'We are the World':
Cosmopolitanism, Neo-Conservatism, and Global Humanity

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Abstract
Since the end of the Cold War, the writings of prominent neoconservatives in the United States in response to humanitarian crises have shown remarkable overlap with those put forward by cosmopolitan thinkers and promoters of humanitarian intervention. In both approaches, 'humanity' is understood as a bounded and exclusive community which highly developed Western societies are given the 'responsibility' to police on a global scale. The cosmopolitan desire to transcend borders and generate a global community, in this context, has played directly into the hands of the most staunch advocates of the Iraq invasion, at least in a rhetorical sense. Given this confluence of arguments on the legitimacy of military interventions for human protection purposes, this paper will argue that while the relationship between cosmopolitanism and international violence has been amplified in the context of the war on terror, it is an issue with deeper theoretical roots that must be understood if we are serious about reducing the amount of violence in the world. In response, fresh consideration must be given to the terms of political inclusion and exclusion that have become normalised in discussions on global political change. It may be that the commitment to 'humanity' must be abandoned if human lives are to be saved.

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1.   Introduction

In the aftermath of the first Gulf War and the break-up of the Soviet Union, liberal optimism about the future of the world ran high. It was at this time that George H. W. Bush declared the arrival of a 'new world order' in which:

> 'the principles of justice and fair play ... protect the weak against the strong ...' A world where the United Nations, freed from cold war stalemate, is poised to fulfil the historic vision of its founders. A world in which freedom and respect for human rights find a home among all nations.[1]

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It was, of course, a sentiment that found a more thorough-going intellectual grounding – as well as great controversy and consternation - in the work of Francis Fukuyama.[2] This wave of optimism cannot be separated from the humanitarian interventions that followed throughout the 1990s, in places such as Somalia, Bosnia, Kosovo, and East Timor. A feeling clearly existed amongst the Western powers that the use of military force to counter aggression was now more acceptable than ever and could be justified on moral and political grounds.

Contrary to the view that the attacks of September 11, 2001 constituted a break with the humanitarian sentiments of the post-Cold War era, this paper will argue that the neo-conservatism that has inspired the invasions of Afghanistan and Iraq, in the context of a Global War on Terror, has much in common with the military humanitarianism that propelled the humanitarian interventions of the 1990s and led to the formalisation of the 'responsibility to protect' at the United Nations World Summit in 2005. Most importantly, I believe that the connections between these two approaches, and their attendant militarism, can be traced to the deployment of an overdetermined concept of 'humanity' at the centre of their respective discourses.

2.   Neo-Conservative Humanitarian Militarism

The connections between neo-conservatism, liberalism, and militarism are increasingly being recognised. It is clear that the events of September 11, 2001, propelled the neo-conservative agenda for a 'benevolent' hegemonic United States to the forefront, contributing heavily to the doctrines of pre-emption and regime change that were set out in the National Security Strategy of 2002 and applied in the case of Iraq. What needs to be clarified, however, is the fact that the 'humanitarian' or 'democratic peace' arguments proffered by George W. Bush as justification for the invasion of Iraq are not, as many have claimed,[3] simply an *ex post facto* attempt to bring legitimacy to a failed policy in Iraq. Indeed, neo-conservatives such as William Kristol and Robert Kagan were amongst the foremost advocates of humanitarian interventions in the 1990s and were critical only of the perceived failure to use enough American firepower, particularly in the case of Serbia in 1999.

In lambasting Republican opponents to the 1999 Kosovo intervention, Kristol and Kagan asked whether 'the Republicans really want to present themselves as the party of callous indifference to human suffering'[4] and advocated more aggressive action against 'men like Milosevic and Saddam Hussein and Kim Jong-Il and the dictators in Beijing.'[5] Victory in Kosovo would demonstrate, moreover, that American power 'is a potent force for international peace, stability, and human decency.'[6] These concerns

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for a peaceful, stable, and 'decent' international order, guided by universal moral principles, motivated the 1996 call by Kristol and Kagan for an assertive, highly-militarised, 'neo-Reaganite' U.S. foreign policy. Thus, the preservation of 'benevolent hegemony' under the U.S. was, they claimed, 'the appropriate goal of American foreign policy… as far into the future as possible.'[7]

