

Does Anyone Really Want a Parliament of Man?

Paul Kennedy
The Parliament of Man:

The Past, Present, and Future of the United Nations (2006)

Kenneth Anderson *

Paul Kennedy inclines ever toward sweeping themes. Distinguished historian and teacher of an acclaimed course on grand strategy at Yale University, his most famous book is “The Rise and Fall of the Great Powers: Economic Change and Military Conflict”.¹ His new book, “The Parliament of Man”², is likewise daunting in scope, a history of the rise of the United Nations and the efforts of the last hundred years at global governance.

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¹ P. Kennedy, *The Rise and Fall of Great Powers: Economic Change and military conflict* (1989) [Kennedy, 1989].

² P. Kennedy, *The Parliament of Man: The Past, Present, and Future of the United Nations* (2006) [Kennedy, 2006].

Kennedy is what is called in Anglo-American academic tradition a “Whig historian”³ – a historical teleologist. He offers a view of history marked, not just by definite moral ideas, definite ideas of right and wrong in history, what constitutes good people and enlightened government, but marked further and crucially by a firm (if only occasionally explicit) belief that history is gradually working itself out according to this telos, historical progress toward those moral ends. It arises from an honorable impulse, a belief in the ability of human beings collectively to exercise their agency toward the good. But it also raises questions of objectivity as to whether history is indeed working itself out toward those moral ends – and when, exactly. And, naturally, disputes over what those moral ends should be.

The idea of historical and moral progress was at the core of “The Rise and Fall of the Great Powers”, but it was there expressed inversely. That book was a treatise on economic and political decline – specifically, the apparently inevitable decline of the United States, considered morally-historically against the decline of other empires. American political decline would apparently be the inevitable result of economic weakness arising from an imperial proclivity toward war, conflict, and militarization.⁴ The historical scope was enormous (the years 1500 to 2000) but the moral sub-text disconcertingly narrow, focused almost entirely (as it seemed to me both on its publication and re-reading it today) on the late Cold War and, come to it, the Reagan years and the military build-up associated with them. Four centuries of history in order to explain five short years of American experience, and those five years then still underway? Rarely has the leap been quite so intellectually unprotected, bungee jumping without fastening the cord: from the unimpeachable, but also uninformative, observation that no empire in the course of history has lasted forever, to the claim that the American empire was teetering. And that is even accepting the claim that American empire is an empire and not a hegemon fundamentally different in kind from, say, imperial Spain or Britain.

The sotto-voce moral-historical lesson behind Kennedy’s apparently dismayed, sorrowing voice of warning was plain enough; American decline is historically inevitable, but overall it is, for the whole world, a good thing.⁵ That and (as I recall when the book came out) oodles of *schadenfreude* in Europe, a self-satisfied sense of political karma justified by a British profes-

³ A. Wilson & T. G. Ashplant, ‘Whig History and Present-Centred History’, 31 *The Historical Journal* (1988), 1, 10.

⁴ Kennedy, 1989, *supra* note 1, 514.

⁵ *Id.*, 514.

sor at Yale explaining it all as History. But karma is a slippery thing and so, in the endless turning of the wheel of this world of illusion and desire, ephemera and impermanence, Professor Kennedy's book appeared in 1987, a scant two years before the fall of the Soviet Union and the Warsaw Pact, the liberation of eastern and central Europe, and American victory in the Cold War. One man left standing, and not Soviet communism. American decline? Yet Kennedy's reputation has not suffered, least of all outside the United States (the book has been translated into twenty-three languages, after all) because it was always an expression of hope over experience. As if to say, 'Some day (God willing) it will be true': the essence of Kennedy's historiography, a historical claim conjoined to a moral plea to make it so.

Kennedy's new book, *The Parliament of Man*, is the flip-side of the same conjoined American declinism-Whig historical progressivism that characterized *The Rise and Fall of the Great Powers*. What many in 1987 (at least in the United States) took to be Kennedy's pessimism failed to understand that it was (from his standpoint and the standpoint of many in Europe) actually "progress." If progress was defined in the earlier book as the decline of American power, in the new book it is defined only slightly differently as the rise of the United Nations and "global governance".⁶ Progress is the (presumably) emerging hegemony of international institutions of governance, replacement of the hegemony of the United States with the (presumably) emerging hegemony of the United Nations.⁷ The emergence of global governance and the hegemony of the United Nations are understood, however, to depend upon the (presumed) decline of American power.⁸ And so the first book and the second only really make sense together. They are the continuation of the same teleological moral-historical project.

There are many presumptions here, less about the past than the future. Kennedy's academic field is history,⁹ but the reason people read him is that he is a speculative futurist. Each book purports to be about the past, but in fact each uses the past to will into existence a certain shared moral vision of the future. Each book offers this moral future as always being a historical possibility – and why not, since historical possibilities can hardly ever be

⁶ Kennedy, 2006, *supra* note 2, 51-58.

⁷ *Id.*, 51-58; see also I. Hurd, *After Anarchy: Legitimacy and Power in the United Nations Security Council* (2008), 174-93.

⁸ R. Thakur, *The United Nations Peace and Security: From Collective Security to the Responsibility to Protect* (2006), 49.

⁹ See <http://www.yale.edu/history/faculty/kennedy.html> (last visited 19 September 2009)

ruled out a priori? Yet somehow, in real life, the moral vision seems always to be an indefinitely receding horizon. American decline or the rise of global governance, either way, Kennedy reads the fitful evidence across long periods of time to favor the glass half full, gradually filling; and yet it never seems quite to get there, never quite reaches the fullness of time. Like those mad American evangelists who prophesy the end of the world, but then have to recalculate on a regular basis, Kennedy's telling of history is a form of soothsaying.

A.

But I get ahead of myself. The subtitle of *The Parliament of Man* is the "history of the United Nations." The subtitle in the original UK edition is, more tellingly, more teleologically, the "past, present, and future" of the United Nations. "Parliament of Man" refers to an 1837 poem of the young Alfred Lord Tennyson, *Locksley Hall*.¹⁰ The poem offers a rapturous "vision of the world" of the future. Its best-known passage alludes to all the "wonders that would be", in images simultaneously modern and romantic. It is remarkable as both vision and poem, and Kennedy does well to use it as the book's epigraph and ideological frame. Indeed, a quite fascinating historical note at the beginning of the book points out that this particular poem had a real-world effect: over a century later, the American president Harry Truman carried a copy of this poem about in his wallet and, when asked why he supported international institutions such as the incipient United Nations, he would pull it out to read aloud.¹¹

Truman was not alone in taking his moral cue from that hundred-plus year-old poem; it has inspired internationalists over generations, and even Winston Churchill made note of it.¹² But *Locksley Hall* is Kennedy's moral compass as well – it "runs through the present work," he says. It defines his Whig historiography and his futurism, and he is honest in putting it front and center. Mankind, Kennedy draws from the poem, is going to destroy itself unless it invents "some form of international organization to avoid

¹⁰ Kennedy, 2006, *supra* note 2, 'A note on Title'; A. Lord Tennyson, *Locksley Hall*, *Selected Poems*, Gramercy (2007); see also A. Lord Tennyson, *Locksley Hall* available at <http://rpo.library.utoronto.ca/poem/2161.html> (last visited 19 September 2009)

¹¹ Kennedy, 2006, *supra* note 2, "A note on Title".

