United Nations addressed to the President of the Security Council" S/2002/1236

whether or not Iraq had violated the resolution.⁵²³ For many on the Security Council, this still appeared to exclude the possibility that individual member states could take it upon themselves to determine that Iraq had not complied, prior to the full culmination of the disarmament process.⁵²⁴ Consequently, the US was claiming a right that had not been delegated to it by the wording of the resolution. The Bush administration used ambiguity within the resolution to attempt to justify a course of action that was contrary to the original intent of the resolution.

As the Netherlands inquiry into the war stated: "It is not unusual in both politics and diplomacy to choose carefully considered ambiguous formulations in order to satisfy as many directly involved parties as possible and keep them on board. This and several other ambiguities in the resolution . . . do not, however, delegate to individual states the authority of the Security Council to make an assessment of any violation nor to take any subsequent action."⁵²⁵

It is also important to remember that Resolution 1441 was an enforcement measure by the Security Council in accordance with Chapter VII. It was not a treaty between individual Council members and Iraq.⁵²⁶ The only party in such a treaty with Iraq was the whole Security Council. As a result, only the Security Council had the authority to declare that force was now necessary due to Iraq's noncompliance, not individual member states like the United States.

The US's approach amounted to vigilante enforcement of resolutions, as the US was taking it upon itself to enforce international law without proper legal authority. Articles 41 and 42 of the UN Charter clearly state that it is the job of the Security Council to collectively determine whether or not war is necessary to enforce one of its resolutions.⁵²⁷ The enforcement of resolutions must be multilaterally agreed upon, to make it clear that the action is in the collective interest of the international community, and not a self-interested action initiated by one particular state.

The US also argued that Iraq was violating Resolution 1441 by firing at coalition planes that were enforcing no-fly zones.⁵²⁸ The original debate concerning the No-Fly Zones had been another important microcosm of wider issues concerning the interpretation of UN Security Council resolutions, and the US's extra-legal military actions. The US and UK had enforced

⁵²³ Resolution 1441, op.cit.

⁵²⁴ France Russia and China joint statement. Ibid.

⁵²⁵ 'Report of the Dutch Committee of Inquiry on the War in Iraq', *Netherlands International Law Review* 57, no. 1 (May 2010): Pages 81–137. (This was the first-ever independent legal inquiry into the decision to invade, conducted by a seven-member panel. It was conducted at the Hague, and included the former president of the Dutch supreme court, a former judge of the European court of justice, and two legal academics.

⁵²⁶ Resolution 1441, op.cit.

⁵²⁷ United Nations, "Charter of the United Nations" 24 October 1945, 1 UNTS XVI <https://www.un.org/en/about-us/un-charter/chapter-7>

⁵²⁸ Donald Rumsfeld and several other US officials were quoted by *the Guardian* as having argued this: Oliver Burkeman, 'Tension over Claim of Iraqi Violation'. *The Guardian*, 19 November 2002, sec. World news. <https://www.theguardian.com/world/2002/nov/19/iraq.oliverburkeman>.

No-Fly-zones since 1991 (with the French having withdrawn in 1996), in pursuit of the policy of containing Saddam Hussein.⁵²⁹ The Iraqi government was banned from flying aircraft in the designated zones. The Northern zone was established in June 1991 and the Southern zone was established in August 1992. The stated intent of these no-fly zones was to protect the Kurds in the North of Iraq and the Shiites in the South. The Iraqi government went on to claim that approximately 1,400 civilians had been killed during the enforcement of these no-fly zones.

The official US position was that the no-fly zones were designed to enforce previous Security Council resolutions.⁵³⁰ The US used the pretext of Resolution 688 to enforce its no-fly zones, but this had not been explicitly authorized by the UN Security Council.⁵³¹ The US consequently argued that Saddam was violating these resolutions by firing at coalition planes. The rest of the Security Council disagreed with this position, including the United Kingdom.⁵³² They did not see the no-fly-zone as having any basis in any Security Council resolution or being a part of the necessary containment of Saddam Hussein. As a result, they did not see Iraqi resistance of the no-fly zones as a violation of Resolution 687 or 1441.

Lord Goldsmith (the Attorney General for England and Wales) and most of the UK government's legal advisers had argued that a second UN resolution was necessary for any use of force against Iraq to be lawful, as Resolution 1441 did not include an automatic trigger for the use of force. On the 14th January, Goldsmith presented Tony Blair with a draft version of his legal opinion.⁵³³ The Bush administration ultimately persuaded them that such a resolution was not necessary. Lord Goldsmith changed his view concerning the legality of a war in February 2003, after a series of briefings with the Bush administration's lawyers. A decisive factor was a secret meeting that Lord Goldsmith had in Washington on 10th February with senior US government lawyers and George Bush's national security adviser, Condoleezza Rice. This legal team included Alberto Gonzalez and William Taft, who had helped draft Resolution 1441.⁵³⁴

⁵²⁹ "Containment: The Iraqi no-fly zones" *BBC News*, December 29th 1998, http://news.bbc.co.uk/1/hi/events/crisis_in_the_gulf/forces_and_firepower/244364.stm Accessed 27th August 2022

⁵³⁰ George Bush Sr outlined this justification in his 1993 letter to Congress: "Letter to Congressional Leaders Reporting on Iraq's Compliance With United Nations Security Council Resolutions" *Public Papers - George Bush Library and Museum* Accessed 27 August 2022. <https://bush41library.tamu.edu/archives/public-papers/5191>.

⁵³¹ For a full exploration of the legal debate over the No-Fly Zones, see Scott Silliman, 'The Iraqi Quagmire: Enforcing the No-Fly Zones'. *New England Law Review* 36 (1 January 2002): Pages 767–73.

⁵³² The UK government privately dissented from the American position. This dispute is described in : Ewen MacAskill, and Lucy Ward. 'Annan Clashes with US over No-Fly Violations'. *The Guardian*, 20 November 2002, sec. World news. <https://www.theguardian.com/world/2002/nov/20/iraq.unitednations>.

