

## The United States: A normative power?

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### Abstract

To what degree may the US be considered a normative power? The US foreign policy mainstream tends to reflect a varying blend of normative and hegemonic approaches. The US has been and continues to be simultaneously a guardian of international norms; a norm entrepreneur challenging prevailing norms as insufficient; a norm externaliser when it tries to advance norms for others that it is reluctant to apply to itself; and a norm blocker when it comes to issues that may threaten its position, or that exacerbate divisions among conflicting currents of American domestic thought. On balance (and despite exceptions), the US has sought to manage this normative-hegemonic interplay by accepting some limits on its power in exchange for greater legitimacy and acceptance of its leadership by others. The unresolved question today is whether the US and other key players are prepared to stick with this bargain. Closer examination of the US case also raises a considerable number of questions about the notion of the EU as a 'normative power'.

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# THE UNITED STATES: A NORMATIVE POWER?

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Is the US a normative power? How does it act, what does it seek to achieve and what are the conditioning factors determining or guiding its actions? To what extent is the normative nature of US foreign policy due to the nature of its society and to what extent is it due to the status and role of the US within the international system?

To facilitate the comparisons intended by this project, I have aligned myself with the general approach outlined by Nathalie Tocci in her paper (Tocci, 2007). After presenting a number of case studies, I come to a conclusion similar to that reached by the authors of the other empirical working papers: if by a normative foreign policy we mean pursuing normative goals through normatively deployed instruments and having a discernible normative impact, then one can conclude, perhaps inevitably, that the US is not always a normative international actor. The eight case studies underscore how the US has at times been a norm entrepreneur and at other times a norm blocker; it has acted with the coldest calculations of *Realpolitik*, behaved more as a hegemon but at times also as an imperial power, and has been content with the status quo. It has had successes and failures.

In and of themselves, however, the case studies tell us little about where the centre of gravity lies in US foreign policy, or which of these stylised foreign policy types best characterises the US role in the world. For that reason I have supplemented each case study with various other examples of normative, imperial/hegemonic, *Realpolitik* or status quo policies. Throughout the process, however, I have found myself confronted with some troubling or incomplete aspects of the notion of ‘normative’ power as well as the overall framework. Thus some preliminary comments on the theme itself seem to be in order.

### 1. Normative power?

In her introductory essay, Nathalie Tocci (2007, p. 10) sets a high bar for considering any country to be a normative power. “A normative foreign policy”, she states, “would pursue normative goals through normatively deployed means *and* it would be effective in fulfilling its normative intent”. If this is the test, then the United States is not a normative power. Neither is the EU. In fact, no nation on earth could pass this test with any consistency.

On its own, the label ‘normative power’ is too categorical, too one-dimensional and too static to capture the complex and dynamic nature of any country’s foreign policy. Nations employ a variety of instruments to advance a range of foreign policy goals, and both instruments and goals change over time. The issue is really less *whether* a nation is a ‘normative power’, but *the degree* to which it is one.<sup>1</sup> This requires a framework that establishes some weighting, or

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<sup>1</sup> See the critique of the fashionable notion of Germany as a ‘civilian power’ by Tewes (1998, p. 353).

illuminates some relationship, between normative ends and means and other interests and instruments of a nation's foreign policy, both in particular circumstances and over time. As Tocci states, the challenge is to identify under what conditions and circumstances an international player seeks normative goals through normative means, and achieves normative results, as opposed to other types of ends, means, and outcomes.

A related question is what we mean by norms. Norms are generally understood as standards of appropriate behaviour. 'Appropriate', of course, is subjective. Who sets the standard? For Stephen Krasner (1983, p. 2), appropriate behaviour should be measured in terms of "rights and obligations" toward others. For Martha Finnemore and Kathryn Sikkink, appropriate behaviour is determined from within, by "actors with a given identity" (Finnemore & Sikkink, 1998; Finnemore, 1996, p. 22; Katzenstein, 1996, p.5; Simon & Martini, 2005, p. 2). Krasner highlights external factors; Finnemore and Sikkink underscore internal influences. Each aspect is important as we examine to what degree the United States is a normative power.

Finnemore and Sikkink's reference to constitutive norms that create identity or define interests is relevant to the literature on EU foreign policy and 'normative power EU', which underscore the importance of norms as an instrument in identity politics. Ian Manners posits that the EU's allegedly 'normative' role in foreign policy can be explained in part by the *sui generis* nature of the EU itself. What the EU *is*, he contends, is the principal explanation for what it *does* beyond its borders (Manners, 2002; Whitman, 1998). In his own paper for this project, Brantley Womack underscores the need to understand a nation's own norms in order to assess the extent to which that nation could be considered a normative foreign policy actor. "Understanding China in its own terms as an intentional actor", Womack (2008, p. 1) states, "would be a prerequisite to understanding China as a normative foreign policy actor."

This is true for the United States as well. To understand the degree to which the US may be considered a normative power, one must seek to understand how it understands its own norms. To understand what the US *does*, one needs to understand something of what America *is* – the nature of American society and the various and often conflicting domestic currents that drive US foreign policy. Before turning to specific case studies, therefore, I offer below some background on the domestic roots of foreign policy.

The external dimension deserves additional comment as well. Krasner's approach and Tocci's introductory framework focus more on regulative norms that order or constrain behaviour. This leads us to consider international law as a common 'normative boundary' and standard for our comparative case studies. Yet the normative boundaries of international law can be quite blurred. International law offers no clear or easy normative guide, for example, when it comes to trade-offs between national sovereignty and respect for human rights. Today, when the world's most lethal conflicts take place within states rather than between them, the claim of national sovereignty can be – and is – invoked as a normative barrier shielding massive violations of human rights. Womack also questions Tocci's reduction of what is 'normative' to the benchmark of international law, and cites instances when international law has been wielded by the strong against the weak in clear violation of what might generally be considered 'appropriate behaviour'.

In short, established norms can be difficult to change, especially as they become institutionalised in formal organisations or enshrined in law. And yet they may fail to deal with new or other normative challenges, or may themselves pose trade-offs between different norms. The dramatic structural upheaval of the post-cold war period has posed significant challenges to such fundamental norms as state sovereignty, non-intervention, the legitimate use of force and multilateralism, which have underpinned the international institutional order since World War II (Job, 2006, p. 56). The Iraq crisis exposed a number of structural and normative challenges to the notion of a UN-centred world order. Some of these challenges, it seems, can be resolved

only with institutional reform. Other challenges may be resolved through the reinforcement or re-articulation of existing norms, or by the creation of new ones (Thakur & Sidhu, 2006, pp. 520-521).

In this context, Finnemore and Sikkink refer to the 'life cycle' of norms and discuss the role of 'norm entrepreneurs' and 'norm blockers' in the evolution of norms over time. They describe the strength of norms as evolving through a 'life cycle' of three stages. In the norm emergence stage, norm entrepreneurs attempt to convince others to follow their desired norm. In the norm cascade stage, the 'norm leaders' – those who have accepted the norm – attempt to socialize others to accept the norm and become 'norm followers'. Some budding norms may fail in either the emergence or cascade stages, if the entrepreneurs or norm leaders are unable to convince enough states to follow them. Norms that pass through the first two stages reach the norm internalisation stage, by the end of which "norms acquire a taken-for-granted quality and are no longer a matter of broad public debate" (Finnemore & Sikkink, 1998, pp. 895-905).

Norm entrepreneurs are early catalysts who create the initial momentum behind consideration of new norms. Norm blockers contest and resist new norms, rather than create and support them. They challenge the new 'framings' advanced by norm entrepreneurs, using a logic that reaffirms the need and desirability to adhere to more deeply embedded norms. For norm entrepreneurs to succeed in their effort to win wide support and perhaps even institutionalization of new norms, they must also engage the holdouts, or norm blockers, who continue to reject their relevance or 'appropriateness'. If the norm entrepreneurs succeed, the second step is to define and then enforce adherence to such new norms (Finnemore & Sikkink, 1998; Job, 2006).<sup>2</sup>

When it comes to considering the United States (as well as the EU and other actors), the notions of normative life cycles, norm entrepreneurs and norm blockers seem more apt descriptions than the sweeping, one-dimensional, static designation of 'normative power'.<sup>3</sup> The term "normative power" relates to being rather than acting, what it is rather than what it does, whereas norm entrepreneur suggests more what Manners describes – that the EU, on occasion and on certain issues, has sought to advance new norms.

A further distinction of relevance to the US is that between norm entrepreneurs who seek to establish and apply particular norms to all actors, including themselves, throughout the international system, and what may be called 'norm externalisers', i.e. actors that seek to advance new norms for others but not for themselves.

Zaki Laïdi (Laïdi, 2007, for instance, suggests that normative power refers to the capacity to produce and put in place a global framework of norms that applies to all, including the most powerful. Therefore, when considering the degree to which the US is a normative power, it is important to examine the extent to which the US has felt bound to the rules or norms it has sought to implement, or under what circumstances it has acted to exempt itself from the very frameworks it has helped to establish.

Ian Manners is careful not to exclude the use of military force or economic sanctions from his definition of 'normative power'. This is particularly important, because the role of coercive and non-coercive means in advancing particular norms is critical when examining the role of the United States. Is the US more easily able to be a normative power because it has the means to

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<sup>2</sup> For the difficulties in this 'second stage', particularly for the EU, see Katzenstein (2006). For the role of "norm entrepreneurs in the campaign against terrorism, see Simon & Martini (2005). For issues involved in the UN as 'norm entrepreneur', see Månsson (2002).

<sup>3</sup> This role is not exclusive to the US or the EU, of course; other countries have played such a role at certain times. It is not even limited to states, since non-state actors can at times advance norms that challenge the established order.

set and enforce norms? Is it less of a normative power because it has the means to avoid adhering to such norms?

Tocci mentions “inaction” as an important element in any consideration of normative power, but the framework with which we have been asked to work emphasises action over inaction. Failure to act in defence of widely-shared norms, however, must also be included. For instance, shouldn’t the failure of the US, the EU and other major powers to act in the face of genocide in Rwanda be considered as part of the discourse on normative power?

Finally, upon closer inspection it seems as if the normative-*Realpolitik* categories offer more of a continuum than the imperial-status quo categories. The first two have to do with underlying notions of ideals and interests; the second two reflect more how actors relate to relative power. For nations with less relative power, the imperial option is not available while the status quo option facilitates free-riding. Nations that possess what might be called systemic power, on the other hand, face tougher choices: Do they use such power to change prevailing norms (what Tocci would label imperial), or do they use such power primarily to preserve the status quo? Was the American-led post-war order normative, imperial or something else? This schematic also seems to ignore the issue posed by rising powers, who have a third option, which may be called revisionism or revolutionary, i.e. whether to turn over the apple cart of the prevailing system altogether, either for normative or *Realpolitik* reasons.

In short, in the idealised world of the four paradigms, the mutually exclusive nature of each paradigm seems to break down along the normative/*Realpolitik* and imperial/status quo lines. Can’t a normative actor prefer the status quo? Can’t a *Realpolitik* actor also act imperially?

The assumption inherent in this framework is that normative influence can be measured by such metrics of international law as the number of new treaties signed. Yet that begs questions of effective implementation and the degree to which new norms are internalised within nations. The EU is particularly bad in this area; a cursory review of EU agreements indicates that implementation lags woefully across member states.

Some of the literature on normative power is troubling in this regard, because it tends to focus on the number of states signing up behind a particular norm rather than how many states actively change their behaviour as a result of the norm becoming accepted. Finnemore & Sikkink (1998), Adriana Lins de Albuquerque (2007), Suzanne Katzenstein (2006) and others, however, make the case that the only way to measure the influence of norms is to examine whether they cause states to act differently than they would in the absence of the norm, i.e. whether the government or population of a country actually internalises the norm over time.

I draw on these various points in the following three sections. I begin with the domestic roots of US foreign policy, and how the struggles between competing conceptions of America’s role in the world affect consideration of the United States as a normative actor. The next section offers specific cases of US foreign policy within the framework suggested by Nathalie Tocci. The final section summarises and offers some final conclusions.

## 2. Domestic Currents and US Foreign Policy

The US is a perplexing case. On the one hand, norms and values permeate US foreign policy declarations and documents. The very founding of the Republic in the 18<sup>th</sup> century was grounded and justified by normative assertions and universal values. In the 20<sup>th</sup> century, the US was arguably the world’s greatest champion of multilateral rules and institutions, and a fierce advocate of democracy, human rights and the rule of law. No other country has advanced such far-reaching and elaborate ideas about how rules and multilateral institutions might be established to manage international relations.

This was particularly true in the aftermath of the Second World War. Ramesh Thakur and Weheguru Pal Singh Sidhu (2006, p. 5) comment:

After World War II, Washington was the chief architect of the normative structure of world order based on the international rule of law. There was, alongside this, deep and widespread confidence in the United States as a fundamentally trustworthy, balanced and responsible custodian of world order, albeit with occasional lapses and eccentricities.

Samuel Huntington (1999, pp. 35-38) added this in 1999:

In a fashion and to an extent that is unique in the history of Great Powers, the United States defines its strength – indeed its very greatness – not in terms of its ability to achieve or maintain dominance over others, but in terms of its ability to work with others in the interests of the international community as a whole.

On the other hand, the US has also consistently resisted entangling itself in institutional commitments and obligations. It has been reluctant to tie itself too tightly to the normative standards and principles it has championed for others. It has used military force on a fairly regular basis, and has intervened overtly and covertly across borders on a range of issues. Eliot Cohen (Cohen, 2005, p. 16) highlights this apparent dichotomy in American attitudes and actions:

The Woodrow Wilson who proclaimed the ideal of open covenants openly arrived at sent the US Marines to Veracruz and presided over a naval build-up designed to displace the Royal Navy as the arbiter of international order; and the Richard Nixon who, more than most 20<sup>th</sup>-century presidents, saw the world in the pale grey light of *Realpolitik* spoke the language of both arms control and human rights.

The 2003 US invasion of Iraq exposed these contradictory impulses perhaps as never before. Robert Tucker and David C. Hendrickson (2004, p. 32) sum it up:

World opinion now sees the United States increasingly as an outlier – invoking international law when convenient, and ignoring it when not; using international institutions when they work to its advantage, and disdaining them when they pose obstacles to US designs.

How can we account for these contradictory impulses? Robert E. Osgood captured this quandary in his seminal book *Ideals and Self-Interest in America's Foreign Relations*, which discusses how the United States has always struggled with the tension between the ideals at the core of the American Republic and the realities imposed by a harsh world.<sup>4</sup> The United States is not alone in facing such dilemmas, of course, but the peculiar origins of the American Republic, together with its current power, render them particularly acute.

Unfortunately, much standard analysis, which tends to classify US foreign policy debates as those between realists and idealists, hawks and doves, unilateralists and multilateralists, or isolationists and interventionists, does not adequately address the points raised above, particularly the domestic forces that often drive foreign policy, and is unlikely to help us get to the core of the issue: whether, or to what degree, the US might be considered a 'normative power'.

Moreover, examining US foreign policy through these lenses often leads to distorted or misleading interpretations, which engenders sympathy with those foreign observers who are often baffled by the swings and contradictions in US foreign policy. Particularly for our exercise it is important to understand that there are many different political traditions in the US that

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<sup>4</sup> Osgood (1953) offers another way of thinking about the distinction Arnold Wolfers makes between milieu goals and possession goals. See Wolfers (1962, pp. 67-80).

reflect divergent and often competing ideas of how the US should relate to the rest of the world. Therefore, before examining the various case studies and typologies set forth by Nathalie Tocci, I believe it useful to look at the question of the US as a normative power by reviewing a framework developed by Walter Russell Mead, derived from work by historian David Hackett Fischer (1989).<sup>5</sup>

According to Mead (2002, p. xvii),

Americans through the centuries seem to have four basic ways of looking at foreign policy, which have contrasting and sometimes complementary ways of looking at domestic policy as well. *Hamiltonians* regard a strong alliance between the national government and big business as the key both to domestic stability and to effective action abroad, and they have long focused on the nation's need to be integrated into the global economy on favorable terms. *Wilsonians* believe that the United States has both a moral obligation and an important national interest in spreading American democratic and social values throughout the world, creating a peaceful international community that accepts the rule of law. *Jeffersonians* hold that American foreign policy should be less concerned about spreading democracy abroad than about safeguarding it at home; they have historically been skeptical about Hamiltonian and Wilsonian policies that involve the United States with unsavory allies abroad or that increase the risks of war. Finally a large populist school I call *Jacksonian* believes that the most important goal of the US government in both foreign and domestic policy should be the physical security and the economic well-being of the American people.

