Chapter 6

Epilogue—Confrontation Revisited

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Introduction

The dilemmas canvassed in the preceding chapters—including the questions of whether democracy can be exported, and whether non-exclusionary forms of solidarity can be forged in multinational and pluri-ethnic states—have taken on even greater urgency in the wake of the U.S.-led effort to replace Iraqi dictator Saddam Hussein's regime with a functioning representative government. This chapter offers some preliminary observations on the striking parallels between U.S. rhetoric leading up to and during the invasion of Iraq, and the French Revolutionary rhetoric explored in chapter four. The French Revolutionary experience of attempting to export the ideal of national self-determination foreshadows the likelihood of backlash against liberty brought uninvited on "the blades of bayonets"—or the barrels of M16s.

The parallels between French Revolutionary rhetoric and the White House's proffered rationale for war—particularly following the discrediting of the allegation that Saddam Hussein was stockpiling weapons of mass destruction—indicate the persistence of the paradoxes of conception, constitution, composition, and confrontation. Alexander Hamilton leveled the accusation against the French Revolutionaries in 1797 that the "specious pretense of enlightening mankind and reforming their civil institutions is the varnish to the real design of subjugating them."[1] The U.S.-led invasion of Iraq in March 2003 prompted similar criticism.

It is frequently observed that the post-Cold War United States enjoys virtually unprecedented global influence through military, economic, and

political channels. When, whether, and how it should use this influence is a subject of ongoing debate. Setting aside the important questions of whether and to what extent existing U.N. Security Council resolutions provided a legal basis for military intervention in Iraq, and whether and under what circumstances there is an international right to preemptive self-defense, the United States's declared interest in promoting the global spread of democracy is, in many ways, revolutionary. It challenges the norm of nonintervention and reinforces the emerging notion that only democratically governed states can enjoy equal membership in contemporary international society. As President Bush declared in his Second Inaugural Address, "it is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world."[2] Secretary of State Condoleeza Rice echoed this commitment in a speech at the American University in Cairo: "The ideal of democracy is universal. . . . We are supporting the democratic aspirations of all people."[3] Although the United States has certainly used the promotion of democracy as a justification for military intervention in the past, the explicit declaration of universal democracy as a goal of foreign policy represents a new commitment and a notable component of the "Bush doctrine."

The limited goal of this chapter is to examine the stated reasons for invading and occupying Iraq within the context of the normative and conceptual framework elaborated in the preceding chapters. The Bush administration has characterized the "war against global terrorism" as a battle "for our democratic values and way of life."[4] In addition to protecting these values at home, the United States has committed itself to promoting them abroad. Like the French Revolutionaries, however, the U.S. government appears to have overestimated the enthusiasm and ease with which an occupied people can be expected to embrace and institutionalize the occupier's political model.

The long-term prognosis for Iraq remains unclear, but the short and medium-term consequences in terms of civilian casualties and lack of basic infrastructure have been disastrous. Given the unique demographic and historical circumstances surrounding each country's democratic transition, there is likely no single formula for the successful and lasting establishment of democratic institutions. In some circumstances, the less drastic techniques outlined as part of the Bush administration's *National Security Strategy*, such as support for nonviolent democratic movements and working through international institutions to put pressure on repressive governments, might be better suited to achieving lasting results.[5]

Experience and common sense teach that external intervention can breed resentment and backlash. In this respect, U.S. policy makers would have done well to remember the late eighteenth century before sending tanks into Baghdad.

6.1 Exporting American Ideals

Speeches made by U.S. President George W. Bush in the aftermath of the terrorist attacks of September 11, 2001, and in the months leading up to and during military operations in Afghanistan and Iraq offer a guide to the administration's public rationale for its foreign policy decisions. This rationale shares the following core elements and assumptions with the French Revolutionary discourse explored in chapter four:

1. *Popular sovereignty:* Peoples can be treated separately from their governing regimes.
2. *Transnationalism:* Freedom-loving peoples share transnational bonds.
3. *Universalism:* The ideals of democracy and self-government are universally applicable.
4. *Democratic peace:* A world composed of self-governing peoples will be more peaceful than a world composed of authoritarian states.
5. *Collective security "plus":* Collective security arrangements can best promote the goal of security through democracy, but they do not preclude unilateral action.