⁵³³ The Attorney General's full legal advice for Tony Blair, as published in the Guardian. 'Full Text: Iraq Legal Advice', *The Guardian*, 28 April 2005, sec. Politics.

⁵³⁴ Goldsmith's change of heart is explained in: Helen Pidd and H  l  ne Mulholland. 'Lord Goldsmith Changed Legal View of Iraq War in Two Months, Says Adviser'. *The Guardian*, 26 January 2010, sec. UK news. <https://www.theguardian.com/uk/2010/jan/26/iraq-war-illegal-chilcot-inquiry>. Accessed 27th August 2022

Bush's lawyers explained to Lord Goldsmith that they had agreed to the wording of resolution 1441 only because it had not crossed their "red line" i.e, it had not precluded them from using force against Saddam (if he failed to comply with its stipulations) even though it had not explicitly authorized it.⁵³⁵ In their view, since the Security Council did not have exclusive authority to legitimate force, its explicit authorization was not necessary. This approach did not take full account of the original intent of those who voted through the resolution, and directly contradicted the joint statement by France, Russia and China.

Another important part of their justifications was what Goldsmith described as "the revival argument" concerning Resolutions 678 and 687.⁵³⁶ These resolutions were also invoked by Negroponte in his March 20th letter. Resolution 678 had been adopted in November 1990, in response to Iraq's invasion of Kuwait. It authorized states cooperating with Kuwait in the Gulf War to "use all necessary means" to "restore international peace and security in the area and uphold and implement resolution 660 and all subsequent relevant resolutions."⁵³⁷ Resolution 660 was a response to Iraq's invasion of Kuwait and demanded an Iraqi withdrawal. Force was consequently authorized in Resolution 678 specifically to repel Iraq's invasion of Kuwait. Once Iraqi forces were expelled from Kuwait, the Security Council adopted a "ceasefire" resolution—Resolution 687—in April 1991. The ceasefire established in Resolution 687 was conditional on Iraq meeting a series of obligations, including disarmament.⁵³⁸

The Bush administration broadened this authorization from Resolution 678 to use force beyond the narrow remit of Iraq's dispute with Kuwait. Negroponte wrote that since Iraq had violated disarmament obligations under Resolution 687, the authorization to use force in Resolution 678 was now revived. The administration argued that Resolution 687 suspended the authorization to use force against Iraq, but did not terminate such an authorization.

John Yoo was at the forefront of explaining the Bush administration's legal justifications for the Iraq War. Yoo served as Deputy Assistant Attorney General for the Office of Legal Counsel in the Bush administration.⁵³⁹ He is primarily remembered for drafting the Administration's legal advice concerning enhanced interrogation techniques such as waterboarding. He argued that Resolution 678 had never been repealed, had no time limit, and that none of the subsequent Iraq-related resolutions terminated 678's authorization of the use of force.⁵⁴⁰ Yoo also argued that Resolution 1441 explicitly cited and triggered

⁵³⁵ Ibid.

⁵³⁶ Attorney General Legal Advice. Op.cit.

⁵³⁷ Paragraph 2, UN Security Council Resolution 678, S/RES/678 (1990)

⁵³⁸ UN Security Council Resolution 687, S/RES/687 (1991)

⁵³⁹ Yoo was part of a movement of judicial revisionism led by a number of Conservative revisionists at the American Enterprise Institute and the Federalist society. This included jurists such as Curtis Bradley, Jack Goldsmith, Eric Possner, John Yoo, Lee Casey and David Rivkin.

⁵⁴⁰ John Yoo, 'International Law and the War in Iraq'. *American Journal of International Law* 97, no. 3 (July 2003): 563–76. This article was published several months after the invasion, but still gives some insight into the Administration's reasoning.

Resolution 678. Iraq had breached the terms of the 687 ceasefire, and the US as a party to the ceasefire, was entitled to unilaterally suspend its operation. This meant that the US was entitled to use “all necessary means” to bring Iraq into compliance.

The Bush administration’s use of past Gulf War resolutions justify war was dismissed by most legal scholars.⁵⁴¹ Resolution 678 explicitly cited Iraq's invasion of Kuwait as the relevant threat to international peace and authorized member states "cooperating with the Government of Kuwait" to use all necessary means to expel Iraqi troops from Kuwait.⁵⁴² The authorization was restricted to that particular situation in 1990 and could not be generalized to authorize future uses of force against Iraq.

Furthermore, Resolution 687 removed the authorization provided by Resolution 678. Paragraph 33 declared a “formal cease-fire” between Iraq and Kuwait and all U.N. member states who were cooperating with Kuwait. It also required Iraq to remove and destroy the entirety of its chemical and biological weapons in order to honor its obligations under the Geneva Convention. In the fourth paragraph of Resolution 687, the Security Council pledged to “take, as appropriate, all necessary measures to guarantee the inviolability of the Iraq-Kuwait border.”⁵⁴³ That statement appears to potentially authorize the use of force, but only with respect to maintaining the border between Iraq and Kuwait. It does not authorize force in order to enforce Iraqi disarmament.

Even if one assumes that breaches of Resolution 687 might justify military intervention in order to rid Iraq of illicit weapons, it does not follow that such a circumstance would justify a full-scale invasion of the entire nation of Iraq, assuming complete control of its borders. The Bush administration’s readings of Resolution 1441, 678 and 687 can only be understood through the interpretive lens of the US’s denial of the Security Council’s exclusive right to legitimate force, and their belief in their legal right to launch a preventive war as a form of self-defence. This was not explicitly stated in John Negroponte’s letter, but did underpin the US’s ultimate reasoning.