¹² A. Schlesinger Jr., 'Bye, bye, Woodrow', *Wall Street Journal* (Eastern edition), 27 October 1993, A16.

conflict and advance the common humanity.”¹³ But though this is the centuries-running theme of all those many novels, poems, essays, scholarship, monographs, sermons, eulogies, polemics, jeremiads, songs, speeches, television shows, movies, videogames, and even Internet ‘second life’, is that what this poem tells us? If so, the gaps in the poem, its crucial interstices, its elisions, portend the possibility of something very different.

Tennyson writes at the onset of the Industrial Revolution in Britain.¹⁴ Looking forward, he foresees the growth of global commerce, trade across the heavens – the “skies”. he says, filled with airships “dropping down costly bales”.¹⁵ Free trade and incipient economic globalization, fuelled by technology; it is not unfamiliar to us today. But then those same skies are filled with war, the “nations’ airy navies grappling in the central blue”. Why, we are not told. Perhaps over that same global commerce, nations fighting for advantage over those “costly bales”; the poet does not say, but he does imagine, for example, the future horror of aerial bombardment, war in which there “rain’d a ghastly dew”. Yet finally, somehow, after this war waged across the skies, the “war-drum throb’d no longer, and the battle-flags were furl’d.”¹⁶

Come next the planetary utopia, the end of national conflicts and wars. But here the poem pauses in profound ambiguity. The war drums cease to throb and the battle flags are furled, “In the Parliament of man, the Federation of the world.”¹⁷ Yet the poem is quite silent as to how this is to come about. It is ambiguous on precisely the central point. Is this ‘Parliament of man’, this ‘Federation of the world’, the cause of global peace or instead its effect? War’s ceasing in the parliament of man? What is the meaning of this in? The question of cause and effect is not irrelevant even if the poem elides it. Nor is it irrelevant (it hardly needs saying) for Kennedy’s Whig history – and the heart of the matter is whether his book elides it, too.

Locksley Hall is culturally a product of nineteenth century Britain that can still reach out to stir the sentiments of the twentieth and twenty-first centuries. But it partakes of a vastly more ancient tradition of utopianism, stretching back several thousand years and yet also still able to stir us today.

¹³ Kennedy (2006), see *supra* note 2, xii.

¹⁴ See A. Lord Tennyson, ‘Biography, Encyclopedia Britannica’ available at <http://www.britannica.com/EBchecked/topic/587422/Alfred-Lord-Tennyson> (last visited 19 September 2009).

¹⁵ A. Lord Tennyson, see *supra* note 10.

¹⁶ *Id.*

¹⁷ *Id.*

Consider the famous sentiment – nay, prophecy – inscribed at the headquarters of the United Nations in New York, taken from the second chapter of Isaiah: “They shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up sword against nation, neither shall they learn war any more.”¹⁸ Yet unlike Tennyson, the Biblical writer offers specifics, in the verses preceding, how this wondrous condition comes to pass. It is the most interesting, if most overlooked, passage in the chapter, and unsurprisingly it is not chiselled into the walls of the headquarters building at Turtle Bay:

And it shall come to pass in the last days, that the mountain of the Lord’s house shall be established in the tops of the mountains, and shall be exalted above the hills; and all nations shall flow unto it. And many people shall go and say, Come ye, and let us go up to the mountain of the Lord, to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths: for out of Zion shall go forth the law, and the word of the Lord from Jerusalem.¹⁹

At that day, the Lord will “judge among the nations, and shall rebuke many peoples.”²⁰ Then – and only then – shall they beat their swords into plowshares and universal peace obtain.

The writer of Isaiah describes an eschatological peace, the peace of the end of days. But he understands as a matter of course that this requires an eschatological cause. The Lord in the mountain of the Lord’s house. One law coming from one place to all nations and all peoples. One judge before whom all nations come. Tennyson, by contrast, is a modern – a modern even if a romantic. While he proclaims an apparently eschatological peace, he has available to bring it to pass neither the Lord of Hosts nor even, seemingly, a genuinely transcendental (albeit secular) moving cause. On the contrary, the closest Locksley Hall comes to describing the proximate cause of this outbreak of global peace is pragmatic and practical, mild ratiocination, nothing at all transcendental: The “common sense of most”, he says, shall hold a “fretful realm in awe”. After having passed through “fretful” times – violent and troubled times, in other words – majoritarian common sense shall bring about what, in today’s terms, sounds remarkably like Francis

¹⁸ Book of Isaiah, 2:1-4, King James Bible.

¹⁹ Book of Isaiah, 2:2, King James Bible.

²⁰ Book of Isaiah, 2:4, King James Bible.

Fukuyama's "end of history".²¹ The "kindly earth" shall "slumber" in the lap of "universal law".²²

B.

And so the dilemma in the moral heart of Kennedy's history. On the one hand, the quest is to achieve an eschatological peace, but with means that are non-eschatological, commonsensical, modern, rational and even majoritarian. From un-utopia to utopia; but are the means sufficient to the ends? Or, on the other hand, we might deny that the peace sought is eschatological – we might claim instead that it is merely the tranquillitis ordinis that Augustine made the proper object of earthly government – and it is therefore within our modern, rationalist means. But then two further problems. If the means are rational, then they must be truly rational. Any proposal for global tranquillitis ordinis must therefore take account of the rationality problems of collective action – the tendency of parties to help themselves to benefits offered in common but to refuse individually to bear the costs.²³ Locksley Hall refers passingly to "most" people and their "common sense" as the solution to this problem. Yet it is precisely commonsense – rationality – that advises each to promise publicly to support the commonweal, but then instead to defect privately and play "beggar thy neighbour". This is the problem that realists of international relations have always raised, on global issues ranging from international security to the Kyoto Protocol.²⁴

Moreover, if the ends, and not simply the means, are merely rational, pragmatic, and commonsensical, why is the whole political undertaking of international organizations forever wrapped and infused with so much idealism and romanticism as to look, yes, eschatological? Glorious perpetual peace and all that? The ideological rhetoric that surrounds the UN – the rhetoric that permeates The Parliament of Man – has a constant and peculiar trope, always looking beyond the dismal, sordid, and not infrequently corrupt present of the United Nations to the glorious transcendental future of

²¹ See F. Fukuyama, *The End of History and the Last Man* (1992).

²² Lord Tennyson, see *supra* note 10.

²³ The literature is immense, but the place to start is still M. Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (1965).

²⁴ See S. J. Shackelford, 'The Tragedy of Common Heritage of Mankind', 28 *Stanford Environmental Law Journal* (2009), 109, 113; see also R. B. J. Walker, *Inside/Outside: International Relations as Political Theory* (1993), 7; S. Guzzini, *Realism in International Relations and International Political Economy: The Continuing Story of a Death Foretold* (1998).

global governance on offer. It is as though the present UN were a sickly sapling, but we must still, each and every time, excuse its failings because we look forward to the marvellous overarching tree of global governance that the sapling is to become. This is, roughly, Kennedy's book – it is his Whig moral history in a single metaphor. The rest of the book is more or less about convincing us to keep going with the sickly sapling that never, however, grows up to become the tree.

