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Preserving the Imbalance of Power

David C. Hendrickson

“The National Security Strategy of the United States of America”

(Washington, D.C.: White House, 2002), 35 pp., free; available at
www.whitehouse.gov/nsc/nss.pdf.

In a conversation last summer with two friends—one an American neoconservative, the other a French intellectual—I was complaining about the drift of U.S. foreign policy and in particular about the projected war against Iraq. Deterrence was a workable method in dealing with Saddam, I said; the Bush administration’s new doctrine of preventive war was contrary to international law, and its apparent determination to proceed in defiance of the international community would badly injure the legitimacy of American power. The setting for these observations—an outdoor café in the Basque country, in a village perched on the border between France and Spain—was not bad, and the Frenchman to my left, studying his beer, was clearly liking the drift of my remarks. I was soon corrected, however, by the neoconservative on my right: “You’re livin’ in the past,” he said.

I laughed and said nothing at the time, but the comment stuck. A similar correction, I later mused, had undoubtedly often been proffered in past moments of national emergency. In times of peril, such as September 11, 2001, manifested, the demand for security has taken precedence over any other consideration. It is not only the ardent love of liberty, as Publius observed, that gives way at such moments to the dictates of security, a dynamic of which we have seen abundant proof in the past eighteen months. Ethical

and legal restraints, too, must then pass a severe muster, and it is a test they often fail. First we do everything we can think of to ensure security, and then we worry about squaring what we have done with our consciences. At such moments, to live in the past is to cling to outworn shibboleths and to refuse the path of action that safety from external danger requires.

If the choice is posed in these terms, most people favor realism over idealism and prudence over principle, surviving in the present rather than living in the past. Being not too keen on violent death myself, I do not begrudge them that choice, but I do think that the debate is often miscast. The key point often missed is that the most important legal and ethical rules concerning the conduct of nations are themselves also prudential in character. They were birthed, that is to say, in some previous misfortune of the human race, and the subsequent command of the law at a basic level simply registers the lessons of experience. Such were the origins of the rules of sovereignty and nonintervention agreed upon in the mid-seventeenth-century Peace of Westphalia, which brought to a close a century of destructive religious wars. From a similarly baleful experience of preventive war and surprise attack in the twentieth century arose the rule condemning aggression in the League of Nations Covenant and the UN Charter.

This correspondence between the moral and legal on the one hand, and the prudential on the other, has important implications. Seen in this light, a determination to conduct statecraft within the limits marked out by international law or ethical precept may be seen not so much as idealism as a kind of second- or third-generation realism, and legal and moral principle as the decision-rule suggested by accumulated experience. We are obliged, in effect, to pay attention to justice not simply because we ought to do so, but also because unjust acts, in the cunning of human affairs, often come back to haunt their authors. Moral and legal restraints may indeed require forgoing some immediate advantages, but in the longer run the self-restraint they counsel is usually compatible with enlightened self-interest and offers a superior path to the achievement of security and well-being. Such restraints help us identify where the path of true interest really lies, just as speed limits and guardrails keep you from heading off a cliff when driving on a mountain road.

This line of thought, it seems to me, is relevant in considering the Bush administration's National Security Strategy, the much-discussed report issued September 20, 2002. That report provides a rationale for the fundamental, indeed revolutionary, changes in U.S. strategy the Bush administration has engineered over the past year and a half. Those changes I regard as quite dangerous and far more likely to worsen than relieve U.S. insecurity, and it seems to me that the imprudence is greatest with respect to those policies that cannot be reconciled with certain classic principles of international law.