For the purposes of this paper, the most important element of this 'benevolent' approach is precisely the claim to represent the interests of all people in all parts of the world. While there is no consistency on the question of national interests and universal values amongst neoconservatives as a whole, all at least share some commitment to the 'spread of freedom' and may, in this sense, be identified as 'Wilsonian.'[8] Woodrow Wilson, of course, was an identifiably neo-Kantian thinker in his time, and his advocacy of international institutions for the establishment of collective security and the spread of democracy and human rights is well known. Like Wilson, contemporary neo-conservatives regularly invoke the defence of 'civilization' against the threat of rogues or barbarians as one of their chief motivations. In doing so, Kristol and Kagan, for example, approvingly cite Roosevelt's insistence that 'the defenders of civilization must exercise their power against civilization's opponents.'[9] This claim to being the arbiter of universal values of civilized, decent human society has since been reflected countless times in the speeches and policy documents of the Bush administration. It is closely related to Bush's statement that 'moral truth is the same in every culture, in every time, and in every place,'[10] which marked his pre-Iraq war address to West Point graduates in 2002. It is precisely these kinds of statements that illustrate the way in which principles of universal equality and human rights have fed into justifications for the infliction of violence in both neo-conservative theory and in U.S. foreign policy practice.[11]

Another key element of the neoconservative position is their approach to international or global institutions. This, indeed, is the issue that most would consider as separating neo-conservatives from their cosmopolitan counterparts: the rejection of the United Nations as a viable institution for overseeing the spread of liberal values and democratic institutions and the attendant claim that only strong U.S. leadership – or 'benevolent hegemony' - can obtain the desired results. Max Boot, for example, has argued in favour of the revival of 'liberal imperialism' on the proviso that he has 'more confidence in U.S. than in UN power.'[12] Similar arguments can be found throughout the neoconservative literature and the severe tensions between the Bush administration and the UN in recent years may be seen as further evidence of this ambivalent attitude.

Yet the privileging of U.S. power as the basis for universal political transformation also has its limits amongst neoconservative thinkers, to the

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extent that even on this institutional issue we can see much in common with the liberal internationalist position. Robert Kagan, for example, has recently suggested that a new international institution, including only nations that adhere to liberal-democratic principles, needs to be established in order to balance against the new 'autocratic alliance' that is developing under the leadership of Russia and China. According to Kagan, the 'tantalising glimpse of a new kind of international order' that emerged at the end of the Cold War has now been replaced by the 'normal' division of the world into competing spheres, leading to a situation where:

> The old competition between liberalism and absolutism has re-emerged, with the nations of the world increasingly lining up between them or along the faultline of tradition and modernity – Islamic fundamentalism against the West. The United States should pursue policies designed to both promote democracy and strengthen co-operation among democracies. It should join with other democracies to erect new international institutions that both reflect and enhance their shared principles and goals – perhaps a new league of democratic states to hold regular meetings and consultations on the issues of the day.[13]

This proposal for a global institution of democracies looks remarkably similar to the proposal put forward by liberal international lawyer Geoffrey Robertson in 1999, who argued that the UN should be replaced by 'a kind of global NATO that would no longer be encumbered by backward or barbaric states.'[14] Such connections and continuities between neo-conservatism and cosmopolitanism, particularly as they relate to the promotion of a singular view of global order and reintroduce powerful notions of 'just war', must be understood if we are to avoid some of the intensely violent struggles that are currently being played out in many parts of the world.

3.   Cosmopolitan Humanitarian Militarism

As with neo-conservatism, it is impossible to speak of cosmopolitanism as a wholly unified school of thought. For the purposes of this paper, I will focus upon those who have espoused universal moral principles as a basis for the carrying out of humanitarian interventions since the end of the Cold War. In this vein, the work of Mary Kaldor, Thomas Franck, Anne-Marie Slaughter, Alex Bellamy, Michael Ignatieff and Fernando Tesón,[15] has provided a great deal of impetus to the emergence of the 'responsibility to protect' doctrine, which gained recognition and limited acceptance at the 2005 UN World Summit. Perhaps more importantly, most of these scholars offered their support to the 2003 invasion of Iraq on humanitarian grounds, with Michael Ignatieff, for example, arguing that a

'military prong' was required to back up the political process in winning the war on terror and that he 'had made the human rights judgement that 26 million Iraqis would be better off as a consequence' of the invasion.[16] In all of this work, we can clearly see the emergence of a cosmopolitan argument for the use of force, founded on claims about universal morality and the need for democratic reform at local, national, and global levels in order to realise these universal claims.

