

PRINCIPIA LEVIATHAN

The Moral Duties of American Hegemony

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War is the realm of danger; therefore courage is the soldier's first requirement. Courage is of two kinds: courage in the face of personal danger, and courage to accept responsibility, either before the tribunal of some outside power or before the court of one's own conscience.

CARL VON CLAUSEWITZ, ON WAR

The moral duties of the United States in Iraq cannot be separated from the larger question of the security requirements of the United States and its larger moral duties as the world's preeminent military and economic power. Moreover, even after the United States leaves Iraq these questions will not disappear, not least because it may find itself occupying more states in its war on terror and against rogue states. If the United States does not act responsibly in Iraq,

its credibility and ability to mobilize international support and cooperation in the war on terror will be compromised. However, answers to neither of these questions—the security requirements of the United States and its larger moral duties—are obvious. President George W. Bush told West Point graduates in June 2002 that “America has no empire to extend or utopia to establish.”¹ Yet the Bush administration and a substantial number of Americans believe that the United States is and should be a great imperial power, upholding the banner of moral virtue and righteous purpose through military force if necessary. In this view, America’s “goals on the path to progress are clear: political and economic freedom, peaceful relations with other states, and respect for human dignity.”² The Department of Defense’s Quadrennial Defense Review of 2001 stated that the goal of U.S.

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strategy is to maintain or improve the “long term military preeminence” of the United States.³ President Bush has said that “America has, and intends to keep, military strengths beyond challenge.”⁴ Consider also what William Kristol, the editor of the conservative *Weekly Standard*, said on Fox News in spring 2003: “We need to err on the side of being strong. And if people want to say we are an imperial power, fine.”⁵ The national security strategy declares that it is “based on a distinctly American internationalism that reflects the union of our values and our national interests. The aim of this strategy is to help make the world not just safer but better.”⁶ Thus, the moral purpose and awesome power of the United States are to coalesce in a *Pax Americana* envisioned by the Bush administration and its supporters.

Thomas Hobbes’s mythic Leviathan was a metaphor for the role of the state in an anarchic context—the great power to overawe all others and create the peace necessary for the development of an ordered civil society. Without effective government, Hobbes suggests, we could not sleep at night. In a sense the Bush administration is supposing that without American hegemony, a *Pax Americana* imposed by the U.S. Leviathan, none of us will be able to sleep at night. Although it is far from omnipotent—the United States cannot overawe all other states—the new American empire does have the potential to realize some of its ambitions. What should the ambitions of an aspiring Leviathan be, and how should the United States attempt to realize them?

Most great empires have claimed a moral mission while simultaneously asserting the primacy of their security interests. What would happen if we made normative questions explicit and asked them first? Does a hegemon, in this case the world’s sole superpower, have moral obligations that are on par with its security interests? If so, what are those moral obligations? How ought they be limited or shaped by practical concerns?

Those who talk of moral duties may be branded as impractical and imprudent idealists—or worse, as utopians. President Carter suffered such a fate in 1980 as a result of his emphasis on human rights. President George W. Bush’s emphasis on morality and global transformation may put him at similar political risk. Another risk of talking about moral missions is that of being branded as cultural imperialists and compared pejoratively to the bearers of the nineteenth-century colonial civilizing mission.

So to ask what the moral responsibilities of the United States are in Iraq is to risk both charges—utopianism and paternalism. But before we can assess the specific moral responsibilities of the United States in Iraq, we must, of course, ask whether *any* state has moral duties. Those two questions lead us to a third set, putting U.S. moral responsibility to Iraq in the larger context of the nation’s moral responsibilities in the world today: What principles should the world’s

sole superpower live by and promote? Does morality clash with prudence and pragmatism? What is “the rightful place” of the great power?

DOES ANY STATE HAVE MORAL OBLIGATIONS?

The traditional realist view is that morality has no place in foreign policy, because morality is not a quality of the actors of world politics. Realists argue that even if we want states to be moral we can only expect them to act, like individuals, in their self-interest. Nor does the structure of world politics allow for moral action. The anarchic nature of world politics—a war of all against all—means that states have to provide for their own security against constant threats; no state can prudently afford to be moral. Thus, in this view, to speak of international morality is to be naive at best and a hypocrite at worst; as the Athenians say in the Melian dialogue, “The standard of justice depends on the quality of power to compel.”⁷

The godfather of twentieth-century realism, Hans Morgenthau, goes even farther, arguing that no prudent state should or would allow morality to guide its foreign policy: “There can be no political morality without prudence; that is, without consideration of the political consequences of seemingly moral action.”⁸ He also argued that even if there is a tiny bit of room for morality in some area of a state’s global interactions, international morality may interfere with its moral obligation to its own citizens; just as individuals may have only a duty to preserve themselves, states are obliged to preserve the lives of their own soldiers and people first.⁹ Morgenthau thought it political folly for a state to claim that its view of morality was the world’s sole moral perspective and then base its foreign policy on that vision.

In this respect, the list of moral duties for realist hegemons would likely have only one item—to maintain hegemony. Realists go so far as to suggest that those who proclaim moral purpose are either deluding themselves or attempting to use morality as a fig leaf for their interests. Those who look for morality in foreign policy or to act on it, Morgenthau suggests, are imprudent, even foolish. For example, Morgenthau said, “It is futile to search for an abstract principle which would allow us to distinguish in a concrete case between legitimate and illegitimate intervention.”¹⁰ Morality and ideology cannot be the guides to foreign policy: “All nations will continue to be guided in their decisions to intervene and their choice of means of intervention by what they regard as their respective national interests.”¹¹

Liberals have criticized realist views of morality in world politics on several grounds. First, they argue that morality is already woven throughout the foreign policy behavior of states and that this can be seen in, for example, the (admittedly imperfect) adherence of states to laws of war, as well as in the provision of

foreign aid. Second, liberals hold that the realist objections to ethics in international politics are unconvincing. Specifically, in this view, the structure of world politics is not so anarchic as realists suppose; actors, including powerful states, have moral interests as well as material ones; and morality is prudent. To do good brings its own reward—people trust you. You do not have to spend your resources coercing others; they will want to work with you.¹²

Because foreign policy is thoroughly imbued with morality in this view, the liberal list of the moral responsibilities of states would be large. Emphasizing the poverty, disease, and lack of educational opportunity in the poor areas of the world, liberals would put foreign assistance, the principles of just war, and the promotion of democratic values and human rights at the top of their foreign agenda. They argue that to help others is not only right but increases one's own security.

