

**THE IDEA OF THE NATIONAL INTEREST:  
A CONCEPTUAL ANALYSIS IN THE CONTEXT OF THE GULF WAR**

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**ABSTRACT**

In this thesis I attempt to show that there is no apparent good reason why one ought to embrace the sceptic's claim that international relations lies beyond the pale of moral inquiry. The state, in the sceptic's view, grounds its foreign policy in the national interest and *not* in morality. To assert otherwise is to mistake the fundamental essence of international relations--a claim resting on the assumption that "morality" and "interest" are either antithetical or epistemologically distinct objects of study.

On reflection, however, one must have--at the very least--some kind of *conceptual* understanding about the idea "the national interest" before such a claim can be sustained. Although much has been said by many authors about the *kinds* of substantive *policies* which, in their respective views, actually serve the national interest--e.g., policies which contribute to the maintenance or enhancement of national power--the idea of "the national interest" itself has attracted very little conceptual scrutiny. In this study, then, I attempt to shift the focus away from a concentration on the standards for determining whether this or that policy actually serves the national interest to a concentration on the idea of the national interest itself. Before this logically prior task is completed--an immense task for which my contribution can be interpreted as only a *small* one--there is no reason to embrace the notion that "morality" and "interest" are either antithetical or categorically distinct. This is particularly true if, through such an analysis, "the national interest" proves to be a categorically moral idea--*viz.*, if it proves to be a proper object of study for students of moral and political philosophy.

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## CHAPTER ONE

### INTRODUCTION

This study is an attempt to clarify a central idea in the theory and practice of international relations, namely: the national interest. Because I attempt to clarify the idea in light of how American statesmen and scholars employed it during the Persian Gulf war (1990-91), my approach broadly can be described as "historical-conceptual." But my concern with clarifying the idea of the national interest is only instrumental to a larger concern about international moral scepticism--a position often identified, I think erroneously, with the Realist school of international thought. Thus, by setting out to clarify the idea in the context of the Gulf war from within the Realist tradition, I am concurrently, and purposively, assaulting the position maintained by the moral sceptic that international relations is beyond the pale of ethical inquiry. If it can be shown that the idea of the national interest is a categorically moral concept and, further, if it can be clarified by drawing upon that body of knowledge called moral philosophy, a main bastion of the sceptical position thereby collapses.

By the expression "historical-conceptual" I mean that I look to a particular crisis in order to elucidate an otherwise conceptual argument with a specific and narrow range of examples. The purpose for limiting the historical scope is not to achieve historical depth but, rather, to make the analysis of an otherwise intractable concept more manageable. Given that I have adopted as my primary purpose an assault on moral scepticism in international relations, only one example is needed to cast a reasonable

doubt upon its exclusive claim. Hence, although the historical scope of the following argument is both narrow and shallow, I suggest nevertheless that the conceptual claims advanced here can be extended to embody the wider American foreign policy experience. I have doubts, however, whether they can embody the foreign policy experience of all countries. This, of course, raises serious questions about the validity of the concept as an explanatory pivot for some international relations theories. But the entire thrust of the argument challenges some conventional understandings about the idea.

In particular, the national interest is the conventional fall-back position from which the international moral sceptic asserts his moral scepticism in the face of "Idealist" assaults. On the other side, the "Idealist" views the national interest as the key "Realist" stronghold and, hence, the primary object of attack. And so the battle between the defenders of "interest" and the champions of "morality" ensues--a battle continually fuelled by the great antithesis between "interest" and "morality."

However, greatly disproportionate to its central importance in that perennial debate, and the theory and practice of international relations in general, the idea of the national interest has received surprisingly little conceptual treatment. This in itself ought to raise at least some reservations about the sceptical claim. In his 1968 contribution to the *International Encyclopedia of the Social Sciences*, James Rosenau notes that "while textbooks on international politics continue to assert that nations act to protect and realize their national interests, the research literature of the field has not been increased and

enriched by monographs which give central prominence to the concept."<sup>1</sup> Producing a survey of the state of research into the concept nine years later, Fred Sondermann is only able to report one additional attempt at conceptual analysis, thus bringing the total up to three.<sup>2</sup> No further attempts at conceptual analysis have been produced since Joseph Frankel's 1970 study.

The paucity of conceptual analyses is particularly troubling given that the national interest was invoked as a *justification* for mutually exclusive policy options during the January 1991 debates in United States Senate on the question of whether or not to go to war against Iraq. Senator Sam Nunn, for example, clearly expressed his unease by noting that "we throw around the word 'vital' very carelessly." And he added that on questions of war, it is crucial to "think carefully about what we mean" by the words we use in our debates because when we "politicians declare an interest to be vital, our men and women in uniform are expected to put their lives at risk. . . ."<sup>3</sup> Of course, the context of a passionate debate on critical questions of national policy is hardly the appropriate time and place for embarking upon painstaking conceptual clarification. That task is left for the scholar to pursue in reflection and in the comfort of his or her study.

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<sup>1</sup>James N. Rosenau, "National Interest," *International Encyclopedia of the Social Sciences* (New York: Crowell Collier & Macmillan, 1968), p. 36.

<sup>2</sup>Fred A. Sondermann, "The Concept of the National Interest," *Orbis* 21 (Spring 1977): 121-138. The three attempts include: Charles A. Beard, *The Idea of National Interest: An Analytical Study in American Foreign Policy* (Chicago: Quadrangle, 1966); James N. Rosenau, "National Interest," *International Encyclopedia of the Social Sciences* (New York: Macmillan, 1968), pp. 34-40; and, Joseph Frankel, *National Interest* (London: Pall Mall, 1970).

<sup>3</sup>United States, *Congressional Record* Vol 137 No. 7 (January 11, 1991): S 190.

Consequently, I view Senator Nunn's remarks as an urgent invitation rather than as an admonition.

### **The "apparent" paradox of realism**

The paucity of strict conceptual analyses and Senator Nunn's invitation, however, are only two of my reasons for attempting to clarify the idea of the national interest. Further conceptual clarification is needed in order to resolve a pervasive paradox at the core of what Nardin and Mapel refer to as the realist ethical tradition in international relations.<sup>4</sup> Jack Donnelly notes that this paradox can be expressed as a "moral imperative to an amoral foreign policy."<sup>5</sup> Further, he argues that "this paradox of a moral ground for an amoral foreign policy is usually obscured by realists."<sup>6</sup>

This paradox takes on a variety of shapes and forms. "The essence of international realism," Steven Forde argues, "is its belief in the primacy of self-interest over moral principle" in international affairs.<sup>7</sup> He then goes on to explain that this statement "can mean either that self-interest confers a positive right of some kind, as when 'national interest' is seen as a *moral principle*, or that morality is wholly

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<sup>4</sup>Terry Nardin and David R. Mapel, eds., *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992).

<sup>5</sup>Jack Donnelly, "Twentieth Century Realism," in Nardin and Mapel, eds., *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992), p. 96.

<sup>6</sup>Donnelly, p. 96.

<sup>7</sup>Steven Forde, "Classical Realism," in Nardin and Mapel, eds., *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992), p. 62.

inapplicable to international politics."<sup>8</sup> In other words, some realists view the national interest--rather than other substantive moral principles--as the moral basis for foreign policy choices, whereas other realists view international relations as an essentially amoral realm of human activity.

According to Forde, then, some realists are moral sceptics whereas others are not. But how does one go about resolving this conclusion with his initial assertion that the essence of international realism is its belief in the primacy of self-interest over moral principle? In other words, if the national interest *is* a moral principle--as some realists maintain--how can one continue to describe the essence of realism as the primacy of national interest over moral principle? Hence, under the heading of realism one encounters a paradox involving the assertion of a moral principle, on the one hand, and the denial of morality, on the other.

But this paradox is not limited to attempts at generalizing about the essence of the realist world view. It also appears within the arguments of some of the realists themselves. George Kennan, for example, argues that:

The interests of the national society for which government has to concern itself are basically those of its military security, the integrity of its political life and well being of its people. *These needs have no moral quality. . . . They are unavoidable necessities of a national existence and therefore not subject to classification as either "good" or "bad."*<sup>9</sup>

But having denied outright the moral quality of goods such as security, political life, and

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<sup>8</sup>Donnelly, p. 62.

<sup>9</sup>George F. Kennan, "Morality and Foreign Policy," *Foreign Affairs*, 64 (1985/6): 206. My emphasis.

the well being of a country's people, he goes on to outline the statesman's moral imperative to secure those goods.

When [the statesman] accepts the responsibility of governing, implicit in that acceptance is the assumption that it is right that the state should be sovereign, the integrity of its political life should be assured, that its people should enjoy the blessings of military security, material prosperity and a reasonable opportunity for, as the Declaration of Independence put it, the pursuit of happiness. For these assumptions, the [statesman] needs no moral justification, nor need [he] accept any moral reproach for acting on the basis of them.<sup>10</sup>

Although Kennan does not explicitly identify the foregoing imperative as a moral imperative, it seems to me that if his argument is pushed a little further he would not only have to admit the categorically moral nature of his imperative, but he would also have to admit that the goods he means the statesman to secure are also moral goods. This can be demonstrated by applying the "reverse proof" to his arguments--*viz.*, by assuming his assertions are true and following them through to logical conclusions Kennan himself certainly would not accept, thus leading to a retraction of those initial assertions. For example, one might ask Kennan how he would label a statesman who intentionally *refused* to secure the goods he identifies as categorically *amoral* goods? Is it meaningful to call him a bad statesman? It seems to me that Kennan must concede that it is meaningful to do so. But once he has conceded this, he has opened himself to the further question: why would the statesman be bad for refusing to secure those goods? Faced with this question, he must concede that they are indeed moral goods after all. And, having conceded that they are moral goods, he must retract his assertion that they are not

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<sup>10</sup>Kennan, p. 206.

subject to moral classification.

The apparent paradox in realism, then, is just that--an *apparent* paradox. In many cases it simply involves a denial that one is advancing a categorically moral argument when in fact one is advancing such an argument. Clearly Nardin and Mapel recognize this because they identify realism as one of many traditions of international *ethics*.

Further, Terry Nardin concludes that not only does classical realism

go beyond moral skepticism to embrace a definite ethical outlook, but that this outlook has both principles and a history. Its practitioners argue about the relative importance of rules and consequences, and each has articulated his own version of a morality of rules with an escape clause for emergencies. Each is participating in an ongoing debate about where to draw the line, how to define an emergency, and other perennial topics of realist discourse. All draw upon the concepts and principles--necessity, security, vital interests, prudence, responsibility--that define a particular tradition of ethical judgement, regardless of whether they think of themselves, or are thought of by others, as 'political realists.' What they are rejecting is not [an ethical] tradition as such but the principles of alternative ethical traditions.<sup>11</sup>

Leaving aside the question of structural or neo-realism, why is it that many realists deny they are advancing a categorically moral argument when in fact they are advancing such an argument? Nye suggests that the reason for this originates in the realist's attempt to avoid "hard questions about why he should treat his nation as the only international value."<sup>12</sup> The best way, in his view, to avoid asking (and attempting to answer) messy moral questions is to banish them from existence by asserting that international politics is essentially an amoral realm of human existence. There is,

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<sup>11</sup>Nardin, "Ethical Traditions," pp., 16, 17.

<sup>12</sup>Joseph S. Nye, Jr., *Nuclear Ethics* (New York: The Free Press, 1986), p. 10.

perhaps, some truth to this. Isaiah Berlin, for example, argues persuasively that this movement toward banishing moral questions from existence is a notorious peculiarity of twentieth century scholarship. According to Berlin, moral questions throughout the history of Western civilization were considered to be "of vital importance for the conduct of life." Of course, there were those "in every generation who suggested that there were . . . no final answers. . . . But they . . . did not actually doubt the importance of the questions themselves." However,

it was left to the twentieth century to do something more drastic than this. For the first time it was now conceived that the most effective way of dealing with questions, particularly those recurrent issues which had perplexed and often tormented original and honest minds in every generation, was not by employing the tools of reason, still less those of more mysterious capacities called 'insight' and 'intuition,' but by obliterating the questions themselves. And this method consists not in removing them by rational means--by proving, for example, that they are founded on intellectual error or verbal muddles or ignorance of the facts--for to prove this would in turn presuppose the need for rational methods of philosophical or psychological argument. Rather, it consists in so treating the questioner that problems which appeared at once overwhelmingly important and utterly insoluble vanish from the questioner's consciousness like evil dreams and trouble him no more.<sup>13</sup>

Perhaps the reasons I offer are a little more generous than those suggested by Nye and elaborated upon by Berlin. I suggest there are three related reasons why many realists deny they are advancing a categorically moral argument when in fact they are.

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<sup>13</sup>Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), pp., 22, 23. On a similar point, see Berlin's teacher, R. G. Collingwood. Collingwood, however, notes that this process of banishing important and vital questions was well underway in the nineteenth century. "Karl Marx was such a person; and this is why, denying as he did the existence of societies, he spared himself the pains of solving social and political problems by simply denying that they existed. *The New Leviathan: Or Man, Society, Civilization and Barbarism*. Revised edition, David Boucher, ed., (Oxford: Clarendon Press, [1943] 1992), p. 136.

These reasons include: an inadequate understanding of the nature of moral agency, a muddled understanding of the *idea* of the national interest, and the pervasiveness of the traditional assumption that interest and morality are antithetical. It is precisely on questions such as these that I think students of political and moral philosophy have significant contributions to make in the study of international relations. Thus, if I *must* place my argument within a tradition of international discourse, I place it within the classical realist tradition to the extent that "classical realists tend . . . to be more philosophical in their approach and orientation" and "are engaged in a serious dialogue with moral philosophy."<sup>14</sup> But I do so reluctantly and with some very serious reservations. Although I am prepared both to argue from within that tradition and to draw on that branch of knowledge called moral philosophy in order to demonstrate that the concept of the national interest is a categorically moral idea--an argument supporting Nardin's claim that realism is indeed an ethical (i.e., a categorically moral) tradition--I am not quite prepared to make any claims about its moral quality. In other words, I cannot assert that the national interest is either morally good or evil. I am merely addressing the logically prior question concerning whether the idea is open to the kind of inquiry for which such epithets are stated as conclusions.

### **The orientation and scope**

My aim is to think about what people mean by the expression "the national interest"

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<sup>14</sup>Steven Forde, "Classical Realism," in Nardin and Mapel, eds., *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992), p. 62.

when they employ it in both direct and indirect forms of political argument--in addition to those very few souls before me who have also attempted to clarify the concept--in order to reach some conclusions about the role it plays in foreign policy decisions. In short, to borrow the words of Hedley Bull, I attempt here to deal with an apparently intractable but nevertheless crucial concept merely *by thinking it through*.<sup>15</sup>

Although only three attempts have been made at what I call *strict conceptual analysis*, many more have been made--although much fewer than might be expected--to offer *substantive conceptions* of national interest. This is usually accomplished by merely prescribing much more tangible national objectives or *interests* such as the maintenance or enhancement of national power, the defence against potential or actual foreign military threats, the maintenance or enhancement of economic well being, the protection of the lives and property of one's citizens in foreign lands, and what have you, along with making hierarchical distinctions between vital and lesser interests.<sup>16</sup>

This is why I do not identify Morgenthau's contribution on the subject as a strict conceptual analysis. Far from treating the concept as his primary object of study, Morgenthau argues that the primary objective a statesman must pursue is the enhancement and maintenance of national power. In short, he offers a *substantive conception* of national interest and not a conceptual analysis of the idea of the national

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<sup>15</sup>Hedley Bull, *The Anarchical Society* (London, 1977), p. x. I am also inspired by Robert H. Jackson's remark: "My study is simply an attempt . . . to think the new sovereignty regime through to some conclusions." *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge UP, 1990), p. 5.

<sup>16</sup>A further distinction between general substantive conceptions and specific substantive conceptions will be made below.

interest.

Because theory is the stepchild of practice,<sup>17</sup> it is important that any theorizing about a concept take place not only in the context of a tradition of thought about the idea, but also in the context of particular contingent circumstances within which it is employed in political practice. The Gulf War (1990-91), as seen from the American perspective, provides one such set of contingent circumstances. My choice of the Gulf War, however, is far from arbitrary.

Indeed, my inquiry about the concept of the national interest arose in the course of reflecting about the Gulf war. In particular, the inquiry arose in the course of trying to resolve the contrary arguments advanced by United States senators in their debate about whether to commit troops to combat in the Persian Gulf, and the contrary arguments advanced by Christopher Layne and Joseph S. Nye in their post war debate about whether the war served the American national interest. Three basic questions drove my reflections at that time. Is the occurrence of war open to moral approbation and disapprobation? If so, what implications does this have for the sceptical position which stipulates that such relations lie outside the realm of moral inquiry? Finally, if the occurrence of war is indeed open to moral approbation and disapprobation, was the Gulf War a "just" war as most world leaders, including the President of the United States, had stipulated? In the course of attempting to answer these questions I found that although

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<sup>17</sup>See, for example, R.G. Collingwood, *The New Leviathan: Or Man, Society, Civilization and Barbarism*, Revised edition, David Boucher, ed., (Clarendon Press: Oxford, 1992), pp. 5, 99-110, 125-129; and, Gilbert Ryle, *The Concept of Mind* (London: Hutchinson, 1955), chapter II.

the vocabulary of the just war was particularly salient at the international level, the vocabulary of the national interest dominated the American domestic debates--in particular, the January 1991 debate in the United States Senate, and a subsequent debate between Christopher Layne and Joseph S. Nye Jr. on whether the Gulf war indeed served the American national interest.

What is striking about both of these debates, however, is that the participants were essentially attempting to *justify* (in contrast with giving mere reasons for) their respective positions while nevertheless using the vocabulary of the national interest. Since I assumed at the time that foreign policy grounded in morality is antithetical to foreign policy grounded in the national interest, I wondered if these people were falling prey to category errors and, hence, confusing their discourse by employing an inappropriate idiom. On the other hand, I wondered if the national interest really is a categorically moral idea after all and, if it is, what kind of implications that might have on the conventional antithesis between the national interest and morality. Further, what implications might this have for the moral sceptic who embraces the national interest as a central value, but who nevertheless asserts that international relations lie beyond the pale of moral argument? The first step toward answering these questions, I decided at the time, is to acquire some understanding about what the idea of the national interest is all about.

The natural course to take when such a question arises is to immerse oneself in the thoughts of others who have taken up the same concern for themselves. I found, however, that the idea of the national interest remained relatively unexplored. The

existing attempts at conceptual analysis, although to some extent helpful, did not seem to approach the kind of understanding I needed in order to pursue my initial questions--that is, those questions which led me to inquire into the meaning of the national interest in the first place. Although Beard, Roseneau, and Frankel all suspect that the idea is intimately related to the values people hold, their attempts do not sufficiently establish this relationship. And the reason they do not sufficiently establish it is because they do not draw upon the body of knowledge necessary to do so, namely: moral philosophy.

What does "the national interest" mean? What, in conceptual rather than purely substantive terms, *is* "the national interest?" I ask these questions in the same spirit as one would ask: what is "sovereignty?" What is "gravity?" Or, what is "the good?" In other words, to what genus and species does it belong? Is it a juridical concept, like sovereignty? Is it a natural scientific concept, like gravity?<sup>18</sup> Or, is it a moral concept, like "the good"? It became clear to me that any comprehensive answer about the meaning of the national interest would take many years of careful inquiry in addition to filling many volumes. In K. J. Holsti's terms, the national interest as an object of inquiry is a bottomless pit. Consequently, I have limited my answer to establishing the epistemological category to which the idea properly belongs.

I conclude that because it is best conceived as an intrinsic principle of human conduct--i.e., a motive for action which, in terms of conventional American political morality, ought to be embraced by the agent taking those actions--it is a categorically

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<sup>18</sup>In other words, can it be understood and explained in the idiom of the natural sciences?

moral idea. By "categorically moral idea," however, I do not mean that it is a morally *good* idea, thus distinguishing it from a morally *evil* one. Instead, I mean that the idea of the national interest is a proper object of study for that branch of knowledge called moral philosophy or, more commonly, ethics.

If it is universally true that the idea is a categorically moral idea, to the extent that the national interest is indeed a central concept in the study and practice of international relations, one must therefore conclude that international relations itself is at least a generic object of study for moral philosophy. In other words, any version of a claim that morality or ethics have nothing to do with international relations must be patently false if it is universally true that the idea of the national interest is indeed a categorically moral idea. Because of the limited scope of this study, however, I cannot make such a definitive claim. The only claim I can make is that--strictly by virtue of the way in which the concept was employed by American politicians and scholars in the context of the Gulf War--the national interest is a categorically moral idea. But even this claim, at a minimum, raises serious questions about the sceptical position.

In the context of the Gulf War, conceiving the national interest as a categorically moral idea helps to shed light on the overall discourse in which it was employed. That is to say, it helps to clarify the concept as well as a myriad of other issues raised during the crisis. Nevertheless, it remains to be seen whether or not it helps to clarify the idea in all contexts. Hence, the claim I make is not a universal claim, it is only potentially so. The test would be to apply the national interest, conceived as an intrinsic principle of human action, to other American foreign policy contexts as they arise and see if that conception

fits with one's experience of the situation. I suspect that it can.

To appeal to a particular branch of knowledge--namely, moral philosophy or, more specifically, metaethics--in order to help inform my analysis of the concept could strike some readers as unusual, if not misconceived, because it directly contradicts the traditional assumption that interest and morality are antithetical. Further, it could be objected that one must first show the idea to be a categorically moral one before appealing to moral philosophy in order to help clarify it. In response I can only point out that the true test does not rest upon any preconceived notions about whether or not international relations is a proper object of study for moral philosophy. Instead, it rests upon the degree to which that branch of knowledge helps to clarify an otherwise intractable idea. If my approach and the idiom I employ actually sheds conceptual light on the idea of the national interest, the objection, it seems to me, is unwarranted. Besides, as I shall argue in the next section, there is no evident good reason to embrace the traditional assumption in the first place.

Moral philosophy, or ethics, is a branch of knowledge. And like all branches of knowledge, it has its proper object of study--viz., something that distinguishes it from other branches of knowledge. The overarching question guiding this conceptual analysis of the idea of the national interest, then, is whether or not international relations can be a proper object of study for that branch of knowledge called moral philosophy. I argue that it can. But this holds true only if international relations is conceived in a certain way, namely: as human conduct. If international relations is conceived in the abstract as a "system," or as relations among equally abstract "states as actors," it cannot be the proper

object of study for ethics. One of the tasks needed to establish international relations as a proper object of ethics, then, is to show that it indeed can be conceived as human conduct. But the key argument is to show that the idea of the national interest, a central concept in both the study and practice of international relations, is an intrinsic principle of human action--viz., a categorically moral idea. Consequently, if the idea of the national interest is a central concept in the study and practice of international relations, and; if it is indeed a categorically moral idea; then it is reasonable to conclude that international relations is a proper object of study for ethics.

As indicated in the opening paragraph, my argument is directed not only to the conceptual debate about the idea of the national interest, but the larger issue of moral scepticism in the study of international relations.<sup>19</sup> Neither of these questions is new, nor are they unrelated. For that matter, I am fully convinced that the least controversial way to address the question of moral scepticism is by clarifying the concept of the national interest. My basic point is that moral scepticism, on the one hand, and self-righteous moralizing, on the other, are each grounded in conceptual misunderstandings of both morality *and* the national interest. Both the moral sceptic and the moralizer ground their respective assertions on the traditional assumption about the relationship (or lack thereof)

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<sup>19</sup>For a fuller account of this scepticism, see Charles R. Beitz, *Political Theory and International Relations* (Princeton NJ: Princeton University Press, 1979); Marshall Cohen, "Moral Skepticism and International Relations," *Philosophy and Public Affairs*, Vol. 13, (Fall 1984); Joseph S. Nye, Jr., *Nuclear Ethics* (New York: The Free Press, 1986), pp. 2-13; Terry Nardin, "Ethical Traditions in International Affairs," in Terry Nardin and David R. Mapel, eds., *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992), pp. 14-19; and, Robert W. McElroy, *Morality and American Foreign Policy* (Princeton NJ: Princeton University Press, 1992), pp. 13-29.

between interest and morality.<sup>20</sup>

In the study of international relations, the moral sceptic raises the question about whether moral questions legitimately can be asked. He answers that they cannot because, in his view, international relations is an essentially amoral enterprise. I confront the moral sceptic with a far less controversial question and claim. Instead of directly confronting the sceptic's assertion with the counter-assertion that international relations is an essentially moral enterprise, or even the much more muted claim that international relations embodies an ethical "dimension" in addition to its other "dimensions" (whatever they are), I simply ask whether international relations is a proper object of study for that branch of knowledge called moral philosophy or, more commonly, ethics. And I answer that it probably is because the idea of the national interest--at least from the American

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<sup>20</sup>Essentially, I adopt Nye's distinction between the practices of moral reasoning and moralizing as well as his definition of a moralizer as one who has a mistaken understanding about the nature and project of moral philosophy, namely: a self righteous moral crusader who passes judgements on the actions of others on the basis of an oversimplified and absolute set of abstract moral rules. Joseph S. Nye Jr., *Nuclear Ethics* (New York: The Free Press, 1986), pp. xi-xii, 1-13. What I refer to as moralizing, Herbert Butterfield refers to as the moralistic approach to international affairs, "The Scientific Versus the Moralistic Approach in International Affairs, *International Affairs*, XXVII, no. 4 (October, 1951): 411-422. Perhaps unaware of the distinction, Butterfield does not distinguish the projects of moral philosophy and moralizing and thus contributes to the mistaken notion that the two projects are identical. Further, it is argued that by virtue of Niebuhr's influence, Hans Morgenthau, far from being opposed to morality in international affairs, was opposed to moralizing in such affairs. Unfortunately, and perhaps unwittingly, he helped to confuse the issue by identifying the entirely legitimate project of moral philosophy with the illegitimate project moralizing. See Kenneth W. Thompson, "Beyond National Interest: A Critical Evaluation of Reinhold Niebuhr's Theory of International Politics," *Review of Politics*, XVIII (1955): 167-188; Robert C. Good, "The National Interest and Political Realism: Niebuhr's 'Debate' with Morgenthau and Kennan," *Journal of Politics* (November 1960): 567-619, and; Robert W. McElroy, *Morality and American Foreign Policy* (Princeton: Princeton University Press, 1992), Chapter 1, especially, pp., 19-29.

perspective in the context of the Gulf war--is a categorically moral concept.

One might be tempted to object at this point that my claim amounts to merely restating the usual moralist response to the sceptical claim--viz., it is no different than arguing that international relations either embodies a moral dimension or is an essentially moral enterprise. Terry Nardin, for example, states one version of the moralist project as an attempt to understand the ethical *dimension* of international affairs.<sup>21</sup> I do not adopt Nardin's conception because it is not clear to me in the first place what an ethical dimension of human activity in general, let alone of international affairs in particular, might be. Further, if one postulates an ethical dimension, one must presuppose other dimensions as well. What are these other dimensions? How are all these dimensions (whatever they are) related to each other? I do not know how to begin to answer such questions and, as far as I can tell, Nardin does not answer them either.

To speak of *dimensions* of human existence is an exceptionally tricky business--the business of that body of knowledge called the philosophy of being or ontology--which ultimately forces one to make a decision about the fundamental essence of that existence. Is the human person essentially a "soul" enslaved in a body, as Plato asserted?<sup>22</sup> Is he essentially a composite being made up of body and soul, as Aristotle and Aquinas asserted?<sup>23</sup> Is his existence best conceived as a "field" extending in space

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<sup>21</sup>Terry Nardin, "Ethical Traditions in International Affairs," in Terry Nardin and David R. Mapel, eds., *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992), p. 1.

<sup>22</sup>See, for example, *Phaedo*, 65c-68b.

<sup>23</sup>Thomas Aquinas, *Summa Theologica*, I, q. 76, aa. 1-4. See his references to Aristotle's *Physics* and *de Anima*.

and time, as Heidegger asserted?<sup>24</sup> Or is he Brahman, as the Hindu sages asserted?<sup>25</sup> If a thinker of the stature of R. G. Collingwood was unable to make a decision about the essential nature of that being which is potentially and intimately knowable to all persons--namely: his or her *self*--I must at least defer judgement not only about the fundamental essence of human existence, but about the fundamental essence of international affairs as well.

Further, once one has made a decision about the essence of international affairs--which Nardin must have done if he postulates an ethical dimension--a significant discursive gulf is created and maintained between others who postulate a different essence. This largely explains what Robert McElroy identifies as the ever widening gulf between the so called empirical and normative treatments of international affairs.

The result of [the recent] resurgence in normative treatments of international relations has not been a substantive dialogue between empirical students of international affairs and ethical thinkers. Rather, there have emerged two separate scholarly communities, each operating from a different worldview, using different languages, and arriving at different conclusions about the essential nature of the politics among nations.<sup>26</sup>

A central divisive issue, then, concerns the different answers given to the question of the *essential nature* of international affairs. And how one labels himself--e.g., as a realist, an idealist, a rationalist, or what have you--or the particular "school of thought"

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<sup>24</sup>William Barrett, *Irrational Man: A Study in Existential Philosophy* (New York: Anchor Books, 1958), pp. 217-218.

<sup>25</sup>*The Upanishads*, Trans., Swami Prabhavananda and Fredrick Manchester (New York: Penguin, 1975). See, for example, Katha, Isha, Kena, and Prasna.

<sup>26</sup>McElroy, pp. 3, 4.

one wishes to defend or propagate, largely depends on the decision one makes about the essential nature of international affairs. And, as indicated, divergent decisions about the essence of international affairs contributes to the divisiveness in the discipline.<sup>27</sup>

My claim that the national interest is a categorically moral idea does not exacerbate this divisiveness. It is far less controversial than it might appear at first, for I am not making any claims about the essence of international relations. Instead, I am making a claim about the kinds of questions that legitimately can be asked about international relations, and the particular body of knowledge that must be drawn upon in order to answer such questions. Rather than confronting the moral sceptic's claim by postulating a contrary essence--a kind of claim that widens, in my view, the discursive gulf between empirical and ethical thinkers--I am asking whether it is meaningful to consider the idea of the national interest as a proper object of study for moral philosophy, broadly conceived.

The inspiration for asking the question in this way is received from R. G. Collingwood. To further demonstrate this kind of thinking and the problems it is meant to avoid (or at least temporarily postpone) consider, for example the question about the fundamental essence of human nature. If one argues that the human person is part body (a "physical" dimension) and part mind (a "thought" dimension), one is immediately confronted with complicated and, perhaps, unanswerable questions about the relation between these two dimensions. Likewise, the notion of studying an ethical dimension of

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<sup>27</sup>And this divisiveness has not served to improve the tone of moral debate. Nye, *Nuclear Ethics*, pp. 10-13.

international relations suggests the presence of other dimensions thus leading to the question of their relationship. Collingwood suggests a way around this kind of impasse. Instead of asking whether man is part body and part mind and, consequently, confronting the question of the relationship between the two, he asserts that man is either all body or all mind depending on the branch of knowledge employed to study him. If one employs that branch of knowledge called natural science in order to study him, man is all body. If, on the other hand, one employs the science of mind (what he refers to as history), man is all mind. The question then, is not what man is essentially but, rather, what is the most appropriate body of knowledge to employ in order to answer the kinds of questions one has set out to answer. If one starts out with asking a bodily question--e.g. what causes the arm to break, or the skull to crack, or the person to drown--one employs that branch of knowledge most suitable for answering such questions, namely: natural science. If, on the other hand, one sets out with the "mind" question--e.g., why did he break that person's arm, crack that person's skull, or throw that person off the bridge?--one has to employ an entirely different branch of knowledge. In the case of international relations, I consider the question about the meaning of the idea of the national interest. Since this idea evidently plays some kind of role in the decisions that statesmen make, and since the problem of human choice is a proper object of study for moral philosophy, I speculate that the idea can be addressed with that body of knowledge.

But such a reply leads to immediate objections, particularly the kind stemming from the "traditional assumption" that interest and morality are fundamentally opposed. And this assumption is embraced equally tightly by moral sceptics and those who set out

to study the ethical "dimension" of international relations. I will now consider this objection.

### **The traditional assumption**

Suppose an alien visitor to earth sits in on an international relations seminar and listens to a debate between proponents of the "Realist" and "Idealist" schools. What questions is he likely to ask during the debate? Chances are that his first two questions will be about the central concepts around which the debate pivots, namely, the national interest and morality. The Realist, on the one hand, asserts with great conviction that foreign policy ought to be grounded in the national interest while the Idealist, on the other hand, asserts with equal conviction that foreign policy ought to be grounded in morality.<sup>28</sup> The disputants assert their presumed mutually exclusive claims with such conviction that the alien supposes the respective meanings of the national interest and morality must be blatantly obvious to everyone else present in the room. But, being an alien, he is not afraid to excuse himself from interrupting the fray and to ask: "What, precisely, *is* the national interest? and what, precisely, *is* morality? If you convey to me your knowledge about each of these apparently antagonistic concepts, maybe then I can make some sense about the relative merits of each of your points of view."

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<sup>28</sup>There are, of course, more fruitful ways of framing the debate. Robert Osgood, for example, poses the problem as one of resolving *ideals* and self interest. Stated in this way, one can remain open to the understanding that the opposition is not so much between *morality* and interest, as it is between two distinct but nevertheless explicitly *ethical* traditions. Robert Endicott Osgood, *Ideals and Self-Interest in America's Foreign Relations: The Great Transformation of the Twentieth Century* (Chicago: University of Chicago Press, 1953).

How does one go about answering these questions? Clearly they cannot be answered the same way as one would answer questions such as: "what is *a* chair?" or "what is *a* table?" To answer those questions, one needs only to lead the visitor into a room and point out a chair and table by saying "*this* is a chair" and "*this* is a table." However, what if the visitor then says: "O.K., this is a chair and this is a table, but what is *the* chair? and what is *the* table?" Faced with this last pair of questions, the earthbound scholar has two choices. Recognizing that the visitor is inappropriately asking *conceptual* questions about common-place material objects, he can dismiss the question as irrelevant by saying: "here on earth, at least since the time Aristotle responded to Plato's doctrine of the "Forms," it does not really matter what *the* chair is or what *the* table is, all that really matters is that *this* is what a chair looks like and *this* is what a table looks like." Or, again recognizing that the visitor is asking conceptual questions, he can engage in painstaking philosophical discourse about the concepts of chair and table.

The scholar, however, does not have the same range of choices with respect to questions about the national interest and morality. That is, he cannot choose to dismiss the questions by taking the visitor to a room filled with objects and pointing out the national interest and morality. The national interest and morality are not material objects: they are not formed by matter. Therefore, the methods and techniques used for obtaining and conveying knowledge about material things are insufficient for acquiring knowledge about immaterial things like ideas such as the national interest and morality. If the scholar takes the visitor's question seriously and hopes to answer them, he must appeal to the philosophical branches of knowledge.

The questions "what is the national interest?" and "what is morality?" are not empirical questions. They are conceptual questions. Concepts, unlike matter, are not creatures of nature. Instead they are creatures of human artifice--that is to say, they are creatures of the human mind. Chairs and tables too are creatures of the mind, but with nature as its object--the mind shaping matter for its own purposes, resulting in artifacts composed of matter. A concept, on the other hand, is an artifact composed of thought--*only* thought but, in this case, with history (which is to say human conduct) as its object. This is the first and fundamental point that must be kept in mind when embarking on conceptual analysis. The object of conceptual analysis is to rethink the thoughts of those who employ the concept. It is an attempt to answer the question: what do people *mean* when they use the words signifying the concepts in question? But, as far as I can tell, the nature and extent of analysis of "the national interest" and "morality" that is needed in order to sustain sufficiently the "traditional assumption" has not been pursued by international relations scholars. Put differently, there are no apparent good reasons for embracing the traditional assumption. In K. J. Holsti's words:

Regardless of historical context, commitments to self-interest or ethical principles have, to most observers, appeared incompatible. . . . The difficulty with this sort of view is that it oversimplifies reality.<sup>29</sup>

Although the view is oversimplified, what does someone actually mean when they assert that interest and morality are opposed? It seems to me that this can only be meant in one of two ways, namely: categorically or qualitatively. Categorical opposition

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<sup>29</sup>K.J. Holsti, *International Politics: A Framework for Analysis*. Fifth Ed. (Englewood Cliffs, NJ: Prentice Hall, 1988), pp. 380-381.

is captured by the expression: "essentially, international relations is about interests and power. Hence, to ask moral questions about international relations is to misconceive the essential nature of those relations." Qualitative opposition, on the other hand, is captured by the expression: "Self interested and moral acts belong to the moral category of human actions--that is to say, they are both imputable actions in that they issue from moral agency--but they differ in their moral quality. The 'self interested' act is a qualitatively immoral act and the 'other interested' or 'altruistic' act is a qualitatively moral one." Hans Morgenthau *appears* to have adopted the "categorical" view on the opposition between interest and morality--that is to say, acts grounded in morality are categorically distinct from acts grounded in interest. Charles Beitz, on the other hand, clearly embraces the "qualitative" view.

Morgenthau, in light of his six principles of "scientific realism" and his "objectivist" view of the national interest, argues that:

intellectually, the political realist maintains the autonomy of the political sphere, as the economist, the lawyer, [and] the moralist maintain theirs. He thinks in terms of interest defined as power, as the economist thinks in terms of interest defined as wealth; the lawyer, of the conformity of action with legal rules; the moralist, of the conformity of action with moral principles. The economist asks: "How does this policy affect the wealth of society, or a segment of it?" The lawyer asks: "Is this policy in accord with the rules of law?" The moralist asks: "Is this policy in accord with moral principles?" And the political realist asks: "How does this policy affect the power of the nation?"<sup>30</sup>

In other words, because the political realist, moralist, lawyer and economist ask different questions, their proper objects of study are therefore presumed to be different. If the

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<sup>30</sup>Hans Morgenthau, *Politics Among Nations*, Fifth ed., (New York: Alfred A. Knopf, 1973), p. 11.

proper objects of study are different, a distinct branch of knowledge corresponds to each. Therefore questions of interest, morality, law, and economics are categorically distinct. The problem of distinguishing different branches of knowledge by virtue of their generic and proper objects of study and the methods used to study those objects is, in many ways, at the heart of my analysis and it is evident Morgenthau would agree that generically distinct objects of study belong to distinct categories. The point at issue, however, is whether economic man, political man, moral man, and legal man are indeed generically distinct. He *appears* to think that they are. But if he indeed does think this, and if he is right, he deserves credit for a magnificent intellectual achievement because this thinking would contradict a 2500 year-old tradition of Western thinking on the question. Indeed, for many Western political and moral philosophers "ethics and politics were [considered to be] one subject."<sup>31</sup> Morgenthau, in contrast, appears to suggest they are different subjects. But appearances here are deceiving.

Morgenthau nowhere denies the relevance of the economic, legal, and moral "spheres" on human action. It is clear that the "political sphere," as he conceives it, is an abstraction from reality. "Real man," according to Morgenthau, "is a composite of 'economic man,' political man,' 'moral man,' 'religious man,' etc."<sup>32</sup> Morgenthau's purpose, then, is not to distinguish "moral man" from "political man" as distinct generic objects of study. Instead, his purpose is to abstract from "real man" the political dimension of his total experience. In other words, he wants to narrow his field of enquiry

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<sup>31</sup>P. H. Nowell-Smith, *Ethics* (Middlesex: Penguin, 1954), p. 15.

<sup>32</sup>Morgenthau, p. 14.

by abstracting from the total human experience. One cannot conclude from this that Morgenthau is a moral sceptic. On the contrary, the basic thrust of his argument is that statesmen *ought* to act on the basis of national interest (defined substantively in terms of power), and that he *ought not* to act on the basis of abstract moral principles. Morgenthau, then, opposes two distinct substantive moralities and *not* morality and interest as distinct categories. Hence, if one wishes to sustain the traditional assumption about the antithesis between interest and morality, one must look elsewhere than to Morgenthau's arguments.<sup>33</sup>

In contrast with the "categorical" view, Charles Beitz, advances the "qualitative" view of the opposition between interest and morality. He sets out to challenge the view--which, incidentally, he incorrectly attributes to Morgenthau, among others--that "normative international theory is not possible, since for various reasons . . . it is thought to be inappropriate to make moral judgements about international affairs."<sup>34</sup> He does not do this, however, by engaging metaethical questions, but by assuming that people "share some basic ideas about the nature and requirements of morality"--what he refers to as moral intuitions--and by seeing "whether international scepticism is consistent with them."<sup>35</sup> The basic moral intuition he has in mind is this:

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<sup>33</sup>Further on this point, Robert McElroy argues that, far from intending to widen the gulf between normative and empirical thinkers, Morgenthau attempted to bridge the gulf. *Morality and American Foreign Policy* (Princeton: Princeton University Press, 1992), p. 4.

<sup>34</sup>Charles R. Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979), p. 5.

<sup>35</sup>Beitz, p. 17.

a [moral] theory must distinguish morality from egoism and explain how it can be rational to act on reasons that are (or might be) inconsistent with considerations of prudence or self interest. *Indeed, the idea that considerations of advantage are distinct from those of morality, and that it might be rational to allow the latter to override the former, seems to be at the core of our intuitions about morality.*<sup>36</sup>

Although it is questionable to do so, even if one does concede that a morally good act is one that benefits others rather than one's self, one cannot conclude from this that the self serving act is beyond the pale of moral analysis and judgement. On the contrary, if one judges the self serving as morally evil, one must have already made the logically prior conclusion that self serving actions are within the purview of moral knowledge and debate--viz., a proper object of moral philosophy. Beitz, however, does not argue that all self serving acts are necessarily morally evil acts. Instead, he argues that the requirements of a substantive morality may require a person to sacrifice his or her own good for another's good in some circumstances. Whether or not this is true will depend largely on what Beitz means by "good" here--viz., the substantive morality he employs. But my purpose in this work is not to dispute substantive moral claims. It is to perform the logically prior task of establishing the idea of the national interest as a categorically moral idea, thus rendering it a legitimate object for substantive moral claims.

In addition, when international relations is conceived in terms of human conduct, one sees clearly that an act by a statesman in the national interest is not necessarily identical to an act in that statesman's personal, or self interest. At the level of human conduct, national interest and self interest do not mean the same thing. For that matter, at

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<sup>36</sup>Beitz, p. 16. My emphasis.

least in terms of American conventional morality, the statesman is obligated to sacrifice his personal interest for the national interest if and when they happen to conflict. Even Under Beitz's account of moral intuition, then, the national interest can be viewed not only as a categorically moral idea, but as a qualitatively moral one as well. For to act in the national interest can often entail acts of extreme altruism.

In order to sustain the traditional assumption that the national interest is opposed--either categorically or qualitatively--to morality, one must advance an argument grounded in a clear conceptual understanding of both ideas. As far as I can tell, no such argument has been made that can adequately sustain such an assumption. But until such an argument is made, it is unsafe to hold the assumption that interest and morality are antithetical. Consequently, the traditional assumption is a very weak basis for grounding the assertion that the national interest is not a categorically moral idea.

### **The argument**

I again emphasize that by arguing that the national interest is a categorically moral idea, I am not suggesting that it is a morally good idea. I am simply saying that, as a categorically moral idea, the national interest therefore is subject to the judgements of any substantive morality. In other words, in order to vindicate the national interest as a morally good idea, on the one hand, or in order to condemn it as a morally evil one, on the other, one needs to employ substantive moral arguments. And it is conceivable that one substantive morality might judge it to be a morally good idea, whereas another might judge it to be a morally evil one. This, it seems to me, is the real point of contention

between international Realists and Idealists. Nevertheless, although different substantive moralities clearly are proper objects of study for metaethics, I shall not pursue such an analysis in this work. Instead, I merely demonstrate that the idea of the national interest is a categorically moral idea and, consequently, it is a proper object of study for moral philosophy. And this, it should be emphasized, is an exercise logically prior to that of imputing morally good or evil qualities to the idea.

However, to be able to appeal to moral philosophy in order to assist the analysis of the national interest, one first must conceive international relations in a special way. "States," although *legal* persons, are not *moral* persons. Nor are "systems." States and systems, then, cannot be proper objects of study for moral philosophy. Individual human persons, on the other hand, can be such objects. More specifically, human conduct as good or evil, and human actions to be done or not to be done, are proper objects of study for this branch of knowledge.<sup>37</sup>

In the context of this analysis, however, I am not interested in inquiring into all human conduct. Instead, I am interested in a particular class of persons and only in so far as the idea of the national interest bears upon their conduct. In short, I am interested in statesmen in their active capacity as statesmen.

But why just statesmen? For it appears that "the national interest" signifies the aggregate of shared purposes or interests of all citizens. The body politic, in this view, is an association of persons. Further, the idea of association presupposes shared purposes

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<sup>37</sup>Martin D. O'Keefe, S. J., *Known From the Things that Are: Fundamental Theory of the Moral Life* (Houston, TX: Center For Thomistic Studies, 1987), p. 8.

or interests. Consequently, in order to clarify the national interest, one must consider the citizens and their interests. This view, however, is mistaken because its conception of the body politic is based on a dubious political theory. More specifically, it is a view based on a sociology masquerading as a political theory. It supposes that the body politic is a society in the classical sense of the word, when really it is only a society in the sociological sense of the word. Hence, there are two senses of the word "society" that need to be distinguished. If the body politic were a society in the classical sense of the word, it would then, and only then, be meaningful to speak of an aggregate of shared purposes and interests among citizens.

The American body politic, however, clearly is *not* a society in the classical sense of the word. Although it can properly be conceived as a society in the sociological sense. But societies of rocks or plants are also societies in the sociological sense, and it would be meaningless to speak of rocks or plants, as the case may be, as having shared interests or purposes. Nevertheless, it is entirely meaningful to speak of such societies as having shared characteristics. That there is very little agreement, except at an impractically high level of generality, about what American citizens' shared purposes or interests are, is a reasonable indication that there are none. Without shared purposes or interests, the American body politic, by definition, cannot be a society in the classical sense of the word because such interests define society in this sense. And those who value pluralism think it is a very good thing that the American body politic is not a society in the classical sense. Consequently, "the national interest," if it means anything at all, must signify something other than an aggregate of shared purposes or interests among American

citizens. Further, that some people continue to search for that substantively defined aggregate of shared interests, indicates that they mistakenly suppose the American body politic to be a society in the classical sense of the term.

Nevertheless, American statesmen continue to invoke the national interest as the crowning *justification* for their actions. This was particularly evident during the Gulf crisis. But given that the American body politic is not a society in the classical sense of the term--hence, no reference properly can be made to an aggregate of shared interests since there are none--does this suggest a profound ignorance on their part? Not necessarily, because American statesmen indeed are members of a society (in the classical sense of the word) *within* the American body politic, namely: the governing body. And one of the purposes of this body--a purpose presumably shared by its members--is pursuing policies that presumably benefit the country in general. But this is an open-ended purpose because what the statesman specifically needs to do in any given set of contingent circumstances is in large part defined and constrained by the details, subtleties, and nuances of those contingent circumstances. Regardless, one thing does remain constant when a person becomes member of the governing body. And that is the obligation he or she takes upon him or herself by virtue of membership. The American statesman (and not necessarily the statesmen of all countries), in light of the shared purposes of the governing association, is obliged to incline his or her choices toward the national interest, and not toward the particular interests of a sub-national person or group, the interest of an extra-national person or group, or his or her own personal interest. The national interest, then, is an intrinsic principle of action. In terms of the interior act of the

will, it is the end toward which the statesman's actions ought primarily to be directed--  
*viz.*, the motive which ought to guide his or her actions in the capacity or *persona* of  
statesman. Defined as such, it is a categorically moral idea. I emphasize again, however,  
that merely establishing the idea as a categorically moral one says nothing about its moral  
quality. One would need to employ substantive moral arguments either to vindicate or  
condemn the idea as morally good or evil, respectively.

Even though I assert my work is an attempt merely to "think through" a difficult  
and hopelessly tangled concept, the order of presentation in the following chapters should  
not be confused with the order of discovery. Instead, the chapters are ordered in such a  
way to lead the reader to the same conclusions I have already reached. In chapter two I  
outline existing thinking about the idea and point to some problems and deficiencies my  
argument is meant to remedy. The reason for doing this is to learn from and build upon  
what they got right and to find a way around what they got wrong. In other words, I  
cannot hope to transcend existing thought about the national interest unless I know  
something about the existing successes and failures in that thinking.

A broad distinction can be drawn between those who primarily employ the idea  
and those who primarily attempt to understand it, and I examine each half of this  
distinction in the next chapter. Of all the authors referring to the idea of the national  
interest there are only three whose primary goal is to understand the idea. In the vast  
majority of cases, on the other hand, the authors attempt to employ it for a variety of  
reasons, such as vindicating and condemning foreign policies, justifying proposed  
policies, or simply using it as an analytical tool in order to aid one's understanding of

international relations in general.

In chapter three I outline some important distinctions employed throughout the work. Of course, these distinctions were generated only after thinking through the idea of the national interest. But I present them at the outset because they are instrumental for an understanding of the remainder of the argument. In highlighting these distinctions, I have in mind a critique of a particular view of the national interest which, if not dealt with at an early stage of the argument, can impede one's understanding of the remainder. The view I criticize is "national interest" conceived as a "scientific" or "value free" analytic or explanatory tool. Not only do those embracing such a view fail to distinguish *the* national interest from *a* national interest, they fail to recognize that statesmen do not use the formula merely to give *reasons* for their policy choices but, rather, they use it as an impassioned *justification*. Thus, I begin this chapter by distinguishing *the* national interest and *a* national interest and then distinguish reasons and justifications. Finally, following Collingwood and Ryle, I suggest a more theoretical reason why conceiving "national interest" as a scientific explanatory or analytical tool is mistaken, namely: it is based on a logical fallacy called the fallacy of swapping horses.

With the preliminary distinctions aside, I turn to establishing the idea of the national interest as an intrinsic principle of action. The overall argument is carried out in four stages: I begin with an argument for viewing international relations in terms of human conduct as a preliminary to conceiving foreign policy problems as problems of choice (Chapter 4); I offer an account of the problem of choice indicating the role "the national interest," conceived as an intrinsic principle of action, plays in the problem of

choice and raise the issue of rules or criteria for helping the decisionmaker make the best possible choices (Chapter 5); I then turn to an account of the uses and limitations of rules in making choices (Chapter 6) and, finally, I test the clarified conception of the national interest suggested here in light of the Senate debates on the war (Chapter 7) and the judgements of Christopher Layne and Joseph S. Nye, Jr. on the decision to go to war (Chapter 8).

The national interest is clearly bound up with choices statesmen make, if only because it is employed to justify choices made *in the here and now* about objectives to be pursued and the appropriate means for pursuing them. Further, it suggests that the concept plays a central role in rendering those choices. However, in light of my supposition that abstract state and system level theories of international relations are not entirely helpful to a statesman who is trying to decide, *in the here and now*, between, say, continued sanctions or the use of offensive military power, I suggest that a far less abstract level of analysis is needed in order to clarify the idea. For example, even though it is an entirely legitimate conclusion made by balance of power theory, that states always balance does not help an individual senator to decide between specific courses of action in a given set of contingent circumstances. That the senator has been put in a position to decide between courses of action in the first place presupposes that the decision to offset or balance existing states of affairs has already been taken. The question, then, is not about whether balancing will or will not occur. Instead, the question confronting the senator concerns choosing the best means for achieving the desired balance--the kind of balance that benefits the American body politic. It seems to me that the most appropriate

level of analysis to account for such questions and the answers given to them is not the state or the system level but, rather, the individual level. In short, one must conceive international relations in terms of human conduct.

Hence, in order to conceive the idea of the national interest as an intrinsic principle of human action, one must conceive international relations in a special way. International relations viewed from the perspective of state or system levels of analysis have not been sufficiently fruitful for clarifying the idea of the national interest. Conceiving international relations in terms of human conduct, on the other hand, does yield some fruit. However, once international relations is conceived in terms of human conduct, some difficult questions arise which do not arise in the other two perspectives-- questions about the relationship between domestic and international political theory, questions about who those people are that make foreign policy choices, questions about the nature of their relationship to the body politic they are charged to govern and, finally, questions about the problem of human choice and how the national interest relates to that problem. Not only is this level of analysis the most appropriate for addressing the problem of human choice, conceiving international relations in terms of human conduct *demand*s that the problem of choice be addressed. It could be argued that the more abstract levels of analysis conveniently circumvent the pressing and perplexing problem of choice.

Having selected the level of analysis best suited for dealing with the problem of choice, I begin to address that problem directly in Chapter 5. The problem of choice--a problem not expressly addressed by Beard and Rosenau, and expressly avoided by

Frankel--is the key to gaining conceptual insight into the idea of the national interest.

Although Frankel correctly suspects that the national interest, value, choice, and foreign

policy are intimately related, he argues that the solution lies beyond the pale of

"scientific" reasoning. Hence, he circumvents the question altogether. However, having

not bound myself to a method grounded in an analogy with natural science, there is no

reason for me to avoid the question. For that matter, my conclusion that the national

interest is an intrinsic principle of action depends on *some* kind of an answer to the

question; but not necessarily the answer I advance in Chapter 5 and subsequent chapters.

Thus, although I draw upon the insights of Aristotle, Aquinas, Hobbes, and Collingwood

to provide my answer to the problem of choice, I do not suggest thereby that it is the only

answer to the question. Nor do I bind myself thereby to the entire body of their

respective systematic philosophies. Other answers to the problem of choice could very

well be equally suitable for developing the idea of the national interest as an intrinsic

principle of human action.

Essentially, I argue that whatever a person actually chooses in a given set of circumstances is in large part a function of his or her *motive* for action in the first place.

Thus, if "the national interest" is the proximate motive for one's choice, it is highly

possible (but not necessarily the case) that the substantive object of desire and the

subsequent means chosen to acquire it would be different from those chosen if "personal"

or "self interest" was the proximate motive. In light of conventional American political

morality, the "right" motive for a statesman while acting in that capacity is the national

interest and not his personal or some other interest. The extent that a statesman embraces

the "right" motive for making choices in his capacity as statesman is the same extent to which the national interest is the intrinsic principle of his actions.

But the problem of choice does not end here. For it is also possible--indeed, it is likely--that two individual statesmen, each embracing the "right" motive, can disagree about which policy alternative is the *best* alternative in any given situation. Thus, there is nothing inherently contradictory about two statesmen, each proposing mutually exclusive policy options, justifying their choices in terms of the national interest. If each indeed embraces the "right" motive, each is equally justified in asserting their respective mutually exclusive choices as serving the national interest.

Nevertheless, even if one is convinced that each of the two policy options is genuinely founded upon the "right" motive, a third party--also embracing the national interest as his intrinsic principle of action--still has to confront the painful choice about which of the two alternatives to employ. This was precisely the problem faced by United States Senators in January 1991 when they had to choose between the Dole-Warner resolution (authorizing the president to use armed force against Iraq in accordance with UN Security Council resolution 678) and the Mitchell-Nunn resolution (continuing the economic blockade indefinitely). How does one faced with such a choice go about deciding which alternative is best for the country?

Many commentators might respond to the foregoing question by asserting that, whatever the choice is, the criterion that the statesman *must* employ in rendering it is the national interest. This is the conventional wisdom about the national interest, namely, it is the criterion that must be employed in deciding among foreign policy alternatives. It

should be evident, however, that this is precisely where the conventional wisdom runs aground. The foreign policy observer must make a choice here. Either the national interest is the "right" motive behind the policy proposals in the first place, or it is the criterion for deciding which alternative is indeed best for the country. The choice here, however, should be self evident. This can be demonstrated by the answer to another question, namely: what is the motive for choosing the best alternative for the country in the first place? Clearly, the answer is: the national interest. Thus, if the *motive* for choosing the best alternative is the national interest, the *criterion* for making the best choice cannot also be the national interest. In short, the conventional wisdom confuses something that is actually a *subjective motive*--an intrinsic principle of action--for making the best choice with an *objective criterion*--an external standard or rule--for making the best choice.

Thus, the adherents of this "objectivist" view of the national interest suppose that the proper standard, rule, or measurement to be used in deciding between policy alternatives is the national interest. Despite this mistake, they nevertheless recognize that the formula "the national interest" on its own is not very helpful until it is infused with substantive content. Consequently, the "objectivist" project is to seek out and articulate that content. For example, Hans Morgenthau defines the national interest in terms of power. Thus, when a statesman is attempting to decide among policy options, he needs only to ask himself the question: which of these alternatives contributes most to the preservation or enhancement of national power? And, presuming the question can be answered with absolute certainty (which, under most circumstances, it probably cannot),

the best alternative is determined thereby.

By answering the problem of choice in this way, however, the "objectivist" clearly does not recognize that the national interest enters into the scenario much earlier than he allows. For one might inquire of the objectivist: why would you even bother seeking out the criteria of choice in the first place? In the case of Morgenthau it is evident (but by no means absolutely certain) that his project itself is motivated, if only in part, by the national interest. In other words, the national interest evidently was his motive for seeking out criteria to help statesmen make better choices in the first place. Again, the national interest cannot be a subjective motive as well as an objective criterion. Further, in an attempt to infuse substantive content into "the national interest" with the idea of power, Morgenthau is confusing means with motives. Whereas the maintenance or enhancement of power is the means, the national interest is the motive for pursuing those means. "The national interest," then, is not in need of substantive content. It is the idea of "motive" that needs substantive content and, in terms of American conventional political morality, the national interest is that content.

