



Tom Farer's Crisis of U.S. Liberalism

By Paul Taylor

Confronting Global Terrorism and American Neo-Conservatism: The Framework of a Liberal Grand Strategy. By Tom Farer. Oxford, UK: Oxford University Press, 2008.

Confronting Global Terrorism is an account of the agenda for dealing with terrorism as it faces a concerned liberal in the early twenty-first century. The response to the appearance of terrorism, and the role of the U.S. Neo-Conservatives (Neocons) in determining how this response was made, and how badly, correctly heads the list of agenda items for Farer. But it is also necessary to deal with some of the other causes of the increasing problem of terrorism. One problem is that of how to deal with minorities in developed democracies—not much more to be said on this in these comments, except that Farer's judgments are profound and absolutely correct. Another is the problem of the Middle East, which must be seen as being at the core of the problems surrounding global terrorism facing us all, including the Neocons. Farer has produced a profound and courageous chapter on Palestinian-Israeli relations, since what he has to say is bound to irritate the more blinkered pro-Israelis in the U.S. For them, it should be required reading. The points made seem incontestable: that the balance of guilt for the awful situation is at least as much that of the Israelis as the Palestinians, and that there can be no solution unless Israel returns to the pre-1967 frontiers and accepts the internationalization of Jerusalem. All of this is backed up with detailed evidence and strong legal argument. I doubt, however, whether the Neocons will be persuaded.

Tom Farer's book begins with an excellent discussion of the development of Neo-Conservative and realist political views in the U.S. and how they are different from liberal views. The problems of defining terrorism, and the abuse of the word in political rhetoric, are discussed. Farer reports the conclusions of the Report of the High Level Panel on Threats, and Challenges, "A More Secure World: Our Shared Responsibility," of December 2004: terrorism "targets innocent civilians and non-combatants," is intended to "cause death or serious bodily harm and by its nature or context to intimidate a population, or compel a government or an international organization to do, or to abstain from doing, any act." The development of U.S. unilateralism, with its concomitant supremacist [the present writer's word] attitudes, is also discussed. The chapter concludes with a powerful argument about the moral difficulties in pursuing democracy at the expense of human rights, indeed of pursuing foreign policy goals, which cause suffering to innocent civilians in the absence of an existential challenge. Ideas are as much the consequence of circumstances as their cause. The Neo-Conservatives' ideas are in part a reaction to the "unipolar moment," the appearance of U.S. military supremacy. They claim that nothing must be allowed to curtail U.S. power, even the judicial process, international law, and multilateralism norms. Though the Neocons'

claims to U.S. exceptionalism go back a long way, the dreadful events of 9/11 were the moment of destiny. Their man was in the White House; their star was in the ascendant.

The U.S. often violated the U.N. Charter during the Cold War, as did the USSR, Israel and Britain! This was a result of its views of strategic necessity, but Farer rightly argues that the balance of power would not have changed much, since it was hard wired into the international system, had the U.S. allowed some ideological non-conformity in its realm. Insistence on right wing orthodoxy in the Western Hemisphere, and preparedness to use force to achieve this, are what the Neocons would have wanted. In the short period of hope about the U.N. Charter system after the fall of the Iron Curtain, the Neocons were disappointed rather than encouraged. They justified actions that contradicted the Charter's principles by insisting upon the primacy of the U.S. as defender of freedom. They were contemptuous of any system of international law, which claimed to deny the right of the U.S. President to act unilaterally, seeking to conceal transgressions, or saying that the Charter had been discredited because it had been so often violated—including by themselves. Farer concludes that the Neocon position was in essence like that of the Germans before the First World War: nothing could be allowed to constrain the power of the dominant state. In any case "we are not fact-dependent because we have the power to create the facts." (Quoted in Farer 2008: 64)

This comment is equally applicable to reality as it is to the debate about that reality. The Neocons are adept at shaping the reality of a discourse by placing their opponents in a general category of those in grievous error. The liberal argues on grounds of logic and morality. The Neocon does not respond in these terms, but rather sees the liberal as being of necessity, profoundly mistaken. Similarly, Neocons are adept at denigrating their opponents by classifying them as anti-Semitic or anti-American. This habit of argument reflects a more widespread anti-liberalism in the U.S. Farer's excellent book will not persuade the Neocons: they are so attached to the facts they have created as to be immune to rational argument. For Neocons, a liberal is incapable of getting it right.