This section examines each of these core principles in turn.

1. Popular sovereignty: Peoples can be treated separately from their governing regimes. Like the Abbé Grégoire's *Déclaration du droit des gens* discussed in chapter four, the Bush doctrine distinguishes peoples from their governments, particularly when those governments are perceived as hostile to the United States. For example, in a September 20, 2001, address to a joint session of Congress, Bush emphasized: "The United States respects the people of Afghanistan . . . but we condemn the Taliban regime."[6] Similarly, in discussing Iraq in October 2002, Bush stated: "We have no quarrel with the Iraqi people. They are the daily victims of Saddam Hussein's oppression, and they will be the first to benefit when the world's demands are met."[7] This approach recognizes that political leaders do not always represent the interests of their constituents, as

captured by the paradox of constitution. The trouble from a foreign policy perspective is determining when to ignore leaders and appeal directly to peoples.

The Bush administration began paving the way for direct appeals soon after September 11. In a September 25, 2001, speech, Bush proclaimed that "[t]he coalition of legitimate governments and freedom-loving people is strong."[8] This statement foreshadows the Bush administration's notion of a natural collective security arrangement among a select group of "legitimate governments" dedicated to protecting the interests of people in their own countries and in other countries. People are presumed to be "freedom-loving" and deserving of protection. However, only governments determined (by the United States) to be "legitimate" are presumptively entitled to the benefits of sovereignty and freedom from external intervention.

In March 2003, Bush acted on this distinction between the Iraqi government and its population. Like the French Revolutionary generals who propagated decrees from the French people to the people of neighboring monarchies, Bush claimed to speak directly to the people of Iraq, negating Saddam Hussein's prerogative of speaking on their behalf or acting as their interlocutory:

> Many Iraqis can hear me tonight in a translated radio broadcast, and I have a message for them. If we must begin a military campaign, it will be directed against the lawless men who rule your country and not against you. As our coalition takes away their power, we will deliver the food and medicine you need. We will tear down the apparatus of terror and we will help you to build a new Iraq that is prosperous and free. In a free Iraq, there will be no more wars of aggression against your neighbors, no more poison factories, no more executions of dissidents, no more torture chambers and rape rooms. The tyrant will soon be gone. The day of your liberation is near.[9]

This strategy of appealing directly to the Iraqi people continued during the military campaign. However, as it became clear that not all Iraqis supported the overthrow of Saddam Hussein, the presumption that all people are inherently "freedom-loving" gave way to a distinction between those who support democratic ideals and those who reject them. Speaking on the occasion of Saddam Hussein's capture by U.S. armed forces, Bush announced:

> And this afternoon, I have a message for the Iraqi people: You will not have to fear the rule of Saddam Hussein ever again. All Iraqis

who take the side of freedom have taken the winning side. The goals of our coalition are the same as your goals—sovereignty for your country, dignity for your great culture, and for every Iraqi citizen, the opportunity for a better life.[10]

This statement draws a clear dividing line between two camps: on one side, the United States, "legitimate governments," and "freedom-loving people"; on the other, authoritarian rulers and those who support them. The Bush administration's rhetoric makes clear that there is no in-between.

2. Transnationalism: Freedom-loving peoples share transnational bonds. Like the French Revolutionaries, the Bush administration has articulated a transnational conception of freedom-loving people that transcends political and geographic borders. As Bush stated in an interview on September 19, 2001: "Again I repeat, terrorism knows no borders, it has no capital, but it does have a common ideology, and that is they hate freedom, and they hate freedom-loving people. And they particularly hate America at this moment."[11] This statement reflects two important themes: first, the administration's recognition that the security challenges of the twenty-first century cannot be addressed solely by ensuring a balance of power among rival states or by operating through traditional diplomatic channels; and second, its identification of the United States as the embodiment of a transnational ideology of freedom, rather than simply the product of a particular set of political choices made by a geographically bounded constituency.