I shall now discuss the Bush administration’s interpretation of the concept of “self-defence” in more detail. The War in Iraq is sometimes erroneously described as a pre-emptive war. It can be more accurately described as a preventive war. As I have written in my chapter on Neo-Conservatism, I am using Kaufmann’s distinction of pre-emptive war meaning the use of force when there is an imminent threat, and preventive war meaning the use of force before there is evidence of an imminent threat.⁵⁴⁴ One of the key presuppositions underlining the Bush administration’s justifications for war was the idea that preventive war could be self-defense. This was justified with respect to totalitarian regimes, that were

⁵⁴¹ See M Bothe, ‘Terrorism and the Legality of Pre-emptive Force’ (2003) 14(2) *European Journal of International Law* 227; M Sapiro, ‘Agora—Future Implications of the Iraq Conflict: Iraq: The Shifting Sands of Pre-emptive Self-Defense’ (2003)

⁵⁴² Resolution 678, Op.cit..

⁵⁴³ Resolution 687, Op.cit..

⁵⁴⁴ Kaufman writes that this is the main distinction between the two different forms of strike: Whitley Kaufman, ‘What’s Wrong with Preventive War? The Moral and Legal Basis for the Preventive Use of Force’. *Ethics & International Affairs* 19, no. 3 (December 2005): Page 23

prone to violence and aggression, were capable of rapid mobilization of state security resources and had shadowy illicit networks of contacts that were difficult to trace, which meant that they could supply weapons to terrorists and other illicit groups.

The International Court of Justice (ICJ) previously stated that a state can claim the right of self-defence: "only when the wrongful act provoking the response was an armed attack".⁵⁴⁵ This is an understanding that is supported by the wording of Article 51 itself.⁵⁴⁶

The Bush administration's 2002 National Security Strategy (NSS) had made it clear that the Bush administration was planning to dissent from conventional notions of self-defence, and was planning to grant itself more latitude to use of force. Although framing itself as desiring to undertake pre-emptive military action, it rejected the requirement of an imminent threat before force can be used: "Legal scholars and international jurists often conditioned the legitimacy of pre-emption on the existence of an imminent threat - most often a visible mobilization of armies, navies, and air forces preparing to".⁵⁴⁷ It went on to say: "We must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries. Rogue states and terrorists do not seek to attack us using conventional means. They know such attacks would fail. Instead, they rely on acts of terror and, potentially, the use of weapons of mass destruction - weapons that can be easily concealed, delivered covertly, and used without warning".⁵⁴⁸

The Bush administration was arguing that the existence of modern weapons and modern means of attack meant that this traditional notion of pre-emption was obsolete. The NSS ultimately argued that there was a valid case for the use of force "even if uncertainty remains as to the time and place of the enemy attack".⁵⁴⁹ This was opening the door for the US to decide on using force in the absence of any evidence of an imminent threat, i.e preventive war. This would mean that war was no longer a last resort.

In his article "International Law and the War in Iraq", John Yoo argued that international law not only allows pre-emptive war (a contested claim in itself) but also preventive war. Yoo cited Article 51 in support of the Bush administration's actions. Article 51 sets out: "the inherent right of individual or collective self-defense if an armed attack occurs".⁵⁵⁰ "Self-defence" is commonly interpreted to concern being able to retaliate if an attack has already taken place. Yoo argued that "self-defence" as recognized in traditional customary international law also included anticipatory action, ie a nation launching an attack in anticipation of a threat from an adversary. According to this perspective, the Security Council did not have the exclusive right to legitimate force because the UN Charter did not nullify the innate rights that nation states already possessed. In Yoo's estimation, the UN charter simply acknowledged the already existing rights that nation-states had, as pertained

⁵⁴⁵ *Military and Paramilitary Activities* (1986) ICJ Rep 14, 110.

⁵⁴⁶ Greig, D. W. 'Self-Defence and the Security Council: What Does Article 51 Require?' *The International and Comparative Law Quarterly* 40, no. 2 (1991): Page 367.

⁵⁴⁷ "National Security Strategy of the United States of America 2002" *White House Archives* Page 15

⁵⁴⁸ *Ibid.*

⁵⁴⁹ *Ibid.*

⁵⁵⁰ UN Charter, Op.cit..

to engaging in self-defense. Yoo argued that such rights had not been rescinded by the UN Charter. Yoo writes that "there is no indication that the drafters of the UN Charter intended to limit the customary law in this way, nor that the United States so understood the Charter when it ratified. Instead, Article 51 merely partially expressed a right that exists independent of the UN Charter"⁵⁵¹.

Yoo and many other defenders of anticipatory self-defense cite the 1937 *Caroline* incident as a classic case study of the right of anticipatory self-defence in operation. This was an operation in which a British force from Canada entered US territory and set a ship called *Caroline* on fire, because it had been aiding insurgents against British rule in Canada.⁵⁵² Then-U.S. Secretary of State Daniel Webster laid out a set of conditions before anticipatory military actions was permitted, specifically, the "necessity of self-defense, instant, overwhelming, leaving no choice of means, and no moment of deliberation."⁵⁵³ This was laying down the requirement that there had to be an imminent threat before the use of force was acceptable. The use of force in 2003 did not meet these criteria.

Consequently, the Bush administration wished to significantly expand this right of force to include the right to launch military strikes against non-imminent threats. As stated earlier, the Bush administration also thought that international law should be interpreted within the context of present-day threats and their unique capabilities (WMDs, collusion with terrorists etc).

Yoo provided a legal framework for the arguments that had already been made by several administration officials about it already being too late once a threat was imminent. Yoo wrote; "Although the dictionary definition of "imminent" focuses on the temporal, under international law the concept of imminence must encompass an analysis that goes beyond the temporal proximity of a threat to include the probability that the threat will occur".⁵⁵⁴ He outlines what he sees as key considerations about a threat that are not directly related to the time-frame of when the attack is to be expected. These are the propensity of the adversary regime to use WMDs, the window of opportunity when the threat can be successfully forestalled, and the potential damage that a WMD attack could cause. In his article, Yoo went on to write: "If a state instead were obligated to wait until the threat were truly imminent in the temporal sense...there is a substantial danger of missing a limited window of opportunity to prevent widespread harm to civilians."⁵⁵⁵ Yoo argued that this made it justifiable to engage in preventive war, eliminating threats before they become imminent.