The grand enterprise might surely, at some point, be judged a mistake. Might not the best be the enemy of the good? Might the optimists' hope turn out to be false – that one can pursue a “pragmatic”, “efficient”, “good governance” UN of limited aims, ambitions, tasks, and mandate in the present and, simultaneously, pursue the vast ideal of genuine global governance for the future, a truly federal world of tomorrow? A false proposition, at least on the accumulated evidence? Perhaps the acceptance of the visionary ideal for the future somehow insidiously precludes (corrupts, to be precise, and holds hostage) the possibility of a more modest, but also more effective, UN of the present. A 2008 essay in *El Pais* by British journalist John Carlin (07-09-2008) complained about the relative invisibility of the current Secretary General, Ban Ki Moon, at least by comparison to his predecessor, Kofi Annan; it complains by extension that the UN as a whole is less visible than it was a few years ago.²⁵ Certainly the desire of Ban Ki Moon, quintessential diplomat, to be less visible than his ‘rock star’ predecessor is plain on its own terms²⁶ –but perhaps Ban Ki Moon is also seeking, with good reason, to restructure the idea and expectations of the UN away from the glorious future tree in favor of another vision altogether of the UN, a UN of few pretensions to glorious global governance, a UN aiming not at an overarching tree, but instead at creating a series of low, sturdy, limited hedge rows that perform competently their precise and limited functions.²⁷ Would this not be a better vision of the United Nations than a Paul Kennedyesque vision that it cannot possibly bring to pass and which, worse, in loudly announcing but failing to bring to pass, will cause much damage in its wake? But this is a

²⁵ J. Carlson, ‘Ban Ki Moon, El Hombre Invisible’, *El Pais*, 7 July 2008, available at http://www.elpais.com/articulo/reportajes/Ban/Ki-moon/hombre/invisible/elpepusocdmg/20080907elpdmgrep_1/Tes (last visited 19 September 2009).

²⁶ K. Annan, Lessons from the U.N. Leader, *Washington Post*, 12 December, 2006; Kofi and U.N. Ideals, *Wall Street Journal*, 14 December, 2006.

²⁷ “General Assembly supports Ban Ki-moon’s reform proposals for stronger UN.” UN News Centre, 15 March 2007 available at <http://www.un.org/apps/news/storyAr.asp?NewsID=21883&Cr=UN&Cr1=reform>. (last visited 19 September 2009).

hard doctrine to preach in the European Union, of course, where whole university departments, institutes, centres of advanced study (many well-subsidized by the EU itself) are devoted to exactly that optimism with regard to the EU itself as a constitutional order – and sometimes to the seemingly remarkable view that something resembling a constitutional structure can be scaled up by analogy from the EU to the world as a whole.²⁸

Yet even this skepticism about the optimists' faith still takes the moral desirability of this vision of the UN on its own moral terms. It merely raises realist skepticism about whether it is possible to get there. One might further dispute (as certainly I do) that Kennedy's vision of global governance is morally the right one in the first place. I would propose instead a vision of global order based around the robust multilateral cooperation of democratic sovereigns that, nonetheless, remain both democratic and sovereign because they are the legitimate expression of particular political communities in a way that the "world" can never be. It is somehow practically taken for granted that the "moral" vision of global order is necessarily global governance around some version of internationalism. On that assumption, then the debate is between global governance idealism and some crabbed realism that, however, does not challenge the idealism of global governance through liberal internationalism in the first place.

The real debate is joined, however, not between idealism and realism, but between two different forms of idealism – one premised upon liberal internationalism's global governance and the other upon a community of ideally democratic sovereigns whose terms of governance reflect the consent of the governed.²⁹ The prevailing presumption that idealism must be liberal internationalist global governance errs in making the further assumption that the "international" is morally superior to the merely national – why? By accepting that the "international" expresses the "universal". The underlying moral premise is that the international expresses the universal because it is above the petty, parochial, and partial, the self-interests of democratic sovereigns. This presumed equivalence is far from self-evident, however; the international might be thought just as partial and self-

²⁸ See, e.g., E. de Wet, 'The Emergence of International and Regional Values Systems as a Manifestation of the Emerging International Constitutional Order', 19 *Leiden Journal of International Law* (2006), 611-632.

²⁹ See the range of possible idealist positions, ranging from sovereignty to liberal internationalism, set out in K. Anderson, 'Remarks by an Idealist on the Realism of The Limits of International Law', 34 *Georgia Journal of International Law* (Winter 2006) 2, 253, 261-269.

interested and parochial, but its parochialism happens to be “global” and “transborder”. The elites who live in the jet stream, as it were, beyond mere surface geographies, who live in the time zones between New York and Geneva: they too have interests, they too have partialities, they are not somehow the magical embodiment of the “universal” just because they are unconfined by earth-bound geography: theirs are the partialities and parochialisms and interests of those who [...] live in the jet stream. There is no obvious reason why to give their values any special deference as “universal”.³⁰

But even accepting the premise of Kennedy’s moral vision, must the frankly unimpressive present of the UN be forever justified on account of the UN’s glorious future to come, if only we persevere? Can it be forever justified that way? It is unfortunately characteristic of Kennedy’s self-imposed blinders – blinders that he imposes without further ado on his readers – that he devotes, for example, one single sentence to the oil-for-food scandal, in which Saddam was able to corrupt the UN’s sanctions program at a cost of billions of dollars and vaster cost to his own people. Indeed, in an astounding mischaracterization, Kennedy deftly deflects blame for the UN’s corruption away from the UN (the “Iraq canker”, he calls it with masterful imprecision³¹) and back, finally, onto the US for its insistence on UN sanctions on Saddam’s regime. The intellectual quality of this book would be considerably improved if its default position were not seemingly that anything bad can eventually be blamed on the US.

It is not that The Parliament of Man simply refuses to acknowledge either the failures of the present UN, or the justification of its continuing failure, by appeal to the future. Intellectual defenders of the UN such as Kennedy simply do not appear to see the rife contradictions as any serious intellectual problem. Instead the inconsistencies are taken as an opportunity to switch back and forth at will from one justification to another. Idealism, utopianism, and glorious future of global governance at one moment; and pragmatism, narrow rationality, and practical problem-solving in the present at the next. What might have been thought grave inconsistency, intellectual bobbing and weaving, is instead offered as the best of all intellectual worlds.

Kennedy therefore jumps freely among these intellectual positions in order to tell, as he sees it, a “story of human beings groping toward a com-

³⁰ See K. Anderson & D. Rieff, ‘Global Civil Society: A Sceptical View’ in H. Anheier, *et al.* (eds), *Global Civil Society* (2005) available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=899771 (last visited 19 September 2009).

³¹ Kennedy, 2006, *supra* note 2, 76.

mon end, a future of mutual dignity, prosperity, and tolerance through shared control of international instruments.”³² The Parliament of Man seems sometimes to seek a bridge from the rational to the transcendent. Other times it backs off to suggest that “international organization” is finally all aimed at narrow pragmatics. I find these switches unsustainable. But in any case, the moral narrative that The Parliament of Man would like to tell – of the gradual, upward, evolutionary climb of human cooperation across nation-states finally to genuine global government – is eclipsed by having to explain the persistent gap between the apparent limits of rational cooperation and the utopian ideals that are supposed to animate the whole enterprise. The gap dominates Kennedy’s history of the United Nations; it is what finally must be explained. The UN is also, he notes, a “tale of multiple setbacks and disappointments.”³³ But Kennedy tells this tale in the way that a devout priest writes about the Church. Global governance is, finally, Kennedy’s religion, and so the UN’s constant lapses from virtue and goodness and rationality are explained as the inevitable errors of a pilgrim church finding its path, not as a reason to doubt the faith.

