US Leaders Can Now Be Prosecuted For Illegal War

Noah Weisbord — Associate professor of law at Queen's University

War is gathering around the world, and autocratic leaders are undermining the legal checks on their discretion to launch attacks abroad. With the rule of law under threat, the International Criminal Court recently defined and activated for prosecution a new crime called the "crime of aggression." The crime of aggression — leadership responsibility for planning, preparing, initiating or waging illegal war — has begun to permeate international, regional and national legal systems around the world. But in an age of drones, cyberattacks, insurgents and autocrats, is it too little, too late?

Noah Weisbord — an associate professor of law at Queen's University and the author of *The Crime of Aggression: The Quest for Justice in an Age of Drones, Cyberattacks, Insurgents, and Autocrats* — served on the International Criminal Court's working group that drafted the crime of aggression.

In the exclusive *Truthout* interview that follows, Weisbord discusses the legacy of the Nuremberg trials and the ways in which Donald Trump may have already violated international law by engaging in crimes of aggression.

C.J. Polychroniou: The Nuremberg trials, held between 1945 and 1949, represent

a milestone in the development of international law. Yet, while many serious war crimes have been committed since the end of World War II, we have not seen war crimes tribunals taking place under similar ideal circumstances as those held in the Bavarian city of Nuremberg. In that context, what has been the legacy of the Nuremberg trials?

Noah Weisbord: The Nuremberg legacy is really about subjecting individual leaders to the rule of law in international affairs. Individual criminal responsibility is a grave threat to authoritarian leaders, which is why they do all they can to weaken and delegitimize the International Criminal Court [ICC].

Nuremberg prosecutor Robert Jackson was handpicked from the United States Supreme Court to work with English, French and Soviet counterparts to design the Nuremberg Tribunal and serve as its lead prosecutor. Jackson intended Nuremberg to serve as a model for a permanent international criminal court with worldwide jurisdiction, including over U.S. leaders. But the Cold War set in. The U.S. and the Soviet Union couldn't agree on the design of an international criminal court, nor a prosecutable definition of Nuremberg's "supreme crime," the crime against peace — i.e., planning, preparing, initiating or waging a war of aggression — which is called the crime of aggression today.

The superpowers vied to design international laws that would serve as weapons against each other, stymying each other's military advantages. During the Cold War, Nuremberg prosecutor Ben Ferencz, a key character in my new book, kept the dream alive. Ferencz advocated for an international criminal court and a prosecutable crime of aggression. Ferencz was wrongly overlooked as naïve and idealistic during this period.

But the end of the Cold War saw the rebirth of the Nuremberg idea, which began to spread worldwide: in the Yugoslav Tribunal; Rwanda Tribunal; Special Court for Sierra Leone; Extraordinary Chambers in the Courts of Cambodia; Special Tribunal for Lebanon; Special Panels of the Dili District Court; War Crimes Chamber of the Court of Bosnia and Herzegovina; Special Jurisdiction for Peace in Colombia; the Canadian, German, Belgian and French criminal courts; and grassroots "gacaca" justice in Rwanda.

In 1998, Jackson's dream was realized when states convened a multilateral conference in Rome and created an international criminal court with worldwide

jurisdiction. The U.S. tried to insulate its military and political leaders from prosecution and was only partially successful, leaving avenues open for the prosecution of U.S. leaders who commit genocide, crimes against humanity or war crimes on the territory of ICC states.

International criminal justice is not located in one institution in The Hague that can be toppled like the League of Nations. The Nuremberg precedent has permeated international, regional and domestic institutions and is buttressed by civil society groups. Specialized private organizations such as the Commission for International Justice and Accountability, founded by Canadian soldier and war crimes investigator Bill Wiley, have been successfully smuggling evidence of atrocities out of Syria, and leakers and hackers around the world have sophisticated tools to gather evidence of aggressive plans by warmongers in the U.S., Iran, and elsewhere.

Nuremberg's larger legacy is an international "justice cascade," as human rights scholar Kathryn Sikkink, calls it. International justice is better conceived of as a social movement than a courthouse like the one in Nuremberg where the top Nazis were tried after World War II.

Why have international legal systems since Nuremberg been disproportionately used to indict leaders outside of the U.S. and Europe, and what problems does this raise for creating a truly just global legal system?

The argument that international justice is another imperialist institution is self-defeating. Certainly, it has proven to be frustratingly difficult to prosecute leaders of powerful North American and European states suspected of international crimes, such as U.S. leaders implicated in the deliberate, systematic torture of detainees in Afghanistan.…

The answer is not to attack the law as illegitimate — this further undermines existing checks and balances on the powerful — but to strengthen international and domestic law so that powerful people are held to account. International justice is not a courthouse in The Hague, it's a social movement dedicated to strengthening the law and holding powerful leaders to account for crimes against the most vulnerable.

I think it's likely that the first aggression cases of powerful Western leaders will be self-referrals, like the first ICC cases for war crimes and crimes against

humanity were. The government of the Democratic Republic of Congo and Uganda referred their own territories to the ICC to investigate crimes by all sides in an effort to forestall endless cycles of violence and reprisals. Imagine President Cory Booker, Kamala Harris, Bernie Sanders or Elizabeth Warren referring crimes by the Trump administration to the ICC. Perhaps even better, imagine Congress incorporating these crimes into domestic U.S. law and U.S. courts prosecuting U.S. leaders for violations.

In your book, The Crime of Aggression*, you argue that recent US presidents, from George H. W. Bush to Donald Trump, had to take into account, although in their own way, the post-World War II international legal order in deploying force abroad. But there is evidence that all of the abovementioned U.S. leaders and their armed forces have committed international crimes as defined by the Charter of the International Military Tribunal at Nuremberg in 1945. Doesn't this challenge the relevance of international law?*

All world leaders, including these, acknowledge the post-World War II legal basis for waging war. They direct their lawyers to justify military action by its terms. What differs among leaders are their strategies in contending with the law, which is as distinct and demanding a battlefield as are desert, jungle or urban terrains.

Leaders, powerful or not, must negotiate the legal terrain in order to wage war, including persuading the population of the justice of the war, persuading allies, persuading domestic and international courts, purchasing weapons, negotiating leases on foreign bases. Law is not simply an effective formal constraint on power. It can slow leaders or assist their military goals.

Presidents Bush, Obama and Trump have each deployed military force abroad, killing men, women and children. The military operations they ordered have maimed and crippled innocent people and destroyed entire communities abroad; then they have been celebrated at home for their patriotism. They have authorized torture in a vast network of secret interrogation prisons, OK'd the bombing of weddings by remote control drone from air-conditioned offices in the U.S., and armed foreign despots subjugating their own people.

It is easy to forget that international law is deeply conservative, based on the agreements national leaders strike to restrict their own uses of military force at home and abroad. A number of the killings committed by Presidents Bush, Obama

and Trump do not amount to violations of international law, since they would qualify under the laws of war as "military necessity" and the victims as "collateral damage." A great deal of abhorrent wartime violence is permissible under international law. In a global system where world leaders were not regulating themselves and each other, much of this violence would surely be defined as criminal.