Later, Farer argues that dealing with terrorism does not require the kind of contempt for the Charter and the U.N. that Neocons represent. A starting position would be to re-order the interpretation of the crisis of terrorism. It was not the result of a paroxysm of cultural collision, but rather a natural response to a whole series of impositions by the West, particularly by the U.S. A long list may be constructed, including the consistent favoring of Israeli imperialism and the collusion with local repressive dictatorships, such as those in Egypt and Saudi Arabia, and so on. The situation is akin to anti-colonial civil war, and could easily be mitigated by a small number of concessions, starting with a guarantee of non-intervention. There are many ways in which intelligent review of the Charter principles could evolve into a system which was flexible enough to deal with terrorism and which allowed states or regional organizations to deal with pressing security problems without prior sanction by the Security Council (Farer sets out the principles on page 74). The Responsibility to Protect Doctrine is a realistic development of existing principles in the light of humanitarian challenges. Preventive action by a state under U.N. authorization could be justified, but not unilateral preemptive action. Some regional organizations, which have the mechanisms to permit a reasoned collective decision about necessary action, could also properly act without Security Council approval. But in these cases, as required by Chapter VIII of the Charter, reporting to the U.N. about action that had been undertaken was necessary. But the emerging adjustments of the Charter principles are as far removed from the views of the Neocons as were the classical

interpretations. “To persist in these interpretations risks casting the United States as a rogue state, a role not well calculated to enhance the broad measure of international cooperation required to contain the terrorist threat” (72).

Chapter Three is a damning account of the Bush regime’s attempts to justify the use of torture in collusion with a number of right wing academic lawyers. Attempts were made to distinguish torture from highly coercive interrogation (HCI) techniques so that a way could be found to legalize HCI. Farer argues that the distinction is hard to maintain in practice since repeating coercive interrogation practices amounts to torture. Farer deals with the argument that there are occasions of such great risk—the ticking bomb case—that exceptional interrogation methods could be justified. The difficulty is that a society permanently set up to deal with such ticking bombs would be unbearable, and that the number of known examples is miniscule. Sensible and skilled surveillance is necessary but brutality to force confessions—possibly false—is pointless. Experience shows that dealing with those accused of terrorism in this way simply adds to the number of terrorists and increases the chance of ticking bombs. Torture might be best treated as akin to euthanasia—it should not be sanctioned by the law though on a very small number of exceptional cases an individual might feel justified in acting illegally and take on the risk of being punished for the crime. However, allowing torture easily slips into a general sanction to behave brutally. To illustrate the point, Farer quotes the view of an Argentine General in the 1980s: “First we kill the subversives. Then we kill everyone who helped them. Then we kill everyone who did not help us” (111).

For such a brutal company, the U.S. regime was strangely anxious to appear to be complying with what was morally acceptable by denying episodes of torture that were well documented, by using flawed case law about torture to justify it, and by arguing that the law which applied to the treatment of prisoners of war and of civilian non-combatants covered in the Geneva Conventions, did not apply to the new type of combatant. There was now to be a new category of person, which was exempt from the laws and norms of war, called unlawful combatants. In addition, attempts were made to ensure that those found out in the use of torture were immune from prosecution. To maintain “deniability,” those held as non-combatants were subject to rendition for torture elsewhere, even though under the Geneva Conventions rendition was itself illegal. Prisoners were denied the right to trial in the U.S. and had no rights either as civilians or as prisoners of war. For them, there was no doctrine of *habeas corpus*. Trials were held behind closed doors. Evidence that could have been used by defense lawyers was deliberately withheld. There were at least three instances of prisoners being subjected to repeated retrial by military tribunals when they had been found innocent. In one case, the trial was repeated three times until the verdict of guilty, the verdict preferred by the authorities, had been reached.

Farer argues that under President George W. Bush and the Neocons, the judicial process in the U.S. had become reminiscent of what he had seen in Latin America in the 1980s; a system that had been dominated by executives, generals and presidents, who regarded themselves as above the law. Similarly in the U.S., the powers of the Executive had grown compared with those of the other arms of government as a result of special powers claimed by the Neocons for the presidency—the doctrine of the Unitary Executive: In times of war, there were exceptional circumstances that required special executive powers. For Neocon lawyers, calling the defense against terrorism a war

was the necessary legal basis of this claim. Congress had approved legislation to stop torture, proposed by Senator John McCain in 2005, but the President attached conditions to it, which essentially allowed him to overrule its stipulations whenever he judged necessary. Farer concludes this section by saying, “but that was hardly surprising in their case [that of the Latin American countries in the 1980s], since they never imagined themselves as the champions of liberal democracy” (127).

