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WAR, AGGRESSION AND STATE CRIME

A Criminological Analysis of the Invasion and Occupation of Iraq

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In this article, we argue that the 2003 US/UK invasion and occupation of Iraq was a form of state crime and offer a criminological analysis of the event. First, we describe how the war on Iraq violated the UN Charter and international humanitarian law. Then, we provide a narrative analysis of the historical and contemporary origins of this crime through the lens of an integrated model for the study of organizational deviance that has proved useful in the analysis of a number of other upper-world crimes. A key part of our explanation of this war resides in the dynamics of America's long-standing will to empire coupled with the imperial designs of neoconservative policy makers within the Bush administration.

Introduction

Wars of aggression are, by far, the most destructive and destabilizing of all state crimes. In the words of the Nuremberg Charter, they are 'the supreme international crime'—a term, we argue, that appropriately characterizes the invasion and occupation of Iraq by the United States and its main ally, the United Kingdom. A strong case can and has been made that the invasion of Iraq was not a legitimate defensive move by the United States, but rather an aggressive war that, as UN Secretary General, Kofi Annan, reiterated in September 2004, violated the UN Charter and the international rule of law (Lynch 2004*a*; 2004*b*).[1] In the following pages, we provide a brief overview of the case for labelling the Iraq War as state crime, followed by a narrative analysis of the historical and contemporary origins of this crime. We do so through the lens of an integrated model for the study of organizational deviance that has proved useful in the analysis of a number of other upper-world crimes (Kramer and Michalowski 1990; Kramer 1992; Aulette and Michalowski 1993; Kauzlarich and Kramer 1998; Matthews and Kauzlarich 2000; Wonders and Danner 2002; Whyte 2003). In this analysis, we locate the invasion of Iraq, first in the general context of America's long history of 'open door' imperialism, and then within the specific framework of the neo-conservative revolution under George W. Bush which brought a new climate of unilateralism and militarism to the longstanding American project of making the world safe for international capitalism under the aegis of an American hegemon.

Defining State Crime

In his 1988 Presidential Address to the American Society of Criminology, William Chambliss (1989: 184) described state crimes as 'acts defined by law as criminal and

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[1] For expanded legal arguments regarding the illegality of the war on Iraq see Boyle (2004); Falk (2004); and Weeramantry (2003).

committed by state officials in the pursuit of their job as representatives of the state'. Despite its utility, this definition limited the study of state crime to harms that political states *had chosen* to criminalize. The historical record, however, suggests that states rarely criminalize the social harms they commit. A few years later, Chambliss (1995: 9) addressed the limitation in his earlier definition by suggesting that criminological analyses of state crime should include 'behavior that violates international agreements and principles established in the courts and treaties of international bodies'. This approach is consistent with our contention that the study of state crime must include governmental acts that violate international law, even when they do not violate domestic law (Kauzlarich *et al.* 1992; Kauzlarich and Kramer 1998; Michalowski 1985). Thus, we begin from the premise that violations of international law *are* state crimes.

Some have argued that international law is an inadequate framework for evaluating state behaviour. Post-colonial and feminist theorists have argued that UN-sponsored international law frequently encodes the political hegemony of white, Western, liberalism rather than representing universally valid conceptions of human nature (Lambert *et al.* 2003; Otto 1997; Sihna *et al.* 1999). In this vein, Eric Hobswam (1996) has criticized the present order as 'human rights imperialism'. Others have suggested that the notion of state sovereignty—the touchstone of international law since the 17th century—has lost much of its viability in the contemporary world (Falk 1993; Hardt and Negri 2000). Defenders of a global human rights agenda counter with the claim that governing documents such as the UN Charter and the Universal Declaration of Human Rights were forged through open international debate and, as such, represent the best available global standard for distinguishing between legal and illegal state actions (Schultz 2003; Steiner and Alston 2000).

We cannot here resolve the question of whether current international law enshrines genuinely universal human rights or narrow sectoral interests. Our argument rests instead on the proposition that although debates may exist over its universality, existing international law has been accepted *as law* by most nations of the world—including the United States—and, thus, violations of these laws are criminal wrongs under the existing international legal order.

War as Crime

The horrors of the Second World War provoked a significant expansion and codification of public international law, particularly rules concerning war. The central elements of this expansion were the adoption of the UN Charter, the creation of the United Nations and the promulgation of the Nuremberg Charter that not only authorized the prosecution of Nazi leaders for war crimes, but also declared waging aggressive war to be a state crime under both treaty and customary law (Henkin 1995: 111). These developments created a relatively new branch of public international law known as 'international criminal law' that codified a number of specific international crimes and created obligations and precedents for their prosecution and punishment. This evolution of international criminal law has recognized that states as well as individuals can be held liable for the commission of political crimes (Jorgensen 2000). Based on these precedents, we define state crime as follows:

> State crime is any action that violates public international law, international criminal law, or domestic law when these actions are committed by individuals acting in official or covert capacity as agents of

the state pursuant to expressed or implied orders of the state, or resulting from state failure to exercise due diligence over the actions of its agents.

Green and Ward (2000) have argued that definitions of state crime that rely primarily on a legalistic framework are too narrow in scope.[2] As an alternative, they define state crime as the area of overlap between two distinct phenomena: (1) violations of human rights and (2) state organizational deviance that would be subject to widespread censure if it were known. This approach creates an important theoretical opening for criminologists to analyse a variety of social harms as state crimes, even where these may not be formally recognized as violations by either national or international law.

The invasion and occupation of Iraq would certainly appear to fit within Green and Ward's definition of state crime. A death toll that now includes more than 10,000 innocent civilians, armed attacks on residential neighbourhoods, home invasions, arrests and detention without probable cause or due process, and the torture and abuse of prisoners are clear violations of existing human rights standards (Amnesty International 2004; Gonzales 2002; Schell 2004). In addition, the Bush and Blair governments have been subject to significant censure from within their own countries, as well as from the international community in general and students of international law in particular. We suggest, however, that there is no need to reach beyond the existing body of international law in order to bring the Iraq War under the theoretical umbrella of state crime. Existing international law alone establishes the United States and the United Kingdom as guilty of state crimes linked to the invasion and occupation of Iraq.

The Iraq War as State Crime

With the creation of the United Nations in 1945, the UN Charter became the fundamental law of international relations, superseding all existing laws and customs (Normand 2003). At the heart of the Charter is the prohibition of aggressive war found in Article 2(4): 'All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or [behave] in any other manner inconsistent with the purposes of the United Nations.' Article 2(4) is a peremptory norm having the character of supreme law that cannot be modified by treaty or by ordinary customary law.