Far from being the solution to the problem of choice, then, the national interest is the source of the problem. Nevertheless, there are criteria that can be used in order to help the statesman decide. But they do only just that--*viz.*, they only *help* the statesman to decide. They do not make the choice for him. Thus, when it comes to the problem of choice, the inherent limitations of rules, standards, or measurements of choice become most painfully evident--regardless of what rules one employs. What the statesman decides depends ultimately on what he himself brings to the choice situation--i.e., his

total makeup as a person *here and now*. To the extent that he is possessed by the virtue of prudence is the extent to which the choice he makes is the best that can possibly be made. The quality of an actual choice, then, does not ultimately depend on the rules employed in making that choice. Instead, it depends on the qualities of the person making that choice.

In Chapter 6, I examine the limitations of rules and the role of prudence in detail. I articulate two sets of rules that a statesman could have employed (and, as will be shown in Chapter 7, that many senators did in fact employ), and demonstrate that choice cannot ultimately be reduced to rules. Presuming a senator is genuinely motivated by the national interest, which is the best choice to make? The Dole-Warner resolution? The Mitchell-Nunn resolution? In hindsight, it appears that the former may have been the best choice. But I do not know of any way to determine this with absolute certainty. Regardless, the United States Senators did not have the benefit of hindsight when they had to confront the choice facing them. That luxury was left for Joseph Nye and Christopher Layne to enjoy seven months later when they set out to pass judgement on the choice actually made by the members of United States Senate, among others.

I examine the arguments among the senators and those between Nye and Layne in Chapters 7 and 8, respectively. The purpose of examining these arguments is not to determine whether the choice made by the senators was indeed the best choice, nor is it to determine which of Nye and Layne's judgements was indeed the best judgement. Instead, these two chapters constitute the "testing ground," so to speak, for my conception of the national interest understood as an intrinsic principle of action--*viz.*, as a

motive in the act of choice. To the extent that this understanding clarifies the real substantive issues raised in the respective debates is the extent to which it can be considered an accurate understanding. If the national interest can accurately be conceived as an intrinsic principle of action, one must conclude thereby that it is a categorically moral concept. Further, if the central concept in the study and practice of international relations is indeed a categorically moral concept, it is reasonable to conclude that the conduct of international relations is a proper object of study for moral philosophy or, more commonly, ethics. Nevertheless, it remains to be seen whether the idea of the national interest is a morally evil idea or a morally good one. This thesis merely helps to set the terms in which the perennial debate between international realists and idealists must eventually be resolved.

**CHAPTER TWO**  
**EMPLOYING AND UNDERSTANDING**  
**"THE NATIONAL INTEREST"**

In this chapter I will set out the nature of the existing literature dealing, in one way or another, with the national interest. I distinguish two broad categories of literature: one in which the authors primarily *employ* the concept, and one in which the authors primarily seek to *understand* it. The first category is practically oriented whereas the second category is theoretically oriented. The basic question driving the authors of the first category is: How should (or does) a statesman conduct his business? And the basic question driving the second category is: What does the national interest mean? In the first category, the primary objects of concern are the standards of conduct for statesman, whereas in the second category the idea of the national interest itself is the primary object of study. Hence, the literature in each of the two broad categories reflects a distinctive disposition of the authors toward the idea.

Of course, in an attempt to understand the idea one must pay attention to how it is employed in practice and, conversely, in an attempt to employ the idea one presumably must understand it. The authors in each category, then, are not engaged in mutually exclusive enterprises. But this does not negate the basic distinction--a distinction established by asking: what is the primary concern of the author? Is it about the idea itself? Is it about using the idea as an analytical tool? Or is it about providing prescriptive rules and principles for the conduct of statecraft at the international level?

### Employing "The National Interest"

Of the group employing the concept, I distinguish those who advance *general* substantive conceptions from those who advance *specific* conceptions about what substantive policy options are best in light of the motive "the national interest." Of the authors advancing specific substantive conceptions, I identify two groups. First, there are those who advance their conceptions *after* a particular foreign policy decision has been reached, apparently with the aim of assessing that decision. The arguments of Joseph S. Nye Jr. and Christopher Layne fall into this category.<sup>1</sup> Second, there are those who advance their conceptions *during* the process of reaching a foreign policy decision. The United States Senate debates held on 10, 11, and 12 January 1991 fall into this category.<sup>2</sup>

#### *General Substantive Conceptions*

General substantive conceptions, like specific substantive conceptions, are not so much concerned with "*the* national interest" as they are with "national *interests*."<sup>3</sup> Unlike the specific substantive conception sub-category, however, the authors in this sub-category are not concerned with national interests in any particular historical context or in the context of any particular foreign policy problem. Instead, they are concerned with what

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<sup>1</sup>Joseph S. Nye Jr, "Why the Gulf War Served the National Interest," *The Atlantic Monthly* (July 1991): 56-64, and Christopher Layne, "Why the Gulf War was not in the National Interest," *The Atlantic Monthly* (July 1991): 65-81. I will examine in detail their respective arguments in chapter eight.

<sup>2</sup>I will examine these debates in detail in chapter seven.

<sup>3</sup>The distinction between *the* national interest and national *interests* will be explained more fully in chapter three. I mention the distinction now merely to draw the reader's attention to it.

I call "standing" national interests. This body of literature remains open to the question about how to apply abstract prescriptive principles and rules to specific cases. George and Keohane,<sup>4</sup> for example, begin their treatment of the concept of national *interests* by noting that:

Foreign policy problems . . . typically engage a multiplicity of competing values and interests, so much so that policymakers often have great difficulty in attempting to reduce them to a single criterion of utility with which to judge which course of action is "best." In principle, the criterion of national interest, which occupies so central a place in discussions of foreign policy, should assist decisionmakers to cut through much of this value complexity and improve judgements. . . . In practice, however, national interest has become so elastic and ambiguous a concept that its role as a guide to foreign policy is problematic and controversial. [In this work we examine] some of the reasons for this development and point to ways in which the concept can be clarified in order to strengthen the guidance it can give to foreign-policymakers.<sup>5</sup>

George and Keohane's primary purpose, then, is to assist the statesman in making better decisions. But although this is their primary purpose, they necessarily set out to achieve some kind of understanding about the idea. As a direct consequence of their aim--hence, their disposition toward the idea of the national interest--they proceed to break down the idea into what they believe to be the irreducible national interests (or vital interests) of physical survival, liberty, and economic subsistence.<sup>6</sup> The reason for doing so--again, as their aim suggests--is "to introduce discipline and restraint into the

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<sup>4</sup>Alexander L. George and Robert O. Keohane, "The Concept of National Interests: Uses and Limitations," in Alexander L. George, ed., *Presidential Decisionmaking in Foreign Policy: The Effective Use of Information and Advice* (Boulder: Westview Press, 1980), pp. 217-237.

<sup>5</sup>George and Keohane, p. 217.

<sup>6</sup>George and Keohane, p. 224.

formulation of foreign policy" in order to prevent other interests from being "smuggled" into the process "under the legitimizing umbrella of the term 'national interests.'"<sup>7</sup>

The immediate issue here is not to examine George and Keohane's substantive claims--although they are probably right. Nor is it to devalue their project in any way. Instead the point of the immediate discussion is to draw a distinction between the nature of their project--what I refer to as a general substantive conception<sup>8</sup>--from specific substantive conceptions. The basic distinction is that George and Keohane advance substantive conceptions of national interest that ideally would apply in all foreign policy situations. Specific substantive conceptions, on the other hand, are specific to a particular set of contingent historical circumstances.

### *Specific Substantive Conceptions*

Specific substantive conceptions, then, are not concerned so much with national *interests* in the abstract as they are with one or more of these interests in a particular set of contingent circumstances. Unlike the authors of general substantive conceptions, these persons do not ask and attempt to answer the "abstract" and, hence, quasi-practical question, namely: what should leaders do in general? Instead, they ask and attempt to

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<sup>7</sup>George and Keohane, p. 227.

<sup>8</sup>Other examples of general substantive conceptions include: Grayson Kirk, "In Search of the National Interest," *World Politics* (1952): 110-115; John L. Chase, "Defining the National Interest of the United States," *Journal of Politics* (November 1956): 720-724; Hans J. Morgenthau, "Another 'Great Debate': The National Interest of the United States," *American Political Science Review* (December 1952): 961-988; and, *Politics Among Nations: The Struggle for Power and Peace*, 5th ed., (New York: Alfred A. Knopf, 1973).

answer a concrete practical question, namely: What should leaders do (or have done) in these (or those) concrete contingent circumstances as they face (or when they faced) this (or that) specific practical problem? For example, questions like: given the predicament we find ourselves in, should we go to war or not? Or, given the predicament they found themselves in at the time, should they have gone to war or not? These two kinds of questions, however, point to another crucial distinction, namely: specific conceptions advanced after the fact and specific conceptions advanced during the process of reaching a decision.

**a) Specific Conceptions After the Fact:** In temporal terms, the question "given the predicament they found themselves in at the time, should they have gone to war or not?" can only arise *after* a particular choice was made and executed. In short, it is an historical question and, as such, requires the skilful application of historical methods in order to answer it correctly. But it is a special kind of historical question because it does not seek historical knowledge for its own sake, but, rather, for the sake of evaluating decisions already made. For historical knowledge is essentially "theoretical knowledge," and theoretical knowledge is knowledge *that* something is or has been--it is knowledge of *fact*.<sup>9</sup> But the question, although it presupposes an answer to it, does not ask "did they in fact go to war?" it asks instead "*should* they have gone to war or not, given the fact that they did (or did not) go to war?" In short, the question does not seek theoretical

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<sup>9</sup>Thomas Hobbes, *Leviathan*, p. 40; Collingwood, *The New Leviathan: Or Man, Society, Civilization and Barbarism*, Revised edition, David Boucher ed. (Oxford: Clarendon Press, 1992), chapter XIV; Gilbert Ryle, *The Concept of Mind* (London: Hutchinson, 1955), chapter II.

knowledge about someone's actual conduct for its own sake, but for the sake of judging human choices. In this case, the authors ground their respective judgements in specific substantive conceptions of national interest. From this body of literature we learn that, at the very least, the national interest is often employed as a standard against which particular foreign policy choices are evaluated and judged.

But why would someone want to try to determine how someone else should have conducted themselves in a given set of contingent circumstances? For regardless of what standard of conduct is applied after the fact, it cannot change what has already occurred. A person might want to do this for a couple of reasons. One might want to pass judgement, for whatever reason, on the person or persons responsible for the decision. Or one might want to learn from another's experience what needs to be done, and how it can be done, if a similar set of circumstances arises again. Joseph S. Nye and Christopher Layne's respective replies to the question of whether or not the Gulf War was in the American national interest are two examples of this kind of treatment.<sup>10</sup>

**b) Specific Conceptions During the Fact:** This second half of the distinction seeks to answer a practical question of choice, exemplified by the question: given the predicament we find ourselves in, should we go to war or not? Whereas the question "given the predicament they were in, should they have gone to war or not?" can arise only after the fact and, consequently, seeks historical knowledge, the question "should we

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<sup>10</sup>Another example is: Stephen D. Krasner, *Defending the National Interest: Raw Materials, Investments, and U.S. Foreign Policy* (Princeton: Princeton University Press, 1978). Krasner, however, does not examine one particular foreign policy choice but a series of choices in one particular policy area.

go to war or not?" seeks practical knowledge. One possesses theoretical knowledge the moment he "makes up his mind *that*" something is or was.<sup>11</sup> One possesses practical knowledge, on the other hand, the moment he "makes up his mind *to*" do some particular thing--that is to say, the moment he formulates a special type of proposition called an *intention*.<sup>12</sup> An intention usually takes the shape of something like: "I will close the window," or, "I will secure the liberation of Kuwait," or, "I will lead my country into war," or, "I will continue sanctions indefinitely."

But formulating the intention is only part of the decision process. Once the agent has decided upon the object to be secured, he must then decide upon the best means to employ in order to secure it. The process of making up one's mind--that is, the thought process that occurs before an election is made about means--is called deliberation. A person's capacity for deliberating well is what Aristotle refers to as "practical wisdom," "*phronesis*," or "prudence."<sup>13</sup>

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<sup>11</sup>Collingwood, *The New Leviathan*. p. 99.

<sup>12</sup>It should be evident that most of a person's routine activities are not preceded (temporally or logically) by the formulation of an intention. Most activities stem from habit. This is equally true with complex and difficult activities. We are considered skilled at an activity when we have acquired the complex habits of action pertaining to that activity. Hence, the expression "practical knowledge" often refers to skills acquired through training and habit, and this is the sense in which Ryle uses the term "knowing how." *Concept of Mind*, chapter II. But this clearly is not the sense in which I am using it here. Here I understand by "practical knowledge" the knowledge of what one either intends or wills to do in a given situation. And such knowledge is expressed in the form of a special proposition called an "intention." The idea of an intention will be addressed in more detail when I examine the problem of choice in chapter five.

<sup>13</sup>Aristotle, *Nicomachean Ethics*, 1140a25-35. The idea of prudence and how it relates to the problem of choice will be explored in greater detail in chapter six. I mention it now merely to indicate a point of contact between the questions addressed by the philosophy of the human person, moral philosophy, and questions addressed about

Thus, the people who have set out to answer the question "what should we do?" are in the process of formulating an intention--that is, they are deliberating about what to do. Many bodies politic have incorporated this practice into their collective decisionmaking not only by allowing, but insisting, that public deliberation take place on important questions such as whether or not to commit the country to war. The United States Constitution, for example, requires the collective wills of Congress for a declaration of war.

The record of the deliberation process for a country's particular decision in a particular set of contingent circumstances in light of a particular problem, is the kind of literature I am referring to here. The best, but by no means the only literature available in any set of contingent circumstances is that produced by the authors of the decision itself. In the case of the Gulf War, I draw upon the United States *Congressional Record* of the January 1991 Senate debate on whether or not to employ offensive military force against Iraq. As indicated, I shall examine their deliberations in chapter seven.

### **Understanding "The National Interest"**

In keeping with the broad distinction between those who employ the idea and those who explicitly set out to understand it, I shall now turn to the latter group. In particular, I shall examine the works of Charles Beard, James Rosenau, and Joseph Frankel.

Although these three authors have made an important contribution to our understanding of the idea of the national interest, they do not address the question of how the idea

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foreign policy decision making.

relates to the problem of choice. The key to reaching the kind of understanding I hope to achieve is determining just how the notion of national interest relates to the problem of human choices--human choices, that is, of persons acting in their capacity as American statesmen.

*Charles Beard*

By far, the most impressive and sustained attempt at clarifying the idea of the national interest was originally published in 1933 by Charles Beard.<sup>14</sup> In that work, Beard examines what American statesmen and publicists meant when they invoked the expression "the national interest"--viz., he examines and distinguishes the kinds of policies that the expression reflected.

For Beard, "the national interest" is merely an abstract formula that is meaningless outside the contingencies of the situation and the actual complex of values embraced by the individual person employing the term. In the words of Charles E. Hughes: "foreign policies are not built upon abstractions," but "are the result of *practical conceptions* of the national interest arising from some immediate exigency or standing out vividly in historical perspective."<sup>15</sup> Hence, it is a kind of shorthand expression presumably embodying a deeper meaning intimately known by the person employing the term in the context of contingent circumstances. Beard, therefore, sets out to establish

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<sup>14</sup>Charles A. Beard, *The Idea of National Interest: An Analytical Study in American Foreign Policy*, reprinted, (Chicago: Quadrangle, 1966).

<sup>15</sup>Cited in Beard, p. 1. My emphasis.

these meanings from the founding of the Republic until the early 1930s and, in keeping with Charles Hughes' dictum, the only way he thinks this can be done is by examining what people said and did in the context within which they said and did it. Determining the substantive practical meaning ascribed to the national interest in any set of circumstances is, for Beard, an historical problem--that is to say, a problem to be addressed by historical methods.

Although he argues effectively that a "traditional thesis" can be discerned about its use as a formula to "explain and justify policy," it is notable from his overall account that the national interest did not have the same substantive meaning for all Americans in all concrete historical circumstances. Nor did it have the same substantive meaning for all Americans even in identical circumstances. For example, Alexander Hamilton's substantive conception of the American national interest "meant a consolidation of commercial, manufacturing, financial, and agricultural interests at home." In foreign policy, it meant "the promotion of trade in all parts of the world by the engines of diplomacy, the defense of that trade by a powerful navy, the supremacy of the United States in the Western Hemisphere, and the use of military and naval strength in the rivalry of nations to secure economic advantages for the citizens of the United States." In short, Hamilton conceived American interests in terms of *machtpolitik*.<sup>16</sup>

Thomas Jefferson, on the other hand, "was essentially isolationist in outlook and opposed to territorial adventures which brought the United States into economic rivalry with the imperialist powers of Europe and hence into the diplomatic entanglements

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<sup>16</sup>Beard, pp. 48-49.

inevitably associated with it."<sup>17</sup> Even though these two views are inherently incompatible, their respective proponents justified and articulated them in terms of the "iron law" of national interest. However, despite its (divergent) employment by statesmen and publicists "as if it were a fixed principle, somewhat like the law of gravitation," Beard notes that it cannot be such a law if only because "the idea of national interest is, relatively speaking, a newcomer among the formulas of diplomacy and international morality."<sup>18</sup>

From Beard's broad historical study one learns not only that the expression "national interest" displaced older formulas of diplomacy--such as *raison d'état* and the national honour--but that there is rarely universal agreement about what the national interest means in substantive practical terms. The national interest has no fixed and permanent substantive practical meaning. There is no "objective" substantive conception that can hold true in all times and circumstances. In addition, the national interest merely understood in the abstract is virtually meaningless. In Kenneth Waltz's terms, "to say that a state seeks its own preservation or pursues its national interest is interesting only if we figure out what the national interest requires a country to do."<sup>19</sup> But despite its divergent meanings in practice and its relative meaninglessness when employed in the abstract, there does appear to be a common thread in its use--that is, it is used by statesmen and commentators alike as a *justification* for (often divergent) policy options.

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<sup>17</sup>Beard, p. 87.

<sup>18</sup>Beard, p. 4.

<sup>19</sup>Kenneth N. Waltz, *Theory of International Politics*, First edition (New York: Newbery Award Records Inc., 1979), p. 134.

In this particular work, Charles Beard does not fulfil his ultimate objective to produce a conceptual, rather than purely historical, treatment of the idea and concedes that the task must be left to a sequel--something which he unfortunately never produced. Nevertheless, his starting point is a fruitful one. He realizes that the only way to reach a conceptual understanding of the national interest is first to examine the way the formula is employed in practice, determine its *substantive* meaning in those contexts in light of the actual policies appended to the expression, and then to proceed with an analysis of a more conceptual nature. For Beard, the starting point of any conceptual analysis, then, is human conduct in an historical context--that is to say, one must first employ historical methods and then move on to more conceptual ones.

Unlike Beard, however, my treatment cannot claim the same degree of historical scope and emphasis. This task has already been performed, and performed expertly, by Beard himself. Instead, I shall examine the employment of the idea in the context of a singular historical event, namely, the Gulf War. Nevertheless, I draw upon his insight that no conceptual analysis can be undertaken without reference to concrete historical circumstances.

Perhaps as a consequence of not addressing the question of how the national interest relates to the problem of choice, Beard may not have been dealing specifically with the idea of the national interest after all. Instead, he was dealing with the substantive nature of American foreign policies presumably *motivated* by the national interest. He attempted to distil American foreign policies down to a common set of ideas and found that this could not be done. However, he could not deny that all of those

divergent policies were probably motivated by the national interest. People with the same motive to do what is best for the body politic can make different judgements about what is best. Hence, Beard clearly distinguishes human judgements from human motives in the sense that the same motive shared by two different people does not necessarily lead to the same policy choices.

*James N. Rosenau*

In his analysis of "*the national interest*," Rosenau clearly is not using the concept "to describe, explain, or evaluate the sources or the adequacy of a nation's foreign policy." Instead, he is attempting to clarify the concept and determine its suitability as an analytical tool. Although he argues convincingly that it is not suitable as such, he concedes that "its use in politics will long continue to be a datum requiring analysis."<sup>20</sup>

Keeping in mind the broad distinction between *employing* the concept and *understanding* it, Rosenau's account clearly fits into the latter category; even though he approaches the problem in a primarily negative way. In other words, he shows how the concept cannot be used instead of developing a positive account of what its role might be in a concrete decision making context. Regardless, Rosenau's account serves as an effective critique of some of the ways in which the concept is employed. And a large part of any understanding about what a concept means can be obtained by learning how it cannot properly be used.

In the course of demonstrating its inadequacy as an analytical tool, he attempts

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<sup>20</sup>Rosenau, p. 39.

first to distinguish analytical from political usages of the idea.

As an analytic tool, it is employed to describe, explain, or evaluate the sources or adequacy of a nation's foreign policy. As an instrument of political action, it serves as a means of justifying, denouncing, or proposing policies. Both usages . . . refer to what is best for a national society.<sup>21</sup>

There is a problem with this distinction because Rosenau groups together under the heading of "analysis" the activities of "explanation," "description," *and* "evaluation." For much of what is produced under the guise of evaluation is very difficult to distinguish from political action. Layne and Nye, for example, evaluate the American decision to go to war and they use the idea of the national interest to justify their mutually exclusive judgements--a form of political action in my view. Nevertheless, Rosenau's mistaken distinction does not affect the remainder of his analysis. The activity of evaluation aside, Rosenau essentially agrees with both Beard and Waltz's critique that the national interest employed as a description or explanation of foreign policy does not tell us very much.

A national interest, in his view, is whatever a country's decisionmakers decide.<sup>22</sup> Rosenau refers to this as the "subjectivist" account. Rosenau's most formidable critique, however, is directed against what he calls the "objectivist" account of the national interest. And the "objectivists," in my view, are primarily engaged in a form of political

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<sup>21</sup>Rosenau, p. 34.

<sup>22</sup>Although this is stated in universal terms, it is clear that Rosenau's "subjectivist" emerges from within the Western Liberal-Democratic experience. Hence, the subjectivist presupposes that the decision about interests was reached by due political process. If the subjectivist notion is extended to embody the decisions of all national leaders--including the most malevolent of tyrants--it merely becomes a purely descriptive statement.

action, if only an indirect form.

Of the objectivists, Rosenau identifies Hans Morgenthau as the most sophisticated member.<sup>23</sup> In tracing the development of the objectivist account, he notes that although the term was employed by American political actors since the late 18th century, it was during the interwar period that the first serious attempt to clarify the concept was made.<sup>24</sup> After World War II, however, many analysts began to *employ* the concept to criticize the British, French, and American policies which, they believed, led to that war. It seemed obvious to these analysts "that the best interest of a nation is a matter of objective reality and that by describing this reality one is able to use the concept of the national interest as a basis for evaluating the appropriateness of the policies which a nation pursues."

Perhaps the most penetrating criticism of the objectivist perspective is that its adherents merely enjoy "the benefits of hindsight to justify the superiority of [their] own values over those of the British and French policy makers who decided to acquiesce to Hitler (obviously, the policy makers would have acted differently if they could have foreseen the consequences of acquiescence)." Further, it is entirely unreasonable to criticize another's conception of the national interest on the basis of hindsight because "if the British and the French believed they were satisfying their wants and needs when they compromised at Munich, who is to say they were wrong and acted in violation of their

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<sup>23</sup>Rosenau, p. 35

<sup>24</sup>Rosenau, pp. 34-35. That attempt was made by Charles Beard.

national interests?"<sup>25</sup>

In contrast with the objectivist view, Rosenau argues that "[w]hat is best for a nation in foreign affairs is never self evident. More important, it is not even potentially knowable as a singular objective truth. Persons are bound to differ on what the most appropriate goals for the country are in any given set of circumstances. For, to repeat, goals and interests are value laden. They involve subjective preferences, and thus the cumulation of national interest into a single complex of values is bound to be as variable as the number of observers who use different value frameworks." That objectivists hold such a value framework is clear because they "proceed on the assumption that some values are preferable to others (for example, that it is better for the nation to survive than not to survive)."<sup>26</sup>

The thrust of Rosenau's critique is clear. There is no universal substantive conception of the (presumably American) national interest that applies to all circumstances. There are simply competing views about what is the best thing for the country to do in any given set of circumstances. And the holder of one view is not necessarily acting any more or less in the national interest than the holder of another--that is, as long as both are genuinely concerned about doing what is best for the country.

The subjectivists, on the other hand, converged upon the national interest as an analytic concept when "the discipline of political science gave increasing emphasis to scientific explanation." This group was concerned "less with evaluating the worth of

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<sup>25</sup>Rosenau, p. 36.

<sup>26</sup>Rosenau, p. 36.

foreign policies and more with explaining why nations do what they do when they engage in international action. . . ." The subjectivists "reasoned that nations do what they do in order to satisfy their best interests and that by describing these needs and wants the analyst would be in a position to use the concept of the national interest as a tool for explanation. These analysts . . . deny the existence of an objective reality which is discoverable through systematic inquiry." National interest is not "a singular objective truth that prevails whether or not it is perceived by the members of a nations, but it is, rather, a pluralistic set of subjective preferences that change whenever the requirements and aspirations of the nation's members change."<sup>27</sup>

The decisionmaking approach pioneered by Furniss and Snyder provided an additional rationale for the subjectivist approach to the national interest. The "students of decision making contend that the national interest, being composed of values (what people want), is not susceptible of objective measurement even if defined in terms of power and that, accordingly, the only way to uncover what people need and want is to assume that their requirements and aspirations are reflected in the actions of a nation's policy makers." In other words, "The national interest is what the nation, i.e., the decision-maker, decides it is."<sup>28</sup> The better of the subjectivist approaches "rely on the society's political process" to determine what of the many conflicting interests are indeed national interests. There is little doubt in his mind "that the national interest is rooted in values ('what is best')." And this value laden character of the concept is why analysts

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<sup>27</sup>Rosenau, p. 35.

<sup>28</sup>Rosenau, p. 36.

have found "it difficult to employ as a tool of rigorous investigation. . . ."29

Rosenau's critique of the "subjectivist" account probably could have been more penetrating had he distinguished *the* national interest from national *interests*, and both of these from "foreign policies." For a country's leaders do not decide what *the* national interest is in a given situation. Instead, they decide what the nation's *interests* are--that is to say, the specific goals to be pursued. Further, they decide on the means to be employed in pursuit of those goals and these are embodied in foreign policies. Finally, they employ the expression "*the* national interest" as a *justification* for the chosen policy. Hence, strictly speaking, it is a mistake to say that the national interest is what a country's leaders decide. But it is not necessarily a mistake to say that in any given situation that a country's leaders genuinely are trying to do what is best for the country by choosing this policy and not another. Perhaps this is what statesmen mean when they say that they are acting in the national interest--they are merely claiming that they are trying to do what they think is best for the country.

Hence, by asserting *the* national interest as a justification for a given policy choice, the statesman merely is reaffirming that his or her choice is inclined toward the good of the country. If he or she were to respond to the further question "but *why* do you think this rather than that policy is best for the country?" with "because it is in the national interest," he or she simply would be arguing in a circle. In short, "the national interest" is the statesman's answer to the question about whose good toward which his or her intentions are inclined in choosing the given policy. But it does not answer the

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<sup>29</sup>Rosenau, p. 34.

question about *why* he or she thinks that choice is the best in the circumstances.

Nevertheless, Frankel offers a penetrating critique of both the subjectivist and objectivist views. He does not, however, address the notion of the national interest as "a datum requiring analysis." It is not clear what he means by this. But if he means that further investigation is needed into the role the idea plays in the practice of making foreign policies, I have taken up that challenge in this thesis.

### *Joseph Frankel*

Joseph Frankel's conceptual analysis of the national interest is difficult to summarize. The book is essentially a collection of diffuse thoughts on the national interest unified only by the fact that they all have some bearing on the idea. For example, in his review of Frankel's book, Werner Levi concludes that "it brings confusion into chaos," and that anyone looking "for clarification of the concept will not find it in this book--mostly because, as the author conveys fairly convincingly, it cannot be found anywhere."<sup>30</sup> Frankel himself admits, albeit obliquely, that his diverse thoughts on the subject lacked an element of focus. In his conclusion, he concedes that:

With a subject of this nature, it would be impracticable to attempt a summary and conclusion of the book in the customary way. The argument is much too condensed to allow a meaningful brief summary; so many conclusions could be drawn from it that any selected by the author may strike the readers as idiosyncratic and arbitrary. The task of forming conclusions as to the nature of the concept will then be left to the individual reader who can, if necessary, easily refresh his memory of the argument by looking again through the whole book which is, after all,

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<sup>30</sup>Werner Levi, Review of Joseph Frankel's, *National Interest in The American Political Science Review* 65 (June 1971): 588.

quite short.<sup>31</sup>

Frankel's inability to give form and structure to the idea, however, is no reflection on his scholarly abilities. It merely reflects the nature of the concept--a concept which, by all accounts, is exceedingly difficult to untangle. But, unlike Werner Levi, one ought not fall victim to misology. It is one thing to say that the concept is difficult to clarify, but quite another to say that it is impossible. Hence, Frankel should be commended rather than criticized for his pains.

The only general critique one can reasonably offer about Frankel's attempt is that he tries to do too much in too little time and space. But such a critique must go hand in hand with a sincere acknowledgement that at least he has said something about it, and that what he has said--although diffuse and varied--is certainly relevant. Nevertheless, I have learned from Frankel's attempt that in approaching the idea of the national interest, one has to limit one's objectives. Consequently, I have limited my inquiry to establishing the epistemological category to which the idea of the national interest properly belongs, namely: the moral category.

Further, to the extent that Frankel can be considered to be an authority on the subject,<sup>32</sup> his diffuse discussion permits a variety of ways to join the debate--that is to say, he opens up numerous "entry points" for someone else to join the conversation about the idea of the national interest. In view of this, I shall take up the issues he raises in

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<sup>31</sup>Frankel, p. 141.

<sup>32</sup>Because his work is the only existing monograph on the subject, perhaps he should be considered as such.

chapters seven and eight on the questions of human decision and choice, and in chapter one on the question of methodology.

Frankel argues that "the ultimate mystery of decisions which, in some cases at least, are clearly acts of free will and products of imagination, escape full explanation. Consequently, he makes no attempt at providing one."<sup>33</sup> This statement, however, is rather surprising given that Frankel indicates an important relationship between human decisions and values, on the one hand, and values and the national interest, on the other. "The value component of decisions," he argues, "is probably much more significant than [the] information [component]."<sup>34</sup> And, "national interest," he argues further, "is the most comprehensive description of the whole value complex of foreign policy."<sup>35</sup> But, having postulated a relationship between values, decisions, the national interest, and foreign policy, he forestalls any attempt to probe the "mystery" of human choice because, apparently, it escapes full explanation. This cannot be true because if there is any problem that has preoccupied the greatest minds of moral and political philosophy from dawn of Western civilization to the present, it is the so-called "mystery" of human choice.

What is the answer moral and political philosophy have given to the question? I shall answer this by means of an analogy. Whereas moral and political philosophers from the dawn of Western civilization have been preoccupied with the "mystery" of

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<sup>33</sup>Frankel, p. 119.

<sup>34</sup>Frankel, p. 113.

<sup>35</sup>Frankel, p. 26.

human choice, natural philosophers--often the same people--have been preoccupied with the "mystery" of nature. The question: "what is the answer they have given to the "mystery" of nature?" is an historical question. Consequently, one needs to look to that body of knowledge called "the history of thought" in order to answer it. One must enter the conversation by rethinking the thoughts of Plato, Aristotle, Galileo, Descartes, Newton, and Einstein, among many others, in order to answer it. Have these thinkers fully explained the "mystery" of nature? No, they have not. Despite the magnificent achievements of natural science in the last three centuries, the caretakers of that body of knowledge still remain committed to explaining the "mystery" of nature. The "mystery" of nature is an ongoing conversation among natural philosophers and scientists.

Likewise, the caretakers of moral and political philosophy have not fully explained the "mystery" of human choice. The mystery is still at the centre of conversation among moral philosophers. Hence, when Frankel justifies circumventing the question by asserting that it escapes full explanation, perhaps what he means to say is that he finds little agreement among those who have attempted to answer it. Or maybe he means to say that, in his view, existing answers are unsatisfactory. He cannot mean to say that no answers have been offered.

Probably the most significant difference between Frankel's attempt at clarifying the idea and mine is that I am unwilling to circumvent the problem of human choice. Even Frankel, perhaps unwittingly, admits the centrality of this problem by postulating the relationship between value, choice, national interest, and foreign policy. Let me suggest that Frankel's attempt to clarify the idea falls short *because* he circumvents the

question about the mystery of human choice. But why is the provision of some kind of answer to this problem a crucial part of any attempt to clarify the idea of the national interest? It is crucial because, if it is used for anything, the idea is used as a ground or justification for foreign policy choices. And this was particularly true in the United States during the Gulf crisis.

Thus, although it is one of his most important insights about the national interest, Frankel does not explore the relationship he stipulates between value, choice, the national interest, and foreign policy. Perhaps the two overriding reasons why Frankel does not attempt to develop this relationship in any systematic way is because of the distinctive body of knowledge he appeals to in order to clarify the national interest, on the one hand, and the nature of the question he asks about it, on the other. Although it is not evident in his opening arguments, the body of knowledge he ultimately appeals to is painfully ill-equipped to deal with relationships of value, choice, the national interest, and foreign policy.

Frankel asserts that his book "is written in the Aristotelian tradition of political theory," and adds that "the argument is structured around a logical analysis of the *major aspects* of the concept."<sup>36</sup> If this were indeed the case, the body of knowledge both he and I appeal to would be identical. But this evidently is not the case. Whereas I draw significantly on Aristotle's answer to the problem of choice, Frankel circumvents the problem altogether and never mentions Aristotle again in the remainder of his work. What, then, does Frankel mean by the Aristotelian tradition of political theory? It is not

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<sup>36</sup>Frankel, p. ii. My emphasis.

clear to me what he means by it. Perhaps he means that, unlike Plato, he is convinced that the world apprehended by the senses is not a mere shadow of ultimate reality and, consequently, a more or less empirical rather than a purely conceptual approach to the problem is warranted. But if this were indeed the case, our two approaches again would be identical.

A further clue to his approach can be found in his chapter on methodology. The basic methodological distinction Frankel makes is between that of the so called "intuitionist" and "social scientist." He argues that "people with a theoretical, philosophical bias take more interest in the aggregate, whereas those with an empirical, scientific bias put more emphasis upon the single dimensions of the concept." This latter "bias," he argues further, "is an example of the general tendency of contemporary social sciences to break down intractable social problems and concepts into more manageable elements."<sup>37</sup> Frankel leaves little doubt about which approach he intends to adopt. The national interest, he argues:

is an exceptionally unclear concept. Like all other difficult concepts it gives rise to the temptation to go to extremes. We can say that it is intractable, beyond our power of analysis, and hence rely on our intuition; if determined to be 'scientific,' we can simplify and modify the concept, break it up into elements and components until it becomes manageable, hoping that the analyzed concept is still identical with the real one. An attempt is made here to pursue the second approach while avoiding its extremes.<sup>38</sup>

By "science," it appears that Frankel has in mind a very narrow definition of the

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<sup>37</sup>Frankel, p. 43.

<sup>38</sup>Frankel, p. 26.

term. More specifically, he appears to have in mind a kind of method based on an analogy with the natural sciences--that is to say, the application of natural scientific methods not to "matter" but, rather, to the problems of human conduct within and among their communities. Frankel evidently recognizes, however, that the application of natural scientific methods can lead to absurdities which ultimately detract from any reasonable understanding of concepts such as the national interest. How does one go about avoiding such absurdities? He argues that:

The most promising solution seems to lie in employing clearly defined models which concentrate upon one or a few dimensions selected as independent variables, leaving other significant and frequently still unexplored dimensions as constants.<sup>39</sup>

In other words, Frankel aims "to break down the concept of national interest into factors which may ultimately be used in factor-analysis."<sup>40</sup> Whether such an approach ultimately would serve to avoid the absurdities generated by applying the methods and assumptions of natural science to the problems of human conduct remains unproven because Frankel does not deliver on his promise. No matter how hard one looks for these "factors" in his section entitled "National Interest and its components" one cannot find them.<sup>41</sup> But this is not surprising because, on reflection, there are none to be found. His error rests in employing a method which is entirely appropriate for figuring out, say, how a clock works, whereas it is entirely inappropriate for explaining things that are not made up with matter. In short, he fails to draw upon that body of knowledge which I think is best

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<sup>39</sup>Frankel, p. 27.

<sup>40</sup>Frankel, p. 29.

<sup>41</sup>Frankel, pp. 42-44.

equipped to deal with the problem of clarifying the relationship between value, choice, the national interest, and foreign policy, namely: moral philosophy or ethics.

The second overriding reason why Frankel does not explore the relationship is the nature of the questions he asks and sets out to answer regarding the national interest.

The first specific objective of this study is to assist in the analysis of the foreign policy of any single state . . . . Second, in the analysis of inter-state relations, the specific objective is to use national interest as an organizing concept for the comparison of foreign policies. . . .<sup>42</sup>

Hence, the question Frankel seeks to answer about the concept is entirely different from mine. And the nature of the question Frankel seeks to answer largely informs the methodology he actually employs in order to answer it. Likewise, the nature of the question I seek to answer largely informs mine. Whereas he seeks to establish how the concept can be employed more effectively in the analysis of foreign policy--and, consequently, to assist the policymaker in formulating more effective policies--I seek to establish the role the idea plays in decisions. Hence, keeping in mind the broad distinction outlined at the beginning of this chapter, Frankel's work clearly fits into the category of "understanding" the national interest but with the aim of employing it as an analytical tool. Evidently Frankel was not convinced by Rosenau's critique.

My work also fits into the category of "understanding" the national interest. But one of my aims for doing this is not to employ it more effectively in political action but, rather, to bring into light the issues that widespread use during the Gulf crisis of an unclarified version of the idea effectively obscured. In other words, by clarifying the

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<sup>42</sup>Frankel, p. 29.

concept in light of the Gulf crisis, I am suggesting that other issues can be clarified as well.

### **The Approach**

The fundamental issue at stake between Frankel's approach and the one I propose here concerns the most appropriate body of knowledge to draw upon in order to clarify the idea of the national interest. But how does one distinguish various bodies of knowledge? Generally, bodies of knowledge are distinguished by their generic object of study, their proper object of study, and the method in which that object is studied.<sup>43</sup> For example, physics and English literature are easily distinguished as distinct branches of knowledge because they have distinct generic objects of study. Physics has as its generic object "matter" and English literature has as its object the language and writings of a particular group of people.<sup>44</sup>

Bodies of knowledge are a little more difficult to distinguish when they share the same generic object of study. The medical sciences and the philosophy of the human person, for example, share the same generic object of study. They study the human

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<sup>43</sup>The following discussion on the distinction between branches of knowledge is a synthesis based on the arguments of Martin D. O'Keefe, *Known From the Things that Are: Fundamental Theory of the Moral Life* (Houston TX: Center for Thomistic Studies, 1987), pp. 1-12; and R. G. Collingwood, *New Leviathan*, pp. 1-18. The following distinctions are approximations and are meant only to isolate the approach I take as well as some of the assumptions upon which that approach rests. To advance a definitive account of the distinctions between the various bodies of knowledge would be a major undertaking in itself--not to mention a highly contentious one.

<sup>44</sup>O'Keefe, p. 6.

person as a living being. They differ, however, in their proper object and method. The medical sciences have as their proper object the human person primarily conceived as "body," whereas the philosophy of the human person has as its proper object the human person primarily conceived as "soul" or "mind." Since the body is composed of "matter," the medical sciences admit the methods employed by the sciences of matter such as physics, chemistry, and biology--that is to say, medical science admits the methods of natural science.

It remains an open question whether the philosophy of the human person effectively can be served by the methods of natural science. R. G. Collingwood and Plato were convinced that they cannot.<sup>45</sup> Thomas Hobbes, in contrast, arguably was convinced that they can.<sup>46</sup> Regardless, I shall adopt Collingwood's position and assume throughout this work that the philosophy of the human person cannot be served by the methods of natural science. It will become evident that this assumption helps to cut through many of the confusions surrounding the idea of the national interest. In short, whether Collingwood's assertion is ultimately true is not the issue. Instead, the issue is whether his assertion, employed as an assumption, helps to clarify the idea of the national interest.

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<sup>45</sup>R. G. Collingwood, *The New Leviathan: Or Man, Society, Civilization & Barbarism*, Revised Edition. David Boucher, ed. (Oxford: Clarendon Press, 1992), pp. 1-18; *The Idea of History* (Oxford: Oxford University Press, 1946), pp. 205-231. Plato, *Phaedo* 97c-99d; *Republic* V, VI, VII.

<sup>46</sup>This, however, is disputed. See, for example, the discussion in Richard Tuck, *Hobbes* (Oxford: Oxford University Press, 1989), Ch III; Michael Oakeshott, *Hobbes on Civil Association* (Oxford: Oxford University Press, 1975).

In addition to the branches of knowledge of medical science and the philosophy of human nature, moral philosophy also shares the same generic object of study. Having distinguished medical science and the philosophy of the human person on the grounds of their respective proper objects and methods, a further distinction is needed between moral philosophy and the philosophy of human nature because these two branches of knowledge often share the same method. Whereas the philosophy of human nature has as its proper object man as "mind" or "soul," moral philosophy has as its proper object human *conduct* as good or evil, actions to be done or not to be done.

Human psychology also shares the same generic object with the philosophy of human nature, moral philosophy and, in some cases, medical science. Nevertheless, they differ in their proper objects. Whereas the proper object of moral philosophy is human *conduct*--i.e., *actus humani*--psychology has as its proper object human *behaviour*--i.e., *actus hominis*.<sup>47</sup> The difference between behaviour and conduct is that the first concerns non-imputable actions and the latter concerns imputable ones. And the difference between an imputable and a non-imputable human act is that the former is taken by virtue of knowledge and choice whereas the latter is not--a person can be held responsible for an imputable act whereas he cannot for a non-imputable one. The act of eating, for example, might be considered as a non-imputable act because nourishment requires

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<sup>47</sup>O'Keefe, p. 12. It should be noted that some attempts have been made to combine both psychology and moral philosophy in order to account for human conduct as good or evil, actions to be done or not to be done. The two branches of knowledge have proved very difficult to reconcile. Collingwood would argue that any attempt is misconceived from the outset. However, I am still not sure if I am prepared to follow him on this claim.

eating out of necessity. On reflection, however, for most adults eating is an imputable act--that is, one chooses to abide by community norms regarding where, when, how, and what to eat. That eating is an imputable act is most evident when a person chooses *not* to abide by community norms while eating.

That an imputable act is distinguished from a non-imputable one by virtue of knowledge and the exercise of choice presupposes the doctrine of free will. And the question of whether or not human beings indeed possess a free will belongs to the philosophy of human nature. Hence, moral philosophy not only presupposes the philosophy of human nature, but those philosophies which postulate the existence of free will. For if free will is denied, it is meaningless to engage questions of moral philosophy because there would be no such thing as an imputable act. Further, by embracing the doctrine of free will, one is logically bound to reject the doctrine of necessity as governing human conduct. Hence, if an action can be shown to issue from necessity rather than from choice, that action cannot be conceived as an imputable act. Consequently, such an act is not the proper object of moral philosophy.

Since the national interest appears to be related intimately to value, choice, and foreign policy, the first question concerns whether or not the formulation and execution of foreign policies are indeed human acts. One can safely assume that they are for it is difficult to imagine what else they could possibly be. But having established them as human acts, the next question concerns whether or not they are imputable acts. For, if they are, they then belong to moral philosophy as a proper object of study. There is good reason to suppose that the choice and execution of foreign policies are imputable human

acts, if only because it is normal to hold statesmen responsible for such acts. The only reason one can be held responsible for any action is because that action is indeed an imputable one. Hence, if the choice and execution of foreign policies are imputable human acts, and if imputable human acts are the proper object of study of moral philosophy, the choice and execution of foreign policies are the proper object of study of moral philosophy or, more commonly, ethics.

But a further distinction needs to be made between moral philosophy and moral theology because both have as their proper object imputable human acts--that is, acts to which the epithets of good and evil meaningfully can be applied. Here the two bodies of knowledge are distinguished by method. "In ethics," according to O'Keefe, "the method (broadly speaking) is human reasoning, independent of authority; in moral theology, the method is human reasoning relying upon (divine) authority."<sup>48</sup> Although it is debatable whether any *substantive* morality can be advanced without reference to a moral theology, I need not address that question here because my object is not to establish, in substantive terms, whether the national interest is a morally good idea. Instead, my purpose is limited merely to establishing that the idea of the national interest is the proper object of study of ethics: *viz.*, that the idea of the national interest is a categorically moral idea. This, it should be emphasized, is a question that is logically prior to the question of whether the idea is a morally good or bad one. It is only after the idea is established as a categorically moral one that the question of its moral goodness (or badness) can be addressed.

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<sup>48</sup>O'Keefe, p. 7.

Thus assuming (on reasonable grounds) that the idea of the national interest is a categorically moral idea, and assuming further (on admittedly debatable grounds) that moral philosophy does not admit natural scientific methods, the approach I adopt here to clarify the national interest is fundamentally opposed to that adopted by Joseph Frankel. It is an application of the methods and idiom of what loosely can be referred to as classical moral and political philosophy to a problem of international relations, namely: the clarification of a central idea in its theory and practice. It is an approach that is particularly suited to the problem of conceptual clarification--whether it be the concept of the state, the mind, the good, law, liberty, property, sovereignty, virtue, prudence, or the national interest. A large part of conceptual clarification concerns the task of elaborating the relationship between the idea in question and concrete human action at the level of individual moral agency in the context of particular contingent circumstances. Because among such thinkers there are a variety of schools of thought, it is perhaps better described as a particular style of thinking rather than as a methodology. The aim of this particular style of thinking is to achieve the degree of precision the subject matter admits. And in doing so I draw upon the insights of thinkers, such as Aristotle, Augustine, Aquinas, Collingwood, and others who have dealt with these *kinds* of questions, although not this question in particular. Further, in the words of Aristotle:

Our discussion will be adequate if it achieves clarity within the limits of the subject matter. . . . For a well-schooled man is one who searches for that degree of precision in each kind of study which the nature of the subject at hand admits. . . .<sup>49</sup>

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<sup>49</sup>Aristotle, *Nicomachean Ethics*, 1094b10-25.

Joseph Frankel is unquestionably a well-schooled man and, consequently, he sought a degree of precision which the nature of the subject admitted. The body of knowledge he drew upon, however, frustrated his attempt because the methods of natural science were designed to achieve a much higher degree of precision than his subject matter allows. Consequently, he achieved a much lower degree of precision than he could have if he had drawn upon a body of knowledge more suited to the task. The success of the body of knowledge I draw upon will be determined by the degree of clarity it achieves, and one of the tests of clarity is introspection. In the words of Thomas Hobbes:

But let one man read another by his actions never so perfectly, it serves him onely with his acquaintance, which are but few. He that is to govern a whole Nation, must read in himself, not this, or that particular man; but Man-kind: which though it be hard to do, harder than to learn any Language, or Science; yet, when I shall have set down my own reading orderly, and perspicuously, the pains left another, will be onely to consider, if he also find not the same in himself. For this kind of Doctrine, admitteth no other Demonstration.<sup>50</sup>

In short, the test of whether or not my account of the national interest is satisfactory depends on the degree to which it clarifies the role of the idea in light of the readers own reflection upon the American foreign policy experience. Does the clarification I offer here allow the American foreign policy experience during the Gulf war "to reveal itself," so to speak, to the reader more easily?

One of the mediate tasks in achieving the degree of clarity intended here is to get to the bottom of some of the commonplace abstractions used in international discourse.

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<sup>50</sup>Thomas Hobbes, *Leviathan*, p. 2.

The most important of these is the notion of "state as actor." This notion establishes a convenient dividing line between the academic sub-disciplines of "domestic" politics and "international" politics. In the "domestic" half of this distinction, actors are usually conceived as individuals, sub-state groups of various kinds, and institutions of government. In the "international" half of this distinction, on the other hand, actors are generally conceived as states and other entities called NGO's. On reflection, however, to conceive such an entity as an actor is merely an abstraction. The only real tangible actors that exist in human relations are human beings themselves. Groups, no matter what the specification, do not act in any tangible way. Only individual human beings act. Granted, they might act on behalf of, or in concert with a specified grouping of human beings. But this does not change the fact that only individual human beings can act in any tangible sense.

Neither do human beings act in the abstract. Instead, human action always takes place in the context of contingent circumstances. And contingent circumstances are the answers to the questions of what, where, why, when, and how. Take the act of eating, for example. The act of eating, conceived in the abstract, could be considered as a morally neutral activity. But a human being never eats in the abstract. He eats a particular thing, at a particular time, in a particular place, for particular reasons, and in a particular way. We think of eating as an amoral activity only because we think of it being done in a normal way in normal circumstances in order to fill normal social and biological needs--like eating a turkey dinner with one's family on Christmas day. But this does not render the activity of eating amoral, we simply judge it to be normal in those circumstances. It

is equally conceivable to judge the activity to be immoral if, for example, a person is gorging himself with the limited food available in order to murder his starving children.

Likewise, one does not defend himself unless the situation suggests such an action. And he defends himself at a particular time, in a particular place, against particular individuals, and in a particular way. Nor does one prepare to defend himself unless the situation suggests it. Such circumstances not only place constraints on particular actions, they also give a large part of the meaning to such actions. In addition, not all human beings will choose to act in the same way in the same circumstances. The situation, then, is only a part of the story about human action--albeit an essential part. Although it is an infinitely complex part of the story, the contingent circumstances are the extrinsic principles to human action.

In order to act at all, a person must be able to focus his attention--that is to say, he must select from an infinite range of complexity those factors in the here and now that are the most important to him as an individual. A painter sitting down to paint a panoramic landscape, for example, will select the nuance of colour lying before him. A large part of his artistic talent rests with his ability to "recover the innocence of the eye" and reproduce the image on canvas. A seasoned infantryman, on the other hand, observing the same landscape no less intently than the artist, instead will select lines of advance and likely enemy positions. Further, a couple intent on a romantic picnic will select entirely different features from the landscape while choosing a place to settle down to relax. The point here is that the subjective purpose, talents, and acquired skills of the individual agent determines the finite complexity selected from the infinite complexity of

the given situation. Hence, in addition to the extrinsic principles of action there are intrinsic principles of action embodied by the mind of the individual agent--i.e., his subjective purpose or motive. One of these intrinsic principles is the purpose or end that the individual brings to the situation, as we see in the examples of the artist, the infantryman, and the pair of lovers. Whereas the artist's motive is to produce a work of art, the infantryman's motive is to neutralize enemy resistance on a given line of advance, and the lover's motive is the nurturing of a relationship, the statesman's motive is (or ought to be) to pursue objectives that benefit the body politic. The national interest, then, is an intrinsic principle of action for a statesman loyal to his role as statesman. But fidelity to his role does not guarantee that he will perform that role well. In addition to his adopted end of action, right action also depends on the virtues he possesses which make him capable of performing that activity well. To say that a statesman is a good statesman is to say that he possesses--to a satisfactory degree--the necessary virtues of statesmanship. Perhaps the most important of these is the moral virtue of prudence.

Any discussion about intrinsic principles of human action knows no disciplinary boundaries between, say, international and domestic politics. Granted, the substantive problems the statesman encounters in his relations with statesmen of foreign countries are often very different from the substantive problems he encounters with the members of the body politic he is charged to govern. Finding the tigers in the tall grass of domestic politics requires a different cognitive repertoire and observational skills than those required for finding the tigers in the jungle of international politics.<sup>51</sup> Hence, an

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argument can be made for an academic disciplinary distinction between international and domestic politics. A prudent statesman would seek counsel from the caretakers of each of these cognitive repertoires when confronted with international problems--which, by definition, have domestic significance, otherwise they would not be problems in the first place--and domestic problems of international significance. Unlike the academic, then, the good statesman cannot afford to divide his *persona* between domestic and international relations. For him, presuming he subscribes to what can be defined broadly as a "liberal-democratic" notion of his role in the body politic, international relations is merely a function of domestic relations. The statesman conceived as an individual moral agent--that is, a human being in his capacity and activity of making choices--occupies the no-man's land between two broad academic disciplines: international politics and domestic politics.

Since my purpose is to clarify one of the intrinsic principles of action of individual statesman--namely, the national interest--I must follow him into that no-man's land. The danger here is that a piece of work will be produced that appears neither like international relations theory nor political theory--a danger of ending up between two stools, so to speak. However, as any good soldier will attest, there is always a danger in roaming about in no-man's land regardless of which side one initially emerged from, for

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<sup>51</sup>These metaphors, however conventional, might be misplaced. On reflection, the notion of domestic order contrasted with international disorder does not seem to me to fit the facts of our existence. The threat posed to the security of one's person and property is at least as great (in not greater) among one's fellow nationals than it is between nations. It seems to me that the probability of being robbed, mugged, or killed by a fellow citizen is at least as great as suffering violence at the hands of the armed aggression of a foreign national.

any motion in no-man's land always spooks the occupants of the trenches on both sides of the divide. Unfortunately, somebody has to do it because that is where the solutions to otherwise intractable problems often lie.

To recapitulate, because international relations is conducted by individual moral agents, albeit on behalf of the members of a body politic, it is nevertheless a categorically moral enterprise. If it were not, we would not be able to apportion praise or blame to the conduct of statesmen in their formulation and execution of the country's foreign policy. International relations is a categorically moral enterprise because it involves human choices and action. Granted, we often use abstractions to help us understand and explain international relations--abstractions such as "state as actor" which lead to further abstractions such as "billiard balls" or "systems." These abstractions may or may not be helpful as heuristic devices. But regardless of whether they help or hinder our understanding, we must never let it pass out of our sight that individual people--not abstract entities--conduct international relations.<sup>52</sup> And they do not conduct these relations in the "grey" world of the abstract but, rather, in the context of "green" world contingent circumstances. And this is the starting point of my analysis; the theoretical perspective upon which it rests.

When it is held in the forefront of one's mind that international relations is about real people who are, to the best of their abilities, working through real circumstances, one

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<sup>52</sup>In the words of Stanley Hoffmann: "We must remember that states are led by human beings whose actions affect human beings within and outside: considerations of good and evil, right or wrong are therefore both inevitable and legitimate." *Duties Beyond Borders* (Syracuse: Syracuse University Press, 1981), p. xii.

cannot avoid the conclusion that international relations, like all other forms of human relations, belong ultimately to the moral realm. Human relations do not belong to the realm of necessity. They belong to the realm of choice. What it is that defines a categorically moral act--that is, an act for which praise or blame can be apportioned--is choice. To say that choice is dictated by necessity is to speak nonsense because necessity, by definition, precludes choice. When a statesman says that his choice was dictated by necessity, then, what he really means to say is that *his* choice, in view of the contingent circumstances as he understands them, was the *best* choice he could make. And to justify to others that it was indeed the best choice, he couches his justification in terms of the motive for which it was made, namely, the national interest. While he is deliberating the alternatives with himself or with others he is still in the process of making a choice--that is to say, he is engaged in the activity of deliberating. Like all human activities, it can be done either well or poorly. If he deliberates well, the choice following such deliberation will be the best choice that can be made. If he deliberates poorly, he still must make a choice but it will not necessarily be the best choice. The quality, or virtue, of being able to deliberate well is called prudence. A prudent statesman, then, is one who deliberates well about the alternatives--and hence chooses the best alternative--for achieving the ultimate end of statesmanship, namely: the national interest.

The national interest, then, is the end of statesmanship. The extent to which a statesman achieves that end depends on his virtues as a statesman. A prudent statesman recoils from moral ideals as determinants of action because, as extrinsic principles of

action, he knows intuitively that they cannot ordain action. The only thing that can ordain action is his choice. He also knows intuitively that moral ideals are formulated in the abstract but what he is dealing with "in the here and now" are specific problems of choice in the context of particular contingent circumstances. For example, a categorical imperative telling him never to lie does not tell him how much of the truth to divulge in a particular set of contingent circumstances. Likewise, a tactical prescription telling a soldier to always use flanking rather than frontal manoeuvres does not tell him which flank to use, or even whether a flanking manoeuvre is the best alternative, in "these" concrete circumstances "here and now." This is not to suggest, however, that every situation will yield an infinite range of alternatives to choose from. For not only is the situation interpreted in light of the end, the end itself suggests a finite range of choices. From the point of view of the American Senate, for example, the national interest in mid January 1991 during the Gulf crisis yielded two alternatives: either to continue the armed embargo of Iraq indefinitely or to employ offensive military force against Iraq at a time to be determined by the President. Cancelling the embargo was not an option. Nor was a new trade agreement for Iraqi dairy products. If developments since the summer of 1990 had no bearing on American concerns, they would have done nothing because all human action--that is, all action resulting from choice--is oriented toward an end. This, it seems to me, adequately justifies an appeal to moral philosophy in order to help clarify the idea of the national interest.

## CHAPTER THREE

### PRELIMINARY DISTINCTIONS

The purpose of this chapter is to set out some preliminary distinctions before the more intensive theoretical discussion begins in chapter four. It is particularly important to set out in advance the distinction between "*the* national interest" and "national *interest*" because I use these terms in the specific sense outlined here throughout the remainder of the work. I also explain here the difference between reasons and justifications in order to show the moral "character" of the idea as it is employed in common practice. Not only is this the most obvious indication that the national interest is a categorically moral idea, but also it is perhaps the most accessible argument to that effect. The purpose of this distinction is to strengthen my contention that the national interest must be a categorically moral idea. I do this by showing that the idea commonly is used as a *justification*, and not as a mere *reason*, for war.