Mead names his schools after leading figures in American history. He does not seek to 'prove' from documents or declarations that these schools have existed throughout US history, nor does he argue that these schools coincide with particular political parties. He is not attempting to build a theory of state action or foreign relations, and the general nature of his categories is certain to be criticised by historians and political scientists alike. But for the purposes of our exercise, his approach can help us think more clearly about the domestic sources of American conduct abroad, and in turn about the question of the US as a 'normative power'.<sup>6</sup>

As we shall see, the similarities and differences between these approaches do not allow us to align them along either a simple conservative-liberal or isolationist-internationalist spectrum. They also allow us to illuminate the often-bitter debates *within* the Democratic and Republican parties. In the following I draw on a variety of sources to explain and contrast these different approaches, but in general stick to Mead's framework.

## 2.1 *Wilsonians*

Wilsonianism is grounded in two basic notions. The first is that democracies are more likely than others to develop fair and effective legal systems, and thus make better and more reliable partners than monarchies or autocracies. The domestic character of countries is a major determinant of national behaviour and hence, world peace. The second premise is that the United States is a nation set apart by its values and principles from the rest of the world, and thus has both a moral duty and a practical need to spread democracy to the ends of the earth.

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<sup>5</sup> Throughout this section I draw closely on Mead, to whom I am indebted. While Mead's basic framework is particularly useful for this exercise, he is not alone in arguing that different traditions compete for the privilege of directing American foreign policy. For other perspectives of differing American approaches, see McDougall (1997); Nau (2002); Binnendijk & Kugler (2007).

<sup>6</sup> According to Mead, "the four schools are definite and distinct entities, but they change over time, they mix and blur, and most important, they are part of a political history of ideas. They are movements and communities of interest and feeling rather than abstract principles. They are churches rather than creeds". (Mead, 2002, p. 172).



Wilson believed strongly that the “force of America is the force of moral principle” and that the “idea of America is to serve humanity”. Long before he became president, Wilson wrote of his conviction that the United States had a “plain destiny [to] serve [rather than] subdue the world”. Later, as president, he would contend that this destiny to serve was the only possible motivation for American actions in the world.

The Wilsonian belief that the cause of peace can and should be advanced through the spread of democratic values and institutions leads them to interventionist policies, reflected in Wilson’s famous statement:

We are glad...to fight thus for the ultimate peace of the world and for the liberation of its peoples...for the rights of nations great and small and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty.<sup>7</sup>

Wilson was not averse to using force to advance his vision. To help other peoples become, in his opinion, more democratic and orderly, Wilson sent American troops twice into Mexico, to Haiti, the Dominican Republic and Cuba, and maintained US military ‘protection’ of Nicaragua. He also intervened militarily twice in the Russian civil war. Wilson best expressed his attitude toward such interventions in 1914: “[T]hey say the Mexicans are not fitted for self-government and to this I reply that, when properly directed, there is no people not fitted for self-government.” When Wilson finally made the decision to enter World War I in April 1917, he again justified his action in highly idealistic terms that enabled the American people to come to regard the war as a crusade to “make the world safe for democracy.”

While Wilsonians have not hesitated to advance normative goals through non-normative means, one can point to at least three broad areas in which Wilsonian tradition has led the US to act as a normative power.

First, Wilsonians look – with some justice – to the development and expansion of a democratic Atlantic community as vindication of their approach. In this cause they aligned with the Hamiltonian school, described below. Second, Wilsonians have been determined opponents of colonialism. This is a chequered history, of course, but in many instances US determination to advance decolonisation against some of its closest allies aligned the US with the rise to independence and development of growing portions of the non-European world. Third, the Wilsonian tradition has been a leading force in international efforts to prevent war, including through codes of conduct and arms control; and in efforts to develop alternatives to war, for instance through the development of arbitration treaties and of international organisations for collective security such as the League of Nations, the World Court and the United Nations. Much leadership in these areas has been European, but American Wilsonians have participated and often been successful in securing US government support for these and other initiatives, driven by their conviction that multilateral organisations and international regimes can extend such bedrock American values as respect for the rule of law, due process and human rights.<sup>8</sup>

Of course, the US does not always conduct its foreign policy along Wilsonian lines. Sometimes other currents have subverted Wilsonian efforts; at other times they have amplified them. This

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<sup>7</sup> Cited in Nathan & Oliver (1976, p. 21).

<sup>8</sup> For non-US affirmation of this role, see Thakur & Sidhu (2006, p. 8). Henry Kissinger, realist *par excellence*, once noted with some personal chagrin that, “[I]t is above all to the drumbeat of Wilsonian idealism that American foreign policy has marched since his watershed presidency, and continues to march to this day.... Wilson’s historic achievement lies in his recognition that Americans cannot sustain major international obligations that are not justified by their moral faith.” See Kissinger (1994, pp. 30 and 50).

can lead the US to appear as a world-class hypocrite. “Wilsonians proclaim noble principles and sincerely plan to apply them”, Mead (2002, p. 171) notes, “but then, alas, they sometimes lose policy battles. The Clinton administration extended most favoured nation status to China despite the country’s un-Wilsonian approach to human rights. The United States fell far behind in its UN dues, despite the fervent lobbying of its Wilsonian friends.”

In short, the Wilsonian tradition has employed both normative and non-normative means to advance what its adherents consider to be quintessentially normative goals, and with highly uneven results. As Mead (2002, p. 38) notes, there is much in the Wilsonian school that makes foreign and domestic actors uncomfortable, particularly the insistence that “the United States has the right and the duty to change the rest of the world’s behaviour, and that the United States can and should concern itself not only with the way other countries conduct their international affairs, but with their domestic policies as well”.<sup>9</sup>

Yet US support for the Wilsonian ideal has won tolerance, support and sympathy for US influence and power, and has prompted nations and progressive elements in many societies to identify with this ideal and to seek closer ties with Americans. “How useful it is”, Mead (2002, p. 171) concludes, that “so many people around the world see Wilsonian ideals as defining the norm of American foreign policy, and interpret its other aspects as unfortunate and temporary deviations from it.”<sup>10</sup>

## 2.2 *Hamiltonians*

The Hamiltonian school is named for Alexander Hamilton, the nation’s first Secretary of the Treasury and a co-author of the *Federalist Papers*. Hamiltonians believe that the United States has a profound interest in maintaining a relatively open, international and largely maritime trading and financial order. Hamiltonians readily speak of the ‘national interest’ and ‘the balance of power’, and while they would fit most readily in the ‘realist’ category, their motivations and approaches should not be mistaken for Continental European realism. Hamiltonians view open international commerce, framed by a predictable world order based on international law, as a potential cause of peace. These beliefs have led Hamiltonians to champion US efforts to ensure freedom of the seas, freedom of the skies, an open door for American goods, open access to supplies of strategic materials and an international legal and financial order that permits the broadest possible global trade in capital and goods. While some observers might relegate such aims to the category of ‘possession goals’, this tradition most assuredly considers such objectives as ‘milieu goals’.

Throughout much of US history, these goals appeared to be protected by the British Empire. The collapse of the Empire led Hamiltonians to believe it was incumbent upon the United States to replace Great Britain as the ‘gyroscope’ of an economically-oriented world order that could circumvent the zero-sum problem that condemns purely security-based systems to endless bouts of war and revisionism. Hamiltonians did not hesitate to build strong military forces and international security alliances to protect US interests in the emerging cold war, of course, but equally important in their mind was a global economic system resting primarily on the free participation of independent states. Together with Wilsonians, they set out to create a set of international institutions that would ‘civilise’ policies around the world, particularly in Europe.

The result, John Ikenberry (2004) argues, was an “‘American system’ organized around a dense array of rules, institutions, and partnerships spread across global and regional security, economic and political realms. It has been an order built on ‘liberal hegemonic’ bargains,

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<sup>9</sup> See also Eichenberg (2005, pp. 140-177), Kull (2003) and Drezner (2007).

<sup>10</sup> See also Lind (2007).

diffuse reciprocity, public goods provision, and an unprecedented array of intergovernmental institutions and working relationships.”

This approach survived the cold war period. George H.W. Bush is a classic Hamiltonian. While Bush Senior rejected much of the Wilsonian credo as dangerous and illusory, he understood that a more cohesive democratic community could advance not only American ideals but also American interests. Even before the Berlin Wall fell, Bush argued that the West had to move beyond a grand strategy “based on the concept of containment” of communism, to encourage a “growing community of democracies anchoring international peace and stability, and a dynamic free-market system generating prosperity and progress on a global scale”.<sup>11</sup>

Bill Clinton picked up the challenge, creating the Asia-Pacific Economic Community and advancing most-favoured-nation status for China; securing US support for the creation of the World Trade Organisation (WTO); and ensuring ratification of the Uruguay Round of multilateral free trade negotiations and the North Atlantic Free Trade Agreement (NAFTA). Although this order has been challenged and weakened during the presidency of George W. Bush, it has proved its resilience in the face of considerable dispute and largely continues today.

In this system, interests and norms cannot easily be separated. Building up institutions after the Second World War was a projection of American norms, but it also safeguarded American interests (Cox, 2003, p. 9). In Wolfers’ terms, for many decades the milieu goal of an open international order coincided in significant ways with the possession goal of safeguarding American interests.

Hamiltonians continue to join with Wilsonians to believe that international cooperation is necessary to meet today’s challenges – whether it is the fight against terrorists, curtailing weapons proliferation, curbing the spread of deadly diseases, or containing global warming. Such cooperation, they believe, is more likely to be available and effective if it is regularised within an institutional setting and according to agreed rules and procedures. While Wilsonians would insist that such cooperation could only be sustained with other democracies, Hamiltonians are more willing to work on common goals with undemocratic regimes as well, if such cooperation is necessary to advance a particular objective.

The alliance between Hamiltonians and Wilsonians has been a powerful force in US foreign policy, but it has not always carried the day. At times the two schools have split, and at times two other schools have succeeded in blunting Hamiltonian-Wilsonian projects.<sup>12</sup>

### **2.3 Jeffersonians**

This school is named after Thomas Jefferson, 3<sup>rd</sup> President of the United States and principal author of the Declaration of Independence. Jeffersonians have often opposed both Hamiltonian and Wilsonian policy because they believe the most vital interest of the American people is to protect and develop democracy at home. “Like Wilsonians”, says Mead, “Jeffersonians believe that the American Revolution continues.” Whereas Hamiltonians believe that the United States is a country that once had a revolution, Wilsonians and Jeffersonians believe that America

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<sup>11</sup> The Hamiltonian-Wilsonian alliance continued into the Clinton Administration. Bill Clinton, who more comfortably fits the Wilsonian creed, made the enlargement of the community of free-market democracies a central tenet of his foreign policy, and was able to secure Hamiltonian support, particularly within the Republican Party, for important elements of this approach.

<sup>12</sup> Samuel Berger (2004, p. 50) has characterised domestic struggles over foreign policy broadly as “a battle fought between liberal internationalists in both parties who believe that our strength is usually greatest when we work in concert with allies in defense of our shared values and interests, versus those who seem to believe that the United States should go it alone – or not go it at all”.

remains a revolutionary country (Mead, 2002, p. 178). Rather than act on the Wilsonians' almost missionary impulse to promote democratic revolutions abroad, however, Jeffersonians believe that America is best suited to be an exemplar for others by fulfilling the democratic promise of its revolution at home. Jeffersonians are preoccupied with the gap between American aspirations and American achievements. They believe that liberty, while precious, is fragile, and could be subverted as easily from within as from without. They are concerned, in Mead's words (2002, p. 185), that "excessive intervention in the Hobbesian world of international politics would corrupt and undermine the Lockean, democratic order that the American people had established at home", and so support a limited foreign policy that defines US interests as narrowly as possible.

Foreign observers may characterise this school as isolationist, but for the purposes of this exercise it is important to recognise that this movement is not simply a knee-jerk impulse, born out of a sense of US invulnerability, but derives rather from a profound concern about the vulnerability of American norms and values to the consequences of developments abroad. "Whatever America hopes to bring to pass in the world", Dwight D. Eisenhower admonished, "must first come to pass in the heart of America."<sup>13</sup>

Jeffersonians do not oppose peaceful commercial relations and mutually beneficial interactions with other nations, but they insist that the priority of Americans must be to build a model society that others might emulate, rather than to invest inordinate energy and resources on imposing American ways on nations with different histories and traditions. Jeffersonians fear excessive concentration of economic, military or potential power domestically as well as internationally. They believe that breathless talk of spreading liberty, democracy, freedom of speech, civil rights and civil society abroad ignores the daily reality that such principles are honoured in the breach by racial segregation or discrimination against Americans and others at home. They embrace America's system of checks and balances, constitutional restrictions on excessive power and the role of the Congress in foreign policy.

The Jeffersonian tradition is important for our discussion because it refutes the premise asserted by Thomas Diez, in his debates with Ian Manners about 'normative power', that the US lacks a tradition of self-reflection that Diez considers to be an important component of such power. At its core, the Jeffersonian school represents precisely such a tradition, one ever on its guard against abuse of power, investigating and often controverting claims made by Wilsonian and Hamiltonian activists.

During the early years following World War II, Jeffersonians fought unsuccessfully against Hamiltonian-Wilsonian efforts to build the post-war international order. While their influence was muted during the early years of the cold war, they enjoyed a certain revival in the wake of Vietnam and again after the cold war. Jeffersonians pushed through the War Powers Act and the Freedom of Information Act, and have been consistent supporters of efforts to subject executive branch intelligence and military agencies to constant and rigorous congressional oversight. They have joined with Wilsonians to limit arms, and they share Wilsonian abhorrence at US activities, such as treatment of prisoners at Abu Ghraib or Guantanamo Bay, because they represent Executive branch violations of the cherished American principle of rule of law. Jeffersonian opposition to fast-track trade authority is often viewed abroad as a sign of isolationism, protectionism or of US efforts to exempt itself from international treaties, but this stance more directly reflects Jeffersonian concerns about the constitutional integrity of congressional authority over trade and the norms of American democracy.

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<sup>13</sup> Eisenhower could not be classified as a Jeffersonian, but he did have a keen sense of the limits of American power, was cautious about excessive concentration of power at home and understood that such themes evoked sentiments shared across the body politic.

In short, Jeffersonians are not without influence. In the person of Ralph Nader, Jeffersonians arguably torpedoed Al Gore's bid for the Presidency in 2000, and in so doing paved the way for George W. Bush. Yet Jeffersonians have been vociferous opponents of the 'war on terrorism', fearful of its expansive connotations and its impact on civil liberties, and wondering, in Michael Ignatieff's words (2003a), whether via its actions the nation "risks losing its soul as a republic". John Quincy Adams's warning of 1821 is emblazoned upon the efforts of present-day Jeffersonians: Americans should resist the temptation of going abroad "in search of monsters to destroy", he cautioned, for if America were seduced into becoming "the dictatress of the world, she would be no longer the ruler of her own spirit."<sup>14</sup>

## 2.4 Jacksonians

The Jacksonian tradition, named for Andrew Jackson, the country's seventh President, represents less an intellectual or political movement than an expression of the social, cultural and religious culture of a large portion of the American public. Unlike the other schools, which are rooted in a civic identity grounded in principles of democracy and the rule of law, Jacksonian tradition is rooted in a 'folkish' or populist community of national experiences – close to what could be termed a national ethnic identity, except that Jacksonians, too, have opened to different ethnic, religion and other groupings.

Jacksonians assert that the prime goal of US domestic and foreign policy must be the physical security and economic prosperity of the American people. They are instinctively democratic and populist, skeptical of domestic or foreign 'do-gooding' (welfare at home, foreign aid abroad), mistrustful of federal authority but supportive of a strong military and fond of federal support for the middle class, and deeply attached to the Bill of Rights – particularly the Second Amendment and the right to bear arms as the 'citadel of liberty'. (Mead, 2002, p. 225). Jacksonians believe the world is and will remain violent and dangerous; Americans must remain vigilant and well-armed. Like Jeffersonians, Jacksonians prefer selective or limited engagement with the outside world. But when engaged or enraged, they are ruthless, and offer no quarter.

Jacksonians are often obstructionists in foreign policy. Jacksonians led by Senator Robert Taft opposed the formation of NATO and the permanent deployment of troops to Europe, believing that the US could and should have relied on the unilateral exercise of military power to defeat Soviet designs. They fought the creation of the World Bank and the International Monetary Fund and abhor the UN. They are wary of trade liberalisation and economic interdependence, which could imply greater vulnerability and loss of economic autonomy.