The Bush administration's rhetoric proclaims a set of principles and a platform for political action. It reflects and reinforces a binary worldview that, on its face, leaves no room for compromise—recalling successive French Revolutionary regimes that defined their enemies in categorical terms, both within and outside of France. As Bush announced in a September 20, 2001, speech to a joint session of Congress: "Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists."[12] This theme has featured consistently in Bush's remarks, for example at a graduation speech at the U.S. Military Academy at West Point on June 1, 2002:

Moral truth is the same in every culture, in every time, and in every place. Targeting innocent civilians for murder is always and everywhere wrong. Brutality against women is always and everywhere wrong. There can be no neutrality between justice and cruelty, between the innocent and the guilty. We are in a conflict between good and evil, and America will call evil by its name.[13]

The idea of a conflict between good and evil is a familiar trope in foreign policy rhetoric: in U.S. rhetoric, one need only recall the "Evil Empire" of the Cold War era. Similarly, the United States's claim to be pursuing military action in the name of a higher ideal is not unique to the war in Iraq. What is striking, if not unique, is the United States's expressed conviction in its singular claim to represent and to promote these ideals, and its explicit declaration that those who are not "with us" are "with the terrorists."

3. UNIVERSALISM: THE IDEALS OF DEMOCRACY AND SELF-GOVERNMENT ARE UNIVERSALLY APPLICABLE. The idea of transnational bonds among freedom-loving people (whether conceived of as bonds among "people" as individuals, or "peoples" as groups of individuals) is closely tied to a conviction in the universal validity of certain principles that ought to govern interactions among individuals and groups. The 1776 *Declaration of Independence*, the 1789 *Declaration of the Rights of Man and the Citizen*, and the 1948 *Universal Declaration of Human Rights* all reflect this idea. The question that the French Revolutionaries confronted, and that the United States now faces, is whether and under what conditions the advocacy of "self-government" by one people on behalf of another can be ethically and conceptually coherent, particularly when advocacy involves the use of military force.

The basic idea that all individuals are entitled to certain fundamental rights by virtue of their humanity is no longer controversial, even absent universal agreement on the scope and content of these rights, and despite pervasive failures to respect them. Bush emphasized in 2002: "America believes that all people are entitled to hope and human rights, to the non-negotiable demands of human dignity. People everywhere prefer freedom to slavery; prosperity to squalor; self-government to the rule of terror and torture."[14] In 2005, he gave content to this ideal of self-government: "Like free people everywhere, Iraqis want to be defended and led by their own countrymen. We will help them achieve this objective so Iraqis can secure their own nation."[15] The conceptual and practical problem, of course, is how to find means of intervention that do not fundamentally contradict or undermine the end of independence. It is difficult to conceptualize any theory of liberation for a people's "own good" that does not, on some level, deny that people's right or ability to determine its own destiny. That is one reason why, fundamentally, intervention with the goal of political liberation, like most foreign policy decisions, is never entirely (or even mostly) altruistic. This leads, in part, to the important role of democratic peace theory in justifying efforts to spread democratic institutions.

4. DEMOCRATIC PEACE: A WORLD COMPOSED OF SELF-GOVERNING PEOPLES WILL BE MORE PEACEFUL THAN A WORLD COMPOSED OF AUTHORITARIAN STATES. As explored in chapter four, the French Revolutionaries justified their military undertakings in neighboring states in part by insisting that a Europe composed of "free and independent peoples" would be more hospitable to France and more peaceful overall. The specter of monarchists amassing on France's borders with neighboring states was ever-present in the minds of the Revolutionaries, much as the specter of Al Qaeda operatives plotting without fear of apprehension in nondemocratic states animates the Bush administration's foreign policy. This concrete security concern dovetails with the ideological promotion of self-government to produce a foreign policy of promoting liberation from authoritarian rule.