With these initial distinctions in place, I can then deal more effectively with the practice of using the national interest as an explanatory tool. I argue that one can continue the practice if one wishes, but one must do so at the expense of using it as a *justification*. In other words, one must decide between using it *either* as a justification *or* as an explanatory tool. One cannot have it both ways. For to have it both ways is to fall victim to a fallacy which is probably *the* main cause of all the confusion surrounding the idea. Further, given that the national interest as an explanatory tool does not tell us very much anyway, one does not lose much by abandoning it as such. Finally, I will examine

in detail the fallacy that appears to be the main culprit of all the confusion surrounding the concept. R. G. Collingwood calls it the "fallacy of swapping horses," and Gilbert Ryle simply calls it a "category error."

### **National *interests* and *the* national interest**

Whereas *a* national interest refers to a state of affairs, *the* national interest refers to an intrinsic principle of human action--i.e., an internally embraced motive. Security, for example, is a state of affairs of a certain kind, and wealth is a state of affairs of a different kind. Both of these states of affairs can be actively pursued by statesmen in the course of fulfilling their special role in the body politic.

But security is not a state of affairs achieved once and for all. It is a state of affairs pursued in the context of ongoing and changing contingent circumstances. Each new situation will give rise to new requirements and, hence, new means are needed to achieve security on an ongoing basis. Nevertheless, the underlying motive for pursuing such a state of affairs is the national interest. The same applies in the case of national wealth. In this sense, national interests are particular objectives, conceived as states of affairs, pursued in the ever-changing context of contingent circumstances. Likewise, the motive for pursuing such objectives is the national interest.

An interest cannot be conceived as an activity. Instead, it is a state of affairs pursued by an activity. Whereas the activity is the means, the desired state of affairs is the objective toward which that activity is directed. National interests, then, are identical to national objectives--whether they are defined in general terms such as "security," or in

context specific terms such as "a liberated Kuwait." And the underlying motive for securing those national *interests* is *the* national interest.

The distinction between "standing" national interests and "context specific" national interests largely corresponds to the distinction outlined in the last chapter between "general substantive conceptions" and "specific substantive conceptions" of a national interest. "Standing" national interests are merely general statements about the good life of the body politic. For example, it is difficult to imagine any kind of good life within the body politic unless one has a sense of security from foreign acts of aggression or armed coercion. Security of person and property from foreign aggression and armed coercion is one of the goods the United States government is charged to provide for its citizens. And that it is a "standing" requirement and not merely an *ad hoc* one is reflected in the permanent institutions of government. The American Defense Department along with an array of intelligence gathering agencies are permanent fixtures of government thus suggesting that defence is a permanent concern and not merely a situational one. As a permanent or standing national interest, it is not surprising that an immense body of specialists in both the public and private sector would emerge and serve as "caretakers" of this particular standing national interest. When any situation arises having significant bearing on this standing national interest, it is not surprising that many of those specialists will have something to say about it. Further, by no means is it guaranteed that all these specialists will have the *same* advice to offer. Depending on the situation and the nature of the decision that needs to be made, it is the statesman who must decide and take full responsibility for the decision. The same can be said about the

standing national interest of material well-being or wealth.

Perhaps one way of determining precisely what a country's standing national interests are is to examine the list of its government departments--each of which is charged with the care of a particular standing national interest. In other words, if someone wanted to draw up an exhaustive list of American standing national interests, he need only look at the names of all the government departments.

"Context specific" national interests, on the other hand, arise out of the contingencies of the given situation, and are defined in much more specific terms. They are a statesman's response to the question: given the situation we find ourselves in, what are the specific *objectives* we should pursue for the benefit of the body politic? For example, should we allow Kuwait and its oil reserves to remain under Iraqi control? Or should we seek a liberated Kuwait? Similarly, substantive conceptions of context specific national interests are the answers given by commentators on foreign policy to the question: given the situation the statesmen found themselves in, what objectives should they have pursued for the benefit of the body politic?

National *interests*, then, are specific objectives which can also be couched in general terms such as security, power, world order, economic well being, and what have you. For example, security is *a* national interest because it is in *the* national interest to be secure from foreign military attacks. But it is not *the* national interest because one can easily conceive of other objectives that also benefit the body politic as well.

It is perhaps tempting to conceive of security (*a* national interest) as a dimension or element of *the* national interest. On reflection, however, this is a mistake. Further, to

conceive *a* national interest as a dimension or element of *the* national interest, is to conceive the latter as a kind of "basket" within which the former are contained. But this, I shall argue, is also a mistake. An element is a material thing specified as a part of a larger material thing. A dimension is a spatial measurement of a thing or a reference to the location of one of its sides in space. The national interest, however, is not a thing. Consequently, it cannot be constituted by elements nor can it have any dimensions. One might object that I am being overly pedantic here because everybody knows that the national interest is not a material thing, and the expressions "element" and "dimension" simply refer to other ideas, activities, and states of affairs which, taken together, somehow mean "the national interest." It will be recalled, however, that one of my tasks is to get to the bottom of commonly used abstractions. One may continue to use the expressions if he so wishes, but it must always remain in the forefront of one's mind that "security," although conveniently referred to as an element or dimension of the national interest, is not a thing but a state of affairs pursued by an ongoing purposive activity of a certain kind--namely: the activity of securing the body politic from armed attack or coercion.

*The* national interest, on the other hand, does not refer to a state of affairs. Instead, it is an end toward which a particular agent's actions can be inclined--an end which can be distinguished from other ends such as "the self interest" or "the human interest." As such, it is an intrinsic principle of human action which defines the role of the statesman--just like "the family interest" is the intrinsic principle of action which defines the role of the parent, "the corporate interest" defines the role of the company

associate, or "the team interest" defines the role of the hockey player.

Given that an activity (e.g., fighting) cannot be an interest, the question of whether or not the Gulf War was in the American national interest is a perplexing one. For when we say that something is in the national interest, we are saying that "something" is *a* national interest. And that "something" is not a thing or action but, rather, a desired state of affairs. In this question, the Gulf war appears as that state of affairs in which Americans have an interest. But how can a state of war be in any reasonable person's interest? It cannot. The *objective* sought by war, however, can be in someone's interest. And this objective is always conceived as a particular state of affairs. The interest referred to in the foregoing question, then, is not the state of war itself but, rather, the particular state of affairs sought by going to war. To answer the question about whether or not the Gulf War served American national interests, one must first establish the intended objectives of the war. Further, once those objectives have been identified, one has thereby established the national interests at stake in the situation. Finally, if those objectives have been achieved, one can conclude that the war served those interests. The question, however, is whether these interests *justify* war or whether they are simply *reasons* for going to war.

### **Justifications and Reasons**

Logically, justifications and reasons relate as a species to a genus. Whereas a reason is the genus, a justification is a species of reason. Therefore, something that we would call a justification is a special kind of reason, ground, or end. Whereas all justifications are

reasons, not all reasons are justifications. What, then, distinguishes a justification from a mere reason? The distinction is simply that a justification is a reason with moral force. Put differently, a justification is a reason offered when moral reasons, and not mere reasons, are demanded by the circumstances--that is, when a reason is demanded for an imputable act. War is but one of many circumstances where justifications, and not mere reasons, are demanded. In a democratic state, justifications for hostile acts by that state are demanded both by the citizenry and the international community. In a dictatorial state, justifications for hostile acts by that state are demanded only by the international community.

Reasons and justifications can be either true or false depending on whether their utterance reflects the actual intentions of the agent offering them. In other words, an agent can lie just as much as he can tell the truth. A false justification is a lie just as much as a false reason is a lie. Likewise, a justification offered in place of a reason when the agent really only has a mere reason for that action is also a lie. Among students of government, particularly among students of government whose primary object of study is international relations, this kind of lie is often called "window dressing"--that is to say, it is an indictment that the justifications offered are merely attempts by government to obscure morally dubious acts with moral language in order to rally popular support for those actions; support that otherwise would not be forthcoming if the truth were really known. Often many students of government can justify their charge. But perhaps equally often many cannot.

As it will be shown in chapter eight, Christopher Layne curiously appears to turn

the usual "window dressing" argument on its head. Whereas politicians are often accused of using moral rhetoric to obscure--or "window dress"--Layne suggests, paradoxically, that the Bush administration camouflaged an intention based on moral principle behind the rhetoric of national interest. He argues that since Bush's national interest justification does not stand up to examination, "it can readily be inferred that [moral principle] actually drove U.S. policy." Hence, he implies that the Bush administration acted immorally by "window dressing" what he considered to be a moral act with the rhetoric of the national interest. In short, Layne believes it is immoral for governments to ground foreign policy in moral principles, whereas he believes it moral for them to ground policy in the national interest.

If Layne really means to say that foreign policy ought to be grounded in the national interest and not in abstract moral ideals, then what he says makes complete sense. But he must recognize that saying this is entirely consistent with understanding "the national interest" as a categorically moral idea--that is, as the end toward which a statesman's actions ought to be inclined. Hence, Layne does not turn the "window dressing" argument on its head after all. Although he evidently is not conscious of it, ultimately he understands the national interest as a categorically moral idea.

It should be evident that Layne is a little confused here. Even though he stumbles into recognizing that both the national interest and moral principles are indeed motives for action, he does not recognize that by asserting governments *ought* to be motivated by former instead of the latter, he himself is asserting a moral principle.

Although he fails to recognize it, Layne is not so much concerned about moral

principles driving foreign policies but, rather, he is concerned about *which* moral principle ought to drive it. Let me suggest that Layne's confusion here is due to the traditional assumption that morality and the national interest are opposed. Although it is vaguely implied, Layne, however, stops short of accusing the Bush administration outright for lying about its justifications. Instead, he suggests that the national interest justification offered was mistaken.

Besides being either true or false, then, both reasons and justifications can be either accurate or mistaken. Reasons and justifications stand a very high chance of being mistaken when they are offered by one person or state on behalf of, or in the place of another person or state in an attempt to explain or make sense of their actions. This is often the problem that an historian recognizes and confronts when he or she takes on the task of reconstructing an event in terms of the thoughts and actions of the persons involved in that event.<sup>1</sup> A diplomat recognizes and confronts this problem almost daily in his or her dealings with other states, and often serious consequences arise out of miscalculations. It is also a problem recognized and confronted by those charged with delivering justice in the law courts. If they are mistaken about the intentions of the accused, an otherwise innocent person may suffer punishment, or an otherwise guilty person may walk free. In short, it is a problem encountered by all human beings, with greater or lesser consequences, in almost every moment of their lives.

Finally, both reasons and justifications can be either sufficient or insufficient. The sufficiency of reasons and justifications is highly contingent on the circumstances in

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<sup>1</sup>Collingwood, *The Idea of History*, pp. 213 - 220.

which the acts take place. I will discuss here only the sufficiency of justifications.<sup>2</sup> In a particular set of circumstances where justifications are demanded but reasons are only offered, those reasons are considered to be insufficient justifications. For example, let us suppose that a man breaks a woman's arm through an act of intentional violence. When asked the question: why did you break the woman's arm? he might truthfully respond, among other possibilities, that he did it because he wanted to teach her a lesson about who is boss in the household. It should immediately be evident, however, that although this reason may be both truthful and accurate, it is merely a reason for his action and as such it is an insufficient justification. A law court, after duly establishing the truth of the matter, would have sufficient justification to find the man guilty of an offense and punish him accordingly.

Let us also consider Saddam Hussein's decision to move his armed forces into Kuwait on August 2, 1990. Let us suppose that he responded to the question about why he did it by explaining that Iraq's economic well being depended on its control over Kuwaiti oil reserves. Again, this is clearly a reason which, even if it were both true and accurate, is nevertheless an insufficient justification for the action. This, however, was not one of the reasons offered. Instead, the RCC initially explained to the international community that its action was a response to an invitation by the new government of "free Kuwait" to send Iraqi forces to help in putting down a civil insurrection. In contemporary international relations this is a sufficient justification--if it did indeed

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<sup>2</sup>For a discussion on the sufficiency of reasons, see Collingwood, *The New Leviathan*, pp. 99-130.

reflect the *bona fide* motives of the RCC--for sending armed forces across the frontier of another country. The only problem, however, is that virtually every government on the face of the earth--including that of Yemen and Cuba--was not convinced. They may have believed that Saddam Hussein had unexpressed reasons, and perhaps even good reasons, to invade Kuwait; but they did not believe that any of them was a sufficient justification. Consequently, they condemned the action as naked aggression. Curiously, if Saddam Hussein had merely invoked "the Iraqi national interest" it is unlikely that the international community would have accepted it as a sufficient justification either.

Although members of the Bush Administration rarely referred to national interests or the national interest during the international debate, the use of the concept was predominant during the domestic debate, particularly among members of Congress. At a superficial level this may appear to be duplicitous--that is, using one kind of justification for the benefit of the international audience and using a different kind of justification for the domestic audience to garner maximum moral support for its actions--but it is unlikely that any duplicity could have been intended here. For if duplicity was intended by either the executive or by members of Congress, there must have been at least an expectation that the wrong information would not reach the wrong audience. Due to mass media coverage, practically the whole world might as well have been America's domestic audience, and virtually every US citizen the international audience. Whenever a US official speaks publicly in an international forum, he or she realizes that just about every US citizen has the means to scrutinize those remarks. Similarly, whenever a Senator or Representative speaks in Congress, he or she realizes that any government around the

world has the means to scrutinize and compare them.

Why did American statesmen employ the idea of the national interest at the domestic but not the international level? Were they merely explaining something to the domestic audience in the same sense that a teacher explains differential calculus to a class of students? In other words, by their use of the idea, did American statesmen suppose that it was merely an explanatory tool? Certainly not. War demands sacrifices. Among other things, the prospect of war increases the likelihood that spouses, parents, relatives, or friends enrolled in the country's armed services might not return to love another day. Or, if they do, they may return maimed in both body and spirit. War, then, demands much more than merely technical explanations from the country's leaders. It demands justification. And American statesmen justified the war in terms of the benefits for those from whom the sacrifices were required. The short-hand expression signifying this is generally *the* national interest. But, as indicated, all this can really signify is that the statesman merely is reaffirming that he or she is trying to do what is best for the country. It does not tell the citizens *why* he or she thinks that course of action is best for the country. To explain why he or she thinks it is the best course, the statesman must refer to and specify the national *interests* being pursued by war and how those objectives benefit the body politic.

At the international level, however, the story is quite different. Rightly or wrongly the international community either assumes or is indifferent about whether a government leads its citizens into war for the good of that country. Instead, what it is concerned about is whether or not that country is rightfully waging war in terms of

existing international norms. Hence, the statesman wears two hats. He is responsible for the particular good of his country's citizens while concurrently holding membership in a society responsible for the general good of the world as a whole.<sup>3</sup> Two kinds of justification, then, are required: one for the domestic community and one for the international society. Hence, It appears that a sufficient justification for war requires both kinds.

### **National Interest as an Explanatory Tool**

The thesis that national interests are necessary but insufficient components of any complete justification for war again raises the question about whether the notion that either "the national interest," or "national interests" also can be used as a value free or "scientific" explanatory tools. Despite Rosenau's criticisms, there still may be a temptation to use "national interest" in this way. In order to dispel confusion about what is meant by "explanatory tool," let me begin by indicating what is *not* meant by it.

In the section entitled "Criterion or Justification" of their article, George and Keohane argue that the concept of "national interest" (they do not distinguish national interests and the national interest) is generally used "in two different ways: first, as a *criterion* to assess what is at stake in any given situation and to evaluate what course of action is 'best'; second, as a *justification* for decisions taken." They go on to note, however, that "particularly with respect to the latter use of national interest there is

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<sup>3</sup>Namely, the United Nations.

reason to be uneasy and dissatisfied."<sup>4</sup>

Here George and Keohane account for only two uses of the concept and appear to be setting up a dichotomy between an explanatory or "scientific" usage, on the one hand, and a justificatory or "moral" usage, on the other. But this appearance is deceiving, for George and Keohane are not interested in explaining the sources of a country's foreign policy. Instead, they are interested in advancing a general substantive conception of national interest--i.e., national interest conceived as an aggregate of fundamental standing national interests--that statesmen can refer to as a standard against which foreign policy alternatives can be measured. Although there are difficulties with this view as well, it is not the view I refer to as one that conceives the idea as an explanatory tool. It only appears they are conceiving it as such because they set up an opposition between the concept's use as criterion and justification.

But what they are setting out is standard for justifying certain types of foreign policies--that is to say, they are setting out "to specify a means by which policymakers can make disciplined choices among interests and therefore among policy alternatives."<sup>5</sup> If the standard is the means for making policy choices, it is therefore the ground or reason for those choices. Since a statesman's choices are imputable acts, the reasons for them must be categorically moral reasons--that is to say, justifications. When George

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<sup>4</sup>Alexander L. George and Robert O. Keohane, "The Concept of National Interests: Uses and Limitations," in Alexander L. George, ed., *Presidential Decisionmaking in Foreign Policy: The Effective Use of Information and Advice* (Boulder: Westview Press, 1980), p. 218.

<sup>5</sup>George and Keohane, p. 227.

and Keohane oppose criterion and justification, they must have something else in mind by the latter term because, objectively speaking, what they refer to as criterion *is* a justification.<sup>6</sup> Consequently, when they refer to the idea as a criterion, they clearly are not conceiving it as a value free explanatory tool. Nor do they intend to refer to it as such. George and Keohane's use, then, is not what I have in mind when I set out to criticize the notion of "national interest" as a value free and "scientific" explanatory tool.

What I have in mind is this. Somewhat like "gravity" is the answer to the question: "why does a rock fall to the ground?" the national interest (national interests, or, simply "national interest"--the distinctions are not normally drawn in this view), in the explanatory sense, is the answer given to the question: "why do states do what they do?" Hence, far from being a categorically moral idea, national interest, in this view, is merely a short-hand explanation of how things are. National interest as an explanatory tool is an expression of what is considered to be the fundamental nature of international politics, namely, that states act in their national interest. Consequently, in this view, it makes no sense to speak of international ethics: for to speak of international ethics mistakes the fundamental nature of international relations. In view of how things (presumably) are, questions about value are misplaced.

Although it is both vacuous as well as a classic statement of the traditional assumption, there is undeniably a small advantage in holding this view. For example,

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<sup>6</sup>Instead, they have in mind by "justification" the practice of using "the national interest" as a rhetorical device. As indicated, such use is merely a reaffirmation on the part of the statesman that his choice is merely what he thinks to be the best choice for the country. It does not explain *why* he thinks it to be the best choice. George and Keohane, then, are fully justified in being dissatisfied with such a use.

having asserted that national interests are part of any sufficient justification for going to war, if it can be shown that the invasion of Kuwait served Iraqi national interests, can one conclude thereby that it was justified? And, if it was justified, was the world justified in responding to Iraq the way it did? Hence, if national interests justify war in America's case, is there any reason why they should not justify war in Iraq's case? The simplest way to get around this awkward question is to assert that national interests really have nothing to do with *justifications* after all. Instead, national interests are *explanations* of why states go to war--not unlike the way the law of universal gravitation is a scientific explanation of why things fall to the ground.

There is nothing inherently wrong with conceiving national interests as explanations rather than as justifications. A justification is, after all, a special type of explanation. But one must think seriously about the implications and limitations involved in adopting such a view. As explanatory devices, national interests are not very meaningful, although they provide quick and easy answers to difficult questions about why states do what they do. For example, in response to the question "why did state A go to war against state B?" one can reply "because it was in state A's national interest." Similarly, in response to the question "why did state A intervene in the internal affairs of state B?" one might reply "because it was in state A's national interest." Such answers are presumed to be "scientific" answers in that they are founded upon an apparently "scientific" law about the behaviour of states, namely: that states *always* act in their national interests. But if this law were indeed true, why do Nye and Layne bother to consider the question about whether or not the Gulf War served American national

interests? For such a question presupposes that the United States might not have acted in its best interest after all. Further, why did the United States Senate even bother deliberating about what course is the best course of action for the United States in the circumstances? For such deliberation presupposes that the best course of action is not immediately given and that decision-makers can be mistaken about American interests. Finally, why do George and Keohane even bother to propose criterion to help statesmen make the choices that are best for the country if they supposed that their actions would be in the national interest anyway. Hence, if one supposes that the questions addressed by Nye, Layne, the United States Senate, and George and Keohane are at all meaningful, one *cannot* adopt the view that national interests are mere explanations. Conversely, if one holds the view that the national interest (or national interests) are a fundamental scientific explanation of what states do, one *cannot* also find meaning in the questions addressed by Nye, Layne, the United States Senate, and George and Keohane.

The second limitation in adopting the explanatory view of national interests is that in order to remain consistent with that view, one also must refrain from having any opinion on whether or not a war *ought* to be fought in the national interest. One nevertheless is still welcome to make moral judgements about particular wars if he wishes, but he must purge the words "national interest" from his vocabulary while doing so. For in his chosen understanding of the concept, it makes no moral difference whether a war is fought in the national interest or not. If he decides that national interests make no moral difference on the question of war, he must cease employing them as if they did. For example, one cannot consistently say that a particular war was "bad" because it was

not fought in the national interest and at the same time insist that national interests are explanations of what states do. The acid test for determining whether a person adopts an understanding of national interest as either a justification or an explanation is his answer to this question: Does it make any moral difference whether a state goes to war in the national interest? If so, that person understands national interest as a justification and therefore he cannot choose to understand it as an explanation, regardless of how tempted he is to do so when confronted by perplexing questions like: why is it that national interests can justify war in the American case but not in the Iraqi case? Faced with difficult and perplexing questions like this, one is tempted to commit what is known as "the fallacy of swapping horses." And, as I shall explain in greater detail in the next section, this fallacy is one of the major common impediments obstructing a better conceptual understanding of the idea of the national interest. For the moment, an example of when this occurs will suffice. If a person starts out by holding the view that national interests justify (or ought to justify) America's involvement in war and, when confronted with the issue of what is good for America ought to be good for Iraq as well, the person then shifts his understanding of national interest from justification to explanation in order to circumvent the difficult question, one has thereby fallen victim to the fallacy of swapping horses.

### **The Fallacy of Swapping Horses**

Put briefly, the fallacy consists in switching categories in the course of answering a question which arose in the category one began with. More specifically, it involves the

attempt to import ideas properly belonging to the natural scientific category (such as "scientific laws" of state behaviour) into discussions of ideas properly belonging to the moral category (such as the question about why national interests *justify* American actions but not Iraqi ones). In this case, it involves switching one's understanding of national interest as a *justification* to an understanding of national interest as an *explanation*, thus bypassing the difficult moral question altogether.

Generally, the fallacy serves either to create an illusion that the initial question has been answered when in fact one is really no further ahead from where one started, or to obliterate the original question altogether. If an explicitly moral question arises in the course of one's discussion, that discussion must necessarily belong to the moral category. If such a question arises, whether one wants to admit it or not, one is engaged in a categorically moral discourse. To introduce natural scientific concepts the moment one recognizes a categorically moral question in an attempt either to answer or to bypass that question, one commits the fallacy of swapping horses. In Collingwood's terms, "the [horse] that has started the hare must catch it." He goes on to argue:

If the wretched [first] horse . . . has stuck you in mid-stream you can flog him, or you can coax him, or you can get out and lead him; or you can drown as better men than you have drowned before. But you must not swap him even for the infinitely superior horse called Natural Science. For this is a magic journey, and if you do that the river will vanish and you will find yourself back where you started.<sup>7</sup>

The basic error committed when one falls victim to the fallacy is to treat "mind" (or "soul") as if it belonged to the same category as "matter," whereas each are the generic

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<sup>7</sup>Collingwood, *The New Leviathan*, p. 13.

objects of entirely different branches of knowledge. Intuitively, we already know this. Consider, for example, why it does not make sense to ask moral questions about the behaviour of a falling rock.

That "mind" (or "soul") and "matter" (that which constitutes "body") are generically different is not a recent discovery. Plato, for example, argued that the soul is a non-corporeal entity that is enslaved in a body, but which is nevertheless that body's life principle. For Plato, one could never have knowledge (in the proper sense of the word) of matter--that which is apprehended by the senses--because the material world is in a constant state of flux--i.e., in a state of becoming. The world of "forms" or "essences," on the other hand, constitute the real world--i.e., the world of being. To have knowledge of anything is to have knowledge of that which *is*, not that which is *becoming*. Consequently, of the material world, one can only have opinion not knowledge. For Plato the relationship between mind and body was not so much a theoretical problem as it was a practical one. "If we are ever to have pure knowledge of anything, we must get rid of the body and contemplate things by themselves with the soul by itself."<sup>8</sup>

Aristotle and Aquinas, on the other hand, took the material world much more seriously. Nevertheless, they still employed Plato's basic distinction between "mind" and "body." For both these thinkers, the human person was a composite being. Not a soul imprisoned in and using a body as Plato insisted, but both body and soul.<sup>9</sup> Collingwood takes up the same distinction. But largely to avoid questions about the relation between

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<sup>8</sup>See *Phaedo*, 66c-e and *Republic*, books V, VI, VII.

<sup>9</sup>Aristotle, *De Anima*, III, 4; Aquinas, *Summa Theologica*, I, q. 75 a. 4, q. 76.

body and soul, he conceives the human person as *all* body and *all* soul (mind) depending on the branch of knowledge employed. Hence, man is body in so far that the science of nature is employed to study it, and man is mind in so far as the science of mind is employed to study it. To employ the science of nature to study mind, or the science of mind to study body, is to forget that man is mind, in the first case, and that man is body, in the second. The same reasoning would apply if ever it was determined that rocks are both bodies and minds and not just bodies alone. But since we are reasonably certain that rocks are not minds, it makes no sense to apply moral epithets to their behaviour. In the same way it makes no sense to apply moral epithets to the non-voluntary functions of human body parts. A child cannot help sneezing and a parent would be silly if he admonished him for doing so. He can, however, help covering his mouth when he sneezes, and a parent rightly admonishes the child for not doing what he can and ought to do.

With respect to the formulation and execution of foreign policy, are statesmen properly conceived as bodies or as minds? Are they properly conceived as rocks--*viz.*, objects of natural scientific analysis--or as thinking and feeling human persons--*viz.*, objects of that branch of knowledge called moral philosophy or ethics. It is obvious that they properly are conceived as minds and not as bodies. But this basic point often becomes lost as discussions about international relations become more and more abstract.<sup>10</sup> As discussions approach state and system levels of analysis, that statesmen are

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<sup>10</sup>This problem, however, is by no means limited to the study of international relations. This is one of the core existentialist critiques of modern man, a critique which must be taken seriously. See William Barrett, *Irrational Man: A Study in Existential Philosophy*

feeling and thinking human persons becomes less and less evident. Perhaps this is because the body of knowledge employed in more abstract forms of analysis is based on an analogy with the natural sciences. The question, however, is whether the knowledge obtained through these more abstract forms of analysis can be applied to the practice of statecraft at the level of human conduct. I do not think that it can. For to assert the abstract explanatory principle that states always act in their national interest does not help the statesman to decide between two or more policy alternatives "here and now" in the context of contingent circumstances. It does not help the statesman in the "here and now" because two categorically distinct bodies of knowledge are involved. And to switch between these two bodies of knowledge is to commit, in Gilbert Ryle's terms, a category error; or, in Collingwood's terms, the fallacy of swapping horses. Let me now present these errors in the terms that these two metaphysicians explained them.

A concept, regardless of whether it concerns knowledge about mind events or nature events, is itself a mind event: an artifact. Chairs and tables are mind events in that they take human skill to produce them with the materials of nature. Hence, they too are artifacts. But not only are the objects themselves mind events, the names used to signify those objects are themselves mind events. Language, then, is also a mind event. Language, the only means we have for expressing mind events, is essentially indeterminate. This is especially true with concepts such as "the national interest," "the state," "corporation," "sovereignty," "law," or "right," among many others. Efforts to define such concepts "reveal that these do not have the straightforward connection with

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(New York: Doubleday, 1958), especially Chapter I.

counterparts in the world of fact which most ordinary words have and to which we appeal in our definition of ordinary words."<sup>11</sup>

Many mind events can be assessed and described qualitatively and human beings express this capacity with qualitative epithets. Gilbert Ryle calls these "mental-conduct epithets" and, "in describing the minds of others and in prescribing for them" most people have learned how to apply in concrete situations such mental-conduct epithets as 'careful', 'stupid', 'logical', 'unobservant', 'ingenious', 'vain', 'methodical', 'credulous', 'witty', 'self controlled' and a thousand others."<sup>12</sup>

It would be unthinkable to apply mental-conduct epithets to nature events. For example, if a physicist described the behaviour of a ball rolling down an inclined plane as 'witty', or 'vain', he would be accused of talking nonsense. Instead, he describes the ball's behaviour quantitatively using the idiom of mathematics. Nature events, however, can also be described qualitatively as when we speak of a beautiful sunset or an ugly tree. However, such assessments belong not to that category of mind event called natural science but, rather, to that category of mind event called aesthetics. Mind events themselves cannot be described quantitatively because for something to be described in such a way it needs to be quantitatively determinate.

The ability of an adult mind to distinguish readily a mind event from a nature event requires little instruction and only a moment's reflection. It should also be evident

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<sup>11</sup>H. L. A. Hart, "Definition and Theory in Jurisprudence", *The Law Quarterly Review* 70 (1954): 37.

<sup>12</sup>Gilbert Ryle, *The Concept of Mind* (London: Hutchinson's, 1955), p. 7.

that different idioms are used to express knowledge of mind events and nature events. What, however, is the basic feature that marks the distinction between mind events and nature events? The difference between the two is the difference between thought and matter. What is the relationship between the two? Collingwood argues that the problem of determining the relationship between thought and matter is

a bogus problem which cannot be stated without making a false assumption. What is assumed is that man is partly body and partly mind. On this assumption questions arise about the relationship between the two parts; and these prove unanswerable.<sup>13</sup>

Gilbert Ryle corroborates Collingwood's claim by arguing that to suppose man is part body and part mind is to subscribe to "Descartes' myth." But a myth, in Ryle's view, is "not a fairy story." Instead, "it is the presentation of facts belonging to one category in the idioms appropriate to another. To explode a myth is not to deny the facts but to re-allocate them."<sup>14</sup> The myth that raises the question about the relation between body and mind Ryle labels, "with deliberate abusiveness, as 'the dogma of the Ghost in the Machine.'"<sup>15</sup> And he hopes, in the course of his argument

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<sup>13</sup>R. G. Collingwood, *The New Leviathan*, p. 10. Plato, Augustine, Aristotle and Aquinas vehemently disagree. See, for example, Aquinas, *Summa*, I qq. 75, 76. Quoting Augustine, Aquinas argues that "man is not the soul alone, nor the body alone, but both soul and body." (q. 75, a. 4) Aquinas' detailed arguments are worth considering if only because of his excellent commentary on the pre-Socratic, Platonic, and Neo-Platonic positions on this issue. Whether or not the question is indeed answerable, Collingwood's position, if only temporarily and perhaps too strongly, circumvents the problem. Nevertheless, there seems to me to be more than a grain of truth in his argument that the assumptions and methods of natural science are positively ill-suited for studying human conduct.

<sup>14</sup>Ryle, p. 8.

<sup>15</sup>Ryle, pp. 15, 16.

to prove that it is entirely false, and false not in detail but in principle. It is not merely an assemblage of particular mistakes. It is one big mistake and a mistake of a special kind. It is, namely, a category mistake. It represents the facts of mental life as if they belonged to one logical category (or range of types or categories), when they actually belong to another.<sup>16</sup>

Philosophy, in Ryle's view, is the replacement of often mistaken "category-habits by category-disciplines."<sup>17</sup>

Collingwood's concern here is identical to Ryle's. For Collingwood, "man's body and man's mind are not two different things, but "one and the same thing" understood in "two different ways." He adds further that:

Not a part of man, but the whole of man, is body in so far as he approaches the problem of self knowledge by the methods of natural science. Not a part of man, but the whole of man, is mind in so far as he approaches the problem of self-knowledge by expanding and clarifying the data of reflection.<sup>18</sup>

Why is not the appropriate method for obtaining knowledge about matter also suitable for obtaining knowledge about concepts? To attempt to obtain such knowledge by employing the methods appropriate to obtaining knowledge about matter is to commit, in Collingwood's words, the Fallacy of Swapping Horses. And this mistaken attempt is based, in Ryle's words, on the Dogma of the Ghost in the Machine. In both cases, the error in large part stems from a mistaken assumption about the relation between body (as conceived by the natural sciences) and mind (as conceived by the mental sciences) when there is, in his view, no relation between the two.

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<sup>16</sup>Ryle, p. 16.

<sup>17</sup>Ryle, p. 8.

<sup>18</sup>Collingwood, *The New Leviathan*, p. 11.

Man's body is made of *matter* and the study of man's body belongs to that group of studies which are concerned with 'the material world': what are called the natural sciences.<sup>19</sup>

Man's mind, on the other hand, "is made of thought." And the "sciences which investigate mind . . . have certain peculiarities distinguishing them from the 'natural sciences.'" The main difference is that a person can often learn "something utterly new to him" through the natural sciences, whereas "the sciences of mind teach him only *things of which he was already conscious*."<sup>20</sup> This is because, unlike the natural sciences, "any question in any science of mind is provided by reflection." And regardless of the questions one asks himself, "the answers depend on the extent of his own reflection; not on distant travel, costly or difficult experiment, or profound and various learning." Whereas "man as body is *whatever the sciences of body say that he is* . . . man as mind is *whatever he is conscious of being*." The activity of becoming conscious of one's being is called introspection.

If knowledge of mind is obtained by thinking about one's own thoughts (i.e., reflection or introspection), knowledge of another individual mind's creation (e.g., a concept) is obtained by rethinking that other's thoughts in one's own mind. A student of political philosophy reading Plato's *Republic*, for example,

is trying to know what Plato thought when he expressed himself in certain words. The only way in which he can do this is by thinking it for himself. This, in fact, is what we mean when we speak of 'understanding' the

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<sup>19</sup>R.G. Collingwood, *The New Leviathan: Or Man, Society, Civilization and Barbarism*. Revised Edition, ed., David Boucher (Oxford: Clarendon, 1992), p. 2.

<sup>20</sup>Collingwood, *The New Leviathan*, p. 5-6.

words.<sup>21</sup>

For Ryle, understanding simply means following what is being done by the person advancing those arguments. Understanding, of course, does not involve "merely hearing the noises that your make, or merely seeing the movements that you perform." Instead, "it is appreciating how those operations are conducted."<sup>22</sup> On reflection, however, it should be evident that although Ryle's account is necessary, it is not a sufficient account of what it means to understand something. To understand Hobbes' *Leviathan*, for example, one must certainly appreciate how the argument is conducted. But to understand how the argument is conducted presupposes knowledge of what Hobbes is arguing about--that is, his objectives and concerns. In other words, to fully understand Hobbes, one must also know the question (or questions) in his head for which what he wrote was meant as an answer.<sup>23</sup> One need not interview Hobbes to learn those questions. They can be inferred from what he wrote.

Consequently, to understand the national interest one needs to rethink the thoughts of those statesmen who employ the idea. This, it must be emphasized, is not merely a matter of repeating "parrot-wise" the words in which the national interest is invoked or expressed.<sup>24</sup> For the words themselves are not the data of understanding--they do not embody any material objects in the real world. Instead, the thoughts to which

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<sup>21</sup>R.G. Collingwood, *The Idea of History* (Oxford: Oxford UP, 1956), p. 215.

<sup>22</sup>Ryle, p. 61.

<sup>23</sup>R. G. Collingwood, *An Autobiography* (Oxford: Clarendon, 1991), p. 31.

<sup>24</sup>Collingwood, *The New Leviathan*, p. 7.

those words refer are the object of conceptual understanding. On reflection, however, this is also true of words which signify material objects. For example, if one hears the word "chair" for the first time, he does not understand what it means until he sees the object it was meant to signify. His understanding of the word occurs when an *image* of the object is matched with the word. An image is a very complex sort of thought that would take many words even to approach the kind of understanding an image represents--hence the saying: a picture paints a thousand words. In Hobbes' words:

The Imagination that is raised in man . . . by words, or other voluntary signs, is that we generally call *understanding*. . . .<sup>25</sup>

Having no counterpart in the material world, however, concepts such as morality and the national interest, are not conducive to that kind of understanding. Another kind of understanding Hobbes refers as that kind of understanding "which is . . . the Understanding not onely his will; but his conceptions and thoughts, by the sequell and contexture of the names of things into Affirmations, Negations, and other forms of Speech. . . ." <sup>26</sup> Further:

When a man upon the hearing of any Speech, hath those thoughts which the words of that speech and their connexion, were ordained and constituted to signify; Then he is said to understand it: *Understanding* being nothing else, but conception caused by Speech.<sup>27</sup>

Hence, understanding the words "the national interest" is the conception raised in one's mind by the use of those words--that is, to have those thoughts which the use of

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<sup>25</sup>Hobbes, p. 8.

<sup>26</sup>Hobbes, p. 8.

<sup>27</sup>Hobbes, p. 17.

those words were ordained and constituted to signify. To understand "matter," on the other hand, one must employ the methods of the natural sciences. Further, it is an "egregious blunder" to suppose that physics and chemistry are the sciences of matter and that "everyone knows what matter is."

A beginner in physics or chemistry does not know what matter is, and if he thinks he does it is the duty of his teacher to disabuse him; but he knows what physics or chemistry is; it is the stuff in this red text-book, or the stuff old So-and-So teaches, or the stuff we have on Tuesday mornings.<sup>28</sup>

If matter is the proper object of those branches of knowledge called physics and chemistry, can it also be the proper object of moral philosophy? Conversely, if the *idea* of the national interest is a proper object of that branch of knowledge called moral philosophy, can it also be the proper object of the natural sciences? If the arguments of Collingwood and Ryle are correct, the answers to each of these questions is "no." The idea of the national interest, having no relation to matter, cannot be the object of study for chemistry or physics. Surely all chemists and physicists recognize this. For if they supposed that the national interest bore some relationship to matter, they would have provided some sort of a definition a long time ago. And, bearing no relationship to matter, doubts are raised about whether the methods embraced by the bodies of knowledge with matter as their proper object can be embraced by those bodies of knowledge with mind as their proper object.

However, to conceive of states and international relations in terms of billiard balls, forces, and systems is to conceive those relations in terms of matter. Hence, any

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<sup>28</sup>Collingwood, *The New Leviathan*, p. 3.

definition of the national interest that might work very well in light of those kinds of analyses cannot be transplanted into an analysis that conceives of those relations in terms of human conduct. To the extent that Collingwood and Ryle's arguments are correct, they adequately show why it is that "the national interest," conceived as an abstract explanation of why states do what they do, cannot help the statesman to decide between policy alternatives in the "here and now." To suppose that it can is to commit the fallacy of swapping horses.

## CHAPTER FOUR

### INTERNATIONAL RELATIONS AS HUMAN CONDUCT

The basic contention in this chapter is that, rather than employing system level or state level perspectives, the idea of the national interest is clarified far more easily by conceiving international relations in terms of human conduct. Given this contention, I start out with the notion "state as actor" and inquire, from the perspective of human conduct, about what its most likely meaning is. In other words, one might say that my purpose here is to get to the bottom of that well-worn phrase. For it is often argued that states act (or ought to act) in their self interest--that is to say, in their national interest.

What, then, does the expression mean? From the perspective of human conduct, what does it mean to say that states act in their self interest? Let me suggest four likely answers. In view of the purely descriptive or empirical version of the expression, on the one hand, it could mean that statesmen formulate and execute foreign policies based on *the aggregate of interests widely shared by the members of the body politic*. Or it could mean that statesmen formulate and execute foreign policies based on *what they judge will benefit the body politic*. In view of the imperative version of the statement, on the other hand, it could mean that statesmen *ought* to formulate and execute foreign policies based on *the aggregate of interests widely shared by the members of the body politic*. Or it could mean that statesmen *ought* to formulate and execute foreign policies based on *what they judge will benefit the body politic*.

It should be evident that Rosenau's distinction between the subjectivist and

objectivist views of the national interest corresponds loosely with the first version of the two empirical statements and the first version of the two imperative statements, respectively. In other words, the subjectivist view of the national interest corresponds with the notion that statesmen act on the basis of interests widely shared by members of the body politic, and the objectivist view corresponds with the notion that statesmen *ought* to act on the basis of such interests. These two views share in common the notion that, with respect to the formulation and execution of foreign policy, the "state as actor" can be conceived in terms of shared interests among the members of the body politic-- that is to say, by "state as actor" it is assumed that the shared interests of the body politic are driving (or ought to be driving) state action. The operative idea here is the notion of shared interests and, consequently, by "state as actor" the American body politic is conceived as a society in the classical sense of the term. In the following pages I hope to show not only that this assumption is based on a dubious political theory, but that it is another of the main sources of confusion about the idea of the national interest.

The notion that statesmen act (or ought to act) on what they judge will benefit the body politic, on the other hand, is much closer to the truth concerning the facts of the American political predicament. Paradoxically, the empirical version of this statement-- i.e., that statesmen act on what they judge will benefit the body politic--is much more difficult to prove than the imperative version is. Most, if not all, Americans know that statesmen ought to act on the basis of what they judge will benefit the body politic, but many are equally sceptical about whether this is indeed the case in any given instance. Many observers of foreign policy, rather than supposing that statesmen acted on the basis

of what they judged will benefit the body politic, suppose that statesmen acted on the basis of what they judged would benefit themselves personally, their party, or some group other than the American body politic.<sup>1</sup> But even in the best of conditions, such suspicions are intractably difficult to prove definitively--if only because it is impossible to know, with metaphysical or physical certainty, the motives of another. A person's motive (or motives) may or may not correctly be inferred by another merely on the basis of that person's external, physical act. For although the external act generally has one visible object, it can serve any number of both good and/or evil motives or ends.<sup>2</sup>

Although it might not immediately be evident, to say that statesmen ought to act on the basis of what they judge will be best for the body politic is very different from saying that statesmen ought to act on the basis of interests widely shared by the members of the American body politic. Each of these views is grounded in an entirely different assumption about the nature of the American body politic. The first statement does not assume that the American body politic is a society in the classical sense of the term, whereas the latter does. As indicated, this assumption is mistaken on the grounds that it does not reflect American political realities and, consequently, it contributes to much of

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<sup>1</sup>This is the basic thrust Christopher Layne's view. I shall be examining his argument in chapter eight.

<sup>2</sup>An example of an act with one object and at least two evil ends is the case of a contract killer. The object of the external, physical act is the death of the victim. The ends, however, can vary between those who contracted the killing and the contract killer himself. The contractor merely could want to make money. Those who are paying the money, on the other hand, could have any number of reasons. For more on the distinction between the object and the end of a act See Thomas Aquinas, *Summa Theologica*, I-II, q. 18, a. 6.

the confusion about the idea of the national interest. This can be demonstrated, in part, by getting to the bottom of the abstraction: state as actor.

### **Getting to the bottom of "State as actor"**

To conceive international relations in terms of human conduct, then, one first must deal with the notion that states are the primary actors in international relations. For if states are conceived as actors, let alone primary actors, international relations cannot properly be conceived in terms of human conduct. My contention is that the notion "state as actor" is not an expression of reality but, rather, an abstraction from reality--and an entirely legitimate one at that. However, as long as it is remembered that it is just that--i.e., an abstraction--the notion does not place an obstacle in the way of conceiving international relations in terms of human conduct. The aim of this section, then, is to get to the bottom of the abstraction. Once this has been done it will become clear that, in reality, human persons are the only actors in international relations, and that human persons occupying the special role of statesman are the primary actors.

As a convenient short-hand expression and as a legal fiction, the expression "state as actor" is used in its proper sense and should not be discredited in any way. Problems arise, however, when the expression--in both a literal and a figurative sense--takes on a life of its own. In other words, problems arise when the abstraction is no longer conceived as an abstraction and is confused with reality itself. These are the problems that need to be addressed before the national interest can be conceived as an intrinsic principle of *human* action and not as a law or principle of *state* action. Only by

embracing the "state as actor" as a real living entity and infusing into it a meaning beyond that of merely employing it as a short-hand expression or legal fiction does it become possible to speak of the state as acting in its own interests.

What does one mean by the expression "state as actor?" Is it true to say that states act? In one sense it is true, but in a more fundamental sense it is false. That the statement is in one sense true and in another sense false is due largely to the ambiguity of the term "state." This ambiguity is evident particularly when one considers the common use of the term in political theory or in discussions of domestic politics, on the one hand, and the common use of the term in international relations theory or in discussions of international politics, on the other. What, exactly, is being referred to by "state" in each of these two perspectives? The basic difference is that from a domestic perspective, citizens or "the public" are not generally considered as part of "the state," whereas from the international perspective they are. In other words, from the international perspective, the term "state" often is used to mean "body politic," whereas from the domestic perspective, "state" often signifies a functional, and categorically juridical idea in relation to the body politic. Put yet another way, from the international perspective, "state" often signifies a special type of concrete human organization, whereas from the domestic perspective--to the extent that it is ever employed to refer to an organization of concrete persons--it refers exclusively to the government and its apparatus. Hence, the ambiguity of the term "state" stems from its dual use as a categorically juridical idea signifying a legal person, on the one hand, and as a sociological idea signifying a particular grouping of human persons--whether it be the government or the body politic as a whole--on the

other. For the sake of this discussion, I attempt to avoid this initial ambiguity by referring to countries like Canada, the United States, Iraq, and so on, as bodies politic rather than as states. And, when referring to governing bodies or their members, I shall employ the terms "governments" or "statesmen," as the case may be.

With the foregoing specifications in mind, let me now consider first the sense in which the notion "state as actor" is true, and second the sense in which it is false. In the juridical sense--that is, as a juridical abstraction signifying the body politic as a legal person--the expression "state as actor" is entirely true, in the same sense that "corporation as actor" is entirely true. For in this sense we are speaking of legal persons, and it is entirely meaningful to speak of legal persons as actors in a legal sense. But it must be emphasized that a legal person is an abstraction, something which has no counterpart in the real world. You cannot walk into a room and see states in the same way they you can see tables, chairs, and living human beings.

The notion "state as actor" breaks down, however, when we emphasize the concrete reality behind the abstraction instead of the abstraction itself. This is the world of concrete persons fulfilling a special role within the body politic, namely: the world of human beings called statesmen who act on behalf of the body politic in relations with their counterparts acting on behalf of other bodies politic. When reflecting on this world, it does not make sense to speak of the state as actor because two categorically distinct entities are being confused thereby, namely: human persons, one the one hand, and legal persons, on the other. This is what I refer to as the world of human conduct--*Viz.*, a world where it makes sense to rethink and discuss the human dispositions, frailties, and

thoughts behind real people in the *persona* of statesmen, the world from which the notion "state as actor" has been abstracted. The primary objects of study with respect to this world, then, are human persons along with their thoughts and actions from which the events stem, and not the events themselves. To examine this world, one must draw upon branches of knowledge not normally drawn upon in the more abstract levels of analysis. With respect to the organizational settings within which statesmen conduct their business, one must draw upon the branch of knowledge called political philosophy. With respect to human dispositions, faculties, and the nature of human choice and action, one must draw upon the branch of knowledge called philosophy of the human person. And, finally, with respect to the goodness or evil of those actions, one must draw upon the branch of knowledge called moral philosophy.

In the legal world, states are actors. In the world of human conduct, on the other had, only human persons are actors. The state is not a living entity, therefore it cannot be considered as an actor in the world of human conduct. In this world, human beings act on behalf of other human beings which constitute a given body politic. With respect to international relations, these human acts of state are called foreign policies. And these acts set in motion a whole series of other human acts on the part of other members of the body politic (in the case of war, soldiers, sailors, and airmen--to mention a few) in order to achieve the objectives set by those initial acts. In the world of human conduct, then, it is meaningful to conceive foreign policies not as "things" but, rather, as the consequences of deliberative human action. To re-emphasize the words of Charles Hughes: "foreign

policies are not built upon abstractions."<sup>3</sup> Instead, they are built upon practical human choices about what is best for the country in the circumstances. Although they are clearly acts performed by human beings--and, consequently, the proper objects of study for the philosophy of the human person--are foreign policies *imputable* human acts--viz., are they categorically moral acts? In other words, are they proper objects of study for moral philosophy?

At least tentatively, one can answer "yes" to those questions. Detailed reasons for such a response will be outlined in the next chapter. For now, logically prior questions need to be addressed in greater detail. What are the relationships between groups and interests? Is there a distinction between the pursuer of an interest and a beneficiary of that interest? What is the nature of the body politic? Is it a society in the classical sense of the word? And what is the statesman's relationship to the body politic? In short, I need to clarify for the reader my understanding of the nature of the body politic, the nature of interests with respect to the body politic, and the nature of the statesman's relationship to the body politic before I can address questions of whether or not his or her actions are indeed imputable ones.

### **Interests and their beneficiaries**

Since interests, it will be recalled, are desired states of affairs defined in terms of complex norms, it is meaningful to conceive of interests as *objectives* or tangible

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<sup>3</sup>Cited in Charles Beard, *The Idea of National Interest* (Chicago: Quadrangle, 1966), p. 1.

*purposes*. Objectives and purposes, however, presuppose the existence of human actors both to establish those objectives and to pursue them through action. In light of this, what does one mean by the expression national interests? It means that at least some of the members of the body politic have set objectives in the name of the body politic. It does not necessarily mean that all members have set those objectives--although there is an implication here that, regardless of whoever set those objectives, they were set for the benefit of the body politic as a whole and not for the exclusive personal benefit of those who set them.

But to say that objectives or purposes are set for the benefit of the body politic, does this imply that all members share those interests? Certainly not. What it implies is that those who set those objectives expect a good portion of the body politic to derive some *benefit* from those objectives, purposes, or interests once they have been secured. A distinction needs to be made, then, between purposes, objectives, or interests, on the one hand, and the intended *beneficiaries* of those interests, on the other.

Often the distinction is not made between the interest itself (i.e., purpose, objective, or desired state of affairs), who actively is pursuing that interest, and the intended beneficiaries of that interest. This is particularly the case when national interests are viewed as interests widely shared by the members of the body politic. On reflection, however, the interests, purposes or desired states of affairs are not what are widely shared among the members of the body politic. Instead, the benefits of those interests are presumed and intended by statesmen to be widely shared among the members of the body politic. Statesmen, on the other hand, do share those interests once

a collective decision has been made to pursue them. National interests, then, are not shared purposes of the body politic. They are shared purposes of statesmen which, once realized, are intended for the *benefit* of the body politic.

Now, as it will be argued more fully in the following paragraphs, the notion of shared purposes is the crowning principle of association and the defining feature of a "society" in the classical sense of the term. This suggests that the broad membership of the body politic, since they *do not* have a shared purpose, *cannot* constitute a society in the classical sense of the term. It also suggests that statesmen, since they *do* share a common purpose, *do* constitute a society in the classical sense of the term. That a body politic cannot (and many would argue, ought not) be a society in the classical sense, and that the government of the body politic is such a society, appear to be borne by the facts of our experience--at least of the American body politic and its government at the time, and in the context, of the Gulf war.<sup>4</sup> Our experience of that episode substantiates the claim that the American body politic is not a society in the classical sense, and that the American government is.

The majority of American citizens did not actively share in the immediate interest or purpose of a liberated Kuwait. For that matter, as I will show in chapters seven and eight, many American citizens were not convinced that they even would derive a singular

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<sup>4</sup>This might be true for all times and all contexts, but I am not prepared to make such a generalization. For in the context of total war, bodies politic most resemble societies in the classical sense in that almost every adult member appears to share actively in a singular, united purpose, namely: total victory. The Gulf war, at least from the American perspective, was not a total war. From the Iraqi perspective, on the other hand, it might have been.

benefit from that interest if and when it indeed was secured. The members of the American government, on the other hand, for the most part evidently shared a purpose in trying to do what they thought best for the American body politic in the circumstances. In pure definitional terms, then, because the American body politic did not (and usually does not) pursue a shared purpose, and because the American government did (and probably usually does) pursue a shared purpose, the body politic is not, and the government is a society in the classical sense.

That is why it is meaningful to speak of *national* interests. Not because the American body politic shares those interests (it cannot, because it is not a society), but because the members of the Government share those interests (they can, because they are members of a society). Further, the members of the government presume and intend that the body politic will benefit from those interests if and when they indeed are secured. Hence, They are called national interests because it is supposed that the body politic will benefit from their procurement.

It is meaningful to speak of a group's interests, then, because some kinds of human groups are defined as such *by virtue* of the shared interests or purposes of its members. In such a grouping, human beings associate in order to pursue some specified shared interest. This kind of human group is called a society or association, in the classical sense of these terms. But there is another kind of human grouping--one which is more accurately referred to as a class--that is not defined by shared interests but, rather, by shared characteristics. Hence, a group of blonde and blue eyed persons can be defined as a group *by virtue* of sharing the characteristics of blonde hair and blue eyes--they need

not share any purpose in order to be conceived as a group. Further, there is a third kind of group--one which is often referred to as a *civil* society or non-social community--that "consists of a multitude of people engaged in the harmonious pursuit of *separate* purposes."<sup>5</sup> That these three kinds of human groupings actually exist is not the real problem here. Instead, the problem is that the same names--i.e., "society" or "association"--often are used to signify the three kinds of groups, whereas in political theory it is crucial to distinguish them. And the important question here is this: Although the American body politic is clearly a human grouping, which of these three kinds does it most resemble?

One might be tempted here to assume that the American body politic is a society in the classic sense. On reflection, however, this is not a very safe assumption to make. For, it will be recalled, that a society in the classical sense is defined by virtue of the shared interests or purposes of its members. The S.P.C.A. is clearly a society in the classical sense because people join the association for the interest or purpose of preventing cruelty to animals. Further, there is little dispute among the members about what their society's purposes are. But it is by no means clear what the shared interests or purposes are of that human grouping called the United States or, for that matter, the United Kingdom or Canada. Further, that there is much dispute about the aggregate of American shared interests leads one to suspect that perhaps there are none to be found in

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<sup>5</sup>Michael Donelan, *Elements of International Political Theory* (Oxford: Clarendon Press 1990), p. 59. Emphasis mine. See also Michael Oakeshott, *On Human Conduct* (Oxford: Clarendon Press, 1975); and R. G. Collingwood, *The New Leviathan* (Oxford: Clarendon Press, [1943] 1992), Part II.

the first place. And if this indeed is the case, it is questionable to assume that it is a society in the classical sense of the term.

Nevertheless, the idea of the national interest still seems to have some significance. For even if one were to reject, or merely to doubt, the assumption that the United States is a society in the classical sense of the term, one still is haunted with a nagging suspicion that the expressions "the national interest" and "national interests" have significant meanings. After all, American statesmen invoked the national interest both to oppose and to support offensive military action against Iraqi forces. Further, American scholars invoked the national interest both to condemn and to vindicate the American decision to employ such force. How, then, does one reconcile the safer assumption that the American body politic is not a society in the classical sense with the persistent notion that the national interest is significant?

The two can be reconciled if it can be shown that the statesman him or herself is a member of an association in the classical sense, and that the overriding shared purpose of those persons is to pursue what is best for the body politic as a whole--*viz.*, to pursue objectives which benefit the body politic. But that state of affairs or interest which is best to pursue cannot be stated in the abstract, but only in substantive terms in light of contingent circumstances. At the individual level this is determined through the normal human process of deliberation and choice. At the collective level this is determined by constitutionally prescribed deliberative procedures and decision rules. Nevertheless, specific choices made by this society of governors are (or ought to be) always inclined in a certain direction. The national interest is an affirmation that one's choices are inclined

to the good of the body politic, and not toward the statesman's personal interest, a sub-national group or person's interest, or an extra-national group or person's interest. But merely to reaffirm that one's choices are inclined toward the national interest, explains little about why the statesman thinks those choices are best for the country. Hence, when a statesman in response to public scrutiny justifies his or her policy choice on grounds of "the national interest," one perhaps should squeeze the issue further by asking: "Ah yes! You have reaffirmed for me the interior inclination of your will to act in the best interest of the United States and not some other interest. And I thank you for that. But by merely reaffirming the interior inclination of your will--i.e., toward *the* national interest--you have not explained to me *why* you think this policy is best." Perhaps the reason why "the national interest" has so much rhetorical power is because it is a partial justification masquerading as a full one.

But *the* national interest is only part of the story. What about national *interests*? The national interest is not the aggregate of interests shared by the country's citizens. It cannot be the case because only a society can have shared interests and American citizens *do not* constitute a society in the classical sense. Nevertheless, it is still meaningful to speak about American national interests. It is meaningful because the government pursues (or ought to pursue) interests--i.e., purposes, desired states of affairs, or objectives--for the *benefit* of the American body politic and the members of government *do* constitute a society in the classical sense. In other words, the members of government constitute a society *by virtue* of having shared purposes or interests, and the members of the body politic do not constitute a society *by virtue* of *not* having shared purposes or

interests. Because the members of government ("statesmen," for the sake of this discussion) pursue common purposes for the benefit of the body politic, it is meaningful to refer to those shared purposes as national interests.

The notion "state as actor," although a convenient short hand expression, obscures a rather complex set of relationships--*viz.*, relationships between statesmen, citizens, the statesmen of other body politics, and their citizens--that come to light when one attempts to conceive international relations in terms of human conduct. Primarily, it obscures the distinction between the different kinds of human groupings that are involved--distinctions that must be maintained if one wants to clarify the idea of the national interest. I shall now examine these distinctions in greater detail.

### **Societies and non-social communities**

That not all human groupings necessarily have shared purposes or interests is noticed, in varying degrees of clarity, by a number of political theorists. Michael Oakeshott, among others, notices this and Terry Nardin borrows this insight and attempts to apply it to international relations theory. More specifically, Nardin attempts to apply a modification of Oakeshott's ideas to questions of international organization and justice.<sup>6</sup> He argues that

many people (including some distinguished political theorists) have understood the state . . . as an enterprise whose purpose is the promotion of the common interests of its members. . . .