Jacksonians are the least likely to support Wilsonian initiatives for a better world, have the least regard for international law and practice, are least tolerant of Jeffersonian calls for restrictions on US power, and are the least willing to support Hamiltonian strategies of balanced engagement. For most foreigners continental Jacksonians are the most deplored school. As Mead (2002, p. 225) notes, "Jacksonian chairs of the Senate Foreign Relations Committee are the despair of high-minded people everywhere as they hold up American adherence to the Kyoto Protocol, starve the UN and the IMF, cut foreign aid, and ban the use of American funds for population control programs abroad." Jacksonians readily fit foreign stereotypes of US foreign policy as an unhealthy and dangerous mix of ignorance, isolationism and 'cowboy diplomacy'. Jacksonian influence has tended to centre in the Congress rather than the Executive branch, but has enjoyed considerable influence during the administration of George W. Bush.

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<sup>14</sup> John Quincy Adams, while Secretary of State under President James Monroe, in a speech before the US House of Representatives in honour of Independence Day in 1821 (excerpt at <http://www.uiowa.edu/~c030162/Common/Handouts/Other/JQ-ADAMS.html>).

## **2.5 Assessing the Four Schools**

If one were to characterise recent US presidencies in terms of these four approaches, one would say that the George H.W. Bush administration was uniformly composed of Hamiltonians; that the Clinton Administration was an uneasy blend of liberal Wilsonians, Jeffersonians and Hamiltonians; and that the presidency of George W. Bush began as an amalgam of Jeffersonians, neo-conservative Wilsonians and Jacksonians. George W. Bush came to office proclaiming such Jeffersonian themes as the need for ‘selective engagement’ and a ‘humble’ foreign policy, but notably excluded many Hamiltonians, who were the legacy of his father’s administration – people such as Brent Scowcroft and James Baker, who were anathema to George Junior. Before the new administration could articulate its particular approach to foreign policy, however, the attacks of September 11 empowered the neo-conservative Wilsonians, enraged the Jacksonians and silenced the Jeffersonians, resulting in an historical anomaly – an alliance of Wilsonians and Jacksonians. The next US administration is likely to offer a different blend of traditions.

These four schools compete to shape the direction of US foreign policy. Each has significant weight in American debates. Each views foreign policy primarily as an extension of its domestic political orientation. Each has held sway at particular points in American history, but policies that have proven to be sustainable have typically needed support from two if not three of the schools. They are not neat and tidy categories; there is considerable overlap between them. But together they can serve as a general guide to help illuminate the sources of American conduct in the world.

Although each of these schools offers a different approach to US foreign policy, they are united by a common belief in American exceptionalism and the transformative power of America. “From the start”, Daniel Bell (1989) notes, “Americans have believed that destiny has marked their country as different from others – that the United States is, in Lincoln’s marvellous phrase, ‘an almost chosen nation’.” Throughout American history, exceptionalist belief has framed the discourse of foreign policy-making by providing the underlying assumptions and terms of reference for foreign policy debate and conduct (Lepgold & McKeown, 1995).

What are often interpreted as lusty swings between internationalism and isolationism are perhaps better understood as competition and shifting alliances among these competing schools over the most appropriate way to express their shared belief in American exceptionalism. Thomas Diez and Ian Manners (2007) point explicitly to this common belief in American exceptionalism as reason to question whether the US could in fact be considered a ‘normative power’ – another element to consider in our case studies.

## **3. Case Studies**

With this as a background, let us now examine US foreign policy through the categories set forth by Tocci. Since an individual case study cannot convey the weight any particular approach may have within broader currents of policy, I have also offered in each category other possible examples as food for thought.

Table 1. US case studies

Normative		<i>Realpolitik</i>		Imperial		Status quo	
Intended	Unintended	Intended	Unintended	Intended	Unintended	Intended	Unintended
Creating the WTO dispute settlement mechanism, 1995-2007	US sanctions against and targeted assistance to Belarus	US policy towards Iraq, 1980-84	US position on the International Criminal Court, 2002-07	US invasion of Panama, 1989	US invasion and occupation of Iraq, 2003-07	US policy towards Taiwan, 1978-2007	US and South Africa, 1948-90

### 3.1 Normative Intended: Creating the WTO dispute settlement mechanism, 1995-2007

When has the US acted in ways that could be characterised as ‘**normative intended**’, i.e. when has it pursued milieu goals aimed at strengthening international legality and institutions in ways that have respected its own domestic laws as well as its international legal obligations, and did this effort truly have a normative impact and be perceived by its recipients as such? This is a tough standard to meet, but one can find a number of cases in which US action can be so characterised.

I have chosen to highlight US leadership in creating the World Trade Organisation, particularly its dispute settlement mechanism, in part to challenge passing references that consider open commercial activities as a possession goal rather than as a milieu goal. When it comes to setting forth a structure and rules for international trade, milieu goals can be paramount. This case also addresses a second important question in the debate about normative power, i.e. whether the US is really willing to be bound by international law.

#### *Narrative*

Interest in establishing a predictable open international economic order led to US support in 1995 for two related initiatives: a more formal treaty-based organisation, the World Trade Organisation, to replace the looser General Agreement on Tariffs and Trade (GATT) created after World War II; and a relatively binding trade dispute settlement mechanism under the new multilateral system.

As the world’s leading economy, the US has an interest in widely shared rules and procedures that can underpin a stable, non-discriminatory trading order. To ensure the commitment of other governments, the US needed to establish its reliability and commit itself to be bound by the same rules and obligations. A procedure for settling disputes existed under the old GATT, but it had no fixed timetables, rulings were easier to block, and many cases dragged on for a long time inconclusively. Frustration with the GATT led the US to seek enforceable multilateral rules. The WTO oversees about 60 different agreements with the status of international legal texts that are binding on its 151 member states. Since the creation of the dispute settlement mechanism, the United States has been the most engaged WTO member, both bringing cases and complying with cases it has lost.<sup>15</sup>

<sup>15</sup> For further background, see Lawrence (2007), Jackson (1994 and 2006) and Van den Bossche (2005).

### *Goals, means and impact*

The goal of the US effort to create the WTO and its dispute settlement mechanism was to establish a rules-based, multilateral organisation obliging all member nations, including the United States, to conform to predictable trading relationships, as outlined in WTO statutes. The means consisted of a negotiating effort to replace the loophole-ridden GATT with a formal institution under international law. The result requires sustained cooperation from member states. While the WTO's mandate to negotiate further liberalisation of trade via the Doha Round continues to be a struggle, the dispute settlement mechanism is respected and continues to work as an arbiter of trade disputes, offering an alternative to costly trade wars. Without a means of settling disputes, the rules-based system would be less effective because the rules could not be enforced. The WTO's procedure underscores the rule of law, affirms the principle that trade must be non-discriminatory, and makes the trading system more secure and predictable. The WTO not only ensures open markets for the United States, it exerts pressure on the US to keep its own market open. When any nation, including the United States, is found to have violated WTO statutes, there are provisions for redress. While there is room for improvement in ensuring compliance, transparency and accessibility, the system has worked reasonably well. Despite continuing debates about the WTO in many countries, the fact that 151 nations have ratified their membership, bring cases to the WTO for resolution and largely comply with its judgments must be seen as a significant milieu achievement and as a positive contribution to international law and institutions.

The dispute settlement system has reduced the need for the United States or others, including the EU, to resort to unilateral retaliatory measures. Since the advent of the dispute settlement system, the United States has generally abided by its agreement not to impose unilateral trade sanctions against WTO members without WTO authorisation. Moreover, the US has respected WTO decisions against it – recent examples include US removal of steel tariffs and abandonment of safeguard measures in three other areas, all in response to losses at the WTO.

### *Conditioning factor: Domestic context*

It is perhaps useful to note that while the US helped to create the WTO as a full-fledged international institution, US opposition to a similar status for the WTO's predecessor, the GATT, was the primary reason the post-war international trade regime remained relatively weak. In December 1945, at US initiative, major trading countries entered into negotiations to conclude a multilateral agreement for the reciprocal reduction of tariffs on trade in goods. Moreover, the US prompted the UN to adopt a resolution in February 1946, to begin efforts to create the charter of an International Organisation for Trade (ITO), which was agreed in October 1947. The ITO Charter, however, never entered into force. Jeffersonians and Jacksonians argued successfully that the new organisation would intrude on domestic economic issues, and in December 1950, President Truman announced that he would no longer seek Congressional approval of the ITO Charter.

Over time, however, the lack of agreed-upon enforcement procedures under the GATT generated considerable US frustration. Hamiltonians and Wilsonians joined together to advance US support for the dispute settlement mechanism, united in the belief that free trade and open markets would not just promote economic prosperity, but could promote democracy and mitigate bitter conflicts with key trading partners, which also happened to be America's closest allies. According to this view, open markets tend to open societies, liberalise politics and integrate and socialise nations into a predictable order. To achieve this goal, the US would also need to commit itself to the dispute settlement mechanism, and thus its possession goals and milieu goals were mutually reinforcing.



In this second try at a stronger trade regime, neither Jeffersonians nor Jacksonians carried enough weight in the Congress or in the Executive to challenge the effort. Domestic critics, reflecting both Jacksonian and Jeffersonian perspectives, continue to charge that the WTO is an intrusion on US sovereignty. Supporters underscore that that in the end, the WTO panels have no power to order any member to change its laws, or to impose retaliation, but that the US decision to join the WTO and abide by its procedures is itself an exercise of sovereignty.

### *Conditioning factor: Capabilities*

As we examine the question to what degree the US can be a normative actor, a key underlying issue in each of these cases is the relationship between norms and power. To what degree are the normative intended results due to US power to shape outcomes? Is it necessary to have significant capability to set a norm, i.e. can only major powers be normative in terms of results? In her introductory essay, Nathalie Tocci (2007) states that “our definition of what is normative, rather than being a pure expression of power, must undertake the function of ‘taming’ and regulating power”.

As the world’s largest economy and champion of the rules-based post-war international economic order, the US clearly possessed significant ‘shaping power’ to advance this ‘milieu goal’ of establishing the WTO and its dispute settlement mechanism. In fact, the US position was enhanced by its argument that unless an effective international enforcement procedure could be created, the Congress would continue to insist upon unilateral remedies against what it deemed to be ‘unfair’ trade practices by other countries.<sup>16</sup> Yet while US leadership proved essential, it is not evident that the final result was engineered by the US to serve its national interests at the expense of others. If the WTO was viewed solely as an instrument of US power, it is unlikely that 150 other nations would have joined, taking steps to secure domestic ratification of their own membership, or that others still seek to join. Moreover, the US has been playing by the rules and has agreed to be bound by WTO judgments in cases it has lost.<sup>17</sup> In all of these senses, then, US normative action was able to ‘tame’ and ‘regulate’ power.

### *Conditioning factor: External context*

As outlined above, by the 1980s the weaknesses of the GATT had become apparent to most trading countries, and there was general consensus on the need for an overhaul of the regime. While the US joined with most other major trading countries to advance the negotiations leading to the WTO, it is perhaps interesting for the purposes of our exercise to note that the initial negotiations pitted US advocacy for a strong legal model that stressed adjudication against EU and Japanese advocacy for what William J. Davey (1993) has termed an “anti-legalistic” model emphasising negotiation and consensus. In the end, the EU and Japan apparently persuaded themselves that the risk of US unilateral action was a greater danger than a demanding

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<sup>16</sup> Innumerable bilateral conflicts with the European Union over its Common Agricultural Policy (CAP) and with Japan over its closed market in the 1970s and 1980s led the US to pass laws such as Section 301 of the Trade Act of 1974 and the Super 301 provisions of the Omnibus Trade and Competitiveness Act of 1988, which sought to remove ‘unreasonable and unjustifiable’ barriers to US exports by threatening unilateral trade sanctions. While these measures met with mixed results, they did help convince other countries of the merits of establishing a more effective system at the WTO (see Lawrence, 2007).

<sup>17</sup> While Beth Simmons cautions that even though “much international behavior is consistent with international law...it has been far more difficult...to show any causal link between legal commitments and behavior”. An investigation of 984 US antidumping investigations, supplemented by 2,748 potential cases never initiated, from 1978 through 2002, however, makes it clear that the US is less likely to investigate and impose unilateral antidumping duties against members of the WTO. See Simmons (1998) and Busch et al. (2006).

international legal system governing trade (Hudec, 1993, p. 237). Here then, we find that the threat of US unilateral action, born of frustration with weak or ineffective multilateral arrangements, can in fact galvanise action to strengthen rules-based international mechanisms.

### *Summary*

How representative are these examples of the US acting as a normative power? Other examples certainly could be cited, including the creation of the World Bank and the IMF; the Marshall Plan or President Eisenhower's push for the creation of the International Development Association (IDA) facility to helping the poorest of nations; the creation of the Peace Corps; the formation of APEC, the OAS and NAFTA; the Camp David Agreement; brokering the 1998 Ecuador-Peru peace treaty; US support for and active engagement in the Stability Pact for the Balkans following the Kosovo conflict; creation with others of the Lyon Group, the Financial Action Task Force, the Egmont group, and other 'international non-organisations' and 'name and shame' activities that support new international norms against drug trafficking, human trafficking and terrorist financing; the 1967 Outer Space Treaty; creating the Community of Democracies; creation of the Proliferation Security Initiative and the Container Security Initiative; and the Nunn-Lugar Program to dismantle nuclear weapons and to provide assistance to a variety of states, including Russia, in defence conversion, export control, housing for demobilised military personnel and environmental restoration. The US has ratified a variety of international treaties, such as the Genocide Convention (1989), the International Covenant on Civil and Political Rights (1992) and the Convention on the Elimination of All Forms of Racial Discrimination (1994). Recent examples include creation of the Millennium Challenge Corporation to assist the poorest nations of the world; the President's Malaria Initiative; the Multilateral Debt Relief Initiative for relief to the world's poorest, most heavily indebted nations; and the Global Fund for HIV/AIDS, Malaria, and Tuberculosis.

In addition, the US has been the most active, and most actively requested, mediator of international conflicts since 1945 (Touval, 1992; Crocker et al., 1999). Moreover, there are various examples of mediation efforts by actors other than the US that do not come to closure until the US itself engages or demonstrates its support for those mediation efforts. Examples include Bosnia, Sudan, Jordan and Mozambique. Bosnia is a particularly striking example when it comes to notions of the EU as a 'normative power'. As Richard Holbrooke has commented, it is absurd that inter-European squabbling and impotence required America to broker the peace agreement for Bosnia, particularly when in 1991 (in echoes of 'normative power Europe') Jacques Poos, the foreign minister of Luxembourg, declared: "This is the hour of Europe, not the hour of the Americans."

Finally, US cases raise the question whether legitimacy derives from norms developed by sovereign states, some of which may be odious, or from other principles, such as democracy. The first would make the imprimatur of the UN the test of legitimacy; the second would argue that support from the democratic community is a better test. US proposals leading to the creation of the Community of Democracies in the Clinton administration, and the current proposal by Republican presidential candidate John McCain for a League of Democracies, are examples of this normative thrust in US policy.

In these and many other areas, the US has advanced normative goals through normative means with largely normative results. Such efforts on the whole have strengthened international law and institutions and promoted rights and duties enshrined and specified in international law, including the rights and duties of the US itself. They highlight the fact that at times the US functions as a 'norm entrepreneur'.

Nathalie Tocci and her colleagues have offered EU enlargement as an example in this category. Doesn't the continuing enlargement of NATO belong here as well? It strengthens an

international institution linked to the UN system; it is implemented through a treaty process ratified through parliamentary means in the US, all allied states and the accession states; it is certainly perceived by the ‘recipients’ of membership as an enhancement of their stability and anchoring of their democracy; and it reinforces a particular set of norms, such as civilian control of the military, that ground European and transatlantic security. It is certainly not perceived as normative by Russia. But I would argue not only that it is normative, but that it has been critical to the EU’s own ‘normative’ enlargement. More on this later.