In making the case for a 'militarised cosmopolitanism' the moral grounding is usually established, in an almost unproblematic fashion, as an extension of human rights theory in combination with the economic, social and technological interconnectedness of the current era of globalisation. From this basis, it is argued that those who carry out acts of violence or abuses of human rights that 'shock the conscience of mankind'[17] should be subject to international military intervention, even if the violator claims the protection of state sovereignty. In this way, the spirit of post-Cold War liberal optimism is carried forward into a concrete plan for the transformation of world order.[18] The 'old' Westphalian system of independent, sovereign states is said to have been replaced by the new recognition of our common humanity, lifting the realisation and protection of universal human rights above the protection of state rights.[19] International law becomes cosmopolitan law as the focus turns from the state to the human individual.

The second area of importance relates to the question of institutional transformation. The question here, of course, is: who decides when humanitarian interventions are legitimate or legal? In this respect, the advocacy in favour of new international (or global) institutions that would promote Western moral and political principles as universal principles has not been limited to Geoffrey Robertson. Indeed, throughout the literature on humanitarian intervention we can see repeated criticisms of the ineffectiveness of the Security Council when faced with humanitarian crises. Emblematic of this critique are the principles established in the International Commission on Intervention and State Sovereignty (ICISS) report entitled 'The Responsibility to Protect,' which gives the 'first call' on interventions to the Security Council, but warns of the obsolescence of that body of it fails to act in 'conscience-shocking situations.'[20] In such cases (and it must be noted that China and Russia are often singled out for blame in this context) authority is said to pass first to regional bodies such as NATO or the African Union and, failing that, to single nations or (democratic) 'coalitions of the willing' that are prepared to act decisively against the abuser.[21] This pattern is followed in an article that literally unites the neo-conservative and liberal positions, Lee Feinstein and Anne-Marie Slaughter's 'A Duty to Prevent.' Here, the authors combine the tenets of the responsibility to protect with the pre-emptive strike policy of the Bush Doctrine, arguing that military interventions may be necessary to prevent nuclear proliferation, terrorism, as

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well as abuses of human rights or the overturning of democratic political arrangements.[22]

An objection might be raised to the effect that neo-conservatives are far more interested in advancing U.S. national interest than they are in creating a peaceful global order and that the neo-conservative commitment to human rights and democracy is nothing more than a self-serving 'noble lie' that is designed to unite the American people around a common, nationalistic mythology.[23] While there may be some truth in this, it still begs the question as to how liberal principles of individual freedom, human rights, and democracy can be espoused by two very separate theoretical traditions and can lead directly to the problematic conclusion that we must make war in order to win the peace. As Ulrich Beck has argued, we must recognise 'the paradox that the successful institutionalization of the cosmopolitan regime that serves the objective of securing the world conjures up the contrary: the legitimization and legalization of war.'[24]

4.   The Problem with Global Humanity

The question that now needs some consideration is: what is it that neoconservatives and liberal cosmopolitans share in common that leads to this problematic attachment to violence as a path to a better future? The answer, I believe, can be found in the attachment to an abstract concept of 'humanity' as the basis for achieving world peace. It is necessary, therefore, to ask serious questions about 'humanity' in the early twenty-first century: Are all biological humans automatically considered members of this group? If not, how do some people become excluded and what are the consequences of this exclusion? The approach that I want to take in the following brief discussion of these questions is to understand 'humanity' not as a pregiven biological category, but as a political discourse. Such an approach has a number of important consequences, not least of which is the impetus to understand 'humanity' not as a universal community, but as one which only gains its coherence and meaning in the face of the 'constitutive outsider'.

This critique of discourses of 'humanity' has united a variety of scholars against the war in Iraq (and the war on terror more broadly), who see contemporary Western leaders – most notably Bush and Blair – as engaging in a kind of liberal imperialism.[25] What has emerged, in response, is a defence of pluralism that draws upon the critique of moral universalism put forward by conservative or 'Realist' traditions of international relations as well as new theories of discourse that seek to affirm, rather than efface, the irreducible variety and ceaseless transformation of global politics.