There is publicly available evidence that Bush administration leaders, especially, were implicated in international crimes, including in an important report by the U.S. Senate. President Obama's drone war outside existing battlefields was legally dubious. We have yet to learn about the excesses of the Trump administration, but there is evidence that Trump is undermining important checks and balances on drone strikes put in place by Obama in his second term. It is wrong to draw a false equivalency among these leaders. If all the evidence were unearthed, I suspect we would see important differences when it comes to the commission of international crimes.

Can you specify in what ways Donald Trump has already violated international law by engaging in crimes of aggression?

Trump almost brought the U.S. to war against Iran last month when he ordered U.S. jets to bomb sites in Iran in response to Iran's Revolutionary Guard Corps shooting down an unmanned U.S. surveillance drone. Trump called off the strike 10 minutes before impact because he decided last minute that an estimated 150 deaths were not proportional to the downing of an unmanned drone. He failed to mention the carnage that Iranian Supreme Leader Ali Khamenei and President Hassan Rouhani, along with Hezbollah, Hamas and other proxies would unleash on U.S. forces, allies and perceived enemies worldwide had he bombed Iran.

In April 2017, in response to a brutal chemical attack against civilians in Syria, Trump ordered the launch of a barrage of 59 Tomahawk cruise missiles from warships at Syria's al-Shayrat airfield, the apparent origin of the attack. This was a hasty unilateral decision without proper interagency process, or congressional approval, or consultation with allies, or Security Council authorization, or any legal rationale. Trump opted not only to ignore international law, but to ignore Congress as well and rely solely on presidential power.

Republican critics praised him. Democratic adversaries backed his actions. The

United Kingdom, Canada, Israel, Turkey and Jordan were on [its] side. Trump's attacks on international law caused blowback, but Trump learned that when he advanced their agendas, allies and enemies alike applauded his onslaught on the rule of law and praised his accumulation of authoritarian power.

To make a successful aggression case, the ICC prosecutor must prove a number of things. He or she needs to prove that there was an armed attack by one state against another — for example, bombardment, blockade, attacking the armed forces of another state, sending proxies to attack another state. The attack must amount to a "manifest" violation of the U.N. Charter. For the violation to be "manifest," its character, gravity and scale must surpass legal thresholds — a single shot over a border would not qualify, but the 2003 U.S.-led invasion of Iraq would. Next, the defendant must be a leader — a person with effective control over the military or political action of a state. U.N. Security Council-authorized military operations, such as U.S. action in Afghanistan after 9/11, don't qualify as aggression. Nor do defensive operations in response to an armed attack that are necessary and proportional.

Trump's Tomahawk barrage in Syria was neither authorized nor defensive; it was a reprisal, and therefore illegal under international law.

In general, are you optimistic about the quest of justice in an age of drones and political authoritarianism?

As always, cynics continue to deride the attempts of "dreamers" to make international law more just and effective, confidently declaring these naïve efforts will accomplish nothing or make matters worse. As Rebecca Solnit, anthropologist of cynicism, observes, cynics take pride "in not being fooled and not being foolish," but their dismissive attitude that it's all corrupt "pretends to excoriate what it ultimately excuses."

My hope is that the post-Cold War modifications to the international order that refocus international law on leaders instead of entire states and strengthen judicial oversight of executive power will help make the law more just and effective. My worry is that these changes to the status quo are too little, too late and that autocratic leaders will successfully turn frightened populations against judicial checks and balances.

The recently activated crime of aggression, for example, has the potential to

promote peace and the rule of law, protect human rights and prevent suffering, protect soldiers from being killed or maimed in illegal wars, provide protection against aggression by another state, signal a renewed commitment to peaceful resolution of disputes, complete the ICC Statute and make the ICC Statute fully compatible with the UN Charter.

The major problem is enforcement, but the end of the Cold War has led to new potential for arrests. Specifically, the proliferation of overlapping spheres of local, national, regional, international and transnational police authority. New purveyors of nonstate military force such as private contractors have created new enforcement possibilities. States can arrest perpetrators on their territory, peacekeepers can arrest, and private contractors have made spectacular arrests of war criminals abroad. I have an exciting chapter on the successful arrest of leaders for international crimes in my new book.

The crime of aggression will not put an end to war. It is something more modest: a sensible step in the right direction, a memorial to the victims of a violent century and a reminder of humanity's higher aspiration that only our reason can save us from ourselves.

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29 juli 1941

Familie van Es- Bermann. Jaren dertig.

[…]
Tegenwoordig gebeurt er iedere week wel iets verschrikkelijks.
Hans is deze week aan een groot gevaar ontsnapt. We moeten dankbaar zijn dat hij waterpokken heeft gekregen. Een paar studenten (vrienden van hem, vooral de ene, Nico Lichtendaal) huurden van 20 juli tot 1 augustus een huisje in Petten. Ze wilden daar hun vakantie doorbrengen. Hans wilde ook een week mee, maar ik raadde het hem af. Omdat hij ziek was geweest, en drie weken lang niet in het ziekenhuis had gewerkt, kon hij toch niet nog eens een week wegblijven?
De twee jongens schreven dat het hun goed beviel en dat Hans van vrijdag tot zondagavond moest komen. Dat raadde ik hem niet af en die vrijdag ging hij erheen. Maar toen hij aankwam, hoorde hij tot zijn grote schrik dat de twee vrienden donderdag door de Duitse politie waren gearresteerd. Hij ging direct weer terug (120 kilometer op één dag). Ik schrok me halfdood toen hij zo laat thuiskwam. Ik dacht direct aan een nieuwe Jodenrazzia.

Het schijnt dat vorige week een paar mensen geprobeerd hebben in een boot naar Engeland te varen. Daar had de Duitse politie lucht van gekregen en omdat de poging op niets was uitgelopen, hielden ze huiszoeking in Petten. En omdat de

studenten de enige Amsterdammers waren, namen ze hen mee. Zij waren verdachten, maar ze zijn totaal onschuldig, er is sprake van een misverstand. Als Hans meteen was meegegaan, zou hij verloren zijn geweest: van een Jood verwacht men alles en redelijke argumenten zouden niet hebben geholpen.
De moeder van Nico is weduwe, hij is enig kind. Ze was een paar dagen de stad uit en Hans moest haar gistermorgen het nieuws vertellen. De ouders van de andere jongen logeren op het ogenblik in Apeldoorn. Wij moesten deze familie een brief schrijven.
[…]

Noam Chomsky: To Make The US A Democracy, The Constitution Itself Must Change

Noam Chomsky

Why do so many people in the U.S. today find Trump's racist rants and authoritarian mindset appealing? What are the political checks and balances — or lack thereof — that can ward off the impact of the Republican leadership's disastrous policies? Is a constitutional crisis on its way? And how do we face the consequences of an administration that is essentially competing for the title of most dangerous organization in human history? In this exclusive *Truthout* interview, Emeritus Professor of Linguistics at MIT and Laureate Professor of

Linguistics at the University of Arizona *Noam Chomsky*, who is widely regarded as one of the greatest thinkers of all time (ranking among the top 10 cited sources of all time, along with Plato, Aristotle, Shakespeare, Hegel and Freud), dissects Trump's racist attacks, Trumpism and the current condition of the country in the second decade of the 21st century.