### **3.2 Normative unintended: US sanctions and targeted assistance regarding Belarus**

In her introductory essay, Nathalie Tocci poses a basic question for our exercise: under similar conditions, do different international actors opt for similar or different foreign policy approaches? More specifically, under similar conditions, do the EU and the US act in similar or dissimilar ways? In direct response to Tocci’s question, I have chosen to examine the same **normative unintended** case study as was used in the chapter on the EU, namely the case of Belarus.<sup>18</sup>

#### *Narrative*

Following the election of President Aleksander Lukashenko in 1994, Belarus saw a rapid rise in authoritarianism and a subsequent decline in democratic freedoms and civil liberties. Under Lukashenko’s rule, political repression in Belarus has been rampant: several of Lukashenko’s political opponents have disappeared, others have been jailed, and political activists and NGOs face constant harassment. Mass gatherings are illegal without consent from the government. In response, the US has worked closely with the EU to impose an incremental series of sanctions and targeted assistance tailored to support democracy for the people of Belarus while punishing the regime for its abuses.<sup>19</sup>

#### *Goals, means and impact*

The goal of US policy – to support initiatives that have the potential to advance democracy and the rule of law in Belarus – is certainly normative. The US has also employed normative means to advance this goal. Similar to EU efforts, US actions have been consistent, incremental and tailored in response to events in Belarus. The US and EU have coordinated their approaches, and have had the support of other international organisations and NGOs. US assistance programmes focus on human rights monitoring and education, independent trade unions, democratic political party and coalition development, voter education, strengthening civil society, rule of law, and electoral reform and monitoring, and has worked closely with EU partners in these areas. The US and the EU have also worked to highlight the Lukashenko regime’s abuses and to hold authorities accountable who are implicated in wrongdoing, for example, by imposing travel restrictions and investigating the sources of their assets. US officials are careful to stress that these sanctions are aimed at the regime rather than at the

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<sup>18</sup> As Tocci notes, time is a crucial determinant when considering such cases. For instance, the United States never recognised the incorporation of the Baltic states into the Soviet Union. This reflected in part principle, in part pressure from Baltic-American groupings at home, and in part a useful instrument to tweak the Soviets. But when the cold war ended, the US found itself, perhaps unexpectedly, on the ‘right side of history’ on this issue, and capitalised on it to advance Baltic integration into the West. What began as a ‘normative unintended’ example perhaps became a ‘normative intended’ example.

<sup>19</sup> For an overview, see Hamilton & Mangott (2007).

people of Belarus. US efforts appear to have had little effect, however, in advancing the normative goal of greater democracy in Belarus.

### *Conditioning factor: Domestic context*

The US has few if any possession goals regarding Belarus; the milieu goal of a continent of democracies governed by the rule of law has far higher precedence. The issue is remote enough not to stir Jeffersonians or Jacksonians. It is marginal to Hamiltonians, and so the field has been left to Wilsonian activists. Such activism alone, however, is not sufficient to truly drive the US to higher-profile or more energetic activities, despite the relative ineffectiveness of current approaches.

### *Conditioning factor: Capabilities*

While the US is a major economic power, its capability to affect Belarus through economic sanctions is limited because of the limited commercial relationship between the two countries and the ability of Belarus to avail itself of other channels.

### *Conditioning factor: External environment*

As with the EU, the US is unwilling to incur high costs to advance its approach to Belarus, particularly in relations with Russia. Moreover, Belarus has enjoyed a more beneficial economic and energy relationship with Russia than some of Russia's other neighbours, and so the effects of sanctions have been limited.

Politically, since its independence from the USSR, Belarus has retained close political and economic ties to Russia, with Moscow essentially financing the Belarus economy over the past decade and a half by providing energy and prices far below market rates. This situation changed dramatically in 2007, however, when Russia more than doubled the amount Belarus must pay for Russian natural gas, and forced Belarus to relinquish a 50% stake of its state-owned gas transport company, Beltranshaz, to Russia's state-controlled gas monopoly Gazprom. Lukashenko now finds himself under intense pressure from both the West and the East, and the very basis of his regime's stability – low oil and gas prices – is in danger. In such a context, current US and EU policies might carry additional bite.

### *Summary*

Despite seeking normative goals through normative means, the US failed to achieve normative results through its approach to Belarus. The US has limited influence over Belarus, even after joining together with the EU. There is bipartisan yet relatively shallow support at home for vigorous US action, and US interests vis-à-vis Russia may mitigate the full impact of US policy on Belarus.

How representative is this case for the US? Is the US often frustrated in its ability to advance normative ends through normative means? A number of other examples could be cited, for instance US sanctions against Myanmar; efforts to broker settlements in Darfur, Cyprus, the Palestinian-Israeli conflict, Transnistria, Abkhazia, South Ossetia and Nagorno-Karabakh; or US efforts to advance international efforts against corruption. The United States took a leading role in the writing of treaties such as the Covenant of the League of Nations, the Kellogg-Briand Pact and the Human Rights Covenants. In the end, however, the US often recoils from adhering to the far-reaching obligations of such multilateral treaties. US engagement in the Korean War, sanctioned by the UN, could also be considered normative unintended, given the inconclusive ending to the conflict more than 50 years later. The invasion of Afghanistan, sanctioned by the

UN, is another example; it is listed here because of the continuing struggle there and the highly uncertain outcome.

In short, the history of US foreign policy is littered with normative efforts that have been stymied or gone awry. Failure has had many fathers, but relatively weak US influence over conflicting parties, or US reluctance to engage fully due to other domestic or external considerations, has often played a part. Yet if one compares the relatively abundant, and in some cases, impressive list of successful normative initiatives outlined in the first case, one must conclude that the US serves regularly as a major ‘norm entrepreneur’ – at times with failure, but at other times with considerable success. Moreover, such efforts did not come to a wholesale end in some ‘golden age’ of American post-war enlightenment, as Ian Manners seems to suggest, but continue – albeit quite unevenly – today.

### **3.3 *Realpolitik Intended: US Policy towards Iraq, 1980-1984***

The US has also acted in ways that may be characterised as *Realpolitik intended*, i.e. it has deployed policy instruments to pursue possession goals with results that were neither normative nor intended to be. A particularly instructive example is offered by the approach of the Reagan administration toward Iraq between 1980 and 1984.

#### *Narrative*

Tensions between Iraq and Iran led Iraqi leader Saddam Hussein to attack Iran in September 1980, believing he would secure a quick victory. In the end, the war lasted eight years.<sup>20</sup> The UN Security Council called for a ceasefire and for all member states to refrain from actions contributing in any way to the conflict's continuation. The Soviets, opposing the war, cut off arms exports to Iran and to its Iraqi ally (although arms deliveries resumed in 1982). In 1980 the US broke off diplomatic relations with Iran because of the Tehran embassy hostage crisis (Iraq had broken off ties with the US during the 1967 Arab-Israeli war).

The US was officially neutral regarding the Iran-Iraq war, and claimed that it armed neither side. By mid-1982, however, Iraq was on the defensive, and the Reagan administration, having decided that an Iranian victory would not serve its interests, began supporting Iraq. The White House and State Department pressured the Export-Import Bank to provide Iraq with financing, to enhance its credit standing and enable it to obtain loans from other international financial institutions. The State Department removed Iraq from its list of states supporting international terrorism. The US Agriculture Department provided taxpayer-guaranteed loans for purchases of American commodities. Moreover, despite US official neutrality in the conflict, the Reagan administration secretly began to provide Iraq with intelligence and military support.<sup>21</sup>

During the conflict Iran accused Iraq of using chemical weapons. The Geneva Protocol requires that the international community respond to chemical warfare, but Iran was relatively isolated diplomatically and its accusations received little attention. In October 1983, Iran demanded a full UN Security Council investigation. The US had intelligence confirming Iran's accusations;

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<sup>20</sup> For a full account, see Battle (2003). Almost all of the primary documents cited here and included in the briefing book were obtained by the National Security Archive through the Freedom of Information Act and were published in 1995.

<sup>21</sup> Policy directives from President Reagan to this effect, including National Security Decision Directive (NSDD) 99, were prepared pursuant to his March 1982 National Security Study Memorandum (NSSM 4-82) asking for a review of US policy towards the Middle East. For the documents, see Battle (2003).

internal documents described Iraq's "almost daily" use of chemical weapons.<sup>22</sup> The intelligence indicated that Iraq used chemical weapons against Iranian forces, and, according to a November 1983 memo, against "Kurdish insurgents" as well.<sup>23</sup>

The Reagan administration responded on 26 November 1983, with National Security Decision Directive (NSDD) 114, which called for heightened regional military cooperation to defend oil facilities and improvements to US military capabilities in the Persian Gulf. "Because of the real and psychological impact of a curtailment in the flow of oil from the Persian Gulf on the international economic system", the Directive stated, "we must assure our readiness to deal promptly with actions aimed at disrupting that traffic." It did not mention chemical weapons.<sup>24</sup>

In December 1983, Donald Rumsfeld (who at the time headed the multinational pharmaceutical company G.D. Searle & Co.) was dispatched as Presidential envoy to the Middle East, including Baghdad, where he met with Saddam. The two discussed regional issues of mutual interest, shared enmity towards Iran and Syria, and other issues, but Rumsfeld made no reference to chemical weapons. He also met with Iraqi Foreign Minister Tariq Aziz. The two agreed that "the US and Iraq shared many common interests", and Rumsfeld affirmed the Reagan administration's "willingness to do more" regarding the Iran-Iraq war, but "made clear that our efforts to assist were inhibited by certain things that made it difficult for us, citing the use of chemical weapons, possible escalation in the Gulf, and human rights".<sup>25</sup>

In mid-March 1984, the US publicly condemned Iraq's chemical weapons use, but discussions continued regarding Export-Import Bank credits to Iraq and US efforts to cut off arms exports to Iran. Although US policy still barred the export of US military equipment to Iraq, some was apparently provided. When asked whether the US conclusion that Iraq had used chemical weapons would have "any effect on US recent initiatives to expand commercial relationships with Iraq across a broad range, and also a willingness to open diplomatic relations", the department's spokesperson said "No. I'm not aware of any change in our position. We're interested in being involved in a closer dialogue with Iraq".<sup>26</sup>

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<sup>22</sup> See US Department of State, Bureau of Politico-Military Affairs Information Memorandum from Jonathan T. Howe to George P. Shultz, "Iraq Use of Chemical Weapons", 1 November 1983, reproduced in Battle (2003), which also notes: "We also know that Iraq has acquired a CW production capability, presumably from Western firms, including possibly a US foreign subsidiary."

<sup>23</sup> Department of State, Office of the Assistant Secretary for Near Eastern and South Asian Affairs Action Memorandum from Jonathan T. Howe to Lawrence S. Eagleburger, "Iraqi Use of Chemical Weapons" [includes cables entitled "Deterring Iraqi Use of Chemical Weapons" and "Background of Iraqi Use of Chemical Weapons"], 21 November 1983, reproduced in Battle (2003).

<sup>24</sup> National Security Decision Directive (NSDD 114) from Ronald W. Reagan, "US Policy toward the Iran-Iraq War", 26 November 1983 (available in Battle, 2003).

<sup>25</sup> United States Embassy in United Kingdom Cable from Charles H. Price II to the Department of State, "Rumsfeld Mission: December 20 Meeting with Iraqi President Saddam Hussein", 21 December 1983; United States Embassy in the United Kingdom Cable from Charles H. Price II to the Department of State, "Rumsfeld One-on-One Meeting with Iraqi Deputy Prime Minister", 21 December 1983 (both available in Battle, 2003).

<sup>26</sup> During the spring of 1984, the US reconsidered policy for the sale of dual-use equipment to Iraq's nuclear programme, and its "preliminary results favor[ed] expanding such trade to include Iraqi nuclear entities". Department of State, Special Adviser to the Secretary on Nonproliferation Policy and Nuclear Energy Affairs Memorandum from Dick Gronet to Richard T. Kennedy, "US Dual-Use Exports to Iraq: Specific Actions" [includes document entitled "Dual Use Exports to Iraq" dated 27 April 1984], 9 May 1984 (available at Battle, 2003). On 3 March, the State Department intervened to prevent a US company from shipping 22,000 pounds of phosphorous fluoride, a chemical weapons precursor, to Iraq (see Battle, 2003).

Iran had submitted a draft resolution asking the UN to condemn Iraq's chemical weapons use. The US delegate to the UN was instructed to lobby friendly delegations in order to obtain a general motion of 'no decision' on the resolution. If this was not achievable, the US delegate was to abstain on the issue. Iraq's ambassador met with the US ambassador to the UN, Jeanne Kirkpatrick, and asked for 'restraint' in responding to the issue – as did the representatives of both France and Britain. On 30 March 1984, the Security Council issued a presidential statement condemning the use of chemical weapons, without naming Iraq as the offending party.

On 5 April 1984, Ronald Reagan issued NSDD 139, codifying US determination to develop plans "to avert an Iraqi collapse". Reagan's Directive said that US policy required "unambiguous" condemnation of chemical warfare (without naming Iraq), while including the caveat that the US should "place equal stress on the urgent need to dissuade Iran from continuing the ruthless and inhumane tactics which have characterized recent offensives". The Directive did not suggest that "condemning" chemical warfare required any hesitation about or modification of US support for Iraq.<sup>27</sup>

A State Department background paper dated 16 November 1984 said that Iraq had stopped using chemical weapons after a November 1983 démarche from the US, but had resumed their use in February 1984. On 26 November 1984, Iraq and the US restored diplomatic relations.

### *Goals, means and impact*

The US was determined to use Iraq to prevent Iranian victory, as one means to stabilise the broader region and keep Middle Eastern oil flowing. Iraq's possession and use of chemical weapons, both as part of the war and even on its own Kurdish citizens, was viewed as a potentially embarrassing public relations problem that complicated efforts to provide assistance to Iraq, but not as a barrier to doing business. Saddam's repressive internal policies, though well known to the US at the time, did not figure in US internal directives or in discussions with Iraqi leaders. During this period US policy was able to ensure stalemate in the conflict and to blunt any international effort to condemn Iraq in such a way that it would be unable to prosecute the war or to hinder broader US objectives in the region.

### *Conditioning factor: Domestic context*

Despite domestic concern about Iraqi use of chemical weapons, there was no significant pressure on the Reagan administration to toughen its largely rhetorical opposition to Iraqi actions. In the wake of the US Embassy hostage crisis in Tehran, US opinion leaders were fiercely opposed to actions that could enhance Iranian influence or capabilities in the area.

### *Conditioning factor: Domestic capabilities*

Although constrained by US law in areas such as export-import loans, the administration did what it could to press for provision of such loans to Iraq, and where it had a freer hand, such as agricultural commodities, it acted with alacrity. It also made use of its considerable global capabilities to provide intelligence information to Saddam. The US had various tools at its disposal to stop Iraqi efforts, but made little to no avail of them.

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<sup>27</sup> National Security Decision Directive (NSDD 139) from Ronald W. Reagan, "Measures to Improve US Posture and Readiness to Respond to Developments in the Iran-Iraq War", 5 April 1984 (available in Battle, 2003).

### *Conditioning factor: The external environment*

While opposed to taking sides in the Iran-Iraq conflict, other members of the Security Council did little to buck US efforts to water down Security Council condemnation of Iraqi possession and use of chemical weapons. The broader framework of the cold war and Western concerns about stability of oil flows blunted any meaningful opposition to US policy. The oil-rich Gulf states, concerned with Iranian resurgence, provided Iraq with significant financial assistance.

### *Summary*

Given the strident moral rhetoric used by George W. Bush in the lead-up to the 2003 invasion of Iraq, US policy toward Saddam between 1980 and 1984 is a particularly striking example of American *Realpolitik*. How much weight can we assign to *Realpolitik* when considering US foreign policy?

When discussing the issue, it is important to distinguish between ‘realism’, which more often than not means a pragmatic approach to policy choices, and *Realpolitik*, which is described by Tocci for the purposes of our exercise as a consciously non-normative pattern of behaviour, focused narrowly in terms of state interest and power, to the exclusion of other concerns. Much debate conflates the two terms; here I am focused on the latter.<sup>28</sup>

Other contemporary examples of US *Realpolitik* could include US support for energy-rich yet democratically dubious Middle East sheikdoms and Eurasian rulers. Cold war examples in this category could include support for unsavoury regimes on most continents of the earth, who in the jargon of the time “may have been SOBs, but at least they were *our* SOBs;” US policies in the Cuban missile crisis; covert support for the Taliban in their fight against the Soviets in Afghanistan; Kissinger’s ‘shuttle diplomacy’ after the 1973 Arab-Israeli war, where he pushed the Israelis to partially withdraw from the Sinai in deference to political realities created by the oil crisis; the US tilt towards Pakistan in the South Asia crisis of 1971 (Gandhi, 2002); or Nixon’s turn to communist China in order to open a ‘new front’ in America’s competition with the Soviet Union. The United States has on various occasions supported autocracies through aid, trade, recognition and friendly diplomatic relations, because other US policy goals have outweighed the US penchant for promoting democracy and the rule of law. The Bush administration’s approach to General Musharraf’s rule in Pakistan is a prominent contemporary example.

Richard Nixon and Henry Kissinger are perhaps the most prominent adherents of American *Realpolitik*, but the examples cited above underscore that leaders of both parties have engaged in such practices, and on a relatively frequent basis.<sup>29</sup> Yet if one returns to the schools outlined in the first section of this study, when it comes to basic questions of principle, Kissingerian *Realpolitik*, in the continental European sense of the word, sits uneasily with the American body politic. It does not fit well with Hamiltonian predilections, much less Wilsonian aspirations, and Jacksonian America disparages the very type of power balancing that Henry Kissinger and other *Realpolitiker* advocate.