The tendency to think in purposive terms disposes us to see human

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<sup>6</sup>Terry Nardin, *Law, Morality, and the Relations of States* (Princeton NJ: Princeton UP, 1983).

arrangements and institutions as springing from transactions grounded in shared values and aims. Some of these transactions are ephemeral, mere bargains struck between individuals who then proceed along their separate paths. Others result in the foundation of more lasting relationships, in the establishment of families, corporations, universities, or churches. In each case, however, the key to the relationship is to be found in the benefits anticipated from exchange or from more enduring cooperative behaviour. To understand human beings as related on the basis of shared purposes is to see them as united above all else by an interest in what association can provide: by wants satisfied, values realized, beliefs reaffirmed, interests protected, goals achieved.<sup>7</sup>

Without necessarily agreeing or disagreeing with the general thrust of his argument, Nardin nevertheless obscures an important distinction by grouping together under the rubric "purposive association" both "ephemeral" transactions and "more lasting relationships." A mere transaction between buyer and seller is indeed a transactional relationship between persons, and it is most probably a purposive transaction as well. But there is a categorical difference between, on the one hand, a mere transaction of exchange and, on the other hand, a group of persons getting together to pursue a shared purpose or interest. The problem here is not with the adjective "purposive," but what is being modified by that adjective in each instance.

It seems to me that a human transaction, on the one hand, and a human association, on the other, are categorically distinct. Certainly, each instance describes a purposive human relationship, but they are categorically different kinds of relationship. The first instance--that is, between buyer and seller--is an example of a human relationship called a *transaction*. But the latter instance--that is, what results when people become associates--is an example of a human relationship called an *association*.

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<sup>7</sup>Nardin, p. 4.

Transactions and associations are not the same thing; but association does presuppose a transaction of a special kind. Although Nardin often confuses the two, I will take "purposive association" to mean exclusively the latter form of relation. This, I think, is also what Oakeshott takes it to mean.

Like Nardin, Oakeshott begins his account by grouping together the more ephemeral buyer and seller relation with the more durable relation under the rubric "transactional mode of association." But Oakeshott soon recognizes the force of the distinction and refers to the latter as an "enterprise association." In an enterprise association "the associates recognize themselves, not as parties related in an engagement of exchange designed to satisfy their different wants, but as colleagues, partners, comrades or accomplices joined in seeking a common substantive satisfaction."<sup>8</sup> R. G. Collingwood refers to this kind of association as a society; but "society" in what he considers to be the narrow and classical sense of the word. Why Oakeshott and Nardin choose to create new terms rather than employ the classical one might be due to the ambiguous meaning of the word "society." Nevertheless, Oakeshott, Nardin, and Collingwood, although they use different terms, are talking about the same thing, namely: a "society" in the narrower classical sense of the word.

Collingwood anticipates the possible confusion due to the multiple senses of "society" and sets out to distinguish them. He argues that there are at least two senses of

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<sup>8</sup>Michael Oakeshott, "The Rule of Law," *On History and Other Essays* (Oxford: Basil Blackwell, 1983), pp. 122-23. In another work, Oakeshott refers to the transactional mode of human association as "enterprise association" and "purposive association", *On Human Conduct* (Oxford: Clarendon, 1975), pp. 114-118, 157-158, 313, 315-317.

the term 'society': a specific and classical sense borrowed from Roman Law, and a much broader sense developed in the seventeenth century. Collingwood emphasizes that these two senses, "for the purposes of political study must be distinguished: confusion is fatal."<sup>9</sup> The broader sense of the term is used, for example, to refer to a "society of plants", "society of animals", "society of ants", or a "society of bees." In short, the word is used "in a sense that would have outraged a Roman lawyer, not so much because it involved speaking of an ant or bee as if it were a Roman citizen but because it involved speaking of it as if it were possessed of free will."<sup>10</sup>

A society in the narrower classical sense, on the other hand, is a relation between moral agents who "join together of their own free will in joint action."<sup>11</sup> Collingwood gives examples such as "the Co-operative Wholesale Society", "the Royal Society", and "the County Society."<sup>12</sup> Oakeshott gives examples such as "the Society for the Propagation of Christian Knowledge", "the Anti-Bloodsports League", and the "Licensed Victuallers Association."<sup>13</sup> Finally, Nardin gives more generic examples such as corporations, universities and churches.

To identify the individual members of a society as free agents is to say that they must be capable of being accountable to the society and capable of holding others within

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<sup>9</sup>R. G. Collingwood, *The New Leviathan* (Oxford: Clarendon Press, 1992), p. 130.

<sup>10</sup>Collingwood, *The New Leviathan*, p. 134.

<sup>11</sup>Collingwood, *The New Leviathan*, p. 132.

<sup>12</sup>Collingwood, *The New Leviathan*, p. 133.

<sup>13</sup>Oakeshott, p. 123.

that society accountable. In the context of Roman Law, free moral agents were *personae*--that is, "human beings capable of suing and being sued, who must be free men and not slaves, Roman citizens and not foreigners, male and adult, not in the *manus* or *patria potestas* of another but heads of families."<sup>14</sup> Of course, these particulars have not been maintained to this day. For *persona* Collingwood substitutes "person," meaning "an agent possessed of, and exercising free will."<sup>15</sup> Oakeshott retains the expression *persona*, but means by it an abstract singular aspect of a person's total relationships with others and defined in terms of a particular mode of association. In his words, "while persons may have (and indeed be largely composed of) a variety of kinds of relationship with others and move between them without confusion, the subject in a *mode* of relationship is always an abstraction, a *persona*, a person in respect of being related to others in terms of distinct and exclusive conditions."<sup>16</sup> For example, between concrete persons, say, in a family situation, there can exist a diversity of modal relationships that can be abstracted from the concrete relationship. The two people can be related in the *persona* of lovers in the spiritual sense, as lovers in the emotional sense, as sexual partners in the biological sense, *and* as marriage partners in the legal sense. Another example is the statesman. He or she is a person in Collingwood's sense and can be attributed with various *personae* in Oakeshott's sense. Hence, in addition to the *persona* of statesman, the person could also be a spouse, citizen, lodge member, and what have

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<sup>14</sup>Collingwood, *The New Leviathan*, p. 132.

<sup>15</sup>Collingwood, *The New Leviathan*, p. 144.

<sup>16</sup>Oakeshott, p. 120.

you. Each one of these senses represents a distinct mode of relationship, which in turn is defined by distinct and exclusive conditions. Whereas a real person can wear all of these "hats" at the same time, the abstract conception of *persona*, as Oakeshott defines it, can only wear one of them.

But what are the "distinct and exclusive conditions" that define that entity known as the enterprise association (as Oakeshott calls it), the purposive association (as Nardin calls it), and society (as Collingwood calls it)? For Oakeshott:

Association here is the assemblage of an aggregate of power to compose a corporate or an associational identity designed to procure a wished-for satisfaction. It is constituted in the choice and recognition of a common purpose to the pursuit of which each associate undertakes to devote a quantum of his power; that is, his time, energy, means, skill and so on. The Associates are *personae*, persons in respect of their devotion to the common cause. The engagement occupies time, it is a call upon resources, it looks to the future, it is inherently terminable and may terminate with the achievement of its purpose or the dissolution of the association.<sup>17</sup>

Collingwood identifies this view with the classical understanding of association.

But, unlike Oakeshott and Nardin, he limits his use of the terms "society" and "association" to the classical understanding. For Collingwood, the difference between society understood in the broader sense developed in the 17th century as standing for a genus, and society understood in the narrower classical sense developed by Roman law is an *essential* difference:

each of them has a *suum cuique*; [i.e.] in each of them the members have a share in something that is divided among them; but in a society proper the establishment and maintenance of the *suum cuique* is effected by *their*

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<sup>17</sup>Oakeshott, p. 123.

*joint activity as free agents.*<sup>18</sup>

The activity that brings a society in its classical sense into existence is a social contract, "a contract to become *socii*, [i.e.] partners." According to Roman Law, there are three indispensable elements to a social contract:

- (1) reciprocal agreement
- (2) common interest (all parties must stand to gain under the terms of the partnership); and
- (3) *affectus societatis*, a bona fide intention to form a partnership.<sup>19</sup>

In addition, a social contract gives rise to three obligations:

- (1) to make your own contribution to the expenses of the partnership;
- (2) to promote the interests of the partnership with the same care which you would devote to your private interests;
- (3) to share profit and loss with the other partners.<sup>20</sup>

Given this account it should be evident that not all human groupings, therefore, are societies narrowly conceived. A family consisting of parents and small children is a perfect example. The relationship between the parents can be conceived as a society in the classical sense, but the relationship between the parents and children cannot.

Collingwood refers to this kind of human grouping as a non-social community. That this kind of human grouping is not a society in the classical sense remains true even when the

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<sup>18</sup>Collingwood, *The New Leviathan*, p. 136.

<sup>19</sup>Collingwood, *The New Leviathan*, pp. 132-33.

<sup>20</sup>Collingwood, *The New Leviathan*, p. 133.

Roman definition is updated and modified--modified, that is, not in its *essentials* (as the 17th century definition) but in its *inessentials*. Instead of being initiated by a social contract--that is, adhering to the three conditions of reciprocal agreement, common interest, and *affectus societatis*--associates need only to decide to initiate partnership "in any terms that make his decision clear to the other or others." And, instead of giving rise to the three obligations, "every party, by making the contract, declares his will to pursue the common aim of the society," whatever obligations such an aim may entail.

What he contracts to do (what Roman law calls the 'obligation' to which his participation in the contract subjects him) is solely to pursue the common aim: the detail of this 'obligation' will depend on the detail of the aim. By what [is called] the *Principle of Limited Liability* his 'obligation' is limited to this aim and all it implies, the latter often including much not specified in any description of the aim.

No society has a claim on its members involving more than this. It is in the nature of a society that the obligations of membership should be limited to obligations involved in the pursuit of the common aim.<sup>21</sup>

A small child does not declare his membership in the family unit: he is simply born into it. Nor does he declare his will to contribute to the common aim of his parents, whatever it may be: he simply does what his parents tell him to do. A hockey team, on the other hand, is a society whose associates endorse the common aim--by virtue of declaring their membership in terms acceptable to that society--to win hockey games. Hence, it is in the team's interest to win hockey games, and the intrinsic principle of each members actions in their capacity as members is the team interest. By declaring his intention to become a member of that society, the player incurs obligations implied by the aim of the team: he must keep fit during the off-season, he must show up at practices and on time, he must

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<sup>21</sup>Collingwood, *The New Leviathan*, pp. 144-45.

concentrate on maintaining and developing the instrumental skill which his role in the society (position on the team) entails, he must show up at the practices and games sober, his personal conduct during play must adhere to the adverbial conditions which, taken together, define the game of hockey--that is, he must know and play by the rules of the game. By the Principle of Limited Liability, however, the associate is not obligated by the team to marry this person rather than another. Nor is he required to buy this brand of automobile rather than that. In short, where the member's activities bear no relation to the society's principle aim--to win hockey games--no obligation is incurred.

Nardin, Oakeshott, and Collingwood, then, all agree that purposiveness is the essence of association properly understood in the narrower classical sense. Mere existence side by side, mere participation or share in that quality called humanity, mutual receipt of each other's infliction of military power, or having a function and place within the bee hive or ant nest, does not even approach the classical meaning of the verb: to associate.

Nevertheless, by using the term "association" to identify different modes of human relationship, Oakeshott and Nardin possibly invite some confusion about their respective projects. Oakeshott, perhaps with good reason, believes that a body politic organized as a society in the classical sense would lead to a questionable, if not intolerable, existence on the part of its citizens. Instead, he appears to value a mode of relationship based on the rule of law. However, he calls that ideal relationship a mode of *association*. And this might not be entirely appropriate given that he wants to distinguish "society" in its classical sense from an entirely different kind of relationship. In other

words, his proposed ideal structure based on the notion of the rule of law or civil association--that is, a set of adverbial non-instrumental conditions which, in his view, ought to govern the relationships and transactions between people, associations, and states--would more accurately be referred to as a mode of *relationship* rather than a mode of *association*. In this way, the crucial distinction between society understood in the classical sense and society understood in the broader sociological sense can be maintained with greater clarity.

Given the foregoing discussion, we are in a much better position to consider whether or not the American body politic is a society in the classical sense of the term. Is it the kind of grouping "where men come together to co-operate in a single common purpose, as, for example, in a business company?" For, according to Michael Donelan, "the more mercantile type of Realist habitually talks as though his country were a great trading corporation, competing with the rest of the world."<sup>22</sup> On the grounds that shared purposes or interests among the members of the American body politic are conspicuously absent, I have argued that it is not. Further, in pointing to the history of political thought on the question, Collingwood notes that even though the body politic was regarded as a society by the Greeks and Romans, it is not generally regarded as such by modern thinkers.<sup>23</sup> And this change in thinking, he argues, occurred not in the twentieth century but, rather, in the middle ages.

Ancient political life is the life, and ancient political theory the theory, of

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<sup>22</sup>Donelan, pp. 59-60.

<sup>23</sup>Collingwood, *The New Leviathan*, p. 177.

the city (*polis*), which was a society made up of citizens upon whom non-citizens were dependent. Medieval political life is the life, and medieval political theory the theory, of the 'state' (*l'état, lo stato*), a term belonging to the international European language of the later Middle ages and derived from the Latin *status*, used as a legal term for a man's status with regard to rights.

In the Middle Ages a very remarkable change of opinion had come about as to what the body politic was. People had come to think of the body politic no longer as a society, a community of free and adult men collectively managing their own affairs; they had come to think of it more as a collection of human animals, not necessarily free and not necessarily male, but just human. Hence in the Middle Ages a body politic was conceived as a non-social community; not a self-ruling body of adult Englishmen or what not, but simply a collective name for people born in a certain place.<sup>24</sup>

In short, the ancients conceived the body politic or city not as a mere collection of people and buildings within a demarcated geographical space but, rather, as an association of citizens--a society. To be sure, women, children, slaves, and foreigners inhabited the confines of the space controlled by the citizens, but they were either "privately dependent on individual citizens," or "publicly dependent upon groups of citizens."<sup>25</sup> Hence, such people were not conceived as part of the body politic but, rather, as dependents either of individual associates (citizens), or of the body politic itself (the city). During the Middle Ages, a wider--but not necessarily more inclusive--conception of body politic came into being, not because all human beings were conceived as self-ruling associates but, rather, because the body politic became more and more identified with geographical space and not with any particular qualities of moral agency.

It is unsafe to assume, then, that the United States is a society conceived in the

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<sup>24</sup>Collingwood, *The New Leviathan*, pp. 178-79.

<sup>25</sup>Collingwood, *The New Leviathan*, p. 177.

narrow classical sense. Instead, it is safer to assume that it is what Collingwood refers to as a non-social community. For the vast majority of new members to a national community are simply born into it and, although this is an accepted way of becoming a member of the national community, it is not the way one associates with anyone or anything. The activity of association requires free moral agency--a faculty infant human beings do not possess. Since the nation state is not an association, it is very difficult, under normal circumstances, to speak of national interests as being shared by all members of the body politic because a group's interests presuppose shared purposes or ends. If the group does not have a purpose or objective, it cannot be said to have any general interest--although the people and groups that constitute it can have particular interests. Shared purposes or objectives--hence, interests--are the *essence* of association. Without shared interests, there is no reason to associate. There is, however, no such requirement for communities to exist. Communities are a mere anthropological fact--they require no act of moral agency on the part of anyone to bring them into existence. They simply exist.

Communities, then, can exist without having a shared purpose and, consequently, the members need no shared interests in order to sustain the community. The moment members of a community agree on an interest to preserve or pursue marks its transformation from a mere community into a society with respect to that interest. Or, if there is no general agreement on one interest but partial agreement on separate interests, the community is transformed into a community of societies with respect to those separate interests. Sociologists call these separate entities within the community "interest

groups," but a Roman lawyer would call them societies. Oakeshott calls them enterprise associations, and Nardin calls them purposive associations. Many such associations call themselves societies, for example, the Royal Society or the Society for the Prevention of Cruelty against Animals. Others call themselves associations, for example, the Canadian Manufacturers Association or the Licensed Victuallers Association. And the condition called "pluralism" refers to a community made up of many such societies. That this condition accurately describes the American body politic, as far as I can tell, is beyond dispute--at least among domestic political theorists.

But the fact that some or all members of a community can agree on one or more shared interests presupposes not only a way that the associates are mutually intelligible to each other (how else could they know that they have a common interest?), but a "mutual recognition of certain conditions which . . . specify right and wrong in conduct. . . ."26 The members of the community must have some grounds for reasonably anticipating that forming a society on the basis of a shared interest will actually prove to serve that interest. In other words, they must have some preconceived notion about social obligations and what they entail from associates. Hence, association presupposes a morality conceived as "a vernacular language of intercourse."<sup>27</sup> Association, then, presupposes both community and a shared morality--a moral community. Oakeshott calls this moral association, but keeping in mind the distinction between the two senses of the word society, it would be more accurate to call it a moral community.

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<sup>26</sup>Oakeshott, p. 132.

<sup>27</sup>Oakeshott, p. 133.

It is meaningful to speak of a community of humankind by virtue of the fact that all human beings share in that quality called humanity. It is not clear, however, whether it is meaningful to speak of humankind as a moral community. Nevertheless, it is meaningful to speak of a moral community of states. Hence, what Hedley Bull calls a society of states, is more properly referred to as a moral community of states. There is, however, an international entity that is properly called a society of states, namely, the United Nations. And by virtue of his country's membership in that society, another complexity is added to the life of the statesman. In his *persona* as statesman, he is an associate of his country's governing body *and* an associate of the United Nations--although in a somewhat indirect sense.

By design, the United Nations, for which the UN Charter is the expression or constitution, conforms very much to the classical idea of society. This is not to say, however, that all the partners have always fulfilled their obligations under the contract since its inception; for it can easily be shown that this is not the case. But a failure to meet one's obligations, far from proving that a contract does not exist, proves the precise opposite. For to argue that one has not lived up to the requirements of a contract presupposes that a contract indeed exists.

The first indispensable element of a social contract--reciprocal agreement--is clearly evident through the number of signatories to the Charter. The common interest or purpose of the society--*viz.*, world peace and security--is explicitly stated in the preamble:

**WE THE PEOPLES OF THE UNITED NATIONS DETERMINED**  
to save succeeding generations from the scourge of war, which

twice in our lifetime has brought untold sorrow to mankind. . .

**AND FOR THESE ENDS**

to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest. . . .

**HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS**

At least according to H.G. Nicholas' account<sup>28</sup>, it appears that the parties had a bona fide intention to form a partnership. Finally, Article 2 of the Charter imposes on its members the following obligations, among others:

3) All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4) All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

5) All members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventative or enforcement action.

But these obligations entail further obligations. The UN Security Council, "[i]n order to ensure prompt and effective action by the United Nations," has the "primary responsibility for the maintenance of international peace and security . . ." (Art 24 para 1), and it "shall act in accordance with the Purposes and Principles [Arts 1 and 2] of the United Nations" (Art 24 para 2). In view of this burden, the Security Council is granted "specific powers . . . for the discharge of these duties" which "are laid down in Chapters

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<sup>28</sup>H. G. Nicholas, *The United Nations as a Political Institution*, 5th ed. (London: Oxford UP, 1975), especially chapters 1 through 4.

VI, VII, VIII, and XII" (Art 24 para 2). Finally, "Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter" (Art 25).

Although the United Nations is clearly a society in the classical sense (in Oakeshott's terms, an enterprise association; and in Nardin's terms, a purposive association) it sets out to accomplish its purposes by establishing "non-instrumental rules which impose obligations to subscribe to adverbial conditions in the performance of the self chosen actions of all who fall within their jurisdiction"<sup>29</sup> in addition to remedial rules for fulfilling that purpose if Members do not fulfil their social obligations. Hence, in the UN we have an example of an enterprise association achieving its purposes *through* what Oakeshott considers to be non-instrumental rules--a kind of rule that he ascribes to the mode of association based on the rule of law. Also, in the UN we have a response to E. H. Carr's penetrating critique of the so-called internationalist core argument:

The utopian assumption that there is a world interest in peace which is identifiable with the interest of each individual nation helped politicians and political writers everywhere to evade the unpalatable fact of a fundamental divergence of interest between nations desirous of maintaining the status quo and nations desirous of changing it.<sup>30</sup>

What Carr realistically failed to foresee at the time he advanced his critique was that the utopian vision would to a certain extent prevail as a hard reality in post-second world war international relations. There are many weak states--what Robert H. Jackson refers to as

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<sup>29</sup>Oakeshott, p 136.

<sup>30</sup>Cited in Robert W. McElroy, *Morality and American Foreign Policy: The Role of Ethics in International Affairs* (Princeton: Princeton UP, 1992), p. 17.

quasi-states<sup>31</sup>--that owe their continued existence almost entirely to the principles and purposes upheld by the UN Charter. This was particularly evident during the Security Council debates on Resolution 660 (1990) immediately following the Iraqi invasion of Kuwait. The representative from Malaysia argued that the principles of the UN Charter are "particularly important to protect the sovereignty of small States."<sup>32</sup> Likewise, the representative from Colombia argued that "the sovereignty and self-determination of small states, which make up the majority of members of the United Nations, will be jeopardized if . . . we were to condone the use of force. . . ."<sup>33</sup> Finally, that the vast majority of states are signatories to the UN Charter is a reasonable indication that there is a widespread tendency at least to pay lip service to a shared interest in world interstate peace and security--the purpose for which it is the United Nations to maintain.

Although it is possible to establish the purposes, and thereby the general interests, of the United Nations, it is not quite that simple to establish the purposes--hence interests--of any state. Keeping in mind the general purposes of the United Nations, it is relatively easy to establish what its specific substantive interests are in any given set of concrete historical circumstances. For example, the purpose of the United Nations is to maintain international peace and security--a purpose explicitly stated in the Charter. Hence, it is in the general interest of the United Nations that international peace and

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<sup>31</sup>Robert H. Jackson, *Quasi-states: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge UP, 1990), pp. 22-26; and "Quasi-states, Dual Regimes, and Neoclassical Theory", *International Organization*, Vol 41 (Autumn 1987): 519-49.

<sup>32</sup>E. Lauterpacht, et al., eds., *The Kuwait Crisis--Basic Documents* (Cambridge: Grotius, 1991), p. 101.

<sup>33</sup>Lauterpacht et al., p. 100.

security be maintained. If and when a situation arises that threatens or breaches international peace and security, it is in the interest of the United Nations to dispel the threat or repair the breach. But what is the purpose of the United States of America? Or what is the purpose of Canada? The United Kingdom? In other words, what is the purpose of the body politic called a nation state? This question cannot be answered because these bodies politic are not enterprise associations (in Oakeshott's terms), purposive associations (in Nardin's terms), or, in other words, societies in the classical sense.<sup>34</sup>

The question of whether the American body politic is a society in the classical sense--and, therefore, an enterprise association--I have answered in the negative. Nevertheless, it is a question which structures the main division among what Rosenau identifies as the two main views about the idea of national interest. One approach--what Rosenau refers to as the "objectivist view"--assumes that the nation state is indeed a society. Consequently, the adherents of this view continue to search for that final and undisputed substantive definition of the national interest--conceived as the aggregate of shared purposes. The other approach--what Rosenau refers to as the "subjectivist view"--does not necessarily assume that the nation state is a society (although many do), but does assume that its governing body necessarily is. Consequently, many adherents of this view suppose that the search for a substantive definition of shared purposes among the body politic is futile. Instead, they look to what a country's decisionmakers decide.

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<sup>34</sup>See Collingwood's discussion on whether the body politic is a society or a non-social community, *The New Leviathan*, pp. 177-83.

This latter assumption appears to be borne out by the facts.

But, having said that contemporary bodies politic such as the United States are not societies in the classical sense and, consequently, have no shared purposes or interests, through their foreign policies they nevertheless project a unity of purpose leading one to suppose that there is indeed a unity of purpose that can be ascribed to the country as a whole. How does one resolve this projection of united purpose in foreign policy with the fact that bodies politic are not societies in the classical sense? For only a society in the classical sense can have a unity of purpose or interest.

Although it is safe to assume that the American body politic is more like a non-social community than a society, its governing body is more like a society in the classical sense of the term. Hence, it makes sense to speak of the governing body as having shared purposes or interests. And that shared interest or purpose is (or ought to be) to take care of the good of the body politic. I am glossing over some distinctions here, for it is possible to identify more specific purposes for each of the executive, legislative, and judicial branches of government. But for the purpose of this discussion it is reasonable to combine their separate purposes under the more general one because the institutional checks and balances between the three branches were put in place for the general good of the body politic.

The American Constitution not only specifies the role of the governing body in relation to the body politic, but specifies how it is to be structured as well. Interestingly, the preamble to the Constitution also states the purpose of the body politic itself. Hence, the United States was originally conceived as a society in the classical sense:

We the People of the United States, *in Order to* form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and to our Posterity do ordain and establish this CONSTITUTION for the United States of America.

I have emphasized the words "in Order to" in the preamble to show that the body politic was constituted for a number of purposes. Hence, at its conception the American body politic was constituted as a purposive association, in Oakeshott's terms, or a society in the classical sense. Since it originally was conceived as a society, it is meaningful to speak of its fundamental domestic interests at that time, namely: union, justice, tranquillity, defence, the general welfare, and liberty. Further, since it was conceived as a society, the associates took on an obligation to promote those fundamental common interests with the same effort he would promote his own interests.

Although initially conceived as a society, the United States today is more like a non-social community. Regardless, the governing body is clearly a society whose purposive duty it is to uphold the Constitution and all that it entails, including the responsibilities to maintain the union, to maintain justice, to maintain domestic tranquillity, to defend the body politic, to promote the general welfare, and to maintain the liberty of its citizens. People become members of this society by election or appointment as established by United States law. Because legislative power and the purse is vested in Congress and executive power and the sword is vested in the President, political<sup>35</sup> activity within and between the two branches is required to produce policy in

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<sup>35</sup>I mean political activity in the specific and non-pejorative sense developed by Bernard Crick, *In Defence of Politics* (Middlesex: Penguin, 1964)

any given set of circumstances. Since the explicit duty and purpose of the state is to govern for the general good of the body politic, the specific policies it produces are *by definition* in the interest of the United States. This, according to Rosenau, is the central insight of the "subjectivist" view on the national interest.<sup>36</sup> But merely because individual statesmen have a duty to establish and pursue those objectives which benefit the body politic, it does not mean they always will, either because of malevolent intent or incompetence.

From the subjectivist perspective, the substantive national interests in any individual set of circumstances are whatever the country's decision makers decide.<sup>37</sup> Nye, for example, argues that, "In a democracy the national interest is what a majority, after discussion and debate, decides are its legitimate long-run shared interests in relation to the outside world." Consequently, he concludes, "there is nothing mysterious about the national interest. It is simply the set of interests that are widely shared by Americans in their relations with the rest of the world."<sup>38</sup> It should be noted, however, that what the country's decisionmakers decide is not necessarily the set of interests American citizens widely share--although it could be. It should also be noted that although Nye is using the expression "the national interest" in this context he is actually referring to national interests. Nevertheless, a virtue of the subjectivist view is that it posits no *necessary*

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<sup>36</sup>James Rosenau, "National Interest," *International Encyclopedia of the Social Sciences*, p. 36.

<sup>37</sup>Rosenau, p. 36.

<sup>38</sup>Joseph S. Nye, Jr., "Why the Gulf War Served the National Interest" *Atlantic Monthly* (July 1991): 54, 56.

relationship between interests widely shared by citizens and the foreign policy choices made by the government. At the same time it does not deny that this *could* be the case. Nor does it assert--for the purpose of value free empirical and conceptual analysis on the part of the observer--that this *ought* to be so. Hence, one of Rosenau's critiques of the subjectivist view does not stand up to scrutiny.

The recognition that many groups in a nation have different and often conflicting concepts of what external actions and policies are best for it . . . gives rise to as many conceptual and methodological difficulties as it avoids.<sup>39</sup>

Having stated this objection, however, he quickly backs out of it by asserting that "most subjectivists avoid these complex, seemingly insurmountable problems by relying on a procedural rather than a substantive definition of the national interest."<sup>40</sup> Thus, his objection is really no objection after all. He defines the subjectivist view as one that recognizes national interests as those states of affairs which a country's decision makers pursue in any given situation, and then goes on to show, in the course of criticizing the view, why the subjectivist probably adopts that view in the first place. Then he concludes:

Operationally, the substantive content of the national interest thus becomes whatever a society's officials decide it to be, and the main determinant of the content is the procedure by which such decisions are made.<sup>41</sup>

Far from being a critique of the subjectivist view, it is merely a restatement of its

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<sup>39</sup>Rosenau, p. 37.

<sup>40</sup>Rosenau, p. 38.

<sup>41</sup>Rosenau, p. 38.

virtue. It is a view that--perhaps implicitly--distinguishes the state as a society separate from the body politic it is charged to govern. As a distinct enterprise association it necessarily has a general purpose for which it was constituted as well as specific identifiable purposes in any given set of concrete circumstances. The purposes of a society, it will be recalled, determine what its substantive interests are likely to be, and the purposes of the American government include preserving the union, justice, defence, liberty, and the general welfare of the body politic. Of course, in any given set of circumstances it is not always evident which specific policy choice will serve, for example, the general welfare of the American body politic. There are bound to be different opinions and some particular interests are bound to suffer regardless of which policy decisions are made. That is the nature of the human predicament. The true mark of the political man is one who may want everything but nevertheless accepts peacefully that he cannot.

Politics arises . . . in organized [bodies politic] which recognize themselves to be an aggregate of many members, not a single tribe, religion, interest, or tradition. Politics arises from accepting the fact of the simultaneous existence of different groups, hence different interests and different traditions, within a territorial unit under a common rule.<sup>42</sup>

The statesman's role in the United States is to formulate policy in light of these different interests and in line with the general purpose assigned to him by the Constitution. When a statesman says that he is acting in the national interest by choosing this rather than that policy in light of the contingent circumstances, he is merely identifying his role as statesman and affirming his fidelity to that role. He is saying that in his judgement, this

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<sup>42</sup>Crick, pp. 17-18

policy choice rather than that is what is best for the body politic. Of course, another American statesmen might disagree and assert that in his judgement the opposite policy option is what is best for the body politic. Which of these two statesmen, then, is acting in the national interest? The answer is that they both are. By saying that their respective policy choices are in the national interest, they are merely identifying their role as governing members of the body politic and affirming their fidelity to the role of acting for the good of the body politic--that is to say, in the interest of the body politic. In other words, they are merely asserting (truthfully or untruthfully) the intrinsic principle or motive guiding their respective choices, namely, the national interest. And any differences in substantive choices are worked out politically--that is to say, through deliberation and consensus if possible, or through a majority decision rule if necessary.

By examining the abstraction "state as actor," one can shift levels of analysis from the level of "state" to the level of "human conduct." Having conceived international relations in terms of human conduct by drawing upon the body of knowledge called political philosophy, the argument has moved one step closer to explaining in greater detail my contention that the idea of the national interest is a categorically moral idea.

## CHAPTER FIVE

### THE PROBLEM OF CHOICE

From the outset of this work I have merely asserted the idea of the national interest as an intrinsic principle of action. Now it is time to argue that assertion in detail. Essentially, an intrinsic principle of an action is the motive or proximate *end* toward which that action is directed or inclined. As such, it must be distinguished from the object of the physical act itself, which, it will be recalled is an interest or an objective. That is to say, the object of the physical act is the desired state of affairs sought by that action. The motive (or motives), on the other hand, is the reason (or reasons) why that state of affairs is desired. If those reasons are "right" reasons, they justify the act. In terms of conventional American political morality, the "right" reason for a statesman's action is the national interest.

The distinction between the object of an action and the end of an action is not as foreign to our everyday, commonplace experience as it first might appear. It is the distinction between the visible consequences (both foreseen and unforeseen) of the physical act and the reason why the expected consequences were sought by the actor in the first place. In short, it is the distinction between the intended consequences of the physical act, on the one hand, and the actor's motive for pursuing those consequences by action, on the other. In Aristotelian and Thomistic language, each half of this distinction is called the object of the action and the end of the action, respectively. I use the term "intrinsic principle of action" in order to maintain the distinction more clearly for the

benefit of those not fully versed with the Aristotelian and Thomistic idiom of moral discourse. Hence, the "intrinsic principle" of any given action, when translated into the Aristotelian and Thomistic idiom, is the "end" of that action--the motive of the person for which the object of the act and the act itself are physical manifestations.<sup>1</sup>

Again, in terms of American conventional morality, the end which ought to govern the actions of a statesman is the national interest--that is to say, the objects of the statesman's physical actions must be intended for the benefit of the American body politic, and not intended for his or her own personal benefit or the benefit of some other sub-national or extra-national person or group of persons. In other words, the statesman's proper motive for any of his actions, in his capacity as statesman, ought to be the national interest. Although some people might dispute whether or not the national interest ought to be the intrinsic principle of action of American statesmen, the issue here is not about the moral quality of the idea. Instead, the issue is to establish the idea as a categorically moral one.

To establish the national interest as a categorically moral idea is to demonstrate the role it plays (and does not play) in the choices that statesmen make. Although it does not necessarily belong to the exclusive domain of moral philosophy, the problem of human choice clearly is one of its proper objects of study. The discussion that follows makes no attempt to represent what all moral philosophers have said about the problem. For that matter, many of the positions I adopt are, and will probably continue to remain

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<sup>1</sup>Thomas Aquinas, *Summa Theologica*, I-II, q. 18, aa. 1-11; Aristotle, *Nicomachean Ethics*, I, 1, (1094a 1-6).

highly contentious. But I again must emphasize the immediate purpose of this work.

And, given that purpose, I must point out that it is not necessary to account for, let alone settle, perennial metaethical disputes.<sup>2</sup>

### **The national interest and choice**

It will be recalled that those advancing substantive conceptions of standing national interests--such as Morgenthau and George and Keohane, among others--are not doing so out of mere intellectual curiosity. Instead, their concerns are about the conduct of statecraft. They seek to establish more or less objective guidelines statesmen can employ to ensure that the states of affairs or objectives they choose to pursue are indeed for the good of the body politic, and to aid them in choosing the best means for achieving those objectives. In short, they are trying to come up with objective criteria to aid the statesman in his problem of making choices about what ought to be done. The national interest, they argue, provides one of those criteria. Nevertheless, there is a serious contradiction underlying this kind of project--a contradiction which, once brought to light, helps to clarify the idea of the national interest as an intrinsic principle of action

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<sup>2</sup>The precedent for such a disclaimer has already been set. Although Charles Beitz advances a substantive moral theory, he argues that the leading controversies in metaethics need not occupy his attention, even though he concedes such questions are logically prior. p. 16. I, on the other hand, do not even pretend to advance a substantive moral argument. Instead, I am attempting merely to establish the idea of the national interest as a categorically moral idea--a project that is logically prior to establishing its moral goodness or evil, as the case may be. Hence, there is even less reason for me to engage perennial metaethical controversies. For that matter, most moral philosophers, regardless of the substantive moral positions they adopt, should welcome my project. It simply adds more grist for their mills, so to speak.

and not as an external criterion or objective rule for making foreign policy choices.

George, Keohane, Morgenthau, and others would not embark upon such a project unless they supposed that objectives and the means for pursuing them are never given. For if they were given, there would be no need to assist statesmen in choosing objectives and means--they simply would be given. On the other hand, however, they also suppose that objective criteria exist in order to help guide statesmen in making choices of national objectives and the means to achieve them. They see their task as one of seeking out these objective realities and shedding light on them in order to guide the statesman on his perilous path. But the supposition that objective realities exist "out there" undermines their first supposition that objectives and means are never given. How is this so? And, if so, which of these two suppositions is the correct one?

National *interests*, it will be recalled, are desired "states of affairs"--that is to say, "states of affairs" desired for the benefit of the body politic and not for any exclusive personal or particular interest. If, in the context of contingent circumstances a statesman is properly acting in *the* national interest, and not in a particular or self interest, the objectives he chooses to pursue are called national *interests*. Of course, among a country's leaders there are often different views on what these objectives ought to be in any given set of contingent circumstances. Hence the question is raised about which of these objectives is the *best* one for the country's government to pursue. During the Gulf crisis, however, there was very little disagreement about objectives. With very few exceptions, all Senators agreed that the desired state of affairs (or national interest) to be pursued in this situation was a Kuwait liberated from Iraqi occupation. Instead, their

deliberations centred on the best *means* for securing that interest or objective. Although in this instance there was wide agreement about the interest or objective to be pursued, and disagreement about the best means to pursue it, this is not necessarily always the case. It is possible to think of situations where no agreement about national interests (objectives) is immediately forthcoming.

For example, if the territorial United States came under direct armed attack, chances are that the government would choose to repel the attack with its own armed force. What is the objective to be secured in this instance? The apparent answer here is: "to repel the attack." On reflection, however, this answer is not necessarily correct, for the action of repelling an attack is the *means* employed to achieve the desired objective and not the objective itself. Instead, the objective in this instance is that "state of affairs" to be achieved by employing armed force against the aggressor. That desired "state of affairs" could simply be a return to the condition of existence which prevailed immediately prior to the attack, it could be the complete subjugation of the hostile power's national territory, or it could be the complete destruction of the hostile power's war fighting capability while leaving its national territory and governing bodies intact. Which one of these ought to be the objective in the circumstances? Although the first alternative might appear to be "given," at least in the initial stage of the crisis, it is by no means "given" because the decision makers have the initial, albeit unlikely, option of surrendering rather than fighting.

Supposing, however, that the decision makers do not choose to surrender, the question still remains about which objective to pursue. The only initial answer to this

question is that it depends on the circumstances. But even if the full circumstances were known by those responsible for choosing among the alternatives, they may nevertheless still disagree among themselves about which is the *best* objective to pursue. Hence, the basic point here does not change--that is to say, objectives, as well as the means for achieving those objectives, are never merely given. They are always chosen.

George, Keohane, Morgenthau, and others are fully aware of this difficult question about choosing the *best* objective--if indeed any objective is chosen at all--in any set of contingent circumstances. They are also aware of the difficulties in determining whether any given alternative actually is intended to serve the national interest, a particular interest, or the self interest of the person proposing it. In other words, is the objective that statesman A is proposing in opposition to statesman B's proposal really inclined toward the national interest? Or is it inclined toward a particular interest (e.g., partisan concerns) or even his own personal interest (e.g. re-election concerns)? Because they recognize these difficulties, George, Keohane, Morgenthau, and others seek to undercut them by introducing "objective" criteria for making the *best* choice of objectives in any given set of contingent circumstances.

Whereas American statesmen place their faith in the outcome of their collective deliberations for establishing the *best* choice of ends in a given situation, George, Keohane, Morgenthau, and others place their faith in "objective" criteria. The problem, however, is that although people might agree that the words "national interest" somehow signify objective criteria for choosing ends, they do not necessarily agree about what these so called "objective" criteria are in substantive terms. Far from transcending the

problem of choice, then, the "objectivists" are merely offering additional alternatives that need to be deliberated upon. In Rosenau's words, the objectivists are simply not aware "that *their own values* serve as criteria for determining the substantive content of the national interest."<sup>3</sup> Let me suggest that the only objective criterion that might be accepted universally is this: whatever objective or end the statesman chooses, that interest must be intended primarily to benefit the body politic as a whole and not some sub- or extra-national person or group of persons. *The* national interest, then, indeed is a standard for making choices. But it is not a standard that can be stated in such terms as "security," "economic well-being," "national survival," "power," or what have you. For these are objectives--viz., states of affairs desired for the benefit of the body politic--and, hence, national *interests* and not *the* national interest. Something that is chosen cannot, at the same time, be the criterion for making that choice.

Why is it that the "objectivists" mistake what is chosen for the criterion of choice?

One explanation is that they fail to distinguish *the* national interest from *a* national interest. Had they made this distinction it would become clear that a national interest signifies a state of affairs or objective desired for the benefit of the body politic, and that *the* national interest signifies the intrinsic principle that ought to guide statesmen in their choices of objectives. Another possible explanation is that they are not aware of the fatal contradiction underlying their project. On the one hand, they recognize that objectives--i.e., national interests--are never "given" whereas, on the other hand, to seek objective

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<sup>3</sup>James Rosenau, "National Interest," *International Encyclopedia of the Social Sciences*, p. 37. My emphasis.

criteria necessarily presupposes that they are "given."

Since the foregoing points are crucial, let me review--in greater detail and at some risk of repetition--the reasoning employed to reach them. Recall that there is a fundamental distinction between national *interests*, on the one hand, and the idea of *the* national interest, on the other. It already has been argued that national interests are not desired things or actions, they are desired "states of affairs." And states of affairs are conditions of existence which can be described in terms of complex norms. For example, oil as a material entity was not in itself an objective of the United States during the Gulf Crisis. In other words, simply to say that the United States had an interest in oil as a material entity is not very meaningful. Instead, what the United States government desired was a certain state of affairs regarding the oil *commodity*. It desired the continued world supply of Persian Gulf oil at a price to be determined by *existing* market conditions which favoured the United States, and not by the new price demanded by Saddam Hussein's if he were to monopolize the majority of the world's oil reserves.

To say that a state of affairs is *desired* means that it can be conceived as an *objective* to be pursued. This is still the case even if the desired state of affairs happens to be the status quo. However, although all desired states of affairs are objectives, and although objectives are interests, not all interests are *national* interests. Hence, the problem arises about how to determine which states of affairs are *national* interests. In other words, which objectives should the statesman pursue? What are the criteria for distinguishing national objectives or interests from particular and self interests? Further, what is the criterion for making the best choice about which objectives the statesman

ought to pursue on behalf of the body politic? In short, what are the national *interests* in any given set of contingent circumstances? These are the important questions of statecraft which the "objectivists," among others, attempt to answer. Since they take these questions up, they must suppose that the answers are not "given."

Nevertheless, they suppose that there are "objective" answers to these questions, a supposition undermining their first supposition that the answers are *not* given (the first contradiction). Further, they suppose that national interests *are* the objective answers to these questions (the second contradiction). But no amount of reasoning can convince me that the question itself can also be the answer to that question. The objectivist sets out to establish the criteria for determining national interests--thus conceding it is a problem of human choice--and concludes that national interests *are* those "objective" criteria--thus denying it is a problem of human choice and asserting that the question itself is the answer to the question. Hence, the objectivist is no further ahead from where he started. His magical journey has come to an abrupt end at the same point where it began. And the fallacy he has committed here to get him into this predicament is by now a familiar one, namely: the fallacy of swapping horses. If there were objective criteria for making choices, the problem of choice would not exist. By suggesting objective criteria for making choices, the objectivist project essentially serves to eradicate the question and not to provide an answer for it.

Regardless of the contradictions, however, their first assumption nevertheless is correct. Objectives to be pursued in any set of contingent circumstances are not given, although in some situations they are more obvious than in others. Objectives are never

determined or necessitated by the situation, although they may appear to be when they are obvious. Objectives are *always* chosen. In the United States, they are chosen by those responsible for making such decisions after deliberating upon the alternatives. If and when they finally choose an objective, it meaningfully can be referred to as a national interest. This conclusion about what is meant by *a* national interest, however, does not solve the logically prior problem about how to go about identifying the motives behind particular proposals advanced during the deliberation process.

When any individual in the course of the deliberation process proposes an objective which he or she asserts to be the *best* alternative, it is meaningful to ask of that person's proposal: "best for what or whom?" It is meaningful to ask this question because, although an objective is always a state of affairs, and although all national interests are states of affairs, not all objectives are necessarily national interests. Further, a proposed objective could be the best alternative for the country, the individual proposing it, and a particular sub-national group of people. But it is also possible that what is best for the individual proposing it, or what is best for a particular sub-national group of people, is not necessarily what is best for the country. Finally, what is best for the country is not necessarily what is best for humanity at large. Nevertheless, what is best for humanity at large could also be what is best for the country. In short, it is meaningful to ask "best for what or whom?" because it is not necessarily evident for whose benefit the proposed objective is intended. "Who is the intended beneficiary of the secured objective?" is not only a meaningful question, it is also an *important* one. But why is it important?

The answer to this question marks a significant step toward conceiving *the* national interest as an intrinsic principle of human action and not as a "basket" within which a country's national *interests* are held. The question is significant if only because conventional American political morality deems it important to guard against *conflicts* of interest. It involves a recognition, first of all, that in any given set of contingent circumstances diverse interests may be at stake. Secondly, the question reflects a normative concern. It reflects the existence of an imperative which obliges statesmen to give priority to the good of the body politic at the expense of his own or another's good if and when there is indeed a conflict of interests. For example, a fundamental problem of statecraft in any given set of contingent circumstances, as George and Keohane see it, is to "determine which values, and therefore which interests, are to be included, and which excluded, from the set of national interests."<sup>4</sup> But this can be conceived as a fundamental problem of statecraft only if it is presupposed that the statesman is obliged to distinguish such interests. Not only is he obliged--at least by conventional morality--to distinguish them, he is obliged to incline his choices toward the *national* interest, and not toward his personal, party, or some other interest.

This obligation, however, is not borne by all citizens of the United States. It is only borne by those citizens who fulfil a special role or office within the body politic, namely: the statesman. There can be good statesmen, bad statesman and a whole range

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<sup>4</sup>Alexander L. George and Robert O. Keohane, "The Concept of National Interests: Uses and Limitations," in Alexander L. George, ed., *Presidential Decisionmaking in Foreign Policy* (Boulder: Westview, 1980), p. 221. It should be noted, however, that not only is this a fundamental problem of statecraft, but a fundamental problem of politics--a problem that political philosophers have traditionally dealt with.

of statesmen in between, and an example of a bad statesman is one who either is disloyal to this obligation or is incompetent to fulfil it. A statesman disloyal to this obligation might incline his choices toward his self interest rather than the national interest. But to the extent that he remains loyal to the obligation, the end toward which his actions are inclined is the national interest--even if he is incompetent. It is in this sense that the national interest is conceived as an intrinsic principle of action.

If a person's actions are inclined toward obtaining what is best for himself to the exclusion of others, we say that the intrinsic principle guiding his actions is self interest. If his actions are inclined toward what is best for the country, we say that the intrinsic principle guiding his actions is the national interest. If his actions are inclined toward what is best for humanity at large, we say that the intrinsic principle of action is the human interest. Which of these principles ought to guide the actions of statesmen while fulfilling that office? In the United States at least, all statesmen appear to agree that the national interest defines the proper role of statecraft. Since the end of statecraft is the national interest, the rational principle guiding a statesman's choice of objective in any set of contingent circumstances is that which benefits the country. If he remains loyal to his obligation, what he chooses will be that which, in his personal best judgement, benefits the body politic. Consequently, because we are dealing with the judgements of discrete individuals, statesmen are bound to differ about what objectives they think are best to pursue in any given set of circumstances. Nevertheless, they remain united by virtue of the intrinsic principle guiding their actions in their role as a statesman. A simplified example might serve to bring some of these foregoing points into greater

relief.

Suppose a person purchases a home in a quiet residential neighbourhood. Let us further suppose that his choice of property was not capricious but, rather, founded on a desire to live in peace and quiet away from traffic noise. Hence, a part of his conception of the good life is to live in peace and quiet. This conception of the good life for himself is his reason for living in a quiet residential neighbourhood, and the intrinsic principle or motive guiding his choice of property is his personal interest.

Now, let us further suppose that the local department of highways has decided to construct a super-highway adjacent to his backyard. Given this new development in his circumstances, chances are that he will decide it to oppose the project. But the *act* of opposition--because it is an action and not a state of affairs--is not his interest here. His "interest" in this instance is the "state of affairs" sought by virtue of the physical act of opposition, whatever that act might be. In Aristotelian and Thomistic terms, the interest is the "object" of his physical act. The motive of his act, however, is a different question altogether. In this case, his motive is personal interest. In Aristotelian and Thomistic terms, his motive is the "end" of his interior act of the will. In this case, then, personal interest is the intrinsic principle guiding his action.

In the foregoing example, the person's motive is known simply because I defined it as "personal interest" for the sake of demonstration. In real life, however, even to establish one's own motives is often a difficult matter, let alone establishing the motives of others. Nevertheless, there is generally broad, if only vague agreement that certain kinds of motives are more appropriate than others in certain kinds of situations for certain

kinds of people. In the foregoing example, "personal interest" probably would be viewed as an entirely appropriate motive for opposing the project.

If, on the other hand, that person also happened to be a public official, the situation is entirely different. Here there is strong potential for a conflict of interests on his part. If he opposes the project, what are his real motives? Personal interest? The public interest? Even if he supports the project, what are his real motives? It is no easy task for an observer to answer these questions. Only the person himself and his maker can know for sure. Nevertheless, regardless of whether he supports or opposes the project, there is a sense in which the motive which ought to guide his actions--because he is a public official in addition to being a private citizen--is the public interest.

The national interest is a similar kind of idea--viz., it is an intrinsic principle of action inclining the actor toward choosing objectives and means that are intended to benefit the body politic. Again, foreign policies are acts and, as such, they are not in themselves interests. Instead they are means for securing interests. Interests, on the other hand, are desired states of affairs--that is to say, the *objectives* sought by foreign policies. The statesman, then, has two basic problems facing him in any given set of contingent circumstances. He must choose the objectives to be pursued as well as the best course of action--the means--for achieving them. The objectives proposed or chosen can vary depending on the intrinsic principle guiding his actions. In other words, if he is acting in his personal interest the objectives he proposes or chooses can be different from those if he were acting in the national interest. Regardless, the objective settled upon through due political process in the United States can be referred to as *a* national interest.

Given this definition of a national interest, then, it is clear that a liberated Kuwait--i.e., the state of affairs desired by the collective wills of the Bush administration and Congress--was indeed *a* national interest. However, although there was almost unanimous agreement about the objective to be sought, the best means for securing that objective was highly contentious. In other words, contrary to conventional wisdom, the question of whether or not to go to war against Iraq was not a question of national interest--that question was already settled by virtue of almost unanimous agreement to secure an end to the Iraqi occupation of Kuwait. Instead, it was a question of the best *means* for securing that national interest.

Some people thought that a policy of continued sanctions was the best means, whereas others thought that offensive military force was more appropriate. Both sides in the debate, however, were convinced that the United States and the international community had a just cause to fight.<sup>5</sup> But both sides in the debate were equally convinced that a just cause, by itself, provided an insufficient justification to fight. How does one go about choosing between the two alternatives? It is often supposed that "national interest" provides the key. As indicated, however, this is a mistake. If one means by "national interest" *the* national interest, this simply signifies an intrinsic principle of action--that is to say, the end toward which his choices ought to be inclined. And if the statesman merely asserts that his choice of either the means or the objective is

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<sup>5</sup>A just cause, it will be recalled, is not any national interest but, rather, a national interest that can legitimately be pursued by war. International norms, embodied by the Charter of the United Nations, limits these interests to two, namely: self defence and world order.

in the national interest, it is reasonable to ask *why* he thinks his choice will benefit the body politic. For, by asserting the national interest, he merely has reaffirmed the motive of his actions.

If, on the other hand, one means by "national interest" *a* national interest, this simply signifies that the country's leaders have decided upon an objective--desired because it benefits the body politic--in the circumstances. And merely knowing the objective does not help him to choose among alternative means for achieving it. In other words, the problem of choice among means presupposes that *a* national interest already exists. In short, "national interest" is not an answer to the problem of choice among means. It merely begs the question. For if there were no national interests at stake, the question of which means to employ to pursue those interests simply would not arise. In this case, a national interest, far from serving as a criterion for making choices, generated the problem of choice in the first place.

### **The Problem of choice**

Is there such thing as the problem of choice? Some might assert that the problem of choice is a bogus problem because human beings do not have any choice about their actions in the first place. Instead, human actions are predestined, necessitated, or otherwise determined by divine, astrological, social, psychological, historical, or economic forces. Much serious thinking has been generated and even more ink has been spilled throughout millennia of Western civilization on this question. In Kant's words, freedom of the will, along with God and immortality, are the three great problems of

philosophy.<sup>6</sup> I cannot even begin to settle the question here to the satisfaction of all possible objections. I can, however, outline my thoughts on the matter; if only to disclose my assumptions "up front," as it were. At bottom, I think the problem of choice is a real problem because it is one I experience personally on a daily basis, and I have no reason to suppose that I am deluding myself. And since I experience the problem, I have little grounds to suppose that other human beings--including statesmen--do not. Further, it would have been difficult to convince United States Senators in January 1991 that the problem they faced was an imaginary one. But to assert that the problem of choice is a real problem is not to say that each and every choice situation presents itself with an infinite range of alternatives. On the contrary, often the range of choices is limited to two: either to do something (whatever it is) or to do nothing. Obviously, the choice "to do nothing" does not necessarily manifest itself in an external physical act of some sort. Nevertheless, to choose "to do nothing" is still an act--although it is an interior act: an act of the will. But because there is no physical act in a given situation, one cannot conclude thereby that there is necessarily an act of the will corresponding with that external "non-act."

For example, one observes two people sitting at a table in a crowded restaurant. The woman asks the man a question but the man continues to eat in silence. What can be concluded about this situation? Perhaps the man is still trying to formulate a response to

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<sup>6</sup>Cited in J. R. Lucas, *The Freedom of the Will* (Oxford: Clarendon Press, 1970), p. 1. For some other accounts of this problem, see Joseph M. Boyle, Jr., et al., *Free Choice: A Self Referential Argument* (Notre Dame: University of Notre Dame Press, 1976), especially chapter 1.

the question. Perhaps he is deliberating about whether or not to answer the question. Perhaps he has decided not to answer the question. Or perhaps he is not conscious of being asked the question. In the first instance, the man has willed to answer the question but he has not yet decided how to answer it. In the second instance, the man has not yet willed anything. In the third instance, the man has willed to not answer the question. Finally, in the fourth instance, the man has not willed anything. In short, a "non-act" is not necessarily a manifestation of willing. But nor is it necessarily a manifestation of "not-willing." The basic point, then, does not change. To "not to do" something *can* be a consequence of choice, namely: to will "not to do" something.<sup>7</sup> One cannot, then, point to an instance of "non-action" as proving lack of choice on the part of the person who is not acting in any visible way.

By virtue of recognizing that I am often exercising choice even when I do not act in a visible way, can I conclude thereby that all visible actions necessarily are consequences of choice? Certainly not. Sneezing is a visible action--one over which I have no control. Because a person has no choice whether or not to sneeze, the act of sneezing holds absolutely no interest for moral philosophers. But what about my "choice" to wear a red jacket rather than a khaki one? *Taken by itself*, the physical act of wearing a jacket of a particular colour is morally neutral. But physical acts are rarely, if ever, *taken by themselves*. They are taken in the context of the contingent circumstances

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<sup>7</sup>Thomas Aquinas, *Summa Theologica*, I-II, q. 6, a. 3.

of real life.<sup>8</sup> In real life, physical actions must be viewed in the context of the person's motives and the circumstances in which those physical acts are undertaken. If the circumstances allow a person to choose what to wear, his subjective preference is morally neutral. If, on the other hand, the person is a soldier and, as part of his circumstances "here and now" there either is a rule or a command that stipulates the wearing of a khaki rather than of a red jacket, it is often judged that the person has no choice but to wear a khaki jacket. In one sense this judgement is correct. But in a more fundamental sense it is incorrect because the person still has a choice of whether or not to obey the rule or command. Consequently, the rule does not ordain his wearing of a khaki jacket. His choice to obey the rule, on the other hand, does. At bottom, then, he wears the khaki jacket not because the rule stipulates it, but because he chooses to obey the rule. Why does he choose to obey the rule in this instance? The answers can vary. Perhaps he fears the sanctions for not obeying the rule. Perhaps he recognizes the instrumental, consequential, or utilitarian reason for the rule (e.g., camouflage). Perhaps he does not like to be different. Or perhaps he thinks it is his duty to obey all rules and commands issued by his superiors. Regardless, the basic point remains that rules do not ordain action. The person's choice to follow or not to follow the rule, on the other hand, does ordain action.

Regardless of the soldier's motive, the choice to follow the rule in this instance is probably not very difficult. Nor is it difficult to determine the specific action the rule

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<sup>8</sup>Taking an action by itself is what Joseph S. Nye Jr. refers to as one dimensional moral reasoning. *Nuclear Ethics* (New York: Macmillan, 1986), pp. 16-26.

requires him to perform, namely: to wear a khaki jacket. The decision American statesmen faced in January 1991 about whether or not to use offensive military force against Iraq, on the other hand, was a problem of choice of an entirely different order of magnitude and complexity. But, returning to the question at the beginning of this section, is there such a thing as the problem of choice in the first place? Or is it a bogus problem resulting from a deluded belief in something called free will? A close examination of the Senate debates on the question supports the contrary assumption that there is such a thing. For the outcome of those debates was anything but a foregone conclusion. Passage of the Dole-Warner resolution depended on the majority of senators choosing to vote in favour of it. Likewise, passage of the Mitchell-Nunn resolution depended on the majority of senators choosing to vote in its favour. If indeed there were divine, astrological, social, or economic forces determining the actions of the senators, why did they not *all* vote for one resolution and, by implication, against the other?

It might be conceded that the formal process of decisionmaking in the United States is a pretty good indication that such forces do not determine *collective* decisions. Nevertheless, it still might be objected that splits in collective decisions do not disprove psychological forces as the determinant of individual actions. In other words, it can still be asserted that the individual actions of senators in voting for or against a resolution are not really exercising choice after all: their actions are simply determined by psychological forces.