C.J. Polychroniou: According to popular conception, the United States is a "nation of immigrants," although this formulation significantly excludes Native people — who were already here, and were subjected to colonization, displacement and genocide at the hands of European immigrants — and also excludes African Americans, whose ancestors were kidnapped and enslaved. When it is described as a "nation of immigrants," the U.S. is often portrayed as a varied nation where people have the freedom to pursue their dreams of a better life while maintaining their own cultural, ethnic and religious distinctiveness or uniqueness. Yet, the truth of the matter is that inequality and oppression of the "Other" have been ongoing political and social realities since the origins of the republic. In fact, today we have a president in the White House who makes no bones about wishing to see non-white people, even elected representatives of the U.S. Congress, leave the country because they challenge the status quo and seek a United States with a more humane and democratic polity. Meanwhile, the very rich are enjoying political privileges like never before. Noam, what are some of the tangible and intangible factors that seem to be pushing the country — socially, politically and economically — backward rather than forward?

Noam Chomsky: Trump's diatribes successfully inflame his audience, many of whom apparently feel deeply threatened by diversity, cultural change, or simply the recognition that the White Christian nation of their collective imagination is changing before their eyes. White supremacy is nothing new in the U.S. The late George Frederickson's comparative studies of white supremacy found the U.S. to be almost off the chart, more extreme even than Apartheid South Africa. As late as the 1960s the U.S. had anti-miscegenation laws so extreme that the Nazis refused to adopt them as a model for their racist Nuremberg laws. And the power of Southern Democrats was so great that until '60s activism shattered the framework of legal racism — if not its practice by other means — even New Deal federal housing programs enforced segregation, barring Black people from new housing programs.

It goes back to the country's origins. While progressive in many ways by the

standards of the day, the U.S. was founded on two brutal racist principles: the most hideous system of slavery in human history, the source of much of its wealth (and England's too), and the need to rid the national territory of Native Americans, whom the Declaration of Independence explicitly describes as "the merciless Indian savages," and whom the framers saw as barring the expansion of the "superior" race.

Immigrants … were supposed to be white immigrants — in fact, basically "Anglo-Saxon," in accord with weird racist myths of the founding fathers that persisted through the 19th century. That includes the leading Enlightenment figures. Benjamin Franklin urged that Germans and Swedes be barred because they were too "swarthy." Thomas Jefferson was greatly interested in Anglo-Saxon language and law, part of his immersion in the "Saxon myth" that English democracy and law trace back to a pre-Norman Saxon period. The first Naturalization Act, 1790, restricted the option to whites, extended to ex-slaves after the Civil war.

The country of course needed immigrants to settle the "Indian country" from which Indigenous nations were expelled or "exterminated" (as the Founders put it). But they were supposed to be "white" — a somewhat flexible culturally constructed category. By the late 19th century, Asians were excluded by law. The first more general immigration law was in 1924, designed to bar Jews and Italians primarily. There is no need to review here the horrendous record of how Jews were prevented from fleeing Nazi barbarism, crimes that persisted even after the war. Truman sent Earl Harrison on a mission to inspect the concentration camps where Jews were still held, under grotesque conditions as he reported. About the only effect was to intensify efforts to ship them to Palestine.

The 1924 law remained in place until 1965. By the 1980s immigration began to be criminalized. Treatment of Haitians fleeing terror was particularly despicable. Guantánamo was first used as a detention center by the Bush I and Clinton administrations, a place to get rid of Black people fleeing in terror from the murderous coup regime that [U.S. leaders] were supporting, despite pretenses to the contrary. They were classified as "economic migrants," a cynical pretense in gross violation of international law and minimal decency.

Another ugly story.

It's not terribly surprising, then, to read a report of a conference of conservative intellectuals where one esteemed speaker, University of Pennsylvania Law professor Amy Wax, explains learnedly that "our country will be better off with

more whites and fewer nonwhites," since immigrants may not quickly come to "think, live and act just like us" because the social and cultural climate of their places of origin.
Wax failed to elaborate on whether her parents, Jewish immigrants from Eastern Europe, came from a cultural and social climate where people were thinking and acting like "us."

It's not hard to understand why these deep currents are becoming more manifest, and ominous, today, after 40 years of the "savage capitalism" unleashed by the neoliberal assault. It's enough to recall that for a large majority of the workforce, wages have either stagnated or declined since 1979, when the neoliberal assault was just taking off. From the country's origins, U.S. workers benefited from the world's highest wages.… Since the 1980s, though the unusual advantages persist, working people have fallen behind the rest of the developed world by many measures. For review of their current status, see Amanda Novella and Jeff Madrick's February 2019 contribution to the journal *Challenge*.
The effects of the assault are sharp concentration of wealth and power, increasingly in largely predatory financial institutions, stagnation or decline for the majority, deterioration of benefits, astonishing collapse of infrastructure, a form of globalization designed to pit working people against one another for the benefit of international investors, weakening of institutions to protect worker rights, undermining of functioning democracy, and much else that is all too familiar.
The result, in the U.S. and in Europe, is an upsurge of anger, resentment and, all too often, a search for scapegoats — typically those even more disadvantaged, who are portrayed as being coddled by liberal elites. It's a dangerous mix: fertile territory for demagogues.

The threats are far more extreme than the incipient fascist-style tendencies, which are severe enough. It cannot be overlooked that humans are facing a decision of extraordinary significance, which must be made very soon: Will organized human society survive in anything like its present form, or will it be devastated by global catastrophe? The two most ominous threats are nuclear war and environmental catastrophe, both increasing. On the latter, major energy corporations are apparently planning on a future with 5º Celsius above pre-industrial levels by mid-century, and with that in mind, are racing to accelerate what climate scientists recognize to be indescribable catastrophe by maximizing

the profitable production of fossil fuels, joined by the biggest banks and other major capitalist institutions.

Meanwhile the Republican administration, determined to safeguard its credentials as the most dangerous organization in human history, is anticipating a slightly less overwhelming catastrophe — a rise of 4º[C] by end of the century, also far above what scientists recognize to be a colossal danger. And it concludes from this detailed environmental assessment that we should not limit automotive emissions, because — what's the difference? We're going over the cliff anyway.

If there is anything like this in world history, I haven't found it. And this passes with scarcely a raised eyebrow.
Of course, this is only science, and as [right-wing radio host] Rush Limbaugh instructs his tens of millions of radio listeners, science is one of the "four corners of deceit," along with government, academia, and media (of the wrong sort).
All of this tells us that the tasks ahead are urgent, on many fronts.

Another common (mis) perception is that American culture and society adapt easily to change. Yet, this is a country where it is immensely difficult to change even outdated and dysfunctional political processes and institutions, such as the Electoral College and the distribution of Senate seats. It is very hard to pass amendments to the Constitution. And so far, we have faced many barriers to moving away from the two-party system. How do we explain the inflexibility of U.S. political processes and institutions?