On the other hand, a systematic analysis of public opinion survey data and empirical literature over three decades reveals that when it comes to specific cases, American public opinion is far more receptive to *Realpolitik* than would seem likely (Drezner, 2007). Although 72% of

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<sup>28</sup> For additional commentary, see Lind (2007), Mearsheimer (2001), Gilpin (1996) and Krasner (1983, pp. 335-339).

<sup>29</sup> Kissinger continues to advocate the necessity of great power balancing, but even he qualifies this as including principles such as legitimacy and shared values, and not only mechanical ‘equilibrium’ or balancing of power. See, for instance, Kissinger (1994 and 2001).



respondents in a recent poll agreed that “moral principles” should be the guiding light in US foreign policy, a more systematic look at polls also show that in specific instances Americans are prepared to make other choices (Council on Foreign Relations, 2004). Data from the Chicago Council on Foreign Relations (CCFR) polls on top foreign policy priorities over the past 30 years show that policies emphasising security and autonomy consistently earn more than 60% public support, whereas liberal policy priorities, emphasising multilateralism, democracy and human rights consistently earn less than 50% support. The 2002 CCFR report concludes: “Most Americans want a foreign policy that pursues justice as well as security. But protection of one’s own security and well-being naturally comes first” (Bouton, 2002, p. 21).

After surveying survey data, Daniel Drezner (2007) concludes that “Americans think like intuitive neo-realists – they prefer balancing against aggressive and rising powers”, and Andrew Kohut and Bruce Stokes (2006) observe: “If asked to choose, Americans prefer proactive, assertive unilateral action to multilateral efforts beset by delay and compromise.” Indeed, Americans still favour reserving the right to use pre-emptive military force to a much greater extent than Europeans. Kohut and Stokes conclude: “In case after case, Americans are multilateralists in principle and unilateralists in practice.”

### **3.4 *Realpolitik Unintended: The US and the International Criminal Court, 2002-07***

The US has also acted in ways that may be characterised as *Realpolitik unintended*, i.e. it has pursued non-normative goals in ways that have actually served to achieve an entrenchment and development of international law and institutions. The US approach to the International Criminal Court is a prominent contemporary example.

#### *Narrative*

The International Criminal Court (ICC), established in 2002, is the first global permanent international court with jurisdiction to prosecute individuals for “the most serious crimes of concern to the international community”.<sup>30</sup> The United States initially supported the idea of creating an international criminal court and was a major participant at the Rome Conference forging the Rome Statute, its founding treaty. President Clinton signed the Statute in 2000, but declared that it contained “significant flaws” and indicated that he would not submit it to ratification “until our fundamental concerns are satisfied”. In May 2002, the Bush administration informed the United Nations that it did not intend to submit the treaty for ratification, and renounced any obligations under the treaty. Subsequent US efforts to qualify the reach of the International Criminal Court, by requiring UNSC approval of referred cases, and then to subvert the Court’s jurisdiction itself, hardened international opposition to US demands, and strengthened the determination of signatory states to make the court truly independent of the Security Council and to embolden opponents committed to more binding forms of multilateralism.<sup>31</sup>

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<sup>30</sup> These include genocide, crimes against humanity, war crimes, and potentially the crime of aggression, if the Assembly of States Parties is able to reach an agreement defining it. The founding Rome Statute is available at [http://www.un.org/law/icc/statute/99\\_corr/2.htm](http://www.un.org/law/icc/statute/99_corr/2.htm).

<sup>31</sup> For further background, see Congressional Research Service (2006), Lee (1999), Morris (2001), Schabas (2004) and Wedgwood et al. (2001).

The US has made various claims against the court.<sup>32</sup> The first is the ICC's possible assertion of jurisdiction over US soldiers charged with 'war crimes' resulting from legitimate uses of force, and perhaps over civilian policy-makers, even if the United States does not ratify the Rome Statute. The United States sought to exempt US soldiers and employees from the jurisdiction of the ICC based on the unique position the United States occupies with regard to international peacekeeping (Grossman, 2002). Opponents depict the objection as US reluctance to be held accountable for gross human rights violations or to the standard established for the rest of the world. Second, the US has argued that the court lacks sufficient oversight mechanisms for confirmation of officials, and their impeachment where necessary. Third, the US insisted that a prosecution should require a positive referral from the Security Council. Opponents rejected this claim, and no such requirement now exists. A prosecution can be started on the prosecutor's own initiative, overseen only by the court's own judges. Fourth, some Americans have criticised the court for not protecting defendants' human rights through provisions commonplace in the US legal system, and hence that ratification by the United States of the Rome Statute would require an amendment to the US Constitution.<sup>33</sup> Supporters of the Rome Statute contend it contains a comprehensive set of procedural safeguards that offers substantially similar protections as provided in the US Constitution.

When the US proved unsuccessful in its efforts to reform the Rome Statute, it began to undertake measures to circumvent the court, to subvert it and to shield US nationals from it. In 2002, the US Congress passed the American Servicemembers' Protection Act (ASPA), which contained a number of provisions, including prohibitions on the United States providing military aid to countries that had ratified the Rome Statute.<sup>34</sup> More ominously for ICC supporters, Section 2008 of APSA authorised the President to use "all means necessary and appropriate" to bring about the release of covered United States and allied persons, upon the request of the detainee's government, who are being detained or imprisoned by or on behalf of the ICC. APSA limited US cooperation with the Court to cases dealing with enemies of the United States. The United States also threatened to use its Security Council veto to block renewal of the mandates of several UN peacekeeping operations, unless the Security Council agreed to permanently exempt US nationals from the Court's jurisdiction.<sup>35</sup> In 2004, the Nethercutt Amendment to the

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<sup>32</sup> In 2002, then Under Secretary of State for Arms Control and International Security John Bolton summarized the US position regarding the ICC: "For a number of reasons, the United States decided that the ICC had unacceptable consequences for our national sovereignty. Specifically, the ICC is an organization whose precepts go against fundamental American notions of sovereignty, checks and balances, and national independence. It is an agreement that is harmful to the national interests of the United States, and harmful to our presence abroad". See Bolton (2002).

<sup>33</sup> RenewAmerica articulates this: "Because the ICC is inconsistent with fundamental constitutional protections, the federal government is without authority to ratify the treaty absent a constitutional amendment." If the US Government were to ratify an ICC treaty, there almost certainly would be an immediate legal challenge to the authority of the government to forfeit any constitutional right except by a constitutional amendment (see Voigt, 2006).

<sup>34</sup> There were a number of exceptions to this prohibition, including NATO members, major non-NATO allies and countries that have entered into an agreement with the United States not to hand over US nationals to the Court (see Article 98 agreements below). ASPA also excluded any military aid that the US President certified to be in the US national interest.

<sup>35</sup> After the Bush administration threatened to veto a United Nations Security Council resolution to extend the peacekeeping mission in Bosnia on the ground that it did not contain sufficient guarantees that US participants would be immune to prosecution by the ICC, the Security Council adopted a resolution that would defer for one year any prosecution of participants in missions established or authorised by the UN whose home countries have not ratified the Rome Statute. That resolution was renewed through 1 July 2004, but was not subsequently renewed (see Congressional Research Service, 2006).

Foreign Appropriations Bill suspended Economic Support Fund assistance to ICC States Parties without bilateral immunity agreements (BIAs) with the United States. The funds affected support initiatives including peacekeeping, anti-terrorism measures, democracy-building and drug interdiction.

As part of the US campaign to exclude its citizens and military personnel from extradition by the ICC, the US Bush administration also approached countries around the world to conclude Bilateral Immunity Agreements, or 'Article 98' agreements. The United States has used bilateral diplomacy to persuade many nations to sign these agreements. The US has a law requiring the suspension of military assistance and US Economic Support Fund (ESF) aid to those States Parties that do not sign these agreements. The granting of such special favours is of course always subject to diplomacy. ESF funding entails a wide range of governance programmes including international counter-terrorism efforts, peace process programmes, anti-drug trafficking initiatives, truth and reconciliation commissions, wheelchair distribution and HIV/AIDS education, among others.

The height of US bellicosity came in 2003, when the United States stopped military aid for 35 countries (among them nine European countries). However, in what some view as a sign that the administration is softening its stance with respect to the ICC, the United States did not exercise its veto power at the Security Council to prevent the referral of a case against Sudan's leaders for the alleged genocide in Darfur.

### *Goals, means and impact*

Initially supportive of a new norm to address "the most serious crimes of concern to the international community", yet with qualms about certain implication for US interests stemming from such a far-reaching initiative, Washington initially sought to reform the treaty. Having failed in this attempt, the US actively engaged in efforts to circumvent, subvert and shield Americans from the Court. Overall such efforts have failed. The Court is now a reality, and anti-ICC laws and impunity agreements have only served to align the US with pariah states of the international criminal justice system. The major impact of the US anti-ICC campaign has been to diminish the credibility of US efforts to forge coalitions against human rights abusers and to undermine future US efforts to advance international justice in discrete cases. Furthermore, the US is unable to vote in these bodies, may not nominate US nationals to serve as judges, may not cast a vote in elections for or against judges or the Prosecutor (or for their removal), and may not vote on the ICC's budget. It will not be able to vote on the definition of the crime of aggression or its inclusion within the jurisdiction of the ICC, or on any other amendment to the Rome Statute, unless it ratifies it. By appearing to demand special treatment in the form of immunity from the ICC, the United States has bolstered the perception of its unilateral approach to world affairs and its unwillingness to abide by the same laws that apply to other nations. This perception could undermine US efforts at coalition-building to gain international support for the present war against terrorism and operations in Iraq, as well as future international endeavours. In March of 2006, even Secretary of State Condoleezza Rice admitted that the US position was "sort of the same as shooting ourselves in the foot" (Congressional Research Service, 2006).

### *Conditioning factor: Domestic context*

Initial Wilsonian enthusiasm for a far-reaching new norm in international law gave way to more sober conclusions about the implications of the ICC for the US position in the world, and galvanised significant opposition from Jacksonians and Jeffersonians enraged that an international court lacking, in their view, any democratic legitimacy and lacking basic constitutional provisions, could potentially hold sway over US citizens abroad or even at home. The inability of subsequent US administrations to arrange the type of opt-out clauses or Security

Council protections typical of other kinds of multilateral arrangements only stiffened domestic opposition.

*Conditioning factor: Domestic capabilities*

Through its efforts to reform the Rome Statute, as well as its efforts to get around its provisions, the US demonstrated that it had a significant number of options at its disposal. In the end, however, US efforts proved counterproductive.

*Conditioning factor: External environment*

The external environment proved hostile to US efforts to arrange special carve-outs or privileges under the treaty, and subsequent US unilateral activities only harden opposition to any particular recognition of the US role in the world.

All of those declared by the president to be enemy combatants, including US citizens Yaser Esam Hamdi and Jose Padilla, are, according to the Bush administration, excluded from the protections granted to prisoners of war by the Geneva Conventions as well as the due process rights afforded defendants in the American court system by the US Constitution and acts of Congress.

*Summary*

How much weight can we assign to US *Realpolitik* efforts that go wrong? The Bush Administration's assertion that it can exclude anyone declared to be an 'enemy combatant' from the protections granted prisoners by the Geneva Conventions, despite Supreme Court judgment otherwise, and with results that have questioned prevailing standards of international law, have damaged international regard for the US. In these cases the conditioning factors appear to be fairly significant; if an Administration decides to advance a *Realpolitik* policy, it often finds acquiescence within the Congress and in the broader public, or at least enjoys a period of time to initiate such a policy before the inevitable domestic checks and balances come into play. It also has considerable capabilities to advance such a policy. Rarely does the external environment, geared more to power than to principle, stand in the way. Given this rather permissive setting, then, it is perhaps striking that such policies are relatively limited in the broad panoply of US foreign policies. The Iran-Contra affair is another prominent example (National Security Archive, 2006). This case highlights that the US can also act as a 'norm blocker', even as it acts as a 'norm entrepreneur' in other areas.

**3.5 Imperial intended: The US Invasion of Panama, 1989**

The US has also acted in ways that may be characterised as **imperial intended**, i.e. exercising control over weaker countries in ways it has claimed are normative, yet are widely judged to be in breach of international law.

*Narrative*

The United States invasion of Panama, codenamed Operation Just Cause, deposed Panamanian military leader and political dictator Manuel Noriega in December 1989, during the administration of US President George H. W. Bush. This action was preceded by over a year of diplomatic tension between the United States and Panama, the highlights of which were specific allegations by the US that Noriega was complicit with money launderers and drug traffickers and a nullified national election in 1989. Several months of US troop build-up followed these events in military bases within the former Panama Canal Zone.

President Bush (1989) gave four basic reasons for the invasion. The first was to safeguard the lives of the 35,000 US citizens in Panama. There had been numerous clashes between US and Panamanian forces; one American soldier had been killed a few days earlier and several incidents of harassment of Americans had taken place. Bush stated that Noriega had declared that a state of war existed between the US and Panama and that he also threatened American lives. The second reason was to combat drug trafficking. Panama had become a centre for drug money laundering and a transit point for drug trafficking to the US and Europe. The US had evidence that Noriega was directly involved in these operations, and in February 1988 had been indicted for drug trafficking. The third reason given was to protect the integrity of the Torrijos-Carter Treaties governing the Panama Canal. Members of Congress and others in the US political establishment claimed that Noriega threatened the neutrality of the Panama Canal and that the United States had the right under the treaties to intervene militarily to protect the canal. The fourth was that elections scheduled earlier in the year, which would have brought Guillermo Endara to power, had been illegally nullified by Noriega, thus subverting Panamanian democracy.<sup>36</sup>

A few hours after the invasion began, Guillermo Endara was sworn in at Rodman Naval Base. Military operations lasted only a few days. Noriega obtained refuge in the Vatican diplomatic mission in Panama City and finally surrendered to the US military on 3 January 1990. He was immediately put on a military transport plane and extradited to the United States.

### *Goals, means and impact*

The US sought to maintain control over Panama in the years leading to the final transfer of the Panama Canal to Panamanian authority. When Noriega, who had once been a valuable US intelligence asset, began to act in ways considered ‘destabilising’, the US conveyed a clear warning to Noriega, as recounted by former US Ambassador Briggs: “Our underlying message was this: You know the current state of our relations with the Sandinistas in Nicaragua (where the Pentagon was providing support to the Contras in their war against the ruling government). If you continue to act as a destabilizing force, you can expect the United States to turn on you as we have turned on them” (Briggs, 2007). Noriega ignored this warning and turned against the US. When he blocked the election of US-supported candidate Endara, the Bush Administration concluded that Noriega had to go. Estimates of casualties from the invasion range from 300-3,000. Following the invasion and Endara’s assumption of power, relations between the Panamanian and US governments again became close.

### *Conditioning factor: Domestic context*

Despite having ratified the Torrijos-Carter Treaties that would relinquish US control of the Panama Canal by the turn of the century, members of Congress were concerned that Noriega would politicise operation of the Canal, with negative consequences for the United States. President Bush’s popularity ratings soared after the invasion. In the end, the US did fulfil its obligations under the Torrijos-Carter Treaties and turned over the canal and military bases to Panama in 1999.

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<sup>36</sup> The Inter-American Commission on Human Rights (1989) concluded that numerous human rights violations occurred in Panama during Noriega’s government.

*Conditioning factor: Domestic capabilities*

The US had a range of instruments to deal with Noriega. He was indicted for drug smuggling, funds were channelled to support the opposition, an economic blockade was imposed and ultimately military force was used to depose him.

*Conditioning factor: External environment*

On 22 December 1989, the Organization of American States (OAS) passed a resolution deploring the invasion and calling for withdrawal of US troops. The OAS Charter, to which the US is a signatory and party, prohibits members from invading other members for any reason. Key European states supported the US, however: a draft UN Security Council resolution demanding the immediate withdrawal of United States forces from Panama was vetoed on 23 December by France, the United Kingdom, and the United States which cited its right of self-defence of 35,000 Americans present on the Panama Canal. On 29 December, the General Assembly of the United Nations voted 75–20 with 40 abstentions to condemn the invasion as a “flagrant violation of international law”.