In some ways, then, the foreign policy rhetoric of the Bush administration is liberal, which is why many compare President Bush to Woodrow Wilson, and why Bush himself seems to have an affinity for that president.¹³ As the president said in May 2003 at the U.S. Coast Guard Academy, in New London, Connecticut, "We . . . stand for the values that defeat violence, and the hope that overcomes hatred. . . . Because America loves peace, America will always work and sacrifice for the expansion of freedom." The president went on, "President Woodrow Wilson said, 'America has a spiritual energy in her which no other nation can contribute to the liberation of mankind.' In this new century, we must apply that energy to the good of people everywhere."¹⁴ Beyond liberal and realist perspectives, other scholars—poststructuralists and feminists—have proposed a reconceptualization of international ethics.¹⁵ Specifically, they question the national/international divide, arguing that moral boundaries that coincide with geopolitical ones are arbitrary, to say the least. Morality does not end at the border. Further, these theorists propose that there is a responsibility to others, in particular a duty to develop empathy with others and to treat them with care. But beyond this general injunction, poststructuralist and feminist scholars of international ethics argue, against the view of liberals, that moral duties do not naturally flow from Western values. Particularly mindful of the history of slavery, colonialism, and intervention—each of which was justified in its day in the name of supposedly universal Western values—these scholars suggest that any ethical relationship must be an equal one.¹⁶ Most poststructuralists and feminists would agree with the moral duties that liberals want to promote, but they suggest that those duties can be accomplished less paternalistically. In other words, they stress the process of politics as much as the outcome.

In a sense, these debates illustrate the opposite but equally worrisome dangers of moral indifference and moralistic excess and evangelism. The United States cannot afford either.

I make two assumptions. First, whether we like it or not, morality is always part of a state's foreign policy; it is certainly on the agenda of the current administration. Even those who say morality is irrelevant and want to pursue only state interests are making a normative choice. The questions are the explicitness of the moral mission, whether it is good, and how these moral aspirations and duties are to be accomplished.

The second assumption is that the United States is hegemonic. It is the world's sole superpower, and its official military doctrine, as outlined in the Quadrennial Defense Review of September 2001, is the maintenance of preeminence.¹⁷ As the national security strategy says, "Our forces will be strong enough to dissuade potential adversaries from pursuing a military build-up in hopes of surpassing, or equaling, the power of the United States."¹⁸

If one is willing to accept, for the moment at least, those assumptions—the centrality of morality and of American preeminence—there follow the further questions we have noted: What are the moral responsibilities of the United States with respect to Iraq? Second, what are the moral responsibilities of the United States as the world's sole superpower? Third, are U.S. goals undermined or enhanced by the pursuit of a moral foreign policy agenda?

I address these questions in turn.

U.S. RESPONSIBILITIES IN IRAQ

How could we begin to know what the moral responsibilities of the United States are with respect to Iraq?¹⁹ There are many senses of the word "responsibility," and each has a moral element. We can be responsible in a causal or historical sense, if our past behavior was the cause of a present condition. (For example, the rapid and profuse emission of carbon dioxide by humans may be responsible for a global rise in temperature and the melting of portions of the polar ice caps.) In this causal sense the United States might be considered responsible for some of the conditions in contemporary Iraq. This is not to say that Iraqis generally, and the Baathist regime of Saddam Hussein in particular, bear no causal responsibility for the damage done—far from it. Hussein was a vicious despot, and we must hope that he is fairly tried, convicted, and punished for his crimes. Nor is focusing upon the role of the United States in Iraq prior to March 2003 to ignore the role of other states in Iraq's politics; the British occupation of Iraq in the early twentieth century left its mark, establishing the domination of both the Sunnis and the military in Iraqi politics.²⁰

Still, in pursuit of its own interests, the United States acted in and on Iraq several times in the last twenty years—the 1980s, the sanctions period, and the recent war—and even the earlier interventions were not without effects that are relevant today. It is widely known, though sometimes forgotten, that the United States supported Saddam Hussein's Baathist regime during the 1980s. Some of the worst atrocities of Iraq were committed during this period, when Iraq was at war with Iran and fought at the same time both to suppress the Kurdish independence movement in the north and to maintain its totalitarian hold in the rest of Iraq. It was then, for example, that the regime used chemical weapons on its own people and on Iranians. Nonetheless, during the 1980s the United States helped Iraq acquire weapons and supplied it military intelligence for use in the war against Iran.

During the sanctions period following the 1991 Gulf War to remove Iraq from Kuwait, the Iraqi infrastructure, already stressed by more than a decade of neglect and war-related damage, was further damaged. Indeed, it was explicit U.S. policy to use sanctions to make sure that Iraq's infrastructure did not recover; resources supplied to Iraq might be used for military mobilization or to build weapons of mass destruction. Whatever we think of the effectiveness of the sanctions policy of constraining and containing the Iraqi regime, certainly the Iraqi people suffered an overall decline in their standard of living and in such basic indicators of health as infant and maternal mortality. Of course, Saddam's own policies in those years also hurt the average Iraqi, who will not soon forget how the regime's elites enriched themselves during the sanctions period.

The United States is also partly responsible for the effects of war on Iraq. The war in 1991 was described as a response to Iraqi aggression, and many aspects of it were justifiable according to the traditional sense of just war theory. Yet there were unfortunate lapses on the part of the U.S. military. For example, the distinction between noncombatants and combatants was blurred by the strategy of massive aerial bombardment. Further, some retreating Iraqi soldiers, no longer fighting, were killed on the so-called highway of death (the exact figures are disputed). The increasingly aggressive enforcement of the no-fly zones in the north and south of Iraq later in the decade was also a form of war against Iraq, one that not only targeted Iraq's military infrastructure but sometimes harmed noncombatants. Similarly, in early 2003—while major combat was mercifully brief, and the coalition took great pains, for which it should be applauded, to avoid harming civilians and basic infrastructure—the U.S.-led war on Iraq did do damage. Data on how many noncombatants, or even Iraqi combatants, were injured or killed is apparently not available through U.S. government sources. However, recent estimates suggest that despite extensive use of precision guided weapons (about 68 percent), about 30 percent of fatalities in the war were among

noncombatants.²¹ Moreover, the security of Iraq was so badly handled immediately afterward that massive looting may have done more damage to Iraq's infrastructure than the war itself. In other words, despite the best intentions of the United States, American policies and behavior have hurt Iraq and individual Iraqis.

It would be inaccurate to argue that the United States bears sole causal responsibility for the condition of Iraq today; it does not. Iraq was the aggressor in its wars against Iran and Kuwait. It was the Baath regime's criminality and brutality that caused sanctions to hurt the average Iraqi far more than the leadership. Just before the most recent war Saddam Hussein released criminals from prison, who did great damage after the conflict ended. Even if it is true that during the 1980s the United States helped Iraq with intelligence and the acquisition of chemical and biological weapons, it was the Iraqis who used them. In other words, there is more than one historically culpable actor here. But the fact that the Iraqis in power did wrong does not allow us to forget the United States may have acted in ways that turned out badly or were simply wrong. The United States bears some measure of causal responsibility.