The idea of a link between democratic institutions and global peace, whose incarnations are often referred to under the rubric of "democratic peace theory," received attention in the United States as part of President Bill Clinton's foreign policy rhetoric. For Clinton, democratic peace theory provided an additional rationale for encouraging the development of democratic institutions and free markets in the states of the former Soviet bloc. Clinton stated in his January 1994 State of the Union address:

> Ultimately, the best strategy to ensure our security and to build a durable peace is to support the advance of democracy elsewhere. Democracies don't attack each other. They make better trading partners and partners in diplomacy. That is why we have supported, you and I, the democratic reformers in Russia and in the other states of the former Soviet bloc. I applaud the bipartisan support this Congress provided last year for our initiatives to help Russia, Ukraine and the other states through their epic transformations.[16]

Clinton's rationale for supporting the "advance of democracy elsewhere" still focuses on states as the central actors—and source of insecurity—in international relations. The terrorist attacks of September 11, 2001, demonstrated that nonstate actors could pose an equally great, if not greater, security threat. Accordingly, the Bush administration has deployed democratic peace theory as a foreign policy rationale in a less state-centric form, invoking the benefit of spreading freedom in "all the world" and in "societies" everywhere.

Like the French Revolutionaries, the Bush administration has invoked both emulation and intervention as methods for advancing the

spread of self-government. In particular, Bush has advanced the hypothesis that intervention to establish democracy in Iraq will lead to emulation by other Middle Eastern states. In an address on the eve of the U.S.-led invasion, Bush announced: "Unlike Saddam Hussein, we believe the Iraqi people are deserving and capable of human liberty. And when the dictator has departed, they can set an example to all the Middle East of a vital and peaceful and self-governing nation."[17] He later elaborated on the assumptions underlying this calculation:

> The establishment of a free Iraq at the heart of the Middle East will be a watershed event in the global democratic revolution.
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> Sixty years of Western nations excusing and accommodating the lack of freedom in the Middle East did nothing to make us safe—because in the long run, stability cannot be purchased at the expense of liberty. As long as the Middle East remains a place where freedom does not flourish, it will remain a place of stagnation, resentment, and violence ready for export. And with the spread of weapons that can bring catastrophic harm to our country and to our friends, it would be reckless to accept the status quo.
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> Therefore, the United States has adopted a new policy, a forward strategy of freedom in the Middle East. This strategy requires the same persistence and energy and idealism we have shown before. And it will yield the same results. As in Europe, as in Asia, as in every region of the world, the advance of freedom leads to peace.[18]

Despite the difficulties encountered in attempting to establish stable democratic institutions in Afghanistan and in Iraq, the theme of a democratic peace has become a mantra for the Bush administration during its second term.

 To its credit, the administration has, at least in speeches, accepted the principle that other peoples need not "determine themselves" in the United States's image—a common criticism of the French Revolutionary campaigns. For example, in the speech cited above, Bush acknowledged:

> As we watch and encourage reforms in the region, we are mindful that modernization is not the same as Westernization. Representative governments in the Middle East will reflect their own cultures. They will not, and should not, look like us. Democratic nations may be constitutional monarchies, federal republics, or parliamentary systems. And working democracies always need time to develop—as did our own.[19]

That said, this tolerance for difference in theory has not yet been tested in practice. For example, the Bush administration failed to offer a satisfactory answer to concerns that the Iraqi constitution would privilege certain dictates of Islam at the expense of secular freedoms. The process of democratic deliberation does not itself guarantee any particular outcome, let alone one that enhances human freedoms and dignity. At the time of writing, no final product had yet been agreed upon by the Iraqi National Assembly. The success or failure of the Iraqi constitutional process was widely perceived as a test of the Bush administration's policy of exporting democracy to the Middle East.

Bush's rhetoric makes clear that the emphasis on global democracy is, primarily, a product of the desire for global peace. Such statements include: "The survival of liberty in our land increasingly depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom in all the world;"[20] and "The heart of our strategy is this: Free societies are peaceful societies. So in the long run, the only way to defeat the ideologies of hatred and fear, the only way to make sure our country is secure in the long run, is to advance the cause of freedom."[21] The perceived link between security and democracy makes promoting democracy a foreign policy priority. However, the lesson that "working democracies always need time to develop" pushes against the urgent concern for displacing authoritarian rule. In times of perceived crisis, gradualist approaches are likely to be rejected in favor of more direct, and even aggressive, methods—even at the expense of the long-term success of a given democratization project.

