JTM006 Politika a mezinárodní vztahy – seminář pro specializaci severoamerická studia

Termíny a čas vyučování: 9. a 23. října, 6. a 20. listopadu, 4. a 18. prosince vždy od 11:00 v místnosti J4018

Požadavky na absolvování kurzu: obecné požadavky zadávají hlavní garanti kurzu; v případě semináře je v souladu s celkovým sylabem kurzu hodnocena účast na seminářích a vypracování seminární práce (v českém či anglickém jazyce) v rozsahu max. 10 NS na téma související se zaměřením semináře a které aplikuje diskutované koncepty.

Upřesnění tematického zaměření semináře: Seminář je navázán na hlavní přednášky kurzu, přičemž diskutovaná témata a koncepty aplikuje na americkou skutečnost. Zároveň seminář rozšiřuje témata přednášek o historický kontext Spojených států a propojuje je se současným děním v USA. Pracovním jazykem semináře bude <u>angličtina</u>.

Harmonogram

1. **American democratic traditions (9.10.2019)**

   Primary source: James Madison, "The Alleged Danger from the Powers of the Union to the State Governments Considered", Federalist paper no. 45
   Concepts: Liberalism, Republicanism, Lockean consensus

   <u>Mandatory reading</u>:
   - Sandel, Michael, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge MA: Belknap Press, 1996), Chapter 1 – "The Public Philosophy of Contemporary Liberalism".

   <u>Recommended reading</u>:
   - Dienstag, Joshua Foa, "Serving God and Mammon: The Lockean Sympathy in Early American Political Thought," *The American Political Science Review* 90 (3), 1996: 497-511.

2. **The Congress and the Presidency: an uneasy relationship (23.10.2019)**

   Primary source: Authorization for Use of Military Force (AUMF), Pub. L. 107-40
   Concepts: Imperial Presidency, Constitutional Balance

   <u>Mandatory reading</u>:
   - Hendrickson, Ryan C., *Obama at War: Congress and the Imperial Presidency* (Lexington, KY: University Press of Kentucky, 2015). Chapter 1 – "The War Powers Framework for the Obama Presidency".

   <u>Recommended readings</u>:
   - Ellis, Richard J., *Development of the American Presidency* 2nd ed. (New York: Routledge, 2015). Chapter 1 – "Envisioning the Presidency".
   - Boylan, Timothy S., "War Powers, Constitutional Balance, and the *Imperial Presidency* Idea at Century's End", *Presidential Studies Quarterly* 29 (2), 1999: 232-249.

3. **Politics and the "water's edge" (6.11.2019)**

   Primary source: FY 2020 Congressional Budget Justification - Department of State, Foreign Operations, and Related Programs
   Concepts: Polarization, Federal Budget, "The water's edge"

Mandatory reading:

- Kupchan, Charles A. and Peter L. Trubowitz, "Dead Center: The Demise of Liberal Internationalism in the United States", *International Security* 32 (2), 2007: 7-44.

Recommended reading:

- Milner, Helen V. and Dustin Tingley, *Sailing the Water's Edge: The Domestic Politics of American Foreign Policy* (Princeton NJ: Princeton University Press: 2015), Chapter 2 – "A Theory of Presidential Power and US Foreign Policy".

4. **American exceptionalism and US Foreign Policy traditions (20.11.2019)**

Primary source: John Winthrop, "A Model of Christian Charity".
Concepts: Archetypes of US Foreign Policy, Exceptionalism

Mandatory reading:

- Cha, Taesuh, "The Return of Jacksonianism: the International Implications of the Trump Phenomenon", *The Washington Quarterly* 39 (4), 2017: 83-97.

Recommended reading:

- Ceaser, James W., "The Origins and Character of American Exceptionalism", *American Political Thought* 1 (1), 2012: 3-28.

5. **Sovereign equality in the international order and US hegemony (4.12.2019)**

Primary source: Address to the United Nations Security Council by U.S. Senator Jesse Helms, Chairman of the Senate Foreign Relations Committee, January 29, 2000.
Concepts: US Sovereignty, US Hegemony, International community

Mandatory reading:

- Sinclair, Adriana and Michael Byers, "When US Scholars Speak of 'Sovereignty', What Do They Mean?" *Political Studies* 55 (2), 2007: 318-340.

Recommended reading:

- Byers, Michael and Georg Nolte (eds.), *United States Hegemony and the Foundations of International Law* (Cambridge: Cambridge University Press, 2003), Chapter 1 – "The international community, international law, and the United States: three in one, two against one, or one and the same?"

6. **Identity and US Foreign Policy (18.12.2019)**

Primary source: Remarks by President Bush on Iraq, Cincinnati Museum Center - Cincinnati Union Terminal, Cincinnati, Ohio, October 7, 2002.
Concepts: Identity, Gender

Mandatory reading:

- Campbell, David, *Writing Security: United States Foreign Policy and the Politics of Identity* rev. ed. (Minneapolis, MN: University of Minnesota Press, 1998). Chapter 1 – "Introduction: On Dangers and Their Interpretation".

Recommended reading:

- Costigliola, Frank, "The Nuclear Family: Tropes of Gender and Pathology in the Western Alliance," Diplomatic History 21 (2), 1997: 163-183.

Democracy's Discontent

America in Search of a Public Philosophy

Michael J. Sandel

1

The Public Philosophy of Contemporary Liberalism

Times of trouble prompt us to recall the ideals by which we live. But in America today, this is not an easy thing to do. At a time when democratic ideals seem ascendant abroad, there is reason to wonder whether we have lost possession of them at home. Our public life is rife with discontent. Americans do not believe they have much say in how they are governed and do not trust government to do the right thing.[1] Despite the achievements of American life in the last half-century—victory in World War II, unprecedented affluence, greater social justice for women and minorities, the end of the Cold War—our politics is beset with anxiety and frustration.

The political parties, meanwhile, are unable to make sense of our condition. The main topics of national debate—the proper scope of the welfare state, the extent of rights and entitlements, the proper degree of government regulation—take their shape from the arguments of an earlier day. These are not unimportant topics; but they do not reach the two concerns that lie at the heart of democracy's discontent. One is the fear that, individually and collectively, we are losing control of the forces that govern our lives. The other is the sense that, from family to neighborhood to nation, the moral fabric of community is unraveling around us. These two fears—for the loss of self-government and the erosion of community—together define the anxiety of the age. It is an anxiety that the prevailing political agenda has failed to answer or even address.

Why is American politics ill equipped to allay the discontent that now engulfs it? The answer lies beyond the political arguments of our day, in the public philosophy that animates them. By public philosophy, I mean the political theory implicit in our practice, the assumptions about citizenship and freedom that inform our public life. The inability of contemporary American politics to speak convincingly about self-government and community has something to do with the public philosophy by which we live.

A public philosophy is an elusive thing, for it is constantly before our eyes. It forms the often unreflective background to our political discourse and pursuits. In ordinary times, the public philosophy can easily escape the notice of those who live by it. But anxious times compel a certain clarity. They force first principles to the surface and offer an occasion for critical reflection.

Liberal and Republican Freedom

The political philosophy by which we live is a certain version of liberal political theory. Its central idea is that government should be neutral toward the moral and religious views its citizens espouse. Since people disagree about the best way to live, government should not affirm in law any particular vision of the good life. Instead, it should provide a framework of rights that respects persons as free and independent selves, capable of choosing their own values and ends.[2] Since this liberalism asserts the priority of fair procedures over particular ends, the public life it informs might be called the procedural republic.[3]

In describing the prevailing political philosophy as a version of liberal political theory, it is important to distinguish two different meanings of liberalism. In the common parlance of American politics, liberalism is the opposite of conservatism; it is the outlook of those who favor a more generous welfare state and a greater measure of social and economic equality.[4] In the history of political theory, however, liberalism has a different, broader meaning. In this historical sense, liberalism describes a tradition of thought that emphasizes toleration and respect for individual rights and that runs from John Locke, Immanuel Kant, and John Stuart

Mill to John Rawls. The public philosophy of contemporary American politics is a version of this liberal tradition of thought, and most of our debates proceed within its terms.

The idea that freedom consists in our capacity to choose our ends finds prominent expression in our politics and law. Its province is not limited to those known as liberals rather than conservatives in American politics; it can be found across the political spectrum. Republicans sometimes argue, for example, that taxing the rich to pay for welfare programs is a form of coerced charity that violates people's freedom to choose what to do with their own money. Democrats sometimes argue that government should assure all citizens a decent level of income, housing, and health, on the grounds that those who are crushed by economic necessity are not truly free to exercise choice in other domains. Although the two sides disagree about how government should act to respect individual choice, both assume that freedom consists in the capacity of persons to choose their values and ends.

So familiar is this vision of freedom that it seems a permanent feature of the American political and constitutional tradition. But Americans have not always understood freedom in this way. As a reigning public philosophy, the version of liberalism that informs our present debates is a recent arrival, a development of the last forty or fifty years. Its distinctive character can best be seen by contrast with a rival public philosophy that it gradually displaced. This rival public philosophy is a version of republican political theory.

Central to republican theory is the idea that liberty depends on sharing in self-government. This idea is not by itself inconsistent with liberal freedom. Participating in politics can be one among the ways in which people choose to pursue their ends. According to republican political theory, however, sharing in self-rule involves something more. It means deliberating with fellow citizens about the common good and helping to shape the destiny of the political community. But to deliberate well about the common good requires more than the capacity to choose one's ends and to respect others' rights to do the same. It requires a knowledge of public affairs and also a sense of belonging, a concern for the whole, a moral bond with the community whose fate is at stake. To share in self-rule therefore requires that citizens possess, or come to acquire,

certain qualities of character, or civic virtues. But this means that republican politics cannot be neutral toward the values and ends its citizens espouse. The republican conception of freedom, unlike the liberal conception, requires a formative politics, a politics that cultivates in citizens the qualities of character self-government requires.

Both the liberal and republican conceptions of freedom have been present throughout our political experience, but in shifting measure and relative importance. Broadly speaking, republicanism predominated earlier in American history, liberalism later. In recent decades, the civic or formative aspect of our politics has largely given way to the liberalism that conceives persons as free and independent selves, unencumbered by moral or civic ties they have not chosen.

This shift sheds light on our present political predicament. For despite its appeal, the liberal vision of freedom lacks the civic resources to sustain self-government. This defect ill-equips it to address the sense of disempowerment that afflicts our public life. The public philosophy by which we live cannot secure the liberty it promises, because it cannot inspire the sense of community and civic engagement that liberty requires.

How the liberal conception of citizenship and freedom gradually crowded out the republican conception involves two intersecting tales. One traces the advent of the procedural republic from the first stirrings of American constitutionalism to recent debates about religious liberty, free speech, and privacy rights. Another traces the decline of the civic strand of American political discourse from Thomas Jefferson's day to the present.[5]

These stories, taken together, bring to clarity the self-image that animates—and sometimes debilitates—our public life. They do not reveal a golden age when all was right with American democracy. The republican tradition coexisted with slavery, with the exclusion of women from the public realm, with property qualifications for voting, with nativist hostility to immigrants; indeed it sometimes provided the terms within which these practices were defended.

And yet, for all its episodes of darkness, the republican tradition, with its emphasis on community and self-government, may offer a corrective to our impoverished civic life. Recalling the republican conception of freedom as self-rule may prompt us to pose questions we have forgotten how to ask: What economic arrangements are hospitable to self-govern-

ment? How might our political discourse engage rather than avoid the moral and religious convictions people bring to the public realm? And how might the public life of a pluralist society cultivate in citizens the expansive self-understandings that civic engagement requires? If the public philosophy of our day leaves little room for civic considerations, it may help to recall how earlier generations of Americans debated such questions, before the procedural republic took hold. But in order to identify the relevant strands of the story, we need to specify more fully the version of liberalism that informs our present politics.

The Aspiration to Neutrality

The idea that government should be neutral on the question of the good life is distinctive to modern political thought. Ancient political theory held that the purpose of politics was to cultivate the virtue, or moral excellence, of citizens. All associations aim at some good, Aristotle wrote, and the polis, or political association, aims at the highest, most comprehensive good: "any polis which is truly so called, and is not merely one in name, must devote itself to the end of encouraging goodness. Otherwise, a political association sinks into a mere alliance, which only differs in space from other forms of alliance where the members live at a distance from one another. Otherwise, too, law becomes a mere covenant—or (in the phrase of the Sophist Lycophron) 'a guarantor of men's rights against one another'—instead of being, as it should be, a rule of life such as will make the members of a polis good and just."[6]

According to Aristotle, political community is more than "an association for residence on a common site, or for the sake of preventing mutual injustice and easing exchange." Although these are necessary conditions for political community, they are not its purpose or ultimate justification. "The end and purpose of a polis is the good life, and the institutions of social life are means to that end." It is only as participants in political association that we can realize our nature and fulfill our highest ends.[7]

Unlike the ancient conception, liberal political theory does not see political life as concerned with the highest human ends or with the moral excellence of its citizens. Rather than promote a particular conception of

the good life, liberal political theory insists on toleration, fair procedures, and respect for individual rights—values that respect people's freedom to choose their own values. But this raises a difficult question. If liberal ideals cannot be defended in the name of the highest human good, then in what does their moral basis consist?

It is sometimes thought that liberal principles can be justified by a simple version of moral relativism. Government should not "legislate morality," because all morality is merely subjective, a matter of personal preference not open to argument or rational debate. "Who is to say what is literature and what is filth? That is a value judgment, and whose values should decide?" Relativism usually appears less as a claim than as a question: "Who is to judge?" But the same question can be asked of the values that liberals defend. Toleration and freedom and fairness are values too, and they can hardly be defended by the claim that no values can be defended. So it is a mistake to affirm liberal values by arguing that all values are merely subjective. The relativist defense of liberalism is no defense at all.

Utilitarianism versus Kantian Liberalism

What, then, is the case for the neutrality the liberal invokes? Recent political philosophy has offered two main alternatives—one utilitarian, the other Kantian.[8] The utilitarian view, following John Stuart Mill, defends liberal principles in the name of maximizing the general welfare. The state should not impose on its citizens a preferred way of life, even for their own good, because doing so will reduce the sum of human happiness, at least in the long run. It is better that people choose for themselves, even if, on occasion, they get it wrong.

"The only freedom which deserves the name," writes Mill in On Liberty, "is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it." He adds that his argument does not depend on any notion of abstract right, only on the principle of the greatest good for the greatest number. "I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being."[9]

Many objections have been raised against utilitarianism as a general doctrine of moral philosophy. Some have questioned the concept of utility and the assumption that all human goods are in principle commensurable. Others have objected that by reducing all values to preferences and desires, utilitarians are unable to admit qualitative distinctions of worth, unable to distinguish noble desires from base ones. But most recent debate has focused on whether utilitarianism offers a convincing basis for liberal principles, including respect for individual rights.[10]

At first glance, utilitarianism seems well suited to liberal purposes. Seeking to maximize overall happiness does not require judging people's values, only aggregating them. And the willingness to aggregate preferences without judging them suggests a tolerant spirit, even a democratic one. When people go to the polls we count their votes, whatever they are.

But the utilitarian calculus is not always as liberal as it first appears. If enough cheering Romans pack the Coliseum to watch the lion devour the Christian, the collective pleasure of the Romans will surely outweigh the pain of the Christian, intense though it be. Or if a big majority abhors a small religion and wants it banned, the balance of preferences will favor suppression, not toleration. Utilitarians sometimes defend individual rights on the grounds that respecting them now will serve utility in the long run. But this calculation is precarious and contingent. It hardly secures the liberal promise not to impose on some the values of others.

The case against utilitarianism was made most powerfully by Immanuel Kant. He argued that empirical principles such as utility were unfit to serve as a basis for morality. A wholly instrumental defense of freedom and rights not only leaves rights vulnerable but fails to respect the inherent dignity of persons. The utilitarian calculus treats people as means to the happiness of others, not as ends in themselves, worthy of respect.[11]

Contemporary liberals extend Kant's argument with the claim that utilitarianism fails to take seriously the distinction between persons. In seeking above all to maximize the general welfare, the utilitarian treats society as a whole as if it were a single person; it conflates our many, diverse desires into a single system of desires. It is indifferent to the distribution of satisfactions among persons, except insofar as this may affect the overall sum. But this fails to respect our plurality and distinct-

ness. It uses some as means to the happiness of all, and so fails to respect each as an end in himself or herself.

In the view of modern-day Kantians, certain rights are so fundamental that even the general welfare cannot override them. As John Rawls writes in *A Theory of Justice*, "Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. . . . The rights secured by justice are not subject to political bargaining or to the calculus of social interests."[12]

So Kantian liberals need an account of rights that does not depend on utilitarian considerations. More than this, they need an account that does not depend on any particular conception of the good, that does not presuppose the superiority of one way of life over others. Only a justification neutral among ends could preserve the liberal resolve not to favor any particular ends or to impose on its citizens a preferred way of life. But what sort of justification could this be? How is it possible to affirm certain liberties and rights as fundamental without embracing some vision of the good life, without endorsing some ends over others?

The solution proposed by Kantian liberals is to draw a distinction between the "right" and the "good"—between a framework of basic rights and liberties, and the conceptions of the good that people may choose to pursue within the framework. It is one thing for the state to support a fair framework, they argue, something else to affirm some particular ends. For example, it is one thing to defend the right to free speech so that people may be free to form their own opinions and choose their own ends, but something else to support it on grounds that a life of political discussion is inherently worthier than a life unconcerned with public affairs, or on the grounds that free speech will increase the general welfare. Only the first defense is available on the Kantian view, resting as it does on the ideal of a neutral framework.

Now the commitment to a framework neutral with respect to ends can be seen as a kind of value—in this sense the Kantian liberal is no relativist—but its value consists precisely in its refusal to affirm a preferred way of life or conception of the good. For Kantian liberals, then, the right is prior to the good, and in two senses. First, individual rights cannot be sacrificed for the sake of the general good; and second, the principles of justice that specify these rights cannot be premised on any particular vision of

the good life. What justifies the rights is not that they maximize the general welfare or otherwise promote the good, but rather that they constitute a fair framework within which individuals and groups can choose their own values and ends, consistent with a similar liberty for others.

The claim for the priority of the right over the good connects the ideal of neutrality with the primacy of individual rights. For Kantian liberals, rights "function as trump cards held by individuals." They protect individuals from policies, even democratically enacted ones, that would impose a preferred conception of the good and so fail to respect people's freedom to choose their own conceptions.[13]

Of course, proponents of the liberal ethic notoriously disagree about what rights are fundamental and what political arrangements the ideal of the neutral framework requires. Egalitarian liberals support the welfare state and favor a scheme of civil liberties together with certain social and economic rights—rights to welfare, education, health care, and so on. They argue that respecting the capacity of persons to pursue their own ends requires government to assure the minimal prerequisites of a dignified life. Libertarian liberals (usually called conservatives in contemporary politics) defend the market economy and claim that redistributive policies violate people's rights. They argue that respect for persons requires assuring to each the fruits of his or her own labor, and so favor a scheme of civil liberties combined with a strict regime of private property rights. Whether egalitarian or libertarian, Kantian liberalism begins with the claim that we are separate, individual persons, each with our own aims, interests, and conceptions of the good life. It seeks a framework of rights that will enable us to realize our capacity as free moral agents, consistent with a similar liberty for others.

The Liberal Self

The Kantian case against utilitarianism derives much of its force from its contrasting conception of the person, its view of what it means to be a moral agent. Where utilitarians conflate our many desires into a single system of desire, Kantian liberals insist on the separateness of persons. Where the utilitarian self is simply defined as the sum of its desires, the

Kantian self is a choosing self, independent of the desires and ends it may have at any moment. Kant expressed this idea by attributing to human beings the capacity to act with an autonomous will. Contemporary liberals rely on the similar notion of a self given prior to and independent of its purposes and ends.

The claim for the priority of the right over the good, and the conception of the person that attends it, oppose Kantian liberalism not only to utilitarianism but also to any view that regards us as obligated to fulfill ends we have not chosen—ends given by nature or God, for example, or by our identities as members of families, peoples, cultures, or traditions. Encumbered identities such as these are at odds with the liberal conception of the person as free and independent selves, unbound by prior moral ties, capable of choosing our ends for ourselves. This is the conception that finds expression in the ideal of the state as a neutral framework. For Kantian liberals, it is precisely because we are freely choosing, independent selves that we need a neutral framework, a framework of rights that refuses to choose among competing values and ends. For the liberal self, what matters above all, what is most essential to our personhood, is not the ends we choose but our capacity to choose them. "It is not our aims that primarily reveal our nature," but rather the framework of rights we would agree to if we could abstract from our aims. "For the self is prior to the ends which are affirmed by it; even a dominant end must be chosen from among numerous possibilities."[14]

The liberal ethic derives much of its moral force from the appeal of the self-image that animates it. This appeal has at least two sources. First, the image of the self as free and independent, unencumbered by aims and attachments it does not choose for itself, offers a powerful liberating vision. Freed from the sanctions of custom and tradition and inherited status, unbound by moral ties antecedent to choice, the liberal self is installed as sovereign, cast as the author of the only obligations that constrain. More than the simple sum of circumstance, we become capable of the dignity that consists in being persons of our "own creating, making, choosing."[15] We are agents and not just instruments of the purposes we pursue. We are "self-originating sources of valid claims."[16]

A second appeal of the liberal self-image consists in the case it implies for equal respect. The idea that there is more to a person than the roles he

plays or the customs she keeps or the faith he affirms suggests a basis for respect independent of life's contingencies. Liberal justice is blind to such differences between persons as race, religion, ethnicity, and gender, for in the liberal self-image, these features do not really define our identity in the first place. They are not constituents but merely attributes of the self, the sort of things the state should look beyond. "Our social position and class, our sex and race should not influence deliberations made from a moral point of view."[17] Once these contingencies are seen as products of our situation rather than as aspects of our person, they cease to supply the familiar grounds for prejudice and discrimination.

Nor does it matter, from the standpoint of liberal justice, what virtues we display or what values we espouse. "That we have one conception of the good rather than another is not relevant from a moral standpoint. In acquiring it we are influenced by the same sort of contingencies that lead us to rule out a knowledge of our sex and class."[18] Despite their many differences, libertarian and egalitarian liberals agree that people's entitlements should not be based on their merit or virtue or moral desert, for the qualities that make people virtuous or morally deserving depend on factors "arbitrary from a moral point of view."[19] The liberal state therefore does not discriminate; none of its policies or laws may presuppose that any person or way of life is intrinsically more virtuous than any other. It respects persons as persons, and secures their equal right to live the lives they choose.

Critique of Kantian Liberalism

Kantian liberals thus avoid affirming a conception of the good by affirming instead the priority of the right, which depends in turn on a picture of the self given prior to its ends. But how plausible is this self-conception? Despite its powerful appeal, the image of the unencumbered self is flawed. It cannot make sense of our moral experience, because it cannot account for certain moral and political obligations that we commonly recognize, even prize. These include obligations of solidarity, religious duties, and other moral ties that may claim us for reasons unrelated to a choice. Such obligations are difficult to account for if we understand ourselves as free

and independent selves, unbound by moral ties we have not chosen. Unless we think of ourselves as encumbered selves, already claimed by certain projects and commitments, we cannot make sense of these indispensable aspects of our moral and political experience.

Consider the limited scope of obligation on the liberal view. According to Rawls, obligations can arise in only one of two ways, as "natural duties" we owe to human beings as such or as voluntary obligations we incur by consent. The natural duties are those we owe persons *qua* persons—to do justice, to avoid cruelty, and so on. All other obligations, the ones we owe to particular others, are founded in consent and arise only in virtue of agreements we make, be they tacit or explicit.[20]

Conceived as unencumbered selves, we must respect the dignity of all persons, but beyond this, we owe only what we agree to owe. Liberal justice requires that we respect people's rights (as defined by the neutral framework), not that we advance their good. Whether we must concern ourselves with other people's good depends on whether, and with whom, and on what terms, we have agreed to do so.

One striking consequence of this view is that "there is no political obligation, strictly speaking, for citizens generally." Although those who run for office voluntarily incur a political obligation (that is, to serve their country if elected), the ordinary citizen does not. "It is not clear what is the requisite binding action or who has performed it."[21] The average citizen is therefore without any special obligations to his or her fellow citizens, apart from the universal, natural duty not to commit injustice.

The liberal attempt to construe all obligation in terms of duties universally owed or obligations voluntarily incurred makes it difficult to account for civic obligations and other moral and political ties that we commonly recognize. It fails to capture those loyalties and responsibilities whose moral force consists partly in the fact that living by them is inseparable from understanding ourselves as the particular persons we are—as members of this family or city or nation or people, as bearers of that history, as citizens of this republic. Loyalties such as these can be more than values I happen to have, and to hold, at a certain distance. The moral responsibilities they entail may go beyond the obligations I voluntarily incur and the "natural duties" I owe to human beings as such.[22]

Some of the special responsibilities that flow from the particular communities I inhabit I may owe to fellow members, such as obligations of solidarity. Others I may owe to members of those communities with which my own community has some morally relevant history, such as the morally burdened relations of Germans to Jews, of American whites to American blacks, or of England and France to their former colonies.[23] Whether they look inward or outward, obligations of membership presuppose that we are capable of moral ties antecedent to choice. To the extent that we are, the meaning of our membership resists redescription in contractarian terms.

It is sometimes argued, in defense of the liberal view, that loyalties and allegiances not grounded in consent, however psychologically compelling, are matters of sentiment, not of morality, and so do not suggest an obligation unavailable to unencumbered selves. But it is difficult to make sense of certain familiar moral and political dilemmas without acknowledging obligations of solidarity and the thickly constituted, encumbered selves that they imply.

Consider the case of Robert E. Lee on the eve of the Civil War. Lee, then an officer in the Union army, opposed secession, in fact regarded it as treason. And yet when war loomed, Lee concluded that his obligation to Virginia outweighed his obligation to the Union and also his reported opposition to slavery. "With all my devotion to the Union," he wrote, "I have not been able to make up my mind to raise my hand against my relatives, my children, my home. . . . If the Union is dissolved, and the Government disrupted, I shall return to my native State and share the miseries of my people. Save in her defense, I will draw my sword no more."[24]

One can appreciate the poignance of Lee's predicament without necessarily approving of the choice he made. But one cannot make sense of his dilemma as a *moral* dilemma without acknowledging that the call to stand with his people, even to lead them in a cause he opposed, was a claim of moral and not merely sentimental import, capable at least of weighing in the balance against other duties and obligations. Otherwise, Lee's predicament was not really a moral dilemma at all, but simply a conflict between morality on the one hand and mere sentiment or prejudice on the other.

A merely psychological reading of Lee's predicament misses the fact that we not only sympathize with people such as Lee but often admire

them, not necessarily for the choices they make but for the quality of character their deliberation reflects. The quality at stake is the disposition to see and bear one's life circumstance as a reflectively situated being—claimed by the history that implicates me in a particular life, but self-conscious of its particularity, and so alive to other ways, wider horizons. But this is precisely the quality that is lacking in those who would think of themselves as unencumbered selves, bound only by the obligations they choose to incur.

As the Lee example illustrates, the liberal conception of the person is too thin to account for the full range of moral and political obligations we commonly recognize, such as obligations of solidarity. This counts against its plausibility generally. But it may even be too weak to support the less strenuous communal obligations expected of citizens in the modern welfare state. Some stronger conception of community may be required, not only to make sense of tragic-heroic dilemmas such as Lee's, but even to sustain the rights that many liberals defend.

While libertarian liberals ask little of citizens, more generous expressions of the liberal ethic support various policies of public provision and redistribution. Egalitarian liberals defend social and economic rights as well as civil and political rights, and so demand of their fellow citizens a high measure of mutual engagement. They insist on the "plurality and distinctness" of individuals but also require that we "share one another's fate" and regard the distribution of natural talents as "a common asset."[25]

Liberalism as an ethic of sharing emphasizes the arbitrariness of fortune and the importance of certain material prerequisites for the meaningful exercise of equal liberties. Since "necessitous men are not free men," and since in any case the distribution of assets and endowments that make for success is "arbitrary from a moral point of view," egalitarian liberals would tax the rich to help the poor secure the prerequisites of a dignified life. Thus the liberal case for the welfare state depends not on a theory of the common good or on some strong notion of communal obligation, but instead on the rights we would agree to respect if we could abstract from our interests and ends.

The liberal case for public provision seems well suited to conditions in which strong communal ties cannot be relied on, and this is one source of its appeal. But it lies vulnerable nonetheless to the libertarian objection

that redistributive policies use some people as means to others' ends, and so offend the "plurality and distinctness" of individuals that liberalism seeks above all to secure.[26] In the contractual vision of community alone, it is unclear how the libertarian objection can be met. If those whose fate I am required to share really are, morally speaking, *others*, rather than fellow participants in a way of life with which my identity is bound, then liberalism as an ethic of sharing seems open to the same objections as utilitarianism. Its claim on me is not the claim of a community with which I identify, but rather the claim of an arbitrarily defined collectivity whose aims I may or may not share.

If the egalitarian replies that social and economic rights are required as a matter of equal respect for persons, the question remains why *these* persons, the ones who happen to live in my country, have a claim on my concern that others do not. Tying the mutual responsibilities of citizenship to the idea of respect for persons *qua* persons puts the moral case for welfare on a par with the case for foreign aid—a duty we owe strangers with whom we share a common humanity but possibly little else. Given its conception of the person, it is unclear how liberalism can defend the particular boundaries of concern its own ethic of sharing must presuppose.

What egalitarian liberalism requires, but cannot within its own terms provide, is some way of defining the relevant community of sharing, some way of seeing the participants as mutually indebted and morally engaged to begin with. It needs a way of answering Emerson's challenge to the man who solicited his contribution to the poor—"Are they *my* poor?"[27] Since liberal social and economic rights cannot be justified as expressing or advancing a common life of shared pursuits, the basis and bounds of communal concern become difficult to defend. For as we have seen, the strong notion of community or membership that would save and situate the sharing is precisely the one denied to the liberal self. The moral encumbrances and antecedent obligations it implies would undercut the priority of right.

Minimalist Liberalism

If we are not the freely choosing, unencumbered selves that Kantian liberals imagine us to be, does it follow that government need not be

neutral, that politics should cultivate the virtue of its citizens after all? Some political philosophers argue that the case for neutrality can be detached from the Kantian conception of the person. The case for liberalism, they argue, is political, not philosophical or metaphysical, and so does not depend on controversial claims about the nature of the self. The priority of the right over the good is not the application to politics of Kantian moral philosophy, but a practical response to the familiar fact that people in modern democratic societies typically disagree about the good. Since this defense of neutrality does not depend on a Kantian conception of the person but instead "stays on the surface, philosophically speaking," it might be described as minimalist liberalism.[28]

Minimalist liberals acknowledge that we may sometimes be claimed by moral or religious obligations unrelated to a choice. But they insist that we set these obligations aside when we enter the public realm, that we bracket our moral and religious convictions when deliberating about politics and law. In our personal lives, we may regard it as unthinkable to view ourselves "apart from certain religious, philosophical, and moral convictions, or from certain enduring attachments and loyalties." But we should draw a distinction between our personal and our political identities. However encumbered we may be in private, however claimed by moral or religious convictions, we should bracket our encumbrances in public and regard ourselves, *qua* public selves, as independent of any particular loyalties or conceptions of the good.[29]

The insistence that we separate our identity as citizens from our identity as persons gives rise to an obvious challenge. Why should our political identities not express the moral and religious convictions we affirm in our personal lives? Why, in deliberating about justice and rights, must we set aside the moral judgments that inform the rest of our lives? Minimalist liberals reply that separating our identity as citizens from our identity as persons honors an important fact about modern democratic life. In traditional societies, people sought to shape political life in the image of their own moral and religious ideals. But modern democratic societies are marked by a plurality of moral and religious ideals. Moreover, this pluralism is reasonable; it reflects the fact that, even after reasoned reflection, decent, intelligent people will come to different conceptions about the nature of the good life. Given the fact of reasonable pluralism, we

should try to decide questions of justice and rights without affirming one conception of the good over others. Only in this way can we affirm the political value of social cooperation based on mutual respect.[30]

Minimalist liberalism seeks to detach liberal principles from political controversy, including debates about the nature of the self. It presents itself "not as a conception of justice that is true," but as one that can serve as a basis for political agreement in a democratic society. It asserts "the priority of democracy over philosophy." It offers a political conception of justice, not a metaphysical or philosophical one.[31]

The minimalist case for liberalism depends on the plausibility of separating politics from philosophy, of bracketing moral and religious questions where politics is concerned. But this raises the question why the practical interest in securing social cooperation and mutual respect is always so compelling as to defeat any competing moral interest that could arise from within a substantive moral or religious view. One way of assuring the priority of the practical is to deny that any of the moral or religious conceptions it brackets could be true. But this is precisely the sort of controversial metaphysical claim the minimalist liberal wants to avoid. If the liberal must therefore allow that some such conceptions might be true, then the question remains: What guarantees that no moral or religious doctrine can generate interests sufficiently compelling to burst the brackets, so to speak, and morally outweigh the practical interest in social cooperation?