In so far as the United States and its allies invaded a sovereign nation without legal authorization from the international community, the invasion of Iraq is a prima facia violation of Article 2(4). However, US and British state officials have argued that this case is rendered null by the Charter's exceptions to Article 2(4), and by the emerging concept of humanitarian intervention.

Article 51 and preventive war

Article 51 of the UN Charter recognizes that states have an 'inherent right' to use force in self-defence in the face of an armed attack (Ratner 2002). Iraq, however, had not attacked the United States, nor was there ever any claim that such an attack was imminent. Thus, Article 51 would appear to not apply. The Bush administration,

[2] See also Ward and Green (2000).

however, sought to retain Article 51 justification by linking Iraq to the Al Qaeda attacks of 11 September.

During the public relations campaign to generate political support for an invasion of Iraq, Bush administration officials made continual references to terrorism in general and Al Qaeda specifically (Prados 2004; Waxman 2004). Not only were the claims of Iraq's links to Al Qaeda questionable, but emerging evidence indicates that the Bush administration knew there were no data to support them (CBS News 2004; Clarke 2004; Corn 2003; Dorrien 2004; Prados 2004; Rampton and Stauber 2003; Scheer *et al.* 2003; Suskind 2004). In late 2003, both President Bush and Secretary Powell finally conceded there was no evidence linking Saddam Hussein to 9/11 or other terrorist attacks against the United States (Prados 2004). Recognizing the limitations of Article 51 justifications for aggressive wars, the Bush administration sought to increase its manoeuvring room by promulgating a new National Security Strategy. This new policy claimed the United States had a legal right to attack any nation it perceived as a *potential* threat to US interests (Mahajan 2003). Based on this claim, administration officials repeatedly argued that the United States could legally attack Iraq because Hussein's government possessed weapons of mass destruction (WMD) that might eventually be used against the United States, either directly or through terrorist networks.

The US claim that it possessed the legal right to initiate preventative war was an attempt to unilaterally rewrite international law. International law provides some latitude for pre-emptive strikes in the face of an imminent threat—one that Daniel Webster described as 'instant, overwhelming, and leaving no choice of means, and no moment for deliberation' (Webster 2003: 590). It does not, however, authorize the kind of *preventive* warfare threatened by the Bush National Security Strategy. The reason for this is clear. History is dense with wars initiated by governments that claimed an absolute need to invade enemy territory to prevent some claimed future threat. As international law, the Bush doctrine would provide easy legal cover for any nation with aggressive intentions.

Although it had no status in international law, the administration's claim to a right of preventative war focused much of the pre-war debate around the question of whether or not Iraq possessed WMD—which we now know it did not (Priest and Pincus 2004).[3] What was lost in this debate, however, was the fact that in the absence of a clearly defined, imminent threat from Iraq, invading that country did not meet the test of legality under international law—i.e. even if Hussein had possessed WMD, absent explicit authorization from the UN Security Council, the invasion would still have been a violation of international law.

UN Security Council authorization

A second exception to the Article 2(4) prohibition against war is found in Chapter Seven of the UN Charter. Article 41 authorizes the UN Security Council to implement various measures short of war to respond to a threat to or breach of international peace and security, as determined by Article 39. If the non-military measures allowed under

[3] For details regarding the absence of weapons of mass destruction in Iraq see Pitt 2002; Rai 2002; Corn 2003; Ratner Green and Olshansky 2003; Rampton and Stauber 2003; Scheer, Scheer, and Chaudhry 2003; Solomon and Erlich 2003; Rai 2003; Allman 2004; Blix 2004; Eisendrath and Goodman 2004; Everest 2004; Gellman, 2004; Hiro 2004; Prados 2004. In early October, 2004, the Bush administration's own Iraq Survey Group, under the direction of Charles Duelfer, concluded that the first Gulf War and UN inspections destroyed Iraq's illicit weapons and Saddam Hussein did not try to rebuild them (Priest and Pincus 2004).

Article 41 are judged to have failed, then, and only then, can the Security Council authorize the use of force to restore or maintain international peace and security under the auspices of Article 42.

There was no such authorization for the use of force against Iraq in March of 2003. In early 2003, the United States along with the United Kingdom and Spain sought Security Council support for a draft resolution that would declare Iraq to be in violation of an earlier disarmament resolution (Resolution 1441), and that this non-compliance posed a threat to international peace and security. Although the draft resolution did not explicitly authorize war, it was clear to Security Council members that the drafters intended to use it as a warrant to invade Iraq. Faced with strong resistance from Security Council members France, Russia and Germany, the pro-invasion forces withdrew their resolution. As weapons inspector Hans Blix (2004: 218) concluded: 'By withholding an authorization desired if not formally requested, the Council dissociated the UN from an armed action that most member states thought was not justified.'

Lacking Security Council authorization, American and British officials argued that previous Security Council resolutions already provided sufficient legal justification for the invasion of Iraq. Indeed, this is the only argument that Lord Goldsmith, the UK Attorney General, utilized in his 17 March 2003 presentation to Parliament seeking support for the invasion of Iraq (Singh and Kilroy 2003). At the start of the invasion, US Ambassador to the United Nations, John Negroponte, made similar claims to the Security Council, as did legal advisors for the US Department of State (Ritter 2003; Taft and Buchwald 2003). These claims, however, have proven to be little more than 'selective', 'misleading', 'creative', 'problematic' and ultimately 'unsustainable' interpretations of the resolutions in question (Franck 2003; Charlesworth 2003; Normand 2003; Ratner 2002). Simply put, if the members of the UN Security Council had believed that an invasion of Iraq was legally justified, they would have endorsed the draft resolution authorizing invasion instead of forcing its withdrawal.

The legality of humanitarian intervention

The third possible exception to Article 2(4) can be found in what Normand (2003: 8) calls 'the legally dubious doctrine of humanitarian intervention'. The United States and the United Kingdom argued that they had a right and a duty to use military force for the humanitarian purpose of saving Iraqis from human rights violations by the Hussein government. In pre-war arguments for invading Iraq, however, Bush and Blair rarely discussed liberation of the Iraqi people and when they did, it was most often a distant third to the threat of WMD and Iraq's ties to terrorism (Prados 2004; Waxman 2004). It was only in the aftermath of the invasion, once the WMD argument proved to be hollow, that humanitarian concerns were reframed as the primary justification for the invasion of Iraq.[4]

[4] Contrary to its humanitarian rhetoric, the US government had a history of supporting human rights violations by Saddam Hussein. The Reagan and first Bush administrations provided Iraq with loans and satellite intelligence during the Iran-Iraq war despite Iraq's use of chemical weapons against Iran. They continued doing so even after Iraqi helicopters gassed villagers in northern Kurdistan – the case of Hussein'gassing his own people,' so frequently used by George W. Bush to explain why the United States must bring about 'regime change' in Iraq (Chomsky 2003; Mahajan 2003; 124; Zunes 2003). In addition, nearly a million Iraqis died as a result of U.S. sanctions and bombing campaigns between the two wars further calling into question the Bush administration's claim that concern for the Iraqi people was the primary reason for invasion (Simons 2002).