BUSH'S SIX GREAT THEMES

Whereas President George W. Bush promised a policy focused on the national interest

during his 2000 campaign, the security strategy offers up a "distinctly American internationalism." Reflecting "the union of our values and our national interests," and aiming to "make the world not just safer but better," the Bush administration pledges to work toward a "balance of power that favors freedom" (p. 1). The report discusses free trade, economic development, energy security, and other such objectives, but its primary emphasis is on the new strategic environment revealed by the attacks of September 11, 2001. It is grand strategy not only in the plurality of means and foreign policy objectives it considers but also in the ambitions it entertains and in the magisterial tone it sustains. The report has six great themes:

Democratic Universalism: There is, says the president in his opening note, "a single sustainable model of national success: freedom, democracy, and free enterprise." There are also universal demands for human dignity that are nonnegotiable and for which the United States pledges to stand. "People everywhere want to be able to speak freely; choose who will govern them; worship as they please; educate their children—male and female; own property; and enjoy the benefits of their labor. These values of freedom are right and true for every person, in every society" (p. iv). The Bush administration does not exactly say that nondemocratic governments are illegitimate, and it is not clear from this report whether they are to be assailed with verbal protest, economic sanctions, or war. Nor is the administration consistently pro-democratic in its orientation: it has entered into agreements with authoritarian governments willing to provide bases and support in the war against terrorism. President Bush's policy, nevertheless, is distinctly militant and even revolutionary in potential application. Plans for a new order in the Arab world, in which these societies are remade in a liberal

democratic mode, are not detailed in this report, but they are strongly advocated in influential circles within the Bush administration. The report provides, in effect, the ideological justification for that extraordinarily ambitious policy.

Equation of Tyrants and Terrorists: The most serious security threat facing the United States is found in the junction between radicalism and technology—the capacity of terrorists and “rogue” states to inflict massive and unacceptable damage on U.S. society. Ultimately, threats from “unseen” terrorists and tyrannical states are of equal gravity. The phrase “axis of evil,” which President Bush used in his 2002 State of the Union address, appears nowhere in this report, but the spirit of the thing lives on. The administration is pledged to prevent the world’s most dangerous weapons from falling into the hands of the world’s most dangerous regimes.

Rejection of Deterrence and Embrace of Preventive War: The United States faced a “risk-averse” enemy during the Cold War, particularly after the Cuban Missile Crisis. What worked with the Soviet Union is much less likely to work with rogue states, who are “more willing to take risks” and who view weapons of mass destruction as “weapons of choice”—that is, as weapons of first rather than last resort (p. 15). That means not only that today’s security environment is “more complex and dangerous” than the Cold War; it also justifies a strategy of “preemption,” more accurately called a strategy of preventive war, that would allow the United States to strike first to avert the threatened calamity (pp. 13, 15).

International Institutions, the Instrumental View: The United States will work with international institutions, but will insist that these institutions do not have a veto on actions that the United States deems neces-

sary for its security. Despite protestations from the Department of State that the commitment to international institutions shines through on virtually every page of the report, the administration often seems in practice to view them in an entirely instrumental light. If they are useful in advancing an immediate U.S. interest, they are engaged and badgered; if not, they are ignored or scuttled. “In exercising our leadership, we will respect the values, judgment, and interests of our friends and partners,” the report says. “Still, we will be prepared to act apart when our interests and unique responsibilities require” (p. 31).

U.S. Military Dominance: The strategy looks to perpetuate U.S. military superiority indefinitely. The United States now spends on its military forces more than the next fifteen nations combined, and President Bush seeks to widen that gap. “America has, and intends to keep, military strengths beyond challenge,” the president observed at West Point in June 2002, “thereby making the destabilizing arms races of other eras pointless, and limiting rivalries to trade and other pursuits of peace.”¹

Peace: Such is the goal to which the administration insists all its labors are subordinated. “We will defend the peace,” Bush promises, “by fighting terrorists and tyrants. We will preserve the peace by building good relations among the great powers. We will extend the peace by encouraging free and open societies on every continent” (p. 4).