Critique of Minimalist Liberalism

Minimalist liberalism lacks a convincing answer to this question. For notwithstanding the importance of political values such as toleration, social cooperation, and mutual respect, it is not always reasonable to set aside competing values that may arise from substantive moral and religious doctrines. At least where grave moral questions are concerned, whether it is reasonable to bracket moral and religious controversies for the sake of political agreement partly depends on which of the contending moral or religious doctrines is true. Minimalist liberalism wants to separate the case for toleration from any judgment about the moral worth of

the practices being tolerated. But this separation is not always defensible. We cannot determine whether toleration is justified in any given case without passing moral judgment on the practice in question.

This difficulty is illustrated by two political controversies that bear on grave moral and religious questions. One is the contemporary debate about abortion rights. The other is the famous debate in 1858 between Abraham Lincoln and Stephen Douglas over popular sovereignty and slavery.[32]

The Abortion Debate

Given the intense disagreement over the moral permissibility of abortion, the case for seeking a political solution that brackets the moral and religious issues—that is neutral with respect to them—would seem especially strong. But whether it is reasonable to bracket, for political purposes, the moral and religious doctrines at stake depends largely on which of those doctrines is true. If the doctrine of the Catholic church is true, if human life in the relevant moral sense really does begin at conception, then bracketing the moral-theological question of when human life begins is far less reasonable than it would be on rival moral and religious assumptions. The more confident we are that fetuses are, in the relevant moral sense, *different* from babies, the more confident we can be in affirming a political conception of justice that sets aside the controversy about the moral status of fetuses.

As the contemporary debate over abortion reflects, even a political conception of justice presupposes a certain view of the controversies it would bracket. For the debate about abortion is not only a debate about when human life begins, but also a debate about how reasonable it is to abstract from that question for political purposes. Opponents of abortion resist the translation from moral to political terms because they know that more of their view will be lost in the translation; the neutral territory offered by minimalist liberalism is likely to be less hospitable to their religious convictions than to those of their opponents. For defenders of abortion, little comparable is at stake; there is little difference between believing that abortion is morally permissible and agreeing that, as a political matter, women should be free to decide the moral question for

themselves. The moral price of political agreement is far higher if abortion is wrong than if it is permissible. How reasonable it is to bracket the contending moral and religious views depends partly on which of those views is more plausible.

The minimalist liberal might reply that the political values of toleration and equal citizenship for women are sufficient grounds for concluding that women should be free to choose for themselves whether to have an abortion; government should not take sides on the moral and religious controversy over when human life begins. But if the Catholic church is right about the moral status of the fetus, if abortion is morally tantamount to murder, then it is not clear why the political values of toleration and women's equality, important though they are, should prevail. If the Catholic doctrine is true, then the minimalist liberal's case for the priority of political values must become an instance of just-war theory; he or she would have to show why these values should prevail even at the cost of some 1.5 million civilian deaths each year.

Of course, to suggest the impossibility of bracketing the moral-theological question of when human life begins is not to argue against a right to abortion. It is simply to show that the case for abortion rights cannot be neutral with respect to the underlying moral and religious controversy. It must engage rather than avoid the substantive moral and religious doctrines at stake. Liberals often resist this engagement because it violates the priority of the right over the good. But the abortion debate shows that this priority cannot be sustained. The case for respecting a woman's right to decide for herself whether to have an abortion depends on showing that there is a relevant moral difference between aborting a fetus at a relatively early stage of development and killing a child.

The Lincoln-Douglas Debates

Perhaps the most famous case for bracketing a controversial moral question for the sake of political agreement was made by Stephen Douglas in his debates with Abraham Lincoln. Since people were bound to disagree about the morality of slavery, Douglas argued, national policy should be neutral on that question. The doctrine of popular sovereignty he defended did not judge slavery right or wrong but left the people of the territories

free to make their own judgments. "To throw the weight of federal power into the scale, either in favor of the free or the slave states," would violate the fundamental principles of the Constitution and run the risk of civil war. The only hope of holding the country together, he argued, was to agree to disagree, to bracket the moral controversy over slavery and respect "the right of each state and each territory to decide these questions for themselves."33

Lincoln argued against Douglas' case for a political conception of justice. Policy should express rather than avoid a substantive moral judgment about slavery, he maintained. Although Lincoln was not an abolitionist, he believed that government should treat slavery as the moral wrong it was and prohibit its extension to the territories. "The real issue in this controversy—pressing upon every mind—is the sentiment on the part of one class that looks upon the institution of slavery as a wrong, and of another class that does not look upon it as a wrong." Lincoln and the Republican party viewed slavery as a wrong and insisted that it "be treated as a wrong, and one of the methods of treating it as a wrong is to make provision that it shall grow no larger."34

Whatever his personal moral views, Douglas claimed that, for political purposes at least, he was agnostic on the question of slavery; he did not care whether slavery was "voted up or voted down." Lincoln replied that it was reasonable to bracket the question of the morality of slavery only on the assumption that it was not the moral evil he regarded it to be. Any man can advocate political neutrality "who does not see anything wrong in slavery, but no man can logically say he don't care whether a wrong is voted up or voted down."35

The debate between Lincoln and Douglas was not primarily about the morality of slavery, but about whether to bracket a moral controversy for the sake of political agreement. In this respect, their debate over popular sovereignty is analogous to the contemporary debate over abortion rights. As some contemporary liberals argue that government should not take a stand one way or another on the morality of abortion, but let each woman decide the question for herself, so Douglas argued that national policy should not take a stand one way or the other on the morality of slavery, but let each territory decide the question for itself. There is of course the

difference that in the case of abortion rights, those who would bracket the substantive moral question typically leave the choice to the individual, while in the case of slavery, Douglas' way of bracketing was to leave the choice to the territories.

But Lincoln's argument against Douglas was an argument about bracketing as such, at least where grave moral questions are at stake. Lincoln's point was that the political conception of justice defended by Douglas depended for its plausibility on a particular answer to the substantive moral question it sought to bracket. Even in the face of so dire a threat to social cooperation as the prospect of civil war, it made neither moral nor political sense to aspire to political neutrality. As Lincoln concluded in his final debate with Douglas, "Is it not a false statesmanship that undertakes to build up a system of policy upon the basis of caring nothing about the very thing that every body does care the most about?"36

Present-day liberals will surely resist the company of Douglas and want national policy to oppose slavery, presumably on the grounds that slavery violates people's rights. But it is doubtful that liberalism conceived as a political conception of justice can make this claim without violating its own strictures against appeals to comprehensive moral ideals. For example, a Kantian liberal can oppose slavery as a failure to treat persons as ends in themselves, worthy of respect. But this argument, resting as it does on a Kantian conception of the person, is unavailable to minimalist liberalism. So too are the antislavery arguments of many American abolitionists in the 1830s and 1840s, who emphasized the sin of slavery and made their case in religious terms.

The debates over abortion and slavery show that a political conception of justice must sometimes presuppose an answer to the moral and religious questions it purports to bracket. At least where grave moral questions are at stake, it is not possible to detach politics and law from substantive moral judgment. But even in cases where it is possible to conduct political debate without reference to our moral and religious convictions, it may not always be desirable. The effort to banish moral and religious argument from the public realm for the sake of political agreement may end by impoverishing political discourse and eroding the moral and civic resources necessary to self-government.

This tendency can be seen in our present public life. With a few notable exceptions, such as the civil rights movement of the 1950s and 1960s, our political discourse in recent decades has come to reflect the liberal resolve that government be neutral on moral and religious questions, that matters of policy and law be debated and decided without reference to any particular conception of the good life. But we are beginning to find that a politics that brackets morality and religion too completely soon generates its own disenchantment. A procedural republic cannot contain the moral energies of a vital democratic life. It creates a moral void that opens the way for narrow, intolerant moralisms. And it fails to cultivate the qualities of character that equip citizens to share in self-rule.

In the chapters that follow, I try to show that the liberalism of the procedural republic provides the public philosophy by which we live. Despite its philosophical failings, it is the theory most thoroughly embodied in our practices and institutions. Now it might be thought that the very existence of the procedural republic as a sustained practice puts to rest the philosophical objections raised against it. If the neutral state succeeds in securing a scheme of rights without appealing to a sense of community beyond the social contract, if its members can exercise their agency as free citizens without seeing themselves as claimed by civic obligations beyond consent, then abstract worries about community and self-government, toleration and moral judgment, would seem at best beside the point. Either those objections are mistaken, or liberal politics is sufficiently autonomous of theory to proceed unimpaired by philosophical infirmity.

But its prevalence as practice is no proof against its poverty as theory. To the contrary, what goes wrong with the philosophy shows up in the practice. The predicament of liberal democracy in contemporary America recapitulates the tensions that inhabit its ideals. Far from proving the autonomy of liberal politics, its practice confirms what its philosophy foretells: The procedural republic cannot secure the liberty it promises, because it cannot sustain the kind of political community and civic engagement that liberty requires.

2

Rights and the Neutral State

Liberty and Self-Government

Republican political theory contrasts with the liberalism of the procedural republic in at least two respects. The first concerns the relation of the right to the good; the second, the relation of liberty to self-government. Instead of defining rights according to principles that are neutral among conceptions of the good, republican theory interprets rights in the light of a particular conception of the good society—the self-governing republic. In contrast to the liberal claim that the right is prior to the good, republicanism thus affirms a politics of the common good. But the common good it affirms does not correspond to the utilitarian notion of aggregating individual preferences. Unlike utilitarianism, republican theory does not take people's existing preferences, whatever they may be, and try to satisfy them. It seeks instead to cultivate in citizens the qualities of character necessary to the common good of self-government. Insofar as certain dispositions, attachments, and commitments are essential to the realization of self-government, republican politics regards moral character as a public, not merely private, concern. In this sense, it attends to the identity, not just the interests, of its citizens.

The second contrast between the liberal and republican traditions consists in the way they relate liberty to self-government. On the liberal view, liberty is defined in opposition to democracy, as a constraint on self-government. I am free insofar as I am a bearer of rights that guarantee

1

The War Powers Framework for the Obama Presidency

We have been sliding for 70 years to a situation where Congress has nothing to do with the decision about whether to go to war or not, and the president is becoming an absolute monarch. And we must put a stop to that right now, if we don't want to become an empire instead of a Republic.

> —Congressman Jerrold Nadler (D–N.Y.),
> Cong. Rec. H4535–6 (June 24, 2011)

Our Founders understood that waging war is not something that should be taken lightly, which is why Article 1, Section 8 of the United States Constitution gives Congress—not the president—the authority to declare war. This was meant to be an important check on presidential power. The last thing the Founders wanted was an out-of-control executive branch engaging in unnecessary and unpopular wars without so much as a Congressional debate. . . . Unfortunately, that's exactly the situation we have today in Libya.

> —Congressman Ron Paul (R–Tex.), "Why I'm Suing the Obama
> Administration over Libya," *Daily Caller,* June 16, 2011

President Barack Obama's military actions abroad have produced bipartisan concern. Such voices were especially loud when Obama engaged in military action in Libya in 2011; he maintained that the Constitution permitted him to use force under his authority without specific congressional

approval. Many members of Congress, constitutional experts, and some journalists argued that Obama had abused his authority as commander in chief.[1] When bipartisan challenges were raised, including by those who argued that the WPR had been violated, Obama dismissively referred to his critics as making "noise about the process" and that "a lot of this fuss is politics."[2]

Many would contend that today the office of the president has grown far more powerful than intended by the nation's Founding Fathers. Certainly, the current practices of modern commanders in chief differ substantially from the principles created by America's constitutional framers with respect to the decision to use force abroad. The Constitution provides the president the power to act as the country's commander in chief, but this power is balanced by a long list of congressional powers that speak directly to the use of force abroad. These constitutional authorities include the powers to declare war, to provide for the common defense, to grant letters of marque and reprisals, to provide and maintain a navy, to suppress insurrections and repel invasions, and to raise and support armies (Art. I, sec. 8). When discussing these powers, especially the power to declare war, James Madison's notes on the 1787 Constitutional Convention make it clear that the constitutional framers believed that the president may use force unilaterally only to "repel sudden attacks." Otherwise, the use of force requires congressional approval.[3]

The history of the constitutional ratification debates is similarly clear. Analysts have identified many instances when the framers and their supporters confirmed the understanding reached at the Constitutional Convention: war could not be entered into solely through a decision from the executive branch; legislative approval was required; the commander in chief was not permitted to act in the same manner as the British monarch, who could take his country to war at will. Although some analysts and politicians, including former deputy assistant attorney general John Yoo and former senators Barry Goldwater (R–Ariz.) and John Tower (R–Tex.), make the case that the Founding Fathers wanted a truly empowered commander in chief who would not be constrained by the legislature in national-security affairs, the historical evidence is far more compelling that the framers feared a monarchical military leader and thus imposed meaningful checks on a president's independent decision-making authority for war.[4]

For much of the nineteenth century and through nearly half of the

twentieth century, presidents tended to respect this basic understanding of checks and balances. In the years before the Second World War, many presidents considered Congress the ultimate decider in determining if and when force would be used. In many instances, presidents respected Congress's war powers and actively sought explicit legislative approval prior to the use of military force.[5]

Many analysts agree that with the onset of the Cold War Congress began the practice of deferring to presidential military ambitions by granting the commander in chief considerable leeway to defend the United States against perceived communist threats. At the same time, presidents began to make more expansive unilateral assertions of their war powers, such that Congress's war powers became much less meaningful in restraining U.S. commanders in chief.[6]

Some may contend that U.S. membership in the UN diminished Congress's constitutional role to check the commander in chief because the UN Security Council can take votes to authorize military action. Yet the legislative history surrounding U.S. membership in the UN is clear. In the United Nations Participation Act of 1945 and through the various committee hearings held prior to joining the UN, congressional leaders explicitly protected their constitutional war powers authority. The United States could not participate in UN-sanctioned military operations without explicit approval from Congress.[7]

Much the same evidence exists for U.S. membership in NATO. Though Article 5 of the Washington Treaty of 1949 calls on all NATO allies to come to the defense of a fellow member upon attack, such an attack is not an immediate and unquestioned trigger for military response from the allies.

The treaty was carefully written so as to respect the U.S. Congress's war authority, and the legislative deliberations regarding U.S. membership in NATO protected Congress's constitutional powers.[8] Nonetheless, American presidents have used UN and NATO endorsements, especially in the post–Cold War era, to make their case for unilateral presidential military authority, which Congress has accepted for the most part. A number of analysts highlight the Korean War in 1950 as a significant and transformative shift in executive–congressional relations, when President Harry Truman argued that a UN Security Council resolution permitted the United States to engage in military operations in Korea without con-

gressional authorization. With the Cold War's onset and the widely shared belief in Congress and the American public that North Korea's communists represented a direct threat to the United States, most members of Congress avoided discussions of the United Nations Participation Act of 1945 and instead rallied around Truman's desire to use force unilaterally.[9]

One effort to rein in the commander in chief out of concern for abuse of presidential authority during the Vietnam War occurred with the passage of the War Powers Resolution in 1973. Among its requirements, the WPR called for the president to "consult" with Congress both prior to and during a military operation. It also required that the president gain congressional approval for a U.S. military operation lasting more than sixty days, with the possibility of an additional thirty-day extension in case of an emergency to get legislative approval. The president was also required to notify Congress in writing within forty-eight hours of the onset of military operations, which applied to all armed forces when engaged in "hostilities."[10]

Though the WPR was arguably well intentioned as an effort to control the commander in chief in future military operations, much research notes the deleterious effect it has had on Congress's war powers, which has led to the further empowerment of the commander in chief. Since its passage, all presidents have generally viewed the WPR as an unconstitutional infringement of their own perceived military powers.[11] In practice and in various efforts to circumvent the resolution, presidents have utilized expansive definitions of the term *consult* to avoid meaningful dialogue with Congress. Many major military operations, including President Ronald Reagan's use of force in Grenada in 1983 and President George H. W. Bush's invasion of Panama in 1989, fell well within the sixty-day time line. Moreover, presidents have often used semantics to insulate themselves from the language of the WPR by arguing that they were not truly engaged in "hostilities."[12] Recent presidents have even used force beyond the sixty-day limit, including President Bill Clinton, who conducted bombing operations in Kosovo in 1999 for seventy-eight days yet failed to implement the WPR's requirements. Thus, despite the range of constitutional and statutory powers Congress has available to check the commander in chief, presidential military power has grown considerably since the Second World War.

Even in the context of a presidency in which the chief executive faced an ostensibly assertive Republican Congress for the last six years of his

presidency and in an environment in which the president did not have good political standing with the U.S. military and limited prior experience in foreign affairs, Bill Clinton was still able to make unilateral assertions of power as commander in chief, which Congress largely accepted.[13]

The administration of George W. Bush similarly made bold assertions of its alleged independent power to use force abroad. Although Congress specifically granted Bush broad military discretion for the global war on terror and later for the war in Iraq, many elements of the executive–congressional interplay at the time are illustrative of a commander in chief who accepted few restrictions on his perceived authority to use force abroad.[14] For example, in the lead-up to the war in Iraq, the Bush administration initially maintained that it would consult Congress before a war, but that it did not need congressional approval to use force against Saddam Hussein.[15] Upon considerable political pressure from Congress for Bush to request authorization, a vote to use force eventually occurred. Yet Congress's checking and oversight role in this case was nevertheless quite limited because Congress ceded to the president the actual decision on whether to use force at his own determination.[16]

Bush, like Bill Clinton in 1994, also made extensive claims as commander in chief in the U.S. deployment of troops to Haiti in late February 2004 as part of a UN peacekeeping operation. In this case, U.S. forces were deployed to protect Haiti's presidential palace and to help restore stability to a country that was rapidly unraveling, with insurgents using force against police forces and threatening to overthrow Haitian president Jean-Bertrand Aristide. Nonetheless, when U.S. forces were deployed, few members of Congress questioned the president on the decision to send these troops, and no legislative effort was made to challenge Bush's asserted authority to send American troops into a civil conflict where conditions were far from stable.[17]

One additional example of Congress's willingness to defer to President Bush's wishes was evident after the newly elected Democrats gained majority status in the House of Representatives and the Senate after the 2006 midterm elections. After campaigning nationally for an end to the U.S. military presence in Iraq and highlighting the faulty claims advanced by the Bush administration to justify the war, the Democratic-led Congress quickly succumbed to President Bush's new military plan to increase the U.S. military presence in Iraq through a 20,000-troop surge.

This deference, which was fostered by Congress's democratic leadership, contrasted directly with the Democrats' electoral promises. Certainly, a number of congressional Democrats expressed their concerns with Bush's 2007 troop surge,[18] yet the Out of Iraq Caucus still contained only one-third of House Democrats and few of the newly elected Democrats. Most newly elected Democrats rapidly became much more moderate in their criticism of President Bush upon taking their congressional seats. Though the caucus was vocal, it was able to do little to prevent the Democratic leadership and the Republican rank and file from supporting and financing President Bush's new plan to intensify the war in Iraq.[19]

The vast majority of past and current research on U.S. constitutional war powers maintains that presidents have often acted unilaterally with regard to their perceived powers as commander in chief and that since the Korean War Congress has largely deferred to presidential leadership on the decision of whether to use force abroad.[20] And as one considers the political environment in the immediate years preceding the Obama presidency, it seems evident that George W. Bush was able to make wide claims of military power and authority as Congress—both Republican and Democratic led—continued to support his military endeavors, even at times when public-opinion poll numbers were abysmally low for him.[21] A strong commander in chief triumphed over a compliant Congress even when the Congress was led by Democrats—Speaker of the House Nancy Pelosi (D–Calif.) and Senator Harry Reid (D–Nev.). It is in this context and political environment that Barack Obama and Joe Biden took their positions in the White House, which appeared ripe for a period of strong leadership as exercised by the commander in chief. That said, no president-elect or vice president–elect in the modern era had such extensive histories of supporting meaningful and substantive checks on the commander in chief prior to their leadership positions in the executive branch. Obama and Biden's records in the Senate certainly raised the possibility that an Obama/Biden White House would exercise power differently from their predecessors.[22] For these reasons, it is worthwhile to study their records in the Senate.

Senator Joe Biden and War Powers

Joe Biden was first elected to the U.S. Senate in 1972, where he remained until assuming the office of vice president in 2009. It is first notable that

Biden became vice president in an era when the office has gained new prominence in shaping both U.S. domestic and international policy. Since the vice presidency of Walter Mondale and through the vice presidency of Richard Cheney, this office has grown considerably in importance with increased responsibilities in the executive branch.[23] This was similarly true early in the Obama presidency as Biden was considered a close confidant of the president, who turned to him for advice, especially in the area of international affairs.[24] One of Biden's major areas of interest while serving for more than three decades in the U.S. Senate was U.S. foreign policy. At the time of his election as vice president, he was serving as the chairman of the Senate Foreign Relations Committee. For all of these reasons, it seems legitimate and relevant to the current presidency to understand Biden's previously expressed views on war powers and the constitutional authority to use force abroad.

Among U.S. senators, Joe Biden was especially well versed on constitutional war powers, which was evident through an array of speeches he gave on the Senate floor, his service on the Senate Foreign Relations Committee, his introduction of legislation aimed at limiting presidential military actions, and his published scholarship on this issue. Biden had a long record of advocating for congressional war powers and the notion that presidents may not use force without congressional approval. At the same time, however, he also argued that there are exceptions when the commander in chief may use force without congressional authorization, and he supported some unilateral military actions by presidents. He thus has an inconsistent record on this issue.

The most substantive legislative example of Biden's interest in war powers is evident in his proposed "Use of Force Act." This proposal stemmed from his participation on the Special Committee on War Powers, established in 1987 by the Senate Foreign Relations Committee partly in response to the Reagan administration's decision to place Kuwaiti oil tankers under the protection of the U.S. flag in 1987 without congressional consultation. More generally at the time, some members of Congress had grown increasingly concerned about the expansion of power exercised by the commander in chief and the WPR's perceived failures and limitations.[25]

In explaining much of the logic for his legislative proposal, Biden published a coauthored article on the topic in 1988 in the *Georgetown*

Law Journal, which demonstrated a detailed and historically grounded understanding of war powers, including a discussion of James Madison's *Notes of Debates in the Federal Convention of 1787,* where Madison summarized the Founders' belief that a commander in chief may use force independently only to "repel sudden attacks." Otherwise, Biden noted that congressional approval to use force is required.[26] In addition, Biden's article made references to early American presidents, who stated clearly that force could not be used without legislative approval. Moreover, it discussed two key U.S. Supreme Court cases, *Bas v. Tingy* (4 U.S. 37 [1800]) and *Talbot v. Seeman* (5 U.S. 1 [1801]), that built on the understanding that congressional approval is required for essentially the full gamut of U.S. military engagements. Biden and his coauthor also quoted President James Buchanan's view that "without the authority of Congress the President cannot fire a hostile gun in any case except to repel the attacks of an enemy."[27]

In this discussion of the history of war powers, Biden also established an understanding of other perspectives on war powers, including the view that a president may use force without congressional approval. He and his coauthor referred to these claims as the "monarchist" perspective, which evolved and emboldened the commander in chief after the Second World War as Congress retreated from exercising meaningful checks on the president in the face of communism. Biden's academic views square with the majority of scholars who have published on war powers and thus demonstrate considerable familiarity with major scholarly works on war powers, which is uncommon for a U.S. senator.

Many of these themes are evident in Biden's proposed Use of Force Act, in which he called for a joint decision framework such that the president is required to consult with Congress prior to and during the use of force abroad. Biden made the case that "joint deliberation" fosters U.S. national-security interests. In this proposal, however, he did address five military situations in which the commander in chief would be permitted to use force without congressional consultation or approval. These situations include the ability to repel an armed attack; the right to respond to a "foreign military threat that threatens the supreme national interest under the United States under emergency conditions" that does not permit time for congressional consultation; the ability to rescue citizens abroad from emergency situations; the ability to "forestall an imminent act of interna-

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tional terrorism" directed at the United States; and the ability to protect the rights of "innocent and free passage in the air and seas."[28]

Soon after the publication of his war powers article, Biden also suggested that the president may also use force as long as a UN Security Council resolution existed and Congress had been consulted.[29] Biden later included this exception in his 1992 Use of Force Act proposal,[30] but in the lead-up to the war resolution vote on the Gulf War in 1991, he argued that President Bush did not have authority to use force in Iraq, despite the Security Council's approval. He noted that "the choice to go to war remains with the Congress, and the Congress alone, as it always does."[31] The UN Security Council exception for the president did not appear in Biden's 1995 or 1998 proposals.[32]

In many respects, the situations that Biden discussed permit the president to use force quite liberally and allow substantial room for the commander in chief to interpret when and how to use force. In this regard, his proposal can be fairly criticized for granting substantial war powers to the commander in chief and thus further distancing the Congress from its constitutional duty to check the president. Biden's interest in allowing the commander in chief to use force with UN Security Council authorization but not congressional approval also contradicts the legislative history of U.S. membership in the UN.

At the same time, the core principle in Biden's proposal centered on a notion of shared presidential and congressional responsibility to determine when force may be used. According to the proposal, most of the situations in which the president is permitted to act without congressional approval involve "emergency" conditions. Without an emergency, congressional consultation is required, although the proposal did not specifically require congressional approval. In order to foster such consultation and to require meaningful dialogue between the congress and commander in chief, Biden called for the creation of a "congressional leadership group" consisting of House and Senate leaders from both parties. This group would meet periodically to encourage sustained consultations between the commander in chief and key foreign-policy and intelligence officials in the executive branch.[33]

Although Biden's proposal is unquestionably open to criticism from those who argue for greater congressional involvement in use of force decisions, it is clear that it sought to move away from what he viewed

as the commander in chief's "monarchist" practices and that it considered enhanced congressional involvement in military decisions both constitutional and useful in terms of political practice. In this respect, Biden seemed to recognize the value and appropriateness of congressional involvement in what he would likely view as "nonemergency" military situations; otherwise, he argued, presidents are not permitted to assert unilateral decision-making authority for warfare.

Apart from Biden's scholarly writings and his Use of Force Act proposal, over the course of his Senate career he took a number of positions on presidential military actions that provide additional insight regarding his views on the balance of war powers. In a number of military actions, he called for prior congressional input and approval before a commander in chief may use force. He was an early supporter of Senator Jacob Javits's (R–N.Y.) efforts to revise the war powers arrangement and was a co-sponsor of Javits's efforts in 1973 to encourage the Senate to take up what eventually became the WPR.[34] In the first term of Ronald Reagan's presidency, Biden was also quite clear in calling for the application of the WPR to the U.S. troop deployment to Lebanon. In doing so, Biden clearly expressed his support for a congressional role in determining whether troops should remain deployed abroad in this peacekeeping mission.[35] In referencing the specific language of the WPR, well before the suicide truck bombing that took 241 American lives in Lebanon, Biden noted that "when the marines were sent as part of the multinational force, I believe they were entering into an area of hostilities. Some disagreed with that assertion of mine back then in the Foreign Relations Committee, but I think they are hostilities. And I think the War Powers Act should have been triggered immediately and [I] have so stated in the past."[36]

Biden made a nearly identical argument in 1984 when debate arose in Congress over President Reagan's deployment of American troops to El Salvador. Biden was again clear in this case, noting that "the President does not have the authority to make war, he has the authority to conduct a war. A Commander in Chief does not initiate a war, he conducts a war." In the same speech, calling for congressional oversight of the commander in chief, he pleaded with the president to "let us be part of what is our constitutional obligation."[37]

But Biden had previously supported Reagan's troop deployment to Grenada in 1983, which occurred without congressional consultation and

has largely been viewed as a unilateral U.S. troop deployment by the commander in chief. He noted that, based on the intelligence briefing he had received, the president was justified to act.[38]

Thus, across these three cases in the Reagan administration, Biden's record on war powers is mixed. At times, he quite forcefully advocated for Congress's war powers authority when other members of Congress said little on the issue, but on Reagan's military operation in Grenada he supported the commander in chief's unilateral action.[39] Biden also sought to invoke the WPR, whose critics note may empower the commander in chief, but he also referenced the WPR in an effort to rein in U.S. military deployments.

Biden's record in other presidential administrations is similar in its call for congressional checks on the commander in chief. Senator Biden argued against empowering George H. W. Bush militarily prior to the use of force in Panama in 1989.[40] In addition, he was clear in calling for meaningful legislative actions to limit Bush prior to Operation Desert Storm. In the lead-up to the 1991 Gulf War, while expressing his position and views on the limitations on the commander in chief, he referenced Founding Fathers James Madison, Elbridge Gerry, and Alexander Hamilton, who in his historical recollection were quite specific: "The real issue was authorization of war, which the framers did not intend to give to the President."[41] Biden openly challenged President Bush's opinion that the commander in chief was constitutionally permitted to use force against Saddam Hussein without congressional approval.[42]

When the Senate conducted its final debates over whether to support President Bush's desire to use force in Iraq in 1991, Biden spoke at length regarding his opposition to the view that a president can independently initiate military action, quite poignantly stating, "On this point the Constitution is as clear as it is plain. While article II of the Constitution gives the President the power to command our troops, article I of the Constitution commits to Congress—and Congress alone—the power to decide if this Nation will go to war. The Framers of our Constitution took great pains to ensure that the Government they established for us would differ from the rule of the British monarchs. They knew firsthand of the consequences of leaving the choice between war and peace to one man."[43] When the civil conflict in Bosnia erupted in 1992, Biden was quick to voice his support for military action to prevent additional atrocities in the Balkans,

but he also called upon Congress to exercise its constitutional powers to authorize U.S. military action prior to engagement. Although the Congress was nearing an adjournment for the 1992 fall elections, Biden introduced a resolution that called upon the Senate to support military action if necessary but simultaneously encouraged the UN Security Council to authorize the creation of no-fly zones in Bosnia that would permit military enforcement of such zones. He noted, "I believe Congress should—as a matter of policy and as a matter of constitutional principle—act to provide such authority before adjournment."[44] In this case, Biden demonstrated his willingness to use force as well as his respect for Congress's role in making military decisions for the United States.

During the Clinton administration, Biden is remembered for being a strong advocate of U.S. and NATO military intervention in the Balkans and for his support of military strikes against Yugoslavian president Slobodan Milosevic.[45] At the same time, however, he argued that President Clinton "and the Presidents under whom I have served have all misread the Constitution" and made assertions as commander in chief that the constitutional framers had not intended. In the Clinton administration, Biden advocated for greater limitations on the commander in chief in the aftermath of the crisis in Somalia in 1993, in the lead-up to the U.S. troop deployment to Haiti in 1994, and through repeated proposals of his Use of Force Act.[46] In the hours prior to NATO's air strikes on Milosevic's forces in 1999, Biden led the floor debate in calling for the Senate's authorization of Clinton's requested action, noting after the vote's conclusion that "I do not think the President has the authority to use force in this nature without our approval."[47] Although Biden demonstrated a nonpartisan interest in protecting and asserting Congress's war powers, he did not actively oppose presidential military actions that were not authorized by Congress, and certainly with respect to Bosnia in 1995 and Kosovo in 1999 he quite actively backed the president's military actions.[48]

In the presidency of George W. Bush, Biden's record is again mixed. In the limited discussion that took place prior to Congress's vote to authorize President Bush's global war on terrorism after the September 11, 2001, terrorist strikes, Biden acknowledged that Congress had provided the president wide latitude to wage a military response against those involved in the terrorist strikes. Yet he also noted that Congress had actually checked the president by not extending him powers to "deter and

preempt any future acts of terrorism against the United States," which the White House had originally requested in its discussions with the members of Congress. Although Congress granted President Bush extremely wide authority to use force, which Biden supported, Biden still referenced the constitutional limitations placed on the president and his opposition to "extend these authorities"—that is, those proposed by the White House. Biden's statements are notable given how few others even raised the issue of Congress's constitutional checking role during this crisis.[49]

On the resolution to grant President Bush authority to use force in 2002 against Iraq, Biden's focus was primarily on stating that he did not support a doctrine of military preemption. His record on this vote reveals contradictions regarding his views on war powers at this time. Biden voted for one of Senator Robert Byrd's (D–W.V.) amendments that called for more deliberation and opposition to Bush's foreign-policy direction regarding Iraq. This amendment limited to one year the authorization to use force, but it failed in the Senate. In making his arguments for supporting the amendment, Biden noted that during war Congress's power of the purse is difficult to invoke against the president, and thus Byrd's proposal was useful in limiting the president's military powers. Biden was one of thirty-one senators who voted for this resolution.[50] In this respect, he voted to permit a congressional checking role and more generally was part of the deliberative political process that determined the merits of President Bush's movement toward war.

Biden, however, did not support Senator Carl Levin's (D–Mich.) amendment to require the president to return to Congress for permission to use force after he sought UN Security Council approval for military action. He argued that it was sufficient to grant the commander in chief discretion at that time to use force if necessary, whether UN Security Council authorization was gained or not.[51] Moreover, in the key and final vote on the authorization to use force, Biden voted with seventy-six other senators to grant the president wide authority to determine if military force against Saddam Hussein was merited.[52] His support for this resolution contrasts with his long-standing rhetoric in favor of *Congress's* role in determining if military action is an appropriate policy step.