Although there are perhaps many possible responses to this objection, I shall mention only one. If one wishes to hold the individual senators responsible for their

actions, one must assume that each has control over them. Further, to suppose a person has control over his actions, one must assume his capacity to choose at least between doing something and doing nothing. Finally, if one admits at least this capacity, one must therefore believe that people are possessed of free will. The other alternative is to deny that people can be responsible for what they do or neglect to do, as the case may be. In short, if one admits that a person can be held responsible for his actions (or non-actions), one thereby repudiates the doctrine of necessity with respect to human actions, and one necessarily admits that people are possessed of free will. It should be emphasized, however, that nothing in the foregoing discussion denies the possibility that various forces and factors can *influence* the choices a person makes. It simply denies--except in the case of neurosis--that these forces and factors *determine* actions.

My basic assumption, therefore, is that the actions of the senators were acts of free will. That is not to say that each voted for or against a particular resolution out of free will. It is possible, but highly unlikely, that some or all of them voted in this or that way for this or that resolution *against* their will. If this were indeed the case--that is, if some or all senators acted either under duress or under physical compulsion (i.e., force) to vote this or that way--their physical act of voting would then lack a certain voluntary character. Although the physical act may be involuntary, the interior act of the will is not. If it were otherwise, it would be meaningless to speak of acting against one's will. And there are many examples of people acting against their will. The case of material cooperation in evil (contrasted with formal cooperation) is one of them. In such cases, what it is that gets the agent "off the moral and legal hook," so to speak, is his lack of

consent with another's evil intent--either the agent does not know about the evil intent of another in which his own physical act plays a part, or he is forced against his will to participate.<sup>9</sup>

Nevertheless, there is no evidence to suppose that the senators acted against their individual wills in voting this or that way. Consequently, it is reasonable to suppose that their particular, physical and verifiable acts of voting accurately reflected each senator's actual will. This, however, does not mean that their particular actions--although accurately reflecting their wills--corresponded with their individual consciences. Hence, not only is it possible to act against one's will, it also is possible to will against one's conscience.<sup>10</sup> For example, suppose a person embraces the general moral precept that one must never lie. In the situation here and now, however, that same person supposes

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<sup>9</sup>For example, without my knowledge, a bomb or other contraband is planted in my luggage and subsequently I carry that luggage onto an airplane. Although it is my agency that brings the luggage onto the airplane and, consequently, the bomb or contraband as well, I am therefore materially cooperating in evil. I am not formally cooperating in evil because I have no intention to blow up the airplane or smuggle contraband. Consider another example: As a bank manager, I am the only one with the combination to the safe. At gun point, the bank robber orders me to open the safe. By opening the safe I am cooperating in the robber's evil, but I am doing so against my will. I do not will to give money to the thief. In fact, I will not to give him the money. Although cooperating in the evil, I am only cooperating materially and not formally, therefore I cannot be held responsible for the evil. For further examples and a more detailed explanation see Martin O'Keefe, *Known from the Things that Are: Fundamental Theory of the Moral Life* (Houston TX: Center for Thomistic Studies, 1987), pp. 66-69; see also Aquinas, *Summa*, I-II, q. 6, aa. 3, 4, 5, 6.

<sup>10</sup>A distinction is made between antecedent conscience (a judgement of conscience before the act) and the judgement of conscience that approves or condemns acts already taken. For the purpose of this discussion I am referring to conscience in the first sense. Reginald Doherty, *The Judgements of Conscience and Prudence* (River Forest IL: The Aquinas Library, 1961), pp. 31-60; Aquinas, *Summa*, I, q. 79, a. 13; I-II q. 19, aa. 5, 6.

that telling a lie would save him a lot of trouble. He knows it is a lie by virtue of his conscience. Nevertheless, he *wills* to tell it and, further, actually does tell it anyway. In this instance, the person wills against his conscience. There are, however, other possibilities. A person embracing the same moral precept might make a statement that a second party believes to be really a lie. By virtue of the first person's judgement of conscience, however, it is not a lie and therefore goes ahead and makes the statement. This person does not will against his conscience, even though--objectively speaking--his judgement of conscience is erroneous.

Since the act of the will and the judgement of conscience both are interior acts, how can an observer determine whether or not a person has acted with or against his will, on the one hand, and whether or not his act of will accorded with his conscience, on the other? I do not think it is possible for an observer to make such determinations, at least not in an absolute sense. This is one of the reasons why airlines insist that the traveller packs his or her baggage personally and never leaves it unattended before boarding the flight. The traveller, having stated that he conformed to these conditions, has no grounds to deny formal cooperation if it is subsequently found that he is carrying contraband. Determinations about another person's judgement of conscience are even more difficult to make. Who is to say that a person did not act in good conscience--*viz.*, that his act did not conform to his conscience--if he asserts that he did? It is because of these difficulties that I take the statements and arguments of senators at face value. I give them the benefit of the doubt that they acted in accordance with their respective wills and in good conscience.

There is, however, a more important reason for bringing up the issues of conscience and interior acts of the will. These are crucial elements of human choice and the issue I am addressing here is the problem of choice. Any discussion of the problem of choice, then, must include these elements. Having asserted my basic assumption that the problem of choice is a real problem and not an imaginary one, let me now turn to a discussion about the structure of choice with particular emphasis on the role of the virtue of prudence in making good choices--viz., the best possible choices that can be made in the context of contingent circumstances.

#### **The nature and structure of choice**

Because the thought of Thomas Hobbes often occupies a central place in discussions of international relations theory, I shall begin with his account of the structure of choice or, what is often referred to as the "psychology" of choice.<sup>11</sup> Although Hobbes took great pains to include forty-seven chapters in his *Leviathan*, international theorists have tended to emphasize only one of these chapters, namely: chapter 13, "Of the Naturall Condition of Mankind"--and this emphasis generally (and unfortunately) is isolated from the context of the entire work. This narrow emphasis raises questions, and doubts, about whether Hobbes' actual contribution to international relations theory is that which it generally is taken to be.<sup>12</sup> Be that as it may, Hobbes deals extensively with the problem

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<sup>11</sup>O'Keefe, p. 13; Doherty, p. 18.

<sup>12</sup>There is a debate on whether or not one can correctly speak of a genuine "Hobbesian" tradition in international relations. See, for example, Martin Wight, "Why is there no International Relations Theory?" in H. Butterfield and M. Wight

of choice in chapter six of that same work: "On the Interior Beginnings of Voluntary Motions."

For Hobbes, the beginning of motion in man, before it appears in a physical act, is called *endeavour*. When endeavour is toward some object (either a thing or a state of affairs) it is called *appetite* or *desire*. And when endeavour is directed away from some object, this is called *aversion*. The object of desire is what a person calls *good*, and the object of aversion is what a person calls *evil*. Given these basic definitions, Hobbes goes on to describe the problem of choice as he conceives it:

When in the mind of man, Appetites, and Aversions, Hopes, and Feares, concerning one and the same thing, arise alternately; and divers good and evill consequences of the doing, or omitting the thing propounded, come successively into our thoughts; so that sometimes we have an Appetite to it; sometimes an Aversion from it; sometimes Hope to be able to do it; sometimes Despaire, or Feare to attempt it; the whole summe of Desires, Aversions, Hopes and Fears, continued till the thing be either done, or thought impossible, is what we call Deliberation. . . .

. . . And it is called *Deliberation*; because it is a putting an end to the Liberty we had of doing , or omitting, according to our own Appetite or Aversion.<sup>13</sup>

In Hobbes' account of choice so far, there is not much that Aristotle or Aquinas would disagree with. Their only objection might be about his profound lack of detail. His account of the actual choice following deliberation, however, is where he parts ways with them. For he argues that:

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eds., *Diplomatic Investigations* (London: Allen and Unwin, 1966); John R. Vincent, "The Hobbesian Tradition in Twentieth Century International Thought," *Millennium* 10 no. 2 (1981): 91-101; Cornelia Navari, "Hobbes and the 'Hobbesian Tradition' in International Thought," *Millennium* 11 no. 3 (1982): 203-223.

<sup>13</sup>Thomas Hobbes, *Leviathan*, p. 28.

In *Deliberation*, the last Appetite, or Aversion, immediately adhaering to the action, or to the omission thereof, is that wee call the Will; the Act (not the faculty,) of *Willing*. . . . The definition of the *Will*, given commonly by the Schooles, that it is a *Rationall Appetite*, is not good. For if it were, then could there be no Voluntary Act against Reason. For a *Voluntary Act* is that, which proceedeth from the *will*, and no other.<sup>14</sup>

Hobbes recognizes, then, that there *can* be voluntary acts *against* reason. We know this is true. Take a smoker, for example, who knows that smoking is bad for his health. He knows it is reasonable to stop smoking, yet he continues to smoke anyway. Hence, what Hobbes is arguing here is that if one conceives will as a rational appetite rather than the last act of deliberating, one therefore cannot account for voluntary acts against reason. But Hobbes is either playing on words to make his point, or he genuinely misunderstood what Aquinas meant by the signification "rational appetite."<sup>15</sup>

What Hobbes fails to distinguish is the difference between an act of the will, on the one hand, and the physical act commanded by the will, on the other.<sup>16</sup> Without this distinction, one cannot distinguish a variety of intentions for a singular physical act. For example, a hunter aims his rifle and pulls the trigger. The object of this physical act is to hit the target 100 meters yonder. On approaching his target after firing, he finds that he has mistaken his hunting partner for a deer. In this case, the act commanded by the will

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<sup>14</sup>Hobbes, p. 28.

<sup>15</sup>That is, if Hobbes even had known of Aquinas and had access to his works. Hobbes was, after all, writing more than 150 years after the Protestant reformation in England. There is no indication that Hobbes was debating directly with Aquinas. That is to say, there is no indication that Hobbes was advancing his account of will with the account in the *Summa* in mind. He could just have easily been arguing against misinterpretations of the account in the *Summa* which might have been prevalent in his day. Sorting these questions ought might be an interesting project for an historian of thought.

<sup>16</sup>Aquinas, *Summa*, I-II, q. 6, a. 4.

is to aim and fire his rifle in order to kill a deer. He did not will to kill his partner. But by Hobbes account of the will merely as the last act in deliberating, one must conclude that the act commanded by the will is to aim and fire his rifle in order to kill his partner. In other words, by aiming and firing his rifle, the hunter made a choice. But he did not choose to kill his partner. In short, by describing the will as the last act of deliberating, Hobbes was descriptively correct in the sense that the act of the will indeed does follow deliberation. But he was wrong to think that his account was a complete account of the will--an account that fails to mark commonplace distinctions between willing to kill a partner and the act of accidentally killing a partner while willing to kill a deer.

Aquinas, on the other hand, conceives the will as "rational appetite" and consequently is able to draw the finer distinctions that are commonplace in our everyday judgements about our own actions as well as the actions of others. Customarily, Aquinas' account of the psychology of choice has been synthesized into twelve discreet stages--a kind of dialogue, so to speak, between the appetitive and intellectual dimensions of the soul.<sup>17</sup> I shall reduce these stages to ten but I shall only discuss the first eight. First, I shall list the ten stages followed by a brief explanation of each stage. Then I shall attempt to breath life into the abstractions by introducing a specific problem of choice, namely, the problem of deciding whether or not to use offensive military power against Iraq. In order to demonstrate this, I shall put myself in the "shoes," so to speak, of an

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<sup>17</sup>Aquinas, *Summa*, I-II, qq. 12, 14, 15, 16, 17. For the conventional synthesis into twelve stages, see Doherty, pp. 19-29. For an unconventional synthesis into nine stages, see O'Keefe, pp. 13-16. Compare these with R. G. Collingwood, *The New Leviathan*, Part I, "Man."

individual senator trying to decide whether to vote for the Dole-Warner or the Mitchell-Nunn resolution--that is, the resolution authorizing the President of the United States to use offensive military power in accordance with U.N. Security Council resolution 678 (1990), or the resolution to continue economic sanctions indefinitely.

The following are the ten stages:

- Apprehension of desirable object (intellect),
- Affective movement of will toward object (will),
- Initial judgement (Intellect),
- Intention (will),
- Counsel (intellect),
- Consent (will),
- Final judgement (Intellect),
- Election (will),
- Command (intellect),
- Completion of Act.

1) Apprehension of desirable object. The intellect apprehends the object worthy to be sought. In the case of the imaginary senator, he apprehends that a liberated Kuwait is desirable, but not necessarily desirable for the benefit of the United States in the circumstances. Even though his intellect identifies a liberated Kuwait as a desirable object, he might not necessarily want to consider pursuing it. This is commonplace in our everyday experiences. For we generally recognize many more desirable objects than we personally are willing to pursue. Wealth, power, a better car, a bigger house, for

example, are viewed by many to be desirable objects. Nevertheless, they do not necessarily attract us personally. Likewise, a liberated Kuwait can be held to be a desirable object, but an object which one is not necessarily willing to pursue--either for his own benefit or the benefit of the body politic.

2) Affective movement of will toward object. This is the stage wherein intrinsic principles of action play a prominent role. Our imaginary senator might have identified a liberated Kuwait as desirable but not necessarily befitting his personal interest. Or, if he happened to have a lot of personal money invested in Kuwait, he might find a liberated Kuwait befitting his own personal interest but not necessarily the national interest of the United States. Finally, he might find a liberated Kuwait befitting the American national interest but not necessarily his own personal interest. His duty as statesman, however, is to incline his will toward those goods or objectives befitting the United States and not his own personal or other interest. For whatever reason, the vast majority of United States senators found the liberation of Kuwait befitting the United States. Consequently, they identified it as a national interest. It was chosen as a national interest because, for whatever reason, the majority of United States statesmen affectively moved their will to the object. Let us suppose that our imaginary senator is one of these people.

3) Initial Judgement. The will, having affectively moved toward the desirable object in the last stage, hands the problem back to the intellect with the question: "I want it, but is it possible to obtain it?" It should be evident that this stage also is in accord with everyday commonplace experience. For example, having identified a new car as a desirable object (first stage), and having decided that it might be something I want to

pursue personally (second stage), my intellect then begins to consider whether it is possible or realistic for me to pursue it. The intellect begins to conduct a cursory search for the various ways and means that are available to me. It might respond to the will by saying: "look, you are a starving graduate student. You do not even know where next month's rent is coming from. Forget about getting a new car!" If this were the case, the decision process would end here. In the case of the imaginary senator, however, a variety of ways and means for securing a liberated Kuwait can come to mind. Pressure can be put on Iraq to secure its withdrawal by freezing its assets, by continued denunciations by the international community, by cutting off all goods to Iraq or, if necessary, sufficient military power is available to force him out. Having considered in a cursory way the various means, the intellect judges that the object realistically is attainable--*viz.*, it judges that some means are available to pursue the interest.

4) Intention. With the knowledge that the object is attainable by some means available to it, the will then gets serious about pursuing the object. Whereas initially it moved *affectively* toward the object, now it moves *effectively* toward it. In the case of the graduate student desiring a new car, let us suppose that during the last stage the intellect instead judged that means are available (e.g., the next instalment from the fellowship comes in next week, get a roommate to help defer present costs, get a different and higher paying job, work at studies a little less and work for money a little more, give up graduate studies altogether and get a full time job, etc.). Having judged that obtaining a new car is realistic, the student's will now tells the intellect to be more specific about how it can be obtained. In short, the will shifts from a quasi-passive and interrogative mode

(can I get it?) to a more active and imperative mode (O.K., it looks like I can get it, now tell me more specifically how I can go about getting it.) Likewise with the senator.

Having judged that the liberation of Kuwait is a desirable object, having further decided that it is desirable object befitting the United States, and having judged that its pursuit is within the realm of possibility, he now gets more serious about pursuing the object and instructs the intellect to specify the various means in greater detail.

5) Counsel. Somewhat by trial and error, the intellect begins the painstaking task of testing the means identified at stage three, and perhaps conjuring up a few more possibilities. In the case of the graduate student his intellect begins to examine the various means in resolatory mode--viz., imaginatively he works back from the effect of each proposed means (i.e., the imaginatively secured object of desire, or last cause in the order of execution but first cause in the order of planning) through each successive cause to what would be the first cause in the order of execution. For example:

(plan A) to buy the car, I need to pay \$15, 000.00. To raise \$15,000.00, I can borrow it from my parents. To borrow the money from my parents, I must talk to them. I am able to talk to them.

(plan B) I can borrow the money from my bank. To borrow money from the bank I must speak to the bank manager. To speak to the bank manager I need to make an appointment. I can make an appointment.

(plan C) To raise \$15, 000.00 by the time my current car breaks down completely in six months, I must quadruple my hours of work at the restaurant. To quadruple my hours of work, I need to work thirty two hours a day. This is impossible,

therefore I can eliminate plan C.

Of course, in the case of the graduate student, the counsel stage can take only a matter of minutes or perhaps even seconds. In the case of the imaginary senator, on the other hand, the situation is quite different.

The more complicated the problem at hand, the more difficult it is to disentangle the four stages of counsel, consent, judgement, and election or choice. This is perhaps why Hobbes may have bunched these four discrete stages together under the heading of deliberation. As indicated, in one sense he was correct. For if he did bunch these four stages together, the last act in the process indeed is an act of the will--that is to say, the act of choosing or electing a singular means from among the alternatives presented and tested by the intellect. But the indecisiveness that Hobbes identifies during the deliberation process--that is, the tendency to vacillate between attraction and aversion toward a particular course of action--is best identified with the seventh stage, namely: the intellectual process undertaken from the point that the will consents to at least two of the courses of action proposed by the intellect at stage five, and ending in an intellectual judgement about which course ought to be chosen. But the final *intellectual* judgement is not the same as choice, it precedes choice. This is because choice is an act of the will and not of the intellect--a person can still will against his conscience.

At this present "counsel" stage, however, there is no vacillation. It is a purely intellectual exercise of testing the various alternatives in order to determine if each is properly related to the desired object--to determine if there really is a means-end relationship between the various possible means and the desired objective. What is

eliminated at this stage are those alternatives that physically cannot achieve the end in question. Let us suppose that our senator, on the basis of intelligence reports and military briefings, comes up with two alternative means: continue the armed embargo indefinitely, or employ offensive military force.<sup>18</sup>

6) Consent. At this stage, factors other than purely intellectual calculations of means-end relationships are introduced. The rational appetite (will) is not only listening to purely intellectual calculations, but it is listening to the voice of the sensitive appetite as well. Also, the person's character--i.e., his complex mix of virtues vices, paranoias, principles, and scruples--as well as the full complexity of the circumstances begin to have influence. The graduate student, for example, might withhold consent from plan A because of his pride. Or, he might withhold it from plan B because he is afraid of being turned down for the loan. The senator, on the other hand, might withhold consent from the use of offensive military force because he is an absolute pacifist. In short, the activity of the will at this stage is either to withhold consent to one or more of the alternatives proposed by the intellect during the counsel stage, or to remain complacent to one or more of them. If the will is complacent to only one of the alternatives, consent is the same as choice.<sup>19</sup> For the sake of discussion, however, let us suppose that the senator consents to both alternatives--viz., his will remains complacent to both alternatives.

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<sup>18</sup>These were in fact the two alternatives placed before the Senate for deliberation. The proposal to continue sanctions was the Mitchell-Nunn resolution, and the proposal authorizing the President to use offensive military force was the Dole-Warner resolution.

<sup>19</sup>Collingwood, however, does not call complacency of the will to one alternative "choice." Instead, he calls it "preference." *The New Leviathan*, p. 90.

7) Final Judgement. If there is more than one alternative remaining after the individuating circumstances and predilections of character have taken their toll, the problem is punted back to the intellect to determine which of those alternatives is best for achieving the desired object. Or, if there is an opportunity to try out all the alternatives, which is best to try first? Furthermore, how does he go about deciding? In the case of the graduate student, he might skip this stage and simply flip a coin--that is to say, he can make a capricious choice. In the case of the senator, however, there is a certain gravity to his choice that precludes caprice.<sup>20</sup> Perhaps he can appeal to the principle of utility.<sup>21</sup> On reflection, however, he has already done this at stage five. He has already judged that two courses of action can probably achieve the desired end. If not caprice and utility, perhaps, then, he can appeal to rules.<sup>22</sup> As indicated, however, there are certain limitations to rules, namely, they cannot ordain his choice. But they can help him in the process. In this case, he can apply the rules embodied by the principle of double effect to the alternative of continued sanctions. With respect to the war option, on the other hand, he can appeal to a special application of the principle of double effect, namely, the *jus ad bellum* criteria of the just war tradition. In the next chapter, then, let us examine each of these in turn. It must be emphasized, however, that these rules do not make the decision for him. The best decision possible ultimately will depend on the extent to which he is

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<sup>20</sup>On caprice, see Collingwood, *The New Leviathan*, pp. 90-98.

<sup>21</sup>On the principle of utility, see Collingwood, *The New Leviathan*, pp. 104-110.

<sup>22</sup>On rules, see Collingwood, *The New Leviathan*, pp. 111-118. Compare Collingwood's account with Michael Oakeshott, "The Rule of Law," *On History and Other Essays* (Oxford: Basil Blackwell, 1983).

endowed with the virtue of prudence.

**CHAPTER SIX**  
**THE APPLICATION AND LIMITATION OF RULES**  
**IN HUMAN CHOICE**

The imaginary senator is faced with making a choice between voting for the Dole-Warner resolution or voting for the Mitchell-Nunn resolution--that is to say, his act of election (an act of will) is manifested in the physical act of voting for one of these two resolutions (an act commanded by the will). Prior to making his election, however, he must judge which of the two alternatives is best for achieving the objective at hand--an objective, it will be recalled, which is *a* national interest because, in the almost unanimous judgement of American statesmen, officials, and senators, it was deemed as one benefitting the body politic as a whole and not some particular sub- or extra-national person or group of persons. Whereas the object of the action is called *a* national interest and the motive for that action is *the* national interest, the judgement about which specific kind of action will best achieve that objective is called, in Thomistic terms, the judgement of conscience.

The judgement of conscience, in contrast with the *act* of choosing (an act of will), is a purely intellectual activity and, as such, it is independent of the will--that is to say, a person can always will against his conscience. In other words, although the imaginary senator's judgement of conscience might favour the Dole-Warner resolution, he can still choose to vote for the Mitchell-Nunn resolution, or vice versa. As indicated, whether a person indeed acts in accordance with his judgement of conscience is not verifiable by an observer.

The judgement of conscience does not distinguish between "the normative" and "the instrumental"--*viz.*, it does not distinguish between that which is morally good, on the one hand, and that which achieves the objective, on the other.<sup>1</sup> Rather, the judgement of conscience, by definition, involves an assessment of means in terms of *both* what is morally good *and* what is instrumental for achieving the objective. In other words, the judgement of conscience presupposes a desired consequence by rendering an intellectual judgement about the best means for achieving that consequence. The judgement of conscience is what moral philosophers refer to as the proximate subjective norm because there simply is nothing else upon which ultimately to base one's choices *here and now*.<sup>2</sup>

The judgement of conscience, then, does not distinguish between so called "instrumental" and "normative" choices. The judgement of conscience is always made with respect to the choice of means. And to choose a means presupposes a desirable object for which that means is instrumental in obtaining. In short, a means is always chosen for a purpose, namely: to achieve a desired objective--*viz.*, a choice is *always* instrumental., for why else would one make a choice? However, by itself, this

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<sup>1</sup>The substantive morality asserting that the end justifies the means is known as consequentialist ethics. Whether or not the consequentialist ethic is convincing is not the immediate issue here. Although I am not convinced by this form of ethics, it is clearly a distinctive ethics and not a merely "instrumental considerations" to which "moral considerations" are added in order to render a choice. See Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon, 1986), Ch. 11; and, Joseph S. Nye, *Nuclear Ethics* (New York: The Free Press, 1986), pp. 16-20.

<sup>2</sup>For a discussion on this norm and its relation to proximate objective norms, and the relation of these to ultimate subjective and objective norms, see Martin O'Keefe, *Known From the things that Are: Fundamental Theory of the Moral Life* (Houston: Center for Thomistic Studies, 1987), pp. 91-141.

observation about the nature of *choice* does not deny Oakeshott's distinction between instrumental and non-instrumental *rules*.<sup>3</sup>

For it is possible that a person's judgement of conscience in a particular set of circumstances can counsel disobedience of either instrumental or non-instrumental rules, as is the case in situations of conscientious objection or civil disobedience. In short, at the end of the day the senator must make his choice in the stark existential loneliness of his own conscience. There are rules, however, that can help to guide his conscience on the path to decision. But these rules, as it shall become painfully evident, can only take him so far.

### **The principle of double effect**

It will be recalled from the last chapter that, identical to the war option, the intellect of our imaginary senator judged the option of continued sanctions to be a likely, but nevertheless indeterminate means for achieving the desired end. Two of the expected good consequence of continuing sanctions include the eventual liberation of Kuwait achieved at a relatively low cost in blood and treasure of the United States. Two of the expected evil consequences, on the other hand, are the continued suffering of Kuwaiti citizens and the continued suffering of innocent Iraqi citizens. Hence, the alternative of

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<sup>3</sup>Terry Nardin, however, appears to collapse the distinction between purposive rules, on the one hand, and purposive acts, on the other, under the rubric "thinking in purposive terms." Whether he intended to follow Oakeshott on this point is not clear. Nevertheless, it seems to me that Oakeshott would distinguish rules and actions as distinct. Compare Terry Nardin, *Law, Morality, and the Relations of States* (Princeton: Princeton University Press, 1983) and Michael Oakeshott, "The Rule of Law," *On History and Other Essays* (Oxford: Basil Blackwell, 1983).

continued sanctions is likely to yield at least two good consequences and two evil consequences. Based on the anticipated good and evil consequences, the senator asks himself: should I choose this policy of continued sanctions?<sup>4</sup>

The basic structure of this problem is clear. It is a case where more than one effect is anticipated by the considered action. Further, among the anticipated consequences, there is at least one good consequence and one evil one. For if all the anticipated consequences are good consequences, there would not be a problem. It should also be evident that statesmen are not the only people to be confronted with this kind of problem. A classic example concerns a pregnant mother with a cancerous uterus. To save her own life she must consent to the removal of the uterus--an operation which, unfortunately, also kills the child. Is she justified in consenting to the operation? Hence, in this case, the physical act (the operation) has two consequences. The good consequence is the preservation of the mother's life and the evil consequence is the death of the child.

An other example concerns a pilot on a combat mission. He is tasked with destroying a strategically vital missile installation by means of a radar evasive low level attack run. On approaching the target he notices a yellow school bus parked adjacent to it with a group of small children gambolling about. Hence, in this case, the physical act (bombing) also has two consequences. The good consequence is the destruction of the

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<sup>4</sup>One can, of course, think of a number of additional anticipated consequences. However, my purpose here is not to solve the problem for the senator but, rather, to demonstrate the kind of problem it is and the nature of its difficulty. Additional consequences would not make the problem any easier to solve.

target and the evil consequence is the killing of innocent bystanders. Is the pilot justified in proceeding with the attack? Is he or she justified in aborting the attack? Questions like these can be resolved, to a certain extent, by applying the rules embodied by the principle of double effect.<sup>5</sup>

Thus, the basic question the principle of double effect is meant to answer is this: "given that my intended physical act (whatever it is) is likely to yield the good consequences I desire along with evil consequences I do not desire, am I justified in performing that act?" The principle embodies four sequential standards that need to be met in order to justify the act. First, the physical act itself, conceived independently of circumstances and motives, must be morally good or at least morally indifferent--*viz.*, it cannot be an intrinsically evil act. Second, the expected good consequences cannot depend on the evil consequences--*viz.*, the evil consequences cannot cause the good consequences. Third, the evil consequences cannot be intended but merely tolerated--*viz.*, if I could think of an act to achieve the good consequences without producing the evil consequences, I would choose it rather than the one I am considering. Fourth, there must be a proportionate reason to tolerate the evil consequences.<sup>6</sup>

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<sup>5</sup>For these and other examples as well as a fuller explanation of the principle, see O'Keefe, pp. 51-61; Aquinas, II-II, q. 64, a. 7; F. J. Connell, "Principle of Double Effect," *New Catholic Encyclopedia*. Vol. 4. (New York: McGraw Hill, 1967), pp. 1020-1022; J. Mangan, "An Historical Analysis of the Principle of Double Effect," *Thomistic Studies* 10 (1949): 40-61. For some discussion of its application to problems of international relations, in particular the problem of nuclear weapons, see Joseph Nye, *Nuclear Ethics*, pp. 55-57, 82-84; John Finnis, et al., *Nuclear Deterrence, Morality and Realism* (Oxford: Clarendon Press, 1987), Ch. 7.

<sup>6</sup>O'Keefe, p. 53; Connell, p. 1020.

With respect to the first standard, the question of an intrinsically evil act can be rather tricky. Ultimately, one would need to appeal to a sufficiently defensible substantive morality in order to answer it. Essentially, an intrinsically evil act is one which is evil *regardless* of motive and circumstance--an act that is universally immoral.<sup>7</sup> Are economic sanctions intrinsically evil? It is reasonable to assert that by most, if not all standards, they are not. If it is possible, by any standard of substantive morality, to think of at least one instance of motive and circumstance where the application of economic sanctions clearly is not evil, they therefore cannot be intrinsically evil. Economic sanctions, then, pass the first test. At the very minimum, economic sanctions are morally indifferent.

With respect to the second standard, do the expected good consequences depend on the expected evil consequences? Does the liberation of Kuwait depend on the continued suffering of the Kuwaiti citizens? Does it depend on the continued suffering of innocent Iraqi citizens? Certainly, the liberation of Kuwait does not depend on the continued suffering of the Kuwaiti citizens. In fact, the liberation of Kuwait presumably would alleviate their suffering. The question of innocent Iraqi citizens, on the other hand, is more difficult because there is some room for debate.<sup>8</sup> Let us suppose, however, that our senator judges--with good reason or ill--that the expected good consequences do

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<sup>7</sup>For a lucid discussion about the notions of intrinsic good and evil, see John Gallagher, *The Basis for Christian Ethics* (New York: Paulist Press, 1985), pp. 149-151.

<sup>8</sup>See, for example, the considerations raised by Patrick Clawson, "Sanctions as Punishment, Enforcement, and Prelude to Further Action," *Ethics and International Affairs* 7 (1993): 17-38.

not depend on the evil ones. Hence, the proposed act therefore would pass the second test.

Does the senator intend the continued suffering of Iraqi citizens, or is it merely tolerated? This is a question that only the actor himself can answer. If, for whatever reason (vengefulness, malevolence, etc.), he views sanctions not only as a means to securing the liberation of Kuwait, but also as an opportunity to make Iraqi citizens suffer, his action would not pass the third test. Let us suppose, however, that the senator does not harbour any such intentions and, consequently, moves on to the last test in good conscience.

The fourth standard is the point at which it becomes manifestly evident that rules in themselves cannot ordain action. It is the point at which two well informed, equally intelligent, and equally conscientious people can differ significantly in their respective judgements. Is there a proportionate reason to tolerate the anticipated evil consequence or consequences? In Connell's words:

The good effect must be sufficiently desirable to compensate for the allowing of the bad effect. In forming this decision many factors must be weighed and compared, with care and *prudence* proportionate to the importance of the case. Thus, [for example,] an effect that benefits or harms society generally has more weight than one that affects only one individual; an effect sure to occur deserves greater consideration than one that is only probable; an effect of a moral nature has greater importance than one that deals only with material things.<sup>9</sup>

To answer the question of proportionality, then, one needs more than intelligence, information, and diligence. One also needs to be possessed of the virtue of prudence.

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<sup>9</sup>Connell, p. 1021. My emphasis.

Since this virtue requires further discussion, and since this issue arises again in the next section, the last section of this chapter will be devoted to treating the virtue of prudence in greater detail. For the moment, let us turn to considering the second alternative means facing our senator, namely: the war option.

### **The just war tradition<sup>10</sup>**

Because war will always yield evil effects in addition to the hoped for good effects, the principle of double effect applies here as well. However, because of its gravity and magnitude, and perhaps also because of the greater indeterminacy of its effects, the prospect of going to war demands a special application of that principle--its own set of standards or rules, so to speak. These standards are embodied by what has come to be known as the just war tradition of practical morality.

The just war tradition does not prescribe confrontation in the face of *any* threat or actual use of force--it is a threshold test and not a prescription for the use of force. In addition, the just war tradition cannot be conceived as a doctrine.<sup>11</sup> It is not a moral code, nor is it a concise list of commandments. Although the tradition is reflected in many of

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<sup>10</sup>In addition to the references cited below, other works on just war theory include: Robert E. Osgood and Robert W. Tucker, *Force, Order and Justice* (Baltimore: Johns Hopkins Press, 1967); James Turner Johnson, *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry* (Princeton: Princeton University Press, 1981); William V. O'Brien, *The Conduct of a Just and Limited War* (New York: Praeger, 1981); Paul Ramsey, *The Just War: Force and Political Responsibility* (New York: University Press of America, 1983); Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977).

<sup>11</sup>James Turner Johnson, *Can Modern War be Just?* (New Haven: Yale UP, 1984), p. 12.

the laws of war--in the sense that these laws have emerged from it and thereby help to define it--the tradition itself cannot be conceived as law. Instead, it is a tradition of practical moral thought about war which can more or less be distinguished from other traditions of such thought, in particular, the pacifist tradition.

It is generally understood that the tradition originated in the thinking of Saint Augustine of Hippo (AD 354-430).<sup>12</sup> Unlike the Christians before him, Augustine appears to have been part of a generation which began to doubt the imminence of Christ's return as chronicled in the Book of Revelations. Augustine, unlike his predecessors, appears to be acutely aware that human beings were to remain in the earthly city for the long haul. One question which seems to agitate his mind throughout his writings concerns how a Christian ought to go about the practical task of living in this world while concurrently preparing himself for the heavenly city.<sup>13</sup> Unlike some later Christian theologians who advanced the idea of "creation centred spirituality," Augustine appears to insist on the a clear distinction between heaven and earth.<sup>14</sup>

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<sup>12</sup>On Augustine and just war see, for example, Paul Ramsey, "The Just War According to St Augustine," in Jean Bethke Elshtain, ed., *Just War Theory* (Oxford: Basil Blackwell, 1992), pp. 8 - 22; James Turner Johnson, *Can Modern War be Just?*, pp. 2 - 4; National Conference of Catholic Bishops, *The Challenge of Peace: God's Promise and Our Response--A Pastoral Letter on War and Peace* (Washington: United States Catholic Conference, 1983), pp. 26-27.

<sup>13</sup>This is evident in virtually all his writings. The more familiar ones are his *Confessions* and *The City of God*.

<sup>14</sup>Compare Augustine's view with that of the thirteenth century Dominican mystic, Meister Eckhart, in a collection of sermons compiled and edited by Matthew Fox: *Breakthrough: Meister Eckhart's Creation Spirituality in New Translation* (New York: Image Books, 1980). The blurred distinction between heaven and earth, Fox notes sympathetically in his introduction, has influenced many German scholars who advanced political views of an utopian nature; most notably, Karl Marx. p. 2.

War is one of the acute "earthly city" problems which agitates Augustine's mind. He seems quite aware that earlier Christian pacifist ideas had long since lost their practical purchase--perhaps since the time of Constantine. But in addition to the divergence between theory and practice, Augustine is not convinced by the arguments which presumably ground Christian pacifism in scripture.<sup>15</sup>

According to James Turner Johnson, Augustine tackles the moral problem of war by reducing it to its simplest elements and encapsulating them in terms of the following example concerning an aggressor, a defenceless victim, and a passer-by.<sup>16</sup> In the example, the passer-by finds himself in a predicament not unlike that of a statesman who witnesses an unprovoked act of aggression by another statesman against the citizens and property of his own body politic. For Augustine it is obvious that the passer-by has a responsibility to assist the victims if he is in a position to do so. That statesmen recognize this responsibility is evident in the condition of security they attempt to maintain by providing for the defence of the country through various self and collective security arrangements. And providing for that security sometimes, but not always, entails the actual use of that military power. This is no mean task because sometimes the actual use of force can make the situation worse than better. The problem confronting the statesman is to determine, in light of the situation, when using that power is best for the body politic. And, it will be recalled, to decide what is best for the body politic at any time is a categorically moral decision on the part of the statesman--that is to say, his

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<sup>15</sup>Johnson, p. 3.

<sup>16</sup>Johnson, pp. 3,4.

choices are open to moral approbation and disapprobation.

The just war thinking under the *jus ad bellum* category concerns the problem of deciding when and when not to wage war. The *jus in bello* category, on the other hand, concerns the problem of restraint once the decision to wage war has been made.

Although Augustine played a large part in initially filling out the substance of each category, they were further developed--viz. moral ideas contained therein were added, deleted, or modified--in subsequent centuries in light of concrete historical circumstances. For example, just cause (a *jus ad bellum* criterion) is limited by the UN Charter to the objectives of self defence and world order.

Both categories, however, did not develop uniformly. In some historical periods, the moral thought embodied by *jus ad bellum* remained unchanged while those embodied by *jus in bello* changed, and vice-versa. With respect to the *jus ad bellum* category, for example, fresh questions about just cause were raised in light of European exploration and expansion--questions concerning whether or not the Indians of the New World had a just cause in defending themselves. The Dominican scholar Francesco de Vitoria argued that the Indians did have a just cause on the basis of the idea of "invincible ignorance."<sup>17</sup> They had a right to defend themselves because they genuinely believed--correctly or incorrectly--that they had such a right. Circumstances of the nineteenth and twentieth centuries raised entirely different questions about just cause and right authority with respect to people's liberation armies and secession movements.<sup>18</sup>

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<sup>17</sup>Johnson, p. 20.

<sup>18</sup>Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), chapter 6.

Human technological innovations, on the other hand, are significant factors in the development of practical moral thinking embodied by the *jus in bello* category. Even the most astute thinkers during the fifth century could not imagine chemical weapons, submarines, aircraft, and nuclear arms. Further, the once respectable idea of enslaving prisoners of war lost its purchase when the idea of slavery became morally unacceptable. In short, the continuous development of just war thinking is determined by the interaction of existing moral thinking with new concrete practical concerns regarding the human management of armed violence--violence which has been brought about by disagreement among persons who think they have access to sufficient military force in order to establish their own version of peace.

Although no account of the just war tradition can be complete without an explanation of both the *jus ad bellum* and *jus in bello* categories, the concern here is with the American *decision* to go to war and not the actual *conduct* of that war. Consequently, only the *jus ad bellum* category will be considered. The main considerations of this category include: just cause, right authority, reasonable chance of success, right intent, proportionality, and last resort.<sup>19</sup> Returning to Augustine's simplified example, the passer-by is considered to have a just cause for employing violence. The question, however, is whether he has a duty to do so in the circumstances. In the final analysis, however, the moral agent is the only person who can decide what his duty is in the circumstances.

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<sup>19</sup>See, for example, National Conference of Catholic Bishops, *The Challenge of Peace*, pp. 28-31.

Just Cause. This is the first consideration which, it will be recalled, is also the point of intersection between the just war tradition of thought, national interests, and international norms. Although a statesman might decide to pursue any number of objectives (i.e., national interests) on behalf of his country in any given situation, only two of these are identified by the UN Charter as legitimate "just causes" for waging war, namely: self defence and world order via the mechanism of collective security.<sup>20</sup> When a country legitimately can employ armed force in its relations with other countries is established by international norms. Whether or not these norms can be justified by moral argument is an important question, but it does not change the fact that they are the existing norms, and that they have been established by international covenant. Of course, these norms are silent on which interests can and cannot be pursued, they simply delimit those interests which legitimately can be pursued by means of armed force. Whether or not these norms are generally abided by and whether or not they are generally enforced by the mechanism of collective security is a different question.

Right authority. Regardless of the extent to which conditions provide a just cause for employing armed force, not any person or group of persons is authorized to do so. Right authority encompasses both an international and a domestic dimension. With respect to the international dimension, sovereign states are the entities authorized to wage war in matters of self-defence. On matters of collective security, the United Nations

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<sup>20</sup>As Inis Claude argues, collective security is not a state of affairs but a mechanism or means for securing a particular state of affairs, namely: world order. *Swords into Plowshares: The Problems and Progress of International Organization*, Fourth Edition, (New York: Random House, 1971), Ch. 12. I thank Brian Job for pointing me in the right direction on this question.

Security Council appears to be becoming increasingly viewed as the legitimate holder of this authority. Although this is an interesting development, it is not entirely surprising because the United Nations is a society in the classical sense. As a society, the grounds of obligation are consensual in nature, and this gives the Security Council a certain degree of legitimacy. But because this regime controls neither the purse nor the sword, any enforcement authority it might have depends on the resources and cooperation of particular sovereign states. The domestic dimension, on the other hand, concerns the constitution of any particular state. A country's constitution specifies the offices authorized to commit the nation to war, and the procedures required to make such a commitment. In the United States, the authority to declare war rests with Congress.<sup>21</sup>

Of all the just war criteria, just cause and right authority are perhaps the most tangible--although still not entirely determinate. These two criteria can be stated in terms of non-instrumental rules. And, like all laws, there still remains the problem of applying them to concrete cases. In short, they do not ordain what a statesman is to do in any given set of circumstances. For example, when a country justifies its action as a preventive war, does it have a just cause in terms of its self defence, or does it give the international community just cause to reverse the attack in terms of collective security? Even if the statesman's genuine intention by embarking on a preventive war is the security of his country, is he really acting in its best interest if he expects that the international community will interpret it as an act aggression rather than an act of self defence? On the question of right authority, did President Bush really have the authority

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<sup>21</sup>The Constitution of the United States, Article 1, Section 8 (11).

to proceed with Operation Desert Storm without the approval of Congress? Even if he thought he did, was he wise to seek approval anyway? The point here is that even though the requirements of just cause and right authority are tangible in relation to the other just war criteria, there is still a need for practical wisdom or prudence on the part of the decision maker.

Right intent. From the standpoint of the foreign policy observer--whether he be an academic or journalist--the criterion of right intent is perhaps the most important and, unfortunately, the most elusive. Despite the public justifications offered by statesmen, the observer often seeks and speculates about the supposed "real" intentions. Christopher Layne, for example, tries to show that the "real" reasons America went to war were not the same as those stated publicly by the Bush Administration. Although it is not clear whether or not this generalized scepticism is healthy for the body politic, it clearly reflects a concern about right intent. For the only reason one would want to try to uncover the real intentions is to ensure that those intentions are indeed right intentions.

It is often notoriously difficult to prove that a war was or is being waged with right or wrong intent. And, by the same account, it is equally difficult to prove that it was or is being waged with right intent. Nevertheless, wars judged to be waged with wrong intent are considered as acts of aggression--some acts being more clear cut than others. When a statesman attempts to justify his decision to go to war, he is often accused as simply providing "window dressing" to obscure a vulgar personal-interest. But the only response to accusations such as this is to invoke the reminder that even at the best of times it is an exceptionally difficult task to examine one's own conscience, let

alone the conscience of another. Right intent is ultimately a matter of conscience. In conformity with this criterion, the statesman is expected to examine closely his intentions for waging war. If he finds that his true intention is a desire for personal grandeur, a desire to enhance his chances of re-election, or what have you, he should not go to war. The criterion of right intent, then, is more of a reminder for the statesman to examine his own conscience than it is a ground for judging the intentions of another. But because it is recognized that a statesman has a duty to wage war only on the basis of right intent that observers attempt to uncover the "real" intentions of a statesman's actions.

Right intent--like all ideas in the just war tradition--presupposes the conscious exercise of moral agency and not the predilection of human passions. This is not to say that the moral agent is free from experiencing passion. The task of the moral agent is to avoid being a slave to his passion and thus to ensure his conduct is not determined by it. Instead, his conduct must be determined by reasoned choices about what is best for the body politic.

The last three criteria I shall discuss concern the making of practical judgements about the likely consequences of one's choice of action. An intractable feature of the human condition is that one can never know the future until such time it becomes the present. At best we can only make reasonable guesses about what the consequences of our actions will be. The future consequences of our present actions are essentially indeterminate primarily because one cannot predict the convictions raised in the mind of another as a result of our actions. This is particularly true with war. Nevertheless, decisions still have to be made regardless of this intractable feature of the human

condition.

Reasonable chance of success. Is war likely to achieve the desired objective?

This is just as much a political question as it is a military one. In addition, it is very much bound up with the criterion of proportionality. The problem of securing the withdrawal of Iraqi forces from Kuwait by the use of armed force is a military problem that calls for military expertise to determine, first of all, whether there is a prospect of success and, secondly, how much blood and treasure is probably going to be needed to achieve the objective. The problem of determining whether the objective is worth the likely expenditure is a political decision. Is the initial objective which was considered to be in the best interest of the body politic still in its best interest given the amount of blood and treasure that is probably going to be needed to secure it? If not, then perhaps that interest should be sacrificed.

Part of the problem of making a reasonable political decision in such circumstances is that the answer to the military question is needed in order to make it. Since the secrecy of the answer to the military question has a significant bearing on the eventual success of the operation, and since the political decisions of Congress are made in full public view, a sufficiently detailed answer to the military question cannot be part of their deliberations. There was probably little doubt in the minds of the Senators that the Coalition would eventually defeat the Iraqi forces. But not being privy to the details of enemy dispositions and the American military plan, they had no insight into the probable cost in blood and treasure.

However, even if they had reliable information about the best and worst case

military scenarios and were convinced of an impending *military* victory, would that victory necessarily translate into the more secure world that the use of force in this instance was ultimately intended to achieve? In other words, would the short term military success ultimately translate into a more secure world? Or would it render that objective less likely. If it was reasonably clear that a less secure world would emerge from the war, they would have to conclude that the condition "reasonable chance of success" was not met. But how does one sort out all these uncertainties about consequences? The only way to do it is to deliberate about them. And, it will be recalled, the ability to deliberate well is called prudence. Nevertheless, it appears that public deliberations will always remain uncomfortably blind to the information that is needed to render a proper decision about a war's reasonable chance of success. For to make everyone comfortable about a military operation's reasonable chance of success involves making the details of the operation public--an action which, in turn, negates from the outset that chance of success because a military operation's success often *depends* on maintaining secrecy. On the other hand, a great deal of executive incompetence--and malevolence--can be hidden behind the shroud of "national security." I do not know a way out of this dilemma.

Last resort. When is the use of force the last resort? Is it when all other means short of force have failed? If so, when and how does one decide that the other means have failed? Does one decide that sanctions have failed after waiting for two months? Six months? Eighteen months? The application of this consideration in practice, then, is not as simple as it might first appear. In many circumstances it is not entirely clear

whether or not armed force ultimately will be needed in order to secure the desired objective.

As a response to the wrongdoing of another, there are two dimensions to the use of force. The first is a punitive dimension and the second is a corrective one. The punishment must be proportional to the wrongful act, and it must be needed to correct the wrong. Force may not exceed either of these considerations. The dominant consideration, however, is the corrective dimension. In other words, if the wrong can be corrected with means short of war--even war can otherwise be considered proportional--it must not be waged. Hence, if the degree and kind of force that is needed to correct a wrong originally perpetrated with armed force nevertheless falls short of armed force, it may not be used. For example, if one state (A) invades state (B) by means of armed force, and a third state (C) manages to convince the former to withdraw from the latter and pay reasonable reparations without itself resorting to armed force, such force should not be used. This is what is meant by last resort--where armed force is the last resort to correct a wrong originally perpetrated and maintained with armed force.

But this does not mean that all other kinds of force short of *armed* force must be tested for some arbitrary period of time. For example, if the first forceful response is a denunciation of the aggressor's actions, denunciations do not have to continue for a specified period of time before a different kind of force can be levelled. It would be absurd to suggest that the international community must continue its denunciations, say, for a year before they can turn to ostracizing the aggressor.

The aggressor can be ostracized in a variety of ways ranging from the expulsion

of diplomats to voluntary economic sanctions. To ostracize someone is to punish him with a kind of force which nevertheless falls far short of violent armed force. It is a very effective form of punishment when it is applied to particular individuals within a community of individuals. But it is much less effective when applied to countries within a community of countries. For in relation to a domestic community, a particular individual is far more dependent than a particular country is in relation to the international community. Sanctions demand relatively little cost on the part of those enforcing them in a domestic context--hence the increased likelihood that they will be adopted voluntarily by the members of the community. In the international context, however, they can incur tremendous short and long-term costs among some participants. Voluntary sanctions levelled against a recalcitrant aggressor, then, are often largely ineffective over the short term and perhaps even less effective over the long term as their indecisive impact becomes more and more apparent. In addition, economic sanctions, to the degree that they are effective, are indiscriminate in terms of the human suffering they cause. The persons most likely to be adversely affected by economic sanctions are those with the least power to alter the course of events in their country.<sup>22</sup>

How long, then, should sanctions continue before the either the rogue state capitulates or force is escalated to armed force? The answer, of course, depends on the circumstances and the practical judgements of statesmen. If statesmen decide on reasonable, but nevertheless indeterminate grounds, that voluntary sanctions on their own

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<sup>22</sup>Patrick Clawson, "Sanctions as Punishment, Enforcement, and Prelude to Further Action," *Ethics and International Affairs*. Vol. 7 (1993): 22.

are not likely to correct the wrong, they should feel no moral compulsion to continue to apply a kind of force that does not have a reasonable chance of success. In such circumstances they might, as a last resort, employ armed force; whether it be in the form of *compulsory* economic sanctions (e.g., an armed embargo or siege) or by closing with and destroying the enemy.

Proportionality. In one sense, proportionality is about the requirement of balancing one kind of evil with a lesser or equivalent evil. In other words, economic "warfare" does not warrant military warfare as a response--as Saddam Hussein supposed it did.<sup>23</sup> In another sense, however, the question of proportionality is a question about lesser and greater evils. But evils cannot be measured quantitatively any more than goods can be so measured, especially when it comes to the question of the value of human life. In balance, is the country worse off by avoiding war than it is by going to war? If it is, then maybe it should go to war. Conversely, is the country worse off by going to war than it is by avoiding war? If it is, then maybe it should avoid war. The only problem is that any two people in the same situation might propose opposite answers to these questions. Which is the right answer? There is perhaps no right answer because such an answer presupposes that the outcome is already known. Hence, they are not questions that can be responded to with right or wrong answers. The only correct response to them

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<sup>23</sup>In Saddam Hussein's warning in May 1990 to the Gulf producers including Kuwait: "War is fought with soldiers and much harm is done by explosions, killing, and coup attempts--but it is also done by economic means. Therefore we would ask our [Arab] brothers who do not mean to wage war on Iraq: this is in fact a kind of war against Iraq." Cited in Lawrence Freedman and Efraim Karsh, *The Gulf Conflict 1990-1991: Diplomacy and War in the New World Order* (Princeton: Princeton UP, 1993), p. 46.

is to employ good judgement.

If a person has good judgement, he will respond well. If he does not, he will respond poorly. And what it is that distinguishes a person with good judgement from a person with poor judgement is his ability to deliberate well. And the ability to deliberate well is called prudence. Since the virtue of prudence is a central feature of the just war tradition in general, and the criteria of proportionality, last resort, and reasonable chance of success in particular, it can be concluded that the tradition belongs to a morality of virtue and not to a purely intentionalist ethic of abstract ideals.

### **The limitations of rules**

It is evident, then, that the rules embodied by both the principle of double effect and the just war tradition cannot, by themselves, ordain the statesman's choice among the two existing alternatives. The central problem with the "objectivist" project discussed in the last chapter is that criteria or rules such as "interest defined as power" or "national security" cannot ordain a statesman's choice. But such criteria are even more vague than the rules embodied by the principle of double effect and the just war. If more specific rules cannot ordain choice, how can less specific ones do so? They cannot.

Let me begin by characterizing the "objectivist" error in slightly different terms. Most notably, their error stems from an intention to reduce the problem of choice to a set of objective instrumental rules or, in other words, prescriptions--somewhat like the game of chess can be reduced to such rules and compiled in a book entitled, say, *How to Win at Chess*. The instrumental rules of chess, however, should not be confused with the non-

instrumental rules which might be compiled in a different book entitled, say, *The Rules of Chess*. These latter rules merely define the game of chess; they define the conditions of play; they indicate what kinds of moves are allowed by the various pieces; and they define the conditions indicating when a game is either won or lost. Unlike the instrumental rules of chess, the non-instrumental rules are silent on how to win at chess.

Although every legitimate move in a particular game of chess is *governed* by the non-instrumental rules, very few are *ordained* by those rules. For example, the player making the opening move can move any one of his eight pawns in a vertical direction either one or two spaces (a choice among sixteen different alternatives), or he can move one of his two knights (a choice among four different alternatives). In short, the non-instrumental rules of chess permit the player to make one of twenty different opening moves but they do not ordain which move the player is to make.<sup>24</sup> Another example is the case before us. The non-instrumental rules of statecraft can tell the American statesman that he has a just cause to use offensive military force in the circumstances. But just cause places no obligation upon him to go to war. However, even if it did, it still does not ordain his choice.

Returning to the chess example, and given that the non-instrumental rules do not ordain the player's choice, he then might narrow his options by relying on tactical principles (such as 'control of centre') and other instrumental rules based on *historical knowledge* which is itself derived from his own experience playing the game, the experience of others, or both. But even the instrumental rules, precepts, and prescriptions

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<sup>24</sup>Gilbert Ryle, *The Concept of Mind* (London: Hutchinson's, 1955), pp. 77-78.

do not ordain what move he will make, they simply help him to narrow the range of possible choices. And the problem is complicated exponentially for the statesman trying to decide between continued sanctions and offensive military force. Regardless of what instrumental rules he appeals to, there always remains the problem of unforeseen consequences. In particular, he is acutely aware that he does not know for sure how the opponent will respond to his next move. Hence, both instrumental and non-instrumental rules do not ordain what choice the player will make. In other words, the problem of choice cannot ultimately be reduced to rules--although they may have some bearing on the range of choices open to the player or decision maker.<sup>25</sup> Instead, the problem of choice ultimately is reduced to the player's or the statesman's judgement.

Further, instrumental rules of chess are formulated and employed with a purpose in mind, namely, to win at chess. They are appealed to in order to answer the player's question: "Given that I know the object of the game as well as the moves I am permitted to make in any given situation (the non-instrumental rules), how do I go about winning this game?" Such rules do not provide a complete answer but only a reasonable approximation about how he might go about winning the game. For a complete answer he has to look at the contingent circumstances and depend on his own wits to adapt to new challenges as they arise. Nevertheless, the attempt to formulate instrumental rules of chess stem from an intention either to succeed at chess or to teach others how to succeed--i.e, how to win chess matches.

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<sup>25</sup>R. G. Collingwood, *The New Leviathan*, Revised edition, ed. David Boucher (Oxford: Clarendon Press, 1992), pp. 111-118, 391-479.

Likewise, formulating instrumental rules of statesmanship stems from an intention to navigate, or to teach others to navigate, the ship of state successfully through the reef-infested waters of international relations. Keeping in mind the foregoing distinction between instrumental and non-instrumental rules, it would appear that the people involved in the "objectivist" project most appropriately would compile their results in a book entitled *How to Win at Statecraft* and not a book entitled *The Rules of Statecraft*. The national interest, however, belongs in the second book and not in the first book as the objectivist supposes. For the national interest is not an instrumental rule of statecraft. It says nothing about how to win at statecraft. But it does tell us what the object of the game is--that is, it tells us the end toward which the statesman's actions *ought* to be inclined. The national interest, then, is a non-instrumental rule of statecraft and, like all rules, it does not solve the problem of choice. Hence, the central error that the objectivist makes is that he conceives the national interest as an instrumental rule. But regardless of how one looks at the "objectivist" error, the problem they set out to solve remains: how to ensure that the choice that must be made is the best choice that can be made.

Thus, even if one avoids the "objectivist" error, the solution to the problem of choice does not rest with rules--either instrumental or non-instrumental. Since choice cannot be reduced to rules, they can never ordain choice. The national interest, conceived as an intrinsic principle of human action, is a rule: a non-instrumental rule that can be described in both moral and legal terms. The person who remains loyal to his obligation to uphold this rule essentially says to himself: "Regardless of the

circumstances, and regardless of whether my own personal interests are at stake, I must incline my choices for the benefit of the body politic while exercising my office."

However, on the question of what precisely is best for the body politic in any given set of contingent circumstances, the rule is absolutely silent. This is not surprising because:

A rule only specifies *some* act of a certain kind. The application of it to a given occasion bids me perform one, and only one, of the acts which would conform to its specification. The acts which so conform may be many or few; which they are, depends not on the rule but on the circumstances; if they are many, I have got to choose between them, but the rule cannot tell me how. . . .<sup>26</sup>

Consider, for example, Kant and Fichte's rule to always tell the truth. If one chooses to be loyal to this rule, how does one apply it in concrete circumstances? Does it mean that one must "tell everything you know or believe, for twenty-four hours a day without stopping, to everyone within earshot?"<sup>27</sup> Further, recalling to mind the "famous brain-twister planted upon the world by Kant and Fichte," what if the rule to always tell the truth conflicts with other equally compelling moral rules?

What are you to do when an intending murderer asks you where his intended victim is hidden? If you deceive him you tell a lie, which is wrong; if you do not, you become accessory before the fact to a murder, and that is wrong too.<sup>28</sup>

Does the rule to tell the truth mean that I have to tell the murderer where his intended murder victim is? Or does it permit me to shut the door in the murderer's face and call the police? Nevertheless, even if real life situations were as restrictive as this brain-

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<sup>26</sup>Collingwood, *The New Leviathan*, p. 115.

<sup>27</sup>Collingwood, *The New Leviathan*, p. 117.