Even if the Bush and Blair administrations were motivated primarily by humanitarian concerns, the legality of humanitarian invasion remains in question. Many international lawyers question their legality because unilateral humanitarian invasions circumvent established procedures and principles within the UN Charter and international law for addressing humanitarian crises (Normand 2003: 8).[5] Beyond the question of legality, there is also little evidence that Hussein's government was engaged in large-scale political atrocities at the time of the invasion (Charlesworth 2003; Roth 2004). The worst offences of Hussein's Baathist regime occurred in the 1980s and early 1990s. By the 1990s, the government in Baghdad had made important home-rule concessions to Iraq's northern Kurds and, in the aftermath of the Gulf War, UN weapons inspections, Security Council sanctions and no-fly zones reduced the likelihood of major human rights crimes. Human Rights Watch concluded that at the time of the US/UK invasion, political killings in Iraq were 'not of the exceptional nature that would justify such intervention', nor was invasion 'the last reasonable option to stop Iraqi atrocities' (Roth 2004: 9).

Invasion and international humanitarian law

International humanitarian law (IHL), also known as the 'law of armed conflict', rests on the 1907 Hague Convention, the four Geneva Conventions of 1949 and the First Additional Protocol of 1977 to the 1949 Geneva Conventions (Protocol I). This body of international law requires that parties to armed conflict protect civilians and non-combatants, limit the means or methods that are permissible during warfare and conform to rules governing the behaviour of occupying forces. Violations of IHL are considered war crimes. The US Congress incorporated the 1949 Geneva Conventions into Federal law with the ratification of the Geneva treaties and the passage of the War Crimes Act of 1996 (Slomanson 2003).

IHL specifically forbids direct assaults on civilians and civilian objects, and it prohibits indiscriminate attacks that, in the language of Protocol I, are 'expected to cause incidental loss of civilian life, injury to civilians [or] damage to civilian objectives . . . which would be excessive in relation to the concrete and direct military advantage anticipated' from that attack (Human Rights Watch 2003: 9). Yet, Amnesty International (2004) estimates that over 10,000 civilians were killed during the invasion and first year of occupation. According to Human Rights Watch (2003), the widespread use of cluster bombs and numerous attempted 'decapitation' strikes targeting senior Iraqi officials—often based on scanty or questionable intelligence—were responsible for the deaths of hundreds of Iraqi civilians during the early days of the invasion. Coalition forces exposed Iraqi civilians to significant 'collateral damage' through the deployment of napalm-like Mark 77 firebombs (Buncombe 2003; Ridha 2004), and through widespread use of depleted uranium munitions that release dangerous radioactive debris in the short term (Miller 2003) and pose long-term environmental hazards to people exposed to uranium-contaminated soil or water (Michalowski and Bitten 2004).

[5] We do not mean to suggest that this laws and procedures are not without their problems and limitations. The failure of effective UN action in cases as genocide in Rwanda and the Dufor region of the Sudan speak to the weaknesses of the existing system. We are suggesting that unilateral 'humanitarian' intervention in countries where the intervening nations have high political and economic stakes are questionable morally, as well as legally.

Occupation and IHL crimes

Under IHL, at least four types of war crimes were committed by coalition forces during the ongoing (as of October 2004) occupation of Iraq: (1) the failure to secure public safety and protect civilian rights; (2) the illegal transformation of the Iraqi economy; (3) indiscriminate responses to Iraqi resistance actions, resulting in further civilian casualties; and (4) the torture and abuse of Iraqi prisoners (see Normand 2004).

Although the invasion of Iraq itself was not authorized by the UN Security Council, faced with the reality of an occupied Iraq, the UN Security Council passed Resolution 1483 recognizing the US and UK as the occupying powers in Iraq. This Resolution required the Coalition Provisional Authority (CPA) to comply fully with their obligations under international law, including the Geneva Conventions of 1949 and the Hague Regulations of 1907. Specifically, under the Fourth Geneva Convention, the occupying power must ensure public safety and order, and guarantee the civilian population's fundamental rights to food, health care, education, work and freedom of movement. The lives and property of civilians must be respected at all times.

Contrary to these requirements, death, looting, fear and insecurity have characterized the reality of occupied Iraq. In the early weeks following the overthrow of the Hussein government, US and UK troops did nothing to stop the looting of Iraq's most important public buildings. The immediate outlawing of the Iraqi Army and criminalization of all government leaders meant that at the moment of defeat, there was no recognized Iraqi authority that could surrender to invading forces while providing a continuity of government services, including security services. As of this writing, 18 months after the occupation of Iraq began, the security situation for Iraqi civilians continues to deteriorate (Krane 2004).

The Fourth Geneva Convention of 1949 specifically prohibits conquering powers from restructuring the economy of a conquered nation in accordance with the ideology and economics of the conqueror (Greider 2003: 5). In direct contravention of this requirement, the occupying powers sought to transform Iraq's state-dominated economic system into a market economy committed to free trade, supply-side tax policy, privatization of key economic sectors and widespread foreign ownership in those sectors (Bacon 2004; Juhasz 2004; Krugman 2004*a*). These strategies contributed significantly to creating a 70 per cent rate of unemployment in a country that now lacked a social welfare system to ameliorate the worst consequences of 'shock' capitalism (Bacon 2004: 1; Klein 2003).

Fighting insurgency

The third category of occupation crimes involves the US/UK response to Iraqi insurgents. The occupation provoked fierce armed resistance by militant Sunnni and Shiite sectors of the Iraqi populace. Faced with a rising tide of opposition, the occupying powers engaged in numerous violations of IHL in their attempts to quell the insurgency, contributing to a cycle of resistance and repression that deepened the daily security crisis for average Iraqi citizens (Andersen 2004). American and British forces have shot and killed demonstrators, bombed civilian areas, invaded homes in the search for insurgents, demolished homes and destroyed property as collective punishment, abused prisoners and violated deep cultural rules of gender and social respect (Amnesty International 2004; Packer 2003; Schell 2004). Coalition forces have used

hostage-taking in order to root out suspected insurgents, made arbitrary arrests and held detainees indefinitely without charges or access to lawyers. Nearly 90 per cent of all prisoners held by US authorities in its now infamous Abu Ghraib prison were arrested 'in error', without probable cause that they were guilty of violations of law or aggression against the occupying authorities (ICRC 2004).