In the 19th century the U.S. Constitution was in many ways a progressive document, even though it was a "Framers' Coup" against the democratic aspirations of most of the public — the title of Michael Klarman's impressive study of the making of the Constitution, generally regarded as the "gold standard" in the scholarly literature.
The document has inherent problems, which are leading to a likely constitutional crisis. The problems are serious enough for law professor Erwin Chemerinsky, writing on "America's constitutional crisis," to entitle his article "The First Priority: Making America a Democracy" (contrary to the intentions of the Framers). He reviews some of the familiar problems. One has to do with the Electoral College, which was designed by the Framers because of their distrust of popular government. By now states with 23 percent of the population have enough electoral votes to choose the president. Even more importantly, the same

radical imbalance makes the Senate a highly undemocratic institution — in accord with the intentions of the Framers. In Madison's constitutional design, the Senate was the most powerful branch of government, and the most protected from public interference. It was to represent "the wealth of the nation," the most "responsible" men, who have sympathy for property and its rights. Furthermore, though the Framers did not anticipate this of course, social and demographic changes have placed this excessive anti-democratic power in the hands of a part of the population that is mostly rural, white, Christian, socially conservative and traditionalist — generally sympathetic to the Wax principle.

Some of these undemocratic features were virtually unavoidable. The Constitution would never have been ratified if the smaller colonies were not granted an equal voice. But by now the effects are severe — and unchangeable by amendment because of the same radical imbalance in voting power.
These problems are exacerbated by the monopolization of politics by the two political parties and "winner take all" state laws that bar proportional representation, which can permit a variety of voices to enter the political arena, sometimes growing to major parties. Some have argued, not implausibly, that if a country with the U.S. system tried to join the European Union, the application might be rejected by the European Court of Justice.

The impending crisis is becoming more severe because of the malevolence of the Republican leadership. They are well aware that their formula of abject service to wealth and corporate power along with mobilization of a voting base of the kind that shows up at Trump rallies is not enough to overcome their growing minority status. The solution is radical gerrymandering of the kind now authorized by the reactionary Roberts Court, and stacking the judiciary with far-right justices who will be able to hold the country by the throat for many years. Here the evil genius is Mitch McConnell, who maneuvered to block appointments under Obama, a campaign of obstruction that left 106 vacancies at the end of Obama's second term (including the scandalous case of Merrick Garland), and is now rushing through appointment of Federalist Society choices.

Another recurring theme of U.S. history involves religious fundamentalism, which is still widespread throughout the country. Does the United States, in some ways, look more like a fundamentalist nation rather than an advanced secular republic?

Throughout its history the U.S. has been an unusually fundamentalist society,

with regular Great Awakenings and beliefs that are far off the spectrum of developed societies. Almost 80 percent of Americans believe in miracles. There is a huge Evangelical community, a large part of Trump's base, which he keeps in line by throwing them crumbs. Secretary of State Mike Pompeo, a devout Evangelical Christian, speculated recently that God might have sent Trump to save Israel from Iran — which is threatening Israel with destruction in the fantasy world of doctrinal verities. Fully 40 percent of Americans expect Jesus to return to earth by mid-century (23 percent certainly). It's possible that this accounts for some of the "looking away" that we were discussing earlier. All in all, it is a curious form of exceptionalism that goes back to the earliest settlers.

The United States remains a global superpower, but its domestic society is strikingly unequal and poverty is rampant. Given that, should we interpret Trumpism as a political phenomenon akin to the same dynamics that gave rise in the prewar era to fascism and other forms of authoritarian rule in Europe and elsewhere?

Already in the 1950s, economist John Kenneth Galbraith described U.S. society as marked by private affluence, public squalor. It's true that in the public sphere it often resembles a "third world" country. The Infrastructure Report Card of the American Society of Civil Engineers regularly ranks the U.S. down at the bottom, D+. And one can hardly walk through a U.S. city or travel in poor rural areas without being shocked at the squalor. The same holds for social justice measures. Among OECD countries, the U.S. ranks near the bottom. I don't think this relates specifically to Trumpism, except insofar as the contemporary Republican Party leadership is a virtual caricature of long-standing features of U.S. political economy, based on business power that is unusual by historical standards, with a pervasive impact on the political system and also on the "hegemonic common sense," in Gramscian terms. The business classes are not just unusually powerful, but are also highly class conscious, constantly engaged in bitter class war, in some ways vulgar Marxists, with values inverted.

There is variation. The New Deal period brought the U.S. somewhat closer to European-style social democracy, but from the '80s that has been sharply reversed. By now, when Bernie Sanders calls for renewing and extending the New Deal — ideas that would not have greatly surprised Eisenhower — he is considered a radical who wants to destroy "American values."
Trumpism and pre-war fascism seems to me a different matter. There surely are

resemblances. Just speaking personally, Trump's Greenville, North Carolina, rally evoked my childhood memories of listening on the radio to Hitler's Nuremberg rallies, not understanding the words but the mood was apparent enough, and frightening. The not-so-subtle appeals to racism, xenophobia, misogyny, the treachery of dissent, demonization of media that do not kowtow abjectly to the Grand Leader — all this and more is reminiscent of pre-war fascism. And the social base of Trumpism has similarities to prewar fascism as well: superrich power and petty bourgeois popular base.

But prewar fascism was based on control of all aspects of the society — business included — by a powerful state in the hands of a totalitarian all-powerful ruling party: Gleichschaltung. The situation here is quite different, almost the opposite, with the increasingly monopolized business world, particularly its financial sector, having overwhelming power in sociopolitical life and doctrinal management.…

In the 1980s, Japan was regarded as the most likely power to replace U.S. hegemony. We know what happened to that forecast. Now, many pundits see China as a future global superpower. Is this a realistic assessment of future geopolitical developments given the huge economic and military gap that exists today between China and the United States?

The "Japan is #1" fantasy traces in large part to the incompetence of U.S. management, which was unable to compete with superior Japanese production methods. Reagan took care of that with "voluntary export restraints" — where "voluntary" means do it or else, making clear who is #1 — and a number of other devices. One was SDI ("Star Wars"), sold to the public (and maybe to Reagan himself) as defense against the evil enemy, but to the corporate world as a great business opportunity, courtesy of the taxpayer, a familiar benefactor.