<sup>28</sup>Collingwood, *The New Leviathan*, p. 116.

twister suggests, why should I make the choice that Kant and Fichte make? Perhaps one's choice depends on the kind of person one wants to be rather than on someone else's rule that telling the truth is more important than saving a human life. In Collingwood's terms:

A rule is a generalized purpose defining a certain type of conduct or way of life as the one you mean to adopt. If your rule is to tell the truth at all costs, which is what Kant and Fichte think it ought to be, you will tell the truth at the cost of human life, which in their opinion is of value only as providing a vehicle for the "moral law." If your rule is to save human life, tell a lie. Kant and Fichte will be very shocked; but need you care?<sup>29</sup>

Notwithstanding the question of conflicting rules, however, does the rule that one must incline his actions toward the national interest ordain a person's actions any more than the rule about telling the truth does? If what constitutes "telling the truth" in any given set of contingent circumstances is almost impossible to define, should "acting in the national interest" be any easier? The point is that even if rules play a significant role in the problem of choice, they do not ultimately solve the problem. Rules do not ordain which option our imaginary senator must choose. For this solution, one must look elsewhere. He must look into himself.

### **The virtue of prudence<sup>30</sup>**

The ability to make the best choice in any given situation does not rest so much with

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<sup>29</sup>Collingwood, *The New Leviathan*, p. 116.

<sup>30</sup>For a recent discussion on the revived interest in virtue by political philosophers, see John W. Chapman and William Galston, eds., *Nomos XXXIV: Virtue* (New York: New York University Press, 1992).

rules as it does with the practical judgement of the person making that choice. Our language provides us with a moral epithet to describe such a person. We call such a person "prudent." Unfortunately, the word "prudence" has come to be used in two senses, and often the same person using the term does not distinguish between them. On the one hand, it is conceived as the first of the four cardinal moral virtues, namely: prudence, justice, temperance, and courage. On the other hand, it is conceived as antithetical to morality. Nardin, for example, referring to the Machiavellian strand of realist ethics, notes that it "draws a sharp distinction between prudential and moral considerations," in that "prudence simply overrides morality."<sup>31</sup> Quoting Amy Gutman and Dennis Thompson, Joseph S. Nye notes that "Prudence asks whether an action or policy serves the interest of some particular individual or group or nation. Ethics asks whether an action or policy could be accepted by anyone who did not know his or her particular circumstances."<sup>32</sup> Further, a moral theory, for Charles Beitz, must "explain how it can be rational to act on reasons that are (or might be) inconsistent with considerations of prudence. . . ."<sup>33</sup> In contrast with the views which oppose morality and

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<sup>31</sup>Terry Nardin, "Ethical Traditions in International Affairs," in Nardin and Mapel, eds., *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992), p. 16.

<sup>32</sup>Joseph S. Nye, Jr., *Nuclear Ethics* (New York: The Free Press, 1986), p. 16. See also Amy Gutman and Dennis Thompson, eds., *Ethics and Politics* (Chicago: Nelson Hall, 1984), p. xii.

<sup>33</sup>Charles R. Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979), p. 16.

prudence Hans Morgenthau, one of "the toughest minded 'realists,'"<sup>34</sup> identifies the latter as a principal moral virtue. He is also acutely aware that this understanding of prudence is much more in keeping with the rich tradition of classical moral philosophy, particularly the natural law tradition beginning with Aristotle.<sup>35</sup>

It is this latter understanding of prudence which I employ here. I understand it as a moral virtue rather than simply a precept of vulgar consequentialism.<sup>36</sup> Perhaps the most brilliant account of this understanding is advanced by Josef Pieper.

Prudence . . . is the mould and mother of all virtues, the circumspect and resolute shaping power of our minds which transforms knowledge of reality into realization of the good. It holds within itself the humility of silent, that is to say, of unbiased perception; the trueness-to-being of memory; the art of receiving counsel; alert, composed readiness for the unexpected. Prudence means the studied seriousness and, as it were, the filter of deliberation, and at the same time the brave boldness to make final decisions. It means purity, straightforwardness, candour, and simplicity of character; it means standing superior to the utilitarian complexities of mere 'tactics.'<sup>37</sup>

It was this kind of understanding Thomas Aquinas had in mind when, drawing upon

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<sup>34</sup>Daniel Patrick Moynihan, *On the Law of Nations* (Cambridge MA: Harvard University Press, 1990), p. 9.

<sup>35</sup>Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, Fourth Edition (New York: Alfred A. Knopf, 1967), p. 10.

<sup>36</sup>For a discussion and critique of the consequentialist ethics, see Nye, *Nuclear Ethics*, pp. 16-20; Joseph Boyle, "Natural Law and International Ethics," in Nardin and Mapel, eds., *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992), pp. 116-121; and, Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon, 1986), pp. 268-287.

<sup>37</sup>Josef Pieper, *Prudence*, Trans., Richard and Clara Winston (London: Faber & Faber, 1959), p. 36.

Aristotle, he argued that "prudence is the virtue proper to the prince."<sup>38</sup>

In a similar vein, Hobbes defined prudence as the practical intellect informed by a great deal of experience. Prudence is distinguished from *sapience* which, for Hobbes, is the speculative intellect. And, unlike prudence, the speculative intellect is

attained by Industry; first in apt imposing of Names; and secondly by getting a good and orderly Method in proceeding from the Elements, which are Names, to Assertions made by Connexion of one of them to another; and so to Syllogismes, which are the Connexions of one Assertion to another, till we come to a knowledge of all the Consequences of names appertaining to the subject in hand; and that is it, men call SCIENCE [or reasoning].<sup>39</sup>

To employ Gilbert Ryle's distinction between "knowing how" and "knowing that," prudence, for Hobbes, is wisdom about "knowing how" *to do* something, whereas sapience is wisdom about "knowing that" something *is*. Hobbes, however, makes a further argument which both Ryle and Collingwood would also accept. In that further argument, Hobbes says something important about the relation between knowing how and knowing that--something that Morgenthau and others who hold the "objectivist" view of the national interest do not appear to take into account.

As, much Experience, is *Prudence*; so, is much Science [reasoning], *Sapience*. For though wee usually have one name of Wisedome for them both; yet Latines did always distinguish between *Prudentia* and *Sapientia*;

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<sup>38</sup>*Summa Theologica*, II-II, q. 50. Aquinas deals with prudence in detail, II-II, qq. 47-56. For detailed secondary accounts see T. Gilby, "Prudence," *New Catholic Encyclopedia*, Vol. 14 (New York: McGraw Hill, 1966), pp. 925-928; Daniel Mark Nelson, *The Priority of Prudence: Virtue and Natural Law in Thomas Aquinas and the Implications for Modern Ethics* (University Park PA: Pennsylvania State University Press, 1992); Reginald Doherty, O.P., *The Judgements of Conscience and Prudence* (River Forest IL: The Aquinas Library, 1961); Josef Pieper, *Prudence*.

<sup>39</sup>Hobbes, p. 22.

ascribing the former to Experience, the later to Science [reasoning]. But to make their difference appear more clearly, let us suppose one man endowed with an excellent natural use, and dexterity in handling his armes [sword]; and another *to have added to that dexterity*, an acquired Science [reasoning about fencing], of where he can offend, or be offended by his adversarie, in every possible posture or guard: The ability of the former, would be to the ability of the later, as Prudence to Sapience; both useful; but the later infallible. *But they that trusting onely to the authority of books, follow the blind blindly, are like him that trusting to the false rules of the master of Fence, ventures praesumptuously upon an adversary, that either kills, or disgraces him.*<sup>40</sup>

Theory, for Hobbes, is a stepchild of the practical intellect which in turn can serve to perfect that intellect. Unless, in this example, one already possessed the dexterity and skill of fencing, the theory and instrumental rules of fencing derived from that activity would have absolutely no bearing on his ability to fence successfully. Certainly, such a person could derive the instrumental rules from observing and questioning good fencers. He could also distinguish a good from a bad fencer even though he knows himself to be hopelessly unskilled at the craft. Finally, he could even effectively teach those rules to others. But all the theory and knowledge about fencing in existence would not help him to fence himself if he did not already possess the talent. The able practitioner, on the other hand, can only improve and sharpen his innate ability by exploring the theory and the instrumental rules of the craft.

Just as there are good fencers and bad fencers, there are good statesmen and bad statesmen, and no amount of theory and instrumental rules will help to make a bad

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<sup>40</sup>Hobbes, p. 22. My emphasis. However, the "Latines" were not the only people to make this distinction. Aristotle distinguishes *Phronesis* (practical wisdom) and *Sophia* (theoretical wisdom). *Nicomachean Ethics*, Book VI, Chapters 5 and 7. It should be noted, however, that "wisdom" and "knowledge" are not identical.

statesman a good one. Although they might help to make a good statesman better. If this is true, perhaps the proponents of the "objectivist" project have been looking in the wrong direction. Rather than looking "out there," so to speak, for objective realities and criteria that can help a statesman make better choices, perhaps they should be looking "inside" for those qualities that make up a good statesman--that is, a statesman that makes good choices. The most important of these qualities is prudence, and either a person is prudent or he is not. In Ryle's terms:

When a person is described by one or other of the intelligence-epithets such as 'shrewd' or 'silly,' 'prudent' or 'imprudent,' the description imputes to him not the knowledge, or ignorance, of this or that truth, but the ability, or inability, to do certain sorts of things. Theorists have been so preoccupied with the task of investigating the nature, the source and the credentials of the theories that we adopt that they have for the most part ignored the question what it is for someone to know how to perform tasks. In ordinary life, on the contrary, as well as in the special business of teaching, we are much more concerned with people's competences than with their cognitive repertoires, with the operations than with the truths that they learn.<sup>41</sup>

Prudence is a competence and not a cognitive repertoire. More specifically, it is a virtue. As a virtue, one either possesses it or does not. Aristotle refers to it as an intellectual virtue. Augustine and Aquinas, among others, refer to it as a moral virtue. Kant, on the other hand, refers to it as a moral vice.<sup>42</sup> But whether it is a moral vice or virtue there is no mistaking that it belongs firmly to the moral category of ideas,

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<sup>41</sup>Ryle, pp. 27-28.

<sup>42</sup>Daniel Mark Nelson, *The Priority of Prudence: Virtue and Natural Law in Thomas Aquinas and the Implications for Modern Ethics* (University Park, PA: Pennsylvania State UP, 1992), p. ix; T. Gilby, "Prudence," *New Catholic Encyclopedia*, Vol 14. (New York: McGraw Hill, 1966), p. 925.

otherwise no moral judgement can be made about it.

Aristotle, although he identifies it as an intellectual virtue, understands it as belonging to the moral category. In his *Nicomachean Ethics*, Aristotle sets out for himself the problem of "the good" and what is involved in living the "good life." The good life, for Aristotle, is the happy life. And the happy life is a life of virtue. "Every art or applied science and every systematic investigation, and similarly every action and choice, seem to aim at some good; the good, therefore, has been well defined as that at which all things aim."<sup>43</sup> In terms of social and political matters, this good is called happiness. Most "understand by 'being happy' the same as 'living well' and 'doing well.'" Although many disagree about how to define happiness substantively.<sup>44</sup> Nevertheless, happiness, for Aristotle, is the highest good. The highest good must be something final: that is to say, an end in itself and not the means for something else.<sup>45</sup> But to call happiness the highest good does not say very much and a great deal more needs to be said about it. "Perhaps this can be done by first ascertaining the proper function of man."<sup>46</sup>

This function cannot simply be being alive because plants and animals also share that function. Hence, Aristotle concludes, the function of man is the "active life of the rational element." There are two parts of this rational element in man. One part "obeys the rule of reason [or rational principle]" and the other part possesses and conceives

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<sup>43</sup>*Nicomachean Ethics*, 1094a1-5. This is known as the principle of final causality.

<sup>44</sup>*Nicomachean Ethics*, 1095a15-20.

<sup>45</sup>*Nicomachean Ethics*, 1097a25-30.

<sup>46</sup>*Nicomachean Ethics*, 1097b20-25.

rational rules." The expression "life of the rational element," then, can be understood in two senses, namely, knowing how and knowing that. Aristotle adds that:

The proper function of man, then, consists in an activity of the soul [mind] in conformity with a rational principle. . . . In speaking of the proper function of a given individual we mean that it is the same in kind as the function of an individual who sets high standards for himself: the proper function of a harpist, for example, is the same as the function of a harpist who has set high standards for himself. The same applies to any and every group of individuals: the full attainment of excellence must be added to the mere function.<sup>47</sup>

The proper function of man, then, is not to merely live his life, but to live his life well. To live life well is to live in accordance with a rational principle. This rational principle is the particular "excellence" appropriate to whatever the man's function is, whether it be man as man, man as citizen, man as harpist, man as soldier, man as statesman, or what have you. "The good of man," then, "is an activity of the soul [mind] in conformity with excellence or virtue, and if there are several virtues, in conformity with the best and most complete."<sup>48</sup>

The good statesman is *being* a certain kind of person--that is to say, it is an activity of his mind in conformity with the particular excellences or virtues ascribed to that role. Perhaps the most important virtue pertaining to this role is prudence. This virtue is particularly important because the statesman is to a certain extent responsible for the well being of many other persons. An imprudent man responsible only for his own affairs harms only himself. That the statesman is to a certain extent responsible for the

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<sup>47</sup>*Nicomachean Ethics* 1098a1-15.

<sup>48</sup>*Nicomachean Ethics* 1098a15.

well being of many other persons is the definition of his role as statesman. And his role can be defined in terms of the end it is meant to serve, namely: the national interest. By adopting this role, he presumably has adopted the national interest as the intrinsic principle of action toward which his choices must be inclined. The degree to which his choices are the best choices that can be made in any given set of circumstances depends primarily on the degree to which he possesses the virtue of prudence.

But what is this rational principle called virtue? For Aristotle, there are two kinds of virtues: the intellectual and the moral. "Theoretical wisdom, understanding, and practical wisdom are intellectual virtues, generosity and self-control [among others] are moral virtues." Since prudence is practical wisdom, prudence is, according to Aristotle, an intellectual virtue. Nevertheless, to argue that prudence is a moral virtue is entirely consistent with the internal logic of Aristotle's presentation on the subject. This is so because, even in Aristotle's own account, all the other virtues depend on prudence for their existence.

When Aristotle speaks of moral virtues such as gentleness, self-control, generosity, or courage, he is using 'moral' in a narrow sense. For Aristotle, the individual moral virtues cannot exist without practical wisdom (*phronesis*). A moral virtue, in his account, is essentially the mean between two extremes which he calls vices. For example, cowardice and recklessness are vices. They are two extremes of the same continuum and the mean in between each of these is the moral virtue of courage. Whereas cowardice is a deficiency of courage, recklessness is an excess of it.

Virtue, then, is the mean between the excess and the deficiency. But the mean

always depends on contingent circumstances in addition to the individual person's ability to find the mean in those circumstances. For example, to stand one's ground in the face of a superior enemy in one set of circumstances may be courageous, whereas in an entirely different set of circumstances it may be reckless. Was it due to recklessness or courage that Saddam Hussein failed to withdraw his forces from Kuwait once he experienced the infinitely superior Coalition air power during the bombardment phase of the Gulf War? Was it due to cowardice or courage that many Iraqi soldiers surrendered to Coalition forces during the ground phase? I raise these questions not to answer them but to give some kind of indication about how difficult they are to answer, and to indicate the amount of detailed information about the particular circumstances that is required in order to answer them.

It should be noted that making judgements of others in terms of virtue and vice is a common practice. Whether or not we state our judgements aloud, we are constantly ascribing epithets such as "courageous," "self controlled," "generous," "self indulgent," "prudent," "imprudent," and so on, to describe others. Hence, the morality of virtue is not as removed from our everyday lives as some might suppose. We say that we have come to "know" someone after experiencing that person's conduct in a wide range of circumstances and settling on a package of epithets that accurately describe that person. Often, when we know a person well enough to finally settle on a package of epithets, we often find that many of our original judgements were wrong.<sup>49</sup>

Perhaps more often than not, we make initial judgements about persons in the

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<sup>49</sup>Perhaps the classic literary statement of this is Jane L. Austin's *Pride and Prejudice*.

context of particular acts, and once we find out more about the contingent circumstances surrounding that act we often change our judgement. For example, an act that initially appears cowardly--say, an act of withdrawal in the face of an enemy--can appear courageous once the particulars of the situation are known more fully. But regardless of whether or not an *observer* knows enough of the detailed particulars to make a decision about the nature of a choice, the person making that choice does--to the extent he is honest with himself. He has complete information upon which he based his choice because he lived through those contingent circumstances. In the same set of circumstances, a virtuous man would have made the courageous choice whereas the non-virtuous would have made either the cowardly or the reckless one. But the reckless choice is not necessarily holding one's ground, nor is the cowardly one necessarily surrender or withdrawal. Likewise, depending on the circumstances, appeasement can be either cowardly or courageous. Winston Churchill made this distinction and indicated the grounds upon which such a distinction can be made in a speech to the House of Commons on December 14, 1950:

Appeasement in itself may be good or bad according to the circumstances. Appeasement from weakness and fear is alike futile and fatal. Appeasement from strength is magnanimous and noble and might be the surest and perhaps the only path to world peace.<sup>50</sup>

But what quality must a person possess to be able to establish the mean between two vices in any given set of circumstances? Certainly it is not the possession or knowledge of a general rule such as: to withdraw is always cowardly, or: to hold one's

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<sup>50</sup>Cited in Morgenthau, p. 67. Although the purpose I am employing this quote is entirely different from Morgenthau's purpose.

ground is always courageous, or: to hold one's ground is always reckless. For a courageous person will hold his ground when it is courageous to do so, just as much as he will withdraw or surrender when it is courageous to do so. Similarly, a coward will withdraw or surrender when it is cowardly to do so, or a reckless person hold his ground when it is reckless to do so.

The courageous person has the ability to find the mean between cowardice and recklessness in any given set of circumstances. Similarly the generous person has the ability to find the mean between extravagance and stinginess in any particular set of circumstances. It should be evident, however, that finding the mean between the excess and the deficiency is a very difficult task. According to Aristotle,

in every case it is a task to find the median: for instance, not everyone can find the middle of a circle, but only a man who has the proper knowledge. Similarly, anyone can get angry--that is easy--or can give away money or spend it; but to do all this to the right person, to the right extent, at the right time, for the right reason, and in the right way is no longer something easy that anyone can do. It is for this reason that good conduct is rare, praiseworthy, and noble.<sup>51</sup>

By what process is the mean found in any given set of circumstances? It is found through the activity of deliberation which leads to choosing among alternatives. And the virtue of deliberating well and, thus, choosing well is called *phronesis*, practical wisdom, or prudence. Hence, moral virtue depends on the virtue of practical wisdom or prudence. It cannot exist independently of it. Prudence, then, is the intellectual element of moral virtue, without which no moral virtue can exist. In Aristotle's words:

We may thus conclude that virtue or excellence is a characteristic

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<sup>51</sup>*Nicomachean Ethics*, 1108b-1109a20-30.

involving choice, and that it consists in observing the mean relative to us, a mean which is defined by a rational principle, such as a man of practical wisdom [prudence] would use to determine it. It is the mean by reference to two vices: the one of excess and the other of deficiency.<sup>52</sup>

The end of man as man is happiness which is achieved by living the good life (a life of virtue). In this sense, happiness is coequal with the good life which, in turn, is the same as living the life of virtue. The proper end of man as statesman is to live the good life which is largely defined as taking care of the good of the body politic--that is, to incline his actions toward the national interest. Because circumstances and developments both within and without the body politic can have direct impact on its good, he must exercise this function both inwardly (in terms of domestic politics) and outwardly (in terms of relations with other bodies politic). And good statesmanship depends on a person's ability to deliberate well--that is to say, it depends on the moral virtue of prudence.

Sometimes the best means to employ are blatantly obvious, as when one chooses to employ military force to counter an act of aggression against one's national territory. In such obvious cases it is tempting to invoke the doctrine of necessity to explain one's response. But the notion of necessity in human conduct is a dubious. Granted, the objective sought (a national interest) and the contingent circumstances within which it is sought may severely limit the choice of means, but they never leave the decisionmaker without a choice. At the very minimum he can decide between doing something and doing nothing. He can always decide to sacrifice the objective if that is what he judges to be best for the country in the circumstances.

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<sup>52</sup>*Nicomachean Ethics*, 1107a.

As objectives (national interests) are chosen, so means are chosen in the context of particular contingent circumstances and not in the context of universal ideals. That means are always chosen and never necessitated is the basic fundamental principle hammered into the minds of combat officers at every level of battle organization when they are learning how to make combat estimates or appreciations. This fact challenges any notion that war resides in the realm of necessity--a doctrine that combat officers would be the first to deny. Granted, the objective of their operation is always given, usually by their superior commander. Hence, their first mental operation is to clarify the aim in their own mind. The task of clarifying the aim is not done through deliberation, it is done through understanding--that is, knowing exactly what the mission or end of his operation is supposed to be, whether it is to hold a piece of ground until a given time, neutralize an enemy defensive position by a given time, or secure a building, village, city, or country of hostile forces by a certain time. Once he has clarified the aim, his next problem is to gather information about contingent circumstances. Having gathered knowledge about the particulars of the situation (time and space, nature of ground, enemy dispositions, enemy capabilities, his own resources, and what have you), his next task is to think of at least two alternatives and choose the best course among them. Having chosen the best course, his next task is to construct a plan for carrying out the mission. The mental operation of coming up with alternative courses and choosing the best among them is called deliberation. If the officer imagines for a moment that there are no alternatives and, hence, only one course open to him dictated by necessity, he is a menace to himself as well as to his troops. Such people, however, are usually weeded out in

training under simulated battle conditions. The competent military officer must demonstrate the ability to deliberate, and to deliberate well, about choosing the best course available for accomplishing his aim. And this competence is called prudence.

Likewise with our senator. He is confronted with two courses of action that are likely, more or less, to achieve the established objective--i.e., national interest--namely: a liberated Kuwait. After applying a set of rules (the principle of double effect and the just war tradition, respectively) to each of these alternatives, he finds that he still has to bring something of himself to the question. The rules may have clarified the issues for him, but he still has to perform a careful balancing act between the likely good and evil effects of each action themselves and between both the actions. To do this well requires prudence: the ability to strike the best balance or mean among a whole range of somewhat indeterminate factors. This is a difficult and unenviable task. And a task that the "objectivists" should be applauded for trying to alleviate. The only problem, however, is that the solution they offer--i.e., the national interest--does not solve the problem. Instead, it merely begs the question.

What is the best choice? I do not know. All I can do is give an account of how the United States Senate went about deciding upon the objective at the time of the Iraqi invasion in July 1990, and the means for achieving that objective in January 1991. In addition, I shall give account of the subsequent assessments of those choices advanced by Christopher Layne and Joseph S. Nye, Jr. To the extent that my understanding of the idea of the national interest as an intrinsic principle of action and its relationship to the problem of choice is correct, is the extent to which that understanding should clarify the

issues raised by the debates in the next two chapters.

**CHAPTER SEVEN**  
**THE UNITED STATES SENATE**  
**AND THE PROBLEM OF CHOICE**

Keeping in mind the difficulties the imaginary senator encountered in the last chapter, let us now turn to a discussion of real senators in a real situation having to make a real decision about whether or not to employ offensive military power against Iraq. But the unclarified version of "national interest" employed by the senators in their actual discourse tended to obscure the real issues buried at the heart of their deliberations. In other words, the expressions "national interest" or "vital national interest" were used in the debate as presumably self evident short hand justificatory statements for mutually exclusive policy alternatives. But if the same formula can be used to justify mutually exclusive policy options, the inherent meaning of that formula must be far from self evident. My contention here, then, is that by employing the understanding of "national interest" outlined in the foregoing chapters and its relationship with the problem of choice--that is to say, *the* national interest conceived as an intrinsic principle of action, and *a* national interest conceived as an objective sought for the benefit of the body politic--the concrete issues at the centre of their deliberations can be brought to light. This, however, does not solve the problem of choice the senators faced. It merely clarifies the real issues of contention obscured behind the easy and unreflective use of the formula.

This chapter and the next, then, constitute the "testing ground," so to speak, for

the understanding of "national interest" I have proposed in the previous chapters. The extent to which this understanding clarifies the real issues at the core of the senate debates, is the extent to which it can be considered as true. Consequently, if it is true that the national interest is indeed an intrinsic principle of action, the traditional assumption that morality and the national interest are *categorically* opposed, therefore, is patently false. However, whether or not they are *qualitatively* opposed is a different issue. In order to determine if the notion of a statesman inclining his actions toward the national interest rather than some other interest is either morally good or morally evil, one needs to bring a substantive morality to bear on the question. Likewise, if one wishes to argue--if the national interest and some other interest (say, the human interest) come into conflict in a given situation--that one of these interests ought to take precedence, one also must bring a substantive morality to bear on the question. Regardless, I must emphasize again that I shall not be addressing questions of substantive morality.

### **The problem**

Unlike the central question asked by Nye and Layne in the next chapter--namely: "did the Gulf war ultimately serve American objectives--i.e., interests?" the question addressed in the United States Senate seeks practical knowledge rather than theoretical knowledge. Whereas Nye and Layne essentially address the questions: "What happened? Why? and, Was it justified?" the Senators essentially address the questions: "What should we do given the situation we find ourselves in? Are our objectives--i.e., interests--best served by going to war? Or, are they better served by continuing the economic blockade against

Iraq?"

The reaction of the Senate immediately following the Iraqi invasion of Kuwait on 2 August 1990 was one of unanimous condemnation of Saddam Hussein's regime--a sentiment matched only by the almost universal world response to the Iraqi action--and, perhaps in the heat of the moment, all Senators called upon the President of the United States to take actions that many of those same Senators would eventually oppose in January of 1991 when the real prospect for such action reared its ugly head. By January 1991 it became evident that the Iraqi regime would not give up one inch of Kuwaiti territory on the mere grounds of indignant bluster on the part of the international community. That Saddam Hussein must withdraw his forces from Kuwait was not an issue except for a very small minority of American Senators. That Saddam Hussein must be forced to do so also was not an issue. Instead, the question facing the Senate in January 1991 was about the best means to employ in order to ensure an Iraqi withdrawal. In short, by virtue of their deliberations in August 1990, the senators unanimously decided that a liberated Kuwait was the objective--i.e., interest--for the country to pursue. And, by virtue of their deliberations in January 1991 they decided, by majority vote, that the national interest identified in August would be pursued by means of offensive military force. Let us now examine each of these debates.

#### **United States Senate Resolution 318 (1990)**

Immediately on learning of the Iraqi invasion of Kuwait, the United States Senate considered and passed unanimously "A Resolution to Condemn Iraq's Invasion of

Kuwait." Although the resolution was, in Senator Specter's words, "a very significant resolution because it calls for . . . an act of war,"<sup>1</sup> there were few explicit references to American national interests. Instead, it called attention to a long list of Iraq's violations of international norms, law, and standards of human decency culminating in the invasion of Kuwait. The drafters of the resolution did not rest content with citing Iraqi violations in general. They referred to specific norms and to the Iraqi acts that violated them. They called attention, for example, to the fact that:

beginning in 1983, Iraq initiated and made extensive use of chemical weapons in the Iran-Iraq war . . . this chemical slaughter constituted the most significant violation of the Geneva Protocol in the 65-year history of that international treaty, to which Iraq is a party.<sup>2</sup>

Now, if there were no extant international norms regarding the production and use of chemical weapons, what would possess the Senators to mention them in their resolution? Was it mere hyperbole aimed at hiding cold American material interests behind a veil of hypocrisy to rally popular support? If so, they were merely deceiving themselves because the only support required to pass the resolution was from within the Senate itself. No popular support was necessary to pass a resolution condemning the invasion of Kuwait. But even if it did require popular support, and even if the language was mere hyperbole aimed at "window dressing" their presumed hidden intentions, why would the Senators even imagine that the language they chose would serve to rally such

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<sup>1</sup>United States, *Congressional Record*, Vol 136, No. 103, Part II (2 August 1990): S 11902. Senator Specter compares this resolution with the 1964 Tonkin Gulf resolution which, he argues, served essentially as the authorization for the Vietnam war.

<sup>2</sup>*Congressional Record* (2 August 1990): S 11906.

support? Let me suggest that citing the violation of international norms would be effective only if they were generally recognized as such. The greatest proof that a norm exists is when almost everyone can recognize a violation of it. Hence, far from window dressing their intentions, the Senators recognized many violations and merely chose the most appropriate language to express it--nothing more and nothing less. For example, on the issue of chemical weapons the Senators merely were convinced that international norms existed regarding the production and use of such weapons, and that Iraq had violated those norms. Consequently, they chose the most appropriate language to express that conviction.

In another part of their resolution, the Senators noted that:

domestically, Iraq's human rights record is one of continuing barbarism, characterized by arbitrary imprisonment, government-sanctioned murder, and even the torture, mutilation, and killing of children as a means of terror against their parents . . . [and thus] stands in flagrant violation of its obligations under the United Nations Charter and the International Covenant on Civil and Political rights.<sup>3</sup>

Again, the Senators cite the norms violated and the international covenants enshrining them. Although the norms cited in this instance apply to a government's conduct toward its citizens in the domestic sphere, they are sanctioned by international covenant and, as such, they are international norms meant to apply to humanity at large. That these norms have proven very difficult to enforce does not change the fact that they are norms. Nor am I convinced that their widespread violation is merely a question of cultural relativism. I am not aware of any culture that even pretends to offer a reasoned moral justification

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<sup>3</sup>*Congressional Record* (August 2, 1990): S 11906-07.

for the torture and mutilation of children to extract information from their parents. Like the production and use of chemical weapons, the Senators recognized extant norms regarding the conduct of governments toward their citizens and merely chose the appropriate language to express it.

The Senators finished their list of Iraqi violations by citing the invasion of Kuwait and then moved on to the second part of their statement. Here they stated their conclusion about the nature of the problem at hand. Whereas the first part served as a list of reasons for their conclusion, the second part was simply a statement of that conclusion. Keeping in mind the distinction between reasons and justifications, the first part of the statement can be considered as a justification supporting the judgement they made in the second part, namely:

Iraq's military power in the Persian Gulf area is virtually unchallenged, and its record of callous brutality, opportunism, and belligerency demonstrates that no policy of appeasement or cooperation will constrain the threat Iraq now poses to the security of nations throughout the entire Persian Gulf region and to the international order.<sup>4</sup>

The Senators made this judgement based on Iraq's record of violations and not merely because Iraq controlled significant military power. The issue, then, was not the mere possession of military power but, rather, that Iraq had demonstrated a continued willingness to use this power in illegitimate ways. And this record of conduct did not inspire confidence that Iraq would stop using it in those ways. Hence, Iraq posed a continued threat to regional security and world order by virtue of its record of violating international norms with military power.

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<sup>4</sup>*Congressional Record* (2 August 1990): S 11907.

Having stated their judgement about the nature of the problem after outlining their reasons for making it, the Senators went on to part three of their statement. Here they commended the President of the United States for the actions he had taken so far, and they urged him to take further unilateral and multilateral actions to secure the "unconditional withdrawal of all Iraqi forces from Kuwaiti territory."<sup>5</sup> They identified this end not because an independent Kuwait represented any particular material value to the United States but, rather, because they equated the liberation of Kuwait with righting a wrong. Among the means, but nevertheless the *last resort* for achieving that objective, they urged the President to use offensive armed force--that is to say, they urged him to go to war against Iraq if it should prove *necessary* to secure the liberation of Kuwait. Hence, on August 2, 1990, a little less than four months before the passage of UN Security Council resolution 678,<sup>6</sup> and a little over five months before the passage of the Dole-Warner resolution,<sup>7</sup> the United States Senate urged the President to take precisely that form of action which, in his judgement, would be necessary to secure the liberation of Kuwait and to restore international peace and security. It must be emphasized again, however, that in the context of the Senate debate on 2 August 1990, the objective--*viz.* a liberated Kuwait--was not sought because an independent Kuwait represented any

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<sup>5</sup>*Congressional Record* (2 August 1990): S 11907.

<sup>6</sup>*The Security Council . . . Authorizes member states . . . to use all necessary means to uphold and implement Security Council resolution 660 . . . and to restore international peace and security. . . .* S/PV.2963, 29 November, 1990, cited in Lauterpacht, et al., eds., *The Kuwait Crisis--Basic Documents* (Cambridge: Grotius, 1991), pp. 159 - 160.

<sup>7</sup>The "Authorization for Use of Military Force Against Iraq Resolution," *Congressional Record*, Vol 137, No. 8 (January 12, 1991), S 403-404.

particular material value to the United States but, rather, because the act of restoring Kuwaiti sovereignty was equated, in the minds of the Senators, with righting a wrong and restoring international order.

Besides the implication that the United States Senate must share responsibility with the Bush Administration for setting the tone of the American role in the crisis, the resolution is short on explicitly identifying American national interests in the region but long on outlining the widely accepted standards of conduct or norms that the Iraqi leader had violated over the years. Iraq's "record of callous brutality, opportunism, and belligerency" culminating in the blatant act of aggression against its defenceless neighbour Kuwait justified, in their considered judgement, harsh actions by the international community in general, and the United States in particular, against Iraq in order to punish it and bring the conduct of its leaders into line with acceptable standards of human conduct in both the domestic and international spheres. Because of this record, the Senators judged that Iraq now posed a clear and unambiguous threat to both "the security of nations throughout the entire Persian Gulf region and to the international order." Let me now examine this judgement in greater detail because it is a clue to the reasons why the senators may have presumed Iraq to be such a threat, and how that threat related to American concerns.

The first threat--i.e., to the security of nations in the region (which I shall treat second in the following discussion)--reveals some concern about an American desire for a continued unfettered world supply of Persian Gulf oil under pre-invasion market conditions. The second--i.e., world order (which I shall treat first)--discloses concerns

about an American desire to reestablish and maintain what can be considered as a collective or universal good.

*The World Order Threat*

Goods, whether private or collective, are in large part defined by norms. In the case of oil, it is defined by norms concerning proprietary rights and the exchange of commodities. In one sense, commodities are material things that fill material needs and wants. On this there is no question. In another sense, however, commodities are property--*viz.*, a particular kind of relationship between material things and human beings governed by complex norms, conventions, and positive laws. Consequently, the idea of property has attracted the attention of political thinkers who set out to either vindicate or condemn existing norms by employing sophisticated moral and legal argument.<sup>8</sup>

Nevertheless, it is a common mistake to conceive property merely as a material thing. Even Rousseau, who perhaps largely influenced the development of this mistaken conception, did not make this mistake himself.

The first man, who after enclosing a piece of ground, took it into his head to say, *this is mine*, and found people simple enough to believe him, was the real founder of civil society. . . . But it is highly probable that things had by then come to such a pass, that they could not continue much longer as they were; for as this idea of property depends on several prior ideas which could only spring up gradually one after another, it was not formed all at once in the human mind: men must have made considerable progress; they must have acquired a great stock of industry and knowledge, and transmitted and increased it from age to age before they

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<sup>8</sup>Examples, by no means exhaustive, include John Locke, *Two Treatises of Government*, ed., Peter Laslett (Cambridge, Cambridge UP, 1960), particularly the *Second Treatise* and the immense scholarly debate on the question it generates to this day; and, Jean-Jacques Rousseau's *Discourse on the Origin of Inequality*, particularly "The Second Part," along with its equally immense body of philosophical scholarship.

could arrive at this last point.<sup>9</sup>

Even for Rousseau, then, property is not merely a material thing. Instead, it is a highly complex normative idea about the relationship between human beings and material things. The idea of a commodity (e.g., oil) is related to the idea of property because it is a kind of property. It is distinguished from other forms of property, such as services and real estate, as a useful and materially tangible article of trade. But even the idea of trade is itself a complex normative idea that presupposes existing proprietary relationships with those material articles being traded. It is only because it is a normative idea that we can draw a moral distinction between the activities of trade and stealing. In its simplest form, trade is the activity of relinquishing one's proprietary rights over one material object while establishing such rights over another in a way prescribed by norms. Stealing, in its simplest form, is merely establishing physical control over a material object through force without any regard for existing proprietary rights. Therefore, the thief violates the norms regarding proprietary rights over material objects and how they ought to be established or relinquished.

It is often argued that the thief is imprisoned for the reasons of protecting society from future violations by him--through physical restraint--or by others--through deterrence. It is also argued that imprisonment is intended to reform the convict and make him a responsible citizen. I have no objection to these arguments as such. What I do object to is the implication thereby that imprisonment is *not* meant to punish the

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<sup>9</sup>Jean-Jacques Rousseau, *Discourse on the Origin of Inequality* in Lester G. Crocker, ed., *The Social Contract and Discourse on the Origin of Inequality* (New York: Simon and Schuster, Inc., 1967), pp. 211 - 212.

convict. Because even if the inmate does not conceive of his lot as punishment, those who put him away necessarily do--despite their denials--by virtue of their unwillingness to share the same lot. Therefore, imprisonment *is* punishment regardless of whatever else is said about it. The question then becomes: what *justifies* that punishment? The protection of society through his restraint and, perhaps, the deterrence of others might very well be consequences of his punishment, but do they *justify* it? I do not think so. But this does not mean that punishment is unjustified. What it means is that it has to be justified on different grounds. Here let me introduce the moral concept of *desert*. Why does he deserve punishment? He deserves it because he has violated extant norms. And the nature and degree of punishment he receives are normally considered to be equitable or proportional to the nature and degree of his violation.<sup>10</sup>

The nature of the Senators' response to the invasion of Kuwait is characteristic of the common response to violations of a community's fundamental norms. The Senators not only judged that the Government of Iraq had committed a gross injustice and therefore deserved to be punished, but that its long and undisputed record of such acts gave them reason to believe that it would continue to commit more. The Senators also believed that the United States held a stake in a world free from such acts; as did the leaders from those states who drafted the Covenant of the League of Nations, the Kellogg-Briand pact and, subsequently, the Charter of the United Nations. World order, for these people, is a common good. At bottom, world order is an objective--a national

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<sup>10</sup>See, for example, the essays on punishment in R. G. Collingwood, *Essays in Political Philosophy*, ed., David Boucher (Oxford: Clarendon Press, 1989), pp. 124 - 143.

interest--of the United States, if only because it preserves existing norms upon which existing proprietary rights of commodities and trade are based. But it remains an open question whether existing norms benefit all countries equally or whether they are defensible on moral grounds.<sup>11</sup>

Perhaps the most fundamental proprietary right in contemporary international relations is embedded in the idea of state sovereignty; and the most blatant violation of that right is an unjustified armed invasion of national territory. Aggression is the capital crime of international relations. But aggression is not the mere hostile movement of armed forces across the frontier of another country--the allies did that on D Day during World War II. Aggression is the hostile movement of forces violating the targeted country's proprietary rights embodied by the idea of state sovereignty; and currently mere possession does not necessarily establish proprietary rights--at least not in the short term. In the history of international relations, however, the passage of time does appear to have a way of establishing proprietary rights over territories taken by force.<sup>12</sup> There is probably a myriad of reasons for this, not the least of which is that people's memories are

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<sup>11</sup>See Hedley Bull, *The Anarchical Society* on the question of concordance, or lack thereof, between order and justice. Regardless of whether existing norms can be justified, they have to be first recognized as norms and brought to light.

<sup>12</sup>This is perhaps the most compelling fact in the history of international relations that can lead one to reduce all international relations to the idea of power. There are very few states in existence today that were not originally shaped by the exercise of raw power. The American Revolution is one example. But few would reduce the American Revolution to power. Most American realists would probably argue that it was a *right* exercise of power. However, as R. H. Jackson correctly argues, many states obtained and maintain their current sovereign status not by raw power but by international norms. *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge UP, 1990).

painfully short and selective. Therefore many are prone to mythologies of any sort that might appeal to their fancy.<sup>13</sup> However, it is beyond the scope of my thesis to examine these reasons in detail. Let me just suggest that many of these reasons were probably in the forefront of the minds of those who both believed that time was on Iraq's side precisely for such reasons, and desired to live in a world where mere possession by force no longer established proprietary rights in either the short or the long term. For these people, then, a good world is in part a world purged of aggression. To achieve this, aggression must not pay, no matter how much it may have paid in the past.

Most Senators evidently shared that desire on 2 August 1990. Although some Senators expressed a concern that many of their colleagues shared it only superficially--but obviously not superficially enough to prevent them casting a vote in favour of the resolution. Senator D'Amato, for example, thought that the resolution was in large part merely abstract and blustery talk. When the time came for concrete action, he did not believe that many of his colleagues would have the staying power to carry it off.

You are never going to defeat evil . . . unless you stand up to it. Tonight, look how many will vote, 100 to zero, and say, oh, we stood up to aggression. Nonsense. In this same body, we quivered in 1982 when a brave country took Iraq and destroyed the nuclear reactor. . . . We shuddered, we condemned, the world condemned Israel for knocking out that reactor. We owe an apology to mankind for our indifference just as we did as it related to Hitler. . . . We want Kuwait back. . . . We want his troops out of there. . . . But I have to tell you something. I do not know

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<sup>13</sup>For example, by October 1990, Iraq's August 12th "strategy of shifting the onus of responsibility for the stalemate from [their] own aggression to the longstanding Palestinian issue was beginning to bear fruit." Lawrence Freedman and Efraim Karsh, *The Gulf Conflict 1990-1991: Diplomacy and War in the New World Order* (Princeton: Princeton UP, 1993), p. 168.

whether we have the guts to do it.<sup>14</sup>

Senator D'Amato's remarks are not merely a reflection of national hubris but, rather, a reflection of his identifying himself with a sense of collective national guilt. The United States is "responsible today for what has taken place." Consequently, the United States in his view bore a special obligation to "pull the plug" on the "Frankenstein monster that [it] helped create."<sup>15</sup> Part of his reason for confronting Iraq in this crisis, then, was to fulfil American obligations to right the wrongs committed in the past through its tacit support for the Iraqi regime which, he believed, in part contributed to the crisis. On the question of guts, he may have accurately judged many of his colleagues because some of the most eloquent speakers to the 2 August 1990 resolution urging the President to employ all necessary means to secure world order, indeed wavered in January 1991 when the immediate prospect of actually using those means arose on the Senate floor. Senator D'Amato, however, was not one of those who wavered.

Senator McClure expressed misgivings about the resolution despite the fact he voted for it. He was concerned that some allegations in the resolution remained unproven, and thought that it was dangerous to national security to make threats that the Senators would not be prepared to carry through:

Nothing can be more dangerous to the security of our country today than blustering and blowing and doing nothing. . . . Let us be very cautious when we start talking about the use of military force . . . we better mean it or we better not say it.<sup>16</sup>

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<sup>14</sup>*Congressional Record* (2 August 1990): S 11900.

<sup>15</sup>*Congressional Record* (2 August 1990): S 11900.

<sup>16</sup>*Congressional Record* (2 August 1990): S 11903.

Not unlike Senators D'Amato and McClure, Senator Cohen hoped that "this is not simply an empty resolution; that we take action to follow up these words."<sup>17</sup> However, he was not only referring to his colleagues here. He was also referring to the Administration and the international community. Sanctions, he said, are too often "undercut by a failure on the part of our allies," and that "it is useless for the sheep to pass resolutions in favour of vegetarianism, while the wolf remains of a different opinion."<sup>18</sup>

A large part of their concern was the notion of credibility. Were their colleagues merely proceeding thoughtlessly urged on by bewilderment and anger to the detriment of the United States? Were their calls for military force really justified? Will the international community, and particularly the United States, really be prepared to enforce effective sanctions and ultimately to employ military force if Iraq does not back down in the face of mere verbal condemnations and demands? After all, there was no precedent for successful action in such cases; and it is no mean diplomatic task to rally and maintain over an extended period the concrete international support necessary to pull it off. A collective effort of this kind, as Senator Kohl recognized, does indeed involve a degree of self-inflicted pain<sup>19</sup> and it was not clear how many countries were prepared to make the necessary sacrifices.

For that matter, it was not clear if the United States was prepared to do it, even if

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<sup>17</sup>*Congressional Record*, (2 August 1990): S 11901.

<sup>18</sup>*Congressional Record*, (2 August 1990): S 11901.

<sup>19</sup>*Congressional Record* (2 August 1990): S 11905.

everyone has "learned that the sort of pain we willingly decide to impose upon ourselves is mild compared to the agony that will be created if we allow Iraq to continue in the future as it has in the past."<sup>20</sup> Consequently, it was hardly certain that the United States could match deeds with words and this could have had adverse effects on its credibility as an international citizen and world power. According to Senator McClure, credibility not only affects America's stature as an international citizen, but America's security as well. Maintaining credibility, then, was an objective--a national interest--in the minds of these Senators. The notion of credibility also proved important five months later during the January 1991 Senate debate on whether to authorize the President to employ armed force in accordance with UN Security Council resolution 678. During that debate, and in response to Senator Nunn's assertion that the United States did not have a vital interest in liberating Kuwait immediately, Senator Specter argued:

I do not disagree with Senator Nunn's conclusions that we do not have a vital interest in liberating Kuwait this week. But I believe we do have a very vital interest in preserving the credibility of the President of the United States and in preserving the credibility of the United Nations. And that requires an authorization by the Congress to permit the President to enforce, as far as U.S. participation is concerned, UN resolution 678.<sup>21</sup>

Two of the most eloquent speakers on the question of world order were Senators Pell and Moynihan. Senator Pell had helped to draft articles 41 and 42 of the Charter of the United Nations at the time of its inception and perhaps saw in the present circumstances the first clear opportunity since the Korean war to exercise their

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<sup>20</sup>*Congressional Record* (2 August 1990): S 11905.

<sup>21</sup>United States, *Congressional Record*, Vol 137, No. 7 (11 January 1991): S 196.

provisions.

[T]his resolution . . . calls on the President to take effective and immediate action in cooperation with the world community to secure an immediate Iraqi withdrawal.

Iraq's unprovoked and lawless assault on its neighbour and friend follows a decade of Iraqi contempt for the law of nations and the most basic norms of human decency. . . . And what has been the response [of] the United States and the world community to these outrages? The sad answer is nothing until today. . . . [U]ntil today the administration opposed any effort to sanction Iraq.

We must work through the UN Security Council to impose, pursuant to article 41 of the charter, a total economic blockade of Iraq. And if the blockade does not work, we must consider, pursuant to article 42, other collective actions including the use of force.

Like his dictatorial predecessors of the 1930s, Saddam Hussein is a cancer on the world body politic. And we must excise that cancer now lest it engulf the Middle East region as that earlier cancer came to engulf the entire Eastern Hemisphere.<sup>22</sup>

In short, the current crisis not only posed a challenge to world order, it provided an opportunity to employ the United Nations in the purpose for which it was originally created. Should the world shrink from this challenge, it will have missed a great opportunity to establish the paramountcy of law in the conduct of international relations, and it must be prepared to face the apocalypse that history tells us will inevitably follow. But despite the strong hint of idealistic internationalism in Senator Pell's remarks, and regardless of whether his foreboding was justified, he opposed the use of force with equal eloquence and foreboding five months later.

No less a man of words, Senator Moynihan also emphasized the consequences of not maintaining the paramountcy of the rule of law in the conduct of international affairs. America's failure to live up to and enforce the rule of law, he argued, contributed to the

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<sup>22</sup>*Congressional Record* (2 August 1990): S 11897.

crisis. Like Senator Pell, however, he could not bring himself to authorize the use of force five months later. But while at the outset of the crisis the prospect of using force still remained merely an abstraction, Senator Moynihan argued:

I . . . wish to endorse the very powerful statement of the chairman of the Committee on Foreign Relations, who was present at the creation of the United Nations. He speaks today of the situation that develops when we ignore the rules we have established to govern the conduct of nations. . . .

I hope we will recognize as a result of the first military crisis of the post-cold war world, that either the international community, led, if possible, by the United States, will insist upon international action to punish violations of the law, or we will reap the whirlwind that will follow. . . .

During the fog of the cold war the United States had a reflexive response to such crises: we supported our client state and opposed their client state. . . . The rules of international law became less and less relevant to our action. Expedience governed.

Might we now return to the idea that law is at issue here? In the coming days many will denounce Saddam Hussein for all his immoral behaviour. Immoral it is, but, more importantly he has committed a crime. Without question, the single most important norm of international law--the cornerstone of the United Nations Charter--is article 2(4):

'All Members shall refrain in their international relations from the threat or the use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.'

This law has been violated. Should we be surprised? Saddam Hussein has violated other solemn international obligations with impunity. . . .

Our sense that law is and ought to be an integral part of our diplomacy has simply disappeared. As I have noted, the administration resisted imposing sanctions on Iraq. Why should Hussein think that we are serious about international law?<sup>23</sup>

Notwithstanding the question of law, however, perhaps one way of determining how the invasion impinged on the American good is to pose the question: "OK, Iraq did

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<sup>23</sup>*Congressional Record* (2 August 1990): S 11898 - 99. Senator Moynihan advances a similar argument in his book *On The Law of Nations* (Cambridge MA: Harvard University Press, 1990), Ch 1.

these things, but *why* should the United States do or say anything about it?" The answer to that question would in large part provide the answer to the question of *what* should be said or done about it. By virtue of the debate and the resolution, the Senators have indicated what should be done about it. But in order to determine their thoughts on the matter, one has to work backward from what they said should be done in order to establish *why* they thought it should be done. The answer to the *why* question is the reason, or ground, for the what. In this case it is a special type of reason, namely, a justification for the what. Neither of the Senators explicitly invoked any national interest as their justification.<sup>24</sup> In fact, neither Senator Pell nor Senator Moynihan explicitly invoked any justification at all. Instead, they supposed that the justification was self-evident: Iraq had violated a fundamental international norm after a long record of such violations. Therefore Iraq deserved to be punished and international order ought to be restored in accordance with those norms. But far from fully justifying the use of military force, the Senators merely satisfied the first condition--to the extent that their allegations were true--for justifying the use of force, namely, just cause. But it is irresponsible to go to war merely on the basis of just cause and consequently, a resolution calling for the use of offensive armed force may have been premature at this early stage of the crisis. For

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<sup>24</sup>Senator Pell, in a second speech during the same debate does mention national interests, but in the context of encapsulating the President's position. "President Bush has responded appropriately. . . . And he has indicated that he will consider additional responses, including military responses, to express our disgust and protect our national interests in the region." *Congressional Record* (2 August 1990): S 11905. But this misrepresents the President's actual public position on the use of military force. On that question he merely stated: "We're not ruling any options in but we're not ruling any options out." *New York Times* 3 August 1990.

the threat to use offensive military force may imply that the use of such force is already justified. Perhaps this is one of the reasons a few Senators expressed some unease with the August resolution. However, not finding the appropriate language to articulate that unease, they voted for it anyway. President Bush, on the other hand, may have exercised a degree of responsible leadership by not prematurely committing the nation to any particular course of action that could not immediately be justified.

By virtue of Iraq's record of international misconduct culminating in the invasion of Kuwait, the Senators judged that Saddam Hussein not only disrupted but posed a continuing threat to world order. In their desire to restore world order, the Senators insisted that Iraqi forces be withdrawn to the positions that they occupied before the invasion. Further, they urged the President to use force if necessary to compel Iraqi compliance with that demand.

There are, of course, other possible objectives that could have been proposed contrary to that proposed by the senators on 2 August, 1990. One could assert that the United States ought not to be concerned about world order or the security of Persian Gulf oil. Or one could argue that the Senators' assessment of America's stature was mistaken and, as a consequence, it was presumptuous to assume a leadership role in seeking those objectives. On the other hand, one might agree with the Senators' assessment of America's stature but nevertheless disagree that it imposes any special obligation to get involved in world order problems, let alone to assume any leadership role in attempting to solve them. Finally, one could agree with the Senators' assessment of America's stature and agree that such a stature would normally impose special obligations, but

nevertheless argue that America is declining in that stature and, therefore, such a condition imposes a prior obligation to preserve its resources in order to maintain or enhance that stature. These arguments are all attempts to answer the same question, namely: what objectives should America pursue under the circumstances? These answers simply differ from those politically determined and insisted upon by the Senators in August, namely: the re-establishment of world order through a liberated Kuwait and security of the Persian Gulf region.

*The "Security of the Region" Threat*

Whereas some Senators emphasized the world order objective, others emphasized the security of the region. It is with respect to this latter objective that other more specific underlying American objectives were most evident. Although the Senators' concerns about the security of nations throughout the Persian Gulf region were clearly born upon material concerns, they cannot be reduced merely to the American consumer's desire for "cheap gasoline" without misrepresenting the full complexion of those concerns. The prospect of Saddam Hussein controlling the entire Persian Gulf region was, for the Senators, a rather chilling one indeed. According to Senator Domenici:

We now have one man with a huge army sitting in the middle of 50 percent of the world's oil, and he has put himself there by force. Obviously, if we do not build up the strength and the vigour of those other countries that are now at his mercy, they are going to capitulate, or he will see to it that either directly or indirectly he controls them. . . . I am hopeful that we will not let this man with that tremendous army dictate the future of the free world's economy. He might do that if we do not put an end to his kind of tyranny.<sup>25</sup>

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<sup>25</sup>Congressional Record (2 August 1990): S 11903-04.

Similarly, Senator Bentsen pointed out that:

what we are looking at here is a situation where a man has been able by force to seize control of Kuwait, which will make him, in my opinion, the largest oil producer in the world. Moreover, he is right up against Saudi Arabia. There is no question in my mind . . . that is his next target. If he takes over that nation and then the Emirates with the kind of power that he has, he is going to have the entire world's economy within his grasp.<sup>26</sup>

But it was Senator Durenberger who articulated the nature of the Senators' predicament most succinctly:

There can no longer be any doubt about the profound danger that Saddam Hussein presents to the entire region. His actions have become unpredictable. Two days ago, even the most informed analysts of Iraqi affairs would not have predicted that Iraq would actually invade Kuwait. Sabre rattling in the extreme? Yes. But no one seemed to believe that he would act this way.

To a rational mind, it would seem inconceivable that Saddam could turn next against Saudi Arabia or Syria or Jordan. But now, no one can be certain of that. Saddam is such a threat precisely because he has so much military power and a demonstrated willingness to use it. And it has become difficult to predict where he will use it next.<sup>27</sup>

Clearly the Senators judged that Saddam Hussein commanded sufficient military force to control the entire Persian Gulf region and had demonstrated willingness to do just that. Although, by virtue of his invasion of Kuwait, he now held de facto control of only 20% of the world's oil reserves, from the onset of the crisis, the Senators, among others, appeared to fear that he intended to control most of the world's oil reserves. Had he controlled those reserves, he could monopolize world oil markets and get almost any

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<sup>26</sup>*Congressional Record* (2 August 1990): S 11903.

<sup>27</sup>*Congressional Record* (2 August 1990): S 11904. That the invasion came totally as a surprise despite the physical evidence on the ground is examined in detail and corroborated by Bob Woodward, *The Commanders* (New York: Simon and Schuster, 1991), pp. 199-230; see also Freedman and Karsh, pp. 47-60.

price he demanded. There was a very real possibility that Saddam Hussein could alter the balance of power under the existing rules of trade in a very important world commodity. And this new balance would greatly affect the world economy. For the time being, however, he was still at the mercy of world markets to sell even his newly acquired reserves. Hence, Saddam Hussein did not so much pose an immediate threat to the stability of the world's oil market as he posed a potential threat. The mere uncertainty of the situation, however, posed an immediate economic threat. Did he really intend to invade Saudi Arabia as well? It seemed unlikely but, on the other hand, hardly anybody really believed that he intended to invade Kuwait until he actually did so. Saddam Hussein simply was not the kind of person they wanted to see in control of most of the world's oil reserves. Saddam Hussein, in their considered judgement, could not be trusted with the immense power that he appeared capable of obtaining if he should decide to invade Saudi Arabia as well. Whether such fears were warranted one can perhaps never know for sure. But that is not the issue here. The point here is that these fears were genuinely shared not only among U.S. Senators, but among many world leaders as well.

These fears grounded the substantive reasons among world leaders for beefing up the military defence of Saudi Arabia. The United States, among other countries, desired to keep the remainder to the Persian Gulf region out of Iraqi control. And Operation Desert Shield effectively served to contain the potential threat of continued Iraqi military expansion. Therefore, the defensive posture adopted through the initial deployment of forces to Saudi Arabia can be explained largely in terms of the economic concerns of the

major industrialized countries including the United States.

But it would be a mistake to conceive that objective as simply a desire for a material substance called oil. The Government of Iraq, as a consequence of having violated existing international proprietary rights in the form of Kuwaiti sovereignty, not only had violated existing Kuwaiti proprietary rights over what amounted to be about 10 percent of the world's oil reserves, but threatened to violate existing proprietary rights over a further 30 percent of those reserves. Whereas the world order threat embodied the apparent willingness of the Iraqi regime to violate the fundamental international proprietary right of sovereign statehood with impunity, and every other right implied by it, the regional security threat embodied their apparent willingness to violate existing proprietary rights over the oil reserves in the entire Persian Gulf region and, thereby, to dictate the price of that commodity to the detriment of the world economy.

The security problem allowed for more immediate short term solutions than did the more general world order problem. If existing proprietary rights over oil reserves on the Arabian Peninsula were threatened by forceful expropriation, the immediate solution was to render that threat less likely by deploying sufficient armed forces to deter such an attack. This appeared to be the primary military objective of Operation Desert Shield. But even this Operation was not a mere exercise in naked military power for it involved deploying American forces on Saudi Arabia's sovereign territory. It could not have been carried out without the Saudi government's sanction, formal authorization, and collusion. In short, the Saudis had to commit themselves publicly to taking sides in the crisis, and this was no mean political, diplomatic, and religious accomplishment for all the parties

concerned.<sup>28</sup>

Once the threat of Iraqi expansion had been effectively contained within the borders of Iraq and Kuwait, however, did a threat to American concerns still exist? Although Operation Desert Shield eliminated the immediate threat, the long term security problem remained. The Iraqi regime still controlled enough military power to dominate the region after all foreign forces, especially American forces, had left Saudi Arabia. The long term solution to this security threat, then, was to maintain a significant forces on Saudi soil indefinitely or to reduce Iraq's war fighting capability by attacking and destroying a significant portion of it.