There are other senses of responsibility. One might be responsible in the sense of having the duty to provide for the care and well-being of others who cannot take care of themselves, especially if we are partly responsible for that incapacity. One can also take responsibility as part of a division of labor among equals—that is, taking on a duty where others also have duties. To be responsible is to be accountable for our behavior to another—perhaps to Iraqis, to American citizens, or to the international community as it is constituted in the United Nations General Assembly and Security Council. To be responsible is to be reliable and dependable, to be competent in completing the tasks and meeting the goals to which one has committed oneself. In all these senses—of accountability, reliability, the causal responsibility of action and consequence, the moral obligation of the strong to help the less well off, and the duty to follow through on burdens undertaken in equal partnership—the United States has obligations to Iraq.²²

LEGAL OBLIGATIONS OF THE UNITED STATES TO IRAQ

What are the legal obligations of the United States with respect to Iraq? The most pressing of them are the obligations, under relevant international treaties and UN resolutions, of the United States as an occupying power in Iraq. These familiar legal obligations bear directly on the question of moral responsibility.

First, the United States, having entered Iraq through war, is an occupying power under the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949. The declarations of the Bush administration (although it prefers to speak of "liberation"), as well as the language of the relevant UN resolutions,

recognize the United States as an occupier.²³ Occupying powers have certain duties under international law. Specifically, an occupier must not annex the occupied territory; the occupation must be temporary; an occupier must maintain law and order in the occupied territory;²⁴ and an occupier must secure the basic human needs of the population.²⁵ Further, both the Hague Regulations and the Geneva Convention require occupiers to respect the laws of the state they have occupied, changing them only insofar as is necessary to provide good order.²⁶ Occupiers are also required to manage the resources of the occupied state so as to prevent waste or misuse; any profits that accrue may be used to pay for the costs of local administration.²⁷

The occupation of Iraq is unusual in comparison to other recent occupations, though not entirely unique. In Germany and Japan after World War II, for example, the entire governing apparatus of the occupied states did not disappear. Even though both states had been devastated by bombing and the Allies conducted limited purges and war crimes tribunals, both countries still had well developed and functional bureaucracies after the war. In Iraq, on the other hand, the state melted away, or was destroyed or (like the police and military) disbanded by the coalition military and the Coalition Provisional Authority (CPA). The Iraqi bureaucracy was effectively nonexistent when the CPA began the task of occupation and reconstruction. Moreover, state assets had been looted in the immediate aftermath of the fighting.

The Iraqi case, in fact, illustrates how the goals of occupation have changed. No longer do occupiers restore or establish monarchies or authoritarian states as they had in decades past. In the 1990s in Kosovo, East Timor, and Bosnia, the occupiers, to the extent that the international peacekeepers can be so described, worked to establish and protect democracy. In East Timor they even participated in writing a new constitution. In Iraq, the goals of occupation also include democratization. Specifically, UN Security Council Resolution 1511 states that the role of the CPA will “cease when an internationally recognized representative government established by the people of Iraq is sworn in and assumes the responsibilities of the Authority”—language that presumes the goal of representative government.

But there is a contradiction between previous international law and the UN resolutions giving the CPA certain powers in Iraq. UN Security Council Resolution 1483 of May 2003 and Resolution 1511 of October 2003 envision a sweeping change of Iraqi politics toward representative government—which Iraq has never had (except under the northern no-fly zone)—whereas the resolutions also require the CPA to abide by the Hague Regulations and the Geneva Conventions, which oblige an occupier to respect preexisting laws and forms of government.

How should these conflicting responsibilities be resolved? The determination to respect Iraqi sovereignty and self-determination is certainly laudable, but so is the desire to bring representative government to Iraq. Moreover, this is only the latest in a series of cases over the past decade showing how the principles of sovereignty and self-determination are clashing with the trend to promote democratic governments and free market capitalism. Of course, the exercise of the vote in free elections is not the only important sign of a democracy. Without the rule of law, a free press, an educated and engaged citizenry, and a thriving civil society, democracy does not work well, if it can work at all.

The United States and the Coalition Provisional Authority may well argue that they are justified in remaking Iraq, even if its ambitions seem to violate the letter and spirit of international law. Advocates of sweeping change would argue that the United States is both morally and practically required to reshape Iraq's government wholly, because of the present lack of a functioning state bureaucracy and government services, the danger that the Baathists may return or extremists may take power, and the shift that began early in the post-Cold War era toward promoting democracy in postconflict settings. Yet the norm of self-determination and minimal intervention after war is important, and it does conflict with the nation-building effort.

This ostensible conflict of international law should probably be interpreted to suggest that the coalition's license to remake Iraq, if it has a license at all, is a relatively narrow one. The United States should not engage in a wholesale restructuring of Iraq's political institutions. That should be the job of Iraqis. Instead, the United States should concentrate on its other obligations under international law—specifically, to provide order and basic needs for Iraqis while they are under occupation. We should also help Iraq rebuild its infrastructure—not just because we destroyed much of it or allowed it to be looted, but also because we supported Saddam in the past, because our sanctions were so devastating, and because our most recent war was certainly not authorized by the UN and may arguably have been illegal.

I cannot agree that the liberation of Iraq (the ends) justifies the means in this case. But, as many have said, the United States is now in Iraq and must shoulder its responsibilities, which must include a relatively quick exit so that Iraqis can take up their own governance. The United States has moved to do so, but it cannot be seen to be completely orchestrating the transfer of power. Iraqis must own and direct the process. Yet even with the U.S. handover of nominal authority to Iraqis in June 2004, its obligations did not end. Iraqis will need and indeed deserve some measure of assistance for some years to come. The shape of that assistance and its duration should be decided in full consultation with Iraqis—and not simply those Iraqi leaders the United States hand-picks for leadership.

INTERNATIONAL ACCOUNTABILITY INCREASES INTERNATIONAL LEGITIMACY

The legal obligations of an occupying power do not depend on whether the occupation is legal or illegal. Many members of the United Nations consider the U.S.-led war against Iraq illegitimate and question the legitimacy and motivation of the American effort to remake Iraq. Indeed, perceived illegitimacy of the war and the occupation has impeded the financial and military support the United States wants from its allies.

One way around this perception of illegitimacy, and also the clash already discussed between democratization and the limited rights of an occupier to remake a sovereign state, is to change the structure of legal accountability. At this writing, the Coalition Provisional Authority and its administrator, Paul Bremer, have supreme authority in Iraq. The United States and the CPA essentially answer to no one, except indirectly to the American taxpayers. Iraqis have only a token or nominal role and no one to appeal to when they disagree with U.S. or CPA policies. Under the currently operative UN Security Council resolutions, the CPA has provided only a patchwork of procedures, and minimal transparency and accountability.

Legitimacy and accountability to Iraqis might be greatly enhanced if the occupation were institutionalized under United Nations authority. The United States has wanted the mantle of UN legitimacy but has not been willing to cede any of its own authority to the United Nations. But there is a model of UN trusteeship that might work, if the United States would subject itself to oversight and accountability. There are provisions in the UN Charter, in Chapters XII and XIII, for states administering territories to place them under UN trusteeship. The coalition might declare its administration of Iraq a form of international trusteeship and place the CPA under the authority of the UN Trusteeship Council or an ad hoc council on transitional administration.²⁸ In that way the United States and the CPA would become accountable both to the council and indirectly to other nations, as well as to the Iraqi people.²⁹ The United States would remain responsible for the security of Iraq but under international oversight. The functional equivalent of the Trusteeship Council would hear reports required of the CPA as trustee; it would also receive petitions and testimony from Iraqis. In turn, the council would be required to report to the General Assembly on the progress of the CPA in the political, economic, social, and educational advancement of Iraq, respect for human rights, and equal treatment and justice for Iraqi citizens.