But then, in another about-face, Biden took a much stronger stand on Congress's war powers and even impeachment authority when some commentators posed questions over a possible use of force against Iran in

2007. When interviewed by Chris Matthews at NBC that year, he was adamant in expressing his support for congressional war powers:

> Matthews: You said that if the president of the United States had launched an attack on Iran without congressional approval, that would have been an impeachable offense.
>
> Biden: Absolutely.
>
> Matthews: Do you want to review that comment you made? Well, how do you stand on that now? Do you think . . .
>
> Biden: Yes, I do. I want to stand by that comment I made. The reason I made the comment was as a warning. The reason I made—I don't say those things lightly, Chris. You've known me for a long time. I was chairman of the Judiciary Committee for 17 years, or its ranking member. I teach separation of powers and constitutional law. This is something I know.
>
> So I got together and brought a group of constitutional scholars together to write a piece that I'm going to deliver to the whole United States Senate, pointing out the president has no constitutional authority to take this nation to war against a country of 70 million people, unless we're attacked or unless there is proof that we are about to be attacked. And if he does—if he does—I would move to impeach him. The House obviously has to do that, but I would lead an effort to impeach him.[53]

In sum, Biden's Senate record on war powers is mixed. Although it is clear that in many instances he advocated for Congress's war powers, the constitutional framers' belief in checks and balances on the commander in chief, and "joint deliberation" between the president and Congress prior to the use of force, he also supported commanders in chief when they used force without congressional authorization. His support for Reagan's actions in Grenada, his backing of the Clinton administration's strikes in Bosnia and Kosovo, and his interest in supporting a commander in chief who had gained UN Security Council approval without congressional approval demonstrate an inconsistent record. His proposed Use of Force Act also invites the same kinds of problems faced by the WPR in that with it presidents can use the same semantic distinctions to avoid congressional oversight and limitations on the commander in chief.[54] What is clear,

however, is that, unlike many members of the modern Congress, Biden demonstrated a well-grounded historical knowledge of war powers and on a number of occasions sought legislative remedies to a "monarchist" presidency that alone determines if force will be used abroad, a knowledge that is especially evident in his 2007 comments regarding a possible military strike on Iran. Some members of Congress favor a very strong, if not unlimited, commander in chief, and seem numb to the idea that Congress should check the president.[55] Senator Biden, in contrast, often demonstrated a commitment to checking presidential war powers.

Senator and President-Elect Barack Obama and War Powers

In contrast to Joe Biden's history on war powers, Barack Obama's Senate record on this subject is less extensive. It is clear, however, that on the few occasions when Senator Obama spoke about war powers, he believed that Congress was required to play an important checking role. He made clear that unless the country's self-defense were in question, as James Madison argued at the Constitutional Convention, a commander in chief cannot engage in military action without congressional approval.

After his successful 2004 campaign bid to become the junior senator from Illinois, Obama did not speak often about the appropriate constitutional balance of powers between the Congress and the commander in chief or in a substantive manner about his preferred strategy for Iraq.[56] His views on President Bush's policies toward Iraq and war powers, however, developed more clearly in late 2006 and early 2007 when Bush proposed and eventually implemented his troop-surge strategy.

The first major signs of Obama's willingness to challenge the commander in chief came in November 2006, when from the campaign trail he called for a new strategic direction for Iraq, maintaining that "Congress has given the Administration unprecedented flexibility in determining how to spend more than 20 billion dollars in Iraq. . . . This must end in the next session of Congress, when we assert our authority to oversee the management of this war."[57] In this case, Obama's views indicated a belief that Congress can influence *how* a war is waged, which certainly goes beyond the notion that Congress can check the president only prior to the initiation of warfare. Obama here showed a willingness to check the president on the actual conduct of a war.

With new Democratic majorities in the House and Senate in 2007 after the 2006 midterm elections, Obama elaborated on his views regarding Congress's ability to manage the war in Iraq and in particular regarding what he viewed as Congress's legitimate role to prevent additional troops from being deployed without congressional approval. As Bush's 20,000-troop-surge plan became evident, Obama noted, "It now falls on Congress to find a way to support our troops in the field while still preventing the President from multiplying his previous mistakes."[58] Expanding on these remarks, he commented, "I said publicly that it is my preference not to micromanage the Commander-in-Chief in the prosecution of war. Ultimately, I do not believe that it is the ideal role for Congress to play. But at a certain point, we have to draw a line."[59]

Senator Obama was later equally explicit about Congress's role in shaping U.S. war decisions when he proposed major troop reductions to Iraq and expressed his opposition to Bush's troop-surge proposals. For example, in arguing that President Bush had failed in Iraq, he argued, "That is why Congress now has the duty to prevent even more mistakes." In this same address, he added that under his troop-reduction proposal Bush would not be permitted to deploy additional troops to Iraq "without explicit authorization by the Congress."[60] Both comments clearly suggest meaningful ways in which Congress can influence war and provide a check on the commander in chief on both *how* a war is waged and *whether* more troops can be introduced into warfare. When Obama was queried on the constitutionality of his proposals, he responded that Congress's 2002 authorization to use force in Iraq did not permit President Bush total and absolute discretion in determining war policies. He remarked, "The notion that as a consequence of that authorization, the president can continue down a failed path without any constraints from Congress whatsoever is wrong and is not warranted by our Constitution."[61]

Perhaps Obama's clearest expression on Congress's constitutional war powers and the commander in chief came in an interview by the *Boston Globe* in 2007. Responding to a question related to the president's legal authority to conduct a bombing operation against Iran in the absence of congressional approval, Obama commented unambiguously:

The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does

not involve stopping an actual or imminent threat to the nation. As Commander-in-Chief, the President does have a duty to protect and defend the United States. In instances of self-defense, the President would be within his constitutional authority to act before advising Congress or seeking its consent. History has shown us time and again, however, that military action is most successful when it is authorized and supported by the Legislative branch. It is always preferable to have the informed consent of Congress prior to any military action.[62]

Obama also noted that he had sponsored a Senate resolution that would forbid an "offensive" military action by the president against Iran.[63] These views are quite clear and reflect a view of the Constitution that closely squares with the Founding Fathers' intent.

As president-elect, Obama took one additional step that perhaps suggested some interest in protecting Congress's constitutional war powers. On December 12, 2008, he met with former secretaries of state James A. Baker and Warren Christopher, the two leading voices of the 2008 National Commission on War Powers, ostensibly to discuss their proposal to provide for greater restraints on the commander in chief's ability to wage war and for enhanced congressional input prior to the use of force. At the meeting's conclusion, Obama made no public statement, but his spokesman, Denis McDonough, who in the first Obama administration would serve as the director for strategic communications for the National Security Council, noted, "President-elect Obama expressed his appreciation for their work and said he would review the commission's proposal. . . . The president-elect underscored his commitment to working closely with Congress with bipartisan participation."[64] Although McDonough was clearly noncommittal, the decision to grant a meeting with Christopher and Warren suggested some willingness on Obama's part at least to discuss the proposal, which at its core (Baker and Christopher contended) was intended to share the decision to use force abroad more equally between Congress and the commander in chief.[65]

In their time as U.S. senators, Joe Biden and Barack Obama had extensive records of advocating for Congress's war powers. Among U.S. senators over the past three decades, Joe Biden is unique in his frequent calls

for war powers reforms, his historical knowledge of war powers, and his nonpartisan calls for enhanced checks on "monarchical" commanders in chief. At the same time, he also supported unilateral actions by the commander in chief. Obama's record on this issue is more limited given his much shorter tenure in the Senate, but it nonetheless indicates a history of favoring congressional actions that can restrict a commander in chief both prior to the use of force and during a military operation. These views of the Constitution contrast sharply with those of all presidents since the Second World War, who have generally invoked unilateral claims to authorize force in their position as commander in chief. In many respects, Biden's and Obama's views in the Senate were different from those of previous commanders in chief and indicate a more balanced constitutional perspective that permits checks and balances on the commander in chief.

However, upon entering the White House, President Obama inherited the legacy of the George W. Bush administration and his predecessors, who essentially claimed unilateral war powers for the commander in chief. Despite the Constitution's clear limits on the president's initiation of military action abroad and the legislative histories of U.S. membership in the UN and NATO, presidents since the Second World War have asserted wide authority as commanders in chief. Moreover, since the WPR was passed in 1973, all presidents have also argued that it is unconstitutional and therefore does not restrict the commander in chief's military actions. This context certainly provides a compelling environment for a new president to simply follow suit and similarly assert broad military and war-making powers.

Dead Center

The Demise of Liberal Internationalism in the United States

*Charles A. Kupchan
and
Peter L. Trubowitz*

Does George W. Bush's presidency mark the demise of the era of liberal internationalism in the United States? According to many analysts, it does not.[1] The prevailing wisdom is that the Bush administration's assertive unilateralism, its aversion to international institutions, and its zealous efforts to spread democracy in the Middle East represent a temporary departure from the United States' traditional foreign policy. Out of step with both public and expert opinion, the Bush revolution was orchestrated by a small group of neoconservative officials who, with the help of the September 11 terrorist attacks, managed to wrest control of the foreign policy apparatus.[2] This account implies that the Bush administration's foreign policy is an aberration and that the United States' commitment to the formula of liberal internationalism—U.S. power plus international cooperation—will be restored after Bush leaves office. Indeed, influential think tanks and foreign policy groups are already churning out action plans for reviving liberal internationalism.[3]

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1. See, for example, Ivo H. Daalder and James M. Lindsay, *America Unbound: The Bush Revolution in Foreign Policy* (Washington, D.C.: Brookings, 2003); Francis Fukuyama, *America at the Crossroads: Democracy, Power, and the Neoconservative Legacy* (New Haven, Conn.: Yale University Press, 2006); Gary Hart, *The Fourth Power: A Grand Strategy for the United States in the Twenty-first Century* (New York: Oxford University Press, 2004); Kurt M. Campbell and Michael E. O'Hanlon, *Hard Power: The New Politics of National Security* (New York: Basic Books, 2006); G. John Ikenberry, "The End of the Neo-Conservative Moment," *Survival,* Vol. 46, No. 1 (Spring 2004), pp. 7–22; and Joshua Busby and Jonathan Monten, "Without Heirs: The Fall of Establishment Internationalism in U.S. Foreign Policy," paper presented at the annual meeting of the International Studies Association, San Diego, California, March 22–25, 2006.
2. On the personalities and ideological leanings of Bush's foreign policy advisers, see James Mann, *Rise of the Vulcans: The History of Bush's War Cabinet* (New York: Viking, 2004); and Daalder and Lindsay, *America Unbound,* pp. 17–34.
3. Lawrence J. Korb and Robert O. Boorstin, *Integrated Power: A National Security Policy for the 21st Century* (Washington, D.C.: Center for American Progress, 2005); and G. John Ikenberry and Anne-

We challenge this view and contend instead that the Bush administration's brand of international engagement, far from being an aberration, represents a turning point in the historical trajectory of U.S. foreign policy. It is a symptom, as much as a cause, of the unraveling of the liberal internationalist compact that guided the United States for much of the second half of the twentieth century. That compact was substantive as well as political. Substantively, it entailed a commitment to both power and cooperation: the United States would project its military strength to preserve stability, but it would seek to exercise its leadership through multilateral partnership rather than unilateral initiative. It was the coupling of U.S. power and international partnership that gave the nation's foreign policy such a distinctive character in the decades following World War II. Politically, liberal internationalism drew broad support from regions of the country that had rarely agreed on matters of either domestic or foreign policy. Working together, Democrats and Republicans fashioned a bipartisan consensus behind a new type of U.S. engagement in world affairs. Bipartisanship was to prove crucial to the emergence and longevity of a U.S. grand strategy that twinned power and international partnership.

Liberal internationalism's rise was the product of both geopolitical and domestic developments. The threat posed by Nazi Germany, imperial Japan, and the Soviet Union combined with the fading of ideological divisions in the United States to enable Democrats and Republicans to coalesce around a common strategy. Abroad, the United States used its superior military power to check potential challenges to stability and an open international economy. But at the same time, it turned to multilateral institutions to attract and reassure the partners it needed to defeat fascism and communism. At home, the political environment was ripe for the emergence of a "centrist" coalition. The formation of a North-South alliance, the easing of class tensions due to economic growth and rising incomes, the onset of political pragmatism and ideological moderation—these were the conditions that led Democrats and Republicans alike to forge what Arthur Schlesinger dubbed the "vital center."[4] Thus began the era of liberal internationalism.

The conditions that sustained liberal internationalism have of late been rapidly disappearing, dramatically weakening its grip on the nation's politics. Since the demise of the Soviet Union, U.S. primacy has reduced the incentives

Marie Slaughter, *Forging a World of Liberty under Law: U.S. National Security in the 21st Century* (Princeton, N.J.: Princeton Project on National Security, Princeton University, 2006).
4. Arthur M. Schlesinger Jr., *The Vital Center: The Politics of Freedom* (Boston: Houghton Mifflin, 1949).

for Republicans and Democrats alike to adhere to the liberal internationalist compact. Unipolarity has heightened the geopolitical appeal of unilateralism, a trend that even the threat of transnational terrorism has not reversed. Unipolarity has also loosened the political discipline engendered by the Cold War threat, leaving U.S. foreign policy more vulnerable to growing partisanship at home. "Red" and "Blue" America disagree about the nature of U.S. engagement in the world; growing disparities in wealth have reawakened class tensions; and political pragmatism has been losing ground to ideological extremism.

The polarization of the United States has dealt a severe blow to the bipartisan compact between power and cooperation. Instead of adhering to the vital center, the country's elected officials, along with the public, are backing away from the liberal internationalist compact, supporting either U.S. power or international cooperation, but rarely both. President Bush and many Republicans have abandoned one side of the liberal internationalist compact: multilateralism has received little but contempt on their watch. Meanwhile, the Democrats have neglected the other side: many party stalwarts are uneasy with the assertive use of U.S. power. As the partisan gyre in Washington widens, the political center is dying out, and support for liberal internationalism is dying with it. According to Jim Leach, one of the Republican moderates to lose his House seat in the 2006 midterm elections, "[The United States'] middle has virtually collapsed. And how to reconstruct a principled center, a center of gravity in American politics, may be the hardest single thing at this particular time."[5]

Prominent voices from across the political spectrum have called for the restoration of a robust bipartisan center that can put U.S. grand strategy back on track.[6] According to Democratic Senator Hillary Clinton, "For more than a half a century, we know that we prospered because of a bipartisan consensus on defense and foreign policy. We must do more than return to that sensible, cooperative approach." Republican presidential candidate Mitt Romney echoes this sentiment: "It seems that concern about Washington's divisiveness and capability to meet today's challenges is the one thing that unites us all. We need

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5. Quoted in Kwame Holman, "Midterm Elections Oust Several Moderate Republicans," Online Newshour, November 24, 2006, http://www.pbs.org/newshour/bb/politics/july-dec06/gop_11-24.html.
6. On the need to restore bipartisanship, see Nancy E. Roman, "Both Sides of the Aisle: A Call for Bipartisan Foreign Policy," Special Report, No. 9 (New York: Council on Foreign Relations, September 2005); the website of Partnership for a Secure America, an organization calling for "responsible foreign policy through bipartisan action," http://www.psaonline.org; and the website of Unity08, an organization committed to rebuilding bipartisanship, at http://www.unity08.com/.

new thinking on foreign policy and an overarching strategy that can unite the United States and its allies."[7]

These exhortations are in vain. The halcyon era of liberal internationalism is over; the bipartisan compact between power and partnership has been effectively dismantled. If left unattended, the political foundations of U.S. statecraft will continue to disintegrate, exposing the country to the dangers of an erratic and incoherent foreign policy. To avoid this fate, U.S. leaders will have to fashion a new brand of internationalism—one that will necessarily entail less power and less partnership if it is to have a chance of securing broad domestic support. To find a new equilibrium between the nation's commitments abroad and its polarized politics at home, the United States will need a grand strategy that is as selective and judicious as it is purposeful.

This article is organized into three main sections. We begin by describing the rise of liberal internationalism, exploring how geopolitical and domestic factors worked in unison to fashion a bipartisan consensus behind the United States' postwar grand strategy. We then turn to liberal internationalism's demise, again examining the roles played by both international and domestic forces in eroding the political foundations of the liberal internationalist compact. We conclude by considering the implications of our analysis for U.S. grand strategy.

The Rise of the Liberal Internationalist Compact

Scholars and policymakers alike tend to associate liberal internationalism with multilateralism and international institutions.[8] Liberal internationalism does entail a commitment to multilateralism, but it also involves a commitment to the use of U.S. military force. Indeed, it was the dual commitment to power projection and international cooperation that distinguished liberal internationalism from earlier U.S. strategies.

From the United States' emergence as a great power at the end of the nineteenth century until the 1940s, its political class favored power or cooperation, but not the two together. Theodore Roosevelt preferred power, taking advantage of a strengthened presidency to pursue an imperialist agenda—but one whose ambition quickly outstripped political support for such expansionism.

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7. Hillary Clinton, quoted in Partnership for a Secure America, "Quotes on Bipartisanship," http://www.psaonline.org/userdata_display.php?modin=52; and Mitt Romney, "Rising to a New Generation of Global Challenges," *Foreign Affairs*, Vol. 86, No. 4 (July/August 2007), pp. 17–18.
8. On U.S. multilateralism and the role of international institutions in shaping world order, see John Gerard Ruggie, *Winning the Peace: America and World Order in the New Era* (New York: Columbia University Press, 1996).

Woodrow Wilson favored cooperation, embracing the League of Nations and collective security—but the Senate rejected this institutional commitment to multilateralism. Franklin Delano Roosevelt, the architect of liberal internationalism, was the first president to blend these two traditions.

Franklin Roosevelt's coupling of power and partnership was perhaps most evident in his so-called Great Design—his vision of a cooperative security system in which China, Great Britain, the Soviet Union, and the United States would form a consortium of great powers to manage collectively the postwar order and put down threats to the peace.[9] Roosevelt dubbed the system the "Four Policemen," envisaging a directorate that resembled the Concert of Europe, which emerged after the defeat of Napoleonic France in 1815. By virtue of its sheer power, the United States would be the first among equals in such a directorate, relying on its primacy to extend political and economic influence.[10] The Great Design, like the Concert of Europe, would embrace a shared set of understandings and norms; territorial issues and political disputes were to be resolved through consultation and compromise rather than unilateral action. These ideas shaped Roosevelt's diplomacy at the Yalta Conference in 1945, and they found concrete expression in the United Nations and the Bretton Woods system.

BIPARTISANSHIP AND LIBERAL INTERNATIONALISM

Roosevelt's approach to grand strategy was distinguished not just by the marriage of power and cooperation, but also by the exceptional nature of the political support it enjoyed in Washington and the polity at large. Indeed, the rise of liberal internationalism in the United States corresponded with an unprecedented surge in bipartisan cooperation on matters of foreign affairs.[11] As Figure 1 illustrates, the politics of foreign policy were deeply partisan prior to World War II. In this respect, foreign policy was similar to domestic policy. In the 1940s these trends began to change. Bipartisan cooperation increased sharply on foreign policy and, to a lesser extent, on domestic policy. Between the Japanese attack on Pearl Harbor in 1941 and the Tet Offensive in South Vietnam in 1968, members of Congress reached across the aisle nearly three out of every four times they voted on foreign policy legislation. In contrast, bi-

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9. For a discussion of the Great Design, see Gordon A. Craig and Alexander L. George, *Force and Statecraft: Diplomatic Problems of Our Time* (New York: Oxford University Press, 1983), pp. 101–113.
10. See John Lewis Gaddis, *Surprise, Security, and the American Experience* (Cambridge, Mass.: Harvard University Press, 2004), p. 53; and G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and Rebuilding of Order after Major Wars* (Princeton, N.J.: Princeton University Press, 2001), pp. 163–214.
11. Following common practice, bipartisanship is defined as the extent to which majorities or near majorities of both parties in Congress vote together.

Figure 1. Bipartisanship in the U.S. Congress, 1898–1968

partisanship occurred about half the time on domestic policy issues. To be sure, partisan politics did not always stop at the water's edge; Republicans and Democrats often clashed over foreign aid and trade matters. Partisan divisions, however, were sporadic and transitory. On the basic elements of grand strategy—when military force should be used, the importance of international support, and the role of multilateral institutions—consensus was the norm.

This bipartisan spirit was reflected in—and furthered by—the leadership of Franklin Roosevelt. Roosevelt's struggle to coax the United States from its isolationist shell led him to pay careful attention to Wilson's presidency and the Senate's rejection of the League of Nations. FDR was intent on avoiding Wilson's mistakes. Wilson's agenda for collective security was deeply partisan—playing to the interests of core Democratic constituencies while

ignoring the interests and ideological proclivities of Republicans.[12] In contrast, Roosevelt ensured that the United Nations Charter was devoid of provisions that might provoke Republican objections. He also sought to make Republicans stakeholders in his foreign policy by appointing members of the opposition to important foreign policy posts and working closely with Wendell Willkie, the candidate he defeated in the 1940 election, to combat isolationism.[13]

As Figure 1 demonstrates, bipartisan cooperation on foreign policy waned after the close of World War II—but only temporarily. It revived with the onset of the Cold War and the rise of the Soviet threat, with Democrats and Republicans closing ranks around the liberal internationalist agenda launched under Roosevelt's watch. As a high-ranking State Department official put it in 1949, "The end in view is to achieve agreement on a sound and publicly supported policy. . . . Party discipline may rally adherents to one side or the other. But a successful bipartisan foreign policy will make it virtually impossible for 'momentous divisions' to occur in our foreign affairs."[14] Republican Senator Arthur Vandenberg, who had made the transition from isolationism to liberal internationalism during World War II, wrote in 1950 that "'bipartisan foreign policy' means a mutual effort, under our indispensable two-party system, to unite our official voice at the water's edge."[15]

Harry Truman's administration worked closely with lawmakers on Capitol Hill to promote economic recovery, rearmament, and stability in Western Europe. The Marshall Plan and the General Agreement on Tariffs and Trade both enjoyed broad bipartisan support. The United States took the lead in fashioning the North Atlantic Treaty Organization and a host of other alliances, bolstering these pacts with the forward deployment of U.S. troops. A fierce partisan battle over Truman's management of the Korean War did break out during the 82d Congress (1951–52), but even that dispute was short-lived. As Figure 1 makes clear, bipartisanship returned with the armistice of 1953. The bipartisan consensus behind the compact between power and partnership was then to extend until the late 1960s, when it began to be sorely tested by the Vietnam War.

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12. For a critique of Wilson's handling of the politics of the League, see John Milton Cooper Jr., *Breaking the Heart of the World: Woodrow Wilson and the Fight for the League of Nations* (New York: Cambridge University Press, 2001), pp. 35–41.
13. Robert A. Divine, *Second Chance: The Triumph of Internationalism in America during World War II* (New York: Atheneum, 1967), pp. 130–153; and Cooper, *Breaking the Heart of the World*, pp. 408–409.
14. Ernest A. Gross, "What Is a Bipartisan Foreign Policy?" Department of State Bulletin, No. 21 (October 3, 1949), p. 505.
15. Arthur H. Vandenberg Jr., quoted in Richard H. Heindel, "Review of *The Private Papers of Senator Vandenberg*," *American Historical Review*, Vol. 58, No. 2 (January 1953), p. 402.

The bipartisanship nurtured by Roosevelt, and sustained by his successors, was intimately linked to the rise of liberal internationalism for three main reasons. First, bipartisanship made possible the political entrepreneurship needed to launch liberal internationalism. A U.S. commitment to power and partnership represented a dramatic departure in foreign policy, opening its backers to criticism from the left and right. So too was institutionalized multilateralism a novelty for the United States. Politicians eyeing the next election could hardly count on public support for the projection of U.S. power during peacetime. Liberal internationalism's supporters were thus assuming significant political risks, making bipartisanship a necessary condition for its domestic viability. Only if both parties agreed to hold their fire would lawmakers be prepared to embrace such a far-reaching shift in policy.

Second, inasmuch as liberal internationalism is both "internationalist" and "liberal," its implementation required broad institutional support, not just strong leadership by the executive branch. The projection of U.S. power necessitated that members of Congress were prepared to accept the maintenance of a large military establishment, a sizable defense budget, and the potential sacrifice of U.S. lives in distant missions—three planks that had been long resisted by isolationists and had served as sources of protracted partisan conflict in the past. In similar fashion, committing the United States to collective security pacts, alliances, and multilateral economic institutions depended on Senate ratification—a requirement that unilateralists had regularly used to block U.S. participation in pacts and treaties, including the League of Nations. That Senate ratification requires a two-thirds majority makes liberal internationalism particularly dependent upon bipartisanship. Even when a single party controls the White House and has a majority in Congress, it regularly needs help from the opposition to ratify treaties.

Third, bipartisanship proved critical to the implementation of liberal internationalism because it provided for constancy and continuity in foreign policy even as elections shifted power from one party to the other. During the nineteenth century and the first half of the twentieth, U.S. foreign policy regularly lurched among stark alternatives as control over Congress and the White House changed hands.[16] In contrast, liberal internationalism was embraced by Republican and Democratic administrations alike, giving it remarkable staying power. Had it not been for the new bipartisanship on foreign policy, liberal internationalism would have been unlikely to outlast Roosevelt and the

16. For a historical summary of this period, see Charles A. Kupchan and Peter L. Trubowitz, "Grand Strategy for a Divided America," *Foreign Affairs,* Vol. 86, No. 4 (July/August 2007), pp. 73–76.

Republican capture of Congress after World War II.[17] Bipartisanship turned liberal internationalism from a fleeting idea into a durable grand strategy.

Bipartisanship was thus essential to liberal internationalism's birth as well as its maintenance. The coalition of Democrats and Republicans first cobbled together by Roosevelt was its political base, and remained so during the Cold War. In this respect, the fortunes of the liberal internationalist compact were directly linked to the strength of the bipartisan center in U.S. politics and, as we show in the next section, the international and domestic circumstances that gave rise to it.

THE GEOPOLITICAL SOURCES OF LIBERAL INTERNATIONALISM

From the outbreak of World War II until the collapse of the Soviet Union, the presence of powerful aggressor states encouraged strong domestic support for a compact between power and cooperation. Even before the United States entered World War II, many of the country's leading strategic thinkers (e.g., Isaiah Bowman, Edward Mead Earle, and Nicholas John Spykman) had concluded that distance was no longer a reliable guarantee of the nation's security.[18] Instead, the United States would have to prevent any single power or group of powers from establishing control over the Eurasian heartland and rimland—the huge landmass extending from Iberia to Siberia. Doing so would require not just the projection of U.S. military power, but also the consensual help of allies that shared the United States' strategic priorities.

The same intuition about the benefits of linking power and partnership lay at the heart of Truman's strategy of containment. The United States alone did not have sufficient economic and military resources to check the threat posed by Soviet and Chinese expansionism. Allies would be required to supply the troops needed to balance Soviet and Chinese power and to provide staging areas to deploy U.S. forces across the geographic expanse of Eurasia. The United States also needed a global network of alliances for political reasons—to shore up the Western democracies and their partners in Asia and the third world by ensuring that these states did not drift toward neutrality or, worse, align with the opposing bloc.[19]

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17. In 1946 the Republicans took both chambers of Congress, ending fourteen years of Democratic rule.

18. Isaiah Bowman, *The New World: Problems in Political Geography* (Yonkers-on-Hudson, N.Y.: World Book, 1928); Edward Mead Earle, *Against This Torrent* (Princeton, N.J.: Princeton University Press, 1941); and Nicholas John Spykman, *America's Strategy in World Politics: The United States and the Balance of Power* (New York: Harcourt, Brace, 1942).

19. See Thomas J. McCormick, *America's Half-Century: United States Foreign Policy in the Cold War and After,* 2d ed. (Baltimore, Md.: Johns Hopkins University Press, 1995), chaps. 3–6; John Lewis Gaddis, *Strategies of Containment: A Critical Appraisal of Postwar American National Security Policy*

The effort to establish a liberal economic order was driven by geopolitical as well as economic imperatives. U.S. elites believed that economic nationalism and mercantilist trade policies had helped set the great powers on the path to World War II—hence the need for an open trading system that would bene-fit all democracies and counter the logic of zero-sum competition.[20] In addi-tion, only if U.S. allies in Europe and Asia enjoyed a speedy and robust economic recovery would they be able to withstand the military and ideologi-cal threat posed by Soviet communism. Justifying economic aid for European recovery on geopolitical rather than humanitarian grounds was key to win-ning Republican support for the Marshall Plan.[21] The reduction of impedi-ments to trade, the financial institutions fashioned at Bretton Woods, and foreign aid all became central planks of the liberal internationalist agenda.

The Cold War also exercised a disciplining effect on U.S. politics. As during World War II, strategic necessity was invoked to tame partisan games-manship.[22] By identifying liberal internationalism with anticommunism, Truman and his successors made it politically treacherous for Democrats and Republicans alike to pursue alternative policies. The fear of being labeled soft on communism weaned politicians away from Henry Wallace's version of Wilsonianism as well as Robert Taft's more isolationist agenda. At the same time, the nuclear era made unacceptable the potential consequences of reck-lessness or belligerence, keeping politicians from straying too far to the right. When politicians ignored the need for centrism—as did George McGovern on the left and Barry Goldwater on the right—they paid dearly at the polls.

THE DOMESTIC SOURCES OF LIBERAL INTERNATIONALISM
By the 1940s, conditions inside as well as outside the United States were ripe for the onset of an era of bipartisanship. The task of building broad support for liberal internationalism was significantly advanced by profound changes in the country's political landscape that had opened up new opportunities for bi-partisan cooperation. Roosevelt occupied the White House at a moment in "political time," to use presidential scholar Stephen Skowronek's felicitous

(Oxford: Oxford University Press, 1982), chaps. 1–4; and Melvyn P. Leffler, *A Preponderance of Power: National Security, the Truman Administration, and the Cold War* (Stanford, Calif.: Stanford University Press, 1992), introduction.
20. See John Lewis Gaddis, *The United States and the Origins of the Cold War, 1941–1947* (New York: Columbia University Press, 1972), pp. 18–23.
21. On the political resistance that Truman and his secretary of state, Dean Acheson, encountered in selling European recovery on nonsecurity grounds, see Daniel Yergin, *Shattered Peace: The Origins of the Cold War and the National Security State* (Boston: Houghton Mifflin, 1977), pp. 326–329.
22. On the rise of bipartisanship during the 1940s, see Henry W. Berger, "Bipartisanship, Senator Taft, and the Truman Administration," *Political Science Quarterly,* Vol. 90, No. 2 (Summer 1975), pp. 221–237.

phrase, when domestic as well as international circumstances made "going bi-partisan" in foreign policy an attractive political strategy for Democrats and Republicans alike.[23] The convergence of foreign policy interests between the country's northern and southern states and the dampening of ideological differences among elites and the public played important roles in consolidating liberal internationalism.

THE NORTH-SOUTH ALLIANCE. By the end of World War II, a combination of wartime spending, international trade, and industrialization had brought about a major shift in the regional alignments underpinning U.S. foreign policy.[24] For decades, the North and South had differed sharply over foreign trade and the size of the U.S. military. The Republican North supported a stronger military and protectionist policies toward Europe, invariably running afoul of the Democratic South, which favored a smaller military establishment and the liberalization of trade. By the interwar period, however, rapid industrialization had transformed the United States into the world's leading economic power. The urban Northeast was the primary beneficiary of the economic expansion. By the time Roosevelt took office in 1933, the Northeast's rising position in the world economy was increasing the region's support for economic openness and giving it a direct interest in the prosperity and stability of Europe, its main export market. After the trying times of the Depression years, the North was coming to favor a more activist role for the United States in liberalizing and stabilizing the international system.

As northern support for liberal internationalism increased, so did opportunities for political alliance with the South. Southern elites had their own reasons for backing the liberal internationalist compact. Loyalty to Roosevelt and the Democratic Party certainly played a role. But economic interests were paramount. The South's export of raw materials was still the mainstay of its economy. Southern dependence on international stability and open markets readily translated into support for multilateral institutions such as the United Nations and the Bretton Woods system, which promised to check aggression and prevent the spread of economic nationalism. Meanwhile, military bases and supporting enterprises sprouted throughout the South. A commitment to a foreign policy that combined power and cooperation was now as good for the "martial metropolises" of the South as it was for the urban Northeast.

Converging economic interests were not the only source of the new North-

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23. Stephen Skowronek, *The Politics Presidents Make: Leadership from John Adams to Bill Clinton* (Cambridge, Mass.: Harvard University Press, 1997).
24. On the regional and partisan bases of liberal internationalism, see Peter Trubowitz, *Defining the National Interest: Conflict and Change in American Foreign Policy* (Chicago: University of Chicago Press, 1998), pp. 96–168.