*Summary*

The US has a long history of using ‘gunboat diplomacy’ to maintain its sphere of influence and ‘stabilise’ regimes in Central America and the Caribbean. The Reagan Administration’s invasion of the tiny island of Grenada is another example from this period. The Clinton Administration intervened in Haiti without UN authorisation.<sup>37</sup> Defining the Western Hemisphere to extend into the Pacific Ocean, Americans targeted such Pacific Islands as Hawaii and Guam as appropriate venues for American expansion and development. Between 1893 and 1898, an American-led coup toppled the independent Hawaiian constitutional monarchy and led to annexation of Hawaii by the United States, and the American defeat of Spain in Cuba, Puerto Rico and the Philippines won for the United States an empire of its own – though the United States permitted Cuba to go its way as an independent country. Further American exertions of power and influence won the independence of Panama from Colombia, followed by a coerced treaty between the US and Panama that gave the United States territory on the Panamanian isthmus and, ultimately, the Panama Canal.

Other examples of ‘imperial intended’, if we use Tocci’s framework, would be intervention by the US and its European partners in Bosnia and again in Kosovo. The Bosnian intervention was carried out with support of the UN. The Kosovo intervention did not gain support in the UN Security Council, but the US and its European partners acted anyway in the face of massive human tragedy. In this sense, the Kosovo intervention was not ‘intended’ to violate UN principles, but the paralysis of the Security Council prompted the US and Europe to act anyway. The Kosovo intervention, according to one observer, “was illegal in the sense of not having followed the letter of the UN Charter but legitimate in the sense of being consistent with the norms and principles that the charter embodies” (Jentleson, 2007, p. 281; Independent International Commission on Kosovo, 2000).

All of these examples raise a core question: Should the US be considered an imperial, rather than a normative power? Today, ‘American empire’ is a term of approval and optimism for some and disparagement and danger for others. Neoconservatives celebrate the imperial exercise of US power, which they believe to be a liberal force that promotes democracy and undercuts tyranny, terrorism, military aggression and weapons proliferation. Max Boot (2003)

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<sup>37</sup> These direct operations, however, have been extremely low-risk, limited operations. The Reagan Administration, for instance, intervened by proxy in Nicaragua and El Salvador.

insists that the “greatest danger” facing the US, in fact, “is that we won’t use all of our power for fear of the ‘I’ word – imperialism... Given the historical baggage that ‘imperialism’ carries, there’s no need for the US government to embrace the term. But it should definitely embrace the practice.” Neo-imperialists are refuted by domestic critics, however, who worry about unacceptable financial costs of empire, its corrosive effect on democracy and the threat it poses to the institutions and alliances that have secured US national interests since World War II (Ignatieff, 2003b).

Michael Ignatieff (2003a) also uses the term ‘empire’, but acknowledges that:

America’s empire is not like empires of times past, built on colonies, conquest and the white man’s burden....The 21st century imperium is a new invention in the annals of political science, an empire lite, a global hegemony whose grace notes are free markets, human rights and democracy, enforced by the most awesome military power the world has ever known. It is the imperialism of a people who remember that their country secured its independence by revolt against an empire, and who like to think of themselves as the friend of freedom everywhere. It is an empire without consciousness of itself as such, constantly shocked that its good intentions arouse resentment abroad.

Ignatieff argues that this does not make it any less of an empire. I beg to differ. Words matter, and the difference between hegemony and empire is significant for our purposes. Rather than simply blur the definition, it is better to understand the distinction.

The classic understanding of imperialism is a form of direct or monopoly control of another nation or region. Empires are “relationships of political control imposed by some political societies over the effective sovereignty of other political societies” (Maier, 2007; see also Lind, 2007a; Mandelbaum, 2005). Over the centuries empires have shared characteristics of subordination; coercion; some form of ethnic, national, religious, or racial difference between the imperial power and the society it controls; and assertive efforts by the empire, when challenged, to perpetuate its imperial rule, if need be by force, as in the case of France in both Indochina and Algeria after World War II. Empire is dictatorship by foreigners. Hegemony is different. In old Greece, a hegemon referred to an army commander who led armed forces consisting of free citizens of the polis and city-states. During that period, it was assumed that he acted in the interest of mutual security. Hegemony is traditionally defined as an international interaction and a leadership relationship “whose existence and maintenance are dependent, on the one hand, on the power resources, the will and the strategic competence of a leading state (the hegemon), and on the other hand, on the voluntary acquiescence, at least in principle, of a homogenous – in terms of organization of power – group of states.” (Maier, 2007)

Which pattern more accurately describes the United States? Ultimately, the notion of empire is misleading and misses the distinctive aspects of the global political order that has developed around the various dimensions of US power – military, economic, political and normative. After reviewing and comparing empires throughout history, Maier (2007) underscores “the difficulty of shoehorning the United States into the received models of imperial power”, and suggests instead that “hegemonic power” is a more apt description.

As discussed, the US has a long tradition of pursuing crude imperial policies, most notably in Latin America and the Middle East. But as John Ikenberry (2004) notes, for most countries, the US-led order has been a negotiated system wherein the United States has sought participation by other states on terms that are mutually agreeable. This is true in three respects. First, the United States has provided public goods – particularly the extension of security and the support for an open trade regime – in exchange for the cooperation of other states. Second, power in the US system is exercised through rules and institutions; power politics still exist, but arbitrary and indiscriminate power has largely been reigned in. There are obvious exceptions, but these are exceptions that tend to prove the rule. Finally, weaker states in the US-led order are given ‘voice

opportunities' – informal access to the policy-making processes of the United States and the intergovernmental institutions that make up the international system. The American order is hierarchical and ultimately sustained by economic and military power, but it is put at the service of an expanding system of democracy, free markets and the rule of law, and open to others willing and able to join. This is not empire; it is a US-led democratic political order that has no name or historical precedent.

American influence in the world is certainly considerable, but the instances where the US has exercised direct control in the manner defined above are limited and rather specific, and even in these cases with other attributes, such as an effort, as in the Balkans, to share this control with others, or to divest itself of its responsibility as quickly as feasible, as in Haiti in the 1990s. There is no denying that such cases exist, but they are exceptions that prove the rule that the US acts more as a hegemonic than imperial power (Mandelbaum, 2005).<sup>38</sup>

The debate about empire also misses the most important international development of recent years: the long peace among great powers. Capitalism, democracy, nuclear weapons and a shared concern about terrorism all help explain this peace. But so too does the unique way in which the United States has gone about the business of building an international order. US success stems from the creation and extension of international institutions that have limited and legitimated US power. Ultimately, the current debate centres on this question: Does the US remain committed to this extensive and deep-rooted system, or does its assertion of power since the end of the cold war and particularly since September 11 represent a fundamental break with the past? A more conclusive answer might come after examining the next category: imperial unintended.

### **3.6 *Imperial Unintended: The US Invasion and Occupation of Iraq, 2003-07***

The US has also acted in ways that may be characterised as **imperial unintended**, i.e. pursuing normative goals in disrespect of international law and outside the boundaries of international institutions, yet failing to achieve its intended results. I have chosen the US invasion and occupation of Iraq for two reasons. First, even though the operation continues today and its ultimate outcome remains uncertain, the Bush administration clearly did not achieve its intended results in the four years following the invasion. Second, the Bush Administration's invasion of Iraq is potentially pivotal to the debate about the US as an imperial or normative power.

#### *Narrative*

The 2003 invasion of Iraq took place 18 March-1 May 2003, and was led by the United States, backed by British forces and smaller contingents from Australia and Poland. Other countries were involved in its aftermath.

The objectives of the invasion, according to US President George W. Bush and former UK Prime Minister Tony Blair, were to disarm Iraq of weapons of mass destruction, to end Saddam Hussein's support for terrorism, and to free the Iraqi people. Bush said the actual trigger was Iraq's failure to take a "final opportunity" to disarm itself of nuclear, chemical, and biological

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<sup>38</sup> In *Colossus*, Niall Ferguson (2004) argues that the US is an empire and that this is good for the world. Ferguson's concern is not that there is too much American empire but too little; Benjamin Barber (2004) argues in *Fear's Empire* that empire is not inherent in US dominance but is a temptation, to which the Bush Administration has succumbed.



weapons that US and coalition officials deemed to be an immediate and intolerable threat to world peace.<sup>39</sup>

No such weapons were found. In January 2005, the Iraq Survey Group concluded that Iraq had ended its WMD programs in 1991 and had no WMD at the time of the invasion (although some misplaced or abandoned remnants of pre-1991 production were found).

After the invasion of the Gulf War of 1991, the US and the international community maintained a policy of containment towards Iraq. This policy involved economic sanctions, US and UK patrols of Iraqi no-fly zones declared to protect Kurds in northern Iraq and Shiites in the south, and ongoing inspections to prevent Iraqi WMD development. In October 1998, US policy began to shift away from containment and towards 'regime change', as the US Congress passed and President Clinton signed the Iraq Liberation Act in response to Iraq's termination of its cooperation with UN weapons inspectors. The Act provided \$97 million for Iraqi "democratic opposition organizations" to "establish a programme to support a transition to democracy in Iraq". This legislation contrasted with the terms set out in UNSC Resolution 687, which focused on weapons and weapons programmes and made no mention of regime change. One month after the passage of the Iraq Liberation Act, the US and UK launched a bombardment campaign of Iraq called Operation Desert Fox. The campaign's express rationale was to hamper the Hussein government's ability to produce chemical, biological and nuclear weapons, but US officials also hoped it would help weaken Hussein's grip on power.

With the inauguration of George W. Bush in 2001, the US moved towards a more active policy of 'regime change' in Iraq. Nine days after September 11, President Bush addressed a joint session of Congress and announced a new 'war on terrorism', which conflated the challenge posed by al-Qaeda and that offered by Saddam Hussein, and which was also accompanied by a doctrine of 'pre-emptive' military action. Some Bush advisors favoured an immediate invasion of Iraq, while others advocated building an international coalition and obtaining UN authorisation. Bush eventually decided to seek UN authorisation, but held out the possibility of invading unilaterally.

Throughout 2002, the Bush administration made clear that removing Saddam Hussein from power in order to restore international peace and security was a major goal. Bush made his case to the international community for an invasion of Iraq in a 12 September 2002 address to the UN Security Council. Key US allies, including France and Germany, were critical of plans to invade Iraq, arguing instead for continued diplomacy and weapons inspections. After considerable debate, the Security Council adopted a compromise resolution, 1441, which authorised the resumption of weapons inspections and promised "serious consequences" for non-compliance.

In February 2003, US Secretary of State Colin Powell presented evidence at the UN alleging that Iraq was actively producing chemical and biological weapons and had ties to al-Qaeda, claims that have since been widely discredited. As a follow-up to Powell's presentation, the US, UK and Spain proposed a UN Resolution authorising the use of force in Iraq, but US NATO allies Canada, France and Germany, together with Russia, strongly urged continued diplomacy. Facing a losing vote as well as a likely veto from France and Russia, the US eventually withdrew its resolution.

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<sup>39</sup>. In preparation for the invasion, 100,000 US troops were assembled in Kuwait by 18 February 2003. The United States supplied the vast majority of the invading forces, but also received support from Kurdish troops in northern Iraq (see <http://www.whitehouse.gov/news/releases/2003/01/20030131-23.html>).

The US and UK then abandoned Security Council procedures and decided to pursue the invasion without UN authorisation, a decision of questionable legality. On 17 March 2003, Bush gave Hussein and his two sons 48 hours to leave Iraq. Iraq rejected this demand, maintaining that it had already disarmed as required. The invasion of Iraq began on 20 March, without UN support.

While never making an explicit connection between Iraq and the September 11th attacks, the Bush administration repeatedly insinuated a connection, thereby creating a false impression among the American public. Similarly, assertions of significant operational links between Iraq and al Qaeda were subsequently largely discredited by the intelligence community and eventually retracted by Secretary Powell himself.

The Bush Administration worked very hard for a UN resolution to authorise an attack on Iraq. It extorted cooperation primarily by threats to act unilaterally rather than through persuasion or concessions. It condemned the UN for lacking the courage of its convictions with regard to 12 years of Security Council resolutions demanding full Iraqi compliance. Between Iraq's invasion of Kuwait in 1990 and the US/UK invasion of Iraq in 2003, the UN Security Council passed nearly 60 resolutions on Iraq and Kuwait. The most relevant to this issue was Resolution 678, passed on 29 November 1990, which authorised “member states co-operating with the Government of Kuwait...to use all necessary means” to 1) implement Security Council Resolution 660 and other resolutions calling for the end of Iraq's occupation of Kuwait and withdrawal of Iraqi forces from Kuwaiti territory and 2) “restore international peace and security in the area”. Resolution 678 was not rescinded or nullified by succeeding resolutions. Resolution 1441 was most prominent during the run-up to the war and formed the main backdrop for Secretary of State Powell's address to the Security Council one month before the invasion.<sup>40</sup> At the same time, Bush administration officials advanced a parallel legal argument using the earlier resolutions. Under this reasoning, by failing to disarm and submit to weapons inspections, Iraq was in violation of UNSC Resolutions 660 and 678, and the US could legally compel Iraq's compliance through military means. Critics and proponents of the legal rationale based on UN resolutions argue that the legal right to determine how to enforce its resolutions lies with the Security Council alone, not with individual nations.

### *Goals, means and impact*

The administration's goals were to disarm Iraq of weapons of mass destruction, to remove Saddam Hussein from power, and to “free” the Iraqi people. In addition, there were many statements indicating support for the creation of a stable, democratic Iraq closely tied to the United States. The US military demonstrated overwhelming military prowess and ended the military campaign in a very short time. Astonishingly, however, the administration did little to plan for securing the peace after it had won the war. Efforts to ensure stability, therefore, suffered considerably in the wake of insurgent conflict, and throughout the four-year period Iraq never established a secure environment in which to rebuild its economy and reorient its politics.

While estimates on the number of casualties vary widely, the majority of deaths and injuries – numbering in the hundreds of thousands – occurred after US President Bush declared the end of major combat operations on 1 May 2003. The administration was unable to use the tremendous military and economic power of the United States to create the stable Iraq it had sought, and failed to broaden its small coalition to include other major allies or countries. Moreover, the

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<sup>40</sup> For the transcript of Secretary Powell's address, see <http://www.cnn.com/2003/US/02/05/sprj.irq.powell.transcript/index.html>. Luis Moreno-Ocampo, the lead prosecutor for the International Criminal Court, stated that his extensive investigation found no evidence for any war crime or any crime against humanity.

Bush administration's ability to use economic or other incentives as political leverage to enlist the support of other countries for the US effort was strikingly limited. It failed, for instance, to secure the support of countries such as Angola, Chile, Guinea, Mexico and Pakistan in the Security Council before the war began. The bold unilateral exercise of military power, coupled with efforts to disentangle the US from the constraints of multilateralism, undermined US legitimacy throughout the world and severely compromised the authority that flowed from such legitimacy.

The Iraq war proved to be damaging to all major players. The US suffered considerably in terms of global perceptions of its legitimacy and effectiveness. The EU experienced a bitter split among its members. The UN was condemned by those who went to war for lacking the courage of its convictions with regard to 12 years of Security Council resolutions demanding full Iraqi compliance, and condemned equally by those who opposed the war for lacking the courage of its convictions and not censuring the invasion (Thakur & Sidhu, 2006, pp. 12-14).

### *Conditioning factor: Domestic context*

The Bush administration won domestic authorisation for an invasion in October 2002 when the US Congress passed a Joint Resolution authorising military force against Iraq. A few days before the Senate vote, about 75 senators were told in closed session that Saddam Hussein had the means of delivering biological and chemical weapons by unmanned aerial vehicle (UAV) drones that could be launched from ships off the Atlantic coast to attack US eastern seaboard cities. In fact, Iraq had no such capability (Nelson, 2004; Lowe, 2003; and Mackay, 2003). While the resolution authorised the President to "use any means necessary" against Iraq, Americans polled in January 2003 widely favoured further diplomacy over an invasion.<sup>41</sup>

The Bush administration's continued insinuations of a tie between Saddam Hussein and international terrorism, however, did have a significant impact on US public opinion: by September 2003, 70% of Americans believed there was a link between Saddam Hussein and the 9/11 attacks.<sup>42</sup>

Critics of the war argued that Iraq was not the top strategic priority in the war on terror or in the Middle East and suggested that it could potentially destabilise the surrounding region. They were marginalised, yet included not only Democrats but leading figures within the Republican party. Prominent among such critics was Brent Scowcroft, who served as National Security Adviser to George H.W. Bush. In a 15 August 2002 *Wall Street Journal* editorial entitled "Don't Attack Saddam", Scowcroft warned: "Possibly the most dire consequences would be the effect in the region" where there could be "an explosion of outrage against us" that "could well destabilize Arab regimes" and "could even swell the ranks of the terrorists". All his predictions came to pass.