C.

Kennedy begins by distinguishing the UN and its founding from the earlier League of Nations. The Allies, he notes, who founded the UN had a reasonably clear idea of why the League had failed – an excess of idealism over realism, plus the fact that the League suffered from some specifically and spectacularly wrong notions of how collective security might work, or not. The UN’s founders sought to build the new organization with structures that would recognize the world as it actually existed. Kennedy’s account of the actors fashioning the fundamental architecture of the UN in the years 1941-45³⁴ – their heroic sense of the mission of the postwar even in the midst of war, yet their keen awareness that the structure of this new United Nations would have to be grounded in interests rather than merely ideals – is the best part of the book. It is diplomatic history keenly observed, and it will be a standard account for years to come. The war itself, Kennedy observes, sharpened those diplomats’ sense of the necessity of keeping a firm eye on interests and not just ideals. Indeed, we can add, their watchword might well

³² Kennedy, 2006, *supra* note 2, xv.

³³ *Id.*, xv.

³⁴ *Id.*, 24-47.

have been, ‘No More Kellogg-Briand Pacts’³⁵, international instruments that promise an easy universal peace but cannot possibly deliver and, much worse, deliver war as the consequence of their misbegotten promises.

Yet in another sense, those wartime founders continued all the same old idealisms and introduced some new ones, principally by adding the idea of human rights as a foundational ideal alongside the ideal of international peace. No question that these new ideals have deep roots; no question as well that they introduce new tensions and demands upon an international system that starts out with the goal of international peace and security (surely difficult enough) but which gradually adds the seeming sum of all human values, and most of those expressed in the language not just of aspiration, but of right. In order to understand this gradual unfolding of mission, Kennedy turns from comparison to the League to the main work of the book, a series of thematic chapters setting out in parallel the main values and, by extension, the work of the UN. The Parliament of Man is not in any sense a guide to the institutional UN – it is emphatically not, Kennedy says, a guide to the “alphabet soup” of UN agencies.³⁶ Yet for exactly that reason, and despite my reservations about Kennedy’s agenda, this is an excellent book for explaining the UN and, given its deep affinities for the organization, one of the best efforts in public diplomacy on the UN’s behalf, on its own terms and within its own ideology. Kennedy treats the broad themes of the UN’s work in three categories (which in any case are announced in the first article of the UN Charter³⁷): collective security; economic agendas of global north and south, and international development; and human rights and universal ‘values’.

UN collective security was borne out of two contradictory impulses. On the one hand, it began with the realist recognition that collective security must be enforced by the Great Powers and, as a consequence, must be consonant with their interests or at least not too directly contrary to any one of them. On the other hand, it internalized an idealist expectation that the Security Council would gradually evolve as an institution not just of Great Power confabulation, but of genuine global governance – into what former UN Secretary General Kofi Annan described as recently as 2005 as “our fledg-

³⁵ Also called the “Pact of Paris,” signed 27 August 1928, <http://www.state.gov/r/pa/ho/time/id/88736.htm> (last visited 19 September 2009)

³⁶ Kennedy, 2006, *supra* note 2, xv.

³⁷ U.N. Charter Art. 1, paras 1-3.

ling global collective security system.³⁸ Sixty years on and yet still “fledgling” surely ought to raise some intellectual alarm bells. So which is it to be? A conference table where the Great Powers can try and hammer out multilateral deals – a talking shop preferable, where possible, to war? That was, Kennedy says, how Dwight Eisenhower praised the UN in the 1950s.³⁹ Yet that vision of Great Power multilateralism is, Kennedy adds, a “long way from the early vision of a federation of the world”⁴⁰ – and from the collective security system, fledgling or otherwise, that Annan simultaneously asserted and imagined upon completing his second term in office. It is not impossible to be both, as ever say the optimists; one the daily reality and the other “evolving” in expectation of the future, and this is Kennedy’s hope: Whig history, once again.

Kennedy traces the Security Council’s mostly derailed path leading up to and then into the Cold War, with the Security Council frozen between the great two antagonists. The Security Council was little more than a talking shop in those years, and often not even that. Yet a certain kind of collective security did hold in those years – not on account of the UN, but because the two antagonists were fundamentally status quo powers unwilling to risk general conflagration. Hopes for the UN unleashed by the end of the Cold War, Bush pere’s call for a New World Order apparently based around international institutions, collective security finally enshrined in the Security Council, global governance finally on the horizon⁴¹ – it is hard to overstate the excitement that many liberal internationalists felt in those heady days of the fall of the Berlin Wall. Indeed, in a perverse sense, Saddam’s invasion and annexation of Kuwait was a fortuity, from the abstract standpoint of evolving global governance, because it was so nakedly a violation of everything the UN Charter stood for in the way of aggression, territorial conquest, the crudest violations of international peace and security, and internal genocide and crimes against humanity against the Kurds to boot. Everything bad in a single package, as it were; a peg for every interventionist to hang his hat.

³⁸ K. Annan, ‘Truman Library Speech’, 11 December 2006, <http://www.un.org/News/press/docs/2006/20061211annan.htm> (last visited 19 September 2009)

³⁹ Kennedy, 2006, *supra* note 2, 47.

⁴⁰ *Id.*, 47.

⁴¹ G. H. W. Bush, Address before a Joint Session of Congress on the Persian Gulf Crisis and the Federal Budget Deficit (11 September 1990).

D.

The subsequent wars of the Yugoslav succession and Rwanda in the 1990s forcefully brought everyone back to the realization that the Great Powers had interests, and they also had un-interests, and moreover that collective security in the Security Council had not magically, with the end of the Cold War, solved the problem of collective action and free-riding. But Kennedy significantly treats the collective action problem as one of the world system as a whole,⁴² the classic collective action problem of collective security, insincere promising and easy defection, and free-riding. This is the customary international relations account, and he accepts it. But as a consequence, he therefore treats the US simply as a special case of an especially powerful, dominant, even hegemonic actor (particularly when recounting the diplomatic run-up in the UN to the 2003 Iraq invasion) within the unitary world system.⁴³ This is true as far as it goes – this collective action problem is of course real – but it does not fully capture the true collective action conundrum of the UN and collective security, or fully account for the role of the United States.

The truest description of the international security situation since 1990 is that it is a conjoined and parallel UN-US security system. It is best described as two parallel, interlinked security systems – a weak one, the UN collective security apparatus, and a strong one, the US security guarantee.⁴⁴ Understood this way, the US is not merely a, or even the, dominant and most powerful actor. Rather, the US offers a genuinely alternative system of international peace and security. And the dominant actor's willingness to extend a security guarantee to a sizable portion of the planet, explicitly and implicitly, alters the meaning, necessity, and quality of collective security at the UN itself. They are two different game-theory scenarios – a dominant

⁴² Kennedy, 2006, *supra* note 2, 51 ([...] “the UN Security Council [...] the heart of our global security system.”)

⁴³ See, e.g., R. Thakur, *The United Nations Peace and Security: From Collective Security to Responsibility to Protect* (2006), 49 (if the “UN is the font of legitimate international authority, the USA has unparalleled capacity for the maintenance of international peace and security.”)