South alliance. The Democratic Party, long based in the South, benefited from the flow of southerners to the North's factories, as well as the party's growing appeal to northern voters. For the first time, the party had a foothold in the North, enabling it to span the Mason-Dixon line. Democrats in the North and South disagreed sharply about civil rights and labor regulation.[25] But they nonetheless found common cause in the fight against economic nationalism, fascism, and communism. This North-South consensus within the Democratic Party paved the way for the sweeping changes in U.S. foreign policy orchestrated by Roosevelt and Truman, and then embraced by their successors.

Republicans approached liberal internationalism more tentatively, with the party divided along East-West lines. Dwight Eisenhower (and later Richard Nixon) had to balance the competing interests of the party's eastern wing, which had embraced liberal internationalism, against its western wing in the Great Plains and Mountain West, which had not. This divergence was due in part to western fears of competition from overseas producers of cheap agricultural goods and raw materials. The western wing was also concerned about expenditures on foreign assistance and defense—outlays that bestowed disproportionate benefits on the Northeast and South.[26] Until Ronald Reagan's administration, this intraparty divide compelled Republican leaders to favor liberal internationalism "lite." They looked for ways to limit the cost of maintaining order and openness on the Eurasian landmass by substituting, where possible, allies for arms. Eisenhower presided over the construction of multilateral alliances along the Sino-Soviet perimeter, such as the Southeast Asian Treaty Organization and the Central Treaty Organization, while Nixon sought to reduce the costs of containment through various means, including the opening to China, the nurturing of "regional policemen" such as Iran, and arms control with the Soviets.

Republican support for liberal internationalism was thus consistently more qualified than Democratic support. The Republican rank and file was divided over the virtues of free trade, military spending (at least on conventional weapons), and presidential prerogative in making foreign policy.[27]

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25. On regional tensions over domestic policy, see Richard Franklin Bensel, *Sectionalism and American Political Development, 1880–1980* (Madison: University of Wisconsin Press, 1984). As John Gerard Ruggie observes, regional differences over racial issues would ultimately weaken the liberal internationalist compact. See Ruggie, "Doctrinal Unilateralism and Its Limits: America and Global Governance in the New Century," in David P. Forsythe, Patrice C. McMahon, and Andrew Wedeman, eds., *American Foreign Policy in a Globalized World* (New York: Routledge, 2006), pp. 31–50. See also Joseph A. Fry, *Dixie Looks Abroad: The South and U.S. Foreign Relations, 1789–1973* (Baton Rouge: Louisiana State University Press, 2002), pp. 240–255.
26. On regional tensions within the Republican Party from the 1930s through the 1980s and their implications for foreign policy, see Trubowitz, *Defining the National Interest*, chaps. 3, 4.
27. On Democratic and Republican support for Eisenhower's foreign policies, see Robert David

Republicans in the heartland competed with their "Rockefeller" brethren in the East for control of the party's foreign policy agenda. Nonetheless, liberal internationalism had sufficient backing within the Republican Party as a whole to clear the way for a sustainable bipartisan consensus—regardless of which party held the White House and Congress.

THE RISE OF THE MODERATES. In 1950 a committee of the American Political Science Association (APSA) published a report bemoaning the apolitical nature of party politics in the United States, arguing that the absence of ideological differences between Democrats and Republicans was stunting national debate.[28] It is not surprising that the APSA committee reached this judgment about the state of U.S. politics. The post–World War II electoral landscape was considerably less polarized than before along regional as well as socioeconomic lines—remarkably so, given that class had initially been the principal axis along which the politics of the New Deal was organized. But as V.O. Key explained, and the seminal study *The American Voter* later confirmed, class had declined as the defining feature of political parties after World War II.[29]

The rapid economic expansion fueled by the war and the postwar boom was the most important reason for this change. As it often does, economic growth acted like a political balm, easing the class tensions sparked by the Depression and making it easier for the country's political leaders to find common ground on foreign as well as domestic policy.[30] Looking back on the period, Walter Dean Burnham wrote, "The period since 1950 may legitimately be described as one of great confusion in American party politics, a period in which the classic New Deal alignment seems to have evaporated without being replaced by an equally structured ordering of politics."[31]

The narrowing of ideological differences thus accompanied the decline of region and class as important political dividing lines. Indeed, by the end of the Eisenhower era the emergence of a pragmatic, moderate center had prompted

Johnson, *Congress and the Cold War* (New York: Cambridge University Press, 2005); and Malcolm E. Jewell, *Senatorial Politics and Foreign Policy* (Lexington: University of Kentucky Press, 1962).

28. American Political Science Association, "Toward a More Responsible Two-Party System: Report of the Committee on Political Parties," *American Political Science Review,* Vol. 44, No. 3, Pt. 2, Supp. (September 1950), pp. v–96.

29. V.O. Key Jr., *Politics, Parties, and Pressure Groups,* 4th ed. (New York: Thomas Y. Crowell, 1958), p. 274; and Angus Campbell, Phillip E. Converse, Warren E. Miller, and Donald E. Stokes, *The American Voter* (New York: Wiley, 1960).

30. Historically, bipartisan cooperation in Washington has generally increased during periods of economic prosperity. Partisan pressures on lawmakers ease with rising personal incomes and expanding federal coffers. For statistical evidence on the effects of economic growth on bipartisanship, see Peter Trubowitz and Nicole Mellow, "'Going Bipartisan': Politics by Other Means," *Political Science Quarterly,* Vol. 120, No. 3 (Fall 2005), pp. 433–454.

31. Walter Dean Burnham, *Critical Elections and the Mainsprings of American Politics* (New York: W.W. Norton, 1970), p. 304.

Harvard sociologist Daniel Bell to pronounce "the end of ideology."[32] On Capitol Hill, this development manifested itself in the rise of a "moderate bloc"—a group of lawmakers who were more likely to vote with the opposing party than their own. Conservative Democrats (mostly from the South) regularly aligned with Republicans as part of the so-called Conservative Coalition, while liberal Republicans (mostly from the eastern seaboard) reached out to the left, aligning with northern Democrats. Figure 2 reveals just how substantial a presence moderates were in Congress by the 1950s. The unusually centrist character of U.S. politics after World War II helped consolidate the bipartisan foreign policy compact between power and cooperation.[33]

Public opinion for the most part tracked elite opinion. On the critical foreign policy question of the era—how to deal with the Soviet Union—Republicans and Democrats generally saw eye to eye. As Figure 3 indicates, from the 1948 Berlin Blockade through the escalation of the Vietnam War, Republican and Democratic voters shared much common ground on the appropriate mix of military power and diplomacy needed to counter the Soviet threat. Some years the public favored more sticks than carrots; other years, voters preferred greater reliance on negotiation. Nonetheless, partisan affiliation had little impact on preferences; shifts in popular attitudes did not run along party lines.

Moreover, voters from both parties embraced the idea that power as well as diplomacy were needed to navigate the geopolitical shoals of superpower rivalry, an embrace that reflected the public's willingness to support both defense spending and arms control during the Cold War era.[34] Public backing for power projection and collaboration also helps explain why Republican and Democratic administrations alike consistently sought to strike a balance between preventing communist expansion and taking actions that risked triggering a confrontation with the Soviet Union.

## The Demise of the Liberal Internationalist Compact

Despite its impressive political foundations, the liberal internationalist compact did not survive the Cold War's end. Many scholars have chronicled the

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32. Daniel Bell, *The End of Ideology: On the Exhaustion of Political Ideas in the Fifties* (New York: Free Press, 1960).
33. Some of the "moderate" lawmakers who embraced liberal internationalism veered from the center on domestic matters. Notably, on issues such as race and labor, a significant number of southern Democrats—whose support was so essential to liberal internationalism's rise—were to the right of northern Democrats, not to mention many Republicans from other parts of the country. This observation strengthens our case that liberal internationalism rested on a unique convergence of views on foreign policy both within and across the parties.
34. See Craig and George, *Force and Statecraft*, pp. 114–131; and Miroslav Nincic, "The United States, the Soviet Union, and the Politics of Opposites," *World Politics*, Vol. 40, No. 4 (July 1988), pp. 452–475.

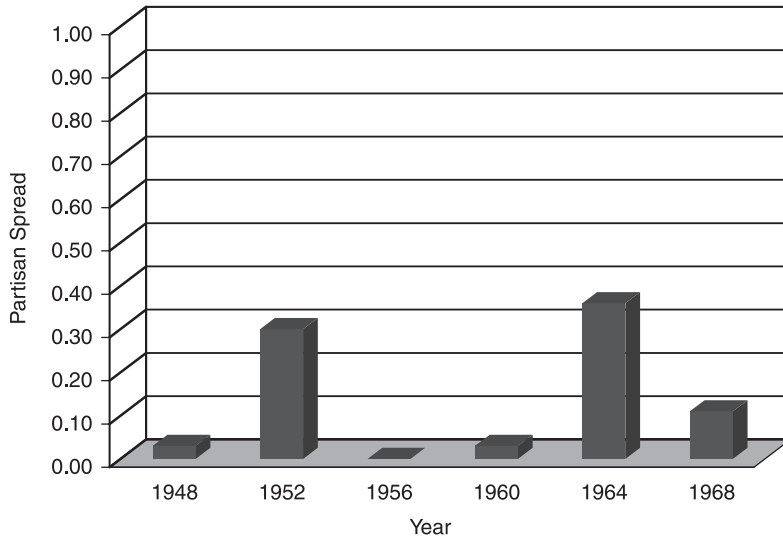Figure 2. "Moderate Bloc" in the U.S. Congress, 1898–1968
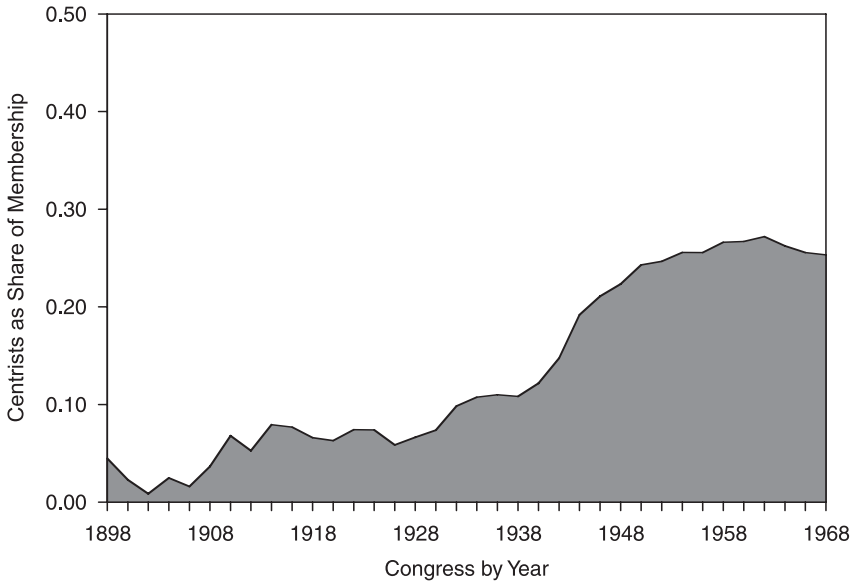
NOTE: Moderates are defined as lawmakers whose policy views lie closer to the ideological midpoint of the two parties than to their own party's center. Following Sarah A. Binder, party medians for each Congress were calculated using Keith Poole and Howard Rosenthal's nominate scores, which measure representatives' ideological positions. Within each Congress, the midpoint between the two medians was then calculated. If a representative's nominate score was closer to the midpoint than to the median for his or her party, he or she was coded as moderate. The percentage of moderates was then derived for each Congress. Only the second session for each Congress is depicted on the horizontal axis. See Binder, "The Dynamics of Legislative Gridlock, 1947–96," *American Political Science Review,* Vol. 93, No. 3 (September 1999), pp. 519–533. We thank Nicole E. Mellow for her assistance in generating this index.

erosion of liberal internationalism in the United States—and most attribute it to the presidency of George W. Bush.[35] According to its numerous critics, the Bush administration's skeptical attitude toward international institutions, its belief in the order-producing effects of the assertive use of military force, and its combative approach to neutralizing domestic opponents have all taken

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35. See, for example, Daalder and Lindsay, *America Unbound;* Arthur M. Schlesinger Jr., *War and the American Presidency* (New York: W.W. Norton, 2004); John B. Judis, *The Folly of Empire: What George W. Bush Could Learn from Theodore Roosevelt and Woodrow Wilson* (New York: Scribner, 2004); and G. John Ikenberry, "America's Imperial Ambition," *Foreign Affairs,* Vol. 81, No. 5 (September/October 2002), pp. 44–60.

Figure 3. Polarization in the U.S. Electorate over Soviet Threat, 1948–68

their toll on liberal internationalism. Although this interpretation is partly correct, the liberal internationalist compact started coming apart well before Bush took office. Indeed, by the 2000 elections, the bipartisan coalition behind liberal internationalism was already in serious disarray.

The roots of liberal internationalism's demise stretch back to the 1970s and the sharp ideological conflicts over foreign policy that emerged during the Vietnam War. While many Americans remained staunch proponents of the militarized containment of Soviet communism, many others began to charge that the United States had fallen prey to errant leadership, exaggerated threats, and the excessive use of U.S. power. High levels of defense spending and the extension of Cold War rivalry to the developing world no longer enjoyed

steady, bipartisan support. Most Republicans and Democrats continued to back peacetime military deployments in Western Europe and East Asia, and they stood behind an open international economy. But beginning in the 1970s, even these fundamental tenets of liberal internationalism were open to challenge on Capitol Hill. Lawmakers on the left tried to curb the use of U.S. military power, while their conservative counterparts looked for ways to reduce the nation's reliance on international institutions and multilateral diplomacy.[36]
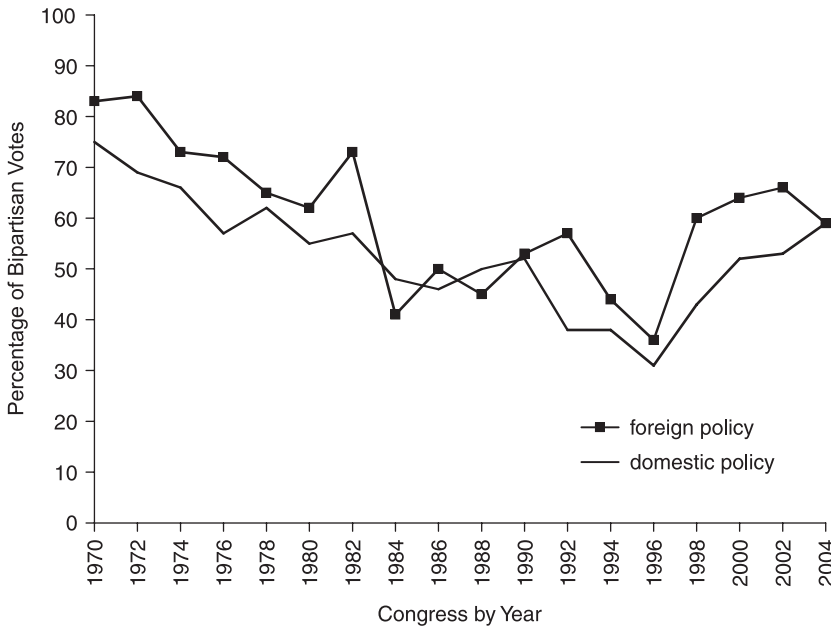
The intensification of the U.S.-Soviet rivalry during the 1980s bolstered flagging support for the liberal internationalist compact. Liberal internationalism, however, never fully recovered from the political divides produced by the Vietnam War, the Civil Rights movement, and the duress caused by the economic downturn of the 1970s. As Figure 4 indicates, despite a temporary increase in the early Reagan years, bipartisanship over foreign policy never returned to the levels of the 1950s and 1960s. The incomplete restoration of bipartisanship in part reflected conflicting judgments about the gravity of the geopolitical risks posed by nuclear parity and the more assertive turn in Soviet foreign policy. But conditions at home had also changed: the Vietnam War left behind the scars of a divided nation; Ronald Reagan was a polarizing president; and the North-South alliance of the Roosevelt era was giving way to new tensions between the increasingly Republican South and the increasingly Democratic North.

The liberal internationalist compact, although it began to erode in the 1970s and was only partly repaired in the 1980s, did not meet its demise until the end of the Cold War. Partisan divisions over the 1991 Persian Gulf War were a harbinger of a widening foreign policy gap between Republicans and Democrats. Partisan differences arose as the war approached; the Senate authorized the use of military force to expel the Iraqi army from Kuwait by only a slim margin—52 to 47—with the vote breaking primarily along party lines. Nonetheless, the norms of liberal internationalism prevailed in terms of both the conduct of the war and public support for it. President George H.W. Bush sought and received the authorization of the UN Security Council "to use all necessary means . . . to restore international peace and security in the area."[37] More than 70 percent of the U.S. public supported Operation Desert Storm once it began—in part because the war enjoyed broad international backing. Almost forty nations contributed ground, sea, or air forces, with foreign countries committing some 200,000 personnel to the conflict. Coalition allies also

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36. See Trubowitz, *Defining the National Interest*, pp. 178–183; Fry, *Dixie Looks Abroad*, pp. 254–259; and Johnson, *Congress and the Cold War*, pp. 190–241.
37. For the text of the resolution, see http://www.state.gov/documents/organization/18076.pdf.

Figure 4. Bipartisanship in the U.S. Congress, 1970–2004

made significant financial contributions, covering $54 billion of the total cost of $61 billion.

Bush, however, could not translate military success into either re-election or consensus. The partisan divisions that arose in the face of definitive victory in 1991 proved more lasting than the partisanship fueled by setbacks in Korea some forty years earlier. As Figure 4 shows, bipartisanship dropped significantly during the first half of the 1990s, reaching a post–World War II low in the 104th Congress (1996–97). As the Senate minority leader, Tom Daschle, noted in 1996, "The Cold War exerted a powerful hold on America, and it forced the parties to work together to advance American interests through bipartisan internationalism. . . . The tragedy is that such cooperation increasingly seems an artifact of the past."[38]

Democrats more regularly identified with one half of the liberal internationalist compact—partnership—while playing down the other—power. Bill

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38. Tom Daschle, "The Water's Edge," *Foreign Policy,* No. 103 (Summer 1996), pp. 4–5.

Clinton's administration only hesitantly embraced the assertive use of the U.S. military. It promptly withdrew from Somalia in 1993 after U.S. personnel suffered fatalities. The Clinton White House also consistently sought to limit the risk to U.S. forces by relying primarily on air power when using force—as in the high-altitude bombing campaign used to drive Yugoslav forces from Kosovo in 1999. Meanwhile, international institutions and treaties fast became the stuff of partisan conflict, especially after the Republican Party captured control of Congress in 1994. The Clinton administration dragged its feet on the International Criminal Court and the Kyoto Protocol, but eventually supported U.S. participation in both. Congress, however, was not enthusiastic about either pact.[39] Clinton sent the Comprehensive Test Ban Treaty to the Senate, where Republicans promptly voted it down. He turned to multilateralism to bring peace to Kosovo, but the Republican-controlled House refused to pass a resolution endorsing the NATO campaign. Instead, Republicans claimed that the Clinton administration's penchant for multilateralism was compromising U.S. sovereignty. As John Bolton, who would become undersecretary of state and then UN ambassador in the George W. Bush administration, wrote toward the end of the Clinton administration, "globalists" were imposing "harm and costs to the United States . . . [by] belittling our popular sovereignty and constitutionalism, and restricting both our domestic and our international policy flexibility and power."[40]

If Clinton tilted toward international partnership, George W. Bush veered sharply toward military power. Secretary of Defense Donald Rumsfeld promised a "revolution" in the country's war-fighting capabilities and, especially after September 11, the Pentagon's budget soared.[41] With both the White House and the Congress in Republican hands, Bush gave multilateral cooperation and international institution building short shrift. Soon after entering office, Bush renounced the Kyoto Protocol, the International Criminal Court, and the Antiballistic Missile Treaty. He declined offers of NATO involvement in the war against the Taliban in Afghanistan, and then went to war in Iraq without UN authorization and with only a handful of allies. Through much of his first term, Bush and his top advisers were openly dismissive of international institutions and multilateralism.

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39. See Charles A. Kupchan, *The End of the American Era: U.S. Foreign Policy and the Geopolitics of the Twenty-first Century* (New York: Alfred A. Knopf, 2002), p. 216; and Philip H. Gordon and Jeremy Shapiro, *Allies at War: America, Europe, and the Crisis over Iraq* (New York: McGraw-Hill, 2004), pp. 31–45.
40. John R. Bolton, "Should We Take Global Governance Seriously?" *Chicago Journal of International Law,* Vol. 1, No. 2 (Fall 2000), p. 206.
41. In FY 2000, the U.S. defense budget was slightly more than $300 billion. By FY 2005, it had risen to slightly more than $500 billion.

President Bush's unilateralism exacerbated partisan tensions at home, as did his governing style. During the 2000 presidential campaign, Bush had promised to govern as "a uniter, not a divider."[42] Once in office, however, he consistently tacked away from the center, urged by his political advisers to exploit rather than repair partisan differences. His chief pollster had declared in a memo that the once vaunted center of U.S. electoral politics had collapsed and political strategies aimed at capturing it would backfire.[43] The underlying logic of the memo was that the most effective policies would be polarizing ones—those designed to mobilize the Republican Party's base.

Even after September 11, with the wars in Afghanistan and Iraq creating a need for national unity, Bush subordinated consensus building to wedge politics. Whereas Franklin Roosevelt and his successors sought to foster bipartisanship in foreign policy, the Bush administration used foreign policy as a tool of partisan warfare, especially at election time. In the 2004 presidential election, Bush focused his campaign on the threat of terrorism, charging that the country would "invite disaster" if the Democrats were to win.[44] Vice President Richard Cheney pursued the same critique of the opposition, warning, "If we make the wrong choice [of candidates], then the danger is that we'll get hit again."[45] Following the election, the *Economist* concluded that "America is more bitterly divided than it has been for a generation."[46] The rhetoric continued in the 2006 midterm elections, with Bush insinuating that a Democratic victory would mean "the terrorists win and America loses."[47]

Despite the backdrop of September 11 and the wars that followed, partisanship in U.S. politics intensified. Instead of ushering in an era of revived political cooperation, the terrorist attacks produced only a brief upturn in bipartisanship. During the 108th Congress (2003–04), voting on foreign policy returned to the pre–September 11 pattern. And by the time the Democrats took back the House and Senate in the 2006 midterms, the gap had only widened. When the 110th Congress took its first votes on the Iraq War, only 17 of 201

42. George W. Bush, acceptance speech, Republican National Convention, Philadelphia, Pennsylvania, August 3, 2000, in *Washington Post,* August 4, 2000.
43. Matthew Dowd wrote the memo for Bush's chief political adviser, Karl Rove. For an account of its impact on Bush's approach to governing, see Thomas B. Edsall, *Building Red America: The New Conservative Coalition and the Drive for Permanent Power* (New York: Basic Books, 2006), especially pp. 51–77.
44. Sheldon Alberts, "Candidates Address 'Security Moms': Bush Warns Kerry Would 'Invite Disaster,'" *Gazette* (Montreal), October 19, 2004.
45. Quoted in Mark Silva, "Cheney Back on the Campaign Trail as GOP's 'Attack Dog,'" *Chicago Tribune,* August 18, 2006.
46. "America's Angry Election," *Economist,* January 3, 2004, p. 7.
47. Michael Abramowitz, "Bush Says 'America Loses' under Democrats," *Washington Post*, October 30, 2006.

Republicans in the House joined the Democrats to oppose the surge of U.S. troops into Baghdad. In the Senate, only 2 Republicans joined the Democrats to approve a resolution calling for a timetable for withdrawal. In contrast, 95 percent of House and Senate Democrats voted to withdraw U.S. troops in 2008. According to one widely used index, Congress is more politically fractious and polarized today than at any time in the last 100 years.[48]

THE GEOPOLITICAL SOURCES OF LIBERAL INTERNATIONALISM'S DECLINE
It is no accident that bipartisanship and liberal internationalism weakened as the Cold War faded into the past. The presence of a nuclear-armed competitor promoted strategic restraint, encouraged Washington to develop the rules and frameworks needed to sustain cooperation among the Western allies, and made it imperative for American officials to win support at home and abroad for U.S. leadership. Unipolarity provides a very different set of geopolitical and domestic incentives.[49] The absence of a counterpoise to the United States has left U.S. power unchecked. During the 1990s, unquestioned primacy and the sense of invulnerability that came with it weakened both sides of the compact between power and partnership. The U.S. defense budget shrank; absent the Soviet threat, the country could afford to lighten its load overseas and reap a peace dividend. Unipolarity also meant greater ambivalence toward multilateralism. The United States could now shirk off some of the constraining institutional obligations it had assumed amid the Cold War.

While unipolarity afforded the United States the geopolitical freedom that fueled neo-isolationist and unilateralist alternatives to liberal internationalism, it also weakened the perceived need for political discipline and bipartisan cooperation. The priority assigned to matters of national security declined, and public indifference to foreign policy increased, leaving politicians more free to expose foreign policy to partisan purpose.[50] During the Clinton years, important ambassadorial posts were left vacant because the Republicans refused to confirm the president's nominees. The Senate preferred to vote down the Comprehensive Test Ban Treaty rather than let the White House withdraw it

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48. See http://www.voteview.com/.
49. For discussion of the impact of unipolarity and eroding norms of sovereignty on U.S. policy, see G. John Ikenberry, "Is American Multilateralism in Decline?" *Perspectives on Politics,* Vol. 1, No. 3 (September 2003), pp. 533–550; and G. John Ikenberry, "The Security Trap," *Democracy: A Journal of Ideas,* Vol. 1, No. 2 (Fall 2006), pp. 8–19.
50. Samuel P. Huntington, "The Erosion of American National Interests," *Foreign Affairs,* Vol. 76, No. 5 (September/October 1997), pp. 28–49; James Schlesinger, "Fragmentation and Hubris: A Shaky Basis for American Leadership," *National Interest,* No. 49 (Fall 1997), pp. 3–10; and James M. Lindsay, "The New Apathy: How an Uninterested Public Is Reshaping Foreign Policy," *Foreign Affairs,* Vol. 79, No. 5 (September/October 2000), pp. 2–8.

from consideration. As Republican Senator Chuck Hagel explained such obstructions, "What this is about on the Republican side is a deep dislike and distrust for President Clinton."[51] The public's diminishing interest in matters of state both fueled and was the product of elite indifference. Media coverage of foreign affairs plunged. The time allocated to international news by the main television networks fell by more than 65 percent between 1989 and 2000. The space devoted to international news in the mainstream print media experienced a similar decline.[52]

Even with the new sense of threat that emerged after September 11, unipolarity continued to favor unilateralism. The United States felt strong enough to deal with Islamic extremists on its own, turning down NATO's offer of help in Afghanistan and invading Iraq with only a few allies in tow. The Bush administration and many of its supporters judged traditional allies such as France and Germany as strategic impediments, their opposition to the Iraq War stemming from their desire to contain U.S. power.[53] The difficulties that the United States has since encountered in bringing stability to Afghanistan and Iraq have made clear that the Bush administration overestimated both the merits of unilateralism and the utility of superior military force. During his second term, President Bush has been more solicitous of allies and more willing to engage in multilateral diplomacy. During 2007 Washington concluded a deal with North Korea to close down its nuclear program and agreed to negotiate directly with Iran. But these moves represent tactical adjustments in the face of dwindling alternatives, not a return to bipartisanship or the liberal internationalist fold.

TERRORISM AND THE FALSE PROMISE OF UNITY. Many scholars expected the events of September 11 to restore Washington's enthusiasm for partnership at home and abroad.[54] And as we have shown above, in the immediate aftermath of the September 11 attacks, bipartisanship did increase. It dropped off again by 2003, however, with partisan differences emerging over a range of foreign policy matters, including the war in Iraq, the "global war on terrorism," and defense spending priorities. Underlying changes in the U.S. political

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51. Quoted in Alison Mitchell, "Bush and the G.O.P. Congress," *New York Times,* May 19, 2000.
52. Tyndall Report, as cited in David Shaw, "Foreign News Shrinks in an Era of Globalization," *Los Angeles Times,* September 27, 2001; and Hall's Magazine Editorial Reports, cited in James F. Hoge Jr., "Foreign News: Who Gives a Damn?" *Columbia Journalism Review,* Vol. 36, No. 4 (November/December 1997), pp. 48–52.
53. See, for example, Walter Russell Mead, *Power, Terror, Peace, and War: America's Grand Strategy in a World at Risk* (New York: Alfred A. Knopf, 2004), pp. 120–125. See also Robert Kagan, *Of Paradise and Power: America and Europe in the New World Order* (New York: Alfred A. Knopf, 2003).
54. See, for example, Francis Fukuyama, "The United State," *Financial Times,* September 15–16, 2001; G. John Ikenberry, "American Grand Strategy in the Age of Terror," *Survival,* Vol. 43, No. 4 (Winter 2001–02), pp. 19–34; and Moisés Naím, "Even a Hegemon Needs Friends and Allies," *Financial Times,* September 14, 2001.

landscape, which we detail below, were the most potent impediments to the durable reconstitution of a bipartisan center. But the nature of the new threat— Islamic extremism and transnational terrorism rather than Soviet communism and interstate war—also stood in the way of the return of the liberal internationalist compact after September 11.

Unlike the threat posed by an expansionist power, the threat posed by international terrorism is sporadic and elusive. The most effective countermeasures include law enforcement, intelligence gathering, and covert operations—activities that entail bureaucratic coordination, but not national mobilization. The greatest successes are nonevents that go unreported: terrorist attacks that are averted or never planned. The country is ostensibly at war, but Americans are not being asked to head to recruiting stations or man production lines. The nation is not collectively involved in the struggle as it was during World War II or the Cold War. In these respects, the fight against terrorism does not readily inspire a sense of shared national purpose and sacrifice.

Terrorism has encouraged multilateralism, but only on a limited number of policy items—such as sharing intelligence, cooperating on law enforcement, and freezing the terrorists' sources of financial support. On the central question of military response, terrorism, unlike Soviet expansionism, has tended to provoke unilateral retaliation rather than new institutions, multilateral diplomacy, or joint military action. The United States chose to be largely on its own when it invaded Afghanistan and Iraq. Israel has faced terror strikes on its territory for decades, but it has been alone when it responds. The same is true for Britain and its struggle against the Irish Republican Army, and for France and its fight against terrorists from North Africa and the Middle East.[55] This pattern of unilateral response arises from the military requirements of counterterrorist operations. Missions against terrorist networks usually entail special operations and covert action, both of which demand unity of command and close-hold planning.

Historical precedents also suggest that the threat of Islamic extremism may over time lead Americans to raise protective barriers at home, rather than to project military power abroad or reinforce multilateral institutions. Terrorism, after all, helped convince Britain and France to retreat from the Middle East and other areas where they were not welcome. And prior to September 11, it is notable that the United States generally reacted to terrorist attacks on its overseas assets by pulling them out—as in Beirut in 1983, Somalia in 1993, and Yemen in 2000.[56] In the aftermath of the chaos and violence that have wracked

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55. Kupchan, *The End of the American Era,* p. 222.
56. Ibid., pp. 223–230.

Afghanistan and Iraq since the U.S. invasions, Americans may conclude that the best way to guarantee security at home is by cordoning the country off from trouble in the Middle East. Most of the countries that joined the U.S.-led effort to bring stability to Iraq have already withdrawn their troops. It is not inconceivable that the NATO-led coalition in Afghanistan will similarly unravel in the face of mounting casualties and insufficient progress in bringing stability to the country.

GLOBALIZATION AND INTERNATIONAL COOPERATION. Some scholars argue that a different aspect of the international setting—globalization—provides strong incentives for Democrats and Republicans alike to return to liberal internationalism. According to John Ikenberry, "As global economic interdependence grows, so does the need for multilateral coordination of policies."[57] Combating climate change, advancing global health, and preventing genocide are other challenges that provide Washington good reason to pursue programmatic collaboration with like-minded states. As the Princeton Project on National Security concludes, the United States should create "institutions and partnerships that give liberal democracies the collective capacities to protect themselves and solve common problems, both within and alongside existing international institutions."[58]

It is the case that interdependence and the growth resulting from foreign trade and investment have helped sustain the United States' enthusiasm for economic openness and its support for multilateral trade and investment regimes. Globalization is no guarantee of greater international cooperation, however. Indeed, as the protectionism and economic nationalism of the interwar period made clear, interdependence can have the opposite effect amid sharp downturns in the international economy. In the United States, the dislocations associated with outsourcing, current account and budget deficits, and higher oil prices are already strengthening protectionist impulses across the political spectrum.[59] As for global warming, the United States opted out of the Kyoto Protocol, the main multilateral regime erected to contain the emission of greenhouse gases. And even if Washington signs on to the successor framework to the Kyoto Protocol, collaborative efforts to cut emissions—or, for that matter, find an AIDS vaccine—would not constitute the programmatic in-

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57. Ikenberry, "Is American Multilateralism in Decline?" p. 540.
58. Ikenberry and Slaughter, *Forging a World of Liberty under Law,* p. 59.
59. Enthusiasm for free trade appears to have dampened significantly since the Democrats took control of Congress in the 2006 elections. See David J. Lynch, "Election Pushes Globalization to the Forefront," *USA Today,* November 14, 2006; Kenneth F. Scheve and Matthew J. Slaughter, "A New Deal for Globalization," *Foreign Affairs,* Vol. 86, No. 4 (July/August 2007), pp. 34–47; and Alan S. Blinder, "Free Trade's Great, but Offshoring Rattles Me," *Washington Post,* May 6, 2007.

vestment in institution building that is central to the liberal internationalist agenda.