### *Conditioning factor: Domestic capabilities*

The US had considerable military capability to win the war, but as indicated demonstrated a striking lack of ability to secure the peace. Little effort was undertaken to plan for the peace or to anticipate insurgent activity and an unsettled security environment for the years following the invasion. The State Department's Future of Iraq plan was dismissed by both the Pentagon and the White House, which appears to have imagined that once the conventional battle against Saddam was won, its job was done, and a new state would build itself. Stabilisation and

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<sup>41</sup> "Poll: Talk First, Fight Later", *CBS.com*, 24 January 2003.

<sup>42</sup> "Poll: 70% believe Saddam, 9-11 link", *USA Today*, 6 September 2003 ([http://www.usatoday.com/news/washington/2003-09-06-poll-iraq\\_x.htm](http://www.usatoday.com/news/washington/2003-09-06-poll-iraq_x.htm)).

reconstruction capabilities were relatively weak, particularly when compared to the task at hand. Efforts to ensure stability, therefore, suffered considerably in the wake of insurgent conflict, and throughout the four-year period Iraq never established a secure environment in which to rebuild its economy and reorient its politics.

### *Conditioning factor: External environment*

The US and its small coalition of allies faced considerable opposition from most other nations in the world. Opposition rallies were held in cities all over the world. International organisations largely decided against engagement in Iraq due to security concerns, and a number of key US allies refused to participate.

### *Summary*

US policies toward Israel-Palestine may also be considered as imperial unintended, in ways similar to those Tocci has charted in her case study on the EU. The Bush administration's declaration of a war on terrorism, in which countries are either "with us or against us", has also failed to garner enthusiastic support for a US-led global effort. The unsuccessful US intervention in Lebanon in the early 1980s and US efforts to destabilise the Sandinista regime in Nicaragua, for which the United States was convicted at the International Court of Justice (cf. *Nicaragua vs. United States*), are other examples of 'imperial unintended' policies.

As mentioned, it is still premature to conclude that the Bush Administration's invasion of Iraq signals a sustained US turn away from the liberal hegemonic system that the US shaped, led and profited from over the previous six decades. The record of those six decades, on the whole, was successful, however, while the record of efforts to turn away from that order, to subvert it, or to turn US pre-eminence into true imperialism, has largely been one of failure. In fact, Iraq has the potential of becoming the most significant foreign policy blunder in the history of the American republic. One consequence may well be a national abandonment of the attitudes that were responsible for it.

There are important signs, as reflected both in public opinion and in the statements of the three leading Presidential candidates, that there is majority support for a course affirming that US interests and ideals are advanced best in the world through consensus-building leadership to advance the peaceful growth of a relatively stable zone of democracies and market economies. Republican as well as Democratic candidates for the presidency are, with varying degrees of explicitness, promising a restoration of what amounts to traditional American internationalism – that is, a repudiation of the historically curious alliance between Jacksonians and neo-con Wilsonians that marked the Bush administration in favour of a new domestic coalition.

### **3.7 Status quo – Intended: US Policy toward Taiwan, 1978-2007**

The US has also acted in ways that may be characterised as **status quo – intended**. US policy regarding the status of Taiwan is a good example.

#### *Narrative*

Over roughly three decades since US-China normalisation, the US has favoured the preservation of the fundamental status quo regarding Taiwan, i.e. indefinite acceptance by all parties of Taiwan's ambiguous political status. The island should continue to enjoy de facto independence, but not internationally recognised legal independence, until Taipei and Beijing can agree on a peaceful resolution of their dispute.

The United States does not support Taiwan's independence and opposes unilateral changes to the status quo by either Taiwan or Beijing. It has encouraged both sides to establish a

substantive cross-Strait dialogue, and supports expansion of transportation and communication links across the Strait aimed at increasing political, economic, social and cultural exchanges and reducing the chances of any miscommunication or misunderstanding. That rationale enables Washington to acknowledge Beijing's position that there is only one China and that Taiwan is part of China while continuing to sell arms to Taiwan and maintain an implicit commitment to defend the island against a Chinese military assault.

Under this approach, the US pursues two tracks. First, it does not want to give Taipei any reason to declare formal independence, as Jacques deLisle (2001) states: “either by creating excessive confidence that the United States will stand fully behind Taiwan in a cross-strait crisis produced by ‘unprovoked’ moves toward full separate statehood or by creating excessive worry about the United States’ commitment to Taiwan such that moves toward a claim of de jure independence look like a reasonable gamble in perilous circumstances.” Second, Washington does not want to give Beijing any reason to believe it could coerce Taipei, again, in deLisle’s words, “either by allowing doubt about the US commitment to preserving Taiwan’s autonomy or by threatening to cross Beijing’s threshold of intolerable ‘interference’ to ‘separate’ Taiwan from China”.

The United States has anchored its status quo approach in a series of documents and proclamations, particularly its ‘one China’ policy, the Taiwan Relations Act, three US-China Joint Communiqués, President Clinton’s ‘three nos’ (no support for Taiwan independence; for two Chinas or one-China, one-Taiwan; or for Taiwan’s membership in states-only organisations) and carefully crafted policy statements embodying a policy of ‘strategic ambiguity’.<sup>43</sup>

### *Goals, means and impact*

The US seeks to preserve the status quo arrangements regarding a potentially explosive relationship, which if it unravelled could drag the US into conflict and damage vital US interests in East Asia. It does this in a variety of ways, resulting in a relatively tolerable situation between Taipei and Beijing. In addition, within the international space created by this approach, Taiwan has transformed from dictatorship to democracy, and its economy has developed close interactions with the Chinese mainland, providing another incentive for both Taipei and Beijing not to rock the boat as each seeks to benefit further from the global economy. Moreover, continuation of the status quo preserves confidence in American commitments throughout the region and gives American allies in East Asia less cause for serious reassessment of regional power arrangements.

### *Conditioning factor: Domestic context*

Although Congressional ire due to its exclusion from the US effort to recognise Beijing and de-recognise Taipei led to Congressional activism, particularly the Taiwan Relations Act, for decades the Congress has left Taiwan policy largely to the Executive branch. Today, congressional concerns tend to focus more on economic relations with Taiwan, arms sales and human rights issues. In general terms, however, US domestic politics has provided support for the triangular status quo approach of successive administrations.

### *Conditioning factor: Domestic capabilities*

The US commands a panoply of economic, military, diplomatic and political tools with both Taipei and Beijing, and seeks to use them in an integrated fashion to preserve its status quo approach. Whenever Taiwan pushes too hard on independence, or when Beijing undertakes any

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<sup>43</sup> For a recent iteration, see Ereli (2006).

untoward motion suggesting reunification, Washington does not hesitate to admonish either side. The result of this balancing act has been relative stability.

### *Conditioning factor: External environment*

While Taipei and Beijing have each accepted the status quo for an uncertain period, neither has given up its respective view that ultimately the status quo is unacceptable. The People's Republic of China interprets the status quo as synonymous with a one-China policy and Taiwan's eventual reunification with the mainland. Taiwan's concept of the status quo is exactly the opposite: the status quo means Taiwan's independence. The status quo solution has allowed each to bide its time while blunting any sudden or provocative developments.

### *Summary*

Other examples of status quo-intended policies include US policy towards Saudi Arabia and Egypt and US approaches to climate change.

## **3.8 Status quo – Unintended: the US and South Africa, 1948-90**

### *Narrative*

The US has also acted in ways that may be characterised as **status quo – unintended**, i.e. pursued its foreign policies in full respect of international law and institutions with the primary purpose of simply satisfying its possession goals and with little interest in shaping the normative milieu, yet unintentionally engendering normative results. US policy toward South Africa is an interesting example because decades of rigid US policy ultimately generated a domestic backlash that, combined with changes in South Africa itself, upended the status quo policies of the Executive branch and put the US firmly on the side of normative change.

### *Goals, means and impact*

Only in the late 1980s did the US engage meaningfully to oppose apartheid in South Africa, and only due to efforts by the US Congress and civil society groups, rather than the Executive branch.

Between the 1950s and the 1970s, domestic political support within South Africa for the black liberation movement stemmed largely from the South African Communist Party. Moreover, insurgents in the broader region were receiving support from the Soviet Union, China, Cuba, Libya and the PLO. During the cold war, the US assigned higher priority to containing communism and protecting US economic interests than with ending apartheid, despite support in US civil society for South Africa's civil rights movement. The US had multiple stakes in preserving access to a stable South Africa, ranging from the need to contain communism; the significant US corporate investments in South African trade, industry, banks and natural resources; and the importance of protecting the strategic position of the Cape of Good Hope – a heavily traversed sea lane for the transport of oil and a prime access point to West Africa, the Indian subcontinent and the Persian Gulf. These goals led the US government to support perpetuation of the apartheid status quo, despite a rhetorical stance opposing apartheid. This position became clear during the 1952 debate on apartheid, when the US noted that apartheid was not in keeping with the UN Charter but emphasised that countries should not intervene in the sovereign affairs of other nations.<sup>44</sup> Although it joined 60 other countries supporting the UN

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<sup>44</sup>“Non-interference in the sovereign affairs of other nations is a key principle of Chinese and Indian foreign policies. See the other contributions to this project.

resolution that rejected apartheid, it did nothing to curb its own investment in the apartheid state, and failed to apply its 'non-interventionist' standard to its own efforts to contain communism in other nations around the world.

This dual approach characterised US policy throughout the cold war. Despite the anti-apartheid rhetoric of the Kennedy and Johnson administrations, Washington refused to sign a General Assembly resolution calling for nations to sever economic ties, despite support by a large majority of other nations, and continued to rely on the apartheid government for support of its Cold War objectives. The US did support a ban on arms sales to South Africa, however, underscoring the seeming contradictions in US attitudes and policies. The Nixon and Ford administrations relaxed the arms embargo, abstained from key UN votes on anti-apartheid measures, extended trade between the US and South Africa, and supported South African intervention in Angola, all the while criticising apartheid in public. While the Carter administration took a stronger stand against apartheid, it was unable to effect significant change, and the Reagan administration continued the US status quo approach (Nesbitt, 2004, p. 113).<sup>45</sup> Reagan consistently rejected the use of sanctions, downplayed racial injustice under apartheid and even lent South Africa \$1.1 billion in return for South Africa's cooperation in negotiating a peaceful settlement in Namibia and encouraging the withdrawal of Cuban forces from Angola (Baker, 2000, pp. 96-99; Nesbitt, 2004, p. 11). The administration argued that such 'constructive engagement' would enhance US influence in inducing apartheid leaders to share power with the black majority.

Events, however, were making a mockery of such claims. Growing domestic unrest against apartheid in South Africa was sparked in 1983 by the establishment of a tricameral legislature that totally excluded the country's black majority. South African President P.W. Botha brutally repressed demonstrations and spoke out against US anti-apartheid efforts. These developments, in turn, invigorated domestic US efforts to impose sanctions on the South African regime (Baker, 2000, p. 103). The Reagan administration's rather tepid response – a limited ban on computer technology sales (Nesbitt, 2004, p. 134) – only fanned the flames of domestic opposition to US policy. Activists joined forces with some members of Congress and even with a considerable number of US corporations to demand sanctions against South Africa (Baker, 2000, p. 104). In 1986, constructive engagement was upended when Congress approved the Comprehensive Anti-Apartheid Act (CAAA) imposing a range of new sanctions, including bans on new investments, bank loans and some South African imports. Reagan vetoed the measure, but his congressional opponents mustered more than a two-thirds majority to override the President's veto (Landsberg & de Coning, 1995, p. 8). The CAAA linked the relaxation of sanctions to the release of political prisoners, the repeal of the state of emergency and key apartheid laws. It also provided substantial funding for South African civil society groups opposed to apartheid. The CAAA was a watershed in US policy, overturning decades of US status quo policies toward South Africa and aligning the United States with anti-apartheid activists around the world. Sanctions began to bite hard, and South Africa became a pariah state. The US began to engage actively to encourage a peaceful transition. South African President De Klerk abandoned apartheid in 1990 (Baker, 2000, pp. 104-110).

### *Conditioning factor: Domestic context*

Richard Goldstone (2005) has documented the history of what he calls the 'two American policies' toward apartheid – that of the Administration and that of the Congress and American

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<sup>45</sup> Richard Goldstone (2005) notes: "The United States policy of 'constructive engagement' was interpreted in South Africa as racist, certainly by the liberation movement and its supporters, and it was seen to be supportive of the status quo in South Africa."

civil society. Early American support for the anti-apartheid movement came mainly from universities, churches, trade unions and civil rights organisations active in America's own domestic fight over racial equality. For many American civil rights organisations, US policy towards South Africa became a litmus test for the racial attitudes of government at home. US companies also felt the pressure; many worked together with civil rights activists to enact what became known as the 'Sullivan principles' guiding US corporate practices in South Africa that promoted equality and training for black workers, supported their right to join trade unions, and withdrew the sale of products that could support apartheid (Goldstone, 2005; Goldstone & Ray, 2004).

The work of civil society helped convince members of Congress, led primarily by the Black Political Caucus, to change US policies that made the country complicit with apartheid. Goldstone (Nesbitt, 2004, pp. 133-134) concludes: "Reagan's policy of constructive engagement crumbled in large part because of the efforts of organisations like TransAfrica and the Free South Africa Movement, which staged marches, sit-ins, and encouraged companies to end relations with South Africa and US citizens to disinvest from companies that did not apply the Sullivan principles."

The US legal community also made key contributions to the anti-apartheid movement. In 1979, American lawyers, together with the Ford and Carnegie Foundations, organised the first human rights convention in the history of South Africa. Two organisations were founded there – Lawyers for Human Rights and the Legal Resources Center – that started attacking apartheid laws and actually found limited success before a few judges, who wrote opinions supported by human rights principles and struck down some egregious provisions of apartheid laws. Goldstone (2005): "[T]his US intervention made a lasting impression on black South Africans and especially black South African lawyers, creating a general awareness that the United States was involved through its legal profession in attempting to alleviate the plight of victims of apartheid." The American Bar Association initiated advocacy skills training for black South African lawyers, and American NGOs enabled South Africans and exiled ANC leaders to meet in international conferences sponsored by American groups – an otherwise illegal endeavour in South Africa (Mikell & Lyman, 2001, p. 87).

### *Conditioning factor: Domestic capabilities*

The US had considerable capability to influence South African policies. US use of its veto power was important to blocking any effort by the UN to put teeth into its condemnation of apartheid, and US political and economic support helped bolster the regime. Similarly, the withdrawal of US support helped to isolate the regime and hasten the post-apartheid transition. Direct engagement between American and South African civil society groups also played an important role in training and empowering the South African opposition.

### *Conditioning factor: External environment*

A closer look at the external environment reveals that non-state actors, particularly principled advocacy groups, can influence official perceptions and ranking of national security priorities and their views of acceptable international norms, i.e. what constitutes 'appropriate behaviour'.

### *Summary*

The timeframe for this case study is an important consideration. If one considered only the period between 1948 and, say, 1975, this case study might fit more appropriately under status quo intended. But treating the entire period showcases how official government policy can be overturned by domestic currents in American society as much as by developments abroad.



The US approach to the landmines treaty offers a related example. Activist leaders in the US Senate pushed the US to be the first nation to call for a global ban on landmines, but then the US turned against the international treaty due to specific possession goals, notably concern for its troops along the heavily-mined demarcation line in Korea. As momentum developed for such a treaty, however, the result of rigid US opposition was to stiffen those who sought a blanket approach that would not recognise such distinctions or potential opt-outs. Moreover, US civil society groups redefined the issue as one concerning humanitarian consequences of landmines rather than that of arms control or regional security, and joined with other NGOs in the International Campaign to Ban Landmines (ICBL) to bypass the Administration and engineer successful negotiation of the treaty (see International Campaign to Ban Landmines, 2005; Maresca & Maslen, 2000; Norwegian Nobel Committee, 1997; and *Arms Control Today*, 1997).

The landmines treaty was ratified largely because a transnational advocacy campaign was able to persuade enough critical states that the humanitarian problem posed by landmines trumped any military utility these weapons served, and thus generated a ‘norms-cascade’ of state support for the ban (de Albuquerque, 2007; Finnemore & Sikkink, 1998, pp. 887-917; Price, 1998, pp. 613-644). It is important to note, however, that most countries in the world were not facing security dilemmas in which landmines would be particularly relevant or useful, and thus the political gain of signing the treaty, in terms of public opinion and conveying the impression that one was a good international citizen, was far higher than the security cost of not employing landmines. Thus it is unclear whether normative persuasion really convinced governments to do something they otherwise would not have done, or whether the opportunity costs were simply so low as to offer few downsides. This proposition might be better evaluated by looking at the countries that did not sign the treaty, assuming that those states were faced with higher opportunity costs. In fact, while the treaty has 153 states parties and only 42 non-signatories, the non-signatories are significant international security actors such as the US, China, Russia, India, Israel, North and South Korea. EU member state Finland also has not signed, indicating that the Finns consider the normative win/security loss calculus to be too high (Price, 1998, p. 614; Finnemore & Sikkink, 1998, p. 901).