⁵⁵¹ John Yoo, 'International Law and the War in Iraq'. *American Journal of International Law* 97, no. 3 (July 2003)Page 571

⁵⁵² Ibid. Page 572

⁵⁵³ Letter from Daniel Webster, U.S. Secretary of State, to Henry Fox, British Minister in Washington (Apr. 24, 1841), in 29 British and Foreign State Papers, 1840-1841, at 1138 (1857).

⁵⁵⁴ John Yoo, *Op.cit.*. Page 572

⁵⁵⁵ John Yoo, *op.cit.* Page 574

Echoing the argument that Powell made in his Security Council presentation, Yoo argued that the potential involvement of terrorists in an attack meant it would be more difficult for state security to trace and monitor the threat, and more dangerous to wait until the threat is imminent before using force. As I have argued in the last chapter, the administration had no real evidence that Saddam was colluding with terrorists, and made assumptions based on their perception of Saddam as an unstable, unscrupulous leader. At an October 2002 White House press conference, Ari Fleischer declared: "I think what's different is the unique history of Iraq and the irrationality of Iraq...Policies of containment work more with a rational figure than with an irrational one."⁵⁵⁶

The Bush administration's excessive emphasis on the nature of the regime, and the character of the leader again became a major factor. It had the same negative implications for its reading of international law as it had had for its reading of the evidence. As noted in my previous chapter, the trouble with such arguments is that they move the burden of proof for justifying military action away from empirical concerns of the size of the threat and the speed at which an attack may happen. Instead they focus on unverifiable, subjective aspects of the leader's personality, and assumptions about his decision-making process that are simply impossible to substantiate. This approach ultimately gave the Bush administration a great deal of latitude to re-interpret customary international law in way that justified force in the absence of conclusive proof of a sufficient threat.

These stances inevitably put the Bush administration at odds with most mainstream interpretations of international law. Indeed, the US itself together with the rest of the Security Council had condemned preventive military action in the case of Israel's 1981 attack on the Osirak reactor in Saddam's Iraq.⁵⁵⁷ This was a strike on an IAEA-approved Iraqi nuclear facility, several years before Iraq was likely to complete any development of weapons on the site. The resolution condemning this strike was passed unanimously, and there strong private and public denunciations of the action by both Ronald Reagan and Jeanne Kirkpatrick.

Kirkpatrick had declared in the UN chamber: "the means Israel chose to quiet its fears about the purposes of Iraq's nuclear program have hurt, and not helped, the peace and security of the area Israeli action has damaged the regional confidence that is essential for the peace process to go forward."⁵⁵⁸ This is an important reminder that American

⁵⁵⁶ White House Spokesman Ari Fleischer, Press Briefing (Oct. 15,2002)

⁵⁵⁷ "[The Security Council] Strongly condemns the military attack by Israel in clear violation of the Charter of the United Nations and the norms of international conduct...Calls upon Israel to refrain in the future from any such acts or threats thereof" Security Council Resolution 487 (June 19, 1981), S/RES/487. For the State Department's reaction, see: Bernard Gwertzman, "U.S. Says Air Strike May Violate Accord," The New York Times, 9 June 1981,

⁵⁵⁸ U.N. SCOR, 36th Session, 2288th mtg. at 16 as quoted by Mary O'Connell, , and Maria Alevras-Chen. 'The Ban on the Bomb - and Bombing: Iran, the U.S., and the International Law of Self-Defense', 57 *Syracuse L. Rev.* 497 (2006-2007).

https://scholarship.law.nd.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1540&context=law_faculty_scholarship

As we saw in my historical chapter, members of the Security Council made many of the very same charges that were made against the US's own invasion of Grenada, a mere two years later. US action in Grenada was

Exceptionalism means that the US claims rights that it does not always grant to other nations. In this case, the right in question was the right to launch a preventive war without consulting all relevant parties, and without trying alternative means of dispute resolution, when there was no evidence of an imminent threat. Kirkpatrick's argument in this case was in keeping with liberal, multilateral notions concerning the nature of war and diplomacy. As they overlook diplomatic methods of resolving conflict, threats of preventive war weaken the principle of collective security on which the Security Council is based. They remove a major barrier to war by dropping the condition that war be a last resort in response to an imminent threat

In the case of the US's 2003 action in Iraq, the logic of preventive war appeared to be incompatible with any notion of enforcing Security Council resolutions. Security Council law enforcement should be multilateral, more altruistic and involve less egoistic interests. It cannot be reconciled with the notion of a unilateral war that is launched due to suspicion of a threat that may or not emerge in the distant future. The Bush administration did not share this outlook. The US's military power meant it had more scope than other nations to reject norms it objected to and to pursue its own aims regardless of Security Council rules. Indeed, we have seen that the Bush doctrine was designed to fill the gaps in global security left by what the Bush administration saw as the ineffectiveness of the U.N. Security Council and its enforcement of international law. The Administration thought that these shortcomings had been made more apparent throughout the Security Council's ongoing failure to contain Saddam Hussein.⁵⁵⁹ The Bush administration argued that the Security Council's ineffectiveness was precisely due to an ineffective multilateral system that had outdated notions of war and self-defense.

As a result, the Bush administration argued that the imperatives of urgent US national security and global stability meant that preventive war was necessary. This was true even if going to war would ultimately undermine worldwide confidence in the Security Council. The long-term integrity and authority of the Security Council does not appear to have been a major concern. The Bush administration saw the Security Council as an instrument that could potentially be at the US's disposal, but not as an institution that could effectively maintain peace and order in an uncertain world

The Bush administration's interpretation of Security Council resolutions was a more egregious example of instrumental, selective use of the Security Council than the historical case studies I have looked at. The US took the passages within Security Council resolutions that accused Saddam of being an ongoing violator of international law (1441) and pointed to potential uses of force (678). The US overlooked the wider multilateral framework in which these problems had to be dealt with. The Bush administration rejected the need for an inter-subjective consensus within the Security Council before intervention could happen.

arguably much less justifiable, being a full-scale invasion of a small island nation that did not involve a potential nuclear threat.