The initial rationale for the war in Iraq had much more to do with the allegation that Saddam Hussein was concealing weapons of mass destruction than it did with the global promotion of democracy. That said, it is not surprising to find that military intervention in the name of promoting democracy—which, by definition, involves risking the lives of the intervening state's soldiers—must generally be justified in terms of a more concrete perceived security threat. As Bush indicated in his speech on the eve of the U.S.-led invasion of Iraq in response to Iraq's alleged "stockpil[ing of] biological and chemical weapons" and "longstanding ties to terrorist groups," "[i]f . . . the Iraqi regime persists in its defiance, the use of force may become unavoidable. Delay, indecision, and inaction are not options for America, because they could lead to massive and sudden horror."[22] Like the French Revolutionaries, the Bush administration's link between peace and democracy, combined with a perceived threat to domestic security, became a rationale for war.

5. Collective security "plus": Collective security arrangements can best promote the goal of security through democracy, but they do not preclude unilateral action. The universalist rhetoric of the French Revolutionaries and the Bush administration in championing freedom raises the concrete policy questions of when, how, and whether to take steps to implement this ideal. The proactive agenda that flows from an emphasis on the importance of building democratic institutions worldwide is tempered by the need to be selective in committing a state's resources to pursuing this goal in various parts of the world: both because these resources are finite, and because more traditional security arrangements based on mutual respect for the principles of sovereignty and nonintervention continue, in large part, to support the edifice of international relations.

The Bush administration, mindful of criticisms of U.S. unilateralism and of the finite (though unparalleled) capacities of the U.S. military, has elaborated two components of its proactive strategy for promoting democracy: collective security and intervention. The collective security element of this strategy recalls article 15 of the Abbé Grégoire's *Declaration of the Law of Nations*: "Undertakings against the liberty of one people constitute an attack against all the others." Bush declared in September 2001:

> This is not, however, just America's fight. And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom. . . . Perhaps the NATO Charter reflects best the attitude of the world: An attack on one is an attack on all.[23]

Defining French or U.S. interests as coextensive with the interests of the world as a whole enables political leaders to portray their actions as furthering the interests of humanity, and to portray opponents as impeding the global march towards freedom. As Saint-Just declared in his draft constitution of 1793, "The French people votes for the freedom of the world." Similarly, in October 2001, Bush declared of the war in Afghanistan and the "war against terrorism" more broadly: "We are supported by the conscience of the world."[24] When bombs exploded in London in July 2005, Bush announced: "The attack in London was an attack on the civilized world."[25]

Although the emphasis on common interests did not succeed in generating unanimous support for the U.S.-led invasion of Iraq, it remains a core component of the United States's view of international relations

post-September 11, supporting the notion of an ongoing global role for the U.S. military. Alongside this emphasis, the United States has also made clear its willingness to act alone to promote its security interests:

> While the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone, if necessary, to exercise our right of self-defense by acting preemptively against such terrorists, to prevent them from doing harm against our people and our country.[26]

The United States has taken the position that alliances are preferred, but not required. The Bush administration's justification for its actions in Iraq has consistently focused on security concerns, but the nature of these concerns has shifted from the allegedly urgent threat of weapons of mass destruction, to the longer-term benefits of a democratically self-governing Middle East. At no time has U.S military action been justified purely in liberationist terms, even though the rhetoric of freedom and democracy-promotion has figured prominently (and increasingly) in the Bush administration's justification for its actions in Iraq.

Despite fundamental transformations in global communications and military technology, striking continuities persist in the theoretical and practical challenges associated with universalist nationalism and exporting the ideal of self-government. The French Revolutionary campaigns generated resentment and backlash in Europe in part because of the discrepancy between the means of force (including pillage) and the purported end of freedom. The United States can be accused of a similar disjunction between means and ends, particularly in view of its wide-scale detention and mistreatment of civilian detainees in occupied Iraq. It is difficult to envisage how the United States can succeed in championing the rule of law and respect for human rights while flouting them. Many a dictatorship has thrived on the excuse that disregard for democratic principles and basic human rights is justified because of a state of emergency. Unless the United States practices what it preaches, the strategies of emulation and intervention are unlikely to produce their desired results.