Placing Iraq under UN trusteeship would have been a novel solution but not without legal difficulties.³⁰ A modified form of UN trusteeship would have to be agreed to, of course, by all parties. Still, it would go some way toward bringing the United States, as an occupying power, back into the framework of

international law, and UN supervision of the CPA occupation would help to promote accountability in Iraq's occupation and decrease the sense—and to some extent the reality—of crony capitalism in Iraq's reconstruction. It would also lessen the perception that the structure of government essentially reflects a deal between the United States and a small group of unelected, American-selected Iraqis. The trusteeship relationship would have to be for a limited time (say, six to eight months), during which the political priority should be the development of local institutions of governance and security. The Iraq Governing Council must become a representative institution in the short term and then be replaced by an elected assembly. Increasing the openness of the process is vital to enhancing the quality of the final structure of Iraq's government and increasing the perceived legitimacy of the process among Iraqis and international observers. The interim constitution signed in March 2004 by members of the Iraq Governing Council must not be seen to be solely a creature of U.S. making. Because the transition to an Iraqi interim administration in June 2004 was seen as both undemocratic and orchestrated by the United States to suit its interests in controlling Iraq after the transition, the United States has again fallen short of its obligations to Iraq. The way to at least in part ameliorate this situation is by supporting those Iraqis who favor democratic institutions and practices, regardless of whether they pledge 100 percent fealty to the United States.

Other specific steps include building up security forces to promote the stability and good order that the United States is obliged to provide as an occupying power. General Eric Shinseki, Chief of Staff of the U.S. Army from 1999 until August 2003, argued prior to the conclusion of the war that the United States would need more troops to occupy Iraq. Securing Iraq may require at least a hundred thousand more troops, in addition to the 150,000 or so that were there in late 2003, to guard ammunition dumps, patrol the borders, and provide security at sensitive facilities, such as oil pipelines, and Iraq's other crucial infrastructure.³¹ It is a clear obligation of the United States as an occupier to provide security, the *sine qua non* of all else in Iraq. The United States fails to meet its legal and moral responsibilities to Iraq as long as it fails to do so.

THE MORAL DUTIES OF THE HEGEMON

But the United States is not concerned only with Iraq; it has global aspirations and, some argue, global responsibilities. Does the United States have particular moral burdens as the world's sole superpower? The Bush administration, like the Clinton and first Bush administrations, argues that the United States does in fact have great moral responsibilities and duties. Indeed, these post-Cold War presidents are hardly unique; nearly every American president in the twentieth century claimed that the United States has a moral obligation to the world. In his

famous June 2002 West Point address, in which he unveiled his preemptive war doctrine, President Bush also laid out a strong moral position and agenda:

Some worry that it is somehow undiplomatic or impolite to speak the language of right and wrong. I disagree. Different circumstances require different methods, but not different moralities. . . .

Moral truth is the same in every culture, in every time and in every place. Targeting innocent civilians for murder is always and everywhere wrong. Brutality against women is always and everywhere wrong.

There can be no neutrality between justice and cruelty, between the innocent and the guilty. We are in a conflict between good and evil, and America will call evil by its name.

. . . As we defend the peace, we also have an historic opportunity to preserve the peace. We have our best chance since the rise of the nation state in the 17th century to build a world where the great powers compete in peace instead of prepare for war. . . . America stands for more than the absence of war. We have a great opportunity to extend a just peace, by replacing poverty, repression, and resentment around the world with hope for a better day. . . . America has a greater objective than controlling threats and containing resentment. We will work for a just and peaceful world beyond the war on terror.³²

In his 2003 State of the Union address, President Bush said, “Americans are a free people, who know that freedom is the right of every person and the future of every nation. The liberty we prize is not America’s gift to the world; it is God’s gift to humanity.”³³ Further, as the president told the American Enterprise Institute in February 2003 during the buildup to the war in Iraq, “We meet here during a crucial period in the history of our nation, and of the civilized world. Part of that history was written by others; the rest will be written by us.”³⁴ Here utopianism slides into omnipotence—the United States will write a new global history.

Further, economics has become a matter of moral certitude and high moral stakes for the Bush administration. The national security strategy argues that “the concept of ‘free trade’ arose as a moral principle even before it became a pillar of economics.”³⁵ Indeed, freedom is defined in economic terms. “If you can make something that others value, you should be able to sell it to them. If others make something that you value, you should be able to buy it. This is real freedom, the freedom for a person—or a nation to make a living.”³⁶

The strategy articulates economic development in terms of a moral mission. “A world where some live in comfort and plenty, while half of the human race lives on less than \$2 a day, is neither just nor stable. Including all of the world’s poor in an expanding circle of development—and opportunity—is a moral imperative and one of the top priorities of U.S. international policy” (page 21). The

irony, of course, is that the United States has one of the lowest rates of foreign aid among developed countries. Freedom in this case is the freedom to follow the American free market formula. Thus, the administration says, “We have a moral obligation to measure the success of our development assistance by whether it is delivering results” (page 22).

This sense of a great moral mission to remake the world—“the *rest* will be written by us”—is part of the strategy to combat terrorism. Bush’s remarks May 2003 at the Coast Guard Academy show the causal links the administration draws between this moral vision and U.S. security:

We find our greatest security in the advance of human freedom. Free societies look to the possibilities of the future, instead of feeding old resentments and bitterness. Free countries build wealth and prosperity for their people in an atmosphere of stability and order, instead of seeking weapons of mass murder and attacking their neighbors. Because America loves peace, America will always work and sacrifice for the expansion of freedom. . . . These goals—advancing against disease, hunger and poverty—will bring greater security to our country. They are also the moral purpose of American influence. They set an agenda for our government, and they give idealistic citizens a great cause to serve.³⁷

The moral mission also goes hand in hand with the new preemptive war doctrine. The administration sees a seamless global web of U.S. interests and vulnerabilities. In the words of the new *National Security Strategy*, “Today, the distinction between domestic and foreign affairs is diminishing. In a globalized world, events beyond America’s borders have a greater impact inside them.”³⁸ Specifically, as the perception of American economic and political interests has enlarged—has become more global—so has the sense of U.S. vulnerability. The 2001 *Quadrennial Defense Review* emphasized that “the United States has interests, responsibilities, and commitments that span the world. As a global power with an open society, the United States is affected by trends, events and influences that originate from beyond its borders.”³⁹ This is an understanding of the United States as a global power with global interests and vulnerabilities. In this view of a global American self, it is understood to be legitimate to intervene everywhere in “self” defense.