⁵⁵⁹Richard Perle 'Thank God for the Death of the UN' *The Guardian*, 21 March 2003, sec. Politics. <https://www.theguardian.com/politics/2003/mar/21/foreignpolicy.iraq1>.

The Bush administration consequently did not feel the need to prove to the Security Council that its attempt at preventive war could be reconciled with its ostensible justification of enforcing UN Security Council resolutions.

The logic of preventive war is a slippery slope that can be used to justify unprovoked aggression of all kinds. It had the potential to set a precedent that going outside the Security Council was an acceptable option. This logic would make it more difficult to punish future violators of international law. As the Security Council was intended to be a force for stability and order, weakening it would be detrimental to the US national interest in the long term. If the Bush administration thought the Security Council was too weak and ineffective as things stood, undermining it even further would surely not improve the situation. It would also make it more difficult for the Security Council to push through future resolutions authorizing war since member states could see that such resolutions were open to misuse. The Bush administration also thought a powerful and hegemonic United States could be the anchor that the world system needed even if the UN Security Council was becoming increasingly irrelevant. The US's actions were ultimately self-defeating.

In this chapter, I have sought to demonstrate how the Bush administration's interpretation of Security Council resolutions was influenced by a Neo-Conservative outlook. It lacked a good faith belief in the efficacy of the UN and its inspections process, so prematurely concluded that regime change was the only way to disarm Saddam Hussein. It rejected the Security Council's sole authority for legitimating force, which meant the US thought it could enforce Security Council resolutions unilaterally. It subsequently had a reading of Security Council resolutions that was at variance with the other members of the Security Council. The Bush administration's actions demonstrated an exaggerated reading of the threat of Saddam that went beyond what could be ascertained by the empirical evidence, and a clear rejection of UN Security Council norms.

In my conclusion, I shall briefly explore the long-term implications that this may have had for the future of the Security Council, and our understanding of ideology as an influence on state foreign policy.

Thesis Conclusion

7.1 The impact of Neo-Conservatism

Ideology still shapes how nations see evidence. It still shapes how nations see international law. This remains the case, even though we may not always describe them as “ideologies” and policymakers may not always be conscious of the fact that they are influenced by them. As G K Chesterton wrote: “There are only two kinds of people, those who accept dogmas and know it, and those who accept dogmas and don't know it.”⁵⁶⁰

This thesis has attempted to justify theorizing about ideological influence in the absence of explicit proof of internal thought processes of policymakers. Ideologies are an attempt to understand reality despite the limitations of human perception. The value laden nature of our perception of reality means that it is justifiable to presume that beliefs and ideas do motivate policymakers and are a factor in their decision-making. In Chapter 2, I have sought to outline a theoretical framework that enables me to explore the role of beliefs in shaping policymaker perceptions, and the disparities in how states internalize norms, as well as the wider implications that this has for their outlook and their perception of their place in the world.

In the intro, this thesis has looked at the commonly argued view that ideology is no longer relevant because many Western societies claim to agree on a core set of liberal, pluralistic values. However, the contested nature of these very values is an ongoing factor that cannot be ignored. Neither can the fact that many of these pluralistic values are constantly being re-interpreted due to the political upheavals that follow unexpected events.

We have seen that ideologies have more influence in the aftermath of cataclysmic national tragedies. Policymakers seek ways of making sense of shock events that could not have been anticipated or accounted for by existing outlooks. When there is a shortage of information, Ideologies supply policymakers with a framework for speculating or theorizing about what their adversaries may be planning. In the case of the Bush administration, there was a lack of clarity about Iraq's potential relationship with Al Qaeda, and what weapons Iraq had and did not have.

The Bush administration adopted a worldview that saw totalitarian regimes as innately dangerous, due to their coercive nature, secrecy and propensity for violating international law. This worldview also extolled American militarism, and the right of America to engage in preventive war with no evidence of an imminent threat from its adversaries. They attempted to solve the problem of lack of knowledge of enemy threats by having a grand narrative and core principle that made sense of a complex and uncertain post 9/11 world.

⁵⁶⁰ G K Chesterton, ‘The Mercy of Mr. Arnold Bennett’. *The Chesterton Review* 16, no. 3/4 1 October 1990 Pages 170–73.

This had particularly profound implications for how the US engaged the UN Security Council. As the Security Council has grown in influence over the years, it has developed a set of distinct Inter-subjective norms and practices that have direct for nation states and their foreign policy. In Chapter 3, I have sought to further demonstrate the importance of beliefs and ideas with respect to how the US engages the Security Council. I have explored the US's role in founding the UN, and how its relationship with the institution has changed as the UN has grown and developed. As the UN Security Council's role has evolved, it has developed norms and practices that go beyond what the founders initially envisaged. Most notably, it has come to be seen as an exclusive legitimator of force. We have seen that the US political establishment has not accepted the notion of the Security Council having this particular role. The US has feared the capacity of the multilateral authority of the Security Council to restrict its exercise of its military power.

As a result, Presidents from across the political spectrum have still used force without Security Council authorization. The case studies explored in Chapter 3 featured varying degrees of non-compliance with Security Council norms and provoked varying degrees of opposition. Many UN member states had considerable sympathy for Clinton's motives in Kosovo. This was partly due to his genuine intent to avert genocide, and also due to the multilateral nature of the campaign. This meant that the Clinton administration did not incur a significant political cost due to the fallout from the NATO campaign. There was less international sympathy for the US interventions in Grenada and Panama. But even these cases, the US did not initiate the use of force, it intervened in wars that were already taking place. The Bush administration was even more forceful in rejecting UN restrictions on its use of force. It gave American Exceptionalism and military hegemony a more central place in its foreign policy than previous administrations.