FROM SITZKRIEG TO WAR

The National Security Strategy was released just as Bush took to the United Nations his

¹“Remarks by President George W. Bush at 2002 Graduation Exercise of the United States Military Academy, West Point, New York,” June 1, 2002; available at www.whitehouse.gov/news/releases/2002/06/20020601-3.html.

case for threatening Iraq with war unless it disarmed, and much of what is new and distinctive in the report is centered on the threat from the “rogues.” The ability of the United States to gain Security Council support for a no-holds-barred inspections process in November 2002 raised the possibility that the second Iraq war, like the first, might be conducted as an exercise in international law enforcement. All throughout the fall and winter, it seemed highly probable that a war would take place by early spring; what was shrouded in ambiguity was whether the United States would gain the support of the Security Council. Only the following points were clear: world public opinion was decisively against a war; the ascendant neoconservatives in the administration would feel cheated if they did not get one; and the United States had impressive leverage in persuading governments to support its chosen course, even against their better judgment and in defiance of their domestic opinion.

In some ways, the weird codependence of the United States and the United Nations on one another during the *Sitzkrieg* was a source of reassurance, even if one could not entirely put aside the suspicion of fundamental dishonesty on all sides. The Security Council had leverage on the United States because domestic support for a war declined significantly when it was proposed as a unilateral undertaking or in the face of UN opposition. That suggested a significant and welcome restraint on U.S. power. At the same time, however, the United States had powerful leverage on all the individual members of the Security Council, and the administration made it clear that any state that opposed Washington would pay a serious price in bilateral relations. This pressure suggested that acquiescence from the Security Council, if it came, would itself derive

from the United States’ hegemonic power, with the strange but not implausible result that the most impressive trophy of the unilateralists, apart from the head of Saddam Hussein, would be the multilateral authorization the United States had squeezed from unwilling partners.

In a narrow sense, it may be true that the United States now has sufficient power to defy the world without paying much in the way of an immediate penalty. From a longer-term perspective, however, acting outside international institutions or behaving dictatorially within them cannot fail to undermine seriously the legitimacy of U.S. power. Ultimately, the United States’ outsized power in relation to the rest of international society is tolerable only on the condition that it is harnessed to a larger purpose than simply the vindication of its national interests. Observance of basic principles of the law of nations, together with action within the constraints of an international consensus, are two basic ways in which the United States has acquired such legitimacy as it now enjoys in the international system. Take those factors away, and the legitimacy of U.S. power would be gravely impaired.

The presumptive judgment of international law is that if a nation can avoid war, it should. Nowhere is the link between principle and prudence so closely woven together as in this judgment against preventive war. If the administration does not see things this way, it is largely because of the fundamental equation it draws between terrorists and tyrants. In equating the two, it has in effect projected the psychological characteristics of Osama bin Laden onto Saddam Hussein, when in fact bin Laden’s brand of ascetic fanaticism is nonexistent among political leaders who have maintained themselves in power for a long time. Saddam’s very duration in power shows not only that he is a sur-

vivor but that he cares about survival; the attempt to portray him as an undeterrable madman—so “unintentionally suicidal” that he has maintained himself in power for more than thirty years—is distinctly unpersuasive and even absurd.

The two things that Americans most deeply fear—that Saddam will use weapons of mass destruction or turn them over to others—are in fact made much more likely by the administration’s course, for by preventive war we remove his motive for restraint. Even if chemical or biological weapons are not used in the war or prove less destructive than feared, massive loss of life could still occur if the Iraqis fight for Baghdad or if the country collapses in civil war. Either result would be a disaster for American purposes and for American security, and would show plainly that the remedy chosen was far worse than the disease. That in turn points to the deeper contradiction in the case for war: If Saddam is as strong as they say, an attack would foolishly stir up a wasps’ nest; but if, as is more probable, he is much weaker than he is made out to be, the case for preventive war evaporates. In either case, the United States will undoubtedly be held responsible for the destruction brought by the war, an attribution that holds risk for American security. The very factor that seems so much to favor us strategically—our ability to overturn governments and wage successful war at little human cost to ourselves, but at potentially very large cost to others—is precisely that which inculcates intense hatred and the passion for revenge, making us more rather than less vulnerable to random acts of terrorism.

