

In their excoriation of the Bush regime, liberal and left-liberal writers on international law have tended to focus on the Iraq invasion, which has been criticised as an illegal action – indeed an action ruinously leading to ‘a lawless world’ – and as the triumph of a neoconservative project criticised for its ‘unilateralism’. One reason for the popularity of this approach is that the specificities of this critique can operate as ideological exoneration of liberalism, both historically and now, and even as a recruiting aid for a competing model of imperialism, exemplified by ‘Truman Democrats’ in the US. At the level of philosophically-inclined ‘theory’, and despite the literature’s putative and sometimes real radicalism, this tendency to exoneration is also visible in much writing derived from Agamben’s recent work on the exception. This tendency manifests as much in what is left out of discussion as what is repeatedly put in. In particular, the astonishing silence of international legal scholars on the 2004 Haitian coup and MINUSTAH’s subsequent reign of terror are damning. This is particularly so given the key role of law and legal structures in the preparations and justifications for and ongoing defences of the coup, and the impeccably multilateral and ‘non-neoconservative’ nature of the UN approach to Haiti. An analysis of the Haitian situation will not only go a small way to addressing a scandalous lacuna in legal discussion, but may help replace as the object of critique the nebulous bogeyman of ‘unilateralism’, a category from which considerations of class and capital accumulation are largely evacuated, with an invigorated conception of imperialism, of which ‘unilateralism’ and ‘multilateralism’, international legal nihilism *and* international legal piety can both be articulations.