#### **4. Summary and Conclusion: What do these typologies really tell us? Do they help us answer the question?**

In sum, our case studies reveal representative US instances for each of these stylised foreign policy types. Such categories, however, beg the deeper question: overall, which most closely reflects the core of US foreign policy? Which examples are representative of deeper currents in American society, and which are not? Which are exemplars and which are exceptions?

Tocci acknowledges that the same international actor can display a normative, *Realpolitik*, imperial or status quo foreign policy in different regions and in different policy areas at different points in time. The case studies presented here indicate that the US, at least, can – and does in fact – engage in each of these ways simultaneously.

This refutes the rather superficial claim that the US used to be a normative power but isn’t today. While most ‘normative power’ EU theorists acknowledge, in the words of Diez & Manners (2007, pp. 170, 174, 186), that the US “has exemplified the concept of a normative power during parts of its history”, particularly “in the inter-war and immediate post-war periods”, they deny that this has been true more recently. As this study has shown, however, the US advanced normative and non-normative goals, and deployed normative and non-normative means, before and after World War II, just as it does today. The reality is that the relative value or cost of these options has presented itself to every US administration and Congress; the US has not swung from purely normative phases to non-normative ones.

This underscores my point that the more appropriate question is not *whether* the US is a normative actor but *the degree to which* it is one. I submit that this is also the more appropriate question when it comes to analysing other countries as well. To answer this question it is necessary to determine where the real centre of gravity lies when it comes to characterising the US role in the world. This requires us in turn to assign some kind of weighting to the different paradigms.

Overall, this review of US foreign policy indicates that the United States has been and continues to be simultaneously a guardian of norms established by the international community; a norm entrepreneur challenging those norms and on balance pushing the international community towards stronger norms enshrining human rights and the rule of law and democratic societies; a norm externaliser when it tries to advance norms for others that it is reluctant to apply to itself; and a norm blocker when it comes to issues that may threaten its position, or that exacerbate domestic divisions among the co-equal branches of American government or among the fluid yet often-conflicting currents of American domestic thought regarding America's role in the world.

In addition, due to shifting political constellations and the separation of powers inherent in the US constitutional system, it is not easy to predict where the US may come out on any particular normative issue. The open and rather fluid nature of the US system indicates that coalitions transcending nominal party allegiances need to be built on most issues, and the strength and durability of such coalitions depend not only on the issue at hand, but on its relationship to many other issues.<sup>46</sup>

Moreover, the particular weight of any one of these typologies varies over time. In general it may be said that the 'normative intended' dimension carries considerable weight and is a legitimate source of pride within the US foreign policy tradition. There are of course cases in which the US seeks to advance normative goals through normative means, but with major unintended consequences, but on the whole these appear to be less weighty. Over the course of the past 90 years, the US has also exhibited a strong tradition of hegemonic (as opposed to imperial) behaviour. There have been flashes of imperialism, but overall they have been subsumed within a broader pattern of hegemony. While one can certainly identify instances of US *Realpolitik*, intended or unintended, overall they appear to arise on a more case-by-case, ad hoc basis and thus seem less representative than the other two categories. There are fewer identifiable cases of US status quo orientation, but here again the case study approach limits the analysis, since the US is considered widely to be a major, if not the main, custodian and steward of the current international system.

In sum, the mainstream of US foreign policy tends more often than not to reflect a varying blend of normative and hegemonic approaches. This mainstream tradition, however, has been challenged by the historically unusual Wilsonian-Jacksonian coalition that over the past six years has dominated the US executive branch, with only some countervailing influence by the legislative and judicial branches. Challenges to the mainstream in the 1990s instead came more often than not from influential Jacksonian and Jeffersonian elements in the Congress. These shifting coalitions indicate that it is premature to conclude that the US has turned from the fundamental instincts that have guided it for the past 60 years. The rhetoric of the major contenders for the presidency in 2008, in fact, seems truer to mainstream tradition than to US activities of the recent past. Clinton, McCain and Obama each essentially claim to be the person best able to pass what Henry Kissinger has called the historical test for this generation of

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<sup>46</sup> The same, I would argue, can be said of the EU and individual EU member states. The exact mix changes in each state.

American leaders: how to use preponderant US power to achieve an international consensus behind widely accepted norms that will protect American values in a more uncertain future.

As we have seen, there is a particularly acute tension within the normative-hegemonic approach, and that is the extent to which the US is willing or able to bind itself to the norms it advances for others. This tension has characterised US foreign policy for many decades. For instance, no country was more responsible than the United States for the creation of the United Nations, and President Harry Truman was clear from the outset what this would mean. On 25 June 1945, in his closing address to the San Francisco conference that drafted the UN Charter, he stated: “[W]e all have to recognize, no matter how great our strength, that we must deny ourselves the license to do always as we please.” This statement has not always sat comfortably with Truman's successors. As Stephen Schlesinger (2006) notes, “Washington discovered soon after the UN's birth that despite its veto power in the Security Council, it could not always control its wayward child. As a result, ever since 1945, US leaders have approached the UN with ambivalence: hoping, on the one hand, to use it to further US national security interests, while, on the other hand, worrying that too much involvement might constrain the United States' ability to act.”<sup>47</sup> This tension has characterised America's approach to most international institutions and norms, even though public opinion polls consistently record strong public support for multilateral approaches to international challenges.

The US has not always mastered this tension well. As Kalypso Nicolaidis (2004) notes, “in non-American eyes, there is a world of differences between the ‘righteous might’ of Roosevelt's era and the self-righteous might of George W. Bush”.

On balance, however, and despite exceptions, over the past 60 years the US has sought to manage its normative-hegemonic interplay by accepting some limits on its power and being bound by broader international norms and commitments, in exchange for greater legitimacy and acceptance of its leadership by others. The unresolved question in the post-cold war, post-September 11 world is whether the US and other key players are prepared to stick with this bargain, or whether the US will increasingly act as a ‘norm externaliser’, i.e. using its power to advance broad norms for others but refusing to apply such norms to itself, and whether other nations will refuse the ‘followership’ that leadership requires. “Nothing undermines US authority more than the perception that the United States considers itself too powerful to be bound by the norms we preach to others” notes former US National Security Advisor Sandy Berger (2004).

## 5. Postscript: Comparing the US and the EU

Since this project was prompted by consideration of the EU as a normative power, and since much of the literature in this regard contains explicit or implicit references to the United States, a few points warrant consideration.

First, much of the literature on the EU's alleged ‘normative power’ ignores some fundamental underpinnings of European order that have enabled conceptions of ‘normative power’ to develop and be exercised at all. During the first half of the 20<sup>th</sup> century, most Europeans squandered any pretension they might have had to normative leadership through two World Wars and continued colonial rule. Following World War II, the US security guarantee removed – at least for half a continent – a key source of European conflict: the perceived need by mistrustful European states to build arms and alliances against their own neighbours. The American security commitment offered west Europeans an umbrella under which they could reconcile and agree on new norms that could offer a common foundation upon which they could

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<sup>47</sup> See also Bull (1977).

work together and with others. Over time, the reassurances offered by a supportive – yet comfortably distant – hegemon enabled Europeans to create a community within which they could derive their security from each other rather than against each other. The very creation of the EU and the ability of its members to domesticate their foreign policies and render them normative rested on security guarantees provided by the United States.

It is perhaps easy today to forget that NATO was the umbrella under which the European integration project could proceed, or that post-war institutions were created as much to prevent West Europeans from again dragging the world into conflict and depression as to prevent Soviet dominance or communist infiltration. As noted by Kalypso Nicolaidis (2004), “[T]he creation of a quasi-federation without collective security as a driving force was an aberration of history made possible to a great extent by the US”.<sup>48</sup>

Moreover, this security logic continues even today – despite the end of the cold war, despite September 11, and despite transatlantic and inner-EU squabbles over Iraq and other issues. The US continues to provide the ultimate reassurance enabling Europeans to reconcile, build and extend their Union. This is as evident in Kosovo today as it has been throughout the Balkans for the past decade and more.<sup>49</sup> This logic has been particularly evident in the determination of Central and Eastern European states to join NATO as well as the EU. New member states have been very clear about this relationship: while they have been keen to integrate with European societies within the EU, they are ultimately reassured in doing so through their membership in NATO.

The ‘normative power’ Europe discourse is strangely silent on this point. I was struck that the case study of EU enlargement in the EU working paper failed to even mention the parallel process of NATO enlargement and the obvious relationship between the two. While each operates according to its own particular logic, most EU countries are NATO countries, and the same officials and populations have been addressing the same historic opportunity: to extend to as much of the European continent as possible the democratic, free-market space where war simply does not happen.

This relates to a point Diez & Manners (2007, pp. 176, 180) have made about the relationship between normative and military power. “In contrast to civilian power”, they note, “normative power is *not* the opposite of military power. It is entirely conceivable that military force is used to back up the spread of normative values” and that “military capabilities may underpin normative power.” I couldn’t agree more. What is important to add, however, is that in some instances the military capabilities – and political commitment – that underpin the EU’s ability to project normative power are provided not by the EU but by the United States.

Second, much of the literature describing ‘normative power EU’ is highly selective, including policies of EU member states when it is convenient and excluding them when it is not. There are two dimensions to this. The first has to do with foreign policy, where authority and competence still reside largely with member states. The EU, qua EU, in fact, has little real purview over the

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<sup>48</sup> There is perhaps a relevant historical analogy, however: the young United States also enjoyed the luxury of believing in its own normative uniqueness in the 19<sup>th</sup> century because it was protected by the British Navy from being dragged into inner-European conflicts. This constructed a space in which Americans could enjoy a rare vacation from harder international realities – and in which such notions as American ‘exceptionalism’ and the ‘virtues of isolationism’ flowered and became such powerful guiding narratives.

<sup>49</sup> During the Kosovo war and its aftermath, the US used the slogan “the only exit strategy is an integration strategy” to press the EU to recognise the logic of its own enlargement and to work with southeast Europeans to create conditions enabling them to join the larger Union, even as it also agreed to extend its own security commitments to those countries willing and able to join the Atlantic Alliance.

vast range of foreign policy decisions confronting any particular EU nation. Any consideration of the EU as a normative foreign policy actor, therefore, needs to consider the actions of individual EU member states, not just examples of common EU action. This is important for our purposes because the tendency is to compare the EU with the United States. In one such comparison, for instance, Diez & Manners (2007, p. 182) argue that the US readily resorts to force, whereas “the fact” is that “the EU or, rather, EU member states consider the use of force a last resort”. Really? What about the British and Polish invasion of Iraq and Spanish support for it? What about German, British, French, Dutch, etc. intervention in the Balkans without a UN mandate? What about French or British interventions in Africa or the British intervention in the Falklands? My point is not to criticise such decisions, it is to ask for greater analytical rigor – for this, too, is the EU.

The other dimension has to do with domestic policies, or the extent to which EU member states have coordinated and ‘domesticated’ aspects of their interactions with one another. There is no doubt that in many areas there have been successes, even as progress is halting in other areas. The issue is whether the EU’s ‘normative power’ is more effective through active projection of such ‘domesticated’ policies abroad or by offering a model to others by practicing such norms at home. This debate, while new to the EU, echoes the long-standing American debate between Jeffersonians and Wilsonians. The EU’s normative power in this regard seems to be more influential simply through its example at home – the fact that nations that regularly used violence against each other now join together in common cause in a variety of traditionally domestic policy areas. The EU has projected its ‘domesticated’ policies to close neighbours abroad mainly through accession negotiations with candidates aspiring to join the EU itself, as well as a web of arrangements – ranging from the Barcelona Process in the Mediterranean and Stabilisation and Association agreements with Balkan states to the Black Sea Synergy initiative and the EU’s ‘Four Spaces’ concept with Russia – that seek to extend EU notions of norms, order and structure in the EU’s periphery. The EU has had less success extending its particular version of norms or order on a global scale. The death penalty seems to be a prominent example, but even here success seems limited largely to Europe and Latin America, and problems of ratification and implementation in vast parts of the world remain (Katzenstein, 2006). Nonetheless, the possibilities are intriguing.

If one looks for examples beyond treaties and international law, however, one uncovers some promising experiments in the international extension of ‘domesticated’ EU policies – particularly with the United States. The recently created Transatlantic Economic Council, for instance, is in essence an effort to tie the US and the EU into a consultative process that identifies and then seeks to resolve domestic regulatory or policy barriers to the deeper integration of their economies, and to consider whether common standards developed through this process could form the basis for broader international norms. Yet it is striking that most of the literature either ignores the US dimension or goes to great pains to define ‘normative power EU’ against the US example.

The US continues to set, or influence the formulation of standards in many parts of the world (often with EU support). So does the EU – often with US support. The US, for instance, understands that the EU is the legitimate framework within which such standards can be set in Europe, and does what it can to support their extension to wider Europe. The occasions where it objects are more the exception than the rule. I would therefore caution against the notion that the EU’s regulatory norm-setting is unique or that it is being done at the expense of the US or has somehow ‘overtaken’ the US in some way. There is an ‘either-or’ quality to much of the ‘normative power EU’ literature that just does not reflect the way the US and EU act in practice.

These considerations lead to a third point – the role of the United States, or perhaps more accurately, stereotypes of the United States, in European debates about identity politics.

Proponents of ‘normative power EU’ refreshingly acknowledge that the notion of ‘normative power’ is part of the broader debate about identity politics in Europe, and as such requires an ‘other’ against which such identities are constructed. “Not only is the success of this representation” of normative power EU “a precondition for other actors to agree to the norms set out by the EU”, state Diez & Manners (2007, pp. 173-188), “it also constructs an identity of the EU against an image of others in the ‘outside world’.” After reviewing the literature, however, it is hard to avoid the conclusion that the ‘other’, whom the adherents of ‘normative power EU’ are constructing their arguments ‘against’ is in fact the EU’s closest partner, the United States.

Diez and Manners explicitly seek to draw such distinctions. They argue that the American tradition of ‘exceptionalism’ essentially disqualifies the US from being considered a normative power, whereas it is precisely what they believe to be Europe’s ‘ordinariness’ that provides ‘normative power EU’ with such strength and attraction. This represents almost wilful ignorance of the strong exceptionalist rhetoric that is part and parcel of daily European political debates. In fact, the very premise of normative power is that Europe is uniquely positioned to guide humanity to a better future.

The more compelling distinction, it seems to me, is rooted in each partner’s sense of its own exceptionalism. As Kalypso Nicolaidis (2004) notes, historians trace difficulties between France and the United States to their similar sense of mission, of being the upholders of political and philosophical models for the world through the avowedly universal reach of their respective 18<sup>th</sup> century revolutions. I would add that German critiques of the United States are also rooted in part in a German sense of exceptionalism: since Germany had been exceptionally evil, many Germans today believe their country must be exceptionally good. Since the US helped inculcate such beliefs in German society over two generations, it is particularly grating for Germans when US achievements fail to meet US aspirations, or when US demands of solidarity force Germans to abandon black and white in favour of grey. The moralistic undertone to much German critique is inescapable, even when it is not explicit.

These dilemmas arise in part because both the US and the EU think of themselves as normative powers projecting their internal norms of democracy and human rights abroad. Nevertheless, these two competing forms of exceptionalism are of a different kind. As Nicolaidis (2004) notes:

Their respective founding myths, the escape from despotism and the escape from nationalism, tyranny from above and tyranny from below, led both entities to elevate commitment to the rule of law as their core. But this was domestic law in the US, supra-national law in the EU; this meant checks and balance between branches of government on one side, between states on the other. While the US progressively became a federal state, the EU, admittedly still in its infancy, is braced to remain a federal union of nation-states. In the last two decades, while both the US and the EU have been fertile grounds for exploring ‘subsidiarity’, and multilevel governance, the EU alone has explored ways of doing this without coordination by a centralized state, through methods that might one day be relevant to global governance. US exceptionalism is a national project; European a postnational one.<sup>50</sup>

Within this distinction lies an opportunity: to reconcile these different ‘normative’ traditions rather than to deny the legitimacy of one or the other or to ignore the common foundations upon which they are based – all in all, an attractive agenda for US-EU relations.

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<sup>50</sup> See also Hamilton (2004), Keohane (2002) and Brimmer (2006).

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