In April 2004, the known scope of US violations of IHL in Iraq expanded significantly with revelations of the abuse of Iraqi prisoners in the Abu Ghraib prison. Documents analysed by reporter Seymour Hersh (2004) and photos released by CBS's *60 Minutes II* in 2004 revealed physical and psycho-sexual abuse being inflicted on Iraqi detainees by US military personnel at the prison. As Marjorie Cohn (2004: 1), executive vice-president of the US National Lawyers Guild, noted: 'These actions are not only offensive to human dignity; they violate the Geneva Convention, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.'

Analysing State Crime: An Integrated Approach

There are three major theoretical approaches to the study of organizational wrongdoing, each corresponding to a different level of social inquiry. The broadest level is characterized by political–economic analyses, particularly those examining how structural demands and internal contradictions can create criminogenic pressures in economic and political organizations (Barnett 1981; Michalowski 1985; Quinney 1977; Young 1981). At the intermediary level, organizational approaches examine how defective standard operating procedures and/or maladaptive emphases on performance goals within organizations increase the likelihood of deviant outcomes (Finney and Lesieur 1982; Gross 1978; Hopkins 1978; Kramer 1982). When merged with anomie theory, this perspective has generated valuable narratives of both corporate and state crime (Braithwaite 1989; Passas 1990; Vaughan 1982; 1983; 1996). At the level of individual behaviour, Sutherland's (1940; 1949) theory of differential association established the importance of understanding the role of grounded human interaction in the process toward deviant organizational activities.

Despite their different foci, the theoretical and lived intersections suggested by these different approaches provide a sensitizing, integrated framework for analysing organizational deviance (Kramer *et al.* 2002). The historical contours of the political–economic arrangements and dominant ideologies of the capitalist world system are reflected differentially, but reflected nonetheless, in the positions, procedures, goals, means and constraints that define concrete organizations of governance, production and redistribution in contemporary nation states. At the same time, direct and indirect communications among people within and across specific political, economic and social organizations, i.e. differential association, translates the formal elements of organizations into the work-related thoughts and actions of the people in them. At every moment in time, each of these levels is manifest in the others, with organizations serving as the site in which large-scale political–economic arrangements and small-scale human actions intersect in ways that generate either conformity or deviance.

Our approach links these three levels of analysis with three catalysts for action: motivation, opportunity and social control. Our goal is to highlight the key factors that contribute to or restrain organizational deviance at each intersection of a catalyst for action and a level of analysis. According to this approach, organizational deviance is

most likely to occur when pressures for goal attainment and/or faulty operating procedures intersect with attractive and available illegitimate means in the absence or neutralization of effective social control.

Motivation and Opportunity

When applied to the US decision to invade Iraq, our approach reveals how a presidential administration, embedded in the history and ideology of US imperial designs, faced with opportunities and constraints presented by the end of the Cold War, the attacks of 11 September 2001 and a bizarre electoral outcome, deployed a messianic vision of America's global role in a way that led to the commission of state crime against the people of Iraq.

America as imperial project

America has been an imperial project from its earliest years (Ferguson 2004; Garrison 2004). Throughout the 19th century, American growth relied on expansion through force, including enslavement of Africans, expropriation of Native lands in the name of 'manifest destiny', claiming North and South America as an exclusive American sphere of influence (the Monroe Doctrine), expansionist war with Mexico and using American warships to ensure Asian trading partners (Beard and Beard 1930; Kolko 1984; Sewall 1905/1995; Williams 1959; 1969).

As the 19th century drew to a close, structural contradictions in American capitalism provoked an intensification of America's imperial reach. With the frontier expansion stalled at the Pacific Ocean and the economic infrastructure fully capitalized, surplus productive capacity in the United States began to generate significant pressures for new markets and cheaper sources of material and labour (Sklar 1987). In 1898, increased pressures for new economic frontiers motivated an imperialist war against Spain. Although it was publicly justified as bringing 'freedom' to Spain's remaining colonies, instead of liberation, the people of the Philippines, Hawaii and Puerto Rico were annexed and colonized by the United States, while those in Cuba were subject to a virtual colonization that did not end until the Cuban revolution of 1959 (Thomas 1971). In a foreshadowing of future American imperialism, the acquisition of these territories was construed not as expansionism, but rather as a moral duty to uplift and civilize other races by spreading the American system of business and government—what Ferguson (2004: 54) calls 'the paradox of dictating democracy, of enforcing freedom, of exporting emancipation'.

The United States would soon abandon its brief experiment with formal colonization as too economically and politically costly. Moreover, America's political and ideological roots were more purely commercial than European mercantile nations whose feudal history was rooted in the control of land. As a result, US leaders were quicker to recognize that in the emerging commercial era, 'what mattered was not ownership or even administrative control but commercial access' (Bacevich 2002: 25).

Hints of this change are found in the *1899 Open Door Notes* of Secretary of State, John Hay. Hay promoted what Williams (1959) termed 'Open Door' imperialism based on diplomacy among the major capitalist powers to keep foreign markets open to trade, rather than dividing the world into the closed trading blocs typical of mercantile

capitalism since the British and Dutch East India trading companies of the 18th century. Although it was based on considerable military might (by 1905, the US Navy was second only to that of Great Britain), the strategy of controlling without owning became the basic design of American foreign policy in the 20th century (Williams 1959).

Consolidating imperialism in the 20th century

Despite this early imperial history, the United States has always been, in Ferguson's (2004) apt phrase, 'an empire in denial'. Through a rhetorical move that equated capitalist markets with 'freedom', two centuries of American leaders have established a political habit of mind that comprehends any war or invasion as noble sacrifice rather than self-interest. By conveniently limiting the conception of imperialism to the direct colonization of physical territory, for more than a century, the Open Door ideology has enabled Americans to avoid recognizing that market imperialism is imperialism nonetheless.