As for China, it has made substantial economic and technological progress, but remains a very poor country. It is ranked 86th in the 2018 update to the UN Development Index, right below Algeria. (India is ranked 130th, barely above East Timor.) China has huge internal problems unknown in the West. It is argued that China is comparable to the U.S., maybe ahead, in Purchasing Power Parity, but that means that it is far below per capita. China has been pursuing systematic plans to expand its influence through Eurasia in a somewhat uneasy partnership with an economically much weaker Russia, first through the Shanghai Cooperation Council, now with the Belt and Road Initiative. In some areas of technology — solar panels, electric cars — it may be in the lead. But it still has a

long way to go to reach the level of the rich industrial societies.
The U.S. is concerned with Chinese growth, and is seeking (pretty openly) to impede it — not a very attractive policy stance.
It's also worth bearing in mind that in the age of neoliberal globalization, national accounts are a less meaningful measure of economic power than in the past. Political economist Sean Starrs has done informative work on a different measure: proportion of world wealth held by domestically based multinational corporations. By that measure the U.S. is far in the lead internationally, owning a spectacular 50 percent of world wealth — more than the U.S. share of global GDP at the peak of its power in 1945 — and U.S. corporations are in the lead in just about every category.
China is sure to have a major role in world affairs. A sane policy would be accommodation and cooperation, which doesn't seem out of the range of possibility.

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C.J. Polychroniou is a political economist/political scientist who has taught and worked in universities and research centers in Europe and the United States. His main research interests are in European economic integration, globalization, the political economy of the United States and the deconstruction of neoliberalism's politico-economic project. He is a regular contributor to *Truthout* as well as a member of *Truthout*'s Public Intellectual Project. He has published several books and his articles have appeared in a variety of journals, magazines, newspapers and popular news websites. Many of his publications have been translated into several foreign languages, including Croatian, French, Greek, Italian, Portuguese, Spanish and Turkish. He is the author of *Optimism Over Despair: Noam Chomsky On Capitalism, Empire, and Social Change*, an anthology of interviews with Chomsky originally published at *Truthout*and collected by Haymarket Books.

Antonie Ladan ~ Onmacht en oorlogsverlangen

Antonie Ladan. Ills. Joseph Sassoon Semah

Het verlangen naar oorlog komt voort uit onmacht, aldus psychiater Antonie Ladan in *Onmacht en oorlogsverlangen*. Onmacht is het meest fundamentele aspect van ons leven. We hebben voortdurend te maken met gevoelens van angst, woede en razernij en dan kan een 'ver weg' oorlog een grote aantrekkingskracht uitoefenen als kapstok voor onze emoties. Via o.a. Albert Einstein, Sigmund Freud, Gerard Reve, Donald Trump, Vladimir Poetin, Theresa May laat Ladan zien dat oorlog een geriefelijke kapstok kan bieden voor gevoelens van onmacht rond vele situaties waarin we hulpeloos zijn. Een oorlog kan als geroepen komen.

Oorlog kan daarmee iets zijn om naar te verlangen, maar alleen als de werkelijkheid van de oorlog ver weg is en vaag blijft. Als Nederland in oorlog is middels oorlogsmissies, is de afstand tot het front zo groot dat we er in onze dagelijkse leven weinig van hoeven te merken. Zo'n geriefelijke oorlog is ideaal om de gevoelens van haat en machteloze woede niet op elkaar te hoeven richten maar bij een gemeenschappelijke vijand onder te brengen, zodat we samen tegen de vijand kunnen zijn, aldus Ladan. Oorlog beantwoordt in psychologisch opzicht aan een behoefte.

We hoeven ons niet verantwoordelijk te voelen voor onze oorlogsinzet in Libië, Irak en Syrië en de schade die dat veroorzaakt. Er wordt niet veel geschreven over de 'collateral damage' van onze daden die voortkomen uit een machteloze verontwaardiging. Wij voelen ons niet verantwoordelijk voor onschuldige burgerslachtoffers en een sterke toename van geweld, chaos en destabilisatie. Wij hebben iets kunnen betekenen voor de buitenwereld, waardoor we ons minder machteloos voelen. De huidige manier van oorlogvoeren, met drones en lasergestuurde bommen, versterkt dat gevoel alleen maar. De afstand tot de daad van het doden wordt opnieuw vergroot.
Een oorlog die met deze wapens wordt gevoerd wordt nog geschikter als kapstok voor onze destructieve behoeften. De oorlogsvoering kan mistig blijven, zodat we ons niet hoeven te schamen. Het maakt ons leven in mentaal opzicht gemakkelijker.

Het is van groot belang oorlog niet als kapstok te gebruiken maar onder ogen te zien wat ze werkelijk inhoudt, zeker in een tijd van toenemende
internationale spanning. En in een tijd waarbij de vijand veel minder duidelijk is te lokaliseren. Die vijand bevindt zich te midden van ons en kan niet zomaar worden aangevallen. Deze vorm van oorlogsvoering voedt de gevoelens van angst en machteloosheid en is niet zo geschikt als kapstok voor onze gewelddadige fantasieën. Door deze veranderingen in de aard van oorlog geloven we niet meer in de definitieve oorlog die zal leiden tot de eeuwigdurende vrede. Tot voor kort geleden koesterden wij de illusie van vrede en veiligheid., ook al werd er overal in de wereld gevochten. Maar er is niet meer sprake van een duidelijk afgegrensde toestand van oorlog of van vrede, de oorlogsdreiging is altijd aanwezig. Om met Ignatieff te spreken, kan dat positief werken omdat we manieren moeten vinden de kwetsbare vrede te bewaren. Oorlog en vrede zijn nu 'liminale' toestanden, twee werkelijkheden die onontwarbaar met elkaar zijn verbonden [i]. Als we onze onmacht onder ogen durven te zien, dan zou dat kunnen helpen bij het ons realiseren dat we steeds op de grens van oorlog en vrede balanceren. Een toestand van eeuwigdurende vrede nooit zal worden bereikt, aldus Antonie Ladan. We moeten oppassen met oorlogsvoering en geweldpleging.

Het zou kunnen helpen als we ons bewust zouden zijn dat gevoelsbelangen een belangrijke rol spelen bij beslissingen over oorlogsvoering. Ladan vraagt zich af of we in staat zijn om in situaties waarin we met onmacht worden geconfronteerd, niet zozeer naar buiten, maar naar binnen durven te kijken. Niet op zoek te gaan naar de vijand die ons dit aandoet. Durven we te besluiten niets te doen?
Misschien is 'kunst' in staat ons enigszins te helpen bij de moeilijke opgave van het onder ogen zien wie we zijn en wat er in ons leeft.
Ladan sluit af met de woorden: Zijn wij in staat om naar binnen te kijken en onszelf in laatste instantie te nemen voor wat we zijn: een schakel in een groter geheel, waarbij we altijd plaatsmaken voor een ander?

Hij citeert de Spaanse schrijver Javier Marías: "Wie weet wie ons vervangt, we weten alleen dat we altijd worden vervangen, bij alle gelegenheden, onder alle omstandigheden en bij het vervullen van elke functie, in de liefde en de vriendschap, in de baan en de relaties, in de overheersing en in de haat die uiteindelijk ook genoeg van ons krijgt (…) en in onze manier van kussen worden we vervangen (…), in de herinneringen en de gedachten en de dromerijen en overal, ik ben niet meer dan glibberige, zachte sneeuw op de schouders, en aan het sneeuwen komt altijd een einde…"

Noot
[i] I. M. Ignatieff en Maskirovka: Liminale oorlog in deze eeuw. Nexus, 68, p. 34 – 41, 2014

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Noam Chomsky: "Worship of Markets" Is Threatening Human Civilization

We live in dangerous times — no doubt about it. How did we get to such a state of affairs where democracy itself is in a very fragile condition and the future of human civilization itself at stake? In this interview, renowned thinker, Emeritus Professor of Linguistics at MIT and Laureate Professor of Linguistics at the University of Arizona Noam Chomsky, sheds light on the state of the world and the condition of the only superpower left in the global arena.