This synthesis of two very different schools of thought is perhaps best represented in the renewed interest in the work of German legal theorist, Carl Schmitt, who, in writing of the failures of the Weimar Republic, best

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pinpointed the dangers of an emergent liberal humanitarianism in international politics as a recipe for ongoing wars of intervention. Within the context of his broader reading of (international) politics as the process of demarcating 'Friend' (freund) from 'Enemy' (fiend),[26] Schmitt saw the development of a 'moralistic' doctrine of war, supported by the thin liberal legalism of the League of Nations, as a grave danger.[27] The key indicator of the emergence of this problem lay in the increasing use of the term 'humanity' as the basis of a grievance which could justify war. Thus the problem, according to Schmitt, was that:

> Humanity as such cannot wage a war because it has no enemy, at least not on this planet… When a state fights its political enemy in the name of humanity, it is not a war for the sake of humanity, but a war wherein a particular state seeks to usurp a universal concept against its military opponent. At the expense of its opponent, it tries to identify itself with humanity in the same way as one can misuse peace, justice, progress, and civilization in order to claim these as one's own and deny the same to the enemy.[28]

For Schmitt, this characterisation of war as a battle for 'humanity' was indicative of the evaporation of any sense of control or 'formalism' in the conduct of war, opening up the potential to unleash horrific wars of annihilation which had previously been constrained by the European public law notion of war as a 'duel between formal states.'[29] In contrast to this more conservative and 'balanced' legal tradition, guided by the principles of sovereignty inaugurated in the Peace of Westphalia in 1648, the new legal moralism of liberal internationalists such as Woodrow Wilson would, according to Schmitt, lead to war without restraint, as:

> To confiscate the word humanity, to invoke and monopolize such a term probably has certain incalculable effects, such as denying the enemy the quality of being human and declaring him to be an *outlaw of humanity*; and war can thereby be driven to the most extreme inhumanity.[30]

Finnish legal theorist Martti Koskenniemi further summarises Schmitt's argument, with particular reference to the idea of a humanitarian war, in explaining that:

> The humanitarian war becomes a war of annihilation (*Vernichtungskrieg*), a global civil war where the enemy does not have the dignity of a State and resistance will appear as 'the

illegal and immoral resistance of a few delinquents, troublemakers, pirates and gangsters.'[31]

Basing his argument on this fundamental question of definition, Schmitt contended that the notion of humanitarian war that he identified pointed to a larger crisis within international law, which he saw as being entirely beholden to political power and, consequently, imperialist ambition.[32] Hence, any attempt to claim authority for international acts through international law was, in effect, a particular *political* claim rather than a universal *moral* or *legal* claim, and should be acknowledged as such, not blurred by the rhetoric of 'humanity'.[33] This move away from the notion of equal and independent nation states toward a hierarchised and morally divided world was, for Schmitt, indicative of the transformation of the global spatial order, with certain political consequences, heralding the arrival of a new '*nomos* of the Earth.' The re-emergence of 'just wars,' so central to the narratives of both neo-conservatives and cosmopolitans in recent years, is perhaps the most telling (and worrying) symptom of this transformation.[34]

What we are left with, therefore, is the conviction on the part of many scholars and policy-makers, both neo-conservative and cosmopolitan, that their particular 'way of life' is the only *decent* way of life. Or, as the title of this paper suggests, that they (or we) *are the world*. Such a claim can be heard in the constant and unproblematic use of the terms 'humanity' or 'international community' when aggressive foreign policies are being explained and justified. Regardless of the theoretical principles that we begin with, or the ends that we have in mind, the problem that will be encountered is that in any militarised discourse of 'humanity' there can be no room for living with an exterior other, and that *in order to maintain a sense of logic or truth* the subhuman, the inhuman, or the animal must be constantly identified, effaced, and erased. Interventionist wars, from this perspective, represent the endless 'coming into being' of the pure community of humanity.

Must it be said, therefore, that cosmopolitanism must be abandoned if we want to avoid further brutal wars such as the one currently under way in Iraq? Not necessarily. I would argue that what is necessary is a sustained challenge to the dominant schools of contemporary cosmopolitanism that exhibit such a strong attachment to the exercise of force in striving for their peaceful ends. There is, of course, much to be admired and much to be preserved in the long history of cosmopolitan thought, so it would be wrong to 'throw the baby out with the bathwater'. But the problematic attachment to a singular notion of 'humanity' must be subject to rigorous critique in order to avoid the extremes of violence that it might produce. The realisation of a cosmopolitan order, from this perspective, should not entail the simple declaration that we have found the key to a perfect world and the deployment of troops to cut down anyone who appears to oppose it. Instead, we should

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investigate the possibility of a cosmopolitanism that reflects the infinite variety of the cosmos, and does not simply collapse the many into one.