As it rose to ever greater power after the First World War and then the Second World War, the United States clung to its self-image as a 'reluctant superpower'—a master narrative claiming the United States involved itself in world affairs only under duress, and then always for selfless reasons (Bacevich 2002). President Woodrow Wilson's famous claim that the United States must enter the First World War 'to make the world safe for democracy' exemplifies this narrative in action. The need to ensure the United States could play a significant role in creating a new political and economic order out of the collapse of the Ottoman and Austro–Hungarian empires was carefully crafted as selflessness rather than self-interest (Johnson 2004: 48).

In the years between the First and Second World Wars, America's strategy of securing the benefits of imperialism by dominating an open trade system was threatened by the Great Depression and the economic expansionism of Nazi Germany and imperial Japan (Kolko 1968; Zinn 1980). The Second World War, however, lifted the United States out of economic depression, and established it as both the world's dominant military power and the economic hegemon in charge of the key institutions of global capitalism, such as the International Monetary Fund (IMF), the World Bank and the General Agreement on Trade and Tariffs (Derber 2002; Friedrichs 2004).

There were two challenges to the US imperial project in the post-Second World War era: the threat of independent nationalism and the Soviet Union. Nations on the periphery and semi-periphery of the world system, many of them former colonies of the world's wealthy capitalist nations, were limited to service roles in the global capitalist economy, providing resources, cheap labour and retail markets for consumer products and finance capital (Frank 1969; Wallerstein 1989). US planners were concerned that 'radical and nationalistic regimes' more responsive to popular pressures for immediate improvement in the living standards of the masses than advancing the interests of foreign capital could become a 'virus' infecting other countries and threatening the 'overall framework of order' that Washington had constructed (Chomsky 2003).

The Soviet Union, with its rival ideology, its own imperialistic goals and its own atomic weapons, also threatened American domination. Neither the United States nor the Soviet Union seriously challenged the overall framework of power-sharing established at Yalta near the end of the Second World War. Instead, the two 'superpowers' pursued their global interests through client states in the less developed world, with the Soviet Union frequently courting the favour of independent nationalist movements, and the

United States working with local elites to limit the expansion of such movements. In this struggle, the Soviet Union and the United States also were able to periodically stalemate one another's interests by exercising their veto powers in the UN Security Council.

While it represented constraints, the Cold War was *consciously* recognized by growth-oriented government and corporate leaders in the United States as an opportunity to justify expanding military budgets, establish a 'permanent war economy' and strengthen the military–industrial complex (Elliot 1955). America's post-Second World War imperial project began with a far-flung empire of military bases justified as necessary tools in the fight against communism, thereby linking America's imperial project to a rhetoric of liberation rather than one of geo–political expansion (Johnson 2004). Or, in Ferguson's words (2004: 78):

> For an empire in denial, there is really only one way to act imperially with a clear conscience, and that is to combat someone else's imperialism. In the doctrine of containment, born in 1947, the United States hit on the perfect ideology for its own peculiar kind of empire: the imperialism of anti-imperialism.

Opportunities and motivations in the 'unipolar moment'

The fall of the Berlin Wall in 1989 and the collapse of the Soviet Union in 1991 brought the Cold War to an end, presenting the United States with a new set of opportunities and challenges. With the Soviet Union out of the way, and American military supremacy unrivalled, the 'unipolar moment' had arrived (see Krauthammer 1989; 1991). The goals of Open Door imperialism never seemed more realizable. American military power—a primary tool at Washington's disposal to achieve global hegemony—could now be used with relative impunity, whether it was invading small neighbours such as Panama and Grenada or using Iraq's incursion into Kuwait to establish a more permanent US military presence in the oil-rich Persian Gulf region.

The unipolar moment was not without its challenges, however. The fall of the Soviet Union removed the primary ideological justification for the suppression of independent nationalism, and it weakened domestic political support for expanding military budgets and a permanent war economy. Many Americans expected the end of the Cold War to produce a 'peace dividend' (Zinn 1980).

Economic and political elites linked to the military–industrial complex, however, did not acquiesce to the reduction in their power that would have resulted from such a realignment of American goals. Instead, they were soon searching for new 'enemies' and, with them, new justifications for continued imperial expansion. A sharp struggle soon emerged between rival factions over how to capitalize on the opportunities offered by the fall of the Soviet Union while deflecting threats presented by the possibility of a new isolationism. One group supported a globalist and internationalist approach typical of the administrations of George H. W. Bush and Bill Clinton. The other, often referred to as 'neo-conservatives', argued for a more nationalist, unilateralist and militarist revision of America's Open Door imperialism. It was this latter group that would, surprisingly, find itself in a position to shape America's imperial project for the 21st century.

Neoconservatives and the new Pax Americana

The term 'neoconservative' (often abridged as 'neocon') was first used by the American democratic socialist leader, Michael Harrington, in the early 1970s to describe a group

of political figures and intellectuals who had been his comrades in the US Socialist Party, but were now moving politically to the right. Many of this original neoconservative group, such as Irving Kristol and Norman Podhoretz, had been associated with the Henry 'Scoop' Jackson wing of the Democratic Party, but, in reaction to the cultural liberalism and anti-Vietnam war stance associated with the 1972 Democratic presidential candidate, George McGovern, they moved to the right, eventually joining the Republican Party (Dorrien 2004: 9–10).

A number of neoconservatives affiliated with the Reagan administration, often providing intellectual justification for that administration's policies of military growth and rollback of rather than coexistence with the Soviet Union. While the first generation of neoconservatives also addressed economic and cultural issues, their primary foreign policy goal was confronting what they claimed to be the globe-girdling threat of the Soviet Union's 'evil empire'. As the Soviet Union began to weaken, neocons in the administration of George H. W. Bush began forcefully promoting an aggressive post-Soviet neo-imperialism. Their first concern, shared by many within the military–industrial complex, was to stave off cuts in the military budget in response to the weakened Soviet threat and popular expectations for a peace dividend. In order to justify continued high levels of military spending, General Colin Powell, Chairman of the Joint Chiefs of Staff, and Secretary of Defense Dick Cheney both prepared plans to fill in the 'threat blank' vacated by the Soviet Union (Armstrong 2001). Although the first Gulf War temporarily reduced the pressure to cut the defence budget, the swift victory in Kuwait and the complete disintegration of the Soviet Union in 1991 reinvigorated calls for a peace dividend and, with them, the threat of cuts to critical military–industrial budgets.

In 1992, aides to Secretary Cheney, supervised by neocons Paul Wolfowitz and I. Lewis (Scooter) Libby, prepared a draft document entitled *Defense Planning Guidance* (DPG)—a classified, internal Pentagon policy statement used to guide military officials in the planning process. The draft 1992 DPG provides a first look at the emerging neoconservative imperialist agenda. As Armstrong (2002: 78) notes, the DPG 'depicted a world dominated by the United States, which would maintain its superpower status through a combination of positive guidance and overwhelming military might. The image was one of a heavily armed City on a Hill'.