C.J. Polychroniou: Noam, looking at the current state of the world, I think it is not an exaggeration at all to say that we live in ominously dangerous times — and not simply in a period of great global complexity, confusion and uncertainty, which, after all, has been the "normal" state of the global political condition in the modem era. I believe, in fact, that we are in the midst of a whirlpool of events and developments that are eroding our capacity to manage human affairs in a way that is conducive to the attainment of a political and economic order based on stability, justice and sustainability. Indeed, the contemporary world is fraught, in my own mind at least, with perils and challenges that will test severely humanity's ability to maintain a steady course toward anything resembling a civilized life.

How did we get to such a state of affairs, with tremendous economic inequalities and the resurgence of the irrational in political affairs on the one hand, and an uncanny capacity, on the other, to look away from the existential crises such as global warming and nuclear weapons which will surely destroy civilized life as we know it if we continue with "business as usual"?

Noam Chomsky: How indeed.
The question of how we got to this state of affairs is truly vast in scope, requiring not just inquiry into the origin and nature of social and cultural institutions but also into depths of human psychology that are barely understood. We can,

however, take a much more modest stab at the questions, asking about certain highly consequential decisions that could have been made differently, and about specific cases where we can identify some of the roots of looking away.

The history of nuclear weapons provides some striking cases. One critical decision was in 1944, when Germany was out of the war and it was clear that the only target was Japan. One cannot really say that a decision was made to proceed nevertheless to create devices that could devastate Japan even more thoroughly, and in the longer term threaten to destroy us as well. It seems that the question never seriously arose, apart from such isolated figures as Joseph Rotblat — who was later barred reentry to the U.S.

Another critical decision that was not made was in the early 1950s. At the time, there were still no long-range delivery systems for nuclear weapons (ICBMs). It might have been possible to reach an agreement with Russia to bar their development. That was a plausible surmise at the time, and release of Russian archives makes it seem an even more likely prospect. Remarkably, there is no trace of any consideration of pursuing steps to bar the only weapons systems that would pose a lethal threat to the U.S., so we learn from McGeorge Bundy's standard work on the history of nuclear weapons, with access to the highest-level sources. Perhaps still more remarkably, there has, to my knowledge, been no voiced interest in this astonishing fact.

It is easy to go on. The result is 75 years of living under the threat of virtually total destruction, particularly since the successful development of thermonuclear weapons by 1953 — in this case a decision, rather than lack of one. And as the record shows all too graphically, it is a virtual miracle that we have survived the nuclear age thus far.

That raises your question of why we look away. I do not understand it, and never have. The question has been on my mind almost constantly since that grim day in August 1945 when we heard the news that an atom bomb had wiped out Hiroshima, with hideous casualties. Apart from the terrible tragedy itself, it was at once clear that human intelligence had devised the means to destroy us all — not quite yet, but there could be little doubt that once the genie was out of the bottle, technological developments would carry the threat to the end. I was then a junior counselor in a summer camp. The news was broadcast in the morning. Everyone listened — and then went off to the planned activity — a baseball game,

swimming, whatever was scheduled. I couldn't believe it. I was so shocked I just took off into the woods and sat by myself for several hours. I still can't believe it, or understand how that has persisted even as more has been learned about the threats. The same sentiments have been voiced by others, recently by William Perry [former defense secretary], who has ample experience on the inside. He reports that he is doubly terrified: by the growing risk of terrible catastrophe, and the failure to be terrified by it.

It was not known in 1945, but the world was then entering into a new geological epoch, the Anthropocene, in which human activity is having a severe impact on the environment that sustains life. Warnings about the potential threat of global warming date back to a 1958 paper by Hans Suess and Roger Revelle, and by the 1970s, concerns were deeply troubling to climate scientists. ExxonMobil scientists were in the forefront of spelling out the severe dangers. That is the background for a crucial decision by ExxonMobil management in 1989, after (and perhaps because) James Hansen had brought the grave threat to public attention. In 1989, management decided to lead the denialist campaign.

That continues to the present. ExxonMobil now proudly declares that it intends to extract and sell all of the 25 billion barrels in its current reserves, while continuing to seek new sources.

Executives are surely aware that this is virtually a death-knell for organized human society in any form that we know, but evidently it doesn't matter. Looking away with a vengeance.

The suicidal impulses of the fossil fuel industry have been strongly supported by Republican administrations, by now, under Trump, leaving the U.S. in splendid isolation internationally in not only refusing to participate in international efforts to address this existential threat but in devoting major efforts to accelerate the race to disaster.

It is hard to find proper words to describe what is happening — and the limited attention it receives.

This again raises your question of how we can look away. For ExxonMobil, the explanation is simple enough: The logic of the capitalist market rules — what Joseph Stiglitz 25 years ago called the "religion" that markets know best. The same reasoning extends beyond, for example to the major banks that are pouring

funds into fossil fuel extraction, including the most dangerous, like Canadian tar sands, surely in full awareness of the consequences.

CEOs face a choice: They can seek to maximize profit and market share, and (consciously) labor to undermine the prospects for life on earth; or they can refuse to do so, and be removed and replaced by someone who will. The problems are not just individual; they are institutional, hence much deeper and harder to overcome.

Something similar holds for media. In the best newspapers there are regular articles by the finest journalists applauding the fracking revolution and the opening of new areas for exploitation, driving the U.S. well ahead of Saudi Arabia in the race to destroy human civilization. Sometimes there are a few words about environmental effects: fracking in Wyoming may harm the water supplies for ranchers. But scarcely if ever is there a word on the effect on the planet — which is, surely, well understood by authors and editors.

In this case, I suppose the explanation is professionalism. The ethics of the profession requires "objectivity": reporting accurately what is going on "within the beltway" and in executive suites, and keeping to the assigned story. To add a word about the lethal broader impact would be "bias," reserved for the opinion pages.

There are countless illustrations, but I think something deeper may be involved, something related to the "religion" that Stiglitz criticized. Worship of markets has many effects. One we see in the origins of the reigning neoliberal faiths. Their origin is in post-World War I Vienna, after the collapse of the trading system within the Hapsburg empire. Ludwig von Mises and his associates fashioned the basic doctrines that were quickly labeled "neoliberalism," based on the principle of "sound economics": markets know best, no interference with them is tolerable.

There are immediate consequences. One is that labor unions, which interfere with flexibility of labor markets, must be destroyed, along with social democratic measures. Mises openly welcomed the crushing of the vibrant Austrian unions and social democracy by state violence in 1928, laying the groundwork for Austrian fascism. Which Mises welcomed as well. He became economic consultant to the proto-fascist Austrian Chancellor Engelbert Dollfuss, and in his major work *Liberalism*, explained that "It cannot be denied that Fascism and similar

movements aiming at the establishment of dictatorships are full of the best intentions and that their intervention has, for the moment, saved European civilization. The merit that Fascism has thereby won for itself will live on eternally in history."

