

establishment of competent domestic governments in the many places that do not now have them.” He sees grounds for optimism in the elevation of “effective” leaders in almost all of Latin America and in

some countries in Asia in recent decades. What people around the world need and want, Mueller says, is what Canada’s modest national slogan promises: “Peace, Order and Good Government.”

## *Au Revoir, Arms Control*

“The Rise and Fall of Arms Control” by Avis Bohlen, in *Survival* (Autumn 2003), International Institute for Strategic Studies, Arundel House, 13-15 Arundel St., Temple Place, London WC2R 3DX, England.

From the Limited Test Ban Treaty of 1963 to the astonishing summit at Reykjavik in 1986, arms control treaties and talks gave the Cold War some of its most dramatic moments. But the era of strategic arms control ended in late 2001 with a whimper, not a bang, when President George W. Bush announced the U.S. withdrawal from the Anti-Ballistic Missile (ABM) Treaty—and, despite a host of dire predictions, nothing happened.

Signed 18 years after the dropping of the atomic bomb on Hiroshima, the 1963 treaty

banning atmospheric nuclear tests was the first East-West nuclear agreement. “It put nuclear issues and arms control squarely on the U.S.-Soviet political agenda,” observes Bohlen, a retired Foreign Service officer and former assistant secretary of state for arms control (1999–2002), though it did little to stop the growth of nuclear arsenals or even limit testing (which went underground).

During the administration of Richard Nixon, Strategic Arms Limitation Talks (SALT) culminated in 1972 in the ABM treaty, which limited each side to two

### EXCERPT

## *The First Freedom*

*The encouragement of free trade and free elections—which is to say, of the American model in commerce and politics—has long been unabashed American policy. But American international policy has included no comparably unabashed encouragement of freedom of religion. I am prepared to take as a premise that worldwide freedom of religion is even more an American national interest than free trade. The ideologues of Al Qaeda regard freedom of religion—that is, the separation of political from religious power—as the mother of all sins, the vice that enables all other vices. Accordingly, militant Islam, acting as it supposes in the defense of Islam and of virtue, has been prepared to take violent action to prevent the spread of this freedom, crushing Muslim diversity no less than religious diversity beyond Islam. The U.S., even as it addresses such other legitimate Muslim grievances as injure the cause of peace, should make freedom of religion the first item on its diplomatic agenda—not a dream endlessly deferred but the most urgent and practical first order of business.*

*If worldwide freedom of religion is the goal, it matters greatly that the Muslim world at this point in time may be almost as exhausted from internecine warfare as the West was just after the Thirty Years’ War; and that grim and blood-drenched moment in Western history was, paradoxically, the moment when a great cultural liberation was accomplished. Western freedom of religion may have been rationalized by the brilliance of the Enlightenment, but the necessary condition for it was the misery of the West’s Wars of Religion and the mood of revulsion and surfeit that these wars created.*

—Jack Miles, author of *God: A Biography*, in *New Perspectives Quarterly* (Fall 2003)

ground-based anti-ballistic missile sites (later reduced to one). The treaty was not the joint commitment to “mutual assured destruction” that critics imagined, Bohlen argues, but a recognition that invulnerability was impossible.

SALT II negotiations soon commenced, and President Jimmy Carter signed an agreement in 1979. But the Soviet invasion of Afghanistan later that year made ratification impossible. The demise of SALT II marked the end of “serious arms-control negotiations for many years,” Bohlen writes. Yet there were “modest gains in transparency and predictability,” and regular dialogue “served to reinforce the reality of deterrence.”

President Ronald Reagan, at heart, “found the whole idea of mutual deterrence morally repugnant,” Bohlen says. At Reykjavik in October 1986, “the nuclear disarmament in Reagan was swept along” by Soviet leader Mikhail Gorbachev—until, at the summit’s eleventh hour, their “breathhtaking” arms reduction proposals fell apart because Reagan would not surrender his Strategic Defense

Initiative, the plan for a global shield against nuclear weapons.

The START (Strategic Arms Reduction Talks) treaties of the early 1990s achieved arms control goals the United States had been pursuing for almost two decades, but by then, “the threat to which these goals responded was ceasing to exist,” Bohlen notes. Even so, the treaties were “indispensable instruments” for managing the end of the Cold War in an orderly fashion. (The U.S. strategic nuclear arsenal now contains 2,200 warheads.)

Today, when the top priority is keeping weapons of mass destruction out of the hands of rogue states and terrorists, arms control is no longer at center stage. Yet it still has a modest but important role, rooted in multilateral pacts such as the Nuclear Non-Proliferation Treaty (1968). Bohlen concludes: “Defining rules about what is broadly acceptable to the international community remains essential to defining the kind of international order we wish to maintain.”

## *How the UN Can Recover*

“Agora: The Future Implications of the Iraq Conflict,” with articles by Todd F. Buchwald and others, in *American Journal of International Law* (July 2003), American Society of International Law, 2223 Massachusetts Ave., N.W., Washington, D.C. 20008.

Is the United Nations Charter a dead letter thanks to the U.S.-led war in Iraq and the new U.S. doctrine of preventive war?

That, in a nutshell, is the question that the editors of *American Journal of International Law* put to a dozen symposium contributors. The nine closely argued legal articles that resulted follow different paths, but all lead to some version of a negative answer.

John Yoo, former U.S. deputy assistant attorney general (1991–93), is one of several contributors who argue that the Bush administration acted in accord with international law in taking up arms against Iraq. But he says that Iraq was a “unique case,” because UN Security Council resolutions dating back to the 1991 Gulf War provided a legal basis for action. In the new world of terrorists, rogue states, and weapons of mass destruction, the luxury of time is absent, and

new rules will be needed.

Richard A. Falk, a professor of law and international organization at Columbia University, rejects such arguments. There’s a conflict, he says, and it’s not the UN Charter system that needs to be fixed, but rather U.S. foreign policy. Miriam Shapiro, a National Security Council official during the Clinton years, argues that the new U.S. doctrine of preventive war enunciated in September 2002 is a challenge to existing international law, and she thinks the Bush administration could and should quietly narrow its scope.

Jane E. Stromseth, a professor of law at Georgetown University Law Center, argues that the United States and other nations must work to adapt the UN Charter to the new threat of terrorism. The charter’s “core,” which proscribes wars of territorial expansion and conquest, remains sound, she says. And like