The draft DPG stated that the first objective of US defence policy should be to prevent the re-emergence of a new rival. It also endorsed the use of pre-emptive military force to achieve its goal. The document called for the United States to maintain a substantial arsenal of nuclear weapons, and to develop a missile defence shield. The DPG was a clear statement of the neoconservative vision of unilateral use of military supremacy to defend US interests anywhere in the world, including protecting US access to vital raw materials such as Persian Gulf oil (Armstrong 2002; Halper and Clarke 2004; Mann 2004). The aggressive tone of the DPG generated a firestorm of criticism when a draft was leaked to the press. President George H. W. Bush and Secretary Cheney quickly distanced themselves from the DPG, and ordered a less obviously imperialist version prepared.

The surprisingly rapid collapse of the Soviet Union ultimately revealed that the 'neocons' had been wrong on almost every issue concerning the Soviet threat. As a consequence, neoconservatism lost much of its legitimacy as a mainstream political ideology, and these early neocons would eventually find themselves in political exile as part of a far-right wing of the Republican party.

The election of President Bill Clinton removed the neocons from positions within the US government, but not from policy debates. From the sidelines, they generated a steady stream of books, articles, reports and op-ed pieces in an effort to influence the direction of US foreign policy. In 1995, second-generation neoconservative, William Kristol (son of Irving Kristol), founded the right-wing magazine, *The Weekly Standard*, which quickly became a major outlet for neocon thinking. Many of the neoconservatives also joined well funded conservative think-tanks to advocate for their agenda.

Throughout the Clinton years, the neocons opined about new threats to American security, continually calling for greater use of US military power to address them (Mann 2004). One persistent theme in their writings was the need to eliminate Saddam Hussein's government from Iraq, consolidate American power in the Middle East and change the political culture of the region (Dorrien 2004).

In many ways, Clinton administration foreign policy was consistent with that of the previous administration. Clinton shared the elder Bush's views of America as a global leader that should use its economic and military power to ensure openness and integration in the world economic system (Bacevich 2002). In this sense, Clinton-era foreign policy remained consistent with the Open Door system of informal imperialism practised by the United States since the beginning of the 20th century, stressing global economic integration through free trade and democracy (Dorrien 2004: 225).

Where Iraq was concerned, the Clinton administration developed a policy of 'containment plus regime change' (Rai 2003). Despite their devastating human costs, Clinton continued the comprehensive economic sanctions that had been imposed on Iraq following the 1991 war, pursued low-level warfare against Iraq in the form of unauthorized 'no-fly zones' and used UN weapons inspections (UNSCOM) as a way of spying on the Iraqi military (Rai 2003; Ritter 2003; Simons 2002). Although the Clinton administration hoped to provoke regime change in Iraq, it did not, however, consider doing so without UN authorization.

Neoconservatives subjected the Clinton administration to a barrage of foreign-policy criticism, particularly with respect to Clinton's handling of the Middle East and Iraq. In early 1998, the Project for a New American Century, a key neo-conservative think-tank, released an open letter to President Clinton, urging him to forcefully remove Hussein from power (Halper and Clarke 2004; Mann 2004). In September of 2000, the Project For The New American Century issued a report entitled *Rebuilding America's Defenses: Strategy, Forces and Resources for a New Century*. This report resurrected core ideas in the controversial draft *Defense Planning Guidance* of 1992. The report called for massive increases in military spending, the expansion of US military bases and the establishment of client states supportive of American economic and political interests. The imperial goals of the neocons were clear. What they lacked was the opportunity to implement these goals. Two unanticipated events gave them the opportunity to do so.

Motive, happenstance and opportunity

In December 2000, after a botched election put the question in their lap, the Supreme Court of the United States awarded the US Presidency to George W. Bush, despite his having lost the popular vote by over half-a-million ballots. This odd political turnabout would soon restore the neocons to power, with more than 20 neoconservatives and hard-line nationalists being awarded high-ranking positions in the new administration (Dorrien 2004). In a classic demonstration of the creation of shared understandings through differential association,

the Pentagon and the Vice-President's office became unipolarist strongholds, reflecting the longstanding working relationship between neoconservatives and vice-President Dick Cheney and the new Secretary of Defense, Donald Rumsfeld (Moore 2001).

Even though a stroke of good luck had placed them near the centre of power, neo-conservative unipolarists found that the new president remained more persuaded by 'pragmatic realists' in his administration, such as Secretary of State Colin Powell, than by their aggressive foreign policy agenda (Dorrien 2004). This was to be expected. The PNAC report, *Rebuilding America's Defenses*, had predicted that 'the process of transformation is likely to be a long one, absent some catastrophic or catalyzing event—like a new Pearl Harbor'. The neo-conservatives needed another stroke of good luck.

The 9/11 attacks presented the neocons with the 'catalyzing event' they needed to transform their agenda in to actual policy. The terror attacks were a 'political godsend' that created a climate of fear and anxiety which the unipolarists mobilized to promote their geopolitical strategy to a president who lacked a coherent foreign policy, as well as to the nation as a whole (Hartung 2004). As former Treasury Secretary Paul O'Neill revealed, the goal of the unipolarists in the Bush administration had always been to attack Iraq and oust Saddam Hussein (Susskind 2004). This, they believed, would allow the United States to consolidate its power in the strategically significant Middle East and to change the political culture of the region.

On the evening of 11 September 2001 and in the days following, unipolarists in the Bush administration advocated attacking Iraq immediately, even though there was no evidence linking Iraq to the events of the day (Clarke 2004; Woodward 2004). After an internal struggle between the 'pragmatic realists' led by Secretary of State Powell and the unipolarists led by Vice President Cheney and Secretary of Defense Rumsfeld, the decision was eventually made to launch a general 'war on terrorism', and to begin it by attacking Al Queda's home-base in Afghanistan and removing that country's Taliban government (Mann 2004). The unipolarists were only temporarily delayed in so far as they had achieved agreement that as soon as the Afghanistan war was under way, the United States would begin planning an invasion of Iraq (Clarke 2004; Fallows 2004). By November, barely one month after the invasion of Afghanistan, Bush and Rumsfeld ordered the Department of Defense to formulate a war plan for Iraq (Woodward 2004). Throughout 2002, as plans for the war on Iraq were being formulated, the Bush administration made a number of formal pronouncements that demonstrated that the goals of the unipolarists were now the official goals of the US government. In the 29 January State of the Union address, Bush honed the focus of the 'war on terrorism' by associating terrorism with specific rogue states, such as Iran, Iraq and North Korea (the 'axis of evil'), who were presented as legitimate targets for military action (Callinicos 2003). In a speech to the graduating cadets at West Point on 1 June, the President unveiled a doctrine of preventative war—a policy that many judged as 'the most open statement yet made of imperial globalization' (Falk 2004: 189), soon to be followed by the new *National Security Strategy*. This document not only claimed the right to wage preventative war as previously discussed, it also claimed that the United States would use its military power to spread 'democracy' and American-style laissez-faire capitalism around the world as the 'single sustainable model for national success' (Callinicos 2003: 29). As Roy (2004: 56) notes: 'Democracy has become Empire's euphemism for neo-liberal capitalism.'