On the military front, Washington has been forthright in assessing the severity of crises in the developing world. But such assessments did not translate into forceful efforts to stop the genocide in Rwanda in 1994, nor have they halted the killing in Darfur today. In these cases, U.S. interests have not been sufficiently salient to drive either the generous deployment of U.S. power or the fashioning of effective partnerships. And even if a combination of U.S. power and multilateral leadership would provide the optimal response to such challenges, many domestic obstacles stand in the way of the liberal internationalist compact.

THE DOMESTIC SOURCES OF LIBERAL INTERNATIONALISM'S DECLINE

As with the rise of liberal internationalism, its demise was the product of domestic as well as international circumstances. Indeed, when historians look back on this period, they may well judge domestic developments as more decisive than geopolitical ones in explaining liberal internationalism's demise. Important shifts inside the United States—shifts that began before the collapse of the Soviet empire—have weakened the bipartisan foundations of liberal internationalism and politicized the making of U.S. foreign policy.

THE RETURN OF REGIONAL DIVIDES. The United States is today experiencing the return of important regional divides; partisan differences are again running along regional lines, making it more difficult to sustain a centrist coalition.[60] The most significant development in regional alignments has been the shift of the South into the Republicans' electoral column. Once the core of the Democratic Party, the South is now the Republican Party's main regional power base. At the end of World War II, the Democrats "owned" virtually every southern seat in Congress. In the 1970s and 1980s, Republicans made significant gains in the South. By the mid-1990s, they had captured a majority of the South's congressional seats, and their hold on the region has only strengthened since.[61]

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60. There is a large and growing literature on this topic. See, for example, Earl Black and Merle Black, *Divided America: The Ferocious Power Struggle in American Politics* (New York: Simon and Schuster, 2007); Gary C. Jacobson, "Polarized Politics and the 2004 Congressional and Presidential Elections," *Political Science Quarterly*, Vol. 120, No. 2 (Summer 2005), pp. 199–218; and Robert S. Erikson, Gerald C. Wright, and John P. McIver, "Public Opinion in the States: A Quarter Century of Change and Stability," in Jeffrey E. Cohen, ed., *Public Opinion in State Politics* (Stanford, Calif.: Stanford University Press, 2005), pp. 229–253.

61. See Earl Black and Merle Black, *Politics and Society in the South* (Cambridge, Mass.: Harvard University Press, 1987); and Martin P. Wattenberg, "The Building of a Republican Regional Base in the South: The Elephant Crosses the Mason-Dixon Line," *Public Opinion Quarterly*, Vol. 55, No. 3 (Autumn 1991), pp. 424–431.

The Republican drive into Dixie was actually part of a two-pronged "southern strategy" aimed at the West as well as the South.[62] The strategy was effective. By the time of Bush's run for the presidency in 2000, the party had a virtual lock on the geographic zone that Republican political strategists called the "Big L"—the states stretching from Montana south to Arizona and east to Georgia. Moderate "Rockefeller" Republicans from the Northeast have all but disappeared from the party caucus, paving the way for a conservative takeover. Meanwhile, Democrats in Congress increasingly hail from liberal states in the Northeast and along the Pacific Coast. The states of New England, whose congressional delegations used to be heterogeneous in their partisan composition, have become a Democratic bastion. As conservative Democrats in the South have gradually lost their seats to Republicans, the Democratic caucus has moved farther to the left.

These regional realignments pose formidable obstacles to bipartisanship. From the 1950s to the 1980s, the delegations that states sent to Congress were heterogeneous in their partisan makeup. So were the regional coalitions that formed on Capitol Hill on foreign policy matters. In the last twenty years, congressional delegations have become more politically homogeneous, making it more difficult to build coalitions that cut across partisan and regional divides.

Economic trends have expedited a divergence of interest and outlook across regions and have reinforced the efforts of both parties to secure territorial strongholds. Even before the Berlin Wall came down, higher tax rates, labor costs, and energy prices in the Northeast and Midwest made it harder for elected officials from states in those regions to find common ground on foreign and domestic policy with lawmakers from the South and Mountain West, who had competing economic concerns. The uneven effects of globalization during the 1990s exacerbated regional economic disparities and tensions.[63] The outsourcing of U.S. jobs hit the aging industrial centers of the North especially hard. Well-paying, unionized jobs in manufacturing were the first to be lost as production lines were moved abroad and cheap imports arrived from low-wage economies. Once the leading edge of liberal internationalism, the Northeast and Midwest have been at the forefront of recent efforts to rein in

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62. On these developments, see Nicole E. Mellow, "A House Divided: Regional Conflicts, Coalitions, and Partisanship in Postwar America," Ph.D. dissertation, University of Texas at Austin, 2003, pp. 25–27. Kevin P. Phillips coined the term "southern strategy." See Phillips, *The Emerging Republican Majority* (Garden City, N.Y.: Anchor, 1970).
63. See Helzi Noponen, Julie Graham, and Ann K. Markusen, eds., *Trading Industries, Trading Regions* (New York: Guilford, 1993); and Peter Eisinger and Charles Smith, "Globalization and Metropolitan Well-Being in the United States," *Social Science Quarterly,* Vol. 81, No. 2 (June 2000), pp. 634–644.

the United States' commitment to free trade.[64] Winning support on Capitol Hill for the liberalization of foreign trade now depends on the backing of congressional delegations from Red states in the South and Mountain West.

The South and the West have also provided the surest support for foreign policies that put a premium on military power. Some analysts attribute these regional differences to strategic subcultures: southerners are said to be more nationalistic and less willing to accept the constraints on national autonomy that accompany institutionalized multilateralism.[65] Whatever the merits of such claims, changes in the economic and political geography of military spending and production have made it harder for politicians from different parts of the country to agree on national security policy.[66] Since the 1970s, Pentagon spending on military procurement and research and development has benefited the South and West at the expense of the Northeast and Midwest, contributing to the decline of the manufacturing sector in the North.[67] In addition, Southern and Western states that make up the so-called gunbelt have consistently received a larger share of the resources spent on military bases and personnel.

Demographic developments have also contributed to partisan and regional cleavages. Recent immigration and population movements inside the United States have combined to produce a more politically balkanized country—what demographer William Frey calls the "two Americas."[68] One America is multi-

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64. See Gordon L. Clark, "NAFTA—Clinton's Victory, Organized Labor's Loss," *Political Geography,* Vol. 13, No. 4 (July 1994), pp. 377–384; and Wendy J. Schiller, "Trade Politics in the American Congress: A Study of the Interaction of Political Geography and Interest Group Behavior," *Political Geography,* Vol. 18, No. 7 (September 1999), pp. 769–789.
65. See, for example, Anatol Lieven, *America Right or Wrong: An Anatomy of American Nationalism* (New York: Oxford University Press, 2004), chap. 3. On the United States' strategic subcultures, see Walter Russell Mead, *Special Providence: American Foreign Policy and How It Changed the World* (New York: Alfred A. Knopf, 2001); and Henry R. Nau, *At Home Abroad: Identity and Power in American Foreign Policy* (Ithaca, N.Y.: Cornell University Press, 2002).
66. See Trubowitz, *Defining the National Interest,* pp. 219–232.
67. Ann Markusen, Peter Hall, Scott Campbell, and Sabina Dietrich, *The Rise of the Gunbelt: The Military Remapping of Industrial America* (New York: Oxford University Press, 1991); Gregory Hooks, "Military and Civilian Dimensions of America's Regional Policy, 1972–1994," *Armed Forces and Society,* Vol. 29, No. 2 (Winter 2003), pp. 227–251; and Benjamin O. Fordham, "Paying for World Power: The Costs and Benefits of Postwar American Military Spending," in Andrew J. Bacevich, ed., *The Long War: A New History of U.S. National Security Policy since World War II* (New York: Columbia University Press, 2007).
68. See William H. Frey, "Metropolitan Magnets for Domestic and International Migration" (Washington, D.C.: Brookings, October 2003). Other analysts suggest that the digital economy is contributing to this process of balkanization by detaching workplace from geography, enabling Americans to make decisions about where they live based on lifestyle, values, and political orientation. See Joel Kotkin, *The New Geography: How the Digital Revolution Is Reshaping the American Landscape* (New York: Random House, 2000).

racial and multiethnic. It is based in the metropolitan areas along the East and West coasts and in the Great Lakes region, the preferred destinations for many immigrants making their way to U.S. shores from less developed regions of the world. These communities are largely liberal and Democratic. The other America, largely white and from working- or middle-class backgrounds, is also on the move, leaving the multiracial urban centers of the rustbelt and heading to the growing sunbelt economies of the South and Mountain West, where electoral reapportionment magnifies their political weight. These communities are growing more conservative and Republican. As each of the "two Americas" becomes more homogeneous, the political gap between them widens, adding to the impediments facing bipartisan cooperation.

moderates: a dwindling breed. During the 1950s, authoritative voices complained that the absence of substantive differences between the two main political parties was leaving the United States without adequate deliberation and choice. At present, the prevalent worry is that Democrats and Republicans share little, if any, common ground on the main domestic and foreign policy issues of the day, leaving the country divided and adrift. The Council on Foreign Relations saw fit to issue a report calling for urgent efforts to rebuild a bipartisan consensus on foreign policy.[69] A group of foreign policy luminaries from both parties founded the Partnership for a Secure America with the primary aim of "recreating the bipartisan center in American national security and foreign policy."[70] Congress mandated the formation of the Iraq Study Group to forge a policy on Iraq that might enjoy support from both sides of the aisle. As one of the co-chairs, James Baker, commented after presenting the group's final report to President Bush, "This is the only bipartisan report that's going to be out there."[71]

The concerns of these groups and others like them are entirely justified; the political center in the United States has effectively collapsed. Conservative Democrats and liberal Republicans are a dying breed. The gap between the parties has widened; both are veering away from the ideological commonalities upon which the bipartisan center was based during the Cold War.[72] Many

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69. Roman, "Both Sides of the Aisle."
70. For a description of the organization and a list of its founding members, see http://www.psaonline.org.
71. Quoted in Jim Lehrer, "Baker, Hamilton Discuss 'New Way Forward' Proposal for Iraq," Online Newshour, December 6, 2006, http://www.pbs.org/newshour/bb/middle_east/july-dec06/bakerhamilton_12-06.html.
72. See Barbara Sinclair, *Party Wars: Polarization and the Politics of National Policy Making* (Norman: University of Oklahoma Press, 2006); Richard Fleisher and John R. Bond, "The Shrinking Middle in the U.S. Congress," *British Journal of Political Science*, Vol. 34, No. 3 (July 2004), pp. 429–451; and Jacob S. Hacker and Paul Pierson, *Off Center: The Republican Revolution and the Erosion of American Democracy* (New Haven, Conn.: Yale University Press, 2005).

of the most conservative Democrats in Congress used to be more conservative than the most liberal Republicans. But this overlap has all but disappeared, making it harder to fashion the pragmatic compromises that long sustained liberal internationalism.[73] As Figure 5 makes clear, the collapse of the moderates began before the end of the Cold War, but it accelerated in the 1990s, driven by the Republican takeover of Congress and the leadership of House Speaker Newt Gingrich. Not since the 1920s have so few lawmakers consistently identified themselves with the political center. Pragmatism, so vital to liberal internationalism, has given way to ideological extremism.

The Red versus Blue divide both reflects and accelerates this erosion of ideological centrism. As Red America becomes more conservative and Blue America more liberal, the parties that represent these two regions grow further apart ideologically. Congressional redistricting has made matters worse by creating many more safe seats than there were in the past. Partisan gerrymandering is nothing new; parties have long used it to try to lock up competitive or swing districts. But gerrymandering has turned into a regularized mechanism for protecting the incumbent party, thereby encouraging ideological conformity and party-line voting while discouraging bipartisan cooperation. When constituencies tilt heavily toward one party, candidates have little reason to adopt centrist positions to appeal to swing voters and independents.[74] Once lawmakers are in office, the relatively homogeneous makeup of their electoral base gives them few incentives to reach out across the aisle. Redistricting has thus diminished the political demand for and the payoffs of bipartisanship.[75]

The sharpening of socioeconomic cleavages is contributing to the ideological polarization that increasingly finds expression in partisan competition.[76] For many Americans, wages have not kept pace with inflation. U.S. workers historically received roughly three-quarters of corporate income, but since 2001 they have received only one-quarter of the increase in corporate income.[77] The rich have been getting richer, while the working class has been losing ground. Pressure from Americans disadvantaged by globalization has been one of the

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73. See Jeffrey M. Stonecash, Mark D. Brewer, and Mack D. Mariani, *Diverging Parties: Social Change, Realignment, and Party Polarization* (Boulder, Colo.: Westview, 2003); and Sean M. Theriault, "Party Polarization in the U.S. Congress: Member Replacement and Member Adaptation," *Party Politics,* Vol. 12, No. 4 (July 2006), pp. 483–503.
74. See David W. Rohde, *Parties and Leaders in the Postreform House* (Chicago: University of Chicago Press, 1991).
75. On the impact of single-interest lobby groups and their deep-pocketed donors, see Hacker and Pierson, *Off Center.*
76. See Nolan McCarty, Keith T. Poole, and Howard Rosenthal, *Polarized America: The Dance of Ideology and Unequal Riches* (Cambridge, Mass.: MIT Press, 2006).
77. Lawrence Summers, "Only Fairness Will Assuage the Anxious Middle," *Financial Times,* December 10, 2006.

Figure 5. "Moderate Bloc" in the U.S. Congress, 1970–2002
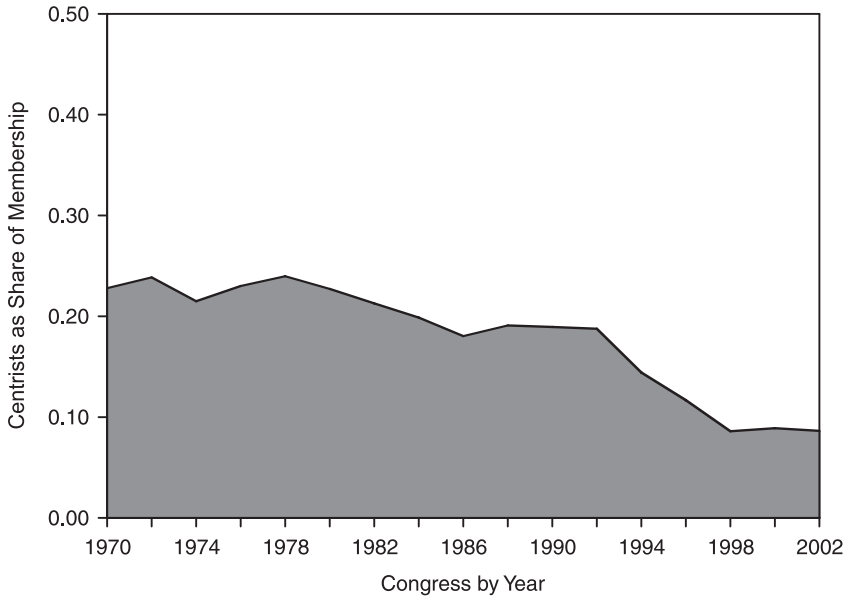
reasons some Democratic lawmakers have been backing away from support for free trade, breaking with the Republicans on this issue and undermining one of the last remaining policy planks of the liberal internationalist compact. Indeed, during the summer of 2007 Congress stripped the White House of "fast track" authority over trade, hampering the administration's ability to secure new free trade agreements. Just as the post–World War II boom eased ideological differences that soothed ideological clashes over socioeconomic issues, the inequities of globalization are bringing them back to life.[78]

Generational change is expediting the hollowing out of the center. The World War II generation is fast retiring from political life, denying Congress the working, bipartisan relationships built up over several decades of public service. In 1977 more than 75 percent of members had Congress had served in the military. In the 109th Congress (2005–06), veterans made up approximately

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78. See I.M. Destler, *American Trade Politics,* 3d ed. (Washington, D.C.: Institute for International Economics, 1995); and James Shoch, *Trading Blows: Party Competition and U.S. Trade Policy in a Globalizing Era* (Chapel Hill: University of North Carolina Press, 2000).

30 percent of the Senate and 25 percent of the House.[79] Close to 90 percent of the House was elected in 1988 or thereafter; these representatives will not have experienced firsthand the bipartisan consensus building and political discipline that accompanied the Cold War.[80] A common refrain in the 1990s, especially after the Republican takeover of Congress in 1994, was that newer members of Congress were less inclined than their predecessors to abide by bipartisan norms and practices.[81]

The polarization of party politics is also increasingly evident in the public's views of foreign policy. To be sure, the United States' broad engagement in global affairs continues to enjoy substantial support among the public.[82] Like their elected representatives in Washington, however, voters often sharply disagree about the character of that engagement. One recent study of public attitudes toward foreign policy reports "an enormous change" to "an American politics that has not only become more divided in partisan and ideological terms on domestic issues but also in the foreign policy arena."[83] Foreign policy issues that have divided the country's political class for some time are now roiling mass opinion as well.[84]

Republican voters are, for example, far more willing to invest in military power than Democrats. And as Figure 6 indicates, this gap is widening, having more than doubled since the collapse of the Soviet Union. Conflicting funding priorities—guns versus butter—are a part of the explanation. Partisan polar-

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79. Andrea Stone, "For a Few in Congress, War Is a Family Concern," *USA Today,* December 6, 2004; and Congressional Research Service, "Membership of the 109th Congress: A Profile," http://www.senate.gov/reference/resources/pdf/RS22007.pdf. See also Busby and Monten, "Without Heirs," p. 39.

80. Norman J. Ornstein, Thomas E. Mann, and Michael J. Malbin, "Vital Statistics on Congress, 2005–2006," book manuscript.
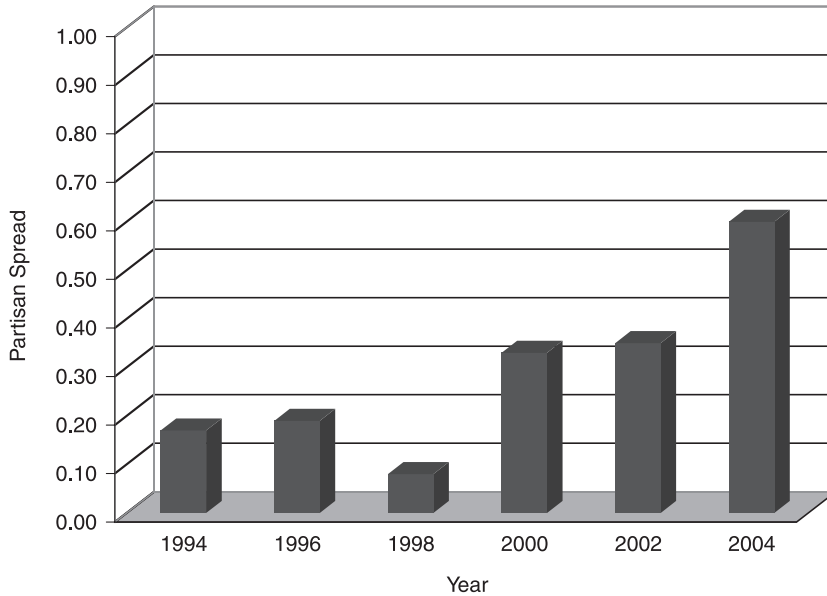
81. Nancy Roman suggests that compressed schedules and the scarcity of time have played a role in denying newer lawmakers the opportunity to interact with members of the opposing party. See Roman, "Both Sides of the Aisle," pp. 42–44.

82. On public support for international engagement, see Benjamin I. Page and Marshall M. Bouton, *The Foreign Policy Disconnect: What Americans Want from Our Leaders but Don't Get* (Chicago: University of Chicago Press, 2006); and Steven Kull and I.M. Destler, *Misreading the Public: The Myth of a New Isolationism* (Washington, D.C.: Brookings, 1999).

83. Robert Y. Shapiro and Yaeli Block-Elkon, "Political Polarization and the Rational Public," in Morton H. Halperin, Jeffrey Laurenti, Peter Rundlet, and Spencer P. Boyer, eds., *Power and Superpower: Global Leadership and Exceptionalism in the 21st Century* (New York: Century Foundation Press, 2007), p. 66.

84. The media also appear to be contributing to polarization among the public through a sharp increase in partisan and confrontational broadcasts. See Dan Bernhardt, Stefan Krasa, and Mattias Polborn, "Political Polarization and the Electoral Effects of Media Bias," CESifo Working Paper, No. 1798 (Munich: CESifo Group, September 2006), http://www.SSRN.com/abstract?935017; and William G. Mayer, "Why Talk Radio Is Conservative," *Public Interest,* No. 156 (Summer 2004), pp. 86–103. For surveys on the impact of media on polarization, see Pew Research Center for the People and the Press, "News Audiences Increasingly Politicized: Online News Audiences Larger, More Diverse," June 8, 2004, http://people-press.org/reports/display.php3?ReportID?215.

Figure 6. Polarization in the U.S. Electorate over Defense Spending, 1994–2004

ization over Pentagon spending, however, is also driven by diverging public judgments about the relative efficacy of military power versus diplomacy. Republicans in increasing numbers favor military strength over diplomacy as the best way to ensure security, while Democrats are moving in the opposite direction. In 1999, 46 percent of Republicans saw diplomacy as the better option. In contrast, 60 percent of Democrats favored diplomacy. This partisan gap has widened as a result of the Iraq War and the war on terrorism.[85] In the 2004

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85. See Gary C. Jacobson, *A Divider, Not a Uniter: George W. Bush and the American People* (New York: Pearson Longman, 2007), pp. 222–236.

presidential elections, 66 percent of Bush voters backed military force as the best way to defeat terrorism compared with 17 percent of Kerry voters. Among Kerry voters, 76 percent felt that excessive use of force creates anti-American sentiment and encourages terrorism, with only 25 percent of Bush voters supporting that position.[86] According to an August 2007 poll, after four years of the United States occupying Iraq, only 14 percent of Republicans opposed the war, compared with more than 93 percent of Democrats.[87] This growing public divide does not augur well for grand strategies that seek to combine the use of U.S. military force with the building of multilateral institutions.

Course Correction

Many observers view the foreign policy of the Bush presidency as an aberration that will be rectified by a change of personnel in the White House. Once Bush has stepped down, the bipartisan center can be reconstituted and liberal internationalism reinstated. This vision may be comforting, but it is illusory.[88] The United States long embraced the liberal internationalist compact between military power and institutionalized partnership, but this compact has now come undone.

To be sure, the midterm elections of 2006 constituted a repudiation of Bush's foreign policy, and of war in Iraq in particular. But Democratic control of Congress has not translated into renewed bipartisanship. Republican moderates fared poorly in the November election; the party's congressional delegation, shorn of its centrists, has only moved further to the right. As the *Washington Post* noted, "The Democrats' victory in the midterm election accelerates a three-decade-old pattern of declining moderate influence and rising conservative dominance in the Republican Party. By one measure, the GOP is more ideologically homogeneous now than it has been in modern history."[89] Meanwhile, the more liberal wing of the Democratic Party has been asserting its grassroots strength.[90] Party leaders have been pushed to the left by increas-

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86. Pew Research Center for the People and the Press, "Politics and Values in a 51%–48% Nation: National Security More Linked with Partisan Affiliation," January 24, 2005, http://people-press.org/reports/display.php3?ReportID?236.
87. Zogby International, "UPI/Zogby Poll: 54% Lack Confidence in Bush's Ability as Commander in Chief," August 1, 2007, http://www.zogby.com/news/ReadNews.dbm?ID=1343.
88. For a sober assessment of the challenges of making foreign policy in the post-Bush era, see Robert Jervis, *American Foreign Policy in a New Era* (New York: Routledge, 2005), pp. 103–138.
89. Zachary A. Goldfarb, "Democratic Wave in Congress Further Erodes Moderation in GOP," *Washington Post,* December 7, 2006.
90. Michael Luo, "Antiwar Groups Use New Clout to Influence Democrats on Iraq," *New York Times*, May 6, 2007.

ingly powerful party activists—as made clear by the willingness of presidential hopefuls Hillary Clinton and Barack Obama to tie funding for the Iraq War to a deadline for withdrawal. There is little ideological affinity between the Democratic leadership and its Republican counterpart. As the 2008 presidential election draws near, partisan warfare will only intensify. In neither spirit nor substance is there a bipartisan foundation for the return of liberal internationalism.

Over the longer term, the regional and ideological cleavages that have stoked polarization are poised to grow worse; the Red-Blue divide, the income inequalities driven by globalization, and the ideological homogenization of the parties can all be expected to intensify. Indeed, it is conceivable that politics in the United States may be returning to the deeply etched landscape of the pre–World War II era, when domestic stalemate, inconstancy, and detachment prevailed over both power and partnership.[91] To be sure, candidates calling for the United States to rein in its overseas commitments—such as Pat Buchanan and Ralph Nader—have not fared well in recent elections. But in light of U.S. troubles in Afghanistan and Iraq, the widening gap between rich and poor, and stagnant real wages and rising costs for working families, it is easy to imagine that support for strategic disengagement might grow.

Indeed, surveys indicate that the electorate is already moving in that direction. In 1972, in the midst of impassioned domestic opposition to the Vietnam War, only 36 percent of Americans thought the United States should mind its own business internationally and focus on the home front. Today, 52 percent of Americans hold that view.[92] The inward turn is particularly pronounced among younger Americans; 72 percent of those aged 18 to 24 do not believe that the United States should take the lead in solving global crises.[93] And although many Republicans have remained loyal to the White House on the Iraq War, most Democrats have backed a speedy withdrawal, well aware that a substantial majority of the electorate is running out of patience.

For now, the most likely outcome is continued partisan wrangling rather than a sharp neo-isolationist turn. But party and ideology have become deeply intertwined, and both have become more rooted in salient regional differences. These trends put Democrats and Republicans on divergent courses. The

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91. Jeffry A. Frieden, "Sectoral Conflict and U.S. Foreign Economic Policy, 1914–1940," *International Organization,* Vol. 42, No. 1 (Winter 1988), pp. 59–90; and Charles P. Kindleberger, *The World in Depression, 1929–1939* (Berkeley: University of California Press, 1973).
92. CBS News, "Poll: Iraq Going Badly and Getting Worse," *CBS News.com,* December 11, 2006, http://www.cbsnews.com/stories/2006/12/11/opinion/polls/main2247797.shtml.
93. Paul Starobin, "Beyond Hegemony," *National Journal,* December 1, 2006, http://nationaljournal.com/about/njweekly/stories/2006/1201nj1.htm.

Democrats, the party that once took the lead in embracing both assertive military engagement abroad and international institution building, have increasingly favored partnership over power. Declining Democratic support for using military force to solve international problems is one barometer of the change.[94] This shift in the preferences of Democrats is not uniform; there are Democratic lawmakers and policy intellectuals who remain committed to Franklin Roosevelt's liberal internationalist formula, but far fewer than during the Cold War.[95]

Meanwhile, the Republicans emphasize military power at the expense of multilateralism. There is little enthusiasm among the Republican leadership for international institutions that they view as encroachments on U.S. sovereignty and unnecessary constraints on Washington's freedom of action. The Bush administration's 2002 National Security Strategy, which emphasized "primacy" and "preemption" and accorded little weight to multilateralism, was symptomatic of this shift in the party's foreign policy orientation. In the wake of the failure in Iraq, it is likely that Republican office seekers will increasingly distance themselves from the excesses of the Bush administration's foreign policy.[96] Such maneuvering, however, is unlikely to lead the party back to a sustained embrace of multilateralism.

Under these political circumstances, efforts to rebuild the liberal internationalist center are unlikely to bear fruit. The United States' deepening polarization means that its leaders can no longer confidently expect to win strong, bipartisan support for the ambitious mix of power and partnership of the Cold War era. A failure to acknowledge that conditions are no longer conducive to liberal internationalism will only strengthen the hands of more extreme voices

94. On changing attitudes toward military power, see Pew Research Center for the People and the Press, "Politics and Values in a 51%–48% Nation." See also James Q. Wilson, "How Divided Are We?" *Commentary,* Vol. 121, No. 2 (February 2006), pp. 15–21; and Benjamin O. Fordham, "Another Look at 'Parties, Voters, and the Use of Force Abroad,'" *Journal of Conflict Resolution,* Vol. 46, No. 4 (August 2002), pp. 572–596.
95. One of the more hawkish Democratic lawmakers, Senator Joseph Lieberman, was defeated in the 2006 Democratic primary in Connecticut mainly because of his support for the Iraq War. He retained his seat only by running as an Independent. A more conservative wing within the Democratic Party argues that the party must embrace the assertive use of U.S. power and make the war on terrorism their own. See, for example, Peter Beinart, *The Good Fight: Why Liberals, and Only Liberals, Can Win the War on Terror and Make America Great Again* (New York: HarperCollins, 2006); Will Marshall, ed., *With All Our Might: A Progressive Strategy for Defeating Jihadism and Defending Liberty* (Lanham, Md.: Rowman and Littlefield, 2006); and Campbell and O'Hanlon, *Hard Power.*
96. Although still at the margins of the Republican Party, its isolationist wing is making a comeback of sorts. See, for example, Rich Lowry, "The 'To Hell with Them' Hawks: And What's Wrong with Them," *National Review,* Vol. 58, No. 5 (March 27, 2006), pp. 38–42; Michael Abramowitz, "Conservative Anger Grows over Bush's Foreign Policy," *Washington Post,* July 19, 2006; and Joshua Kurlantzick, "After the Bush Doctrine: The Fight for Republican Foreign Policy," *New Republic,* February 13, 2006, pp. 19–23.

on the left and the right. To maintain indefinitely a substantial U.S. military presence in Iraq would ultimately heighten the appeal of those arguing for a precipitous retreat, just as efforts to bind the United States to a raft of new multilateral institutions would elevate the voice of unilateralists. The security and welfare of the United States require its continued engagement in global affairs, but trying to resurrect the liberal internationalist consensus to achieve that goal is a prescription for failure.

A wiser course for the United States to pursue is a more discriminating and selective strategy that demands less power and less partnership. Such a strategy would be based on the following principles.[97] Rather than seeking to extend the current range of its global commitments in the absence of domestic support, Washington would encourage others to assume a larger geopolitical role. This approach means supporting a European Union that can shoulder greater defense burdens. It entails welcoming, not resisting, China's and India's rise to great power status. It also involves building up regional organizations, such as the Association of Southeast Asian Nations, the Gulf Cooperation Council, and the African Union, so that they can help fill the gap as the United States reduces its geopolitical footprint. The United States would by no means withdraw its forward presence in the strategically important regions of Northeast Asia and the Middle East. But it would shrink the size of its deployments and, especially in the Middle East, gradually move to an offshore posture.

U.S. leaders should also view international partnerships more pragmatically. In an era of partisan polarization, it is difficult to win congressional approval of international pacts and institutions—as Woodrow Wilson's defeat over the League of Nations made clear. Today, proposals for building grand alliances of democracies and new mechanisms of global governance are likely to find scant domestic support. If the United States is to remain a team player in world politics, and immunize itself against a destructive clash with the many nations still supporting institutionalized multilateralism, presidents will have to rely more on pragmatic partnerships, flexible concerts, and task-specific coalitions. Informal groupings—such as the "contact group" for the Balkans, the quartet in the Middle East, and the EU-3/U.S. coalition seeking to contain Iran's nuclear program—are fast becoming the most effective vehicles for diplomacy. The United States' foreign policy must be brought into line with its domestic politics. Selective engagement is best suited to a polarized America.[98]

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97. For a more detailed discussion of this policy agenda, see Kupchan and Trubowitz, "Grand Strategy for a Divided America," pp. 79–83.
98. Our case for retrenchment rests heavily on our arguments about the United States' changing

A strategy of judicious retrenchment may not be the preferred course of neoconservative Republicans or hawkish Democrats, but it has the political advantage of being less objectionable than the alternatives. Liberal Democrats are more apt to favor retrenchment over strategies that put a premium on the projection of U.S. military power; conservative Republicans can be expected to prefer it to strategies that substitute institutionalized international partnerships for national strength. Indeed, the same opinion polls that indicate that the United States' appetite for international engagement is diminishing reveal that the inward turn is affecting Republicans and Democrats alike. We are under no illusions; a more discriminating grand strategy will not put an end to partisan differences over foreign policy. But judicious retrenchment does promise to ease the political gridlock on Capitol Hill that would ensue should either party attempt to rebuild the liberal internationalist compact.