Although the sufficient justification to deploy forces to Saudi Arabia in a merely defensive posture rested in the security threat, the just cause to attack Iraq's war fighting capability rested in the world order threat--viz. the violation of fundamental norms provided the just cause, but only the just cause, to attack Iraq. If Iraq merely withdrew its forces voluntarily from Kuwait, the just cause to attack his forces would have been removed but the long term security threat would have remained nonetheless. In essence, the long term security problem was in large part, but not entirely solved by Saddam Hussein's intransigence on the world order problem--that is, his intransigence on the question of withdrawing his forces from Kuwait to the positions they occupied prior to the act of aggression in August 1990.

It was America's desire for Iraq to withdraw from Kuwait merely on the basis of

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<sup>28</sup>For a discussion of the diplomatic, political, and religious issues that were brought to bear in this situation, see Woodward, pp. 239 - 251; and, Freedman and Karsh, pp. 65 - 95.

condemnations by the international community because a fundamental principle of world order--a common good--would have been reasserted thereby with the least amount of human suffering by Iraq, its neighbours, and the rest of the world community. But such an outcome was not likely. In the judgement of many, the language of power was the only language Saddam Hussein understood.<sup>29</sup> Despite theories of international relations that assert raw power as the fundamental principle of state conduct, the Senators cited Saddam Hussein's conduct as exceptional. In other words, the Senators did not turn a blind eye to his use of power even though some theories assert such uses of power as a kind of natural phenomenon. That power is central to international relations, the Senators did not, and could not deny. What they denied is that Saddam Hussein used his power in a legitimate way. And it is precisely because there is no reason to expect that all governments would use power legitimately in all circumstances that power is necessary to constrain them. According to the Senators, the United States desired to be part of a world community where illegitimate uses of power did not prevail in international relations. It was through their assessment of America's stature in international society as *the* world power, and also their conception of how world affairs ought to be conducted, that they assumed an obligation to take up a leadership role in the collective effort to bring Iraq back into line.

It will be recalled that saying one has a just cause to go to war is the same thing as saying that one has a *legitimate* interest or objective to secure by going to war. In this

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<sup>29</sup>In Senator Lautenberg's words: "Saddam Hussein is ruthless and cunning and is beyond reason. He only understands the language of power." *Congressional Record* (2 August 1990): S 11906.

case it is an interest in (or an objective of) world order. The way to distinguish legitimate from illegitimate interests (or objectives)--that is, just from unjust causes--is by referring to existing international norms on the use of interstate military power. The Charter of the United Nations limits the list of legitimate interests--that is, just causes--to self-defence and world order. It needs to be emphasized again, however, that just cause is but only one constituent of a sufficient justification for war. A country may have just cause for going to war, but just cause by itself does not justify going to war.

The deliberations of United States Senators, albeit unwittingly, largely conformed to the criteria of just war thought. The unclarified use of the language of national interest, however, tended to obscure this. Although by January 1991 the vast majority of Senators recognized they had just cause to attack Iraq, they also recognized that "just cause" by itself is an insufficient justification for doing so. They supposed, however, that their lingering doubts stemmed from an uncertainty about whether or not America indeed had interests (or objectives) in the region. They did not recognize that by agreeing on the question of just cause in August, they had already answered the question about American interests or, at the very least, those interests which justify war. Just causes are always interests, although not all interests are just causes. If the United States had no interests in the region, the Senators could not have agreed that they had a just cause to fight. Although many Senators incorrectly expressed their reservations about going to war in the language of interests, it is evident that their lingering doubts really concerned the question about the reasonable chance of success in securing their just cause, the question of proportionality, and especially the question of last resort. These questions are what

their deliberations really hinged upon, although they supposed their real concern was about whether or not America had "vital" interests at stake in the circumstances. "Reasonable chance of success," "proportionality" and "last resort" are *jus ad bellum* criteria in the just war tradition of practical moral thought. Hence, the Senate deliberations were not guided by a concern about establishing "vital" interests in the region. They were guided by the just war tradition of moral thought. Let us now turn to the January 1991 Senate debates in order to demonstrate this point.

#### **The Senate Debates--10, 11, 12 January 1991**

A little more than five months after their original resolution urging the President to use unilateral and multilateral measures including force if necessary to seek the *immediate* and *unconditional* Iraqi withdrawal from Kuwait, the Senators were finally faced with the concrete question of authorizing the use of such force. Five months earlier, the Senate commended President Bush's initial decision to freeze Iraqi and Kuwaiti assets and urged him to "enforce against Iraq . . . all provisions of United States law, including the International Emergency Economic Powers Act." They also urged him to "undertake, multilaterally, a concerted diplomatic effort . . . to achieve collective international sanctions against Iraq . . . to include . . . the imposition, under Article 41 of the United Nations Charter, a full economic blockade against Iraq." Finally, "if such measures prove inadequate to secure Iraq's withdrawal from Kuwait," they urged him to take "additional multilateral actions, under Article 42 of the United Nations Charter, involving air, sea, and land forces as may be needed to maintain or restore international peace and

security in the region."<sup>30</sup> Having taken the measures urged by the Senate--short of offensive armed force--and arguing that the best hope for peace in the region is if Congress goes on the record as supporting UN Security Council resolution 678 authorizing the use of all necessary means to enforce the Iraqi withdrawal, President Bush requested a resolution from Congress indicating that support.<sup>31</sup>

The Senate dealt with this request by tabling two separate House and Senate joint resolutions, deliberating about them and, finally, passing one of them. The first resolution (S.J. Res 1) is known as the Mitchell-Nunn resolution and its passage would effectively deny the President authorization to use force by postponing its use indefinitely. The second resolution (S.J. Res 2) is known as the Dole-Warner resolution and its passage would effectively grant the authorization requested by the President.

The resulting deliberations were dramatic, impassioned, and evidently genuine. Unlike Nye and Layne whose arguments I shall examine in the next chapter, the Senators did not have the benefit of hindsight while rendering their respective choices. Consequently, unlike Nye and Layne, their deliberations took place in the dark night of uncertainty about the consequences of their choices. Whereas Nye and Layne through their debate seek to *judge* whether the decision to go to war was in fact best for the United States, the Senators wanted to *decide* what was best for their country.<sup>32</sup> To the

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<sup>30</sup>*Congressional Record* (2 August 1990): S 11907.

<sup>31</sup>See President Bush's January 8th letter to Senator Dole as entered in the *Congressional Record* (11 January 1991): S 261 as part of Senator Stevens' remarks.

<sup>32</sup>In Senator Mikulski's words: the servicemen and women in the Persian Gulf "are very much in my mind as I make my decision about the course I think is best to follow. But in the end, I can only make my decisions by answering one question: What is best for

extent that all Senators were genuinely concerned about deciding what was best for the *country*--that is, to the exclusion of what might have been best for their political parties (particular interests) or their future electoral prospects (self interests)--is the extent to which all were acting in *the* national interest.

As indicated, the Senators agreed that the United States and the international community had a just cause to evict Iraq from Kuwait with offensive military power. They also agreed that just cause was by itself a necessary but insufficient justification to war against Iraq. The main difference of opinion centred on the question of timing: was it best for the United States to authorize the President to use offensive force now? Or was it best to defer such authorization to some indefinite time in the future? The respective answers to the question of timing, however, actually hinged on where the Senators stood in their individual assessments of proportionality, last resort, and reasonable chance of success. Hence, when Senators diverged on the question of timing, one can trace that divergence to their respective judgements about each of those just war criteria.

Those who were prepared to grant immediate authorization--the supporters of the Dole-Warner resolution--justified their choice in either one or both of two ways. First, some argued that in order to forestall war and, hence, find a peaceful solution to the crisis, Congress needed to send the leadership of Iraq a clear message that the United States was prepared and willing to use armed force after 15 January pursuant to UN Security Council resolution 678 (the "credible threat" argument advanced by the

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our country? We cannot be affected by partisan politics. Today, I speak as an American who has been agonizing over doing the right thing." *Congressional Record* (11 January 1991): S 260.

President). They supposed (correctly or incorrectly) that Saddam Hussein knew from the outset his forces would be no match for American military power. They also supposed that the only reason Saddam Hussein had not already withdrawn his forces was because he simply was not convinced that the United States was prepared to use offensive military power. Hence, a strong vote in support of the Dole-Warner resolution would send a clear message to the Iraqi regime that the United States intended to use such power. If the Iraqi leader could make no mistake about American intentions to use this power, he would conclude that resistance is futile and would therefore withdraw his forces without bloodshed. Rather than sacrificing his regional military superiority at the hands of the foremost world power, he would swallow his pride and withdraw his forces on or before the UN deadline. The Mitchell-Nunn resolution, on these foregoing suppositions, would send the wrong message. It would send the equally clear message that the United States was not prepared to use offensive military power. And since superior violent power, in their judgement, was the only language Saddam Hussein could understand, he would have no incentive to withdraw his forces on or before the deadline.

Second, and again since the language of superior violent power was the only language Saddam Hussein presumably could understand, economic sanctions were considered virtually meaningless. The deaths of a million or two Iraqi civilians due to embargo induced starvation would bear heavily on American consciences but would not even make Saddam Hussein blink. In Senator Kassebaum's words:

A man who will torture and execute the children of his opponents is capable of anything. Anything. I urge my colleagues to think carefully about this point. Do not misunderstand the nature of our enemy. Saddam Hussein will do anything and everything to maintain and extend his

power.

This is why a policy based solely on sanctions is doomed to failure. Saddam Hussein does not care if we starve a million Iraqis to death. It will simply provide new and even more powerful propaganda for his use against the world coalition.<sup>33</sup>

There were also compelling moral refinements offered to this latter argument-- i.e., arguments centred on the question of proportionality. Senator Lieberman, for example, raised the question of whether continued sanctions or war is the proportional means to the objective being sought. The objective, as agreed upon by almost every Senator, was to secure the withdrawal of Iraqi armed forces from Kuwait. How do sanctions achieve that objective? Or, in other words, how do sanctions relate proportionally to the objective being sought? In Senator Lieberman's view, sanctions are immoral in this instance because they bear no relation to that objective. Sanctions inflict human suffering, but in this case human suffering is being inflicted *primarily* on people who have no relation to or control over whether Iraqi forces remain in Kuwait. Offensive military power, on the other hand, would be targeted *primarily* at those forces and also their command and control elements wherever they might be. In Senator Lieberman's words:

. . . sanctions are a very blunt instrument which hurt civilians before they hurt the military, which hurt the weak before the strong.

I ask the question here: Is it truly more moral to maintain a strategy that inflicts the most punishment on a civilian population, the most vulnerable in society, the poorest, the youngest, the oldest?

If people think that sanctions will work, they must think that they will bring terrible destruction on the heads of the Iraqi people themselves. It is important to consider the morality of that result before decrying the

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<sup>33</sup>*Congressional Record* (11 January 1991): S 266.

immorality of war.<sup>34</sup>

Those Senators who opposed the immediate authorization of offensive military force, on the other hand, employed a much wider range of arguments. Many of these centred on just war (*jus ad bellum*) criteria, but some did not. One of the arguments for continued sanctions asserted that such a policy would "soften" the enemy and thus make the task of overpowering Iraqi forces much easier at some time in the future. The response to this argument was that continued sanctions, far from degrading the enemy, would merely give him the initiative in defence. In other words, while the world was waiting patiently for sanctions to take effect, the Iraqi forces would actively be preparing and strengthening their defensive positions in detail. On reflection, however, these are not really arguments about whether to make war but, rather, arguments about how to wage war presuming the decision to fight had already been made. Hence, those who used the "enemy degradation" argument in support of continued sanctions were in effect telling the President how to wage war without giving him the authorization to do so. Such equivocation, in Senator Wallop's view, contained "the seeds of uncertainty and confusion that have clouded every recent war that [the United States has] fought."<sup>35</sup>

But the evident equivocation of the Mitchell-Nunn resolution--in Senator Wallop's words, "it does not oppose war but it opposes war now"<sup>36</sup>--may very well

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<sup>34</sup>*Congressional Record* (11 January 1991): S 238. For an academic treatment on the morality of sanctions, see Patrick Clawson, "Sanctions as Punishment, Enforcement, and Prelude to Further Action," *Ethics and International Affairs* Vol 7 (1993): 17 - 38.

<sup>35</sup>*Congressional Record* (11 January 1991): S 272.

<sup>36</sup>*Congressional Record* (11 January 1991): S 271.

disclose legitimate and intelligible human concerns about war. According to Senator Kassebaum, "it now is clear that the broad and overwhelming domestic consensus of last August has unravelled and, as Winston Churchill once said: 'The terrible ifs accumulate.'<sup>37</sup> In all likelihood, however, the terrible ifs did not accumulate as a consequence of the unravelling consensus. Instead, the broad consensus of August--characterized, it will be recalled, by lots of blustery talk and righteousness--unravelled *because* the terrible ifs began to accumulate in the minds of the Senators and their constituents. It is an inherent feature of war that the consequences are always indeterminate. As the prospect of war loomed large in the Senators' minds from its abstract beginnings in early August, so did the harsh reality of uncertainty. Layne and Nye were spared this anguish in their deliberations because they already knew the outcome. Perhaps that is why an academic *post mortem* on a decision will always appear surreal when compared against the arguments of those who must make that decision in the black night of uncertainty. Hence, the key to following the argument for the remainder of this chapter is to attempt to recall or reconstruct in one's mind the full texture of uncertainty the Senators faced on the eve of the Gulf War. In large part, this is what is meant by attempting to place oneself in the shoes of the statesman or the boots of the soldier while trying to understand and give account of the nature of international relations and war. To reconstruct their understanding of the situation at the time they deliberated upon the question of war, one must keep in mind that they had no idea of the war's actual consequences. All they could do was anticipate what the consequences were

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<sup>37</sup>*Congressional Record* (11 January 1991): S 265.

likely to be. Therefore, one can place very little determinate weight on the respective merits of their reasonable predictions and fears.<sup>38</sup> It is absurd to criticize a Senator or citizen for reasonably fearing massive American casualties before the fact based on one's historical knowledge that actual casualties proved to be very light.<sup>39</sup> Similarly, it is equally absurd to vindicate a decision because the actual consequences proved to be better than the anticipated ones. In short, the consequences of war are painfully indeterminate until such time they actually occur. The just war tradition is founded upon this truth, and that precisely is why "just cause" is a necessary but insufficient justification for embarking on war.

Many Senators who opposed the Dole-Warner resolution did so because, understandably, they were hung up on the *jus ad bellum* criteria concerning the reasonable chance of success, proportionality, and last resort. They were not, however, expressly conscious of this. Consequently, they could not articulate their reservations and concerns in the language of the just war tradition. Instead, they expressed their concerns in terms of whether or not "vital" national interests were at stake. They could not in good conscience bring themselves to authorize the immediate use of offensive

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<sup>38</sup>I am not entirely sure how to go about delimiting the criteria for distinguishing between reasonable and unreasonable predictions and fears with respect to the question of war. If there are any scientific laws of war, they are the laws of unintended and unexpected consequences. For example, if anyone had predicted fewer than 250 Coalition deaths, I would have ruled that prediction out as unreasonable. But that is precisely what did happen.

<sup>39</sup> John G. Heidendrich argues that despite estimates of 100,000 Iraqi deaths, the best evidence points to around 1500 deaths in the Kuwait theatre of operations and fewer than 1000 civilian deaths due to allied bombing, "The Gulf War: How Many Iraqis Died?" *Foreign Policy*, No. 90 (Spring 1993): 124.

military force because they still needed to be convinced that the outcome of such a war would be successful, that it would be proportional to the good being sought by it, and that the time of last resort had indeed arrived. And they maintained these reservations though they all shared the conviction of just cause.

But they were not entirely mistaken by using the language of national interest rather than the language of just war. For each Senator was convinced that he or she was trying to decide what was the best thing to do for the country--that is, the intrinsic principle of their individual actions was *the* national interest. However, they were unable to distinguish in their own minds the intrinsic principle guiding their individual actions--i.e., *the* national interest--and the states of affairs sought by whatever course of action they eventually decided upon--i.e., national *interests*. Being unable to make this distinction, it remained hidden from their view that they had already settled the question about what national *interests* were at stake in the situation. What they had not yet settled was the question about the best course of action to take in order to secure those interests. Nevertheless, by being genuinely concerned about establishing the best course of action, each Senator was correctly convinced that he or she was acting in *the* national interest.

That the supporters of the Dole-Warner resolution were unmoved by their opponent's concerns does not necessarily imply an insensitivity to *the* national interest or to the *jus ad bellum* criteria of proportionality, reasonable chance of success, and last resort. It could equally imply that they had already satisfied themselves of those concerns. If this is the case, what we are dealing with here, then, is a deliberation involving divergent judgements about the probable consequences of offensive military

action, balanced against divergent judgements about the probable consequences of continued sanctions. The fundamental division in the debate was between, on the one hand, a firm conviction that continued sanctions and diplomatic efforts had failed or were doomed to fail thus leaving only the option of last resort and, on the other hand, an equally firm conviction that the prospect of war was too frightening to consider thus the only other option was to carry on indefinitely with the sanctions policy.

For people like Senator Wallop, continuing sanctions was "not a true policy, but only an excuse to avoid the difficult choice."<sup>40</sup> The difficult choice that had to be made, in his view, was either to go to war or to abandon the region to its fate.

In the final analysis . . . this Nation cannot afford to let this debate, or even legitimate questions about the administration's priorities, obscure our obligations and the vital national interests at stake. If we have no vital interests at risk in this situation, we have none anywhere. And if we have none anywhere--in God's name, let us stop equivocating and come home.<sup>41</sup>

Despite Senator Wallop's evident impatience with some of his colleagues, the debate generated a worthwhile dialectic bringing moral questions into greater relief. In other words, if the opponents of the Dole-Warner resolution had not raised doubts about the reasonable chances of success, proportionality, and last resort (although they expressed these doubts by invoking the national interest and not by employing the vocabulary of the just war tradition), it would not have been evident that the supporters of the resolution even had the opportunity to consider such questions. The fact that those

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<sup>40</sup>*Congressional Record* (11 January 1991): S 273. Rightly or wrongly, Senator Wallop further implied that the Senators who were equivocating on this question were doing so merely to save their political skins.

<sup>41</sup>*Congressional Record* (11 January 1991): S 273.

questions were raised and doubts expressed--however obliquely--by participants in one side of the debate, along with the fact that their opponents remained unmoved by those doubts, suggests that the latter considered the questions but simply were not restrained by the same doubts. In short, they were satisfied that the requirements of proportionality, last resort, and reasonable chance of success had already been met.

Let me give an example to help simplify this point. Suppose two people consumed all their water after spending several days crossing a desert. On the verge of dying from thirst, they arrive at the edge of a cliff about 200 feet high. They peer over the cliff and think they see an oasis at the bottom, although they cannot be certain. The cliff edge extends for as far as they can see in both directions so the only way to get at what they think they see at the bottom is to scale down the cliff face. One person says: OK, let's scale down the cliff and see if that really is an oasis down there, after all, we are out of water. The other person says: yes, we are out of water. But that might not be an oasis down there and we might kill ourselves by slipping and falling while climbing down that dangerous cliff. To this, the first person retorts: are we thirsty or not? and then proceeds to climb down the dangerous cliff without another word.

In this example, the fact that the first person did not respond directly to the second person's concerns does not mean that he did not recognize them as legitimate concerns. In his assessment of the situation there certainly were risks, but he believed there was a reasonable chance of overcoming them, that the risks were proportional to the problem at hand, and that the only other option--dying of thirst--was rejected in favour of taking those risks. But if the second person instead convinced the first that they were not thirsty

after all, they would have no reason to stand around peering over the cliff wondering about what really lies at the bottom and pointing out all the rocks they might slip on during their descent. They would simply turn away and carry on with their journey. In Senator Wallop's assessment of the situation, the real choice was between either scaling down the cliff, or walking away. For him, a continued sanctions policy, far from being an alternate solution, was akin to standing around worrying at the edge of the cliff. And the question he asked his colleagues was essentially: OK, are we thirsty or not? In other words, do we have a legitimate interest--a just cause--or not? If not, let us stop worrying about the risks in pursuing it and bring the troops home, thus leaving the region to its fate.

Regardless, let me now examine some doubts expressed by those opposed to the Dole-Warner resolution. I shall do this, however, not to overcome them or to show that they were unwarranted but, rather, to show that they largely conform to the structure and substance of the just war tradition, although they are stated in terms of national interests rather than *the* national interest and just war criteria.

Senator Nunn, a co-sponsor of the resolution withholding authorization to use offensive armed force, in his presentation to the Senate essentially asked the question: are the inherent risks of war really worth it in this situation? For his part, he needed convincing that he could "look the parents, the wives, husbands, and children in the eye and say that their loved ones sacrificed their lives for a cause vital to the United States and that there was no other reasonable alternative."<sup>42</sup> He argued that war was not worth

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<sup>42</sup>*Congressional Record* (11 January 1991): S 193.

it, but other reasonable alternatives short of war were worth it. In other words, war was not proportional to the sought objective, war would be counterproductive to the sought objective, and the time of last resort had not yet arrived because there were still other alternatives.

What, however, was Senator Nunn referring to by "it" here? In the context of his remarks, "it" refers exclusively to securing the liberation of Kuwait which, in his words, was an *important* American interest but not a *vital* one. Whereas a vital interest warrants the sacrifice of American lives, an important interest does not.<sup>43</sup> Senator Nunn, was correct in the sense that it would make little material difference to the United States whether Kuwait belonged to Iraq or regained independence. Kuwait was never a staunch ally of the United States, nor were its oil resources vitally important to the stability of the world economy. But even if its oil resources were important, the world still would have access to them because whether they were owned by Saddam Hussein or by the Emir of Kuwait, they would still have to be produced and sold at current market prices. But Senator Nunn seems to me to have circumvented the central issue here by being too literal in his rendering of the situation. He neglected or forgot to mention the more substantial reasons for liberating Kuwait--the reasons justifying that objective in the first place.

Of course, the liberation of Kuwait was a good in itself because it would put an end to the human suffering that Iraqi occupation forces were purportedly inflicting upon their forcefully acquired charges. But is such an objective, by itself, proportional to the

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<sup>43</sup>*Congressional Record* (11 January 1991): S 190-191.

risks that must be taken to achieve it? Are such charitable acts of humanitarian intervention obliged under current international norms? If so, under what specific conditions? And, finally, would such an obligation do justice to the meaning of "charity?"<sup>44</sup> These questions are open to debate.<sup>45</sup> However, the American motive here was not merely to relieve the suffering of those oppressed by the *de facto* power in Kuwait--however morally compelling that motive might have been on its own. Instead, the more fundamental motive concerned combatting aggression by denying its fruits, and the implications of this on world order in general and the security of the Persian Gulf region in particular--the two American objectives which the Senate had already identified in August. It was a mistake to conceive a case of combatting aggression as merely a case of humanitarian intervention. By remaining too literal in his statement of the problem, however, Senator Nunn invited this mistaken understanding.

But did Senator Nunn in the January debate eventually concede that world order is an American interest? In other words, did he concede that it was a state of affairs desired for the benefit of the American body politic? He did, because he asserted that he had "said from day one . . . that war is justified. . . . [But] I do not think that war *at this*

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<sup>44</sup>Peter Singer, for example, in his article "Famine, Affluence, and Morality," in Charles R. Beitz, et al., eds., *A Philosophy and Public Affairs Reader* (Princeton: Princeton UP, 1985), pp. 247 - 261, does serious damage to the idea of Christian charity by insisting that it ought to be enforced as an obligation under secular law. However, as I believe Montaigne correctly pointed out, charity as a social doctrine rather than as a doctrine of individual morality inspired by divine grace would lead to the worst forms of hypocrisy.

<sup>45</sup>See Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, Inc., 1977), Chapter 6.

*time* is wise, and I think there are other alternatives."<sup>46</sup> If the liberation of Kuwait was only an important interest, and if vital interests must be at stake before going to war, world order and regional security must have been vital interests in his mind since he was prepared to use force at some point in the future if and when he was finally convinced that sanctions would not achieve the objective.

Despite his evident confusion here, that Senator Nunn did not succumb to the "credible threat" argument reveals a degree of moral clarity on his part. For he thought that any threat to use force must be grounded on a justification and willingness to use it if the bluff is called. Senator Nunn was simply not prepared to use force yet on the grounds of last resort. Since other means short of war, in his opinion, still needed to be proven ineffective, he could not in good conscience approve the use of force at that time. Consequently, war was not yet the best course of action for the United States to take, and this view is entirely consistent with his readiness to use force at some time in the future if and when he became better convinced sanctions would not do the job. For Senator Nunn to say that war was not in *the* national interest, then, was not to say that there were no vital American interests at stake. Instead, it was to say that on the grounds of last resort, he could not in good conscience choose war as the best option for the United States. Hence, although *the* national interest is evidently the intrinsic principle guiding Senator Nunn's deliberations, it does not necessarily lead to the same substantive choices that others guided by the same principle might make.

Others were convinced that sanctions had already failed. Although they were also

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<sup>46</sup>*Congressional Record* (11 January 1991): S 194. Emphasis added.

convinced Iraq's economy was being strangled severely, they nevertheless doubted any relationship between strangling its economy and convincing Saddam Hussein that he ought to withdraw from Kuwait. In addition, they recognized that severe economic pain was being inflicted not only on Iraq, but on other countries as well. Jordan was the most obvious example.<sup>47</sup> They believed that Saddam Hussein was both willing and capable of forcing his subjects to bear economic pain much longer than the leaders of other countries were either willing or capable. Consequently, they considered time as the biggest enemy of the sanctions regime. In addition, they feared Saddam Hussein's uncanny ability and tenacity to squirm out of tight corners. Already a long list of public world figures had humoured him by parading to Baghdad to solicit the release of hostages, and the linkage issue was gaining ground among French, Soviet, and other high profile figures such as President Jimmy Carter.<sup>48</sup> The fear that time eventually establishes proprietary rights over territory regardless of how one acquired it began to loom large in the minds of those who would approve the use of force to purge that prospect permanently from world affairs. It was simply beyond the comprehension of

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<sup>47</sup>By 24 September 1990, the Security Council received an influx of applications for economic assistance under article 50 of the Charter and passed resolution 669 (1990) establishing a committee to deal with the hardship requests from those countries seriously harmed by the sanctions.

<sup>48</sup>Senator Pell entered into the *Record* a letter from Jimmy Carter which read in part: "Iraq's obduracy and U.S. quibbling over meeting dates and 'linkage' have moved us slowly but inexorably toward military action. . . . There is no reason why the international community should not accept the concept of a peace conference to deal with broader regional issues. . . . If necessary to save face, we can continue to deny what everyone knows: that linkage does exist." *Congressional Record* (11 January 1991): S 269.

people like Senator Wallop that those calling for continued sanctions could not see these apparent truths.

Besides the question of last resort, many Senators opposed the Dole-Warner resolution because the cost of combat would be largely disproportionate to the anticipated good. "If," in Senator Harkin's words, "Americans were to die in fighting Iraq, only the tragic loss inflicted on their families would be permanent, while any results achieved would be ephemeral."<sup>49</sup> Here Senator Harkin appeared to expect high American casualties in the course of fighting a war in a chronically unstable region. He believed that rather than contributing to the security of the region, a war with Iraq was more likely to destabilize the region even further. Hence, a heavy price would be paid in American blood and treasure to achieve nothing, or perhaps even a worse situation, in the end. If such a consequence were to occur, the war would harm rather than benefit the American body politic. If this doubt did indeed restrain Senator Harkin, then clearly he needed convincing that the evil of war was proportional to the anticipated good.

Senator Riegle expressed similar concerns in addition to his doubts about whether the United States had a reasonable chance of success. Referring to the Vietnam war, he argued that if John F. Kennedy or Lyndon Johnson knew that it would eventually take 55,000 dead and 200,000 wounded, they would have decided, "no, we are not going ahead with it; it is not worth it." And, in the Senator's view, "it is not going to be any easier in this situation."<sup>50</sup> But to add to this "terrible if," Senator Riegle read from and

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<sup>49</sup>*Congressional Record* (11 January 1991): S 220.

<sup>50</sup>*Congressional Record* (11 January 1991): S 215.

entered into the *Record* a letter he received from one of his constituents, a professor of Middle East history at Michigan State University. The letter is notable because it is long on questions but short on answers: the stuff that Sir Winston Churchill's "terrible ifs" are made of. After providing a list of ten questions such as "Will there be a Kuwait left to return to sovereignty?" and, "Will Iraqi civilians who survive our bombing be likely 'good citizens' in the New World Order?" and, "Is it not likely that there will be civilian casualties of a terrorist campaign as a part of this war?" and, "Will Israel be more likely to be able to move in the direction of peace with the Arab world?" the person goes on to write:

Is it not a better alternative to take the 'high ground' and call upon the international community (in the hopes of avoiding civilian and non-combatant casualties, and in the hopes of preserving the stability of the rest of the Middle East) to tighten the sanctions, to isolate Iraq from the world community, to send home their diplomats and close world airports to their planes, to seize all Iraqi assets outside of Iraq, and to make it thus more likely that there would be, in time, an internal (Iraqi) solution to Hussein?

Is this too much of a sacrifice to make in order to avoid the collapse of the Middle Eastern political order, and to avoid the tens of thousands of deaths which the military option now would produce?<sup>51</sup>

Far be it from me to say that these questions are based on unreasonable doubts and fears. The consequences of war are always unpredictable, as I am sure the person who raised these questions certainly would now agree. The Senators who supported the Dole-Warner resolution, however, were not as moved by the questions as they could have been if their author had suggested some answers to them as well. Regardless, the questions, fears, and doubts bear upon the just war criteria of proportionality. If most of

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<sup>51</sup>*Congressional Record* (11 January 1991): S 217.

Senators had been convinced that the anticipated good from going to war would be disproportionate to the expected costs of waging it, they would have surely decided that war was not the best alternative for the country. Indeed, fidelity to *the* American national interest would have compelled them to reject the war option if they were convinced that it would have been a replay of the Vietnam debacle. And such a decision would have been rendered even though almost everyone agreed that they had a just cause--i.e, a legitimate interest--to war against Iraq. Thus, to act in *the* national interest does not necessarily involve pursuing national *interests*, vital or otherwise. Sometimes *the* national interest--conceived as an intrinsic principle of action--demands that otherwise legitimate national *interests* be sacrificed rather than pursued, and this is a very difficult choice to make under any circumstances. It is a choice that demands the virtue of prudence on the part of those whose role in the body politic insists that *they* make it and not someone else.

Having examined the deliberations of the United States Senate on the question of war in light of a clarified understanding of national interest, the crucial issues are brought into view more clearly. This, however, does not render the decision any easier. It simply brings to light specifically what it was that needed to be decided upon. I have shifted the burden of decision away from a tangled conception of national interest to specific questions about just war criteria as the real source of difficulty in rendering the decision to go to war. But does "national interest" distinguished and understood as an intrinsic principle of action, on the one hand, and as an objective desired for the benefit of the body politic, on the other, help to clarify some of the subsequent judgements made about

the decision to go to war? I shall turn to this question in the next chapter.

## CHAPTER EIGHT

### JUDGEMENTS ABOUT CHOICE

It will be recalled that among those who employ the idea of the national interest in their discourse (contrasted with those who seek to understand it), a distinction can be drawn between those who advance *general* and *specific* substantive conceptions of national interest. And, of those advancing specific substantive conceptions, some do so before the event in question (e.g., the United States senators) and some do so after the event in question in order to judge decisions already taken. In the context of the Gulf War, the arguments of Christopher Layne and Joseph S. Nye Jr. fit into this latter category.<sup>1</sup> In other words, both these authors employ the idea of the national interest in order to render their respective judgements about whether or not America was justified in going to war against Iraq.

The purpose for examining their arguments, however, is not to determine which author is right but, rather, to determine if "national" interest conceived either as a motive (i.e., *the* national interest) or as an objective (i.e., *a* national interest) helps to bring to light their substantive concerns--concerns that may have been obscured by the unspecified use of "national interest" in their respective arguments. A further purpose is to demonstrate that, by itself, even a clarified version of the idea of the national interest cannot by itself fully answer the fundamental, although *unexpressed*, question both Nye

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<sup>1</sup>Christopher Layne, "Why the Gulf War Was Not In the National Interest" *The Atlantic Monthly* (July 1991): 55, 65-81; Joseph S. Nye Jr., "Why the Gulf War Served the National Interest" *The Atlantic Monthly* (July 1991): 54, 56-64.

and Layne seek to answer, namely: was the American government really justified in deciding to go to war against Iraq?

Granted, the *expressed* question they attempt to answer is whether or not the Gulf War served the American national interest. But given the clarified understanding of national interest advanced in the foregoing chapters, it is not immediately evident precisely what specific knowledge the question seeks to determine. Are they asking whether or not American statesmen were motivated by *the* national interest in deciding to go to war? Are they asking whether the war actually accomplished the national *interests* or objectives sought by means of war? Or are they asking whether the declared objectives or interests are really *national* interests?

Of these three possible questions subsumed under the singular question "did the war serve the American national interest?" the first is a moral question concerning the "right intent" of means (a *jus ad bellum criterion*); the second is a historical question about the actual success of the chosen means; and the third question either seeks to determine the motives behind the actual choice of objectives, or seeks to determine whether the actual choice measures up to some kind of standard distinguishing national interests from other kinds of interests--whether that standard be a procedural one (as Nye employs) or a substantive "objective" one (as Layne attempts to employ). Regardless, there is a sense in which a negative answer to *any* of these subsumed questions can lead to a conclusion that war was unjustified. This largely explains the tremendous rhetorical power of the expression "national interest," particularly if one has set out to condemn a decision to go to war. For to effectively condemn such a decision, one can merely cast a

shadow of doubt--maliciously or otherwise--on any one of the subsumed questions. Alternatively, to be convinced that a war was unjustified, one needs only to harbour a doubt on any one of these questions. Since motives cannot be proven with absolute certainty, it is just as easy to cast a doubt as it is to harbour one about a statesman's motives. Likewise, it is very difficult to prove with absolute certainty that any given war actually achieved the desired objectives. Despite its brilliant military victory, was Iraq's invasion of Kuwait a success? Despite its brilliant military victory, did the United States achieve its objectives in the Persian Gulf? Restricting one's considerations to short term military questions, anyone can reasonably reassure themselves that both operations indeed achieved the desired results. Doubts can arise, however, when wider and "future" term considerations are brought to bear. For example, despite the military victory, did the war actually achieve the stability the United States government desired in the Middle East? This kind of question is difficult to answer with any degree of certainty because there still could be unforeseen consequences of the war that have not yet played themselves out. Nevertheless, the closer in time one is to the event, the easier it is to come up with reasonable scenarios that can cast a shadow of doubt *here and now* over *future* outcomes. Hence, because it is so easy to cast a shadow of doubt about things that are essentially indeterminate--i.e., motives and "the future"--the odds favour those arguments setting out to condemn any war in terms of the vaguely conceived "national interest." Conceiving "national interest" in specific terms either as a motive (i.e., *the* national interest) or as an objective (i.e., *a* national interest), on the other hand, cuts through the muddle and brings the substantive issues to light.

If Layne and Nye had employed a more clarified understanding of the idea of the national interest, they might have avoided some of the difficulties they encountered in their respective arguments. This, however, should be interpreted as an argumentative point and not a critical one because, obviously, the clarified conception I advance here was not available to them when they advanced their respective arguments. In other words, I examine their arguments in light of the clarified conception of national interest in order to illustrate the value of that conception, in addition to continuing the critique of some perennial misconceptions.

Essentially, both their arguments run into difficulties because they do not explicitly recognize that they are involved in a categorically moral enterprise--although this is particularly true in Layne's case. Nye, on the other hand, awkwardly attempts to introduce the notion of morality and value into the equation through a presumed national interest in "identity." In addition, they are unaware of some important distinctions and this leads them into inconsistencies and difficulties. Finally, they both appear to suppose that the idea of national interest is a sufficient ground for justifying their respective judgements--although Nye concedes that there are some questions of justification the idea of the national interest, as he conceives it, cannot answer.

It is evident that Nye and Layne are not asking whether the Gulf War served the American national interest out of idle curiosity--that is to say, they are not asking and answering the question in order to obtain theoretical knowledge purely for its own sake. Nor are they concerned with obtaining practical knowledge--that is to say, they are not asking and attempting to answer the question: given the circumstances *we* find ourselves

in, what should *we* do? Instead, they are essentially asking the question: given the circumstances *they* found themselves in at the time, did *they* do the right thing? Did the American government do the right thing by going to war with Iraq? But to ask whether someone did the right or the wrong thing is to ask a categorically moral question, and to answer it is to pass moral judgement on that person's actions. In this instance Nye judged that the American government (more or less) did the right thing and Layne judged that it did the wrong thing. In moral discourse, however, it is not good enough merely to pass judgement on another's actions: one must also offer a reason or justification for that judgement. In this case, the justification that each author employed to ground their respective judgements was the formula: national interest. If the purpose for which a concept is employed indicates the nature of that concept, the national interest clearly is a categorically moral concept.

Nevertheless, both Nye and Layne appear ambivalent about the nature of the question confronting them. They do not appear to be sure if it is a moral question or not. The ambivalence here probably stems--in addition to the tangle of questions subsumed by their explicit question--from the traditional assumption about the opposition between morality and the national interest. If one is talking about national interest, according to that assumption, one cannot--by definition--be talking about morality. As indicated, however, the traditional assumption should be rejected: if only to avoid the ambivalence it causes in arguments such as the ones Nye and Layne advance. Once it is recognized that the national interest is a categorically moral idea, there would be no doubt in anyone's mind that the question of whether or not the Gulf War was in the national

interest is a categorically moral question. Since Neither author appears to be clear about the nature of the question they confront, this ambivalence penetrates almost every aspect of their respective arguments.

When one examines the respective contributions of Nye and Layne in their July 1991 debate on whether or not the Gulf War served the American national interest, one immediately is stricken with the sense that they are, in many ways, arguing past each other. Since each grounds his mutually exclusive conclusion in "national interest," can they both be right? If not, who is right? Is there a common ground upon which to distinguish the relative merits of each of their arguments?

That each appears to be arguing past each other is due, in large part, to the perspective of "national interest" each adopts. Broadly speaking, Nye adopts the "subjectivist" view, and Layne adopts the "objectivist" view. The following discussion will further demonstrate that the objectivist view is entirely misconceived and that some modified version of the subjectivist view is more suitable. In short, both Nye and Layne's arguments are somewhat mistaken, although Nye seems to me to have a much better grasp of the issues at stake.

In addition to adopting the objectivist view and his failure to distinguish between the national interest and national interests, Layne is very much constrained by the traditional assumption about national interest and morality. In short, Layne appears to misunderstand both national interest and morality. Further, by employing a kind of "barrage" argument, Layne stumbles into a number of argumentative absurdities and self-contradictions. A "barrage" argument is one in which a great number of arguments are

advanced to support one's position without paying attention to whether those arguments are both internally consistent and consistent with each other. In addition to making it exceptionally difficult to extract whatever virtues there are in Layne's overall position, many of the arguments in his vast arsenal eventually cancel each other out. But his tendency to argue by barrage can probably be traced back to a fundamental weakness in his main position. The central problem of statecraft, as he sees it, is to determine which of a country's interests justify--from the standpoint of benefits to the body politic--going to war. I have argued that self defence and world order are those interests. But Layne does not specify any at all. Nor does he specify criteria for establishing the interests that would justify war. Yet, although he fails to perform this logically prior task, he nevertheless asserts that the national interests identified by the Bush administration did not meet those (undetermined) criteria. He either has criteria for distinguishing vital from lesser interests or he does not. If he does not have them he therefore cannot conclude that the American interests identified in the situation did not justify war. Because he either consciously or unconsciously recognized the gaping hole at the centre of his main argument, he was led to employ a barrage of arguments.

But this gaping hole, it will be recalled, is the fatal flaw in the objectivist position. Largely because no distinction is made between *the* national interest and *a* national interest, it is not recognized that the national interest enters the problem of choice long before the problem of choosing among the means even arises. Hence, far from being the "objective" criterion by means of which the best course of action is determined, the national interest is the reason that the problem of choice among alternatives arises in the

first place. And the solution to any problem cannot be the same as the problem itself. Nevertheless, in addition to his instructive errors, there are merits to his argument as well. And I shall point to these as I examine his argument in detail.

Nye avoids the "objectivist" errors because he essentially adopts a "subjectivist" stance. But he is not entirely free from difficulties. In addition to his failure to distinguish *the* national interest from *a* national interest, he fails to distinguish a society (in the classical sense of the term) and a non-social community. Consequently, he conceives the American body politic as a society in the classical sense. Having conceived the American body politic in this way, he binds himself to conceiving national interests as interests widely shared by American citizens. But not only is this unconvincing under almost any circumstances, it leads him into some serious difficulties particularly with respect to the idea of "identity." For if American foreign policy depended on the widely shared objectives among all American citizens, such policy probably would be non-existent. Perhaps what Nye really means to say is that the members of the American government (itself a society in the classical sense) are motivated by the national interest to pursue jointly those objectives they judge will best serve the body politic as a whole.

Not entirely different from Layne, Nye suggests that America had three objectives or interests in the context of the crisis, namely: oil, world order, and weapons proliferation. Layne, on the other hand, wavering between identifying them as real objectives and objectives merely cited by the Bush administration, suggests oil, the security of the region, and weapons proliferation. Given the discussion in the previous

chapter, however, it is meaningful to group the oil and security of the region concerns under the single heading "oil." Hence, Nye and Layne agree that the continued security and supply of Persian Gulf oil based on the current balance of power under existing rules of trade, and the destruction or control of Iraq's weapons of mass destruction were two of the (at least nominal) American objectives in the crisis.

Unlike Layne, however, Nye recognizes that a liberated Kuwait was also an objective of the United States. As a desired state of affairs for the benefit of the American body politic, this objective is meaningfully referred to as a national interest. Layne, by merely referring to the facts of the case, cannot deny that it was indeed a national interest, at least nominally. What he does deny is that the real *motive* for securing that objective was not *the* national interest. He suggests that the real motive for liberating Kuwait by force was the abstract "moral ideal" of world order embraced by members of the administration--an ideal displacing the proper motive, namely: *the* national interest. In short, he argues that the liberation of Kuwait *ought not* to have been a national interest because he suspects that this objective was inspired by the wrong motive, namely: an abstract moral ideal. Since I have no special insight into the hidden motives of others, I cannot dispute Layne's claim definitively. I can, however, refer to the last chapter and point out that there is no good reason to accept his claim either.

Regardless, the arguments advanced by Nye and Layne provide an instructive example of the distinction between the subjectivist and objectivist views of the national interest. The subjectivist (Nye) accepts the particular national interests as given because they were determined as such by the duly constituted political authority. The objectivist

(Layne), on the other hand, accepts the fact that a duly constituted political authority can posit a national interest, but he nevertheless denies that it is *really* a national interest. But to deny that a declared national interest is *really* a national interest, one must appeal to a standard that exists independently of the human agency actually positing that interest as such. One must appeal to a Platonic "Idea" or "form" subsisting independently of the world of immediate political facts. In other words, regardless of what the duly constituted political authority says the national interests are in a given situation, the objectivist claims to participate in a world of reality existing independently of the world of immediate political facts. And in rendering judgement about posited interests, they appeal to this world of realities, a world apprehended strictly by the intellect, in order to compare the "Idea" of a national interest with the posited ones. For Layne, the liberation of Kuwait simply did not fit his Platonic Idea of a national interest. Members of The United States government, on the other hand, would probably beg to differ.

Paradoxically, the objectivist also identifies himself as an international realist when he in fact is an epistemological idealist firmly rooted in the Platonic tradition. The subjectivist, on the other hand, appeals to the immediate world of political facts in order to determine what the national interests are in any given set of contingent circumstances. If the duly constituted political authority of the United States decides that a liberated Kuwait is a national interest, who is the foreign policy observer to say that it is not. In this sense, the subjectivist is an epistemological realist. This does not mean, however, that the foreign policy observer or citizen must bow before the pronouncements of national interest made by the duly constituted political authority. Presumably, the

responsible citizen or foreign policy observer is within his or her full rights to demand from that authority a full explanation as to how and why the declared interest actually benefits the body politic. But there is a big difference between doing this and merely asserting that the declared objective does not conform to the "Idea" or Platonic "Form" of national interest.

**Joseph S. Nye, Jr.**

The title to Joseph Nye's article suggests that the question he sets out to answer is whether or not the Gulf War served the American national interest and, if so, why. He proceeds to answer the question by first defining the national interest. In his definition, Nye mentions security, economic well being, and identity, on the one hand, and oil, weapons proliferation, and world order, on the other. He appears to recognize a distinction of sorts between these two groups of interests, but he does not identify the distinction as standing national interests, in the first instance, and context specific national interests, in the second. Failure to make this distinction leads to some confusion on his part. For example, he does not clearly distinguish in his mind "world order" as a standing national interest and "world order" as a context specific national interest.

Nevertheless, for Nye, "there is nothing mysterious about the national interest. It is simply the set of interests that are widely shared by Americans in their relations with the rest of the world."<sup>2</sup> And, unlike what the realists say, "the national interest is broader

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<sup>2</sup>Nye, p. 54

than protection against geopolitical threats."<sup>3</sup> That is to say, although security is clearly a standing national interest, it does not exhaust all the standing national interests a country might have.

Further, Nye notes that foreign policy experts calling themselves realists deny that "values can be a part of the national interest," thus tending to equate the security interest with the national interest. He counters this claim by asserting that "in a democracy the experts have no right to assert that their amoral preferences are the only correct way to define the national interest."<sup>4</sup> But he probably could have settled the issue about values on less controversial grounds. He simply could have asked: "is security a value or not?" His opponents would have to concede that it is. Nevertheless, along with security, Nye mentions three other standing national interests, namely, material wealth, world order and, curiously, identity.

It will be recalled that there is a crucial distinction between "*the* national interest," on the one hand, and "*a* national interest," on the other. It also will be recalled that whereas "*the* national interest" is an intrinsic principle of action, "*a* national interest" is a particular state of affairs desired in the context of contingent circumstances. Further, "*a* national interest" cannot be a material thing (e.g., oil), nor can it be an action or activity (e.g., warring). Instead, *a* national interest is always a more or less specified state of affairs: whether it be a continued supply of oil within a given price range or a price determined in a specified way, a world free from acts of aggression, or the security of a

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<sup>3</sup>Nye, p. 56

<sup>4</sup>Nye, p. 56.

body politic from foreign acts of aggression or armed coercion.

In his conception of national interest, Nye more or less conceives national *interests* as states of affairs--with the important exception of "identity." But he errs by conceiving *the* national interest as merely a collection of national *interests*. Instead of conceiving *the* national interest as an intrinsic principle of action, he conceives of it as a kind of "basket" within which all the national *interests* are held. This is an innocent mistake because, after all, it is not only acceptable but very common to refer to some state of affairs as being "in" the national interest: like when it is said that material wealth is *in* the national interest, or security is *in* the national interest.

But despite its innocence, this mistake is one of the causes for all the confusion surrounding the idea of the national interest. Nye is mistaken, then, by asserting that *the* national interest

is simply the set of interests that are widely shared by Americans in their relations with the rest of the world. . . . In a democracy the national interest is what a majority, after discussion and debate, decides are its legitimate long-run shared interests in relation to the outside world.<sup>5</sup>

On the contrary, the fact of the matter is that nobody decides what *the* national interest is regardless of how much they discuss and debate it. They do, however, decide what the national *interests* are in a given concrete situation. Further, that statesmen ought to make decisions about *national* interests and not *particular* interests or even *self* interests highlights *the* national interest not as a state of affairs but as an intrinsic principle of action. For if it can be proven that a person acting in the capacity of statesman is acting

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<sup>5</sup>Nye, pp. 54, 56.

in his self interest, say, by lining his pockets with public funds, or if it can be proven that he is acting for a particular interest, say, by granting his pals lucrative contracts, he would be found guilty of being in conflict of interest.

When a statesman is found guilty of being in conflict of interest, this means that in his capacity as statesman his actions were judged by competent authority to be guided by an interest other than the national interest. It is in this sense that the national interest is an intrinsic principle of action. In the first place, It involves a recognition on the part of the individual that the national interest is distinct from his own personal interests and, when acting in the capacity of statesman, if in any concrete situation his personal interests and national interests conflict, it involves an obligation to sacrifice his personal interests to the national interests. This is what is called maintaining fidelity to one's role or office. And what it is that defines that office is the end for which it was designed to fulfil. The end of the office of statesman is the national interest. When a person wears the "hat" of statesman, he adopts the national interest as the principle of his actions--that is, the end or motive of his actions. The end of his office becomes an intrinsic principle of his actions while he is exercising that office. Among other things, the degree to which he fulfils the office depends on his fidelity toward its end. It also depends on his own ability to fulfil that office well, and this ability is embodied first and foremost by the virtue of prudence. Unless a statesman is blessed with at least this virtue, he is in the wrong business.

*The* national interest, then, is not what the majority decides through discussion and debate. Nor is *the* national interest what a country's leaders decide. Instead, it is the

end toward which a person's actions are directed while acting in the capacity of statesman. It is an intrinsic principle of action. In a democracy like the United States, national *interests* may very well be determined by discussion and debate. They may very well be what the majority decides after such deliberations take place. But which majority is being referred to here? The majority of citizens? The majority of representatives? Nye does not specify which, but he nevertheless appears to imply the majority of citizens. Granted, he is merely glossing over painstaking and time consuming distinctions in political philosophy by not specifying the majority referred to. But, as argued in chapter four, this kind of gloss contributes to a great deal of confusion about the idea of the national interest.

Hence, in addition to conceiving erroneously the body politic as a society in the classical sense, he also fails to distinguish between delegate and representative democracy.<sup>6</sup> On the one hand, he must know that, particularly on matters of foreign policy, the United States is not a delegate democracy. On the other hand, however, he talks as though it is one with respect to such matters. He refers to national interests as if they were decided by the majority of American citizens when in fact on questions of war they are decided by the majority of Senators and Representatives, on the one hand, and the President and his administration, on the other. Further, his definition of the national interest as those interests widely shared by citizens indicates that Nye conceives the American body politic as a society in the classical sense. In short, Nye does not

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<sup>6</sup>For a cogent discussion of this distinction, see J. S. Mill, *On Representative Government*.

distinguish between a society in the classical sense and a non-social community. Thus, although Nye defines national interests as those that are "widely shared" by Americans, they are in fact determined by the people responsible to make such determinations. And they make these determinations not in the abstract but, rather, in the context of particular contingent circumstances.

That national interests are whatever a country's decisionmakers declare in any given situation is the most important insight of what Rosenau calls the "subjectivist" approach to the problem of the national interest. But other subjectivists in addition to Nye often confuse the issue by failing to make a clear distinction between national *interests* and *the* national interest. Furniss and Snyder, for example, say that "the national interest is what the nation, i.e., the decision-maker, decides it is."<sup>7</sup> On reflection, however, it is evident that what is referred to by the expression "the national interest" in the statement by Furniss and Snyder is "*the* most important national *interest* or *interests* in *this* situation *here and now*."

The subjectivists also err by making the assumption that *the* national interest is something "out there" in the body politic--that is, an aggregate of values and wants widely shared by the populace--and that the decisionmaker somehow mirrors this aggregate in deciding upon which national interests to pursue in any given situation. Hence, the subjectivist moves back and forth between conceptions of *the* national interest as particular national *interests* in a given situation, and the national interest conceived as

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<sup>7</sup>Edgar S. Furniss and Richard C. Snyder, *An Introduction to American Foreign Policy* (New York: Rinehart, 1955), p. 17.

a kind of "basket" holding the aggregate of wants and values widely shared by the members of the body politic. As indicated in chapter four, this assumption is based on a dubious political theory--on a supposition that the body politic is a society in the classical sense of the term. Nevertheless, and despite these errors, the most important "subjectivist" insight--i.e., that national interests are determined in each particular set of contingent circumstances by those responsible for making such determinations--holds firm nonetheless.

Having accounted for some of Nye's errors which are common to the subjectivist position, and having identified the central valuable insight of that position that ought to be retained--namely: national *interests* are what the country's decision makers decide--let me now turn to a discussion of the standing national interests he mentions, namely: security, material wealth, order, and identity.

Nye argues that "the American people share an interest in world order." And they share an interest in world order not as an end in itself but, rather, to the extent it is instrumental in securing the other standing national interests of security, economic wealth, and identity. As indicated, however, it would be more accurate to say that *members of the American government* share world order as an objective, and they desire it because, in their collective judgement, such an objective would benefit the body politic. For to say that the American *people* share an interest is to conceive the American body politic as a society in the classical sense, which is entirely false. Nevertheless, the citizenry could very well share the benefits of that objective once it is secured.

With this major qualification in mind, one can now qualify and disqualify other

parts of his argument. One can modify his view that there are good reasons why Americans should care about order in distant parts of the globe by asserting that there may be good reasons why *members of the American government* should secure order in distant parts of the globe. But even with this crucial modification, the basic reasons for desiring such a state of affairs do not change, namely: "distant disorder can have effects that hurt, influence, or disturb the majority of people living within the United States."<sup>8</sup> In other words, no matter how much the citizens of the United States would like to be isolated from the effects of events outside its borders, the fact of the matter is that they are not. This condition of "not-isolation" Nye refers to as economic, military, social, and ecological interdependence. Although the expression "interdependence" is misleading in this context, there is no reason to reject Nye's basic point that it is difficult, if not impossible, for a citizen to remain untouched by the effects of events occurring outside the boundaries of one's country.

Given the fact of "not-isolation," Nye argues there are two reasons why Americans should be interested in world order. However, by displacing "Americans" with "members of the American government" his first reason is qualified but his second reason is called into question. First, disorder outside the boundaries of the United States can have an adverse material effect on American lives. World order, then, would mean a world without such threats. On this point, Nye would probably not be disputed even by a hard-line isolationist.

His second reason, however, is highly contentious, if not positively dangerous.

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<sup>8</sup>Nye, p. 56.

Certain kinds of disorders, he argues, such as appalling human rights violations outside the boundaries of the United States, can arouse the discomfort of moral indignation in the minds of American citizens--like the long term atrocities of the Iraqi regime culminating in the invasion of Kuwait aroused the moral indignation of many American senators on 2 August 1990. A condition of world order, Nye presumes, would thus permit American citizens to go to bed every night with a clear conscience. Further, that such events can have an impact on American consciences reflect the values they hold--values subsumed by their identity. World order, conceived as a standing national interest, then, is a means to securing other standing national interests such as security, economic well being, and in the case of moral values, identity. It seems to me, however, that the American statesman must carefully balance this so called interest in identity and a clear interest in maintaining credibility. For those who express words of moral indignation are often not prepared to follow through on those words--as indicated in the last chapter. I do not suggest, however, that American statesmen should refrain from expressing their indignation about human atrocities occurring around the world. I am merely suggesting that there is much room for the operation of prudence on such questions.

Regardless, to the extent that national interests are always desired states of affairs, how does Nye's notion of "identity" as a standing national interest fit into this scheme? Clearly it does not. But does this mean that the scheme should be rejected? Or does it mean that Nye incorrectly conceived "identity" as a national interest? To the extent that I correctly understand what Nye means by "identity," I shall argue that he misconceives it as a national interest.

Identity has something to do with what an individual thinks about himself and, as such, it is not clear how this can be conceived as a standing national interest. One cannot deny that individuals, generally speaking, "care about their identity, self-image, and moral values."<sup>9</sup> But how can one go about describing this concern as a national interest? I think what Nye really means to say here is that Americans identify themselves in a significant way with their country--that is to say, their citizenship is a significant aspect of their identity. Consequently, they are concerned about their country's stature in the international community. How their country is perceived at the international level has a significant bearing on their personal identity.

But their country's stature in the international community is not the only aspect that bears upon their personal identity: their country's role does so as well. And how they define that role in their own minds depends on their moral values. It appears, however, that what Nye is referring to here as a concern about moral values is not so much a concern about how they personally ought to live their *own* lives but, rather, a concern about how people in other countries ought to live *theirs*. It is reasonable to suppose that this is what Nye means because he goes on to say that American citizens "differ in the extent to which they want their government's foreign policy to express their preferences for democracy [and] human rights" in other parts of the world.<sup>10</sup> The extent to which the American government is instrumental in establishing or protecting democratic regimes and improving the condition of human rights around the globe, Nye implies, is the extent

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<sup>9</sup>Nye, p. 56.

<sup>10</sup>Nye, p. 56.

to which a sense of national pride is engendered in the population. It should be immediately evident, however, that this is an extremely tricky business. Very often a short term sense of national pride in these kinds of situations can transform itself into a long term sense of national tragedy. The Vietnam war is perhaps the most cogent reminder. Further, this question, or questions like it, lies at the centre of the debate between so called "realists" and "idealists." But if there is one thing that both "idealists" and "realists" can probably agree on, it is that "identity" in the way Nye conceives it here clearly is *not* a national interest. Instead, it is a call for a foreign policy grounded in a form of self-righteousness. It is not clear to me how such a stance can benefit anybody politic.

Nye connects his supposed "identity" interest with the "world order" objective. This connection, however, is accomplished merely by association and not by argument. Consequently, the remainder of his argument neither rests nor falls on his "identity" interest. In fact, he never mentions it again. He simply proceeds with his argument about the context specific interests of oil, world order, and weapons proliferation in the course of addressing the question about whether or not the Gulf War served those interests.