In the campaign to build public support for the invasion of Iraq, the Bush administration skilfully exploited the political opportunities provided by the fear and anger

over the 9/11 attacks. By linking Saddam Hussein and Iraq to the wider war on terrorism, the government was able to establish the idea that security required the ability to attack any nation believed to be supporting terror, no mater how weak the evidence. This strategy obscured the more specific geopolitical and economic goals of creating a neoconservative Pax Americana behind the smokescreen of fighting terrorism. In Falk's (2004: 195) words: 'the Iraq debate was colored by the dogs that didn't bark: oil, geopolitical goals in the region and beyond, and the security of Israel.'

Messianic militarism

The final factor to consider in understanding the Bush administration's war on Iraq is the fusion of a neoconservative imperial agenda with the fundamentalist Christian religious convictions of George W. Bush—a convergence that has been variously referred to as 'messianic militarism' (*The Progressive* 2003), 'political fundamentalism' (Domke 2004) or 'fundamentalist geopolitics' (Falk 2004). Bush's evangelical moralism creates a Manichean vision which views the world as a struggle between good and evil—a struggle that requires him to act on behalf of the good. In his West Point speech, for instance, Bush (2002) insisted that 'we are in a conflict between good and evil, and America will call evil by its name. By confronting evil and lawless regimes, we do not create a problem, we reveal a problem. And we will lead the world in opposing it'.

George W. Bush is not the first US president to justify his foreign policy on ideological or moral grounds. As we noted above in our historical overview of the American imperial project, many presidents have rationalized the pursuit of empire on the basis of ideological claims such as 'white man's burden' or 'making the world safe for democracy'. But George W. Bush presents himself as more explicitly motivated by a specific religious doctrine than past presidents, and as well as apparently more willing to act on those convictions. As Domke (2004: 116) observes, 'The Bush administration . . . offered a dangerous combination: the president claimed to know God's wishes and presided over a global landscape in which the United States could act upon such beliefs without compunction'. Thus, at this moment, the leader of the global hegemon claims to be 'divinely inspired to reshape the world through violent means'—a 'messiah complex' that conveniently fuses with the unipolarist dream of American global imperial domination (*The Progressive* 2003: 8).

The failure of effective social control

Motivations and opportunities alone are not sufficient to generate organizational deviance. Although policy planners who supported aggressive American unilateralism as a route to global dominance enjoyed insider positions in a presidential administration willing to embrace just such a strategy, this alone is not a sufficient explanation of how the United States found itself on the pathway to committing state crime against Iraq and the Iraqi people.

Despite the desire of Bush administration unipolarists to invade Iraq, the military power of the United States and the political opportunities provided by the 9/11 attacks, strong social control mechanisms could have blocked the march to war. No such mechanisms emerged, however. Our integrated approach requires that we also consider the social control context of the Iraq War, and explain why these mechanisms

failed to prevent the state crime of aggressive war against Iraq. Specifically, the model directs us to examine potential controls at the intersections of the structural, organizational and interactional levels of analysis.

At the level of the international system, the United Nations failed to provide an effective deterrent to a US invasion of Iraq largely because it has little ability to *compel* powerful nations to comply with international law if they choose to do otherwise. There are two reasons for this. First, the use of sanctions or force to compel compliance requires a Security Council vote, and the world's most powerful nations, as permanent members of the Security Council, can and do veto any action against their own interests, just as the United States would have in this situation. It could be said that the UN Security Council 'served the purpose of its founding by its refusal to endorse recourse to a war that could not be persuasively reconciled with the UN Charter and international law' (Falk 2004: 201). While this may be true, it is also true that the assembled nations of the world, most of whom opposed the invasion of Iraq, had no structural power to prevent the US from violating the UN Charter. Falk (2004) goes so far as to suggest that the United Nation's inability to deter the war on Iraq calls into question the very future of the Charter system.

Secondly, much of the power of the United Nations rests with its ability to extract a price in terms of negative world opinion against those who would violate international law. When a nation enjoys a hegemonic economic and military position, as did the United States in 2003, it can easily believe it need not be overly concerned with world opinion. This is precisely the understanding that informed the neoconservative vision underlying the move to invade Iraq. Whether the United States is, in fact, free to do just what it wants with no cost in the world community remains to be seen. At this point, however, potential world opinion appears to exert little social control over the neoconservatives shaping US foreign policy.

Like the United Nations, world public opinion, including massive anti-war protests, had little impact on the Bush administration's desire to invade Iraq. As the unipolarists pushed for the invasion of Iraq, a global antiwar movement came to life. On 15 February 2003, as US military forces were poised for the invasion, over 10 million people across the globe participated in anti-war demonstrations. These protests 'were the single largest public political demonstration in history' (Jensen 2004: xvii). The next day, the *New York Times* editorialized that there were now two superpowers in the world: the United States and world public opinion. The 'superpower' of world public opinion, however, proved to be powerless, exerting no deterrent effect on US plans to invade Iraq. As Jensen (2004: xviii) notes, 'the antiwar movement had channeled the people's voices' but it had not 'made pursuing the war politically costly enough to elites to stop it'. Indeed, it is unlikely, given US economic and military power, that world public opinion is capable of altering US government policies, unless this opinion is translated into consequential actions such as a global boycott on US products.