In Chapter 4, I have sought to trace the origins of Neo-Conservatism. I have explained that its unique features are due to it being the product of an ideological voyage across the political spectrum. Having been radical activists who navigated the world of competing ideas and universal principles, its adherents were more heavily influenced by consciously formulated ideas than traditional Conservatives. They were also more likely to attempt to fuse interests with values. The former Trotskyists and Cold War liberals ultimately concluded that opposition to tyranny and vigilance concerning totalitarian threats should form a more central focal point of American foreign policy. They also became "zealous converts" to the cause of American Exceptionalism. This became particularly apparent during the final days of the Cold war. This amplified perception of the threat from totalitarian regimes meant that the Neo-Conservatives had a crusading zeal not found in more traditional forms of Conservatism. The Neo-Conservatives advocated more hawkish, confrontational approaches to the Soviet Union. They argued that the US had become complacent about the threat of Communism.

The next generation of Neo-Conservatives inherited this mantle and applied the same principles to a post-Cold war world in which the US was now the sole superpower. Charles Krauthammer discussed "the Unipolar moment", during which the US still faced threats, but had no serious competitors for the status of dominant world power. As Neo-Conservative

ideas became more influential in the post 9/11 Bush administration, officials argued that the threat of terrorism was directly linked to the threat posed by totalitarian regimes. This would come to have particularly profound implications for how the US engaged the UN, as it meant using military force in a way that contravened the multilateral ethos of the UN, and the function of the Security Council.

The Bush administration's rejection of Security Council norms was more direct and outspoken than previous US administrations. The US was consequently unable to resolve the Catch-22 outlined in Chapter 4. Bush administration officials refused to grant the Security Council exclusive authority in legitimating the use of force, thereby weakening the Security Council. Yet they cited this very weakness as the reason for their refusal to respect its authority. The Bush administration did not see the impact that its lack of adherence to multilateral norms had in weakening the Security Council. The Bush administration demonstrated idiosyncratic readings of the evidence concerning Iraq, and unique interpretations of Security Council resolutions. This appears to have been shaped by Neo-Conservative beliefs concerning totalitarian threats and American Exceptionalism.

The Bush administration's ideological outlook led it to over-estimate the offensive capabilities of Saddam Hussein's Iraq. The Bush administration had come to an early decision concerning the need to remove Saddam, several months prior to seeing the flawed intelligence. They argued that totalitarian regimes had an innate offensive advantage due to their centralized power structure and lower transparency. They also had a tremendous capacity for the rapid mobilization of state security resources. As a result, when the Bush administration obtained evidence, their ideological persuasion led them to engage in inflated threat assessment and they arrived at conclusions that were not directly supported by the empirical evidence. This approach gave the Bush administration more room to justify using force in the absence of conclusive proof of a sufficient threat.

In addition, the Bush administration's interpretation of UN Security Council resolutions clashed with most mainstream interpretations of the UN Charter. The US argued that it could and should enforce UN Security Council resolutions single-handedly due to the shortcomings of the UN Security Council. Several other member states thought that the Security Council resolutions should be enforced multilaterally. True multilateralism requires nations to see their interests as being deeply interconnected with the interests of other nations. The United States did not appear inclined to conceive of its national interest in this inclusive, internationalist way. On one hand, the Bush administration claimed that it wanted to help strengthen the Security Council by helping it to enforce its own resolutions. On the other hand, the Bush administration acted as if it saw the Security Council as simply an instrument for furthering the US national interest, and not a genuine collective effort at a more peaceful and stable world.

The administration attempted to reconcile this apparent contradiction by arguing that the willingness of the US and other member states to use force was the only thing that made the Security Council's resolutions enforceable. It argued that the US's military strength and moral clarity could preserve the efficacy of the Security Council and its goal of ensuring

peace and security. The Bush administration ultimately thought that the US's hegemonic dominance was the best guarantee of a peaceful, stable world order.

Does that mean that the Bush administration genuinely was concerned with the wellbeing of the Security Council and global system? Neo-Conservatism affirms American global leadership not because its adherents believe in a common destiny and shared values with other nations, but because they put the US's national security above all other considerations and think the US is most secure when it holds a dominant place amongst the family of nations. A peaceful, harmonious global order may have been a secondary benefit of American hegemony, but it does not appear to have been the primary goal as far as the Bush administration was concerned.

Nevertheless, the Bush administration still had at least a basic incentive to at least appear to be complying with the Security Council norms to give its actions at least the outward appearance of moral legitimacy. This is why the Bush administration made an albeit truncated attempt to go through the Security Council route, and tried to get a second Security Council resolution passed, prior to deciding to use force on the dubious basis of existing Security Council resolutions.

All in all, Bush administration statements and actions were congruent with a Neo-Conservative outlook, and suggested that this particular outlook had implications for how policymakers looked at evidence, estimated threats, dealt with other nations, and interpreted Security Council resolutions. The Bush administration thought that the Security Council needed to prove its utility to the US national interest and did not accept the need for the US to prove its commitment to Security Council procedure.

This is particularly remarkable, since the US's activities in post-invasion Iraq would ultimately require a great deal of UN Security Council support. In May 2003, the UN Security Council passed Resolution 1483, which officially recognized the US and the UK as occupying powers under international law, and granted them legitimate authority in Iraq.⁵⁶¹ In August 2003, the Security Council established the United Nations Assistance Mission in Iraq (UNAMI).⁵⁶² The UN Security Council was to have an important part to play in Iraq's transition to democratic government. Although the UN Security Council's authority had clearly been diminished by the invasion of Iraq, the Bush administration ultimately needed the UN's involvement as it ought to stabilize and rebuild Iraq. The perceived urgency of the need to eliminate the Saddam regime led the Bush administration to lose sight of the bigger picture concerning the full implications of regime change, and the inevitable role that the UN Security Council would have in rebuilding war-torn Iraq.