Notes

[1] George H. W. Bush, 'New World Order: President Bush's Speech to Congress', 2005, accessed 5 October <http://www.al-bab.com/arab/docs/pal/pal10.htm>.

[2] As Fukuyama argued: 'As mankind approaches the end of the millennium, the twin crises of authoritarianism and socialist central planning have left only one competitor standing in the ring as an ideology of potentially universal validity: liberal democracy, the doctrine of individual freedom and popular sovereignty. Two hundred years after they first animated the French and American revolutions, the principles of liberty and equality have proven not just durable but resurgent.' Francis Fukuyama, *The End of History and the Last Man*; New York, The Free Press, 1992, at 42.

[3] Thomas Weiss, for example, has argued that in the case of Iraq, 'the use of the term 'humanitarian' has the hollow ring of rationalization after the fact and after the earlier justifications – mainly weapons of mass destruction and links to Al-Qaeda – proved vacuous. Thomas G. Weiss, *Humanitarian Intervention: Ideas in Action*; New York, Polity Press, 2007, at 126.

[4] William Kristol and Robert Kagan, 'Kosovo and the Republican Future', *The Weekly Standard*, 1999, 11-12 at 12.

[5] William Kristol and Robert Kagan, 'Win It', *The Weekly Standard,* 19 April 1999, p. 9.

[6] William Kristol and Robert Kagan, 'Victory', *The Weekly Standard,* 14 June 1999, p. 11.

[7] William Kristol and Robert Kagan, 'Toward a Neo-Reaganite Foreign Policy', *Foreign Affairs,* 75, 41996, 18-32, at 23.

[8] See, for example, Charles Krauthammer, 'In Defence of Democratic Realism', *The National Interest,* Fall, 772004, 15-25, Michael Desch, 'Liberals, Neocons, and Realcons: The Politics of Humanitarian Intervention', *Orbis,* 45, 42001.

[9] William Kristol and Robert Kagan, 'The Present Danger', *The National Interest,* 59, Spring2000, at 68-69.

[10] George W. Bush, 'President Bush Delivers Graduation Speech at West Point', viewed on 15 September 2005, <http://www.whitehouse.gov/news/releases/2002/06/20020601-3.html>.

[11] For a comprehensive analysis of the divisive discourses of the war on terror see Richard Jackson, *Writing the War on Terrorism: Language, Politics, and Counter-Terrorism*; Manchester, Manchester University Press, 2005.

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[12] Max Boot, 'Paving the Road to Hell: The Failure of Un Peacekeeping', *Foreign Affairs,* 79, 22000, at 148.

[13] Robert Kagan, 'The World Divides... And Democracy Is at Bay', *The Sunday Times,* 2 September 2007, sec. News Review, p. 4.

[14] Geoffrey Robertson, *Crimes against Humanity: The Struggle for Global Justice*; New York, The New Press, 1999, at 447.

[15] See, in particular, Mary Kaldor, *New and Old Wars*; Cambridge, Polity Press, 2001, Thomas Franck, 'Interpretation and Change in the Law of Humanitarian Intervention', in *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* J Holzgrefe and R. O. Keohane (eds.); Cambridge: Cambridge University Press, 2003, 204-31, A. M. Slaughter, 'Sovereignty and Power in a Networked World Order', *Stanford Journal of International Law,* 40, 2, Sum 2004, 283-327, Lee Feinstein and A. M. Slaughter, 'A Duty to Prevent', *Foreign Affairs,* 83, 12004, 136-50, Alex J. Bellamy, *Kosovo and International Society*; Hampshire ; New York, Palgrave, 2002, xviii, 259, M. Ignatieff, 'Intervention and State Failure', *Dissent,* 49, 1, Win 2002, 115-24, Fernando R. Tesón, 'The Liberal Case for Humanitarian Intervention', in *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* J Holzgrefe and R. O. Keohane (eds.); Cambridge: Cambridge University Press, 2003, 93-129.

[16] M. Ignatieff, 'The Lesser Evil: Hard Choices in a War on Terror', viewed on 4 November 2005, <http://www.carnegiecouncil.org/viewMedia.php/prmTemplateID/8/prmID/4370>. Interestingly, Ignatieff has recently published a *mea culpa* on his support for the war in Iraq, on the grounds that 'good judgment in politics looks different from good judgment in intellectual life.' See M. Ignatieff, 'Getting Iraq Wrong', *The New York Times,* 5 August 2007, sec. New York Times Magazine.