While world public opinion was overwhelmingly against the Bush administration's war plans, within the US public opinion shifted from initial opposition to a preventative attack without UN sanction to majority support for the war, despite a substantial US antiwar movement. Two interrelated factors appear to explain the US public's support for the invasion of Iraq. First, the Bush administration engaged in an effective public relations campaign that persuaded many Americans of the necessity of a war in Iraq (Rutherford 2004). As we previously noted, this propaganda campaign rested mainly on false claims about Iraqi WMD, ties to Al Qaeda and complicity in the 9/11 tragedy

(Corn 2003; Rampton and Stauber 2003; Scheer *et al.* 2003). It was also undertaken at a time when many Americans were in a wounded, vengeful and hyper-patriotic mood as a result of the 9/11 terrorist attacks. Public opinion polls taken on the eve of the war show that the government's public relations blitz had successfully convinced a majority of the American polity that Saddam Hussein was threatening the United States with WMD, and had also convinced an astounding 70 per cent of its American audience that Iraq was directly involved with the 9/11 attacks (Berman 2003; Corn 2003). As Rutherford (2004: 193) concludes in his study of the marketing of the war against Iraq, 'democracy was overwhelmed by a torrent of lies, half-truths, infotainment, and marketing'. This was not the first time in American history that a 'big lie' repeated frequently enough from a high enough platform would create public support for war. What is significant, however, is that it could do so even in the face of large-scale counter-efforts, and in the face of mounting evidence that many of its claims were, in fact, false.

An important factor explaining public support for the invasion of Iraq was the failure of the media in the United States to perform their critical role as 'watchdogs' over government power (Schell 2004). It is one thing to have evidence that government claims are weak. It is another to be able to insert those claims into the same high-profile media where the government is promoting its PR message. A number of studies document that the media failed to provide the American public with an accurate assessment of Bush administration claims about Iraq; nor did they provide any useful historical or political context within which the public could assess those claims (Alterman 2003; Massing 2004; Moeller 2004; Miller 2004; Solomon and Erlich 2003). Most news reports promoted the administration's official line and marginalized dissenters (Rendall and Broughel 2003). As Moeller (2004: 3) concluded, most 'stories stenographically reported the incumbent administration's perspective on WMD, giving too little critical examination of the way officials framed the events, issues, threats, and policy options'. Both the *New York Times* and the *Washington Post* would later acknowledge that they should have challenged the administration's claims and assumptions more thoroughly (*New York Times* 2004; Kurtz 2004). As Orville Schell (2004: iv) points out, an independent press in a 'free' country allowed itself 'to become so paralyzed that it not only failed to investigate thoroughly the rationales for war, but also took so little account of the myriad other cautionary voices in the on-line, alternative, and world press'. The performance of the media in the period leading up to the invasion is a near-perfect illustration of Herman and Chomsky's (1988) 'propaganda model'.

In addition to the institutional failure of the media, the US Congress also failed to provide an effective constraint on the Bush administration's war plans. This represented a significant institutional failure of the formal system of checks and balances among the three branches of government built into the US Constitution. Article I, Section 8, Clause 11 of the US Constitution grants the power to declare war to the Congress and the Congress alone. The framers of the Constitution explicitly stated their desire that the power to take the country to war not rest on the shoulders of the President, but should be reserved to the people through their representatives in Congress.

On 16 October 2002, immediately before the mid-term elections, Congress abdicated its responsibility to determine when the country would go to war by passing a resolution that authorized the president 'to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to 1) defend the national security of the United States against the continuing threat posed by Iraq; and 2) enforce all

relevant United Nations Security Council resolutions regarding Iraq' (Bonifaz 2003: 11). As Congressman John Conyers (2003: xi) pointed out, by taking this action, 'Congress had unconstitutionally delegated to the president its exclusive power to declare war'. Thus, in the aftermath of the 9/11 tragedy, Congress (including many members of the Democratic Party) voluntarily removed itself as a significant player in the unfolding events leading to the invasion and occupation of Iraq.

Sources of organizational and interactional control within the Bush administration were also ineffective. The pragmatic realists within the administration, led by Secretary of State Colin Powell, were not in full support of the unipolarist agenda. But, in a struggle for control of the administration's foreign policy, Powell and the pragmatists lost out to neoconservatives pushing for war against Iraq (Dorrien 2004; Halper and Clarke 2004; Mann 2004).

Among the unipolarists, there is a strong 'subculture of resistance' to international law and institutions (Schell 2004). According to Braithwaite (1989: 346), such organizational subcultures 'neutralize the moral bond of the law and communicate knowledge about how to create and seize illegitimate opportunities and how to cover up offending'.

The group dynamics involved in the decision making of the unipolarists also demonstrate classic characteristics of 'groupthink', as described by Janis (1982). The unipolarists were a highly cohesive group with a strong commitment to their assumptions and beliefs about America's role in the world. They valued loyalty, believed in the inherent morality of their position, had an illusion of invulnerability and shared stereotypes of outgroups. But, most importantly for this analysis, the unipolarists within the Bush administration were highly selective in gathering information, ignored, discounted or ridiculed contrary views, engaged in self-censorship and protected the group from examining alternatives to their war plans.

Finally, the administration used a variety of 'techniques of neutralization' (Sykes and Matza 1957) in an effort to rationalize its criminal acts in Iraq. They denied responsibility (the war was Saddam's fault), denied the victims (most were terrorists), denied injury (there was only limited 'collateral damage'), condemned the condemners (protesters were unpatriotic and the French were ungrateful and cowardly) and appealed to higher loyalties (God directed Bush to liberate the Iraqi people).

Conclusion

The invasion and occupation of Iraq by the United States and its allies is a violation of international law and, as such, constitutes a state crime. It is a state crime, however, over which there is no effective social control, and for which there is no likelihood of formal sanction. As the most militarily and economically powerful nation in the world system, it appears that the United States and its leaders can, if they choose, violate international law with relative impunity. Unpunishability, however, does not render illegal acts legal; nor should it place them beyond criminological scrutiny.

From a criminological standpoint, the invasion and occupation of Iraq by the United States and its allies reveal a complex interaction among historical and contemporary political and economic forces, as well a need to recognize how the 'butterfly effect', as both chaos theorists and moviemakers term it, can impact the production of state crime. In the case of Iraq, we suggest that the interaction of a less than 600 votes in the 2000 presidential election with the external events of 9/11 made the difference

between no invasion and one of the most important acts of illegal aggression in recent decades. At the same time, neither 9/11 nor the selection of George W. Bush as US president is adequate in itself to explain the state crimes encompassed by the invasion and occupation of Iraq. The fuller explanation resides in the dynamics of America's long-standing will to empire, with its success in achieving global political–economic dominance, and with the construction and dissemination of an ideology which enables many Americans to embrace the fantasy that the US pursuit of global dominance is a noble sacrifice in the name of worldwide human liberation.

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