A more discriminating grand strategy also holds out the promise of cross-regional appeal. For different reasons, the urban Northeast, the Pacific Coast, and, increasingly, the Deep South have a stake in a smaller overseas presence. Politicians from the Northeast and the Pacific Coast worry about the "opportunity costs" a strategy of primacy imposes on health care, education, and other domestic priorities. Elected officials in the South measure the costs differently—in terms of the wear and tear on military personnel and their families, a disproportionate share of whom hail from the South. The sacrifices of the region's populace in Afghanistan and Iraq are taking a discernible toll: southern support for projecting U.S. power is declining faster than the national average.[99]

It is far better for the United States to arrive at a more selective grand strategy that enjoys broad domestic support than to continue drifting toward an intractable polarization that is a recipe for political stalemate at home and failed leadership abroad. The country embraced Franklin Roosevelt's liberal internationalism in no small part because its appeal cut across regional and partisan lines. Successful statecraft still depends on forming domestic alliances that

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domestic landscape, but other compelling geopolitical reasons for such a strategy also exist, including redressing the country's military and economic overstretch; ameliorating the recent rise in anti-U.S. sentiment; and adjusting to the ascent of China, India, and other rising powers. On the geopolitical case for retrenchment, see Stephen M. Walt, *Taming American Power: The Global Response to U.S. Primacy* (New York: W.W. Norton, 2005); John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W.W. Norton, 2001); Christopher Layne, *The Peace of Illusions: American Grand Strategy from 1940 to the Present* (Ithaca, N.Y.: Cornell University Press, 2006); Robert Art, *America's Grand Strategy and World Politics* (New York: Routledge, 2007); and Robert A. Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism* (New York: Random House, 2005).

99. For southern views of the war in Iraq, see Institute for Southern Studies, "The South and Iraq: Institute Poll—Opposition to Iraq War Growing in the South," October 2006, http://southernstudies.org/2006/10/south-and-iraq.asp.

bridge political divides, but today's United States is different from Roosevelt's. A strategy of selective engagement is calibrated to the problems of our era: the collapse of bipartisanship; the rise of a party system that is polarized along regional lines; the return of ideology to U.S. politics; and the risk of an inward turn in response to the Iraq War. A correction is coming. If the United States is to adapt successfully to today's conditions, its leaders must craft a grand strategy that not only meets the country's geopolitical needs but also restores the political equilibrium necessary to sustain a coherent national strategy.

Taesuh Cha

The Return of Jacksonianism: the International Implications of the Trump Phenomenon

The rise of President-elect, Donald J. Trump, and his unconventional policy remarks have inspired alarm across the political spectrum in the United States and throughout the world. Even though a celebrated neoconservative compared him to the "Frankenstein Monster"[1] and Republican foreign-policy experts collectively opposed his presidential candidacy in an open letter,[2] no "insiders" in the GOP could contain the soaring tide of the populist movement and its champion, Mr. Trump. Given that only a few successfully predicted the election of this scandalous "outsider," many pundits and op-ed writers perceive his victory in the 2016 U.S. presidential race as a shocking accident.

However, we should note that the Trump ascendancy is no fluke. Indeed, it is embedded in the long history of political struggles between liberal internationalism of the intellectual elite in metropolitan areas and the Jacksonian tradition[3] of common Americans in rural communities. Although America has usually been depicted as a Lockean, secular, and cosmopolitan country, such an image only reflects the cultural hegemony of elites in the coastal cities. In contrast, "folks" in the interior have constructed another political ideology, Jacksonianism. Originated from frontiersmen in the middle of colonial "Indian Wars," this nativist discourse imagines the United States as an exclusive ethno-religious community of

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white Christians. In other words, the two antagonistic social forces have produced the two competing political traditions from the earliest years of the United States.[4]

In this historical context, the radicalization of the Republican Party and then the Trump syndrome signal the reentrance of the Jacksonian tradition against the liberal "American Creed" into the U.S. political scene today. Trump's rise is symptomatic of the ongoing great transformation of U.S. society during the worldwide economic stagnation. Angry populist forces have to a large extent altered the U.S. political landscape, thereby pushing the establishment to turn away from orthodox positions. In particular, existing liberal internationalist grand strategy is likely to be revised and gestured toward "neo-isolationism." We are witnessing a historical watershed during which the direction of U.S. hegemony and the post-war liberal world order is beginning to change.

The Jacksonian Doctrine: Its Genealogy and Grand Strategy

> The Trump phenomenon is a known U.S. historical event: it is the latest Jacksonian surge.

For all of its unexpected success, the Trump phenomenon is a known event in U.S. history. It can be interpreted as the latest version of the Jacksonian surge in the southern and interior western states. Since historian Frederick Jackson Turner first identified the importance of sectionalism in U.S. politics,[5] several scholars have focused on the existence of conflicting sectional interests in U.S. political development and their foreign policy implications.[6] It is argued that all key regions possess their own identities and interests, and their coalitions and contestations have constituted the central drama of modern U.S. history. In addition, the intellectual revolt against the conventional wisdom of the liberal consensus (or "the Tocqueville-Hartz Thesis," which characterizes American political development in terms of a continuous commitment to liberal principles, following the works of political thinkers Alexis de Tocqueville and Louis Hartz) has advanced the so-called "multiple traditions approach" as an alternative genealogy of U.S. political thought.[7] Instead of a triumphalist depiction of the ongoing march toward more liberal and more democratic politics, we can actually find various anti-liberal and undemocratic discourses that have greatly pressured marginalized groups in the serpentine trajectory of U.S. democracy.

In this theoretical context, the Jacksonian worldview has been analyzed as an illiberal, populist ideological system that stems from the early modern inter-

civilizational conflict between European settlers and Native Americans. This tradition imaginatively constructs the United States as "a folk community bound together by deep cultural and ethnic ties,"[8] as Mead describes, and there has long been "a strong sense of White identity and violent hostility to other races"[9] at its kernel, to use the words of political scientist Anatol Lieven. Other political scientists Daniele Albertazzi and Duncan McDonnell's definition of populism as "an ideology which pits a virtuous and homogeneous people against a set of elites and dangerous 'others'"[10] helps us understand Jacksonianism as a variant of the U.S. populist movement.

On one hand, this ideology was built against the secular and cosmopolitan ruling elites in the East Coast. From the Founding era, settlers in the South and West expressed their "regionalist hatred of the metropolitan elites" or of "the decadent, exploitative, and above all commercial East," as Lieven describes.[11] Jacksonian folks believe that capitalists and intellectuals in urban areas aim to exploit country workers economically and tarnish their authentic national (i.e., white and Christian) identities in the name of cosmopolitanism and multiculturalism.

On the other hand, the exclusivist strategy of marginalizing or even exterminating "Others" has been adopted as a solution to a variety of current socioeconomic problems. Mead describes how Jacksonians make an absolute distinction between those who belong to the American folk community and those who do not, thereby excluding "Indians, Mexicans, Asians, African Americans, obvious sexual deviants, and recent immigrants of non-Protestant heritage," from the official political sphere. Furthermore, these "outsiders" have been vulnerable to "economic oppression, social discrimination, and mob violence" throughout U.S. history.[12]

We can find recurrent waves of populist movements in U.S. political trajectory, especially when the liberal elite-led industrialization and financialization gave rise to economic turbulence that imposed hard pressure on country farmers and workers at the turn of the twentieth century. One prominent example is the Farmer's Alliance and the People's Party in the late nineteenth century. Concerned about "their declining relevance in a modernizing economy," sociologist Martin Eiermann points out how cotton farmers, sharecroppers, and landowners in rural areas were allied together to confront "Washington elites" and industrial capitalists, as well as called for collectivist or socialist alternatives.[13]

Looking abroad, Jacksonians have a fundamentally unorthodox set of grand strategies. Compared with other dominant liberal exceptionalist traditions, the Jacksonian doctrine is a maverick in the history of U.S. foreign policy, which Mead says reflects "the cultural, political, and class distance between Jacksonian America"[14] and the American establishment. Jacksonian quasi-realist international theory rests upon "the very sharp distinction in popular feeling

between the inside of the folk community and the dark world without."[15] Thus, Jacksonians are deeply suspicious of the globalist belief in world reform through international law, multilateralism, and humanitarian interventions. In particular, during bad economic times, the tradition's Hobbesian understanding of the anarchical world—coupled with pre-millennialist thought that has apocalyptic expectations, such as the battle of Armageddon and the Second Coming—can incite a paranoid response to aliens, with charismatic leadership and popular anger.[16]

Although Jacksonians are usually isolationist and are not concerned much about international affairs, once provoked, they are known for their very militaristic, merciless approaches to international conflicts. Related to the legacies of ruthless frontier warfare and southern cavalierism, Jacksonians tend to ignore the law of wars vis-à-vis "dishonorable" (usually colored) enemies,[17] such as the Native Americans before the twentieth century, the Japanese in the Second World War, and Muslim terrorists today. Additionally, nativist Jacksonians espouse economic nationalism and anti-immigrant policy in order to secure the economic well-being and social cohesion of the American folk community.[18]

The Trump Doctrine: Its Social Basis and Foreign Policy

Several things have energized Trumpism. These include the 2008 global financial crisis and the deterioration of socioeconomic conditions that have been underway for the last decades in interior white communities.[19] The negative effects of neoliberal globalization—such as growing economic polarization, endured income stagnation for the middle and working classes, declining life expectancy among white country Americans—have "undermined trust and confidence in the 'establishment'" that championed laissez-faire capitalism, as Nobel Prize-winning economist Joseph Stiglitz says in a recent essay.[20] Moreover, the growing mass immigration as another facet of globalization has not only threatened white workers' sense of economic security but also destabilized their national (racial) folk identity.

In this historical environment, the emergence of the right-populist Tea Party faction in 2009 betokened a huge political storm. The Tea Party was an early harbinger of the rising populist revolt against the Republican entrenched elites and intellectuals in the twenty-first century. Riding on the tide of popular anxieties and anti-establishment sentiment, the movement and its poster child, Ted Cruz, strengthened the populist passion in the GOP and radicalized the existing doctrinaire conservative policies. Indeed, the culmination of this populist, anti-intellectual trend is the victory of Donald Trump.[21]

The advent of the Tea Party and then Trump's surge are signs of the final collapse of the traditional liberal consensus in post-war American society and the "roaring return of Andrew Jackson's spirit into the political debate."[22] Average people, especially the non-college educated white working class, who have been most devastated by no-holds-barred globalization and deindustrialization, have rallied around Trump to express their anger and opposition to the mainstream and its "failed" national vision. Stephen Walt, in *Foreign Policy*, wrote how ordinary, aggrieved white voters were "fed up with a political class that repeatedly engages in self-serving misconduct yet walks unscathed, leaving others to pay the price of their mistakes," including the 2008 financial crisis and the endless wars in Iraq and Afghanistan.[23] In this sense, the Trump phenomenon fundamentally rests upon the Jacksonian populist movement and its anti-establishment spirit. Mead points out how Trump is a "blank screen on which Jacksonians project their hopes."[24]

> Trump's surge is a sign of the final collapse of the traditional post-war U.S. liberal consensus.

Although he is an inherited billionaire, Trump sets himself against "big business, elite media and major donors" or America's "most powerful special interests."[25] Whereas Hillary Clinton was depicted as the "puppet" of the establishment, Trump considers himself as a tribune of the plebs, as Jackson did almost two centuries ago. He said, "Every day I wake up determined to deliver for the people I have met all across this nation that have been neglected, ignored, and abandoned. I have visited the laid-off factory workers, and the communities crushed by our horrible and unfair trade deals. These are the forgotten men and women of our country. People who work hard but no longer have a voice. I AM YOUR VOICE."[26] [Capitalization in original.]

Of course, the Trump phenomenon (along with the rise of Bernie Sanders across the political spectrum) can be positively interpreted. Francis Fukuyama suggests that it means that the U.S. political system, which has been encumbered by corrupt oligarchs for decades, is "finally responding to the rise of inequality and the economic stagnation" in America.[27] However, Trump's populist initiatives neither guarantee judicious prescriptions nor suggest liberal democratic procedures of reform.

In Trump's political program, in line with the traditional Jacksonian approach, both attacking the U.S. power elites and scapegoating a variety of "others" are suggested as solutions to various present ills, domestic and international. In this narrative, Clinton (and other established politicians in the Republican Party) represent a "massive agglomeration of power, intellect, wealth and talent,"[28] i.e., the American mainstream that has caused all of the current political, economic, and

cultural discontents. This ranges from the chaos in the Middle East, to free trade, to economic polarization, to increasing crimes, to Obamacare, and to transgender bathroom rights.

On the other hand, Clinton and her "PC crowd" are allegedly colluded with a variety of outsiders, such as Muslims, Hispanics, Mexicans, immigrants, and refugees, who threaten "authentic" American identity. Put differently, Trump's main supporters—rural working-class whites in the South and interior West—perceive that the American folk community is in danger because of Democrat-led "identity politics" over cultural issues and cosmopolitanism.[29] Accordingly, under the banner of "Make America Great Again," the corrupt liberal orthodoxy must be replaced with "the politics of 'NO!'"[30] that reject the status quo, or the hegemony of the liberal, boomer consensus. Also, un-American aliens must be contained and excluded from the genuine American ethno-religious collective by the border wall, deportation, and similar initiatives.

> Trump's main supporters perceive that the American folk community is in danger.

In addition, we should note that the Trump ascendancy is part of a "broad populist/nationalist backlash" against neoliberal globalization in advanced capitalist countries today.[31] Those established conservative and progressive parties that have supported laissez-faire economic liberalism for decades are now challenged by "populist, nativist/nationalist anti-establishment" political forces, as economist Nouriel Roubini describes.[32] Harvard professor Jeffrey Frankel points out how the Brexit vote and the rise of anti-globalization leaders in continental Europe indicate that "globalization's have-nots" in developed economies are "far angrier than establishment leaders realized" and are looking for radical solutions to their discontents.[33] By lauding British voters' decision to leave the European Union as a victory of the people's longing for national sovereignty and safe borders,[34] Trump expressed his sympathy for the exploding populist passion in Europe. It shows that his syndrome is intimately related to the present anti-globalization and nationalist awakening across the West.

In the same vein, Trumpist grand strategy signals the emergence of an unorthodox foreign policy in the Republican Party, not only departing from the existing bipartisan consensus in general,[35] but attacking the main tenets of post-Reaganite Republican foreign policy in particular, such as internationalism, pro-democracy promotion, pro-free trade, and pro-immigration, among others.[36] This new vision of foreign policy means a return to another maverick tradition, i.e., the Jacksonian *weltanschauung* of popular nationalism.[37] Resonating with the Jacksonian sentiment of anti-establishment, Trump expresses his strong suspicion of the foreign-policy establishment inside the Beltway. (While Obama and others

sometimes use elements of populist, anti-establishment rhetoric to mobilize voters, Trump is the most prominent example of a Jacksonian politician today.) The mainstream experts are actually responsible for "a long history of failed policies and continued losses at war."[38] Therefore, his team should search for new people outside.

In essence, Trump's international theory stands for the resurgence of the Jacksonian doctrine in the narrative of U.S. diplomacy. In his first coherent speech on foreign policy, Trump presented his quasi-realist[39] understanding of world politics as an image of the Hobbesian world, and suggested neo-isolationist and neo-sovereigntist countermeasures ("America first!"[40]) against dominant multilateralism or globalism: "No country has ever prospered that failed to put its own interests first. Both our friends and our enemies put their countries above ours and we, while being fair to them, must start doing the same. We will no longer surrender this country or its people to the false song of globalism. The nation-state remains the true foundation for happiness and harmony … [U]nder my administration, we will never enter America into any agreement that reduces our ability to control our own affairs."[41]

With regard to the international economy, Trump insinuated that the whole architecture of economic multilateralism can be either redesigned or abandoned to initiate an era of bilateralism and protectionism against the long-cherished principle of free trade. In order to turn the United States' "bad" trade agreements that kill U.S. jobs and destroy the middle class into "great" trade agreements, he declared, "I will make individual deals with individual countries. No longer will we enter into these massive transactions, with many countries."[42] In his view, NAFTA is "one of the worst trade deals ever signed anywhere in the world." Thus, he stressed, "If I don't get a change, I would pull out of NAFTA in a split second."[43] Relatedly, he defined "China's entrance into the World Trade Organization" as one of Bill Clinton's "colossal mistakes."[44] In addition, the Obama administration's Trans-Pacific Partnership (TPP), he argues, will "not only destroy our manufacturing, but it will make America subject to the rulings of foreign governments."[45]

Trump's nativist energies aim to build a "Fortress America," or a large gated ethno-religious community in the United States, mainly against Hispanics and Muslims. He promised that he will deport eleven million illegal immigrants and build security walls against Mexican immigrants around the southern border, walls that he would make Mexico pay for.[46] Concerning radical Islamic terrorism, Trump scandalously called for "a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on."[47] He then proposed an "extreme vetting" test, or an ideological purity exam, asking immigrants whether they "share our values and respect our people."[48]

Furthermore, the Trump Doctrine shows hostility to several international liberal norms, especially those related to the War on Terror. For example, as an outspoken supporter of torture, Trump argued, "Don't tell me it doesn't work– torture works." Because America is facing barbaric terrorists, he plans to "bring back a hell of a lot worse than waterboarding."[49] More generally, when asked whether the Geneva Conventions were obsolete, Trump responded, "I think everything's out of date. We have a whole new world." He also added, "I am a person that believes in enhanced interrogation, yes. And by the way, it works."[50] Criticizing that the United States is "fighting a very politically correct war," Trump even went further to promise that he would kill the families of terrorists to win the war against the Islamic State.[51]

This brutal attitude is definitely founded upon the Jacksonian double-standard of "honorable" and "dishonorable" enemies. The Jacksonian ethic rejects any moral limits on "innocent" American response to its barbaric foes.[52] In his speech at Iowa Central Community College, Trump presented his crude, bellicose solution to the rise of the Islamic State: "I'd bomb the shit out of them. I would just bomb those suckers. That's right. I'd blow up the pipes; I'd blow up the refineries. I'd blow up every single inch. There would be nothing left."[53] Furthermore, it was reported that Trump repeatedly asked a foreign policy advisor why the United States could not use nuclear bombs to deal with its difficult problems such as the Islamic State.[54]

How "Others" Are Terrified: the Rest of the World's Views of Jacksonianism

All over the world, foreign leaders have attempted to understand how serious the Jacksonian ascendancy is in the United States, and worry about what this fundamental "isolationist" turn means for them. Indeed, the prospect of a possible great shift in U.S. grand strategy delineated by the Trump Doctrine has triggered intense reactions from other nations.

> The prospect of a great shift in U.S. grand strategy has triggered intense international reactions.

Most Western leaders have expressed concern that a victory for Jacksonianism in the United States would be bad news for transatlantic relations by imposing harsh burden-sharing on NATO members. To Europeans, it is profoundly alarming that Trump was clearly against multilateralism and single-mindedly pursues pure U.S. national interests. Germany's foreign minister, Frank-Walter Steinmeier, argued that "'America First' is no proper answer" to contemporary

world affairs.[55] Thus, the election of Trump "would complicate relations between Europe and the United States," as French President Francois Hollande said. Furthermore, Norwegian Prime Minister Erna Solberg insisted, "A lot of what Donald Trump says make for a more unstable world" in general.[56]

Across the Pacific, East Asian allies have also watched the rise of Jacksonianism closely. South Korea and Japan are concerned about the United States possibly turning toward a more isolationist orientation, and were annoyed to hear Trump describe them as greedy freeloaders. Whereas politicians and government officials tend to decline comment on the Trump phenomenon, major media outlets in the region followed the U.S. presidential campaign with excruciating detail and harshly criticized Trump's false assertion that Seoul and Tokyo do not contribute financially to the U.S. security umbrella. Indeed, his retrenchment or "abandonment" position has sparked intense discussion in the media of the two nations. Both countries commonly worry that the absence of the United States in Northeast Asia will lead to dangerous Chinese expansionism. From a different angle, some in Seoul fear that Trump's neo-isolationism could embolden Japan's ultra-right-wing and its aggressive foreign policy, reminiscent of imperial Japan during the Second World War.[57]

Some maintained that China would welcome Jacksonian retrenchment policy as a chance to build Chinese hegemony over East Asia, preferring the "pragmatic" businessman who rarely cares about promoting liberal norms abroad to Hillary Clinton, who has outspokenly criticized China's human rights record.[58] However, Trump's continuous China-bashing campaign indicated that Sino–U.S. relations under a Trump presidency could seriously have deteriorated. Trump seems to have little intention to engage China through the well-known recipe of liberal internationalism. The long-cherished initiative to include China in the existing world economic multilateral architecture, such as the World Trade Organization, is hardly appreciated by Jacksonians. In their eyes, China is not an economic partner but the arch-enemy that manipulates currency, steals U.S. jobs, and consequently destroys the backdrop of the U.S. economy. Thus, Trump declared, "We can't continue to allow China to rape our country."[59] In this context, Trump suggested a militaristic solution, strengthening the U.S. military presence in the East and South China Seas in order to "discourage Chinese adventurism that imperils American interests in Asia and show our strength as we begin renegotiating our trading relationship with China."[60]

Although most Chinese officials tried to remain silent on Trump's provocations, major Chinese newspapers, usually regarded as Beijing's mouthpiece, have insisted that the Trump phenomenon demonstrates the limit of corrupt U.S. democracy, warning that "if he could move forward with the [anti-China] campaign, then we should show him what China can do when the time comes."[61]

What is more worrisome is that due to the recent growth of national power and the CCP's ideological policy, Chinese people have also developed strong chauvinistic patriotism in recent years. What would happen if the U.S. populist anger—founded on the fear of economic recession and the decline of U.S. hegemony—pushed for a hawkish strategy toward China? It could lead to an incredibly confrontational response from Beijing, driven by a Chinese militant nationalism still haunted by the so-called hundred years of national humiliation.[62]

Last but not least, Trump's blunt rhetoric on Muslim immigrants caused particular disquiet in the Middle East. Accordingly, he would have made a significant contribution to volatile anti-Americanism in the Muslim world. In his Twitter feed, Saudi Prince Al-Waleed bin Talal called Trump "a disgrace not only to the GOP but to all America."[63] The editorial team of Dubai's Gulf News warned that Trump's "shutdown" speech, or his call for a shutdown of Muslims entering America, "creates a near-perfect toxic soup where extremists on both sides thrive in the shadows, and where the moderates and innocents suffer. His extremism is no different than that of *Daesh* [the Islamic State]."[64] In fact, it was reported earlier this year that at least two jihadist groups, Al Shabaab (the East African affiliate of al-Qaeda) and ISIS, used Trump's anti-Muslim statements in their recruiting propaganda.[65] Hence, we can infer that Trump's Jacksonian doctrine based on macho militarism would seriously clash with radical Islamism.

The End of an Era: the Coming Collapse of the Liberal International Order?

As a "liberal leviathan," the United States has created and maintained the liberal international order since the end of World War II. Such an internationalist and hegemonic grand strategy as the old, agreed-upon approach among U.S. decision makers has informed U.S. foreign policy throughout the Cold War and beyond.[66] Conventional globalists on both sides of the political spectrum emphasize that the United States should persistently play its role in world hegemony in order to maintain post-war peace and prosperity.

Despite its many problems and controversies, contemporary internationalists hold that the United States is still the world's strongest power and that the U.S.-led liberal order is the best international arrangement, much better than other illiberal alternatives in which authoritarian leaders pursue nationalistic *realpolitik*.[67] Until recently, it was widely believed that the United States should promote "democratic peace," thereby ushering a benevolent Pax Americana. The Bush presidency, coupled with the "neoconservative moment," was the pinnacle of this rosy *zeitgeist*.

However, such triumphalism of the post-Cold War era has dramatically given way to a sense of pessimism and alarm about the future of the U.S.-centric

interstate system. Are we not at the brink of the "end of the liberal world order as we know it"?[68] Nowadays a growing number of experts warn that the post-WWII internationalist consensus held by both mainstream liberals and conservatives is profoundly imperiled: journalist Roger Cohen explains how "the forces of disintegration are on the march" and "the foundations of the post-war world … are trembling."[69]

In particular, what would happen if, with the start of Brexit, a series of right populists in Western Europe came to power[70] and turned to unilateralist initiatives against past multilateral frameworks, such as the EU and NATO? The scenario looks even gloomier when we add the list of rising authoritarian powers, such as China and Russia, and the soaring fundamentalist forces in the Muslim world.[71]

The 2016 U.S. presidential election was crucial at this historical juncture. Americans are asking themselves about the future of American statecraft. The U.S. foreign-policy establishment (both Democrats and Republicans) and its liberal grand strategies are perceived to have done a poor job, leading to the increasing disorder in the Middle East and the global economic meltdown.[72] In response, the majority of the American public prefers an isolationist approach at present. According to Pew Research Center polls, 57 percent of Americans think that the United States "should deal with its own problems and let other countries deal with their problems as best they can."[73] In this regard, Trump and his supporters do not share the conventional liberal internationalist assumptions and no longer want to play the global hegemonic role. Rather, Trump claims, "We are not the same country and the world is not the same world." Hence, the United States, as the past liberal leviathan, does not have the "luxury" of performing the active strategy of liberal hegemony.[74] In short, the Trump movement emerged to destroy the liberal international order, even though the order was built and maintained by its main beneficiary—that is, the United States.

As the American people increasingly embrace the idea of the United States being freed from the burdens of global leadership, we are watching the ideational foundation of U.S. hegemony being fiercely contested internally in this putative hegemonic transition period. This situation represents the latest phase of the long historical conflicts between two Americas—that is, liberal internationalism of the urban establishment and popular isolationism in predominantly rural white communities.[75] Considering the fact that even Clinton, a former unapologetic liberal internationalist, shifted toward protectionist trade policies,[76] we can assume that the unraveling of the U.S.-led liberal international order, or an "Amexit," became one possible product of the 2016 election. No one can predict what comes next for sure.

> The ideational foundation of U.S. hegemony is being fiercely contested internally.

And yet many overseas, as well as in the United States, are concerned that we have arrived at an historical interregnum with surging popular anger—and no certain future prospect.

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When US Scholars Speak of 'Sovereignty', What Do They Mean?

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The term 'sovereignty' figures prominently in international affairs and academic analysis. But does 'sovereignty' mean the same thing in different countries and political cultures? In this article, we examine conceptions of sovereignty as they appear in the writings of US scholars of international law and those international relations scholars who deal with international law, in order to obtain a clearer picture of what 'sovereignty' means in American academic discourse. At first glance, the US literature is dominated by two distinct conceptions of sovereignty: (1) a statist conception that privileges the territorial integrity and political independence of governments regardless of their democratic or undemocratic character; (2) a popular conception that privileges the rights of peoples rather than governments, especially when widespread human rights violations are committed by a totalitarian regime. On closer examination, what seem to be two conceptions are in fact different manifestations of a single, uniquely American conception of sovereignty which elevates the United States above other countries and protects it against outside influences while concurrently maximising its ability to intervene overseas.

This article examines American conceptions of sovereignty as they appear in the writings of US scholars of international law and those US international relations scholars who deal with international law. At first glance, the US literature is dominated by two distinct conceptions of sovereignty: (1) a statist conception that privileges the territorial integrity and political independence of governments regardless of their democratic or undemocratic character; (2) a popular conception that privileges the rights of peoples rather than governments, especially when widespread human rights violations are committed by a totalitarian regime. However, on closer examination, the two conceptions are in fact different manifestations of a single, uniquely American conception of sovereignty – one which elevates the United States above other countries and seeks to protect it against outside influences while concurrently maximising its ability to intervene overseas.

The single conception of sovereignty is able to encompass both statist and popular sub-conceptions because their agendas are different, though not mutually exclusive. The statist conception is concerned with protecting the United States against outside influences and has little to say about the sovereignty of other countries. The popular conception is concerned with limiting the sovereignty of other countries and has little to say about the sovereignty of the United States. This article exposes the single US conception of sovereignty – as it exists in the academic literature of international law and international relations – and arrives at some tentative conclusions derived from the unique position and history of the world's most powerful state.

Two Conceptions of Sovereignty

Stephen Krasner and Louis Henkin provide us with exemplars of the two different US conceptions of sovereignty, with Krasner's work being representative of the statist approach. He argues that it is 'Only by creating a mythical past [that] contemporary observers have been able to make facile comments about the impact of globalisation on sovereignty' (Krasner, 1999a, p. 49). In actual fact, sovereignty has always been challenged. In recent years that challenge has come from two different directions: globalisation and the rise of human rights. Yet neither of these challenges alters the basic nature of rules, compliance and behaviour in the international system: to Krasner, this will always be characterised by 'organised hypocrisy' (Krasner, 1999b). Self-interest is still the defining cause of action, and sovereignty – despite seeming under threat – is not about to disappear, given the powerful state interest in its continued existence. See Amitav Acharya's article 'Disorganised Hypocrisy' in this issue for an excellent assessment of Krasner's organised hypocrisy thesis (Acharya, 2007).

Henkin's work provides our exemplar of the popular conception of sovereignty, for he sees sovereignty as the primary obstacle to international law *as it should be*. The term itself is a misleading and misguided one, an anachronistic hangover from the days of princedoms that is 'largely unnecessary and better avoided' (Henkin, 1995, p. 9). Whereas Krasner implicitly attributes normative value to state survival, Henkin argues: 'The state system is a human creation and a human development; it ought to be continually examined, occasionally calibrated, and sometimes changed, the better to serve human purposes' (Henkin, 1995, p. 25). Indeed, Henkin believes that the international system has already moved toward human values as its organising principle (Henkin, 1995–6, p. 32), that 'human rights law has shaken the sources of international law, reshaped its character and enlarged its domain' (Henkin, 1995–6, p. 36), and thus radically derogated from and infringed upon sovereignty.

These two conceptions of sovereignty – statist and popular – permeate most of the US literature on international relations and international law. And, as is demonstrated by some prominent theoretical writings, what appear to be different conceptions of sovereignty more often than not collapse into a single conception – a conception which generally favours the United States.

International Relations Theory and International Law

One of the more fertile areas of international theory in the United States concerns the relationship between international law and international relations. Consequently, the interdisciplinary literature of 'IL/IR' offers valuable insights into US conceptions of sovereignty. Here, we explore the three main approaches: realism, liberalism and constructivism.

John Mearsheimer offers an unashamedly realist approach to international institutions (including international law) that comports clearly with the statist conception of sovereignty. He argues that the key disagreement between realists and so-called 'institutionalists' concerns whether institutions markedly affect the prospects for international stability (Mearsheimer, 1994–5, p. 7). To realists, institutions reflect the distribution of power in the world; based on the self-interested calculations of the great powers, they have no independent effect on state behaviour (Mearsheimer, 1994–5, p. 7). States will participate in an institution only while it remains in their interest to do so. Mearsheimer rejects the institutionalists' claim that institutions can produce cooperation, stability and, potentially, peace and criticises institutionalism for its focus on absolute gains, and on areas where state interests align and cooperation is easy to secure. This has produced excessive optimism over the capacities and potential of institutions (Mearsheimer, 1994–5, p. 47). Indeed, 'What is most impressive about institutions, in fact, is how little independent effect they seem to have had on state behaviour' (Mearsheimer, 1994–5, p. 47). To Mearsheimer the overriding logic of the system is self-help: states will do as much as they are able to get away with. International law has made few if any inroads into sovereignty.

Liberals present a quite different picture of the international system and the role of international law and other institutions. Robert Keohane argues that, in order to be able to understand international cooperation and discord, 'it is necessary to develop a knowledge of how international institutions work, and how they change' (Keohane, 1988, p. 379). Without institutions there can be little international cooperation and, without international cooperation, 'the prospects for our species would be very poor indeed' (Keohane, 1988, p. 393).

Keohane divides approaches to international institutions into instrumentalist and normative 'optics'. Seen through the instrumentalist optic, 'states use the rules of international law as instruments to attain their interests' (Keohane, 1997, p. 488). Seen through the normative optic, 'shared norms, and the processes by which those norms are interpreted', have an impact on state policies (Keohane, 1997, p. 488). The normative optic does not ignore power or interests but argues that such explanations alone are insufficient. According to Keohane, international relations scholars tend to be instrumentalists and international law scholars tend to be normative, and a synthesis of the optics can help explain international institutions.

At the same time, Keohane argues that both optics can be characterised as instrumentalist: the instrumentalist optic is straightforwardly so, while the normative optic's concern for reputation is a 'classically instrumentalist concept' (Keohane, 1997, p. 494). Both optics use narrative accounts to trace causal pathways. Both focus on elite groups of decision-makers and, crucially (and certain normative optics people would say Keohane misinterprets them here), 'these elites are viewed as making calculations about the consequences of their actions' (Keohane, 1997, p. 495).[1] In other words, they are rational.