The post-9/11 context of terrorism creates a sense in which the state is always under threat. Terrorism, understood as war, expands the concepts and practice of war temporally and conceptually, in part because “the threat of terrorist attack is terrorism.”⁴⁰ Counterterrorism, conceived of primarily as war, similarly explodes the limits on war, because, as Secretary Rumsfeld repeatedly emphasizes about terrorism, “There is no way to defend everywhere at every time against every technique. Therefore you simply have to go after them.”⁴¹ The global self is always under threat, because terrorists are potentially always ready

to strike. The possible targets of terrorism must be in a constant state of mobilization and preparedness, and thus the conceptual and political lines between war and peace tend to become blurred. The contemporary counterterror context thus lacks distinct “battlefields” and “fronts,” while the speed of events and technologies places great pressure on leaders for immediate decision making. “Our security will require . . . a military that must be ready to strike at a moment’s notice in any dark corner of the world. And our security will require all Americans to be forward-looking and resolute, to be ready for preemptive action when necessary to defend our liberty and to defend our lives.”⁴²

The world appears so uncertain and dangerous to the Bush administration—the “international system . . . has become more fluid and unpredictable,” a “geopolitical setting that is increasingly complex and unpredictable”—that it is convinced that the United States must prepare for every possible future military contingency with a military capability.⁴³ The administration seeks to “shape the strategic landscape” and “promote stability” because it is so troubled by unpredictability.

The Bush administration has also redefined its view of threats in line with its understanding of the globalization of technologies that might conceivably be used to produce weapons of mass destruction. In the past, it took years and tremendous resources to mount a threat to the United States or to regional stability. This meant that defenses could be mobilized. The administration believes that the diffusion of technological capacity has changed that truism. The 2002 *National Security Strategy* argues, “We must adapt the concept of imminent threat to the capabilities and objectives of today’s adversaries.”⁴⁴ The president says, “The gravest danger our Nation faces lies at the crossroads of radicalism and technology.”⁴⁵ Further, as the president’s national security adviser, Condoleezza Rice, has argued, “new technology requires new thinking about when a threat actually becomes ‘imminent.’ So as a matter of common sense, the United States must be prepared to take action, when necessary, before threats have fully materialized.”⁴⁶

As the counterproliferation and preemptive/preventive-war doctrines attest, the administration assumes that “possession” of weapons or efforts to acquire them is tantamount to intent to use these forces offensively against the United States. The goal of preeminence and the adoption of “capabilities-based” planning underscore this fear of any other state having anything approaching the level of U.S. military power. If this is the understanding of the threat and the strategic context, imminent threat is not the threshold any longer for action; mortal threats requiring response are always imminent. In other words, the difference in terms of time between a distant threat that one might be able to deter or defend against and an immediate or imminent threat to which the only prudent response is preemption has telescoped and even collapsed. The distinction

between a potential adversary and a likely one also collapses in this view of the world. If this is really the view of the administration, it has not been disingenuous in labeling the Bush doctrine as “preemptive”; it sees little if any difference between the present and the possible future.

In other words, the Bush administration appears to believe that because of globalization (understood as political and economic interdependence as well as the diffusion of high technology), the United States cannot afford to let the rest of the world run itself as it pleases. That freedom is simply too dangerous. Free market democracies are more peaceful and prosperous, it argues—and prosperity decreases the attractiveness of terrorist action and the ideologies of terrorists.

Thus, the moral mission proclaimed so loudly by the Bush administration is tightly linked to U.S. security objectives. I cannot but agree that many of the administration’s objectives are laudable. If the goals are laudable and also promote American interests, why indeed should not the administration set about remaking the world in the image of the United States? Is not the “rightful place” of the United States, the world’s most powerful nation, in front, calling the shots?

There are at least two reasons—both ethical and prudential—why the United States should nonetheless refrain from acting hegemonically. First, if the administration truly believes in democracy and self-determination, it must not ignore the agency of others as free and equal participants in the achievement of their own aspirations. There is ample evidence that the current administration does not in fact trust others to be the architects of their own destinies. An example of this paternalism can be found in the liberation and subsequent governance of Iraq under the Coalition Provisional Authority. American soldiers pulled down the statue of Saddam. The Iraqis did not, ultimately, do the deed; we rushed in to do it for them. The United States then handpicked the interim Iraqi government, severely constrained its powers, and has (at this writing) tried to sideline calls for an immediate direct election.

Second, the United States should not set about remaking the world because it does not have all the answers. Local solutions sometimes are not only seen to be more legitimate but are better than the ones the United States might try to impose unilaterally or through international institutions. Indeed, in its self-righteousness the administration ignores how its own behavior sometimes harms the life chances of individuals in the rest of the globe and works against the values it claims to want to promote. One cannot urge others to respect international law, abide by democratic norms, and behave peacefully in the world if one’s own behavior sometimes undermines those very values.

There is a third reason why the United States should not attempt to remake the world. The surest way to create resistance is to tell others how they should run their affairs. The Declaration of Independence is a litany of the ways in

which imperialism breeds resentment. For this reason alone, many of the Bush policies are neither prudent nor effective; they are, in fact, counterproductive to U.S. interests.

PRINCIPIA LEVIATHAN

What would be a better way to promote the democratic values we all want to see develop in the world? A moral foreign and military policy would, first of all, entail a discussion within the United States and the international community of the U.S. role in the world. That means that American leaders should not do all the talking but instead a good deal more listening.

Second, the United States needs to develop a sustainable grand strategy to promote democracy and human rights in a nonpaternalistic and respectful way. A sustainable foreign policy must also, of course, deal with the global challenges of terrorism, energy, and global environmental change. These challenges are linked, in the sense that the United States needs a sustainable energy policy that will in the long run get the United States out of the Middle East and out of the business of supporting despots who promise access to oil. Simply proclaiming that despots should change their spots does not accomplish that goal. The human rights of those in civil society who are working to create democracy from below should be protected, and resources should be channeled to those with truly democratic visions and programs. Support for human rights obviously includes ensuring that prisoners of war and detainees receive due process and are not tortured. Further, as a global superpower, the United States should take up the maxim of “first do no harm,” which means decreasing support to dictators and authoritarian regimes around the globe and increasing support for leaders who promote human rights.

Third, a more moral foreign policy would be more multilateral, a step toward developing the rule of law rather than the rule of force. The assumption in some quarters in Washington seems to be that the United States belongs on top, alone—there is hardly another way to take the meaning of “preeminence.” Yet there are costs to going it alone, beyond the financial burdens of trying to reshape the world on the back of the U.S. treasury. The nascent institutionalization of the rule of law is jeopardized when one state takes it upon itself to be rule maker, rule breaker, judge, jury, and occasionally executioner. We are all better off in a stable world of rules that all expect others to abide by. This means adhering to negotiated and binding solutions to problems that range from arms control to the environment and trade.