That the United States had interests in the region, Nye is certain. That the Gulf war was justified, he is not entirely sure. Although he leans to the "yes" side and suspects that his reason for doing so has something to do with American "identity, self-image, and moral values."<sup>11</sup> However, as argued at length in the last chapter, world order can be conceived in terms of interests and does not entail subscription either to self-

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<sup>11</sup>Nye, p. 56.

righteousness or to a morality of ideals.

Conceived as a context specific objective, then, what does world order have to do with the crisis in the Persian Gulf? In other words, "how might Americans have been hurt if the United States had continued to have 'no opinion' on inter-Arab disputes?"<sup>12</sup> He answers this question along with the two other specific national interests identified in the context of the Gulf crisis, namely: oil, and weapons-proliferation. More specifically, the United States desired to maintain the current world supply of oil at more or less current prices. The Iraqi invasion of Kuwait, in Nye's view, had the potential of raising world oil prices dramatically thus introducing the danger of shocking the U.S. economy into a recession.

On the world order front, the United States had an interest in taking this post Cold war opportunity to give substantive credence to existing collective security provisions of the UN Charter and hence to discourage future acts of aggression, particularly those acts that might have a potential or actual negative impact on the United States. The reasonable assumption Nye makes here is that if the law is never enforced, chances are that it will not regularly be obeyed. The Cold War, although a form of world order in itself, afforded few opportunities for the world to collectively and, thus, effectively enforce the basic principles of peaceful coexistence embodied by the UN Charter.

Finally, on the weapons-proliferation question, Nye points out the degree to which Iraq was a regional threat. Not only did Saddam Hussein possess frightening weapons of mass destruction, he demonstrated his willingness to use them on a variety of

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<sup>12</sup>Nye, p. 57.

occasions. However, Nye recognizes that Iraqi weapons posed an indirect rather than a direct threat to American security. The direct threat Iraq posed was to its neighbours in the region--a region where the United States not only has many commitments, but one which contains most of the world's known oil reserves. Hence, the character of the Iraqi regime in addition to the nature and number of weapons it controlled, posed a long term and lingering potential threat to the state of affairs the United States government desired to maintain in the region.

But having identified what he considers to have been the three main American national interests which became salient in the context of the Gulf crisis, Nye argues nevertheless that their existence "does not automatically justify all the actions that the United States took to promote them."<sup>13</sup> This is a very important point. For to say that a war serves American national interests is not to say that those interests provide a sufficient justification for going to war. After all, it could be argued that the invasion of Kuwait served Iraqi national interests (or Saddam Hussein's regime interests, as the case may be) but nobody outside Iraq considered them as a sufficient justification for the action. On the other hand, it is difficult to imagine a sufficient justification for war that does not include one or more national interests. National interests for Nye, then, are necessary but insufficient constituents of any justification for going to war.

Nye argues, then, that although the Gulf war may have served some context specific national interests, he is not sure if those interests justified war. He is uncertain because "a number of issues are open to debate." For example, "could collective security

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<sup>13</sup>Nye, p. 62.

have been enforced by sanctions alone, or would the international coalition have collapsed long before sanctions persuaded Iraq to withdraw from Kuwait?" Nevertheless, his "own guess is that the coalition would not have held together long enough for sanctions to have persuaded Saddam Hussein to leave Kuwait. . . ." <sup>14</sup>

Having said that, he notes that "the purpose of raising these questions is not to answer them here but to illustrate that even when there is agreement that national interests exist, how to advance them can still be debatable." <sup>15</sup> If only by intuition, Nye knows that justifying war has something to do with national interests in addition to something else, although he does not know what that "something else" is. Thus, for Nye, "national interests" and "something else" constitute a sufficient justification for war.

### **Christopher Layne**

Much more forcefully than Nye, Layne is essentially answering the question: was the Gulf War *justified* by American National interests? And he answers plainly that the American interests at stake in the crisis were insufficient to justify it. Although both recognize that justifications for war have something to do with interests, a main point of difference between the two scholars is that the Layne supposes (incorrectly) that a sufficient justification is embodied by certain kinds of interests (i.e., "vital" interests), whereas the Nye supposes (correctly) that interests are simply a necessary part of a sufficient justification. In other words, both Layne and Nye ultimately agree that there

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<sup>14</sup>Nye, p. 62.

<sup>15</sup>Nye, p. 62.

were indeed American interests at stake in the region. However, whereas Layne argues that those interests, because they were not vital interests, did not justify war, Nye eventually concedes that the interests were only a necessary part of a sufficient justification.

In view of the varied interests that a country's government might want to pursue in any situation: "the fundamental question of statecraft," and presumably one of the questions Layne is concerned about here, is to determine *which* interests justify going to war.<sup>16</sup> Although he does not attempt to answer this question himself, he nevertheless concludes that in no way during the Gulf crisis "did concrete U.S. national interests necessitate fighting a war."<sup>17</sup>

Layne begins by citing the three context specific national interests identified by the Bush administration in the course of justifying the Gulf War, namely: "the need to guarantee an uninterrupted flow of Middle East oil . . . the need to counter the threat to the Middle East posed by Iraq's military arsenal . . . and the need to ensure peace and stability in the Middle East."<sup>18</sup> Layne does not deny that these were indeed desirable objectives. What he is unsure about is whether they were desirable *American* objectives and, even if they were, whether they were indeed achievable. But even if they were indeed desirable and achievable American objectives, he explicitly denies that war was the best means for achieving them. Further, he argues that the latter of these interests

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<sup>16</sup>Layne, p. 55.

<sup>17</sup>Layne, p. 71.

<sup>18</sup>Layne, p. 55.

may have been harmed rather than helped by the war. The oil concern, he argues, was solved by Operation Desert Shield which included the defence of Saudi Arabia, the effective containment of Iraq, and the economic embargo; the concern about Iraqi nuclear weapons, he argues, was entirely unfounded; and the hope for obtaining Middle East peace and stability, he asserts, was and remains a chimera.

Layne admits that continued world access to Persian Gulf--in particular Saudi Arabian--oil reserves is an important American objective, "but not important enough to *justify* the Gulf War."<sup>19</sup> The potential threat that Iraq posed to this important interest "could have been--and *was*--countered without war through deterrence, containment, and the economic embargo of Iraq."<sup>20</sup> Layne is perfectly correct on this point. The immediate potential threat to the world's oil supply was indeed removed by Operation Desert Shield. Consequently, Iraq would not be in a position to hold the world for ransom on the basis of controlling merely 20% of the world's oil reserves (the estimated percentage of Iraq and Kuwait's combined totals). Had he invaded Saudi Arabia as well, however, the story would have been quite different. But he was prevented from doing so, regardless of whether he actually intended to or not. Consequently, Saddam Hussein was left fully dependent on the mercy of world oil markets to earn any monetary benefits from his newly acquired oil possessions. If the rest of the world refused to buy his oil, or if they refused to allow any goods to reach Iraq, the country would eventually give up Kuwait, and world order would be restored, through the process of "strangulation."

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<sup>19</sup>Layne, p. 55. Emphasis added.

<sup>20</sup>Layne, pp. 55, 65.

On the Iraqi weapons question, Layne suggests that the Bush administration was being opportunistic rather than genuinely concerned. He argues that:

the Administration apparently discovered the Iraqi nuclear threat when it read the results of a New York Times/CBS poll [in November 1990] which suggested that of all the reasons offered as justification for fighting Iraq, the only one resonating with the American public was the need to keep Saddam Hussein's finger off the nuclear trigger. Within days Bush was warning that Iraq was only a few months away from detonating a crude nuclear device and that the United States itself could be imperiled.<sup>21</sup>

Layne concludes that the notion of Iraq as an imminent nuclear power was given greater emphasis by the Bush administration not only because it evidently appealed to the American populace as a legitimate justification, but in order "to undercut those who wanted to give economic sanctions an additional twelve to eighteen months to work before war was considered."<sup>22</sup>

However, whatever virtue there is in these remarks, Layne compromises them by venturing to say more on the issue. "The spread of nuclear weapons," he argues, "need not in itself be destabilizing" because such weapons "incline their possessors to risk-averse rather than risk-taking behaviour." But Layne further concedes that "there is always a possibility . . . that nuclear weapons could fall into the hands of a 'crazy' regime." And, as "the U.S. air campaign in 1991 [against Iraq] demonstrated . . . such a regime could be disarmed without incurring the political, diplomatic, and military risks . . . of engaging in a major land war."<sup>23</sup> Given Layne's central contention that American

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<sup>21</sup>Layne, p. 65.

<sup>22</sup>Layne, p. 65.

<sup>23</sup>Layne, p. 66.

objectives in the region did not justify war, these additional remarks are rather curious because they evidently contradict that contention.

Does he concede here that Saddam Hussein's regime is one that cannot be trusted with nuclear weapons? Does he concede here that the current Iraqi regime as a nuclear power probably would not conform to the norm of risk-averse behaviour? Does he concede here that offensive military power is justified against such a regime? It is evident that he does concede these points. The only thing that he does not concede is the use of *land* forces. Either Layne forgets that a justification for waging war in the first place is presupposed by the question about how the war is to be waged, or he forgets that massive air bombardment and offensive land operations are both acts of war. Hence, if Layne concedes that American interests justified the use of offensive air power in order to disarm a "crazy" regime, he cannot use the same kind of argument to condemn the use of land forces. Interests either justify war or they do not, and how the war is to be conducted--whether with air power or with land power--is a secondary question which presupposes that going to war in the first place has already been justified.<sup>24</sup>

On the Middle East stability issue, Layne concedes that this too is a desirable objective, and perhaps even desirable for the United States. But he has doubts about whether such an objective is achievable even under the best of conditions. Further, the

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<sup>24</sup>It is true that any justification for fighting will embody some idea about how the war will be fought. The just war criterion of "reasonable chance of success" demands this. For to presume that one will be successful presupposes some consideration about how the war will be conducted. But this is not the position Layne is advancing. He contradicts himself because, on the one hand, he asserts, that war was unjustified and, on the other hand, that the use of offensive airpower was justified.

long term effects of the war, in his view, would only exacerbate the situation. But the question Layne begins with here is: did the Gulf War hinder or help America's long term objectives regarding Middle East peace and stability? And presumably in order to criticize the decision to fight, he answers: "notwithstanding America's brilliant military victory, the final verdict on the Gulf War has yet to be rendered."<sup>25</sup> In other words, he really does not know yet whether the means chosen secured the desired objective. But it is beyond comprehension how he can conceive such a reply as a criticism of the decision to fight. Either the jury is still out or it is not. Nevertheless, such an argument succeeds in casting a shadow of doubt.

Despite his insubstantial and sometimes contradictory "barrage" arguments, the bottom line is that Layne eventually concedes that three American interests indeed arose in the context of Iraq's invasion of Kuwait. At best, he is simply telling us that he would not have made the same choices that the United States government made regarding the means used in pursuit of those objectives. Although he sometimes compromises his position, he leans toward the judgement that the American interests identified in the region were insufficient justifications for war--*viz.*, they were "not worth the bones of a single American soldier."<sup>26</sup>

That vital interests, for Layne, constitute a necessary and sufficient justification for war is clear. He simply is not convinced that American interests in the Gulf were *vital* interests. What it is that serves as a justification for war in Layne's view, then, is not

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<sup>25</sup>Layne, p. 66.

<sup>26</sup>Layne, p. 68.

so much *the* national interest, as vital national *interests*. Unfortunately, he does not tell us what a vital national interest might be, nor does he tell us the criteria for determining such an interest. He simply asserts that the interests he identifies in light of the Gulf situation were not vital interests, whereas the Bush administration--and, as is evident from the discussion in the last chapter, the United States Senate--asserted they were.

Further, he identifies "world order" not as an interest but as a moral idea, and is convinced that this is what actually drove American policy in the Gulf. Since the American objectives in the Gulf were not "vital" interests, and since the United States went to war anyway, the Bush administration could not possibly have been guided in their actions by *the* national interest. Instead, they must have been guided by moral ideals--in particular, the "moral ideal" of world order. In Layne's words:

The Bush Administration advanced two lines of argument to explain its policy. One framed the policy in traditional national-interest terms. The other placed the Middle East crisis within the context of Washington's new-world-order objectives. If the former reasons do not hold up when examined, it can readily be inferred that the latter actually drove U.S. policy.<sup>27</sup>

Hence, according to Layne, American policy in the Gulf did not emerge from the mainsprings of the national interest but, rather, from the mainsprings of "the American foreign-policy elite's values and premises, which are encapsulated in the new-world-order concept."<sup>28</sup>

However, he also speaks of "world order" as a desirable, but nevertheless

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<sup>27</sup>Layne, p. 68.

<sup>28</sup>Layne, p. 68.

unobtainable, objective for *all* states, including, presumably, the United States. On the other hand, he also argues that some semblance of world order can and has been achieved by the balance of power. This raises the question about where Layne really stands on the question of world order: is it a moral ideal or is it a national interest? Is it achievable or is it not achievable?

Conceding that world order is indeed a national interest after all, Layne makes the mistake in supposing that a "theory" of international relations will do the job of achieving it. This is an odd argument because *people* and not *theories* (let alone *states*) are the real actors in international relations. Because Layne holds the Bush administration responsible for its actions, he must therefore embrace the doctrine of free will. For if the members of the Bush administration had no choice but to do what they actually did, they cannot be held responsible. Since Layne clearly embraces the doctrine of free will, he therefore forgets that theories of international relations do not *ordain* action, and that they are merely abstract accounts or explanations of actions that have already occurred. Regardless, world order, he argues, can be achieved not through the operation of American foreign policy but, rather, through the operation of the "balance of power" theory:

As the political scientist Kenneth Waltz . . . has pointed out, because nations want to preserve their independence, they form alliances-- "balance"--against extremely powerful or very threatening regimes. . . . The balancing tendency is richly illustrated in European history. The successive hegemonic bids of . . . the Kaiser, and Adolf Hitler were all frustrated by anti-hegemonic coalitions. . . .<sup>29</sup>

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<sup>29</sup>Layne, p. 74.

Although this may be an accurate account of what indeed has happened in European history--as such, it provides useful historical materials for a balance of power theory of international relations--Layne nevertheless concludes from this that United States should not have done what it did in the Gulf because "balancing will occur regardless of what the United States does."<sup>30</sup> But Layne appears to forget that if the United States itself did not play a pivotal role in countering the hegemonic bids of the Kaiser and Adolf Hitler, balancing would not have occurred or, if it did occur anyway, it probably would not have occurred in the way it actually did--that is, with the defeat and partition of Germany. The point here is that all the theory tells us is that balancing usually occurs and will probably continue to occur in the future. It does not tell us that the United States must be excluded from the balancing mechanism, nor does it tell us that balancing will occur in a way favourable to the United States if it merely stands by the sidelines and waits for the "theory" to play itself out in due course.

Where, then, does Layne stand on the question of world order? Is it an interest? Or is it a moral ideal? Perhaps Layne's apparent ambiguity on the question here is a consequence of the traditional assumption. He is torn on the question simply because he is convinced that anything having the appearance of a moral value cannot also be a national interest at the same time. All he needs to do is to reject the assumption and the ambiguity would disappear. There is no reason why some state of affairs that is morally good cannot also be a national interest. After all, the national interest is a categorically moral idea. And Layne both recognizes and fails to recognize it as such. On the one

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<sup>30</sup>Layne, p. 74

hand, he insists that the government *ought* to act in the national interest whereas, on the other hand, he insists that the government *ought not* act on moral principles. The real issue, then, is which moral principle the government ought to act upon. It is clear that Layne chooses *the* national interest and thereby conforms to conventional American political morality. However, what he is unsure of is whether world order is or is not *a* national interest. In the subjectivist view of national interest, world order is indeed a national interest because it was posited as such by the duly constituted political authority. Layne, the objectivist, is unsure either because he is still unable to apprehend the Platonic "form" of national interest, or because that Platonic "form" simply does not exist. He has not, after all, been able to tell us precisely what it is that distinguishes a "vital" from a "lesser" interest. If vital interests are defined as those interests which a country's government is prepared to fight for, then the interests identified by the American government in the Gulf were, by definition, vital interests. Not only was the American government *prepared* to fight for them, it *did* fight for them.

Hence, much of the ambivalence and confusion in Layne's argument is due to, on the one hand, a failure to distinguish between national *interests* and *the* national interest and, on the other hand, the tenacity of the traditional assumption that interest and morality are fundamentally opposed--that is, either a foreign policy is grounded in the national interest, or else it is grounded in morality. An additional cause of Layne's confusion is an insufficient understanding about the nature of morality. For that matter, probably the single most important reason for the tenacity of the traditional assumption is a misunderstanding of what morality is all about. For the traditional assumption equates

categorically moral conduct either to "altruistic" conduct, or to conduct that presumably is ordained by abstract moral ideals and imperatives. In this view of categorically moral conduct, any conduct that can even remotely be related to self-interest is automatically rejected from the "moral" category and relegated to the "self-interest" category. In the same view, however, saintly conduct would be rejected as moral conduct because it is possible that such a person could be motivated in part by a desire for the rewards of eternal life.

But the same view of morality can lead to the opposite extreme. Apparent self-interested conduct would be rejected as categorically self-interested conduct because it is possible that the goods sought for oneself can also serve as goods for others. It appears that Layne holds this view because even though he concedes that world order is an American interest, since it serves the interests of others as well, its pursuit must necessarily be grounded in abstract moral ideals. Further, since the interests of oil, weapons, and Middle East peace are not, in Layne's view, vital interests, and since it is evident that a desire for world order drove American policy in the Gulf, such policy was not, therefore, in the national interest but, rather, conformity with abstract moral ideals. "Such wars may be just," explains Layne, "and the war against brutal Saddam Hussein met the criteria for a just war--but by definition [such wars] are not necessary."<sup>31</sup>

A "necessary" war for Layne, then, is a war that is waged to serve vital American interests. In other words, American vital interests *justify* war, which is itself simply another way of saying that a "necessary" war is a "just" war. But how can this be

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<sup>31</sup>Layne, p. 78.

resolved with Layne's assertion that just wars are by definition not necessary? Perhaps the answer to this question lies with the answer to another question concerning why Layne may have been led into this inconsistency in the first place. The problem is that Layne is making a categorically moral argument despite his assertions to the contrary. If he simply recognized the fact he is making a moral argument, most of his inconsistencies would vanish and his real substantive concerns would be brought to light.

Despite his assertions to the contrary, Layne is arguing within the confines of the just war tradition. There is nothing inconsistent, as Layne evidently supposes there is, between being a "national interest realist," on the one hand, while at the same time appealing to the just war tradition of practical moral thought, on the other. Layne thinks they are inconsistent. But his mistake here is similar to his mistaken conception of morality--that is, his error is based on a misconception of the just war tradition. He thinks that the just war criterion of "just cause" exhausts the just war tradition of moral thought, whereas it is but only one aspect of it. For Layne, a necessary war is not only a war fought for vital national interests, it must also be the *last resort* for securing those interests. In other words, even though American interests might be at stake in any given situation--as he concedes there are American interests in this situation--war is only justified as an option of last resort. In Layne's view, sanctions were justified in the situation and they should have been given more time. Hence, his real point of contention does not concern the question of American vital interests. Instead, his main point is that other options short of war still existed and, consequently, war was not yet justified even though a just cause may have existed. In short, Layne--albeit unwittingly-- has stated a

just war imperative, namely: a just war must not only be fought for a just cause, it must also be fought only as a last resort.

There are at least two major flaws in Layne's overall argument. First, he conceives justice in terms of necessity and, consequently, falls victim to a fundamental category error--a consequence of the traditional assumption. Secondly, even though he does not attempt to establish criteria for determining *which* of a nation's interests justifies war, he nevertheless asserts that the context specific American national interests arising out of Iraq's invasion of Kuwait did not meet those criteria. The point here is that in order to argue that an interest does not meet the criteria of a "vital" interest--i.e., an interest which justifies, in Layne's view, going to war--one must at least attempt to establish what those criteria are. Since Layne did not attempt to establish those criteria, he has no grounds for asserting that the American interests arising out of the situation in the Persian Gulf did not meet them. For Layne, however, these criteria exist in a world independent of existing political facts. He denies that the interests posited by the duly constituted political authority were *real* national interests. But if the world of concrete political experience, for Layne, is not the real world, his real world must exist independently of that experience. Hence, although Layne identifies himself as an international realist, he is actually an epistemological idealist.

## CHAPTER NINE

### CONCLUSION

#### **The question of "vital" interests**

Underlying the debates outlined in the previous two chapters is an unresolved question about the status of "vital" national interests in relation to justifying the use of military force. Up to this point I have glossed over, circumvented, and otherwise down played the presumed distinction between "vital" and "lesser" national interests. It is now time to deal with it directly. I shall deal with it by considering the questions: Is the requirement to secure vital interests the test for the use of force? Or does the readiness to use force to secure particular objectives in a given situation establish those objectives as vital interests?

The notion that force should be used *only* when "vital" interests are at stake seems to me to be grounded in an entirely legitimate desire to establish some kind of threshold test meant to limit the use of such force--to *restrain* those who might otherwise be prepared to use force capriciously, gratuitously or ill-advisedly. Further, the desire to establish such a test is based on the judgement or conviction that unwise uses of force do not benefit the body politic. For that matter, such uses might ultimately prove disadvantageous. In short, the desire to formulate such a test is very much motivated by *the* national interest. And, the presumed "objective" elements in this test are the country's "vital" interests.

In light of this test the statesman, in the context of any given international

development, must first determine what his objectives are. He must then determine whether those interests are "vital" or "lesser" interests. And, finally, if they prove to be "lesser" rather than "vital" interests, he must consider using other means short of military force in order to secure them. In the words of Senator Sam Nunn:

When politicians declare an interest to be vital, our men and women in uniform are expected to put their lives at risk to defend that interest.

. . . We [therefore] have an obligation as leaders to distinguish between important interests . . . and interests that are vital, that are worth the calling by the leaders of this Nation on our young men and women in uniform to sacrifice, if necessary, their lives.

. . . Will I be able to look the parents, the wives, husbands and children in the eye and say that their loved ones sacrificed their lives for a cause vital to the United States and that there was no other reasonable alternative?

Mr President, at this time I cannot.<sup>1</sup>

It is evident, however, that the presumed "objective" elements of the otherwise desirable threshold test begin to show some cracks in light of Senator Nunn's remarks. Are vital interests objectively determined? Or are they a matter of human judgement? If they are a matter of human judgement, as Senator Nunn evidently concedes, what advantage does this test have over just war criteria--itself a threshold test--in helping the statesman decide whether or not to commit the country's armed forces to combat? It seems to me that there is no advantage. For that matter, there is a disadvantage because the just war tradition explicitly takes into account the frailty of human judgement whereas the "vital interest" test seems to presume that the frailty of human judgement in such complex and essentially indeterminate matters by means of an objective test. Nothing, it seems to me, can be more dangerous.

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<sup>1</sup>United States, *Congressional Record*, Vol. 137, no. 7 (11 January 1991): S 191-193.

But the "vital interest" test breaks down on additional points as well. In the way the test is conceived, it does not correspond to the reality of foreign policy decision making situations. At the very least, it does not correspond with the reality of the situation faced by American statesmen in the context of the Gulf crisis. In particular, it does not take into account the inherent "fluidity" of events--viz., it does not take into account the "real time" predicament that human beings face when making choices in a dynamic situation of continually changing circumstances. Except in the more obvious cases when one's own national territory comes under direct and surprise attack, it is rarely--if ever--*immediately* clear what one's overall and irrevocable objectives ought to be at the onset of every new development on the international stage. But even if such objectives are clear from the outset, the means that will ultimately be required cannot be known with absolute certainty. That kind of decision is reached by increment as the crisis unfolds.

By virtue of Iraq's invasion of Kuwait, American statesmen were responding to a change in the status quo. And the direction of their response was basically to restore that pre-invasion status quo. Like the "vital interest" test suggests, immediately following the invasion American statesmen had to confront the question about the impact of this new state of affairs on the United States--e.g., is there any impact? and, if so, is it favourable or unfavourable? The initial judgement that there is some kind of significant negative impact (or potentially significant negative impact) on the United States is often signified by an expression something like: "our national interests are at stake in this situation," or "our national interest (conceived as an aggregate of interests) is at stake in this situation."

Hence, in this context the expression "national interest" is used (non-operationally) to signify the judgement that immediate international developments have, or are likely to have, some kind of negative impact on the United States. It is merely a statement by government members (or by foreign policy observers) that a problem has arisen on the world stage which warrants the special attention by government. In terms of the psychology of choice outlined in chapter five, it is a pre-intentional statement. Specific objectives (national interests in the operational sense) in light of the new situation have not yet been established in their entirety. In short, the full range of desired and specifically defined states of affairs in light of recent undesirable events have yet to be fully apprehended at the onset of any new tangible development, particularly if they are unexpected.<sup>2</sup>

It is not surprising, then, that the initial response--particularly by members of Congress--would focus and dwell upon the most obvious manifestation of the new situation, namely: the blatant violation of a fundamental international norm. Despite the weaknesses of the "threshold test" criticized here, it might have been helpful if the senators at least reflected upon its precepts before assenting to the August resolution.

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<sup>2</sup>This does not mean that the decision-maker is left entirely in the cold at the onset of developments on the international stage. This is where broadly conceived "standing national interests" play a role. For example, Middle East stability and the continued world supply of Persian Gulf oil at more or less current prices are ongoing, hence "standing," objectives of the United States government. If the United States government did not have such standing interests in this situation, it is unlikely that President Bush would have acted as quickly as he did in freezing Kuwaiti assets and setting the ball in motion for bolstering the physical defence of Saudi Arabia. See Lawrence Freedman and Efraim Karsh, *The Gulf Conflict 1990-1991: Diplomacy and War in the New World Order* (Princeton: Princeton University Press, 1993), chapters 4 and 5; and, Bob Woodward, *The Commanders* (New York: Simon and Schuster, 1991).

Did they really have grounds to call for even a contingent use of American forces at such an early stage of the crisis? Does (or should) the public call for the use of force by Congress presuppose (or imply) that the use of force is already judged to be justified? If so, does this mean that American objectives had not only been identified by the Senate on 2 August 1990, but that they had also been declared as "vital" interests as well? Or does the "threshold test" only apply at some later stage in the crisis when specific objectives have been identified and courses of action short of combat have been taken but nevertheless have failed to achieve the desired results? I do not know what the definitive answers to these questions are, but it seems to me that the threshold test probably is intended to apply at a later stage of the crisis when it becomes more clearly evident that the objectives one set out to achieve in the first place can best be achieved by combat.

But if this is the case, the threshold test therefore collapses upon itself. This is because the key and, presumably, "objective" test for the use of force hinges on whether or not "vital," and not merely "important" interests are at stake. At what stage of the crisis are interests determined to be vital or merely important? If they are determined to be vital prior to or at the outset of the crisis then, by this test, force is automatically justified at a later stage in the crisis when it becomes evident they cannot be secured by means short of combat. If the interests were not vital prior to or at the onset of the crisis, how did the crisis manage to escalate to such a stage that force is being seriously considered?

If, on the other hand, "vital" interests are determined only when faced with the immediate prospect of using force--as Congress was faced with that prospect in mid

January 1991--they lose any credibility as constituting a valid "test" because it is manifestly evident that it is the immediate prospect of using force that raises questions about whether the interests one set out to pursue in the first place were really that important after all. What use is a "test" whose key standards are modified by virtue of having to apply that test?

Nevertheless, it is not surprising that national interests--*any* national interests--should come to be reassessed whenever it is obvious that combat will probably be needed in order to secure them. Are the objectives one initially set out to achieve really worth it given the blood and treasure that probably will have to be spent in order to achieve them? This, it seems to me, is the fundamental question that the slippery notion of "vital interests" tends to obscure. Just war thought, on the other hand, confronts the question directly by means of the *jus ad bellum* criteria of "reasonable chance of success" and, especially, "proportionality." Why attempt to "reinvent the wheel," so to speak, with a dubious "vital interest test" when a fifteen hundred year-old body of thought has been directed precisely at that important question the elusive notion of "vital interests" tends to obscure? Perhaps it is because, as Christopher Layne erroneously supposes, interests and morality are antithetical and, as he correctly supposes, just war thought is about morality.

It could be objected at this point that the vital interest "threshold test" as I have conceived it here is grossly oversimplified. How well, it might be asked, does the critique stand up to a more sophisticated threshold test such as the Weinberger doctrine? Although the Weinberger doctrine is, generally speaking, a very good test, portions of his test are subject to the same critique.

The basic question guiding Weinberger's search for a threshold test is this: "Under what circumstances, and by what means, does a great democracy such as [the United States] reach the painful decision that the use of military force is necessary to protect [its] interests or to carry out [its] national policy?"<sup>3</sup> Despite the phrasing of the question, it is clear that Weinberger is not interested in giving an historical account of when and how the United States has reached decisions to use force. Instead, he is asking: when and how *ought* the leaders of the United States decide to use force?

Of course, there are cases when the use of force is self-evidently justified as well as those when it is self-evidently unjustified. Whereas the use of force to repel a direct armed attack against the United States is self-evidently justified, according to Weinberger, the use of force "to invade, conquer or subjugate other peoples," is self-evidently unjustified. Hence, the problem as Weinberger sees it is to determine when the use of force is justified "for the host of other situations which fall between these extremes of defensive and aggressive force."<sup>4</sup> Further he is concerned with finding the median between cowardice and recklessness with respect to committing American forces to battle.

Some on the national scene think they can always avoid making tough decisions. Some reject entirely the question of whether any force can ever be used abroad. They want to avoid grappling with a complex issue . . .

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<sup>3</sup>Caspar W. Weinberger, "Text of Remarks by Secretary of Defense Caspar W. Weinberger to the National Press Club, November 28, 1994," reproduced in, *Fighting For Peace: Seven Critical Years in The Pentagon* (New York: Warner Books, 1990), p. 434.

<sup>4</sup>Caspar W. Weinberger, *Fighting For Peace: Seven Critical Years in the Pentagon* (New York: Warner Books, 1990), p. 435.

despite clever rhetoric disguising their purpose. . . . While they may maintain in principle that military force has a role in foreign policy, they are never willing to name the circumstance or the place where it would apply.

On the other side, some theorists argue that military force can be brought to bear in any crisis. Some of these proponents of force are eager to advocate its use even in limited amounts simply because they believe that if there are American forces of *any* size present they will somehow solve the problem.<sup>5</sup>

He then goes on to argue rather convincingly that either extreme can be (and has been) disastrous for the United States.

Hence, in addition to finding a test for the use of force in situations other than the obviously justified and unjustified ones, Weinberger also wants to establish the median between cowardice and recklessness—the median between two moral vices described by Aristotle and Aquinas as the virtue of courage. It will be recalled that the virtue necessary for finding the elusive median between the extremes of two vices is the moral virtue of prudence. Weinberger, then, has set out to establish a prudential test for the use of American forces abroad. A test that is "intended to sound a note of caution—caution that we must observe prior to committing forces to combat overseas. When we ask our military forces to risk their very lives in such situations, a note of caution is not only prudent, it is morally required."<sup>6</sup> Weinberger's test, then, can meaningfully be described as a threshold test: he attempts to outline the minimum conditions for the use of force and not a set of rules prescribing when force should be used. In this sense, the nature of the test is identical to the thrust of both just war criteria and the threshold test criticized

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<sup>5</sup>Weinberger, p. 436.

<sup>6</sup>Weinberger, p. 443.

above.

The six criteria Weinberger suggests are as follows:

(1) *First*, the United States should not commit forces to *combat* overseas unless the particular engagement or occasion is deemed vital to our national interest or that of our allies. That emphatically does not mean that we should *declare* beforehand, as we did with Korea in 1950, that a particular area is outside our strategic perimeter.

(2) *Second*, if we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are *unwilling* to commit the forces or resources necessary to achieve our objectives, we should not commit them at all. Of course if the particular situation requires only limited force to win our objectives, then we should not hesitate to commit forces sized accordingly. . . .

(3) *Third*, if we *do* decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that. As Clausewitz wrote, "No one starts a war--or rather, no one in his senses ought to do so--without first being clear in his mind what he intends to achieve by that war, and how he intends to conduct it."

(4) *Fourth*, the relationship between our objectives and the forces we have committed--their size, composition and disposition--must be continually reassessed and adjusted if necessary. Conditions and objectives invariably change during the course of a conflict. When they do change, then so must our combat requirements. We must continuously keep as a beacon light before us the basic questions: "*Is this conflict in our national interest?*" "Does our national interest require us to fight, to use force of arms? If the answers are "yes," then we must win. If the answers are "no," then we should not be in combat.

(5) *Fifth*, before the U.S. commits combat forces abroad, there must be some reasonable assurance we will have the support of the American people and their elected representatives in Congress. This support cannot be achieved unless we are candid in making clear the threats we face; the support cannot be sustained without continuing and close consultation. We cannot fight a battle with Congress at home while asking our troops to win a war overseas or, as in the case of Vietnam, in effect asking our troops not to win, but just to be there.

(6) Finally, the commitment of U.S. forces to combat should be a last resort.<sup>7</sup>

Let me begin by asserting that I think this test is essentially a good test. Unlike the previous test, it considers the fluidity of crisis situations and the constant need to reassess objectives in light of ongoing developments. It is grounded in the "real time" predicament that decision makers face in most crisis situations. Nevertheless, it is still plagued with an ambiguity which, once resolved, should make this essentially good test even better. The ambiguity concerns the status of "vital national interests" in the decision to fight, or not to fight, as the case may be. Are "vital national interests" *the* clearly defined objectives sought by means of combat? Or are they the independent standards upon which the decision to commit one's forces to combat hinges? Weinberger is split between these two positions. I contend that by conceiving vital national interests as *objectives* rather than as *standards*, the ambiguity of Weinberger's test is removed. Further, once interests are conceived as objectives rather than as standards, the designation "vital" interest is no longer of any use. Consequently, the problem of theoretically distinguishing vital and lesser interests in advance of any particular crisis detracts from rather than addresses the real problem of choice in such crises.

By conceiving interests as standards, Weinberger tends to put the cart before the horse. However, if they are conceived as objectives, the full force of his third criterion is brought to light. Conceived as politically determined objectives, there would be no mistake about what the statesman intends to achieve by war. This, of course, raises the

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<sup>7</sup>Weinberger, pp. 441-442.

question about whether those objectives, if achieved, will actually benefit the body politic. In other words, conceived as objectives, it does not answer the question about whether those politically declared national interests *really* will benefit the body politic. I have argued that the apprehension of national interests are motivated by *the* national interest. But having said that, there remains the intractable problem of determining motives. The politician might declare that his motive for choosing such and such an objective is *the* national interest, but how can an observer be sure about this? He or she cannot be absolutely certain. But he or she can be reasonably certain if the right questions are asked and the answers given to those questions prove satisfactory. And this leads into Weinberger's fifth standard.

If a politician insists that such and such an objective is in the national interest (another way of saying that the objective *is* a national interest), he is merely reaffirming the motive behind his choice of objectives (i.e., *the* national interest) and declaring that in his judgement this choice of objectives benefits the body politic. But one need not be satisfied with this response. For that matter, Weinberger's fifth standard insists that one ought not to be satisfied with it. The statesman must give reasons why he thinks those objectives will benefit the body politic. Unless the leadership is "candid in making clear the threats we face"--i.e., the threats for which the clearly defined objectives are meant to secure the country against--it is not likely to gain and maintain the support of the American people and their representatives. Unless the administration can convince the American people of the importance of the objectives sought by war, they ought not wage it.

However, in order to convince someone else of the importance of a given objective, he must himself first know what that objective is. And unless he knows what his objective is, it is senseless to commit troops to battle. Further, even if he does know what his objective is, and even if he can explain the importance of that objective to the citizenry, he still must not commit troops to battle unless he is reasonably convinced that all means short of war are unlikely to achieve that objective.

But if the foregoing remarks are correct, Weinberger's first criterion is either mistaken or redundant. It is mistaken if by "vital interest" he means an objective standard for the use of force. It is redundant if by "vital interest" he means an objective judged by the leadership to be important enough to use force in order to secure it, and that the American public has been convinced of its importance proportionate to the expected cost of blood and treasure.

In light of the foregoing remarks and qualifications, perhaps Weinberger's test can be rephrased this way:

*(1) Given our assessment of recent developments (e.g., the Iraqi invasion of Kuwait, or what have you), and our judgement about the actual immediate impact and the likely short- and long-term impact of those developments on the American body politic, what are our initial objectives, and how do those objectives benefit the body politic? In other words, what do we initially want to achieve and why?*

This first criterion largely corresponds to Weinberger's third, fifth and the spirit of the fourth criteria in the sense that if this criterion is met at the outset of the crisis, the statesman has gone a long way toward meeting those three criteria. It also corresponds to

the first four stages of Aquinas' "psychology of choice" outlined in chapter five, namely: the apprehension of one or more desirable objects (the objectives); the affective movement of the statesman's will toward those objects; an initial judgement that *some* means is available to achieve those objectives and; finally, the effective movement of the will toward the desired objectives--an intention stated in the words "we will . . . ."

Having selected the objectives, the statesman can then test the certainty of his knowledge about them (as well as his motives) by asking himself *why* those objectives ought to be pursued. Finally, this first criterion accounts for the fluidity of a crisis because it can be reapplied for each new development as the crisis unfolds.

Hence, this criterion must be applied continuously in light of the fluidity of events. It is an ongoing process throughout the crisis. As each new development in the situation unfolds, the statesman must continually test the initial objectives, discard some, and add others. If the statesman acts without knowing what objectives he intends to secure by whatever action he eventually takes, or the reasons why he must secure those objectives, his act is by definition a capricious one.<sup>8</sup> There is a sense in which the August second resolution passed by the United States Senate was a capricious act, as some senators took pains to point out at the time.

(2) *Given satisfactory answers to the questions posed by the first criterion, what is the best means (or combination of means) for achieving those objectives here and*

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<sup>8</sup>A capricious act is an act taken without morally certain knowledge about *why* one has taken it. The distinction between absolute, physical, and morally certain knowledge will be discussed in the next section of this chapter. For a detailed account of "caprice," in contrast with the notion of reasoned choices, see R. G. Collingwood, *The New Leviathan*, chapters 13 through 17.

now?

This second criterion embodies other criteria that can be employed to test each alternative means considered (e.g., the principle of double effect and just war criteria). In addition to taking into account Weinberger's first, second, and sixth criteria, this criterion also corresponds to the next four stages of Aquinas' "psychology of choice," namely: seeking and taking counsel, testing, and deliberation about means; consent to one or more (or even combinations of) means; judgement about best means to employ *here and now* (the judgement of conscience) and; finally, the choice or election of means to be employed *here and now* stated in the terms: we will . . . by means of . . . .

This is an immensely complex criterion and I am not sure I can give a satisfactory account of it. Not only must one take into account the fluidity of events, but also the concurrent activity within those events. Any given objective can consist of an immense variety of constituent objectives. Also, any given means can consist of an immense variety of constituent means. Consequently, when I refer to objectives and means, I shall speak of them in highly general terms such as "we will secure the liberation of Kuwait by means of economic sanctions," or "we will secure the liberation of Kuwait by means of combat." Further, even though one means is chosen here and now, the decision maker could also be considering and preparing additional means.

Regardless, except for the rare cases when, in Weinberger's view, combat is obviously justified--i.e., the immediate response to a direct armed attack on U.S. territory--it is unlikely that a decision to commit one's troops to combat will be made early in the crisis. In other words, even though that option might be under deliberation

and preparation *from* the outset of the crisis, a decision probably will not be made to commit them to battle *at* the outset. Nor should such a decision be made. Nevertheless, as argued in chapter six, just war criteria can be applied at any stage of the crisis when war is considered as a possible option. If all the standards are met at the outset of the crisis, there could be good reason to commit one's forces to battle at the outset. Without denying the possibility that all just war criteria can be met at the outset of a given crisis, in most cases they probably will not be met--particularly the criterion of last resort.

The basic point here is that the statesman *enters*--or, in Clausewitz's terms, he *ought* to enter--into any deliberation about war with an objective *already* in mind: an objective that could not be secured (or is not likely to be secured) by means short of war. Again, in Clausewitz's terms, he is out of his senses if he enters into such a deliberation *without* a clear objective in mind. For war is a means. And if a person considers a means before he considers the objective for which that means was meant to secure, he is acting capriciously. Further, consideration and apprehension of objectives is the first criterion--it is here that objectives are identified and the reasons are given for pursuing them. Consideration of means, on the other hand, is the second criterion--it is here that just war criteria are applied *if* war is considered as an option to secure those clearly defined objectives.

*Just Cause* demands that there be clearly defined objectives. For to determine if one's cause is just, one must first know what one's cause is. *Right Intent* demands a reason for one's objectives. For to determine the rightness of one's motives and reasons, one must first know what those reasons are. *Right Authority* demands the support of

Congress. For only Congress has the authority to declare war. *Probability of Success* demands a reasonable projection about the expected cost in blood and treasure that will be needed to secure the objective. For to determine if one is likely to be successful, one must have some idea about the resources that will be required and whether one actually has those resources.<sup>9</sup> *Proportionality* demands that the desired objectives be reconsidered in light of the likely cost for securing them. If the objective is judged to be "not worth the bones of one dead American soldier," then that objective should be abandoned. Further, this is where the statesman needs to possess the virtue prudence in order to strike the painfully elusive balance between recklessness and cowardice. Finally, *Last Resort*, demands that all other reasonable alternatives have failed, or are judged--beyond all prudent fear of error--not likely to succeed. Here again the statesman must possess the moral virtue of prudence in order to strike the balance between recklessness and cowardice.

(3) *Issue orders to appropriate agencies and persons specifying the objectives to be secured, the guidelines on how they are to be secured, and the resources they will be given in order to secure them.*

This criterion corresponds to Weinberger's second and third criteria; and Aquinas'

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<sup>9</sup>The criteria of right authority and probable chance of success poses somewhat of a dilemma for American decision makers. Whereas the authority to declare war is vested in Congress, the Executive has access to the detailed plans from which conclusions about the probable chance of success is derived. In short, the people who are required by the American Constitution to make the declaration of war, cannot deliberate publicly about one of the key criteria needed in order to render a fully informed and prudential decision. For, in the age of electronic communications, to reveal the contents of operational plans to the American public concurrently reveals them to the enemy as well, thus negating any operation's probable chance of success. I do not know the way out of this dilemma.

last two stages, namely: command and the completion of the act. In the case of war, instructions to the military commander must include what he is expected to achieve (the objective), when he is to achieve it by, and with what he is to achieve it. Anything less, as Weinberger indicates, is courting disaster. Without an active mission and sufficient resources to carry it out--whether the mission is "to defend," "to hold," "to block," "to destroy," "to neutralize," or what have you--the military force has forfeited the initiative to the enemy right from the start. In Weinberger's words, one cannot merely ask troops "just to be there."<sup>10</sup> However, if the first two criteria of the threshold test advanced here are followed, there should be little chance of this happening.

The three-fold threshold test suggested here, in addition to encapsulating a major portion of the argument advanced in the foregoing chapters, captures the spirit and essence of Weinberger's six-fold test. Further, it accomplishes it by doing away with the ambiguity inherent in the notion of a vital interest. In fact, the three-fold test is advanced without even using the words "national interest"--let alone "vital national interest." If one prefers to use "vital interest" or "interest," in the foregoing account, one simply needs to replace the word "objective(s)" with either one of them--it makes no difference. However, if "vital interest" is preferred, when one reaches the proportionality test and decides that the projected cost of any given war (past, present, or future) is not worth the bones of one dead American soldier, one will be faced with abandoning a "vital interest" rather than a mere national interest.

Hence, returning to the questions: is the requirement to secure vital interests the

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<sup>10</sup>Weinberger, p. 442.

test for the use of force? or does the readiness to use force to secure particular objectives in a given situation establish those objectives as vital interests? Everything I have argued so far suggests that the latter is true. Far from being the test or standard for the use of force, a vital national interest is the objective for which the use of force is justified. In other words, the decision to use force as a means for securing a given objective establishes that objective as a vital national interest. This conclusion will perhaps raise some discomfort because it seems to imply that even the most trivial objective forcefully secured by megalomaniac or self-deluded national leaders is therefore a vital national interest. There must be *some* standard for distinguishing between capricious, gratuitous, or mistaken uses of force, on the one hand, and legitimate uses of force, on the other. And that standard, it is suggested, is the notion of a vital national interest, namely: if vital national interests are at stake, then, and only then, is force justified. In the judgement of Senator Sam Nunn and Christopher Layne, among others, vital American national interests were not at stake in the Gulf crisis. Consequently, in their view, committing American forces to combat was not justified. But the three-fold test applied diligently should avoid ill-advised uses of force.

Further, as indicated in chapter five, to look for standards in national interests--vital or otherwise--is to look in the wrong place because such a project confuses means with the objectives to be secured by those means. Clearly, the use of force is a means. And the problem here is about choosing the best means to achieve the given objective--defined as a national interest. Any national interest, whether or not it is deemed a vital national interest, does not in itself settle the question of means. It *raises* the question of

means. Vital national interest conceived as a standard for judging which means to employ, then, is based on a profound confusion.

### **Conclusion**

In contrast to the view held by the international moral sceptic--a view generally associated with international Realism--I have shown in this thesis that the national interest is a *categorically* moral idea because it a motive for choice and, like all motives for choice, it is a proper object of study for moral philosophy. In terms of conventional American morality, on the other hand, it is a *qualitatively* moral idea because it is the end which ought to motivate the choices of means and objectives that statesmen make in their capacity as statesmen. To say that a statesman's choices of objectives and means for achieving those objectives ought to be in the national interest is merely to say that those choices must be intended to benefit the body politic and not some sub- or extra- national person or group of persons to the exclusion of the body politic. As a motive for action, the national interest cannot be--as the objectivists suppose--a substantively defined and objective external standard against which the actual choices of statesmen can be measured. It cannot solve the problem of deciding between two mutually exclusive policy options advanced by persons genuinely embracing the national interest as their motive of action. And this is so because there is no reason why two people, each motivated to do what is best for the body politic and not some other sub- or extra-national person or group of persons, cannot make different judgements about which objectives (interests) and which courses of action (means for achieving those interests) are best for

the body politic.

But to argue that *the* national interest is a motive for action and that *a* national interest is an objective--a state of affairs desired for the benefit of the body politic--to be secured by a physical act of some kind, does not exhaust the question of national interest. I have merely shown that the idea conceived as the antithesis of morality, in addition to being conceived as an objective standard against which policies can be measured, has led the debate astray. But having put the debate about the idea of the national interest back on what I believe to be the right track, new and compelling questions are encountered.<sup>11</sup>

Does it help to think of the national interest as a motive for action and national interests as desired states of affairs--desired in light of that motive--rather than thinking of "national interest" as a standard or criterion for measuring the respective merits of competing policy options? I have argued that it does help to do so, if only because the motive for seeking such a standard in the first place is itself *the* national interest. But having said that, a couple of nagging question still remain. First, how can one determine whether the national interest is indeed a given statesman 's motive of action? And, second, even if it can be--and is--determined that all statesmen in this situation "here and now" genuinely embrace the "right" motive, how does an observer determine which of the competing policy options is the best option?

With respect to the first question, the possibility of distinguishing between "right" and "wrong" motives suggests that such motives can be distinguished--viz., different

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<sup>11</sup>Properly speaking, the questions encountered are not new questions but, rather, perennially old questions which have been the common-fare of moral and political philosophers.

motives must have distinguishing features if they are to be classed as *different* motives. Further, is it not the central purpose of the objectivist project to establish the distinguishing features of the national interest? And doesn't this problem remain even if the national interest is conceived purely as an intrinsic principle of action or motive?<sup>12</sup> There is, after all, a sense in which Saddam Hussein's actions during the crisis were motivated by personal self-interest--or at best a regime interest--rather than the Iraqi national interest. However, on what grounds is such a judgement made? Likewise, there is a sense in which the leaders of many sub-Saharan African regimes do not appear to be motivated by the genuine interest of their respective bodies politic.<sup>13</sup> Again, on what grounds are such judgements made? I do not know the full answer to these questions, but if one can be given would it therefore constitute the kind of definition that the objectivist is seeking? Would it therefore give credence to the objectivist project after all?

Morgenthau argues that "motives are the most elusive of psychological data, distorted as they are, frequently beyond recognition, by the interests and emotions of actor and observer alike. Do we really know what our own motives are? And what do we know about the motives of others?"<sup>14</sup> Generally speaking, I think that Morgenthau's observation about the finitude of one's knowledge with respect to one's own motives, let alone the motives of others, is unassailable. For the more honestly one confronts one's

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<sup>12</sup>I thank Brian Job for raising this question.

<sup>13</sup>See, for example, Robert H. Jackson, *Quasi-states: sovereignty, international relations and the Third World* (Cambridge: Cambridge University Press, 1990), ch 1, in particular his distinction between positive and negative sovereignty.

<sup>14</sup>Hans Morgenthau, *Politics among Nations: The Struggle for Power and Peace*, Fourth edition (New York: Alfred A. Knopf, 1967), pp. 6, 7.

own motives--particularly with respect to crucial life decisions--the more one recognizes how difficult it really is to discern them. But note that Morgenthau posits a relationship of some sort between interests and motives. In particular, he argues that our motives are often distorted by our interests. In this thesis, however, I have argued the opposite. I have argued that our motives determine our interests--interests, that is, conceived as desired states of affairs or objectives. More specifically I have argued that the national interest--conceived as a motive--is likely to lead to a choice of objectives or interests different from those chosen if personal self interest or the interest of some sub- or extra-national person or group of persons were the motive. Consequently, if there is any distortion caused in the relationship between motives and interests, our motives would distort our interests and not the reverse. It is precisely on this point that some version of the "psychology of choice" is helpful. I have adopted Aquinas' account because it seems to accord with my own experience of choice.

But it also is true that any two persons, each motivated by their personal self-interest (let alone the national interest), will choose entirely different substantive states of affairs in fulfillment of that identical motive. Hence, it is not enough to say that "self-interest" is a motive for action. One must also define self-interest in substantive terms. For a person conceiving "self-interest" in terms of maximum pleasure and minimum pain likely will make choices entirely different than those of a person conceiving it in terms of the possession of God or the perfecting of one's nature. Likewise, it could be argued, one must define the national interest in substantive terms. There is, however, a danger here.

If the national interest is defined in substantive terms, what impact does this have

on the substantive definitions of personal self-interest at the individual level? And what impact would it have on the liberty of individuals within the body politic to pursue the particular interests conducive to those substantively defined motives? It should be evident that this is one of the perennial questions of political philosophy, namely: how to balance the liberty of the individual with the needs of the collectivity? And, generally speaking, the project of classical liberalism has tipped the balance--in varying degrees--in favour of individual liberty.<sup>15</sup> From the standpoint of classical liberalism, then, there are moral reasons against breathing too much substance into the motive "the national interest." Consequently, any two people embracing that motive are likely to make entirely different choices about what objectives are best to pursue for the benefit of the body politic in any particular set of circumstances, even if there is widespread agreement about standing national interests such as security, economic well being, and others.

None of this, however, directly addresses the fact that people do make judgements about the motives of statesman and the question of the grounds for such judgements. Nye, for example, judged that American statesmen were motivated by the national interest whereas Layne judged they were motivated by ideals transcending the national interest. Who is right? Nye may have advanced a more compelling case than Layne, but does that make him right? Not necessarily. For it is not beyond the realm of possibility

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<sup>15</sup>I am, of course, glossing over a great debate about the nature of classical liberalism. Compare, for example, the liberalisms of John Locke, J. S. Mill, Isaiah Berlin, Joseph Raz, Ronald Dworkin, and even the various authors of the *Federalist Papers*. For a concise account of the liberal tradition, see John Gray, *Liberalism* (Minneapolis: University of Minnesota Press, 1986). Like all concise accounts of any "ism," however, it is somewhat unsatisfactory.

that the more cogent arguments of a defence attorney, in relation to the arguments of a less capable prosecutor, might convince a jury to acquit a *de facto* guilty man. Imputing motives is a very tricky business.

Motives aside, there was in fact generalized agreement among American statesmen, senators, and representatives about the objectives--the interests--to be pursued in the context of the Gulf crisis, namely: a liberated Kuwait. Differences arose not on the question of objectives but, rather, on the question of means. But even here the question ultimately was answered politically--initially by deliberation and, failing consensus, finally by a majority decision rule. One can only hope that the deliberations and consequent choices were genuinely motivated by the national interest.

It is here that I must criticize the objectivist project on purely moral grounds. Even though the objectivist evidently himself is motivated by the national interest in seeking an objective criterion for measuring the merits of any given policy option--and, consequently, involves himself in a characteristically political activity--he is nevertheless attempting to transcend politics. The objectivist evidently realizes that motives are notoriously difficult to ascertain and that human judgements--particularly in a crisis--are likely to produce less than satisfactory results. In other words, the objectivist is acutely aware of the frailty and finitude of human knowledge when it comes to foreign policy decisions. Hence, presuming that the observer also embraces the national interest as his motive for overcoming this uncertainty, he attempts to establish objective criteria to measure the merits of competing policy options.

But it should be evident that there is something (at least apparently) paradoxical

about this kind of effort. On the one hand, there is a recognition of the finitude of human knowledge and, on the other hand, there is a conviction that this limitation can be overcome with either physical or metaphysical certainty by means of a true "science" of politics. It is not that I object to any attempt to push the boundaries of human knowledge. Instead, I am objecting to the kind of certainty which is sought by such efforts. I argue that the best kind of certainty a human being can have with respect to foreign policy decisions is not physical or metaphysical certainty, but moral certainty. However, what is the difference between metaphysical, physical, and moral certainty?

Certainty or, more properly "certitude," is one of the central problems of the philosophy of knowledge (epistemology).<sup>16</sup> Certitude refers to the quality of one's intellectual judgement. As such, it is a state of mind distinguished from other states of mind such as doubt (the inability to either reaffirm or deny) and opinion (the acceptance of judgement as probable). Certitude can be considered in a positive sense as indicating the firmness of mind in its assent to a truth, or it can be considered in a negative sense as the exclusion of all prudent fear of error. There are a number of different kinds of certitude but I shall discuss only three: absolute (metaphysical) certitude, and the two forms of conditional certitude, namely: physical and moral.

Metaphysical certitude concerns self-evident truths such as the principle of contradiction (a conviction that a thing cannot exist and not exist at the same time), or a

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<sup>16</sup>See Martin O'Keefe, S.J., *Known From the Things that Are: Fundamental Theory of the Moral Life* (Houston TX: Center for Thomistic Studies, 1987), pp. 26-30; Reginald. F. O'Neill, S. J. "Certitude," *New Catholic Encyclopedia*, Vol 3. (New York: McGraw Hill, 1966), pp. 408-411; and, by the same author, *Theories of Knowledge* (Englewood Cliffs N.J.: Prentice Hall, 1960), pp. 102-111.

conviction of one's own existence. Physical certitude concerns the application of the laws of nature. For example, an apple tree--if it produces any fruit at all--will produce apples and not some other kind of fruit. Physical certitude is conditional because there is no necessity that an apple tree will produce any fruit at all. But if it does, it will produce only apples and not pears, peaches, or what have you. Moral certitude, on the other hand, takes into account the contingency of human existence and the human being's capacity to make choices. Whereas our knowledge of human *behaviour* can take on the character of physical certitude, our knowledge of human *conduct* can at best take on the character of moral certitude. For example, we can know with physical certainty that a given infant will eventually grow much larger than his current size. We cannot know this with absolute certainty because the infant might die before he has the chance to grow. Further, we can know with moral certainty that we will make it through the day without one of our close friends intentionally harming us physically or emotionally. But we cannot know this with absolute or even physical certainty. The same is true with many of the decisions we make. We know with physical certainty that by jumping off a thirty storey building we will kill ourselves. But we can only know with moral certainty that our decision to use offensive military power instead of continuing sanctions is the best option--*viz.*, the judgement is made (positively conceived) with the firmness of mind in assent, or (negatively conceived) to the exclusion of all prudent fear of error.

Whereas the scholar might prefer metaphysical or at least physical certainty before committing him or herself on such questions--hence the reason why he or she tends to seek objective criteria for making such choices--it seems to me that the

statesman recognizes that those forms of certainty are not to be had in the business of formulating foreign policy. Perhaps the student of international relations should model the epistemology of his or her inquiries upon the epistemology of statesmanship. At the very least, further inquiries are needed into the epistemology of statesmanship. Once such studies are conducted, one can then turn to an examination of the epistemological assumptions underlying current approaches to the study of international relations and compare them with the epistemology of statesmanship. I suspect that those approaches seeking knowledge grounded in physical certainty will be found wanting.

Finally, there is the question about the moral *quality* of the national interest.

Although I have noted that the national interest is the motive required of statesmen in terms of conventional American political morality and American law, can it be justified by substantive moral argument in light of Idealist challenges? Is there a more fundamental moral tradition upon which the international Realist ethical tradition is (or can be) grounded? I am inclined to think that it can perhaps be grounded in the natural law tradition, but much more study is needed before I can sustain such a claim.

Regardless, before any such arguments can be made, it must first be established that international relations is indeed a proper object of study for moral philosophy. I have taken some positive steps in that direction by arguing--in the context of the Gulf War--that the national interest is a categorically moral idea. To the extent that the national interest is a central idea in the theory and practice of international relations, and to the extent that my conclusions about the idea of the national interest can apply in other contexts, is the same extent to which it can be concluded that international relations is

indeed a proper object of study for moral philosophy. This does not mean, however, that international relations scholars must "re-tool" and become moral philosophers. It would merely open the door a little wider for students of moral and political philosophy to join the debate.

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