⁴⁴ J. F. McManus, “U.S. defenders or UN Enforcers?”, 30 May 2005, available at http://www.accessmylibrary.com/coms2/summary_0286-13878961_ITM; (last visited 19 September 2009); K. Anderson, ‘United Nations Collective Security and the United States Security Guarantee in an Age of Rising Multipolarity: The Security Council as the Talking Shop of the Nations’, 10 *Chicago Journal of International Law* (2009), 1.

actor within a UN collective security-defection international relations “game”; versus an actor that offers its own security package alongside that of the UN in a parallel collective security “game”. In a diplomatic system characterized (in game theory terms) by insincere public promises, easy defection, moral hazard, and free-riding, the fig leaf is assiduously maintained that the UN constitutes, or anyway offers, a collective security system.⁴⁵ Whereas in fact, most leading players in Europe, Asia, and Latin America, and even the Middle East, are unwilling to test the strength of that system: insincere lip service to the UN system while actually relying on the United States.

A realist might say, in other words, that for all the extant elite complaining and populist anti-Americanism, a remarkable number of countries have counted the costs of adherence to the US security promise and found it rather better than their own, and better than the UN’s, and better than anything else on offer, as to both benefits and costs. After all, the US does not even particularly care when those under its security hegemony (which extends far beyond its allies or clients to provide, perversely, significant stability benefits even to America’s acknowledged enemies) heap abuse on it (justified or not) because, in the grand scheme of things, it understands (however inchoately and inconstantly) that the system incorporates (often heartfelt but, in the final policy result, insincere) public rejection and protest by the system’s beneficiaries. The US is not imperial in a way that would cause it much to care. Part of accepting US security hegemony by its beneficiaries includes their rational desire to displace security costs onto another party, even if that providing party thereby has equally rational reasons to look to its own interests first, since it so overwhelmingly pays the costs.

Acceptance also includes realistic appraisal of the alternatives: would Europe (let alone Japan, South Korea, Taiwan, Indonesia, India, the Philippines, New Zealand, or Australia, or even Russia) prefer, for example, Chinese hegemony to the US? The crisis in Georgia forced a little bit of discussion – less than the newspaper headlines in that little war suggested, however – on the mission and role of NATO.⁴⁶ On the one hand, Europe is in

⁴⁵ Perhaps the best recent account of game theory in international law and relations is A. T. Guzman, *How International Law Works: A Rational Choice Theory* (2008).

⁴⁶ See V. Walt, *As NATO Gathers, Its Future Is Looking Cloudy*, *Time*, 2 April 2009, available at <http://www.time.com/time/world/article/0,8599,1889320,00.html?iid=tsmodule>; (last visited 19 September 2009); see also P. I. Belk & A. A. Rosen, *Let NATO Settle the Border Wars*, *Wall Street Journal*, 3 April 2009, available at <http://online.wsj.com/article/SB123870677956783813.html> (last visited 19 Septem-

strategic disarray with the reassertion of regional Russian imperial will; the interests of those close to it are different from those far away, and then, of course, the problem of Iran. At some point even the United States will wonder, as a matter of budget and defense plans, what NATO is worth: how long does a hegemon support its free riders? Is this not the barely-coded message to Europe, just beneath the surface of President Obama's fine and uplifting words to the General Assembly and the Security Council? Because the United States plans to devote itself to becoming a Western European-style social democracy, we, like you, will no longer be able to afford our global role as security hegemon. So we will talk multilateralism instead. Decode the barely-hidden message to understand – as President Sarkozy plainly did as he listened with open incredulity to the American president's speech in the Security Council – that you will no longer be able to depend in the long-run on the US for the 'hard power' that today sets the outer boundary for the use of force and that, in turn, allows Europe the luxury of both not spending on security and preaching goodness and peaceable virtue to the world. *We* will be like *you*; but this is no cause for rejoicing in Europe.

Be wary, O Europe, above all, of liberal internationalist Americans bearing gifts of multilateralism. Be prudent and re-read your own great Raymond Aron.⁴⁷ What might Aron say today? An America that does *not* assert, rudely and brusquely, its own interests and views first through NATO and elsewhere, an America that sings sweet songs of multilateral interdependence is, surely, a superpower that has decided to simply go along with what everyone else does, which is another way of saying it has tired of supporting the free riders, which is another way of saying that it, too, says one thing but might do another, and what it might do is not show up when the big battalions are finally needed. Prudent Europeans fear and do not trust, above all, an America that does not put its own interests *first* and carry the rest along in train. Europe will soon enough face an Iranian nuclear weapon along with its massive dependence upon Russian natural gas, even as its military strength declines yearly – hourly – and in important respects it is today at least arguably more dependent on the American security guaran-

ber 2009); see also C. A. Kupchan, NATO's Hard Choices, *New York Times*, 30 March 2009, available at <http://www.nytimes.com/2009/03/31/opinion/31iht-edkupchan.html>. (last visited 19 September 2009).

⁴⁷ For a brief, English-language introduction to the thought of R. Aron, see C. Caldwell, R. Aron and the End of Europe, Bradley Lecture Series, American Enterprise Institute (Washington DC 4 April, 2005).

tee, not less, than at any time since 1990.⁴⁸ Fear for yourselves, or at least for your children, when the Americans make a multilateralism and call it peace.

Come to that, one did not hear a great clamor among Europeans for the collective security of the UN, in the form of calls for resolution of the Georgia crisis by action of the Security Council – for obvious reasons. And yet, if one gives up the idea of the Security Council as the seat of collective security governance and understands it as the talking shop of the great powers, then it performed as well as should be expected. Of course it resolved nothing – but the architecture of the Security Council in the UN Charter anticipates that in a conflict among great powers on the Council, of course it cannot resolve anything. But it *did* provide a talking shop in which it was as a matter of course assumed that active, relatively public discussions would take place there – and, moreover would take place not just between antagonists, but much more publicly with other great powers, and even with non-great powers represented in rotation at the Council.⁴⁹ The Security Council performed well in the Georgia crisis, given what it is, not badly.⁵⁰

But if we are indeed moving toward a more multipolar world – at least in certain regions, the Russian ‘near abroad’ or the Chinese periphery – then the great power conflicts promise to become more acute, not less. As David Rieff has pointed out, multipolarity is by definition competitive, not cooperative.⁵¹ In such a world, the Security Council performs a vital, but perforce limited, function as multilateral talking shop for those conflicts – and its ability, as one hopes Ban Ki Moon and his advisors understand, to perform that function depends fundamentally on accepting its limitations. The rapturous fantasies of global governance that feature so prominently among

⁴⁸ See the Special Issue ‘Russia and International Law - From the North Pole to the Caucasus’, 1 *Göttingen Journal of International Law* (2009) 2.

⁴⁹ As Kennedy quite correctly says, even in the bitter Security Council in-fighting over the Iraq war, it could, and should, be said from a realist perspective that the “system worked, since the veto powers were always different from the rest [...] Those who claimed at the time that the United Nations had ‘failed’ miss the point.” Kennedy (2006), see *supra* note 2, 75 (emphasis in original).

⁵⁰ Kennedy makes this point indirectly with respect to the founding of the UN and the Security Council, *The Parliament of Man*, at 51 (“another select group of Great Powers came together to hammer out the new world order of 1945 [...] why should be at all surprised that they arrogated particular privileges to themselves? Contemporaries would have been staggered had they not done so.”).