The book reveals the dangers of associating too closely with the Bush regime. It adopted non-liberal methods to defend liberalism, and supported democracy only when it produced the right results (nothing new about this). It condoned brutal behavior towards people jailed without trial at the risk of creating a model for other countries with equally flawed leaders to emulate, especially Britain. The British first denied that they had cooperated in the practice of rendition, and then later admitted that they had. They connived with the U.S. authorities in denying access to evidence, which could establish the innocence of prisoners held in Guantanamo Bay. They also accepted the denials of the Americans, without any supporting evidence, on whether prisoners with the right of residence in the U.K. had been tortured. Such an erosion of civilized values was dangerously contagious.

The behavior of the Bush regime after 9/11 showed, as Farer after Hemingway suggests, a lack of grace under pressure. The present writer would add that more than half of the U.S. electorate voted for a continuation of his presidency, even though there was convincing evidence of malpractice. The regime seems to have sold its policy of illiberality to a majority of Americans. The picture they had of themselves was of a unique moral giant, attacked in a uniquely offensive and devastating way, and uniquely justified in seeking vengeance.

The response to 9/11 was not measured and reasonable, designed to seek redress, or to reduce the chances of it happening again. Rather, it was that of a dangerously overgrown and demented child, anxious only to hit at anything in the way of its righteous anger. Astonishingly, the U.S. response to 9/11 makes most sense in the light of the Jewish principle of a tooth for a tooth, or the Christian fundamentalists’ view of the vengeful and omnipotent Lord. George W. Bush and the Neo-conservatives arrogated to themselves the powers of the God of the Old Testament when he dealt with those found worshipping graven images after Moses’ descent from the mountain. The U.S. response, aided and abetted by a similarly vengeful Christian British Prime Minister—who justified the invasion of Iraq on the grounds that Saddam Hussein “was evil”—was untouched by the concerns of sensible diplomacy, or the need to maintain the standards of decent humanity and liberal government. The episode gave power to the unholy. This is not to deny that there were those who realized things had gone too far. Tom Farer has dealt skillfully and courageously with the arrogant and dangerous Neocons. A large number of liberal Americans would support him.

Both the European and the international systems had states that were not fully committed to the increasingly dense systems of international organization, global norms, and rules often placed under the heading of embedded multilateralism. These were what could be called the exceptionalist states. In the international system, that position was often held by the U.S. In Europe it was held by the U.K. In both cases, their diplomatic stance was dominated by attempts to claim to be exceptions to the general rules on the grounds that they were essentially different from the rest. The reasons for this exceptionalist position are hard to fathom, but they probably derived from a long standing conviction that for them life was better because their state had distanced itself from the rest. A certain remoteness was regarded as an asset, whereas multilateralism tended to be inclusive. By the

early twenty-first century, the gap between embedded multilateralists and the exceptionalist states at the global level had become one of the world's major diplomatic cleavages. But after the paroxysm of unilateralism, whilst still maintaining its exceptionalism, the U.S. found itself forced to deal with the world in a more cooperative manner.

The conflict between U.S. exceptionalism and increasing embedded multilateralism came to a head with the emergence of the neo-conservative administration of George W. Bush in 2001, which unashamedly asserted U.S. unilateralism. But probably it started during the Reagan presidency in the 1980s, illustrated by the 1985 decision in the Senate to reduce U.S. contributions to the U.N. budget, and the administration's dramatic change of stance on population control between the two World Population conferences of the 1980s, from liberal encouragement to the bigoted opposition required by Christian fundamentalists. The Reagan administration viewed the U.N. system with dislike, especially in its early phase, and appointed known opponents to key positions. At that point, the Heritage Foundation and the Christian conservative right, both hostile to the multilateral world, became powerful.