These themes resonate through the modern neoliberal era. The U.S. has an unusually violent labor history, but the attack on unions gained new force under Reagan with the onset of the neoliberal era. As the business press reported, employers were effectively informed that labor laws would not be enforced, and the U.S. became the only industrial society apart from Apartheid South Africa to tolerate not just scabs, but even "permanent replacement workers." Neoliberal globalization, precarity of employment, and other devices carry the process of destroying organized labor further.

These developments form a core part of the efforts to realize the Thatcherite dictum that "there is no society," only atomized individuals, who face the forces of "sound economics" alone — becoming what Marx called "a sack of potatoes" in his condemnation of the policies of the authoritarian rulers of mid-19th century Europe.

A sack of potatoes cannot react in any sensible way even to existential crises. Lacking the very bases of deliberative democracy, such as functioning labor unions and other organizations, people have little choice beyond "looking away." What can they hope to do? As Mises memorably explained, echoed by Milton Friedman and others, political democracy is superfluous — indeed an impediment to sound economics: "free competition does all that is needed" in markets that function without interference.

The pathology is not new, but can become more severe under supportive social and economic institutions and practices.

Yet, only a couple of decades ago, there was wild celebration among liberal and conservative elites alike about the "end of history," but, even today, there are some who claim that we have made great progress and that the world is better today than it has ever been in the past. Obviously, "the end of history" thesis was something of a Hegelian illusion by staunch defenders of the global capitalist order, but what about the optimism expressed by the likes of Steven Pinker regarding the present? And how can we square the fact that this liberal optimism

is not reflected by any stretch in the politico-ideological currents and trends that are in motion today both inside western nations but also around the world?

The celebrations were mostly farcical, and have been quietly shelved. On the "great progress," there is serious work. The best I know is Robert Gordon's compelling study of the rise and fall of American growth, which extends beyond the U.S. though with some modifications. Gordon observes that there was virtually no economic growth for millennia until 1770. Then came a period of slow growth for another century, and then a "special century" from 1870 to 1970, with important inventions ranging from indoor plumbing to electrical grids and transportation, which radically changed human life, with significant progress by many measures.

Since the 1970s the picture is much more mixed. The basis for the contemporary high-tech economy was established in the last decades of the special century, mainly through public investment, adapted to the market in the years that followed. There is currently rapid innovation in frills — new apps for iPhones, etc. — but nothing like the fundamental achievements of the special century. And in the U.S., there has been stagnation or decline in real wages for non-supervisory workers and in recent years, increased death rates among working-class, working-age whites, called "deaths of despair" by the economists who have documented these startling facts, Anne Case and Angus Deaton.

There is more to say about other societies. There are numerous complexities of major significance that disappear in unanalyzed statistical tables.

Realism, crystallized intellectually by Niccolò Machiavelli in The Prince,has been the guiding principle of nation-states behind their conduct of international relations from the beginning of the modem era, while idealism and morality have been seen as values best left to individuals. Is political realism driving us to the edge of the cliff? And, if so, what should replace the behavioral stance of governments in the 21st century?

The two major doctrines of International Relations Theory are Realism and Idealism. Each has their advocates, but it's true that the Realists have dominated: the world's a tough place, an anarchic system, and states maneuver to establish power and security, making coalitions, offshore balancing, etc.

I think we can put aside Idealism — though it has its advocates, including,

curiously, one of the founders and leading figures of the modern tough-minded Realist school, Hans Morgenthau. In his 1960 work, *The Purpose of American Politics*, Morgenthau argued that the U.S., unlike other societies, has a "transcendent purpose": establishing peace and freedom at home and indeed everywhere. A serious scholar, Morgenthau recognized that the historical record is radically inconsistent with the "transcendent purpose" of America, but he advised that we should not be misled by the apparent inconsistency. In his words, we should not "confound the abuse of reality with reality itself." Reality is the unachieved "national purpose" revealed by "the evidence of history as our minds reflect it." What actually happened is merely the "abuse of reality." To confound abuse of reality with reality is akin to "the error of atheism, which denies the validity of religion on similar grounds."

For the most part, however, realists adhere to Realism, without sentimentality. We might ask, however, how realistic Realism is. With a few exceptions — Kenneth Waltz for one — realists tend to ignore the roots of policy in the structure of domestic power, in which, of course, the corporate system is overwhelmingly dominant. This is not the place to review the matter, but I think it can be shown that much is lost by this stance. That's true even of the core notion of Realism: security. True, states seek security, but for whom? For the general population? For the systems of power represented by the architects of policy? Such questions cannot be casually put aside.

The two existential crises we have discussed are a case in point. Does the government policy of maximization of the use of fossil fuels contribute to the security of the population? Or of ExxonMobil and its brethren. Does the current military posture of the U.S. — dismantling the INF Treaty instead of negotiating disputes over violations, rushing ahead with hypersonic weapons instead of seeking to bar these insane weapons systems by treaty, and much else — contribute to the security of the population? Or to the component of the corporate manufacturing system in which the U.S. enjoys comparative advantage: destruction. Similar questions arise constantly.

What should replace the prevailing stance is government of, by and for the people, highlighting their concerns and needs.

The advent of globalization has been interpreted frequently enough in the recent past as leading to the erosion of the nation-state. Today, however, it is

globalization that is being challenged, first and foremost by the resurgence of nationalism. Is there a case to be made in defense of globalization? And, by extension, is all nationalism bad and dangerous?

Globalization is neither good nor bad in itself. It depends how it is implemented. Enhancing opportunities for ideas, innovations, aesthetic contributions to disseminate freely is a welcome form of globalization, as well as opportunities for people to circulate freely. The WTO system, designed to set working people in competition with one another while protecting investor rights with an exorbitant patent regime and other devices, is a form of globalization that has many harmful consequences that would be avoided in authentic trade agreements designed along different lines — and it should be borne in mind that much of the substance of the "free trade agreements" is not about free trade or even trade in any meaningful sense.

Same with nationalism. In the hands of the Nazis, it was extremely dangerous. If it is a form of bonding and mutual support within some community it can be a valuable part of human life.

The current resurgence of nationalism is in large part a reaction to the harsh consequences of neoliberal globalization, with special features such as the erosion of democracy in Europe by transfer of decision-making to the unelected Troika with the northern banks looking over their shoulders. And it can and does take quite ugly forms — the worst, perhaps, the reaction to the so-called "refugee crisis" — more accurately termed a moral crisis of the West, as Pope Francis has indicated.

But none of this is inherent in globalization or nationalism.

In your critiques of U.S. foreign policy, you often refer to the United States as the world's biggest terrorist state. Is there something unique about the United States as an imperial state? And is U.S. imperialism still alive and kicking?