⁵¹ D. Rieff, *Concerts and Silly Seasons*, *Opendemocracy*, 23 February, 2007, available at <http://www.opendemocracy.net/node/4380/pdf>. (last visited 19 September 2009)

liberal internationalists – Professor Kennedy and nearly all professors of international law, for example – are not just a quaint holdover in a multipolar world, they are today an affirmative danger, because they tempt institutions beyond their limits in time of crisis. The grand irony, for which Georgia, now looking backwards over several years, perhaps serves as a harbinger, is that the most propitious time for dreaming of global governance was precisely when the US was at its maximum, largely unopposed strength. Why? Because that space of hegemonic-US time allowed much of the world, much of the democratic industrialized world, the luxury of imagining that its security was one thing, when in fact it was another.

There are people in the world who must rely on the UN collective security apparatus; and not always to their benefit. Not even America's peculiarly changeable combination of interest and ideals extends everywhere: Darfur and Congo, for example.⁵² An important reason why the dual system persists is that the US and the industrialized world that takes its stability from US hegemony together see the UN system as the least costly system for enforcing minimum order in the hopeless world of failed and failing states – places that they will not, and realistically cannot, police (pace Afghanistan). But all this is emphatically not the system as Kennedy describes it; he offers instead the classic collective action problem located at the UN itself, in no small part because it is built into his a priori moral vision of the rise of UN hegemony necessarily through US decline. Kennedy might profitably consider that the existing UN system is one that is publicly in perpetual crisis and yet somehow, because of the parallel US security guarantee, never truly forced to a crossroads. It seems more plausible to see the UN in collective security as actually stable, to the point of stasis and stagnation. Even episodic protestations of crisis are an integral part of the quotidian theatre of the UN cul-de-sac.

On nearly every measure – population, influence, military might – the Security Council's five permanent members are completely unrepresentative of the world; Kennedy devotes much discussion to the issue, as one would expect if one thought the Security Council ought someday to be the principal organ of global security.⁵³ After all, the Council is not even especially a collection of the great powers anymore. This issue was (foolishly) the

⁵² For an eloquent recent attempt to address this problem, see T. Lindberg, *The Only Way to Prevent Genocide*, Commentary (April 2009), 9 (“Creative diplomacy can make a difference. But in the end, it may all come down to the willingness of the United States to act.”).

⁵³ Kennedy, 2006, *supra* note 2, 50-51 & 76

dominant discussion in largely abortive UN reform negotiations that took place in 2004-5: how to alter the composition of the Security Council to make it more realistically a meeting ground of the great powers, and how to make it more representative of the world as an idealized institution of global governance.⁵⁴ Kennedy candidly acknowledges that there is no solution to this issue; Kofi Annan, to his credit, urged the main players in UN reform to leave this question aside in favor of more urgent questions that could be resolved.⁵⁵ The main antagonist was not the United States, whose place on the Council is beyond question and is thus in the rare position of being a relatively neutral “honest broker” on the issue. The disputes arose instead from the lesser and declining military powers, France and Britain, as against the clamors of Japan, India, Nigeria, Brazil, and even economically powerful but de-militarized Germany.⁵⁶ Yet even if the existing “permanent five,” holding a veto, would accept any alteration, in real life Japan is checked by China, India by Pakistan, Brazil by its Latin American neighbors, Germany by the global recoil at a third EU permanent member and, alas, it is far from inconceivable that, in the next quarter century, Nigeria might fall into grave civil war.

Nonetheless, to a large extent Kennedy insists on telling the tale of the Security Council in the post-Cold War period as largely an ‘America versus the world’ story – a morality tale of heroic liberal internationalists checkmated by Republican Party intransigence.⁵⁷ It is both tiresome and seriously misleading to devote so much of the text to minor and parochial issues of US politics in what is supposed to be a discussion of the world system. It is as though Kennedy, whose prose is otherwise lapidary, stunningly clear, and entirely free of academic jargon, suffers from a sort of political Tourette’s Syndrome that causes him suddenly and inexplicably to lapse into irrelevant criticism of the US for this or that. Of what conceivable importance, for example, is his Little Englander digression on the virtue of the BBC over US news programmes, or any of a dozen other indulgences?

⁵⁴ See, e.g., Press Release, General Assembly, ‘Uniting for Consensus’ Group of States Introduces Text on Security Council Reform to General Assembly: Proposes Maintaining Permanent 5 with 20 Elected Members, U.N. Doc. GA/10371 (26 July 2005), available at <http://www.un.org/News/Press/docs/2005/ga10371.doc.htm>. (last visited 19 September 2009)

⁵⁵ Kennedy, 2006, *supra* note 2, 253.

⁵⁶ *Id.*, 249-251.

⁵⁷ E.g., *Id.*, 257 (“the paranoia of some American politicians”). These kind of references unfortunately litter the book.

The US, as Madeline Albright famously said, is the ‘indispensable party’⁵⁸, but what matters are not the little bits of internal US political wickedness that Kennedy cannot shake from his mind, but instead a much more basic fact that much of the industrialized world accepts the US role and depends upon it regardless of what is said. Kennedy fails to take account of a conjoined UN-US security system that prominently features diplomatic insincerity. He moreover assumes, as ever, a specific normative direction for “progress,” toward a genuinely UN system of collective security. Suppose, instead, that UN collective security is what everyone wants in theory but no one wants in practice? In any case, the rise of a new, multipolar world – not the decline of the United States as such, but instead, as Fareed Zakaria argues in a new book, *The Post American World*, the rise of new powers such as India and China, and the global risks posed by ‘resource extraction authoritarian states’ such as Russia, Venezuela, Saudi Arabia, and Iran – offers the opportunity to see how much America’s allies and friends, and for that matter its enemies, actually want to give up the stability proffered by America’s security guarantee.⁵⁹ That new world might offer much in the way of *schadenfreude* – it might not, however, be a thing of beauty.

E.

Economic agendas between the global north and south, international development and economic growth generally, are the least worked-out section of the book. They do not lend themselves very readily to diplomatic history. In any case, although throughout the history of the UN, ideological differences over what constitutes economic development have been sharp – permanent income transfer from the rich world to the poor, for example, or instead permanent economic growth in the developing world? – many of the arguments today are about means, not ends. The arguments over what works in international development are loud and sometimes bitter – but they are mostly about what works, not the desirability of development. The Parliament of Man is only moderately interested in these expert, mostly economic, debates, and slides off into a broader discussion about values and, eventually, the rise of human rights at the UN. But there is an important point here, not to be lost. Some UN agencies – the World Health Organization, for ex-

⁵⁸ See D. Chollet & J. Goldgeier, *America Between the Wars* (Public Affairs 2008), 176-177.

⁵⁹ See generally F. Zakaria, *The Post American World* (W.W. Norton & Company) (2008).

ample, or the World Food Program⁶⁰ – are widely considered to be good at what they do. Often proficiency goes hand with a technical, apolitical function, but not always. Peacekeeping operations, for example (apart from what is emerging as major corruption scandals involving large sums of money in procurement contracts), has generally been considered to be reasonably effective at its mission, although it is inherently political.