Nevertheless, the U.S. continued to insert itself as the monitor of rectitude. When it held the Presidency of the Security Council, it insisted on investigating peacekeeping procurement, which was a matter for the General Assembly, and again used the threat of withholding funds to force through preferred reforms. It was ironic that at the time of the Enron crisis, and the failure of auditors Arthur Anderson, one U.S. plan was for U.N. finances to be audited by Washington financial authorities. Far from being the multilateralist hegemonic leader of the post-World War II period, the U.S. under George W. Bush opposed the development of a stronger multilateralism, rather like the U.K.'s opposition to stronger multilateralism in the European Union. The annoyance of U.S. unilateralists with multilateralism became overweening. Their exceptionalism had to be asserted. The position of the neo-conservatives towards the U.N. was similar in some ways to that of the Eurosceptics in Britain towards the European Union. Ideally, new roles for international organization should be prevented. Failing that opt-outs should be obtained.

Examples of U.S. global exceptionalism included non-membership in the International Criminal Court, non-adherence to the Kyoto arrangements, the claim of the right to act without U.N. approval, and more recently, the explicit refusal to comply with the decades-old norm on state aid to the developing world, fixed at .7% of GDP. In 2008, the U.S. was still at the bottom of the list of industrialized countries in official per capita contributions to development—ahead only of Italy among developed states. George W. Bush's administration claimed further exceptions in asserting the right of the U.S. to act unilaterally in preemptive strikes against its enemies, and to maintain military supremacy over all other states. Washington remained uninterested in any beefing up of the U.N. rapid response forces, continued to insist that U.S. troops would not be commanded by anyone under the U.N., and failed to respond to complaints that the U.S. had betrayed the Charter's stipulations on the unilateral use of force. It also claimed to be an exception to the general obligation to continually reduce the level of nuclear weapons agreed upon in the Non-Proliferation Treaty, and refused to accept restrictions on its right to develop and deploy land mines.

The U.S. was also an exception in the extent to which it claimed extra-territorial legal jurisdiction; for instance, with regard to the imposition of sanctions against companies that failed to comply with U.S. rules on matters such as providing goods judged to be of military significance to

states of which the U.S. disapproved. One commentator reported that the U.S. maintained a studied indifference to Kofi Annan's U.N. Reform process. No fewer than six congressional committees had been set up to look at alleged abuse of the U.N.'s Oil-for-Food Program—six more than would enquire into the U.S. government's postwar abuse of Iraqi oil money. It was pointed out in the British press that the original draft of the Iraqi constitution in 2004 affirmed the equal rights of women and the ownership of Iraqi oil by the Iraqi people. The Bush administration bargained away the rights of women in order to open ownership of the oil fields to foreign companies(The Independent, 2q3 October, 2008)

The appointment of John Bolton as U.S. ambassador to the U.N. demonstrated the neo-conservative contempt for that organization. The nadir of U.S. exceptionalism was probably the annotations made by John Bolton to the documents prepared for the follow up to the Millennium conference in 2005. He sought to purge the outcome documents of all reference to the Millennium Development Goals. His outrageous annotations showed such disregard for the organization that U.S. Secretary of State Condoleezza Rice and President Bush—in a later speech to the General Assembly—felt it necessary to back off. It was not that reform did not need to be pushed, but that the U.S. under George W. Bush seemed not to be committed to the organization, and indeed, it was easy to find evidence that it wished to remove it.

It was probably after this paroxysm of unilateralism that things began to go right again for U.N. reform. The U.S. found itself faced with a system of embedded multilateralism with which it had to engage. Just as Britain was compelled to make concessions to Europe, so the U.S. had to make concessions to the multinational system. The Iraq experience may at least have had the benefit of convincing U.S. political leaders that there had to be a retreat from exceptionalism and a greater involvement with the evolving synarchy. After 2005, the regime of the Neocons and George W. Bush seemed to be weakening from within. The administration went along with a number of new developments in the United Nations, which included the new doctrine of the Responsibility to Protect, the improved “One U.N.” development arrangements, and the new Peace-building Commission. It remains to be seen whether this marked a new enthusiasm for multilateralism, to be strengthened under a new president in 2009, or whether it was a sullen acceptance of the need to work with the outside world in the light of the failures in Iraq.

U.S. exceptionalism, of which the attitudes to torture and the views of the Neocons are illustrative, was all the more regrettable when it is remembered that much of the multinational system after the Second World War was established under U.S. leadership. Essentially the neo-conservative position was a rejection of this heritage. An increasing illiberality, such as Tom Farer describes, was bound up with an increasing anti-multilateralism. British Prime Minister Gordon Brown argued in a speech in Boston on April 18, 2008 that the U.S. administration should return to a more multilateralist approach. He quoted the words of John F. Kennedy, “acting alone we cannot establish justice throughout the world. We cannot ensure domestic tranquility.” Brown's comments went down well in Boston. It remained to be seen whether they would go down equally well in Washington.