Specifically, the American policy on the nonproliferation of weapons of mass destruction would be advanced if the United States were itself seriously bound by arms control. In other words, until the United States develops a more

nuanced nonproliferation policy that entails dealing with its own nuclear forces, it will find it hard to get others to forgo their own weapons of mass destruction. That means in particular that the United States should return to serious nuclear arms control. The Bush administration has abrogated the Anti-Ballistic Missile Treaty and refuses to submit the Comprehensive Test Ban treaty for ratification. The administration has signed one major arms control treaty, the May 2002 nuclear arms reduction treaty between the United States and Russia. The *New York Times* characterized that agreement as “the most dramatic nuclear arms cut in decades,” yet there is less here than meets the eye.⁴⁷ The Strategic Offensive Reductions Treaty (SORT) actually *eliminates* few weapons—the total number of U.S. nuclear weapons would go from 10,600 to ten thousand. Rather, it takes four thousand nuclear weapons off alert—at some indeterminate point within the next decade—and puts them in storage. The majority of the American nuclear weapons covered by the treaty will not be dismantled. Instead, they will be available for redeployment when the treaty expires—the day after it becomes effective, ten years after it was signed. Further, the Nonproliferation Treaty will become essentially ineffective if the United States refuses to live up to its obligations (under article 6) to reduce and eliminate its nuclear forces.

In addition, the United States should reconsider its stance on treaties that the majority of the world’s nations have found useful for security, the global environment, and the promotion of the rule of law. Specifically, the United States should accede to the antipersonnel land-mine treaty, join the International Criminal Court, and ratify the Kyoto Protocol even if none of these treaties is perfect from an American perspective. In some cases, perfect is the enemy of good enough. It is unreasonable for the United States to expect cooperation on the war on terror or on global trade if it impedes international cooperation in other spheres. The manifest unfairness of U.S. policy only creates resentment and gives cover to scofflaws. How is it fair, for example, that just 5 percent of the world’s population produces over 25 percent of the world’s greenhouse gases?

Fourth, the United States should adopt a security policy in line with international law and the just war tradition. Specifically, it should renounce the preemptive-war doctrine, which is illegal and imprudent. Preemptive war is seen by others as preventive war, because of the broad way in which the United States has defined its interests and its threats. In defending the preemptive doctrine, Condoleezza Rice once referred to Daniel Webster’s “famous defense of anticipatory self-defense.”⁴⁸ But Rice missed Webster’s point. He sought precisely to limit the resort to preemption, even in the name of self-defense. Preemption, after all, initiates violent conflict, so it must meet demanding strictures. By drawing a sharp line between legitimate preemption and illegitimate aggression Webster sought to avoid what he called “bloody and exasperated war.”

It is worth recalling Webster's argument in detail. In December 1837 British military forces based in Canada learned that a private American ship, the *Caroline*, was ferrying arms, recruits, and supplies from Buffalo, New York, to a group of anti-British rebels on Navy Island, in the Niagara River upstream of the falls on the Canadian side of the border. On the night of 29 December, a British and Canadian force set out to destroy the ship. They did not find the *Caroline* at the island but tracked it down in American waters. While most aboard slept, the troops boarded the ship, attacked the crew and passengers, and set the vessel on fire. They then towed the *Caroline* into the current and released it to drift toward Niagara Falls, where it broke up and sank. Most on board escaped, but one man was apparently executed, and several others remained unaccounted for and were presumed dead.

In a letter to Daniel Webster, then secretary of state, the British ambassador, Henry Fox, defended the incursion into U.S. territory and the raid on the *Caroline*. British forces had simply acted in self-defense, he said, protecting themselves against "unprovoked attack" with preemptive force.⁴⁹ In his eloquent reply Webster rejected that argument and articulated a set of demanding criteria for a "necessity of self-defense"—in particular, for legitimate preemptive force. Preemption, Webster said, is justified only in response to an imminent threat; moreover, the force must be necessary for self-defense and can be deployed only after nonlethal measures and attempts to dissuade the adversary have failed. Furthermore, a preemptive attack must be limited to the immediate threat and must discriminate between the armed and unarmed, the innocent and guilty. The British attack on the *Caroline*, Webster argued, failed miserably by these standards:

It will be for that Government [the British] to show a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation. It will be for it to show, also, that the local authorities of Canada,—even supposing the necessity of the moment authorized them to enter the territories of the United States at all,—did nothing unreasonable or excessive; since the act, justified by the necessity of self-defence, must be limited by that necessity, and kept clearly within it. It must be shown that admonition or remonstrance to the persons on board the "Caroline" was impracticable, or would have been unavailing; it must be shown that daylight could not be waited for; that there could be no attempt at discrimination between the innocent and the guilty; that it would not have been enough to seize and detain the vessel; but that there was a necessity, present and inevitable, for attacking her in the darkness of night, while moored to the shore, and while unarmed men were asleep on board, killing some and wound[ing] others, and then drawing her into the current above the cataract, setting her on fire, and, careless to know whether there might not be in her the innocent with the guilty, or the living with the dead, committing her to a fate that fills the imagination with horror. A necessity for all this the government of the United States cannot believe to have existed.

Webster concluded that “if such things [as the attack on the *Caroline*] be allowed to occur, they must lead to bloody and exasperated war.”⁵⁰

The present administration argues, of course, that we do not live in Daniel Webster’s world, in which “terrorists” seek “martyrdom” and leaders of “rogue states” are often risk prone and willing to sacrifice the lives of their people; in which preparations to attack the United States are often not visible (terrorists may use “weapons of mass destruction” that “can be easily concealed, delivered covertly, and used without warning”); and in which attacks may be devastating. For these reasons we need to revise our understanding of when a threat is “imminent”—“We must adapt the concept of imminent threat to the capabilities and objectives of today’s adversaries.”⁵¹ The United States cannot wait, in this view, for a “smoking gun” if the smoke comes in the form of a mushroom cloud.

I do not dispute the administration’s moral premise, that the right to self-defense sometimes permits preemption. The problem is that the preemption doctrine has collapsed the distinction between imminent (immediate) and potential future threats. It assumes that grave threats are now *always* imminent. Yet such a view is both inaccurate and ultimately dangerous. In postulating that we are always in grave danger of immediate assault, we lose precisely the time we need to distinguish between potential threats and likely ones; we also may tend to strike first, without much evidence. Further, in assuming that the world is one of imminent and grave peril (immanent threat), the United States deemphasizes diplomacy, arms control, and negotiation, turning instead to the use of force because it assumes there is little or no time for these measures. In fact, however, the presumption of imminent threat makes us less secure. Even in the new security environment, distinctions between short and long-term threats and between different sorts of potential adversaries remain fundamental. Denying the importance of these distinctions, as the administration sometimes does, is morally unacceptable and will lead to greater instability. As Bismarck said in 1875, “I would . . . never advise Your Majesty to declare war forthwith, simply because it appeared that our opponent would begin hostilities in the near future. One can never anticipate the ways of divine providence securely enough for that.”⁵²

Finally, the United States should modify its counterproliferation doctrine. Threatening the use of nuclear weapons or conventional war to counter the development or possession of nuclear, chemical, or biological weapons by others only spurs others to get those weapons in order to deter the United States itself from attack. Some potential proliferators may be cowed in the short run into relinquishing their weapons programs, but other states are likely to accelerate their attempts to acquire weapons of mass destruction.