Effectiveness at the UN in fact has a simple predictor, one that Kennedy could have noted, except that it does not quite fit the narrative. Who pays? To whom is the agency accountable and upon whom is it fiscally dependent? Agencies that are accountable to, and subsist on the budget of, the General Assembly are generally bad at what they do. Agencies that are independently funded by voluntary contributions from donor countries in practice are much more effective.⁶¹ The policy implications are clear. Indeed, they have long been clearer to European aid agencies than to the United States. Fund the things that work, and demand accountability for voluntary contributions. The regular UN budget of the General Assembly for 2006-7 was approximately US \$3.8 billion; the peacekeeping budget, which is voluntary (although, for planning purposes, it is nonetheless agreed to by assessment among donors), was approximately US \$5.28 billion.⁶²

⁶⁰ The question of why WHO has performed very well in the current swine flu crisis – and in general in other recent cases of threatened pandemics, such as SARS – is an important one. Part of the answer lies in the agency's status as technical, generally apolitical, and as an effective actor in coordination with the world's leading public health authorities, such as the US Centers for Disease Control. It has certain aspects in its work that resemble so-called "transnational global governance networks," contributing to its effectiveness. For an informal blog discussion of these issues, see E. Posner, "Economics and International Law of Flu Pandemics," *Volokh Conspiracy Blog*, 29 April, 2009, at <http://volokh.com/posts/1241059256.shtml>; (last visited 19 September 2009) K. Anderson, "Swine Flu, Pandemics, and Transnational Regulatory Networks," *Opinio Juris Blog*, 26 April, 2009, at <http://opiniojuris.org/2009/04/26/swine-flu-pandemics-and-transnational-regulatory-networks/> (last visited 19 September 2009).

⁶¹ This was a general conclusion of the Gingrich-Mitchell report on UN reform; Task Force on the United Nations, *American Interests and UN Reform* (UN Institute of Peace 2005), at 42-61. Some of the conclusions drawn in this section come from my individual participation as an expert on the Task Force.

⁶² United Nations, *Current Peacekeeping Operations*, UN Background Note DPI/1634/Rev.94 (2009), available online at <http://www.un.org/Depts/dpko/dpko/bnote010101.pdf> (last visited 22 April 2009); United Nations Today 18, 78 (Department of Public Information 2008); United Nations, *Concluding Main Part of Session, General Assembly Adopts \$4.17 Billion Budget Early Saturday, in Wake of Fifth Committee's Diplomatic Breakthrough*, UN Press Release GA/10684 (2007).

Which is to say – Kennedy never grasps this point – the developed countries' aid agencies and large private foundation donors have in effect been carrying out a leveraged buyout of the functional and effective UN agencies for well over a decade. An LBO process at the UN, in fact, with Europe leading the way – quietly, however, and never quite admitting to it. A privatization, or at least 're-lateralization' among the rich countries, of international institutions and global governance, if you will.

The rest mostly lies in the hands, and the budget, of the General Assembly. Funded by mandatory dues, the General Assembly's budget is paid overwhelmingly by a handful of wealthy countries. The Parliament of Man operates at far too rarified an altitude to pay attention to the cash. It has, astonishingly, no serious discussion of funding even though one might have thought that the first mechanism for understanding the organization is to follow the money – as public choice theory or, for that matter, a Marxist might say, follow the material conditions underlying UN ideology to identify its "objective interests." So many, many pages dissecting proposals for reforming the Security Council that will, in fact, go nowhere, but no serious discussion of money? Kennedy really is a platonist at heart. The money exercise is slightly harder than it looks, however, as the UN does not have a unified budget; the Secretariat admits it does not really know how much it spends or even how many employees it has. The first ten countries' dues amount to about 76% of the regular budget for 2004-5 (the US is first at 22%, and Spain is number eight at 2.5%, just ahead of China at 2.07%), meaning that the remaining 180 or so countries in the world together account for merely a quarter of that budget, and the bottom 100 countries or so for effectively none whatsoever.⁶³

Whatever the distributive justice of that arrangement, it is also a clear incentive for the non-paying majority in the General Assembly to extract greater and greater resources from the paying minority. It is a game – otherwise known as 'moral hazard' - to which the paying handful called a halt some years back (led, interestingly, by Germany).⁶⁴ The de facto policy of the developed countries today is clear, even if never announced as such –

⁶³ <http://www.un.org/geninfo/ir/index.asp?id=150#budget1>. (last visited 19 September 2009).

⁶⁴ "Moral hazard" describes the behavior of agents who do not bear the full cost of their actions and, being able to externalize their costs onto other actors, have fewer disincentives to undertake actions from which the risk of such actions might otherwise deter them. Adapted from, OECD, Glossary of Statistical Terms, <http://stats.oecd.org/glossary/detail.asp?ID=1689>. (last visited 19 September 2009)

starve the General Assembly of funds, or at least hold it as closely as possible to current spending, and instead devote scarce resources to particular agencies through voluntary contributions. Money sent to the care and feeding of the General Assembly evaporates rapidly through rent-seeking, moral hazard, inefficiency, impressively high UN salaries and benefits, and outright corruption and fraud.⁶⁵ It is unfortunate, to say the least, that Kennedy simply ignores these facts; faced with the sordid realities, he, like so many other observers, prefers to make general noises about how corruption and rent-seeking happen everywhere, and retreat to the platonic categories of the glorious future of global governance. Yet it bears noting that the rent-seeking and even the corruption, the competition and shifting alliances and hierarchies of ownership over resources available to the General Assembly contribute in their way to the general stability, stagnation and stasis that characterizes the UN; the seemingly immovable 'UN in a cul-de-sac' reflects in part the stability of private deals and arrangements and rent-seeking over the General Assembly's resources.

F.

But the General Assembly and General Assembly budget directly fund much of the "values" apparatus of the United Nations, the underlying concepts to which Kennedy directs much enthused attention. Yet it is a curiously dated discussion. The narrative picks up the thread of the rise of human rights after 1945, and the explosion of human rights discourse and concerns after the Cold War ends.⁶⁶ Fair enough. Likewise the rise of "global civil society" – the international NGOs which, beginning with the landmines ban campaign of the 1990s, staked claims to be the "representatives" of the "world's peoples" (as Annan put it in 2000) to international organizations; likewise, fair enough, although critics in recent years have devoted much time to debunking the inflated claims of "representativeness."⁶⁷ But the rise of human rights and universal values must also take account today of two

⁶⁵ The issues of rent-seeking and corruption receive remarkably little coverage in the press or anywhere else; the most useful watchdogs include C. Rosett and her blog, The Rosett Report, at <http://pajamasmedia.com/audiarosett/> and, for practically the only genuinely "investigative" reporting on a regular basis directed at the UN, see the New York-based Inner City Press, at <http://www.InnerCityPress.com/>. (last visited 19 September 2009).

⁶⁶ Kennedy, 2006, *supra* note 2, 51-76.

⁶⁷ *Id.*, 215.

other, linked phenomena, neither of which is easily assimilated to the historical rise of rights discourse.