The development of a degree of embedded multilateralism at the global and regional levels was related to another Great Game, the Balance of Power. It could not be denied that in the early twenty-first century there are changes in the distribution of state power: the decline and re-emergence of Russia, the emergence of China and India, as well as the embedding of multilateralism.

The European Union, if the process of embedding regional multilateralism is taken further, could emerge as a global strategic player in its own right. But for the time being, European power is better seen as soft power. This is not in opposition to the further embedding of global multilateralism, and it does not detract from the possibility of strengthening trans-Atlantic partnership. The new Great Game continues at the global level, though between players that have an increasing range of common norms, principles and expectations. This is little more than a restatement of Hedley Bull's argument in his classic book The Anarchical Society: that a stable international society rested on a supporting political culture. Embedded multilateralism softened the balance of power but did not exclude it and was a part of the emerging international political culture. American exceptionalism, unless subdued, was likely to make the emerging new balance of power more unstable and more dangerous.

Farer's concluding chapter sets out the main principles of a liberal strategy for dealing with the major problems facing this globalized society. It does not contain details of tactics and strategies. Above all, we are enjoined to avoid seeing the world through a prism of grand designs, and overarching, or reductionist theories. The liberal dilemma is that we need to stand back and let the facts speak independently of any theory, though we all know that some kind of premonition about what they mean is unavoidable. We should be careful to understand the way in which parties to disputes try to capture and control narratives about them so that they appear in a good light. In brief, we need to look at the facts and try to understand the other's interpretation, and avoid imposing our own. There are specific objects of criticism here, some of which, the present writer adds, were identified in Karl Popper's Open Society and its Enemies—Marxism and other historicist accounts—which was a devastating attack on the enemies of liberalism. Farer brings home the point that in modern America there are equally dangerous enemies of a liberal order. These would include, the present writer suggests, the proponents of Ronald Reagan's grand theory of the evil empire, Bush's axis of evil, or Huntington's tract on the inevitable clash of civilizations (how much damage to international peace has the latter done?). To this list must be added the principal target addressed by Farer, the ideologues who dominate the Republican administration of George W. Bush—the Neocons—who see the Muslim world as a single, deluded, and dangerous community, then insists on calling for a war on terror at the risk of setting in motion a self-fulfilling prophecy.

We should try to get into the mindset of those who appear to have become half crazed with hate and prejudice. Farer asserts, and this writer agrees, that such pathologies can usually be traced back to specific and real grievances, which would be recognized by most people. On the horrific day of 9/11, the present writer observed, many intelligent Americans asked, "why do these people hate us?" This intelligent research agenda was forgotten by the politicians in the bluster and deeds of retribution. This is most definitely not to be soft on terror. There is a pressing need for efficient intelligence collection, perhaps a degree of compromise with regard to our democratic freedoms, and a preparedness to use force as and when necessary. But the overriding concern must be to win hearts and minds, which requires particular techniques and excludes others. The diplomacy needs to be clever rather than cruel. Machiavelli wisely pointed out that the Prince should be feared but not hated. This means protecting human rights except in absolute emergencies such as military necessity. The best diplomacy is of course focused on avoiding, both now, and in the future, that military necessity. Neo-conservative policies are almost the opposite of that.

It remains to be seen whether the U.S. could once again put its shoulder to the wheel in order to build better global governance, and escape from the clutches of these deluded and dangerous ideologues. U.S. diplomacy in its routine and habit is entirely supportive of cooperative multilateralism—the problems are with those who direct the big decisions. So far the continental European states seemed to have escaped infection, and, to the utter horror of the U.S. Right, have proved resistant to Neoliberal and Neoconservative blandishments. Perhaps this is an example of the Old World coming to the rescue of the New. Tom Farer's book is an excellent account of the crisis of U.S. liberalism with regard to its defense against terrorism. It is to be hoped that his argument proves to be the winning one, because an America ruled by Neocons is a world at risk.

Paul Taylor is Professor Emeritus of International Relations at the London School of Economics. His most recent publication is International Organization in the Age of Globalization (Continuum, 2003).

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