AN ETHICAL APPROACH CAN YIELD A MORE SECURE UNITED STATES

The United States can pursue its security interests and an ethical foreign policy at the same time. In fact, the present administration has tried to do so, by infusing its foreign policy with a moral mission. The problem has been that its moralism has been a narrow one of promoting American interests and values regardless of how its behavior affects others, on the assumption that what is good for the United States is good for the rest of the world. Indeed, the Pax Americana pursued since the 9/11 attacks has been dangerous, although in many ways no great departure from the agendas of recent administrations. First, it has institutionalized fear in U.S. foreign policy, although American vulnerability is actually little different from what it used to be. Of course, the 11 September terrorist attacks were devastating, but U.S. vulnerability to attack is essentially the same or perhaps lower primarily because the United States has increased its vigilance in the wake of those attacks. Fear and an understandable sense of righteous injury and indignation have led to a frantic urgency to make the globe safe. Nearly blinded by fear, the administration apparently believes (at least, some of its members do) that the United States can do no wrong and that the ends of global peace on U.S. terms justify any means. The administration cannot see outside the logic of ever-expanding force and military preeminence. Its fear and moral certainty combined with its awesome power have created a deadly cocktail.

It may be no exaggeration to suggest that the U.S. war against Iraq in 2003—not the 9/11 attacks—will prove to have been the turning point in American foreign policy and in global history. Immediately after the campaign, a survey of international opinion in twenty countries by the Pew Research Center for the People and the Press found that the United States was seen unfavorably in thirteen of those countries. In the seven countries surveyed where support remained above 50 percent, it had declined. The center's director observed, "The war has widened the rift between Americans and Western Europeans, further inflamed the Muslim world, softened support for the war on terrorism, and significantly weakened global support for the pillars of the post-World War II era—the U.N. and the North Atlantic alliance."⁵³ The failure to honor promises to secure Iraq immediately, to feed and fight simultaneously, tarnished the luster of U.S. omnipotence. The subsequent failure to find weapons of mass destruction in Iraq, and ultimately the revelation that there had almost certainly been none to find—after the Pentagon had said it knew where those weapons were—is seen as a sign of falseness on the part of the United States and has deeply undermined American credibility.

The aspiring leviathan is not all-powerful; the United States cannot create a global Pax Americana through brute force or by ideological aversion to the rule of law and multilateral institutions. Contrary to the president's argument in February 2003 the rest of global history will not, in other words, be written solely by the United States. All empires face limits and ultimately fall. But even so, the U.S. effort to dominate world politics, to impose a Pax Americana, will do much to create the common historical consciousness of shared concerns of the kind that constitutes a new global historical epoch. Just as in the 1960s, when the U.S. space program culminated in the nationalist act of planting an American flag on the moon, the country's aspirations and actions today will, ironically, catalyze and cement a global perspective. The United States can in fact pursue a moral policy in Iraq and in the rest of the world. Indeed, the integration of ethical reasoning with prudence is the most promising route to success in both the war on terror and the promotion of democracy and stability in Iraq and elsewhere.

The U.S. government has assumed a high level of moralism, and many of its goals are laudable. But the administration's moralism should not be mistaken for an ethical foreign policy. Anyone can say, and even sincerely believe, that what he or she does is good for themselves and for others. The mark of an ethical foreign policy is that it conforms with the highest principles of international law, the bedrock principle of which is respect for the autonomy of others; that the majority of the world agrees that action taken pursuant to that policy is just; and that implementation of the policy does not contradict its purposes. Ultimately, if the United States will not be bound by principles or laws that it champions, it has not acted ethically. In this respect, the policies of the Bush administration in Iraq and elsewhere have much farther to go.

NOTES

1. "President Bush Delivers Graduation Speech at West Point," 1 June 2002, available at www.whitehouse.gov/news/releases/2002/06/20020601-3.html.
2. National Security Council, *The National Security Strategy of the United States of America* (Washington, D.C.: Office of the President, September 2002), p. 1.
3. U.S. Defense Dept., *Quadrennial Defense Review Report* (Washington, D.C.: Government Printing Office, 30 September 2001), pp. 30, 62.
4. "Graduation Speech at West Point."
5. Quoted in James Atlas, "The Nation: Leo-Cons: A Classicist's Legacy: New Empire Builders" *New York Times*, 4 May 2003, "The Week in Review," p. 1.
6. *National Security Strategy*, 2002, p. 1.
7. Thucydides, *History of the Peloponnesian War* (New York: Penguin, 1954), p. 402.
8. Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace*, 6th ed., rev. Kenneth W. Thompson (New York: Knopf, 1985), p. 12.

9. Thomas Hobbes, *Leviathan* (1651; New York: Penguin, 1968). Realists suggest that if there is any moral tone at all to international politics, it is set by the dominant powers. Or, as E. H. Carr, the man realists love to quote, said, "Theories of social morality are always the product of a dominant group which identifies itself with the community as a whole, and which possesses facilities denied to subordinate groups or individuals for imposing its view of life on the community. Theories of international morality are, for the same reason and in virtue of the same process, the product of dominant nations or groups of nations. . . . [M]orality is the product of power." Edward Hallett Carr, *The Twenty Years' Crisis, 1919–1939: An Introduction to the Study of International Relations* (New York: Harper and Row, 1964), pp. 79, 81.
10. Hans Morgenthau, "To Intervene or Not to Intervene," *Foreign Affairs* 45, no. 3 (April 1967), p. 430.
11. *Ibid.*
12. Charles R. Beitz, *Political Theory and International Relations* (Princeton, N.J.: Princeton Univ. Press, 1979), pp. 17, 56.
13. On the renaissance of ethics in foreign policy see Leslie H. Gelb and Justine A. Rosenthal, "The Rise of Ethics in Foreign Policy: Reaching a Values Consensus," *Foreign Affairs* 82, no. 3 (May/June 2003), pp. 2–7.
14. "President Delivers Commencement Address at Coast Guard [Academy]," 21 May 2003, available at www.whitehouse.gov/news/releases/2003/05/20030521-2.html.
15. While liberals claim that morality ought to be part of foreign policy, many are troubled by the history of Western behavior—namely, centuries of colonialism undertaken under the color of a humanitarian/civilizing mission—and so hesitate to prescribe specific duties. Rather than claiming specific authority in this context, some liberals suggest that moral intuitions ought to be the guide. Others—for example, Ken Booth—are more certain. He argues that "just because many Western ideas were spread by commerce and the Gatling gun, it does not follow that every idea originating in the West, or backed by Western opinion, should therefore simply be labeled 'imperialist' and rejected. There are some ethnocentric ideas—and individual human rights is one of them—for which we should not apologize." Ken Booth, "Human Wrongs and International Relations," *International Affairs*, vol. 71, no. 1 (January 1995), p. 113.
16. See Andrew Linklater, *The Transformation of Political Community: Ethical Foundations of the Post-Westphalian Era* (Cambridge, U.K.: Polity, 1998); David Campbell, *Politics without Principle: Sovereignty, Ethics, and the Narrative of the Gulf War* (Boulder, Colo.: Lynn Rienner, 1993); David Campbell and Michael J. Shapiro, eds., *Moral Boundaries: Rethinking Ethics and World Politics* (Minneapolis: Univ. of Minnesota, 1999); Fiona Robinson, *Globalizing Care: Ethics, Feminist Theory, and International Relations* (Boulder, Colo.: Westview, 1999).
17. "Graduation Speech at West Point."
18. *National Security Strategy*, 2002, p. 30.
19. I was not in favor of this war against Iraq; I was a vocal opponent of it. But given that the war has occurred, I do not believe it is appropriate to pull out just yet. Rather, like many who thought the rationales for the war were weak, false, or disingenuous, I find myself believing that the United States must complete the task, whatever that is. Part of defining the task and knowing when it is done and when it is time to leave, of course, depends on defining the moral responsibility of the United States toward Iraq.
20. Specifically, when Iraq was a British mandate, the British established a monarchy that was heavily dependent on the military for its support. The British also tipped the balance of power to the Sunni Arabs, who were and are a minority.
21. The Project on Defense Alternatives estimates that more than forty thousand Iraqis were killed or injured. Of the eleven to fifteen thousand Iraqis killed, between 3,200 and 4,300 were noncombatants. See Carl Conetta, *The Wages of War: Iraqi Combatant and Non-Combatant Fatalities in the 2003 Conflict*, Project on Defense Alternatives Research Monograph 8 (Cambridge, Mass.: Commonwealth Institute, 20 October 2003), at www.comw.org/pda/fulltext/0310rm8.pdf.
22. The idea of the international moral responsibilities, of course, merits further parsing. The