One is the gradual transformation of the language of human rights – really, universal liberalism – through the course of the 1990s into a language of multiculturalism and identity politics, based around religion, ethnicity, race, gender, and post-colonial status. These all amount to claims of political privilege for particular groups that are seriously at odds with universal liberalism – but they are expressed in the language of, and imbued with, the sacred status of ‘rights’:⁶⁸ What is regarded in Kennedy’s account, historically and into the future, as “liberal internationalism” with legitimacy claims to global governance would be more accurately rendered today as “multiculturalist internationalism” – and equally with legitimacy claims to global governance.⁶⁹

The differences, despite the identical rights rhetoric, are profound, and as a political reality today they mostly concern the fraught relationship between Islam and Muslims globally, on the one hand, and universal, secular liberalism, including genuinely universal human rights, on the other. The latter is gradually accommodating itself to the former, not the other way around. More precisely, at least as far as organs of the General Assembly are concerned, the content of “human rights” is increasingly subordinated to the desires, interests, ideologies, and religious doctrines of the countries of the Islamic Conference. Rights discourse, at least as far as the leading human rights bodies of the UN are concerned, is not about universal liberalism anymore. Rights discourse has been drafted into the protection and assertion of religious identity in general and Islam (more precisely, ‘Muslim-ness’, treated as a kind of claim of constitutive ethnic identity and so facilitating the characterization of any criticism of it or its content of doctrine as racism) in particular.⁷⁰ The fundamental disconnect between, for example, Spain

⁶⁸ For a discussion of this phenomenon, see K. Anderson, “Global Governance: The Problematic Legitimacy Relationship Between Global Civil Society and the United Nations,” available in draft at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1265839, (last visited 19 September 2009) and forthcoming in T. Pogge, *et al.* (eds), *The Ethics of Global Philanthropy* (2010).

⁶⁹ Kennedy, 2006, *supra* note 2, 18.

⁷⁰ The Durban II debate being only the latest move; see United Nations General Assembly, Outcome Document of the Durban Review Conference, e.g., Section 1, paragraph 13, available at <http://blog.unwatch.org/wp-content/uploads/2009/04/durban-ii-report.pdf>. (last visited 19 September 2009).

having a serious debate over the “rights” status of the Great Apes,⁷¹ the exquisitely calibrated, fine-tuning of an ideology of human rights to take into account genetic near neighbors, while at the same time, the ideology of rights is being redefined at the UN – with barely a whimper of protest, and none of it effective – to smash to bits the proud inheritance of Voltaire: well, enjoy the glass-bead game while it lasts.

This is a sharp discontinuity from the historical narrative dating from 1945 or even 1990. It does not find a place in Kennedy’s account of the UN, which prefers to spend its time dreaming of being ‘lapt in universal law’. The de facto rise of shari’a as the actual globalizing law moving to obtain across widening regions of the world, rather than secular and universal human rights, does not quite fit the narrative. But consider the lead UN agency on human rights, the Human Rights Council (which in 2005 replaced the Human Rights Commission, on account of the Commission’s complete and utter domination by the world’s worst human rights abusers, made possible, of course, because they were appointed to it with clockwork regularity by the General Assembly). Kofi Annan admirably made reform of the Human Rights Commission – its abolition, in fact, and replacement with the Council – central to his personal reform agenda in 2005.⁷² But in the event, nearly every important reform mechanism that might positively have impacted the new Council was eliminated. The US stood nearly alone in opposition, warning against a “compromise” to which, remarkably, the leading human rights NGOs foolishly committed themselves out of little more (so far as I could tell at the time) than the desire to ‘stick it’ to then-US ambassador John Bolton.⁷³ Two years later, today, the “reformed” Human Rights Council is, if anything, still more dominated by the world’s abusers than the old Commission, as even the *New York Times* (whose editorial page typically merely channels the UN Secretariat) made note.⁷⁴ Plus ca change?

⁷¹ L. Abend, “In Spain, human rights for apes,” *Time* (18 July 2008), at <http://www.time.com/time/world/article/0,8599,1824206,00.html>. (last visited 19 September 2009).

⁷² The Secretary-General, Report of the Secretary-General on the follow-up to the outcome of the Millennium Summit, delivered to the General Assembly, U.N. Doc. A/59/2005 (21 March 2005), available at <http://www.globalpolicy.org/reform/initiatives/annan/2005/followupreport.pdf>.

⁷³ See J. Bolton, *Surrender Is Not an Option: Defending America at the United Nations and Abroad* (2007), at 234-238.

⁷⁴ Editorial, The Dysfunctional Human Rights Council, *New York Times*, 10 April, 2009, available at <http://www.nytimes.com/2009/04/11/opinion/11sat2.html>. (last visited 19 September 2009).

But just as important is the content of the Human Rights Council's actual work on human rights. It has some useful special rapporteurs on particular subjects (although they do not include the current special rapporteur on Palestine and Israel, Richard Falk, who has publicly and bizarrely endorsed the possibility that American neo-conservatives plotted 9-11).⁷⁵ Leave aside the Council's grotesque, near exclusive preoccupation with Israel; leave aside its inability to criticize, as of this writing, even so great a human rights disaster as Zimbabwe under Mugabe; leave aside its laughable current concern that the British monarchy might be an affront to universal human rights and that the UK ought to hold a referendum on the matter.⁷⁶ The serious work of the Human Rights Council today, that which will outlive today, is to redefine the notion of human rights to be centrally about ensuring that free speech can never be directed against a religion or, really, much of anything else. Human rights, at least in the leading UN body devoted to the subject, is about liberalism. This, alas, and much more, eludes The Parliament of Man.

And so the book ends, with chapters devoted to more platonic theorizing about future structures of global governance that might one day come to pass.⁷⁷ It is a pleasant way for an intellectual to pass the time, one surmises. Indeed, The Parliament of Man closes with an 'Afterword' devoted (again) to Locksley Hall.⁷⁸ The reader of this review who thinks I have devoted far too much attention to it here seriously underestimates what it means to Paul Kennedy.

⁷⁵ E. Lake, U.N. Official Calls for Study of Neocon's Role in 9/11, *New York Sun*, 10 April 2008, available at <http://www.nysun.com/news/foreign/un-official-calls-study-neocons-role-911>. (last visited 19 September 2009) (quoting R. Falk on a March 24, 2008 interview with K. Barrett, "It is possibly true that especially the neoconservatives thought there was a situation in the country and in the world where something had to happen to wake up the American people. Whether they are innocent about the contention that they made that something happen or not, I don't think we can answer definitively at this point. All we can say is there is a lot of grounds for suspicion, there should be an official investigation of the sort the 9/11 commission did not engage in and that the failure to do these things is cheating the American people and in some sense the people of the world of a greater confidence in what really happened than they presently possess.").

⁷⁶ See N. Allen, 'Britain should get rid of monarchy, says UN', *Telegraph* (London), 14 June 2008, available online at <http://www.telegraph.co.uk/news/newsttopics/theroyalfamily/2122182/Britain-should-get-rid-of-the-monarchy-says-UN.html> (last visited 19 September 2009).

⁷⁷ Kennedy, 2006, *supra* note 2, 279.

⁷⁸ *Id.*, 281-290.

G.

One might come away from the criticisms offered in this essay thinking that they are essentially a realist critique of excessive idealism. That is true, but it is far from the entire critical story. The more fundamental critique is not realism seeing practical problems with a utopian idealism. It is instead idealism set against idealism, moral vision set against moral vision. There are alternative idealisms for the world, honorable alternatives, to that of federalized global governance. One is the ideal of a robust multilateralism of democratic sovereigns, who dream of global cooperation, messy and incomplete and un-platonic, not of planetary governance. Robust multilateralism accepts the virtues of autonomous and sovereign political communities as defined in today's world by democratic nation states, and it seeks their deep cooperation even without the expectation that they will find 'ever closer union'. That seems to me, at least, a morally better ideal than the overly-universalist dream of global governance. And yet the ideal of the multilateralism of democratic sovereigns lacks both its Locksley Hall and its Paul Kennedy. Given that ideal's inherent realist modesty, its lack of puffery and hubris, alas, it seems likely it always will.