Although international institutions can affect states' formulation of interest, the rational calculation of interest remains the supreme analytical concern. Thus Keohane writes: 'In the normative optic, [states'] ... purpose is to realise their principles; in the instrumentalist one, to achieve self-interested objectives' (Keohane, 1997, p. 500), though he prefaces this with 'states cultivate reputations because of what good reputations will enable them to achieve' (Keohane, 1997, p. 500).

Keohane's emphasis here on rational choice and a statist ontology suggests a broadly statist conception of sovereignty. And this comes as no surprise, since Keohane has devoted much of his career to advancing a theory of international institutions that aligns those institutions with the interests of powerful states. As we argue later with regard to his work on intervention, Keohane manifests an underlying, distinctly American conception of sovereignty, using a statist conception to buttress US sovereignty while applying a popular conception to limit the sovereignty of other, less powerful states. In this respect, his conception of sovereignty is different – but not all that different – from Mearsheimer's realist approach.

Anne-Marie Slaughter similarly advances a liberal interpretation of what the two disciplines should learn from each other and the type of world they see. Both disciplines study the regularities of state behaviour, and many scholars are 'newly insisting on the importance of law as an explanatory factor' in the analysis of that behaviour (Slaughter *et al.*, 1998, p. 369). To Slaughter, liberal theory is based on three assumptions.[2] First, the fundamental actors are 'members of domestic society, understood as individuals and privately constituted groups seeking to promote their independent interests' (Moravcsik, quoted in Slaughter, 1993, p. 227). Second, 'All governments represent some segment of domestic society, whose interests are reflected in state policy' (Moravcsik, quoted in Slaughter, 1993, p. 228). Finally, 'The behaviour of states – and hence levels of international conflict and cooperation – reflects the nature and configuration of state preferences' (Slaughter, 1993, p. 228).

According to Slaughter, a liberal conceptualisation of the role of law in international politics would move beyond institutionalism by providing tools to determine when mutual interests exist that can be furthered by international cooperation, and when institutions will be epiphenomenal (Slaughter, 1993, p. 223). As a result, 'A liberal approach ... opens the door to a new normative agenda in international law that in turn could change the conceptual apparatus employed by IR theorists' (Slaughter, 1993, p. 235), namely, by enabling them to see and theorise the emergence of new norms. However, when Slaughter puts her theory into action, the resulting interests – and the mechanisms for implementing those interests – take on a distinctly American flavour that works to strengthen US sovereignty while undermining the sovereignty of other, less powerful states.

In Slaughter's latest work, *A New World Order*, she rejects what she sees as an interminable debate about the changing nature of sovereignty. The flaw is that

everyone 'still assumes that sovereignty is an attribute borne by an entire state, acting as a unit' (Slaughter, 2005, p. 267). The solution is the notion of the disaggregated state, broken down into its component parts: regulatory, judicial and legislative. The central conceptual move of the book is to argue that 'if states are acting in the international system through their component government institutions – regulatory agencies, ministries, courts, legislatures – why shouldn't each of these institutions exercise a measure of sovereignty as specifically defined and tailored to their functions and capabilities?' (Slaughter, 2005, p. 267). This may seem strange, Slaughter argues, but if we see sovereignty not as the power to exclude external meddling, but as the capacity to participate in international institutions of all types, then it is an altogether more manageable concept.

Clearly, the government networks that Slaughter sees as characterising the current world order, and her articulation of sovereignty, remain strongly attached to the statist paradigm. Her central ontological assumption – government networks – consists solely of the members of state bureaucracy, interacting with their counterparts in other countries or in supranational organisations (Slaughter, 2005, pp. 4–5). The role of non-governmental organisations (NGOs), transnational corporations or any grouping that is not governmental is minimal and not of serious theoretical concern. Thus Slaughter's conception of sovereignty, despite her claim to a new articulation, is actually very statist and traditional. And it favours those powerful states – and especially the United States – with large, well-resourced bureaucracies.

Alexander Wendt's 'constructivist' approach challenges the central assumption of realism: that the anarchical nature of the international system predisposes states to behave in certain ways. Wendt attempts to forge a 'via media' (Baylis and Smith, 1997, pp. 183–4) between realism's focus on structure as the ultimate causal force in the international system, and the focus of reflectivist approaches on processes of interaction (Wendt, 1992). Whereas neo-realists treat the self-help nature of anarchy as *the* logic of the system, Wendt argues that collective meanings define the structures which organise our actions, and actors acquire their interests and identities by participating in such collective meanings. Self-help is one such institution, hence Wendt's now infamous assertion, 'Anarchy is what states make of it' (Wendt, 1992, p. 395, emphasis removed). In other words, self-help is not an inevitable part of the international system but, at some level, a choice that states have made and remake with every interaction.

Sovereignty, like anarchy, is another institution that 'exists only in virtue of certain intersubjective understandings and expectations which not only constitute a particular kind of state – the "sovereign" state – but also constitute a particular form of community, since identities are relational' (Wendt, 1992, p. 412). The norms of sovereignty are continually reinforced and if, for some reason, states stopped respecting and adhering to those norms, the institution of sovereignty would disappear. It is not a 'once-for-all creation of norms that somehow exist apart from practice' (Wendt, 1992, p. 413).

We question Wendt's argument on several counts. First, the social structures which play such a central role are very 'light' things, made up of the ideas that actors hold. However, social structures surely reflect material structures, at least to some extent? Indeed, many would argue that we believe certain things because it is in our interest to do so. Second, Wendt's theory pays little attention to power structures and the role power plays in the social interactions which, for Wendt, create identities and interests. Third, if interaction is prior to identities and interests, is there really a point of 'first' interaction in which identity and inter-action are unformed?

Wendt's work on sovereignty treats institutions and ideational structures as malleable. From his perspective, our conception of sovereignty can be rewritten simply by thinking about it differently. But while some evolution of the institution of sovereignty has undoubtedly occurred, the fluidity and 'lightness' of Wendt's theorisation of social institutions would seem to take it too far. It ignores the impact of material differences between states, of power and of centuries-old national conceptions of statehood and sovereignty – and this, intentionally or not, favours the world's most powerful state.

Although Wendt and other scholars of international relations in the United States take various approaches to sovereignty, those who have dealt with international cooperation and international law have relied on an underlying statist conception of sovereignty, or at least US sovereignty, while exhibiting more flexibility with regard to the sovereignty of other states. Perhaps it is not surprising that a discipline so consumed by a statist ontology and questions of power would fall back on traditional assumptions when venturing on to new ground. Yet many other international relations scholars deal with explicitly normative concerns and would undoubtedly adopt a more popular conception of sovereignty – if they wrote about international law. But since these scholars have not yet done so, there is thus little evidence of a popular conception of sovereignty in this particular field of study.

Military Intervention

Military intervention is one of the key ways in which sovereignty is infringed and the US literature concerning it is particularly interesting for us – because conceptions of popular sovereignty are frequently deployed in justification.[3]

Pro-democratic Intervention

In 1992, Thomas Franck seized upon the idea that governments derive their power and legitimacy from the consent of the governed, and use it to justify military intervention. Franck identified two emerging trends: legitimacy is increasingly dependent upon democracy and, as a result, there is an emerging right to democratic governance. Franck attributed to democratic states the power

to recognise other states as legitimate, and argued that new regimes 'want, indeed need, to be validated by being seen to comply with global standards for free and open elections' (Franck, 1992, p. 48). However, Franck fails to explain why democratic states chose to do this, and why new regimes felt compelled to prove their democratic credentials. Franck's explanation was simply that, since the end of the Second World War, international institutions – primarily the UN, regional organisations like the European Union and Organization of American States, and NGOs – all sought to promote democracy. They did so primarily through the adoption of conventions such as the International Covenant on Civil and Political Rights. These conventions form the basis for Franck's right to democratic governance. He makes no mention of the power which accrues to rich countries as a result of the aid and trade they can offer smaller countries; nor is there any mention of the politics of democracy promotion.

What Franck does do is provide a clear link between democracy and sovereignty, or more pertinently, non-democracy and the absence of sovereignty. He writes: 'undemocratic processes imposed on a people by their government are almost universally regarded as counternormative and not beyond the purview of the international community' (Franck, 1992, p. 83). This is a crucial move as, according to Franck, it renders possible and justifies pro-democratic intervention. Of course, the United States, as an extremely powerful and more-or-less democratic country, is immune from such interference; its sovereignty remains intact.

Anthony D'Amato has also linked human rights and intervention, arguing that rules prohibiting intervention 'do not constitute the real rules of international law but, rather, are quasi-rules, invented by ruling elites to insulate their domestic control against external challenge' (D'Amato, 1990, pp. 522–3). Consequently, sovereignty is no bar to the protection of human rights (D'Amato, 1990, p. 522). Although D'Amato's preference is for multilateral intervention, ideally by the United Nations, his 'bottom line is that ... *any* nation with the will and the resources may intervene to protect the population of another nation against ... tyranny' (D'Amato, 1990, pp. 519–20). Again, D'Amato's argument is inapplicable to the United States, except in so far as it facilitates US interventions elsewhere.

Michael Reisman argues that the term sovereignty 'has had a long and varied history during which it has been given different meanings, hues and tones, depending on the context and the objectives of those using the word' (Reisman, 1990, p. 866). It evolved away from meaning the power and control of a prince over his kingdom, to meaning popular sovereignty, vested in the people and based on human rights. Reisman contended that a coup, putsch or even just corruption of the electoral process constitutes a violation of popular sovereignty and that the traditional idea of sovereignty, which would have prevented intervention by other states, is irrelevant to such situations. Thus, 'a jurist rooted in the late twentieth century can hardly say that an invasion by outside forces to remove the caudillo and install the elected government is a violation of national sovereignty' (Reisman, 1990, p. 871).

Pre-emptive Self-Defence

In international law, the right of self-defence can be used to limit sovereignty at the same time that it is deployed to protect it. It has long been accepted that any state which attacks another state waives its right to the protections of sovereignty, within the limits of necessity and proportionality. But what about an attack that has yet to happen, and may never happen? John Yoo argues that the customary international law right to use force in anticipation of an attack is a 'well-established aspect of the "inherent right" of self-defence' (Yoo, 2003, p. 571), an argument he bases on article 51 of the UN Charter. With the concept of imminence having evolved since the development of nuclear weapons, there is a reformulated, expanded test for pre-emption. Yoo claims that this reformulated test was used to justify the 2003 Iraq War – though, as a justification, it collapsed in the absence of weapons of mass destruction. In any event, an extended right of pre-emptive self-defence is unlikely ever to be used *against* the United States.

Robert Keohane and Allan Buchanan propose a schema for pre-emptive intervention which comprises *ex ante* and *ex post* accountability. Before intervening, states would make an evidence-based claim and agree to submit themselves to evaluation by an impartial body afterwards. If the action proved justified, those states that had not shouldered the risk and costs of intervention would bear 'special responsibility for financial support in rebuilding the country' (Buchanan and Keohane, 2004, p. 14). But if the action were found by the impartial body to have been unjustified, the intervening states would have to provide compensation. Moreover, they would not be allowed to control the political situation in the intervened-in state.

We see several problems with Keohane and Buchanan's schema. Most notably, no state would have the option of opting out or simply disagreeing with the intervention regardless of the outcome, or even just disagreeing over the evaluation. There are shades of 'you're either with us or against us' here. In addition, an impartial, independent body – the UN Security Council – already exists to validate uses of force, though there the veto power of four other countries constrains US power too much for Buchanan and Keohane's purposes. Finally, under this schema, if a group of democratic, 'morally reliable' states wished to intervene in unjustified circumstances they would still be allowed to do so – providing that they paid for the privilege. This surely cannot be right. Clearly, Buchanan and Keohane's schema is underpinned by a statist conception of sovereignty – a selective form of statist sovereignty that enables the United States to retain its sovereignty while facilitating intervention in other, less powerful states.

Writing on his own, Keohane asserts that a neglected element of the decision to intervene is the question of what happens afterwards: 'In the next era of world politics we may observe a new phenomenon: the constructive phase of humanitarian intervention *following* traditional military intervention in self-defence'

(Keohane, 2003, p. 296, emphasis in original). In this context, Keohane argues that we need to unbundle sovereignty so that we can appreciate its gradations. And since sovereignty impedes further interventions to protect minority rights, it is foolhardy to grant unconditional sovereignty to new states with severe ethnic divisions. Instead, sovereignty should be compromised post-intervention to maintain peace and stability and to protect human rights, with a NATO or UN 'proconsul' remaining in charge. Sovereignty would at first be denied, then nominal (legal) sovereignty reintroduced and then domestic governance handed over to locals. Finally, what Keohane terms 'integrated sovereignty' would result, under continued UN oversight.

Importantly, Keohane's unbundling of sovereignty does not apply to all states, and certainly not to the most powerful state. As Martti Koskenniemi points out, 'We deal with military intervention, peace enforcement, or the fight against terrorism in the neutral language of legal rules and humanitarian moralities, and so come to think of it in terms of a policy of a global public realm – forgetting that it is never Algeria that will intervene in France, or Finland in Chechnya' (Koskenniemi, 2002, p. 172). Keohane's unbundling of sovereignty, along with other work, seeks to place the US in the position of deciding which states merit sovereign autonomy and which do not.

Non-governmental Organisations

Traditional conceptions of sovereignty limit this attribute to states, but non-governmental organisations have become an important feature of international affairs. NGOs often seek to challenge state sovereignty while operating in ways which bypass or undermine state power and control. They blur the boundaries between states and their citizens, and between states and the international system. By looking at the literature on NGOs, we can learn a great deal about US conceptions of sovereignty.

Harold Koh and Louis Henkin both highlight how NGOs are altering the values of the international system, and how those values are transferred into national systems. Koh argues: 'Many efforts at human rights norm-internalisation are begun not by nation-states, but by "transnational norm entrepreneurs", private transnational organisations or individuals who mobilise popular opinion and political support within their host country and abroad for development of a universal human rights norm' (Koh, 1999, p. 1409).[4] Such actors operate along vertical rather than horizontal lines, bringing international norms into domestic society though a process of 'interaction, interpretation, and internalisation' (Koh, 1999, p. 1413). However, it is unclear whether Koh believes that NGOs could have succeeded without state acquiescence or support. Crucially the perception of such groups in the US literature is similar to that of lobbyists, at least in terms of their functions, if not their political goals. Such groups are considered to supplement the political process rather than transcend it and consequently pose little threat to the sovereignty of the United States.

Henkin attributes the rise of human rights to a combination of state and NGO efforts after the Second World War. The rights themselves arise out of tensions between state values and human values, 'between attempts to keep commitments modest and pressures to extend them' (Henkin, 1995, p. 184). For Henkin, 'No discussion of enforcement of international norms is complete without stress on the importance of non-governmental contributions to the complex of induce-ments' that motivate state action (Henkin, 1995, p. 222). NGOs create these inducements by disseminating information and mobilising outrage, and thus persuading states to change laws, institutions and practices. But Henkin also sees NGOs as lobbyists rather than legislators, since states are free to decide whether to accept these inducements. Unable to force states to do anything, NGOs have relatively little impact upon sovereignty.

Margaret Keck and Kathryn Sikkink have developed the concept of 'transnational advocacy networks' – 'forms of organisation characterised by voluntary, recipro-cal, and horizontal patterns of communication and exchange' (Keck and Sikkink, 1998, p. 8). Their uniqueness lies in their advocacy, which revolves around 'the centrality of values or principled ideas, the belief that individuals can make a difference, the creative use of information, and the employment ... of sophisticated political strategies in targeting their campaigns' (Keck and Sikkink, 1998, p. 2). The primary tactic employed by transnational advocacy networks is framing (Hunt *et al.*, 1994), whereby they use the 'power of their information, ideas, and strategies to alter the information and value contexts within which states make policies' (Keck and Sikkink, 1998, p. 16). For our purposes, the most significant aspect of this analysis is the 'boomerang pattern' whereby domestic NGOs bypass their state and search out international allies to bring pressure on their states from outside (Keck and Sikkink, 1998, p. 12). Through this tactic, they might seem to be subverting the statist conception of sovereignty. Transnational advocacy net-works certainly believe that 'it is both legitimate and necessary for states or nonstate actors to be concerned about the treatment of the inhabitants of another state' (Keck and Sikkink, 1998, p. 36).

However, any assessment of the role of NGOs depends upon the conception of sovereignty underpinning it. If one expects states to have complete control over political participation and information, then NGOs represent a significant intru-sion on sovereignty. But if one accepts that state control over civil society and public opinion has long been minimal – at least in the West – the achievements of NGOs are less dramatic. The key question is: does influence constitute an expression of sovereignty? For again, the US literature on NGOs treats them as similar to lobbyists, which have never been accused of transgressing state sover-eignty and occupy an accepted position in US politics.

NGOs are not only espousing a different set of values, but they are developing and pursuing ever more aggressive tactics, including litigation. Take Dinah Shelton's work on the use of amicus briefs by NGOs (Shelton, 1994, p. 642). She argues that international cases often have a wider impact than domestic cases because they

provide more persuasive precedents. And most international courts (with the notable exception of the International Court of Justice) enable third parties to make written submissions – providing a valuable point of access for NGOs in a system which is almost entirely limited to states. There are other advantages too: amicus briefs are relatively inexpensive, their authors are not bound by the decision and can re-litigate the same issue elsewhere and they are not restricted to addressing the narrow legal issues of any particular case. But again, NGOs are not assuming the same role as states; instead, they are seeking to influence a system that remains dominated by states. And therefore they are not undermining state sovereignty.

Despite the many claims that NGOs are changing the world, becoming bolder and more effective in their strategies, the continued statism of the international system severely limits their revolutionary potential. Indeed, Julie Mertus questions whether it is right that NGOs have this potential at all, given their questionable democratic status and the extent to which they have been co-opted by states. Transnational civil society has power imbalances which are not widely recognised. For example, most NGOs operate from the top down and, while they can potentially raise the concerns of unheard voices, some 'act in a manner that silences marginalised voices and undermines democratic principles of transparency, accountability and participation' (Mertus, 1999, pp. 212–3). Many NGOs operate in ways that threaten local autonomy, either by believing that they know best, or simply striving to operate within the existing practices of intergovernmental organisations such as the United Nations. As Mertus observes, since 'powerful NGOs designed the "backdoor process" ... they therefore have little incentive to change it' (Mertus, 1999, p. 216). The situation is exacerbated by the growing tendency for NGOs to assume functions which were once the prerogative of states, for 'Once they become a sort of "public service sub-contractor", NGOs are in continual danger of having their local accountabilities and ethical principles compromised by the financial and discursive capacity of states to shape their agendas' (Mertus, 1999, pp. 219–20). For these reasons, NGOs – as described by Mertus and other US scholars – pose little if any threat to state sovereignty.

International Law and US Domestic Law

The peculiarity of US conceptions of sovereignty is brought into sharp relief in academic discussions of the relationship between international law and US domestic law – a relationship that has generated a substantial literature within the United States, not least because of the Alien Tort Claims Act of 1789. This legislation brings international law into US courts, and with it, its potential for curtailing the sovereignty of states.

Alien Tort Claims Act

International law considers some crimes so heinous that perpetrators can be brought to justice wherever they are found. This principle of 'universal jurisdic-

tion' entitles states either to prosecute accused persons or extradite them to another state that will. The Alien Tort Claims Act ('ATCA'), a US piece of legislation, extends the principle of universal jurisdiction to civil litigation, granting jurisdiction over 'any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States' (quoted in Stephens and Ratner, 1996, p. 5). The ATCA was enacted as part of the Judiciary Act of 1789, but was largely ignored until 1980 and the *Filartiga* case, when it was interpreted as providing a course of action in federal courts in cases involving torture committed by officials of foreign governments. In *Filartiga*, the Federal Court of Appeals, Second Circuit, had to resolve several issues, not least the fact that the ATCA was almost 200 years old. It ruled: 'courts must interpret international law not as it was in 1789, but as it has evolved and exists among the nations of the world today' (quoted in Stephens and Ratner, 1996, p. 10). In subsequent cases, other federal courts have accepted this holding. Similarly the court rejected the view that violations committed by states against their citizens are not violations of international law, being 'clearly out of tune with the current usage and practice of international law' (quoted in Stephens and Ratner, 1996, p. 11).

The *Filartiga* approach has been attacked by a number of academics, as well as by the administration of George W. Bush. They argue that the ATCA, instead of applying to all torts committed in violation of international law, should only apply to those acts which violate rights under US law. However, in July 2004, in *Sosa* v. *Alvarez-Machain*, the US Supreme Court rejected this attempted reinterpretation. In fact, despite fears that *Filartiga* would unleash a flood of litigation, 'only a handful of cases have sustained jurisdiction under the ATCA in the years since the *Filartiga* decision' (Stephens and Ratner, 1996, p. 20). Beth Stephens, a supporter of the *Filartiga* approach, writes: 'One must hope that as they become more familiar with the concepts of international law, US courts will begin to accept international law arguments in a wider range of cases' (Stephens, 1995–6, p. 200).

Harold Koh – another supporter, and the Dean of Yale Law School – offers a theory of transnational public law litigation that focuses on the attempts of both state and non-state entities to adjudicate human rights cases, and the arising overlaps between domestic and international law (Koh, 1990–1). Although 'United States courts routinely applied international law in domestic cases' during the mid-to-late nineteenth century (Koh, 1990–1, p. 2353), more recently two factors have impeded the importation of international law. First, the doctrine of non-self-executing treaties (that is, treaties which must be implemented by statute to acquire domestic legal effect) has been invoked. However, Koh argues that the Supremacy Clause in the US Constitution, which makes treaties the supreme law of the land, does not distinguish between self-executing and non-self-executing treaties.

The second factor identified by Koh is the Act of State doctrine, solidified in *Banco Nacional de Cuba* v. *Sabbatino*, where the US Supreme Court indicated that

national courts lack judicial competence to inquire into the legality of acts by foreign states. The *Sabbatino* ruling cast 'a profound chill upon the willingness of United States domestic courts to interpret or articulate norms of international law' (Koh, 1990–1, p. 2363). However, two important trends arose in the late 1970s to counteract this: a growing public acceptance that federal courts should restructure wrongful systems; and an unprecedented growth in transnational commercial litigation, with federal courts increasingly deciding cases brought by individuals and private entities against foreign governments. This led to the question: 'if contracts, why not torture?' (Koh, 1990–1, p. 2365). The two trends came together in the *Filartiga* case.

The history and current interpretation of the ATCA clearly shows the prevalence of a popular conception of sovereignty in US academic discourse. Consider, for instance, the impact on Paraguayan sovereignty of the *Filartiga* case, where the defendant had been a police chief at the time of the torture. However, the ATCA does *not* apply to the US government or its officials as defendants (because of 'sovereignty immunity' and the 'political questions doctrine'), nor to acts committed within the United States. So supporters of the ATCA are in no way challenging the sovereignty of the United States. For this reason, one might ask why the Bush administration and some academics regard the *Filartiga* line of cases as a threat. As the following section suggests, it is not just sovereignty they perceive to be threatened, but the balance of power between the federal government and the constituent states of the United States.

International Law as US Law

Curtis Bradley and Jack Goldsmith argue against what they refer to as the 'modern position', which Bradley defines as 'the proposition that customary international law has the status of federal common law' – and therefore pre-empts inconsistent state law (Bradley, 1998, p. 809). Bradley claims that one of the modern position's central arguments, that customary international law had the status of federal law in the nineteenth century, is false. Instead, the relevant precedent is *Erie Railroad* v. *Tompkins* (1938), which the modern position contradicts. According to Bradley, *Erie* was significant because it rejected two principles which had previously underpinned the jurisprudence: that federal courts can apply law not derived from a sovereign source, and that courts merely discover the common law rather than make it. Thus, to Bradley, *Erie* ended the debate as to whether customary international law is federal law, and whether federal courts can apply customary international law which has not been incorporated by the political branches.

Bradley and Goldsmith are particularly concerned about what they identify as 'new' customary international law, which arose mainly in the twentieth century, predominantly concerns human rights, and is 'less consensual and less objective than traditional customary international law, and ... more likely to conflict with

domestic law' (Bradley, 1998, p. 822). More to the point, they fear that this new law will 'regulate many areas that were formerly of exclusive domestic concern' (Bradley and Goldsmith, 1997, p. 821).

From a similar political standpoint, John Yoo and Eric Posner argue that the US Constitution recognises no judicial body as superior to the Supreme Court, and that this renders international courts irrelevant. Yoo and Posner even write that the International Court of Justice 'insults American sovereignty by attempting to bypass the executive branch, which is constitutionally charged with conducting foreign policy for the nation' (Posner and Yoo, 2004). They are particularly incensed that the Federal Republic of Yugoslavia could bring a case against the United States during the 1999 Kosovo intervention, despite the fact that the case was dismissed on jurisdictional grounds. Curiously, this disdain for international law does not extend however to the Security Council – presumably because of the US veto – since Yoo relies on Council resolutions to justify the 2003 Iraq War (see Yoo, 2003). In any event, it is clear that Goldsmith, Bradley, Yoo and Posner subscribe to a statist conception of sovereignty, or at least US sovereignty. But what of those who oppose their views?

Koh disagrees that allowing treaties to have direct effect in US law is an affront to US sovereignty:

> if one uses 'sovereignty' in the modern sense of that term – a nation's capacity to participate in international affairs – I would argue that the selective internalisation of international law into US law need not affront US sovereignty. To the contrary ... the process of visibly obeying international norms builds US 'soft power', enhances its moral authority, and strengthens US capacity for global leadership in a post-September 11 world (Koh, 2002–3, p. 1479).

Koh argues that the desire to remain unfettered by international law is 'ultimately ... more America's loss than that of the world' (Koh, 2002–3, p. 1485) because it means that the United States rarely gets credit for the good it does, including by providing leadership on democracy and human rights. Moreover, 'by opposing the global rules, the United States can end up undermining the legitimacy of the rules themselves ... [and] disempower itself from invoking those rules, at precisely the moment when it needs those rules to serve its own national purposes' (Koh, 2002–3, p. 1487). Although he has a positive view of international law, we should note that Koh focuses on the law's ability to reinforce US power and thus, presumably, its sovereignty – or at least its ability not to worry about the negative consequences of diminished or shared sovereignty.

Koh believes the correct reading of *Erie* and *Sabbatino* is that federal courts retain legitimate authority to treat established rules of customary international law as federal common law: 'Far from being novel, the "modern position" is actually a long-accepted, traditional reading of the federal courts' function. Both before and after *Erie*, the federal courts issued rulings construing the law of nations. *Erie* never intended to alter or disrupt that practice' (Koh, 1997–8, p. 1841). 'At bottom', Koh

argues, 'Bradley and Goldsmith's complaint reduces to this: "unelected federal judges apply customary international law made by the world community at the expense of state prerogatives" ' (Koh, 1997–8, p. 1852). And to this he responds: 'So what else is new?' (Koh, 1997–8, p. 1852). Moreover, 'Bradley and Goldsmith nowhere explain why explicit federal legislation – a process notoriously dominated by committees, strong-willed individuals, collective action problems, and private rent-seeking – is invariably more democratic than the judge-driven process they criticize' (Koh, 1997–8, p. 1854).

On the issue of a 'new' and subversive customary international law, Koh replies that there is 'no clear line [which] separates the "old" from the "new" customary international law because both have influenced American law through precisely the same transnational legal process' (Koh, 1997–8, p. 1859). Moreover, since the United States has long been the most influential country in the making of customary international law, including in the human rights field, it is hardly being forced into positions it opposes. But Koh, Bradley and Goldsmith, despite their differences, share a statist conception of US sovereignty. They simply differ in their assessments of where US interests lie.

The Anti-internationalists

Bradley and Goldsmith are also prominent contributors to a growing body of literature that seeks to protect US sovereignty from the constraints of international law. This literature and its proponents have come to the fore since 9/11, reflecting the changed political climate. There are several strands to this literature. As we have already seen, there is a body of writing concerning the status of international law within the US legal system. Second, there is a body of literature that applies game theory, or rational choice approaches, to distinguish between traditional international law (law of the sea, diplomatic immunity) and modern international law (human rights, international criminal law) and argue that only the former counts as real international law which binds the United States. Finally, there is a body of literature which denies that international law is law, especially those rules which purport to constrain US military force. Collectively, we label these scholars the 'anti-internationalists',[5] and they are unapologetically committed to the statist sovereignty of the United States.

Rational Choice

Rational choice theory has gained a following across numerous academic disciplines, especially in the United States, including among the anti-internationalists. Following basic rational choice precepts, Jack Goldsmith and Eric Posner argue that 'international law emerges from states acting rationally to maximise their interests, given their perceptions of the interests of other states and the distribution of state power' (Goldsmith and Posner, 2005, p. 3). At the same time, they

exclude a preference for obeying international law from their composite of state preferences from which they infer interests. This they do for two reasons. First, it is 'unenlightening' (Goldsmith and Posner, 2005, p. 10) to explain compliance in terms of a preference for obeying international law. Second, a preference for compliance is dependent upon what citizens and leaders are 'willing to pay in terms of other things that they care about', such as security or economic growth. Goldsmith and Posner assert that people 'care about these latter goods more intensely than they do about international law compliance' (Goldsmith and Posner, 2005, p. 10). Thus any theory of international law must show why states comply, rather than just assuming that they have a preference for so doing.

In common with other anti-internationalists, Goldsmith and Posner argue that an overly optimistic idea of the power and potential of international law can be a dangerous thing, encouraging states to sacrifice elements of their sovereignty, adopt multilateralism and compromise their ability to act independently. In echoing realist international relations theory, Goldsmith and Posner place survival at the apex of state preferences, closely followed by the strengthening of US business and the protection of US jobs. They manifest no concern for the welfare of people overseas (Goldsmith and Posner, 2005, p. 216). For Goldsmith and Posner, the world is fairly simple: states comply for instrumental reasons; the task at hand is the elucidation of those interests, and here rational choice can assist. Their conception of sovereignty is, again, entirely statist.

Andrew Guzman also uses a rational choice approach, though for him the self-interest of states is manifested primarily as reputation. A good record of obeying international law and abiding by international agreements has, as its pay-off, an increased willingness on the part of other states to cooperate. As a result, 'We can no longer be satisfied with the simple conclusion that *the* ordering principle of the international legal order is *pacta sunt servanda*, the principle that "treaties are to be obeyed" ' (Guzman, 2002, p. 1887, emphasis in original). And yet Guzman's approach, while more nuanced and less anti-internationalist than Goldsmith and Posner's, shares its adherence to a statist conception of sovereignty.

Is International Law Really Law?

A final strand of the anti-internationalist literature denies that international law is really law and therefore should not bind the US at all. This school of thought focuses primarily on the law regulating the use of force, and is motivated by a desire that nothing whatsoever should stand in the way of US sovereignty, including its sovereign right to assert itself abroad.

Michael Glennon argues that, since the 1999 Kosovo intervention, the rules concerning the use of force are 'no longer regarded as obligatory by states' and 'the [UN] Charter's use-of-force regime has all but collapsed' (Glennon, 2001–2, p. 540; Glennon, 2001). The international system has become split into a *de jure*

system where 'illusory rules' govern the use of force and a *de facto* system where states follow self-interest and the legal rules are all but ignored. Maintaining the fiction that states are constrained by international rules is, according to Glennon, more dangerous than having no rules at all because it engenders a false sense of security.

Glennon argues that the United States and NATO have decided to follow a 'vague new system that is much more tolerant of military intervention but has few hard and fast rules' (Glennon, 1999, p. 2). In essence, the US and other powerful Western states may act as they choose, bound only by rules they have created. But we should not mourn the death of the old system, for it was incapable of recognising a simple truth: that the core threat to international security comes not from inter-state violence, but from state-sponsored terrorism (Glennon, 1999, pp. 2–3). In this context, 'The risks posed by a universal system that provides no escape from lawfully centralised coercion remain greater than the risks of a system that lacks coercive enforcement mechanisms' (Glennon, 1999, p. 5). Glennon does offer an alternative, however: an acceptance that states are not equal in power, wealth or their commitment to human rights, and that some are less sovereign than others. Securing justice requires power, not law, though if 'power is used to do justice, law will follow' (Glennon, 1999, p. 7).

In a *Wall Street Journal* Op-Ed in 1997, John Bolton, who was then a Fellow of the American Enterprise Institute and later US Ambassador to the United Nations, wrote: 'Treaties are law only for US domestic purposes' and that, 'In their international operation, treaties are simply political obligations'.[6] In other words, unless a treaty has been implemented by legislation, it is simply a political consideration and may be ignored. The same approach is evident in Bolton's take on the International Criminal Court, which he rejects on the basis of sovereignty and the separation of powers doctrine. Similarly, Bolton believes that what is at stake in the debate over the United Nations is 'the basic principle underlying constitutional representative government: legitimate sovereignty ultimately rests with the citizens' (Bolton, 2000). Thus Bolton's approach, like that of the other anti-internationalists, has popular elements that – with regard to the United States at least – work to reinforce a strongly statist conception of sovereignty.