The U.S. is unique in many respects. That includes the opening words of the Declaration of Independence, "We the People," a revolutionary idea, however flawed in execution. It is also a rare country that has been at war almost without a break from its first moment. One of the motives for the American Revolution was to eliminate the barrier to expansion into "Indian country" imposed by the British. With that overcome, the new nation set forth on wars against the Indian nations

that inhabited what became the national territory; wars of "extermination," as the most prominent figures recognized, notably John Quincy Adams, the architect of Manifest Destiny. Meanwhile half of Mexico was conquered in what General U.S. Grant, later president, called one of the most "wicked wars" in history.

There is no need to review record of interventions, subversion and violence, particularly since World War II, which established the U.S. in a position of global dominance with no historical precedent. The record includes the worst crime of the postwar period, the assault on Indochina, and the worst crime of this millennium, the invasion of Iraq.

Like most terms of political discourse, "imperialism" is a contested notion. Whatever term we want to use, the U.S. is alone in having hundreds of military bases and troops operating over much of the world. It is also unique in its willingness and ability to impose brutal sanctions designed to punish the people of states designated as enemies. And its market power and dominance of the international financial system provide these sanctions with extraterritorial reach, compelling even powerful states to join in, however unwillingly.

The most dramatic case is Cuba, where U.S. sanctions are strongly opposed by the entire world, to no avail. The vote against these sanctions was 189-2, U.S. and Israel, in the latest UNGA [United Nations General Assembly] condemnation. The sanctions have been in place for almost 60 years, harshly punishing Cubans for what the State Department called "successful defiance" of the U.S. Trump's sanctions on Venezuela have turned a humanitarian crisis into a catastrophe, according to the leading economist of the opposition, Francisco Rodriguez. His sanctions on Iran are quite explicitly designed to destroy the economy and punish the population.

This is no innovation. Clinton's sanctions on Iraq (joined by Blair) were so destructive that each of the distinguished international diplomats who administered the "oil for food" program resigned in protest, charging that the sanctions were "genocidal." The second, Hans-Christof von Sponeck, published a detailed and incisive book about the impact of the sanctions (*A Different Kind of War*). It has been under a virtual ban. Too revealing, perhaps.

The brutal sanctions punished the population and devastated the society, but strengthened the tyrant, compelling people to rely on his rationing system for

survival, possibly saving him from overthrow from within, as happened to a string of similar figures. That's quite standard. The same is reportedly true in Iran today.

It could be argued that the sanctions violate the Geneva Conventions, which condemn "collective punishment" as a war crime, but legalistic shenanigans can get around that.

The U.S. no longer has the capacity it once did to overthrow governments at will or to invade other countries, but it has ample means of coercion and domination, call it "imperialism" or not.

Why is the United States the only major country in the world displaying consistently an aversion to international human rights treaties, which include, among many others, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)?

The U.S. almost never ratifies international conventions, and in the few cases where it does, it is with reservations that exclude the U.S. That's even true of the Genocide Convention, which the U.S. finally did ratify after many years, exempting itself. The issue arose in 1999, when Yugoslavia brought a charge of war crimes to the ICJ [International Court of Justice] against NATO. One of the charges was "genocide." The U.S. therefore rejected World Court jurisdiction on the grounds that it was not subject to the Genocide Convention, and the Court agreed — agreeing, in effect, that the U.S. is entitled to carry out genocide with impunity.

It might be noted that the U.S. is currently alone (along with China and Taiwan) in rejecting a World Court decision, namely, the 1986 Court judgment ordering the U.S. to terminate its "unlawful use of force" against Nicaragua and to pay substantial reparations. Washington's rejection of the Court decision was applauded by the liberal media on the grounds that the Court was a "hostile forum" (*New York Times*), so its decisions don't matter. A few years earlier the Court had been a stern arbiter of Justice when it ruled in favor of the U.S. in a case against Iran.

The U.S. also has laws authorizing the executive to use force to "rescue" any American brought to the Hague — sometimes called in Europe "the Hague Invasion Act." Recently it revoked the visa of the Chief Prosecutor of the ICC

[International Criminal Court] for daring to consider inquiring into U.S. actions in Afghanistan. It goes on.

Why? It's called "power," and a population that tolerates it — and for the most part probably doesn't even know about it.

Since the Nuremberg trials between 1945-49, the world has witnessed many war crimes and crimes against humanity that have gone unpunished, and interestingly enough, some of the big powers (U.S., China and Russia) have refused to support the International Criminal Court which, among others things, can prosecute individuals for war crimes. In that context, does the power to hold leaders responsible for unjust wars, crimes against humanity, and crimes of aggression hold promise in the international order of today?

That depends on whether states will accept jurisdiction. Sometimes they do. The NATO powers (except for the U.S.) accepted ICJ jurisdiction in the Yugoslavia case, for example — presumably because they took for granted that the Court would never accept the Yugoslavian pleas, even when they were valid, as in the case of the targeted destruction of a TV station, killing 16 journalists. In the more free and democratic states, populations could, in principle, decide that their governments should obey international law, but that is a matter of raising the level of civilization.

John Bolton and other ultranationalists, and many others, argue that the U.S. must not abandon its sovereignty to international institutions and international law. They are therefore arguing that U.S. leaders should violate the Constitution, which declares that valid treaties are the supreme law of the land. That includes in particular the UN Charter, the foundation of modern international law, established under U.S. auspices.

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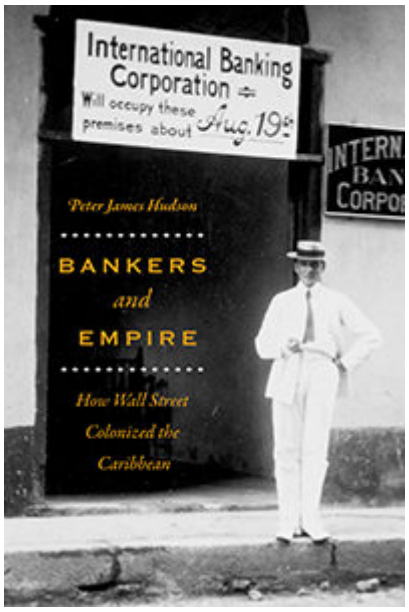
Peter James Hudson ~ How Wall Street Colonized The Caribbean



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This history of bankers and empire is also a Caribbean history. The Caribbean archipelago was ground zero for U.S. imperial banking. Wall Street's first experiments in internationalism occurred in Cuba, Haiti, Panama, Puerto Rico, the Dominican Republic, and Nicaragua, often with disastrous results—for those countries and colonies, and often for the imperial banks themselves. Yet where there was expansion, there was also pushback. The internationalization of Wall Street was met with local resistance, refusal and revolt. And just as the history of imperialism has been excised from popular narratives, so too has this history of Caribbean anti-imperialism and autonomy.

Go to: http://bostonreview.net/race/peter-james-hudson-how-wall-street-colonized-caribbean?

Note: *This essay is adapted and reprinted with permission from Bankers and Empire: How Wall Street Colonized the Caribbean, by Peter James Hudson, published by the University of Chicago Press.*