topic assumes that “states” have responsibilities that include and extend beyond, or are perhaps different from, their legal obligations to other states. It also assumes that Iraq can properly be the object of those responsibilities—and it begs the question of whether the U.S. responsibility, whatever it might be, is to the people of Iraq, to a nascent sovereign entity, or to a new Iraqi government. The question of responsibility also raises an implicit comparison between Iraq and other places. Is Iraq more or less deserving of our moral consideration than other places in the globe, including the territory of the United States itself?

23. See United Nations Security Council Resolution 1483 of 22 May 2003, “recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the ‘Authority’),” and Security Council Resolution 1511 of 16 October 2003, which “reaffirms the sovereignty and territorial integrity of Iraq, and underscores, in that context, the temporary nature of the exercise by the Coalition Provisional Authority (Authority) of the specific responsibilities, authorities, and obligations under applicable international law recognized and set forth in resolution 1483 (2003) which will cease when an internationally recognized representative government established by the people of Iraq is sworn in and assumes the responsibilities of the Authority.”
24. Hague Regulations, article 43. See Adam Roberts and Richard Guelff, eds., *Documents on the Law of War*, 3d ed. (Oxford, U.K.: Oxford Univ. Press, 2000), pp. 80–81.
25. Geneva Convention IV, articles 55, 56. See Roberts and Guelff, eds., *Documents on the Law of War*, pp. 319–20.
26. Hague Regulations, article 43; Geneva Convention IV, article 64.
27. Some might argue that the war was illegal because it was not a case of self-defense covered by Chapter VII of the UN Charter. Nor was there an authorization from the UN Security Council for a collective enforcement action. Further, although the administration might have said it was so, neither was this a case where preemption might be justified—Iraq posed no clear and present danger to the United States. But the legality of the war is beside the point now. If all agreed that the coalition had made an illegal war, the only consequence at this point might be to suggest that the United States and its partners owed reparations to Iraq. Such a finding might in fact bolster the president’s argument that the U.S. aid to Iraq that Congress approved in late 2003 should be in the form of a grant, not a loan.
28. A council on transitional administration could also make the governance of the other areas currently under UN transitional authority and administration (such as East Timor and Kosovo) more transparent and accountable.
29. The best outcome would, of course, be to turn over the complete administration of Iraq immediately and directly to the Iraqi people. Unfortunately, the security situation in Iraq does not allow that at this writing, and the United States seems unwilling to give up its “control” on the ground. Further, the interim administration in Iraq suffers from being associated in the minds of many Iraqis with the American occupation and the perception that its members were handpicked by the U.S. government.
30. Article 78 of the UN Charter specifically states, “The trusteeship system shall not apply to territories which have become members of the United Nations, relationship among which shall be based on respect for the principles of sovereign equality.”
31. See Neta C. Crawford, “The U.S. Needs More Boots on the Ground,” *Providence Journal*, 31 October 2003.
32. “Graduation Speech at West Point.”
33. “President Delivers ‘State of the Union,’” 28 January 2003, available at www.whitehouse.gov/news/releases/2003/01/20030128-19.html, and www.nytimes.com/3003/01/29/politics/29BTEX.html.
34. “In the President’s Words: ‘Free People Will Keep the Peace of the World,’” *New York Times*, 27 February 2003, p. A10. Also, “President Discusses Future of Iraq,” 26 February 2003, available at www.whitehouse.gov/news/releases/2003/02/20030226-11.html.
35. *National Security Strategy*, 2002, p. 18.
36. *Ibid.*

37. "President Delivers Commencement Address at Coast Guard [Academy]."
38. *National Security Strategy*, 2002, p. 31.
39. *Quadrennial Defense Review Report*, 2001, p. 2.
40. Paul R. Pillar, *Terrorism and U.S. Foreign Policy* (Washington, D.C.: Brookings Institution Press, 2001), p. 14.
41. Donald H. Rumsfeld, Interview, *USA Today*, 24 October 2001, available at www.defenselink.mil/news/Oct2001/t10252001_t1024usa.html.
42. "Graduation Speech at West Point."
43. *Quadrennial Defense Review Report*, 2001, pp. 3, 6.
44. *National Security Strategy*, 2002, p. 15.
45. *Ibid.*, p. v.
46. Condoleezza Rice, "A Balance of Power That Favors Freedom," address to the Manhattan Institute, New York, 1 October 2002, available at www.manhattan-institute.org/html/wl2002.htm.
47. David E. Sanger and Michael Wines, "Bush and Putin Sign Pact for Steep Nuclear Arms Cuts," *New York Times*, 25 May 2002, p. 1.
48. Quoted in David E. Sanger, "Beating Them to the Prewar," *New York Times*, 28 September 2002, p. B7.
49. Henry S. Fox, British ambassador to the United States, to Daniel Webster, Secretary of State, 12 March 1841, in *The Papers of Daniel Webster: Diplomatic Papers*, vol. 1, 1841–1843, ed. Kenneth E. Shewmaker (Lebanon, N.H.: Univ. Press of New England, 1983), p. 42.
50. Webster to Fox, 24 April 1841, *ibid.*, pp. 62, 67–68.
51. *National Security Strategy*, 2002, p. 15.
52. Quoted in Gordon A. Craig, *The Politics of the Prussian Army, 1640–1945* (Oxford, U.K.: Oxford Univ. Press, 1955), p. 255.
53. Andrew Kohut, quoted in Christopher Marquis, "World's View of the U.S. Sours after Iraq War, Poll Finds," *New York Times*, 4 June 2003, p. A19.