Although it is easy to score points off Bolton, his central argument needs to be addressed. Is the international system simply about power? Does might make right? Why is it not in the interest of the United States to acquire what it wants, however it can, regardless of international law? At present critics respond to the argument in moral terms, but this is a weak defence because Bolton's argument is implicitly moral. Those who argue that it is in the self-interest of the United States to garner world support rely upon the assumption that the United States needs that support. This, Bolton *et al.* deny.

Jeremy Rabkin likewise believes that international politics cannot be constrained by international law and that it is dangerous to allow restrictions on what could

be entirely legitimate actions, such as anticipatory self-defence. Any supposition that there could be an underlying consensus which renders force unnecessary is greatly mistaken (Rabkin, 2004, p. 7) and the US 'will not entrust its security to "authorities" that have no means of protecting the United States' (Rabkin, 2004, p. 11). Since international authority cannot compel the deployment of forces it cannot protect nations when needed; international organisations simply cannot perform the functions of states. Yet Rabkin insists that unfettered US sovereignty should not be feared; indeed he doubts that the world is scared of America. Most importantly, Rabkin considers sovereignty to be a good thing: it can promote peace among states but it can also enable people within a particular state to focus on how to improve their state without the distraction of intervention.

We thus see several elements in the anti-internationalist conception of sovereignty. First, there is an overriding concern that international law should not impede US actions. Any attempts to impose international rules upon the United States are mistaken and ill-conceived. Second, rational choice theory is used to prove the conditionality of states' compliance with international law: such compliance is neither automatic nor guaranteed. States will defect if it is in their interest to do so. Both these elements lead to the questioning of whether international law is really law. According to this school of thought, international law is little more than wishful thinking and incapable of meeting the demands of international politics. All the anti-internationalists share the same underlying cynicism about the ability of law to constrain power. In the end, their conception of US sovereignty involves little more than that – unadulterated, overwhelming power.

Some Tentative Conclusions

John Jackson explains that debates about sovereignty are really debates about allocations of power and that a discourse of sovereignty is adopted to conceal what is really a discourse about power. Thus, 'most of the sovereignty objections of joining an international treaty are arguments about the allocation of power among different levels of different human institutions, mostly governmental' (Jackson, 1998, p. 160). The sovereignty discourse is used because it has an emotional appeal, often in a 'blunt and undifferentiated way as a surrogate argument by opponents of some government proposal' (Jackson, 1998, p. 187).

The link between sovereignty and discourses of power might usefully be illuminated by a consideration of the early days of the American Republic, when considerable value was ascribed to international law. This was mainly because of the United States' relative weakness compared to other nations – America was glad of the protections afforded by international rules. The United States also promoted several developments in international law – such as the right to self-defence as an exception to the unlimited legality of war, and the law of maritime neutrality – to protect it against being drawn into conflict with

European powers. During the same period, Congress adopted the Alien Tort
Claims Act and the US Supreme Court produced a series of pro-international law
judgments.

After the Second World War, the United States sought to develop international
law and international institutions in furtherance of its new-found status as the
world's most powerful country. It led the development of the United Nations,
World Bank and International Monetary Fund, as well as instruments such as the
Geneva Conventions, Genocide Convention, Universal Declaration of Human
Rights and General Agreement on Tariffs and Trade. Indeed, for much of its
history the United States has supported multilateral rules and institutions, recog-
nising that involvement equals influence, and that rules and institutions can
facilitate as well as constrain.

Yet there are distinctive elements of the American psyche, identified early on
by Alexis de Tocqueville, which would seem to influence how Americans con-
ceptualise sovereignty today. Most important of these is the celebration of
popular sovereignty within the United States. As Tocqueville saw it, Americans
essentially did rule themselves, so weak and restricted was government, and so
aware of its popular origins: 'The people reign over the American political
world as God rules over the universe. It is the cause and the end of all things;
everything rises out of it and is absorbed back into it' (Tocqueville, 1969, p. 60).
As a consequence, the US Constitution is considered – not just by John Bolton
– to be superior to international law.

A corollary element is the high level of political activism among ordinary
Americans, which Tocqueville called 'a restless activity, superabundant force, an
energy never found elsewhere' (Tocqueville, 1969, p. 244). A historic suspicion
of government, particularly the federal government, helps explain the anti-
internationalists' opposition to international law as federal law, and to supra-
national institutions especially. Tocqueville also observed that the state and federal
systems constituted 'two distinct social structures ... In a word, there are twenty
four [now 50] little sovereign nations who together form the United States'
(Tocqueville, 1969, p. 61). Suspicion of federal government was reinforced by the
parochialism of American life where an individual's primary allegiance was to
their township, then to county, then to state, and only in the last instance to the
United States. All the more reason for today's anti-internationalists to reject
treaties and customary international law that could override the sovereign rights
of the individual constituent states!

An additional explanation for the suspicion of government was provided by
Frederick Jackson Turner, who argued that the frontier fundamentally shaped
American identity (Turner, 1937). For Turner, the frontier was a region of
complete freedom where people were forced to be self-reliant and innovative,
creating their own social and political institutions beyond the reach of law or
government. The 'frontier thesis' helps to explain the American suspicion of

authority, especially authority imposed from the outside, as today's anti–internationalists perceive international institutions and international law to be. Of additional interest is the fact that Turner presented his thesis just as the American frontier was ceasing to exist. In this new context, the need to grow and conquer that was central to his thesis meant that the United States had to expand overseas. And this new frontier, by definition, had to be devoid of law or government.

Americans are also highly patriotic. As Tocqueville observed, 'The American, taking part in everything that is done in his country, feels a duty to defend anything criticised there, for it is not only his country that is being attacked, but himself' (Tocqueville, 1969, p. 237). This 'irritable patriotism' (Tocqueville, 1969, p. 2437) produces a national pride which Tocqueville saw as 'not only greedy but also restless and jealous ... both mendicant and querulous' (Tocqueville, 1969, p. 612). Tocqueville analysed the constant need to reaffirm the rectitude of the American way of life as a sign of insecurity, though it is possible that the continual assertion of the superiority of the American way of life has since moved beyond insecurity into unthinking arrogance.

The end of the Cold War created an unprecedented opportunity for countries to transcend statist conceptions of sovereignty. The UN Security Council's autho–rising of the 1991 Gulf War gave legitimate hope that a 'new world order' (to quote President George H.W. Bush) was possible, based on multilateral decision-making and the rule of law. What has emerged instead is American unipolarity and a slide towards disorder, partly – though not exclusively – as a result of the second Bush administration's response to the terrorist attacks of 11 September 2001. The administration used the fear and patriotism generated by the attacks to pursue political and legal changes that certain of its members had long desired, as evidenced by the Project for the New American Century. It helped too that the morality which has always been implicit in American political discourse increased in strength and stridency during this period – partly as a result of the language and actions of President George W. Bush himself.

Although a belief in self–government, popular sovereignty and its own moral superiority might push the United States to expand, a suspicion of big govern–ment and a preference for the parochial would seem to push it toward isolation. These two countervailing tendencies have shaped US foreign policy for centu–ries. They necessarily shape contemporary US conceptions of sovereignty.

We suspect that the dichotomous nature of US conceptions of sovereignty can be explained – at least partly – by these elements of the American psyche. On the one hand, self-belief, a 'can–do' attitude and a conviction that others deserve popular sovereignty also, combine to generate a belief that the United States can and should intervene, and that interventions are invariably beneficial to recipient countries. In America's perception of itself, the US national interest hardly ever appears. On the other hand, the isolationist tendency and the belief in self–government combine to generate a belief that American sovereignty may never

be compromised. Thus, ideology, activism and arrogance permit and justify intervention in other states while the absolute privileging of US self-government – as opposed to the *relative* privileging of self-government elsewhere – prevents interference by outside actors in US affairs and makes Americans instinctively suspicious of international institutions and international law.

The bifurcated nature of the American psyche would thus seem to have contributed to a bifurcated conception of sovereignty, a conception that we have traced through the recent writings of a number of US scholars of international relations and international law. Regardless of whether they evince a statist or popular conception of sovereignty, and regardless of whether they support or oppose international law and international institutions, they almost never suggest that the sovereignty of the United States should be compromised. The sovereignty to be delegated, 'unbundled' or otherwise undermined is nearly always that of other states. Further, the moralistic overtones of US foreign policy have influenced – and in turn been influenced by – an assumption that the United States acts altruistically. It intervenes for the good of others, for it is simply not a part of the American identity that the United States could be exploitative or imperial. For non-Americans, at least, it is difficult to reconcile this apparent selflessness with what, on close examination, seems to be an entirely self-serving approach to sovereignty – until we understand that the two conceptions are but different sides of a single coin.

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Notes

1 Post-positivists would argue that actors are not capable of being entirely rational about their interests and circumstances.

2 It is clear that this type of liberalism has relatively little in common with classic liberal theorists, such as Locke or J. S. Mill.

3 Since 9/11 the academic literature on military intervention has moved away from discussions of humanitarian intervention and towards work on pre-democratic intervention and pre-emptive self-defence. For this reason, and reasons of space, we limit our discussion here to the two latter forms of intervention.

4 Koh's argument accords with Margaret Keck and Kathryn Sikkink's analysis of transnational issue or transnational advocacy networks – as discussed below.

5 For a scathing review of the anti-internationalists, see Spiro (2000).

6 Quoted in International Relations Centre, Profile of John R. Bolton, available at http://rightweb.irc-online.org/ind/Bolton/bolton.php [accessed 1 October 2005].

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Introduction
On Dangers and Their Interpretation

On August 2, 1990, Iraq became a danger to the United States. For many, this was obvious—nothing could be more real and less disputable than an invasion of one country by another. Even though it was not the United States that had been invaded, this deed was regarded as a fact that could be observed and a danger that could be understood. Yet, without denying the brutality of such an action, the unproblematic status with which this episode is endowed deserves analysis. After all, an event of this kind (particularly one so distant from America)[1] does not in and of itself constitute a danger, risk, or threat. It was possible for the leadership of the United States to have concluded that no matter how much it disapproved of the turn of events, the situation did not demand a full-scale response, and the initial period of what later became understood as a crisis was taken up with political debates over how and to what extent the United States should commit itself to act. Indeed, there have been any number of examples in which similar "facts" were met with a very different American reaction: only a decade earlier, the Iraqi invasion of Iran (an oil-producing state like Kuwait) brought no apocalyptic denunciations or calls to action, let alone a military response, from the United States.

Danger is not an objective condition. It [*sic*] is not a thing that exists independently of those to whom it may become a threat. To illustrate this, consider the manner in which the insurance industry assesses risk. In François Ewald's formulation, insurance is a technology of risk the principal function of which is not compensation or reparation, but rather the operation of a schema of rationality distinguished by the calculus of probabilities. In insurance, according to this logic, danger (or, more accurately, risk) is "neither an event nor a general

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kind of event occurring in reality... but a specific mode of treatment of certain events capable of happening to a group of individuals." In other words, for the technology of risk in insurance, "Nothing is a risk in itself; there is no risk in reality. But on the other hand, anything *can* be a risk; it all depends on how one analyzes the danger, considers the event. As Kant might have put it, the category of risk is a category of the understanding; it cannot be given in sensibility or intuition."[2] In these terms, danger is an effect of interpretation. Danger bears no essential, necessary, or unproblematic relation to the action or event from which it is said to derive. Nothing is intrinsically more dangerous for insurance technology than anything else, except when interpreted as such.

This understanding of the necessarily interpretive basis of risk has important implications for international relations. It does not deny that there are "real" dangers in the world: infectious diseases, accidents, and political violence (among others) have consequences that can literally be understood in terms of life and death. But not all risks are equal, and not all risks are interpreted as dangers. Modern society contains a veritable cornucopia of danger; indeed, there is such an abundance of risk that it is impossible to objectively know all that threatens us.[3] Those events or factors that we identify as dangerous come to be ascribed as such only through an interpretation of their various dimensions of dangerousness. Moreover, that process of interpretation does not depend on the incidence of "objective" factors for its veracity. For example, HIV infection has been considered by many to be America's major public health issue, yet pneumonia and influenza, diabetes, suicide, and chronic liver disease have all been individually responsible for many more deaths.[4] Equally, an interpretation of danger has licensed a "war on (illegal) drugs" in the United States, despite the fact that the consumption level of (and the number of deaths that result from) licit drugs exceeds by a considerable order of magnitude that associated with illicit drugs. And "terrorism" is often cited as a major threat to national security, even though its occurrence within the United States is minimal (notwithstanding the bombings in Oklahoma City and at the World Trade Center in New York) and its contribution to international carnage minor.[5]

Furthermore, the role of interpretation in the articulation of danger is not restricted to the process by which some risks come to be considered more serious than others. An important function of interpretation is the way that certain modes of representation crystallize around referents marked as dangers. Given the often tenuous relationship between an interpretation of danger and the "objective" inci-

dence of behaviors and factors thought to constitute it, the capacity for a particular risk to be represented in terms of characteristics reviled in the community said to be threatened can be an important impetus to an interpretation of danger. As later chapters will demonstrate, the ability to represent things as alien, subversive, dirty, or sick has been pivotal to the articulation of danger in the American experience.

In this context, it is also important to note that there need not be an action or event to provide the grounds for an interpretation of danger. The mere existence of an alternative mode of being, the presence of which exemplifies that different identities are possible and thus denaturalizes the claim of a particular identity to be *the* true identity, is sometimes enough to produce the understanding of a threat.[6] In consequence, only in these terms is it possible to understand how some acts of international power politics raise not a whit of concern, while something as seemingly unthreatening as the novels of a South American writer can be considered such a danger to national security that his exclusion from the country is warranted.[7] For both insurance and international relations, therefore, danger results from the calculation of a threat that objectifies events, disciplines relations, and sequesters an ideal of the identity of the people said to be at risk.

These qualities of danger were evident in the Persian Gulf crisis. In announcing that the United States was sending military forces to Saudi Arabia, President Bush declared: "In the life of a nation, we're called upon to define who we are and what we believe."[8] By manifestly linking American identity to danger, the president highlighted the indispensability of interpretation to the determination of a threat, and tacitly invoked the theme of this study: that the boundaries of a state's identity are secured by the representation of danger integral to foreign policy.

The invasion of Kuwait is not the subject of this book. But it does serve as a useful touchstone by which to outline some of the assumptions undergirding this study. Consider, for example, this question: How did the Iraqi invasion become the greatest danger to the United States? Two answers to this question seem obvious and were common. Those indebted to a power-politics understanding of world politics, with its emphasis on the behavior of states calculated in rational terms according to the pursuit of power, understood the invasion to be an easily observable instance of naked aggression against an independent, sovereign state. To those indebted to an economistic understanding, in which the underlying forces of capital accumulation are determinative of state behavior, the U.S.-led response, like the Iraqi

invasion, was explicable in terms of the power of oil, markets, and the military-industrial complex.

Each of these characterizations is surely a caricature. The range of views in the debate over this crisis was infinitely more complex than is suggested by these two positions; there were many whose analyses differed from those with whom they might normally be associated, and indebtedness to a tradition does not determine one's argument in every instance. But the purpose of overdrawing these positions (which we might call, in equally crude terms, realist and Marxist) is to make the point that although each is usually thought to be the antinomy of the other, they both equally efface the indispensability of interpretation in the articulation of danger. As such, they share a disposition from which this analysis differs. Committed to an *epistemic realism*—whereby the world comprises objects whose existence is independent of ideas or beliefs about them—both of these understandings maintain that there are material causes to which events and actions can be reduced. And occasioned by this epistemic realism, they sanction two other analytic forms: a *narrativizing historiography* in which things have a self-evident quality that allows them to speak for themselves, and a *logic of explanation* in which the purpose of analysis is to identify those self-evident things and material causes so that actors can accommodate themselves to the realm of necessity they engender.[9] Riven with various demands, insistences, and assertions that things "must" be either this or that, this disposition is the most common metatheoretical discourse among practitioners of the discipline of international relations.[10]

But there are alternative ways to think, and this book exhibits a commitment to one of them. Contrary to the claims of epistemic realism, I argue that as understanding involves rendering the unfamiliar in the terms of the familiar, there is always an ineluctable debt to interpretation such that there is nothing outside of discourse. Contrary to a narrativizing historiography, I employ a mode of historical representation that self-consciously adopts a perspective. And contrary to the logic of explanation, I embrace a logic of interpretation that acknowledges the improbability of cataloging, calculating, and specifying the "real causes," and concerns itself instead with considering the manifest political consequences of adopting one mode of representation over another.

As such, my argument is part of an emerging dissident literature in international relations that draws sustenance from a series of modern thinkers who have focused on historically specific modes of dis-

course rather than the supposedly independent realms of subjects and objects.[11] Starting from the position that social and political life comprises a set of practices in which things are constituted in the process of dealing with them, this dissent does not (and does not desire to) constitute a discrete methodological school claiming to magically illuminate the previously dark recesses of global politics. Nor is it the dissent of a self-confident and singular figure claiming to know the error of all previous ways and offering salvation from all theoretical sin. Rather, this form of dissent emerges from a disparate and sometimes divergent series of encounters between the traditions of international relations and theories increasingly prominent in other realms of social and political inquiry. It is a form of dissent that celebrates difference: the proliferation of perspectives, dimensions, and approaches to the very real dilemmas of global life. It is a form of dissent that celebrates the particularity and context-bound nature of judgments and assessments, not because it favors a (so-called) relativist retreat into the incommensurability of alternatives, but because it recognizes the universalist conceits of all attempts to force difference into the straitjacket of identity.[12] It is a form of dissent skeptical—but not cynical—about the traditions of international relations and their claims of adequacy to reality. It is a form of dissent that is not concerned to seek a better fit between thought and the world, language and matter, proposition and fact. On the contrary, it is a form of dissent that questions the very way our problems have been posed in these terms and the constraints within which they have been considered, focusing instead on the way the world has been made historically possible.[13]

Consequently, in attempting to understand the ways in which United States foreign policy has interpreted danger and secured the boundaries of the identity in whose name it operates, this analysis adopts neither a purely theoretical nor a purely historical mode. It is perhaps best understood in terms of a history of the present, an interpretative attitude suggested by Michel Foucault.[14] A history of the present does not try to capture *the* meaning of the past, nor does it try to get *a* complete picture of the past as a bounded epoch, with underlying laws and teleology. Neither is a history of the present an instance of presentism—where the present is read back into the past—or an instance of finalism, that mode of analysis whereby the analyst maintains that a kernel of the present located in the past has inexorably progressed such that it now defines our condition. Rather, a history of the present exhibits an unequivocally contemporary orientation. Beginning with an incitement from the present—an acute man-

ifestation of a ritual of power — this mode of analysis seeks to trace how such rituals of power arose, took shape, gained importance, and effected politics.[15] In short, this mode of analysis asks how certain terms and concepts have historically functioned within discourse.

To suggest as much, however, is not to argue in terms of the discursive having priority over the nondiscursive. Of course, this is the criticism most often mounted by opponents to arguments such as this, understandings apparent in formulations like "if discourse is all there is," "if everything is language," or "if there is no reality."[16] In so doing they unquestioningly accept that there are distinct realms of the discursive and the nondiscursive. Yet such a claim, especially after the decades of debates about language, interpretation, and understanding in the natural and social sciences, is no longer innocently sustainable. It can be reiterated as an article of faith to rally the true believers and banish the heretics, but it cannot be put forward as a self-evident truth. As Richard Rorty has acknowledged, projects like philosophy's traditional desire to see "how language relates to the world" result in "the impossible attempt to step outside our skins — the traditions, linguistic and other, within which we do our thinking and self-criticism — and compare ourselves with something absolute."[17] The world exists independently of language, but we can never *know* that (beyond the fact of its assertion), because the existence of the world is literally inconceivable outside of language and our traditions of interpretation.[18] In Foucault's terms, "We must not resolve discourse into a play of pre-existing significations; we must not imagine that the world turns toward us a legible face which we would only have to decipher; the world is not the accomplice of our knowledge; there is no prediscursive providence which disposes the world in our favour."[19]

Therefore, to talk in terms of an analysis that examines how concepts have historically functioned within discourse is to refuse the force of the distinction between discursive and nondiscursive. As Laclau and Mouffe have argued, "The fact that every object is constituted as an object of discourse has *nothing to do* with whether there is a world external to thought, or with the realism/idealism opposition . . . What is denied is not that . . . objects exist externally to thought, but the rather different assertion that they could constitute themselves as objects outside of any discursive condition of emergence."[20] This formulation seeks neither to banish arguments that authorize their positions through reference to "external reality," nor to suggest that any one representation is as powerful as another. On the contrary, if we think in terms of a discursive economy — whereby discourse (the represen-

tation and constitution of the "real") is a managed space in which some statements and depictions come to have greater value than others—the idea of "external reality" has a particular currency that is *internal* to discourse. For in a discursive economy, investments have been made in certain interpretations; dividends can be drawn by those parties that have made the investments; representations are taxed when they confront new and ambiguous circumstances; and participation in the discursive economy is through social relations that embody an unequal distribution of power. Most important, the effect of this understanding is to expand the domain of social and political inquiry: "The main consequence of a break with the discursive/extra-discursive dichotomy is the abandonment of the thought/reality opposition, and hence a major enlargement of the field of those categories which can account for social relations. Synonymy, metonymy, metaphor are not forms of thought that add a second sense to a primary, constitutive literality of social relations; instead, they are part of the primary terrain itself in which the social is constituted."[21] The enlargement of the interpretive imagination along these lines is necessary in order to account for many of the recent developments in world politics, and (as chapter 1 will show) to understand the texts of postwar United States foreign policy.

In the form of a history of the present, then, this analysis begins from the incitement of "the end of the cold war," a period that is thought to portend a qualitative change in world politics. For many, the dangers of the past are a thing of the past. But one does not have to deny that world politics exhibits considerable novelty at this juncture to appreciate that United States foreign policy recognizes a range of new dangers that might occupy the place of the old. The European revolutions of 1989 and their consequences; "new global issues" such as the environment; the interpretation of drug use and trafficking as a national security issue; the representation of Japan and Germany as economic threats to security; an awareness of disease, migration, and other population issues as sources of external threat; a renewed focus on the "Third World" as the primary source of danger; the vigilance that is exercised toward new forms of violence such as "terrorism" or "Islamic fundamentalism"; and a general disquiet about the pervasive nature of ambiguity and uncertainty—all these orientations to the world stand as dangers that seem to challenge the long-standing and well-established modes of interpretation associated with the cold war.

For the most part, however, these developments have been represented in ways that do not depart dramatically from those dominant

during the cold war. To be sure, they are not represented as being re-
ducible to Soviet behavior. But these challenges are represented as dan-
gers, located in an external and anarchic environment, which threaten
the security of an internal and domestic society, often via recourse to
violence. This provokes a question: What functions have difference,
danger, and otherness played in constituting the identity of the United
States as a major actor in international politics? To pose the question
in these terms is a little misleading, for it is not intended to suggest
either that it is a strict functional requirement of American identity
that difference and danger be articulated as otherness, or that only
certain groups or phenomena can be other. As Foucault argued with
respect to the confinement of the insane and the repression of certain
sexual practices in the nineteenth century, these were not functionally
the result of or required by bourgeois domination. The bourgeoisie
was interested not in the mad or the phenomenon of infantile mas-
turbation but in the procedural system through which such exclu-
sions and controls were effected.[22] In other words, groups or practices
other than those targeted could have been the objects of surveillance
and discipline, while those that were targeted could have been toler-
ated if not accepted.

In this context, for the United States, the current period in world
politics can be understood as being characterized by the representa-
tion of novel challenges in terms of traditional analytics, and the var-
ied attempts to replace one enemy with (an)other. In consequence,
the argument to be made here suggests that we need a more radical
response to these challenges: a response directed at the modes of in-
terpretation that make these challenges available for apprehension,
the strategies and tactics by which they are calculated as dangers, and
the means by which they come to be other.

Addressing the issue of the roles danger and difference play in
constituting the identity of the United States involves a deconstruction
of conventional political discourse and its self-presentation, especially
that effected in the practice and analysis of both international relations
and foreign policy. In reorienting analysis from the concern with the
intentional acts of pregiven subjects to the problematic of subjectivity,
this argument proposes that United States foreign policy be under-
stood as a political practice central to the constitution, production, and
maintenance of American political identity. In order to delineate more
precisely the relationship between foreign policy and political iden-
tity, this argument is predicated on a reconceptualization of under-
standings to which the conventional view of international relations

and foreign policy is deeply indebted — most specifically, a reconceptualization of identity and the state.

Identity and the State

Identity is an inescapable dimension of being. No body could be without it. Inescapable as it is, identity — whether personal or collective — is not fixed by nature, given by God, or planned by intentional behavior. Rather, identity is constituted in relation to difference. But neither is difference fixed by nature, given by God, or planned by intentional behavior. Difference is constituted in relation to identity.[23] The problematic of identity/difference contains, therefore, no foundations that are prior to, or outside of, its operation. Whether we are talking of "the body" or "the state," or of particular bodies and states, the identity of each is performatively constituted. Moreover, the constitution of identity is achieved through the inscription of boundaries that serve to demarcate an "inside" from an "outside," a "self" from an "other," a "domestic" from a "foreign."

In the specific case of the body, Judith Butler has argued that its boundary, as well as the border between internal and external, is "tenuously maintained" by the transformation of elements that were originally part of identity into a "defiling otherness."[24] In this formulation, there is no originary or sovereign presence that inhabits a prediscursive domain and gives the body, its sex, or gender a naturalized and unproblematic quality. To be sure, many insist on understanding the body, sex, and gender as naturalized and unproblematic. But for their claim to be persuasive, we would have to overlook (among other issues) the multifarious normalizing codes that abound in our society for the constitution and disciplining of sexuality. In seeking to establish and police understandings of what constitutes the normal, the accepted, and the desirable, such codes effect an admission of their constructed nature and the contingent and problematic nature of the identity of the body.

Understanding the gendered identity of the body as performative means that we regard it as having "no ontological status apart from the various acts that constitute its reality." As such, the idea that gender is an interior essence definitive of the body's identity is a discursively constructed notion that is required for the purposes of disciplining sexuality. In this context, genders are neither "true" or "false," nor "normal" or "abnormal," but "are only produced as the truth effects of a discourse of primary and stable identity." Moreover, gender can be understood as "an identity tenuously constituted in time,

instituted in an exterior space through *a stylized repetition of acts"*; an identity achieved, *"not* [through] *a founding act, but rather a regulated process of repetition."*[25]

Choosing the question of gender and the body as an exemplification of the theme of identity is not to suggest that as an "individual" instance of identity the performative constitution of gender and the body is prior to and determinative of instances of collective identity. In other words, I am not claiming that the state is analogous to an individual with a settled identity. To the contrary, I want to suggest that the performative constitution of gender and the body is analogous to the performative constitution of the state. Specifically, I want to suggest that we can understand the state as having "no ontological status apart from the various acts which constitute its reality"; that its status as the sovereign presence in world politics is produced by "a discourse of primary and stable identity"; and that the identity of any particular state should be understood as "tenuously constituted in time ... through *a stylized repetition of acts,"* and achieved, *"not* [through] *a founding act, but rather a regulated process of repetition."*

Moreover, the similitude between the body and the state exceeds the status of being simply heuristically useful if we think of gender as the effect of a discourse about primary and stable identity, in terms of what Joan Cocks has called a "regime of Masculine/feminine."[26] For Cocks the regime of Masculine/feminine is a disciplinary regime of truth that is prevalent in our culture and contains contingency through the production of "male" and "female" as stable identities. Most important, this regime effects a double move: "it imposes on each of the two kinds of bodies a particular norm and characteristic deviation, [and] it imposes on all bodies the rule that masculinity is the norm of active desire and femininity is active desire's deviation."[27] Informed by the understanding of power as productive and not confined to the boundaries or institutions of the juridical state, Cocks's regime of Masculine/feminine is one of the ensemble of practices that give rise to the "society of normalization" about which Foucault wrote.[28] Characterized by discipline and domination through multiple forms of subjugation, rather than by the uniform authority of sovereignty located in a single point, a society of normalization secures the content and confines of its identity through the imposition of a norm rather than the enforcement of a rule. In so doing, it encourages and legitimizes certain dispositions and orientations while opposing and delegitimizing others, a process that is neither deterministic in its operation nor totally hegemonic in its consequences.

Cocks's argument is directed primarily at how the regime of Masculine/feminine disciplines the sexed body. But given the culturally pervasive nature of the gender norms it is concerned with, it is not implausible to suggest that a similar regime—or at least the gender norms that it effects—operates in other domains and disciplines other identities, such as the state. Indeed, if we consider how our understanding of politics is heavily indebted to a discursive economy in which reason, rationality, and masculinity are licensed as superior to unreason, irrationality, and femininity, it is not difficult to appreciate that gender norms have also helped constitute the norms of statecraft. Therefore, in terms of the axiological dimension of spatializing practices, "the body" can be understood as being a historically well-established analog for the constitution of state identity. This becomes even more apparent when we think of how "the body politic" functions as a regulating and normalizing trope for "the political" (a discussion found in chapter 4). Moreover, central to that regulation and normalization, and to be understood as a privileged instance of the stylized repetition of acts, is foreign policy and the articulation of danger.[29] Accordingly, the identity of the state that is contained and reproduced through foreign policy is likely to be inscribed with prior codes of gender that will in turn operate as norms by which future conduct is judged and threats are calculated.[30]

But if there are no primary and stable identities, and if the identities many had thought of as primary and stable, such as the body and the state, are performatively constituted, how can international relations speak of such foundational concepts as "the state," "security," "war," "danger," "sovereignty," and so on? After all, isn't security determined by the requirements of a preexisting sovereign state and war conducted in its name as a response to an objective danger? How then can we speak of these categories once we acknowledge the non-essentialistic character of danger?

Indeed, much of the conventional literature on the nation and the state implies that the essence of the former precedes the reality of the latter: that the identity of a "people" is the basis for the legitimacy of the state and its subsequent practices. However, much of the recent historical sociology on this topic has argued that the state more often than not precedes the nation: that nationalism is a construct of the state in pursuit of its legitimacy. Benedict Anderson, for example, has argued in compelling fashion that "the nation" should be understood as an "imagined political community" that exists only insofar as it is a cultural artifact that is represented textually.[31] Equally, Charles Tilly

has argued that any coordinated, hierarchical, and territorial entity should be only understood as a "national state." He stresses that few of these national states have ever become or presently are "nation-states" — national states whose sovereign territorialization is perfectly aligned with a prior and primary form of identification, such as religion, language, or symbolic sense of self. Even modern-day Great Britain, France, and Germany (and, equally, the United States, Australia, and Canada) cannot be considered nation-states even though they are national states.[32] The importance of these perspectives is that they allow us to understand national states as unavoidably paradoxical entities that do not possess prediscursive, stable identities. As a consequence, all states are marked by an inherent tension between the various domains that need to be aligned for an "imagined political community" to come into being — such as territoriality and the many axes of identity — and the demand that such an alignment is a response to (rather than constitutive of) a prior and stable identity. In other words, states are never finished as entities; the tension between the demands of identity and the practices that constitute it can never be fully resolved, because the performative nature of identity can never be fully revealed. This paradox inherent to their being renders states in permanent need of reproduction: with no ontological status apart from the many and varied practices that constitute their reality, states are (and have to be) always in a process of becoming. For a state to end its practices of representation would be to expose its lack of prediscursive foundations; stasis would be death.[33] Moreover, the drive to fix the state's identity and contain challenges to the state's representation cannot finally or absolutely succeed. Aside from recognizing that there is always an excess of being over appearance that cannot be contained by disciplinary practices implicated in state formation, were it possible to reduce all being to appearance, and were it possible to bring about the absence of movement which in that reduction of being to appearance would characterize pure security, it would be at that moment that the state would wither away.[34] At that point all identities would have congealed, all challenges would have evaporated, and all need for disciplinary authorities and their fields of force would have vanished. Should the state project of security be successful in the terms in which it is articulated, the state would cease to exist. Security as the absence of movement would result in death via stasis. Ironically, then, the inability of the state project of security to succeed is the guarantor of the state's continued success as an impelling identity.

The constant articulation of danger through foreign policy is thus not a threat to a state's identity or existence: it is its condition of possibility. While the objects of concern change over time, the techniques and exclusions by which those objects are constituted as dangers persist. Such an argument, however, is occluded by the traditional representations of international politics through their debts to epistemic realism and its effacement of interpretation. Grounded in an interrogation of discursive practices within the study of international relations and the conduct of United States foreign policy, this study seeks to show how these themes and issues are immanent to these domains. Through a rethinking of the practice and theory of foreign policy in chapters 1, 2, and 3; a discussion in chapter 4 of the dominant modes of representing danger; and a consideration of the figuration of difference at various foundational moments in the American experience in chapter 5, this book posits the validity (though not incontestability) of an alternative interpretation of the cold war, which is elaborated in chapter 6. The hope is that this analysis can highlight some of the political issues at stake in the post–cold war era, as chapters 7 and 8 argue. The epilogue evaluates the efflorescence of concern with the politics of identity by those perspectives previously inattentive to these concerns, and considers the modes of interpretation that are more adequately attuned to the issues.

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