⁵⁶¹ UN Security Council Resolution 1483, S/RES/1483

⁵⁶² This was established in UN Security Council Resolution 1500, S/RES/1500

7.2 The Legacy of the “War on Terror”

Policies initiated by the Bush administration had a big impact on the global system and how other states viewed their national security. As well as a renewed American militarism, there was a whole raft of security measures that followed 9/11, best epitomized by the PATRIOT Act, increased airport security, and the use of enhanced interrogation techniques at Guantanamo Bay. These measures were perceived by many as an attack on civil liberties, and a sinister move towards a “surveillance state”.⁵⁶³ Over the years, time and reflection have led some of the policymakers involved to much more nuanced positions about what took place. Colin Powell later described his Security Council presentation as a blot on his record.⁵⁶⁴ More broadly, as with “Vietnam syndrome” during the Cold war, the legacy of the Iraq War has led to a pronounced backlash against militarism within US foreign policy.

As a result, the two presidents that have followed Bush have come to power and galvanized their support bases on explicitly anti-war platforms.⁵⁶⁵ Foreign policy outlooks that favour interventionism and an “over-stretched” US military have been discredited in much mainstream political discourse. Obama’s outspoken opposition to the War in Iraq was one of the main things that catapulted him to national significance as a Senator and then Presidential candidate⁵⁶⁶ Nevertheless, Obama himself still affirmed American Exceptionalism, and believed in the right of the United States to launch unilateral wars, without UN Security Council authorization.⁵⁶⁷ He still initiated US military interventions in

⁵⁶³ For example: Walter M Brasch, *America’s Unpatriotic Acts: The Federal Government’s Violation of Constitutional and Civil Rights*. 2nd edition. New York: Peter Lang Publishing Inc, 2006. Brasch accuses the Bush administration of passing unconstitutional laws and committing serious civil rights violations through the Patriot Act.

⁵⁶⁴ Steven R Weisman, ‘Powell Calls His U.N. Speech a Lasting Blot on His Record’. *The New York Times*, 9 September 2005, sec. U.S. <https://www.nytimes.com/2005/09/09/politics/powell-calls-his-un-speech-a-lasting-blot-on-his-record.html>.

⁵⁶⁵ Mark Landler, ‘For Obama, an Unexpected Legacy of Two Full Terms at War’. *The New York Times*, 14 May 2016, sec. U.S. <https://www.nytimes.com/2016/05/15/us/politics/obama-as-wartime-president-has-wrestled-with-protecting-nation-and-troops.html>.

J. D Vance, ‘Why Trump’s Antiwar Message Resonates with White America’. *The New York Times*, 4 April 2016, sec. Opinion. <https://www.nytimes.com/2016/04/04/opinion/campaign-stops/why-trumps-antiwar-message-resonates-with-white-america.html>.

⁵⁶⁶ Jeff Zeleny, ‘As Candidate, Obama Carves Antiwar Stance’. *The New York Times*, 26 February 2007, sec. U.S. <https://www.nytimes.com/2007/02/26/us/politics/26obama.html>.

⁵⁶⁷ In September 2015, Obama declared to the UN General Assembly: “I lead the strongest military that the world has ever known, and I will never hesitate to protect my country or our allies, unilaterally and by force where necessary”. ‘Remarks by President Obama to the United Nations General Assembly’, *White House Archives*, 28

various parts of the globe, including Syria and Libya. As we have seen throughout US foreign policy history, ideologies that affirm state sovereignty and American exceptionalism can still do so in a way that affirms the US's role as a global leader seeking to engage world multilaterally, and not as a hegemon seeking to subvert global liberal norms.

Donald Trump described the Iraq War as: "the single worst decision ever made".⁵⁶⁸ He also campaigned on a foreign policy platform that promised to end the wars in Iraq and Afghanistan. Trump is notable for not having initiated any new military engagements, with the strikes he ordered on Syria in 2017 and 2018 being part of an ongoing conflict.⁵⁶⁹ Trump has preferred to project power through a "strongman" leadership style and a rejection of diplomatic convention. In the case of Trump, anti-war sentiment has of course not been accompanied by a more multilateral outlook. I have noted in my introduction that Trump withdrew from the UN Human Rights Council and from UNESCO.⁵⁷⁰ He openly spoke about his desire to favour American sovereignty over the US's duties to the international community.

Some have argued that the triumph of Trump is evidence of the lasting residual influence of certain aspects of Neo-Conservatism on US foreign policy.⁵⁷¹ However, leading Neo-Conservatives such as William Kristol have been at the forefront of the "Never Trump" movement.⁵⁷² Even a Neo-Conservative such as John Bolton, who served under Trump and

September 2015. <https://obamawhitehouse.archives.gov/the-press-office/2015/09/28/remarks-president-obama-united-nations-general-assembly>.

⁵⁶⁸ Max Greenwood, 'Trump Hits Bush: Invading Iraq "the Single Worst Decision Ever Made"'. Text. *The Hill* (blog), 4 March 2018. <https://thehill.com/homenews/administration/376605-trump-hits-bush-invading-iraq-the-single-worst-decision-ever-made/>.

⁵⁶⁹ Brendan Cole, 'Trump First President Since Carter Not to Enter Troops Into New Conflict', *Newsweek*. 25 November 2020. <https://www.newsweek.com/donald-trump-first-president-since-jimmy-carter-not-enter-us-troops-new-conflict-1549037>.

⁵⁷⁰ 'United States Gives Notice of Withdrawal from UNESCO, Citing Anti-Israel Bias'. *American Journal of International Law* 112, no. 1 (January 2018): 107–9. <https://doi.org/10.1017/ajil.2018.2>.