[17] This is the phrase used in the ICISS report: Gareth Evans et al., 'The Responsibility to Protect', (Ottawa: The International Commission on Intervention and State Sovereignty, 2001) at 31, 75.

[18] For recent examples see Mary Kaldor and Andrew Salmon, 'Military Force and European Strategy', *Survival,* 48, 12006, 19-34, Mary Kaldor, Sabine Selchow, and Mary Martin, 'Human Security: A New Strategic Narrative for Europe', *International Affairs,* 83, 22007, 273-88.

[19] As the ICISS report puts it, 'Thinking of sovereignty as responsibility, in a way that is being increasingly recognized in state practice, has a threefold significance. First, it implies that the state authorities are responsible for the functions of protecting the safety and lives of citizens and promotion of their welfare. Secondly, it suggests that the national political authorities are responsible to the citizens internally and to the international community

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through the UN. And thirdly, it means that the agents of state are responsible for their actions; that is to say, they are accountable for their acts of commission and omission. The case for thinking of sovereignty in these terms is strengthened by the ever-increasing impact of international human rights norms, and the increasing impact in international discourse of the concept of human security. Evans et al., 'The Responsibility to Protect', at 13.

[20] Ibid. at 49-50.

[21] This argument is also the basis for Robertson's suggestion for a new democratic institution. See

[22] Feinstein and Slaughter, 'A Duty to Prevent'.

[23] For a good overview of the Straussian influence on neo-conservative politics see Jim George, 'Leo Strauss, Neoconservatism and U.S. Foreign Policy: Esoteric Nihilism and the Bush Doctrine', *International Politics,* 42, 22005, 174-202.

[24] Ulrich Beck, 'War Is Peace: On Post-National Wars', *Security Dialogue,* 36, 12005, at 5.

[25] See, for example, Beate Jahn, 'Kant, Mill, and Illiberal Legacies in International Affairs', *International Organization,* 59, Winter2005, 177-207. and Tony Smith, *A Pact with the Devil: Washington's Bid for World Supremacy and the Betrayal of the American Promise*; New York, Routledge, 2007.

[26] Carl Schmitt, *The Concept of the Political*, trans. Tracy Strong Translated from Das Begriff der Politischen [2nd Ed. 1934] edn.; Cambridge, Mass. and London, MIT Press, 1996. For a brief commentary on the significance of this distinction in broader 'identity politics' terms see Iver B. Neumann, 'Self and Other in International Relations', *European Journal of International Relations,* 2, 21996, 139-74, at 147.

[27] Schmitt, *The Concept of the Political*.

[28] Ibid., at 54.

[29] Martti Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960*; Cambridge, UK, Cambridge University Press, 2001, xiv, 569, at 432.

[30] Schmitt, *The Concept of the Political*, at 54. Emphasis added.

[31] Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960*, at 434. For a discussion on the significance of Schmitt's conception of the 'global civil war' see Giorgio Agamben, *State of Exception*, trans. Kevin Attell; Chicago, The University of Chicago Press, 2005, at 2-3.

[32] For a discussion of this approach see Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960*, at 432-36.

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[33] Ibid., at 434. Thus Schmitt advocated an end to the pretence of formality in international law, concluding that the end of the tradition of European international law, based around the protections of sovereignty, should now be set aside, to be replaced by a fluid politics of 'decision' which would openly reflect the friend/enemy distinction that was, for Schmitt, the basis of all political life. Yet while Schmitt may have correctly identified political power, rather than universal values of humanity, as the basis for determining international legal norms, there was still no reason why such a perspective could not be equally adopted by those who still held a profound belief in the spread of liberal democracy as the path to world peace. Indeed, it could be argued that Schmitt's notion of international law-as-power provided an even freer hand to the policy-maker intent on the propagation of universal morality, insofar as it removes the formal constraints of the laws of sovereignty that may previously have helped to shield states against intervention. This is certainly the view taken by Koskenniemi, who argues that: 'Schmitt's legacy was to inaugurate a dynamic and deformalized concept of law that would show its usefulness as the symbol of the concrete order that American power was able to produce.' See Koskenniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law, 1870-1960*, at 483.

[34] Carl Schmitt, *The Nomos of the Earth*, trans. G. L. Ulmen; New York, Telos Press, 2003, at 320-22.

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———, 'Win It', *The Weekly Standard,* 19 April 1999, p. 9.

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