THE POWER OF ONE

As the paeans in the security strategy to the United States’ unparalleled military strength make clear, the most transparent prevarica-

tion in the Bush strategy lies in the assumption that America is in favor of a balance of power. In fact, the world order that Bush wishes to build looks not toward equilibrium but toward a massive imbalance of power in favor of the United States.

Is that a problem? Americans, of course, do not generally think so, but from the framework of traditional international law it cannot appear otherwise. The prevention of a situation in which any one power could give the law to the others was thought by the classic writers to be a necessary underpinning of international society, and they all looked with dread on the condition of supreme power to which the administration now aspires. Whether in Western constitutional thought or among the publicists of the law of nations, it was axiomatic that any situation of unbounded power held great danger for the maintenance of both order and liberty. Such power would inevitably be abused; a prince who did not do so, as François Fénelon observed, would be “the ornament of history,” and a “prodigy never to be looked for again.”² Alexander Hamilton well summarized the consensus judgment by observing that “The spirit of moderation in a state of overbearing power is a phenomenon which has not yet appeared, and which no wise man will expect ever to see.”³

The historical justification for empire is that it allows peace and order to obtain over

² François de Salignac de la Mothe Fénelon, “On the Necessity of Forming Alliances, Both Offensive and Defensive, Against a Foreign Power which Manifestly Aspires to Universal Monarchy,” excerpted in Moorhead Wright, ed., *Theory and Practice of the Balance of Power, 1486–1914: Selected European Writings* (Totowa, N.J.: Rowman & Littlefield, 1975), p. 40.

³ Alexander Hamilton, “The Warning,” excerpted in Arnold Wolfers and Laurence W. Martin, eds., *The Anglo-American Tradition in Foreign Affairs: Readings from Thomas More to Woodrow Wilson* (New Haven: Yale University Press, 1956), p. 145.

an extended territory, and it would be foolhardy to say that empire has never achieved that objective. It is also true, however, that the test of an empire's commitment to the peaceful settlement of disputes cannot be found simply in its verbal professions. A power that engages in perpetual war, even for the sake of so beneficent an end as perpetual peace, is going to have its motives and intentions subjected to acid skepticism, and rightly so. The expected war against Iraq would mark the third time in the last four years that the United States has fought a major engagement with the lavish use of airpower, and there is good reason to think from the Bush strategic doctrine that we are by no means done. More than any other factor, the turn in world public opinion against the United States stems from this sense that its leadership has so much faith in military power. Despite U.S. insistence, the world has concluded that American policy, as Edmund Burke once said of the French republic, has become "military in its principle, in its maxims, in its spirit, and in all its movements."⁴ No one can doubt that Americans mean business when they say, "We will export death and violence to the four corners of the earth in defense of our great nation."⁵ It is not credibility, but restraint, that is found

wanting in the United States by the rest of the world.

In its defense of principles that are "right and true for all people everywhere," the administration writes eloquently that "No people on earth yearn to be oppressed, aspire to servitude, or eagerly await the midnight knock of the secret police" (p. 3). That is true. It is also true that every people on earth wish to have some say, however marginal, in the decisions of the world in which they live. On republican principles, it is no more legitimate for the United States to arrogate to itself the government of the world than for a petty despot to rule tyrannically over his patch of the earth's surface, and it is much more unbecoming. That is the great paradox of contemporary U.S. policy under Bush: it champions democratic government even beyond the limits of international law while barely acknowledging that republican values require in the conduct of our policy "a decent respect to the opinions of mankind."

⁴ Edmund Burke, "Three Letters to a Member of Parliament on Proposals for Peace with the Regicide Directory of France," excerpted in Wolfers and Martin, eds., *The Anglo-American Tradition in Foreign Affairs*, p. 118.

⁵ This is the final passage in Bob Woodward, *Bush at War* (New York: Simon & Schuster, 2002), p. 352, quoting an unidentified American in a makeshift memorial service in Afghanistan for the victims of September 11.