Julian Borger, 'US Quits UN Human Rights Council – "a Cesspool of Political Bias"'. *The Guardian*, 19 June 2018, sec. World news. <https://www.theguardian.com/world/2018/jun/19/us-quits-un-human-rights-council-cesspool-political-bias>

⁵⁷¹ See Antti Lepistö, 'Neoconservatives Loathe Trump — but They Helped Pave the Way for His Rise' *Washington Post*. Accessed 13 September 2022. <https://www.washingtonpost.com/outlook/2021/03/04/neoconservatives-loathed-trump-but-they-helped-pave-way-his-rise/>.

⁵⁷² *The Bulwark* is a website Kristol helped found that inherited most of the staff from the *The Weekly Standard*, and is a focal point of anti-Trump commentary. See Olga Khazan, 'Never Trump, Forever'. *The Atlantic*, 14 November 2020. <https://www.theatlantic.com/politics/archive/2020/11/bulwark-never-trump-republicans-biden/617025/>

briefly found common cause with him, has ultimately fallen foul of his different leadership style and outlook.⁵⁷³

Presenting itself as a genteel and scholarly ideology, Neo-Conservatism may to some appear benign when compared to Trump's "America first" nationalism that has more recently come to dominate the American right. Indeed, Neo-Conservatives were part of the "establishment Republican" status quo that Trump's campaign successfully sought to challenge and defeat.⁵⁷⁴ It can also be argued that Trumpism should not be compared to conventional ideologies, as it makes no attempt to present a unified or coherent set of ideas. It is a modern personality cult whose followers are united simply by their rejection of political civility and distrust of "the elites". As flawed as any comparisons may consequently be, there is at least one clear parallel. It still remains the case that Trump and the Neo-Conservatives share a foreign policy outlook that is shaped by a vocal opposition to multilateralism. They are similarly outspoken in pointing out the flaws of the UN, more so than other unilateralist foreign policy outlooks on the American right.

It is plausible to conclude that hegemonic superpowers are more likely to generate foreign policy outlooks that emphasize unipolar dominance and unilateralism. Across the wide spectrum of American foreign policy outlooks, there are similarities in the shared willingness to choose courses of action that are contrary to Security Council principles and have less support from member states. Such an observation does not negate the unique influence that Neo-Conservatism had, but situates it in a wider national context. I still argue that the Bush administration's case to the Security Council was a more flagrant example of American Exceptionalism than any foreign policy decision in recent US history. The US was claiming rights to initiate war that it did not wish to apply to other countries. The US action of unilaterally using force could have had the impact of setting a precedent that gave unilateral enforcement powers to any state strong enough to use them.

In the early 21st century, the US was still arguably the only nation with such clout. However, as we are transitioning from a US-dominated unipolar world system to a multipolar system that also has China and Russia as rivals to US hegemony, unilateralism could have devastating implications. We have already seen this with Putin's expansionism in Eastern

⁵⁷³ Accounts differ as to how exactly how Bolton left the White House, but he had clearly had profound differences with Trump. See: Rebecca Morin "'Let's Be Clear, I Resigned.'" John Bolton Contradicts Donald Trump on Whether He Was Fired'. *USA Today*, 10th September, 2019 Accessed 13 September 2022. Bolton has since been a frequent source of leaks and damaging stories about the Trump administration, and was initially scheduled for a deposition during Trump's impeachment trial see: Peter Baker, 'Bolton Says Trump Impeachment Inquiry Missed Other Troubling Episodes'. *The New York Times*, 17 June 2020, sec. U.S. <https://www.nytimes.com/2020/06/17/us/politics/bolton-book-trump-impeached.html>.

⁵⁷⁴ Jacob Heilbrunn, 'Opinion | The Neocons vs. Donald Trump'. *The New York Times*, 10 March 2016, sec. Opinion. <https://www.nytimes.com/2016/03/13/opinion/sunday/the-neocons-vs-donald-trump.html>.

Europe. Neo-Conservatives have again advocated an uncompromising stance against Putin and have supported further NATO expansion into Eastern Europe.

However, a more equitable and less unipolar world order could also lead the US and other superpowers to think more carefully about what is at stake when launching military action, and what the potential consequences may be. Trump has famously sought to ease the tension between the US and Russia, seeing an unnecessary confrontation with Putin as potentially catastrophic for the US national interest. As I have noted, many nations have nationalist ideologies that are part of their culture and folklore, tied to their history.

Putinism is a form of resurgent Russian nationalism that seeks to rejuvenate the Russian nation and restore it to its former power and prestige, after what it sees as years of post-Cold War stagnation and decline.

Ultimately, abstract ideological principles help policymakers make sense of reality and politically can have a great deal of resonance. There are legitimate concerns that excessive reliance on such narratives may reduce the role that facts and empirical evidence play in political discourse and ultimately in government decision-making. For example, there are many ongoing border and territorial disputes in Eastern Europe and Asia Pacific. There are well-founded concerns that Russia and other “revisionist powers” may still wish to rectify such disputes unilaterally, without Security Council involvement. This could have catastrophic implications for global stability.

All in all, we need to come to a deeper understanding of how ideas and beliefs shape the manner in which policymakers act and make decisions, so we are better equipped to deal with the challenges that emerge from dogmatic adherence to particular beliefs. This thesis has sought to approach that challenge by demonstrating that there is an objective reality, but the way policymakers observe reality and make decisions is shaped by their subjective beliefs, which influence their perceptions and ultimately determine their actions.

This can lead nations to have sharp differences of opinions with one another. Multilateral institutions like the Security Council were set up for the precise purpose of providing a forum for states to discuss such differences and attempt to reconcile competing interests. Nevertheless, the Security Council itself is a product of a certain outlook and has certain norms that it seeks to promote. We have seen that state ideologies can consequently lead policymakers to reject Security Council, or at least question its efficacy. As long as such ideologies continue to have sway over policymakers, this is going to present an enormous challenge for the Security Council and for its efforts to be an arbiter of legitimacy.

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