6.2 Building an Iraqi Democracy

Many of the challenges associated with building democratic institutions in Iraq flow from the political vacuum and infrastructural deficiencies brought about by the U.S.-led removal of Saddam Hussein from power and the ensuing (and, as of the date of writing, continued) military occupation.

Other challenges reflect the particular historical, geographic, and demographic characteristics of the Iraqi territory and population. Two sets of tensions appear particularly salient in discussions about creating a viable and legitimate constitutional framework for the Iraqi state: whether the state will be secular or theocratic, and whether it will be unitary or federal. Both sets of tensions relate conceptually to how members of the Iraqi population define their political identities and their relationships with co-citizens, and practically to debates about power sharing and resource allocation among Iraq's self-identified component groups.

The shape and content of these core dilemmas are particular to Iraq at this historical juncture, but their broader contours reflect common issues in building sustainable participatory governments in postcolonial and pluralistic states. These challenges involve the conception, constitution, and composition of the Iraqi people and state:

1. CONCEPTION. Although it has become common to speak of "nation-building," the activities that come under this heading most commonly involve *state*-building: that is, building effective and legitimate governing structures within the borders of existing or newly formed states. The promotion of self-government in Iraq has focused on ensuring adequate representation and political participation for Iraq's component religious and ethnic groups within the borders inherited from the United Kingdom's League of Nations mandate. While proposals for regional autonomy have been advanced by both Kurdish and Shiite leaders, the continued territorial integrity of the Iraqi state as an international entity has by and large been assumed, at least in the immediate future. As in most postcolonial self-determination arguments, the borders of the existing state delineate the Iraqi people, rather than vice versa.

The nation-state model assumes a unitary state, in which the right of self-determination belongs to the "nation," envisioned as a cohesive whole coextensive with the state population. In Iraq, the existing precedent of limited Kurdish autonomy, combined with the tendency for self-identified groups to be concentrated in different geographic regions (the Kurds in the north, and the Shi'a in the south), pushes against this model. Resistance to federal proposals has come mainly from the Sunni population, which fears being deprived of the revenues from these oil-rich regions.

Conceptual differences between a unitary vision of the Iraqi state and a federal vision in which regional allegiances predominate carry significant practical consequences, both for Iraqis and for neighboring states. A federal model might be best equipped to generate cohesion, commit-

ment, and compliance among members of each distinct region, but it can also impede efforts to foster these same attributes at the state level. The central government must provide citizens with symbolic and practical benefits not provided at the substate level (such as an internationally recognized identity, favorable redistribution of resources, enhanced security, and so forth); otherwise, particularly if the state is not supported by the idea or the reality of a cohesive nation, the state will likely face secessionist challenges from groups that do not perceive advantages to a federal arrangement.

2. CONSTITUTION. The question of who speaks for the people of Iraq is a difficult one, particularly given the recent history of oppression by the Sunni-dominated Ba'ath Party under Saddam Hussein. Although the creation of a Presidency Council on April 6, 2005, put a face on the Iraqi executive, the transitional nature of this arrangement and persistent divisions over a permanent Iraqi constitution detract from the perceived legitimacy and authoritativeness of this body. Similarly, the earlier decision by parties representing Sunni Muslims to boycott the legislative elections of January 30, 2005, in which members of a Transitional National Assembly were chosen, threatened to undermine the legitimacy and authoritativeness of that body. The original fifty-five member constitutional committee selected by the Assembly from among its members included only two Sunni delegates. To address concerns about the impact of this under-inclusiveness on the perceived legitimacy and viability of any draft constitution, the committee was later expanded to include fifteen additional Sunni representatives and one representative of the Sabean sect. The committee was charged with drafting a permanent constitution for submission to a popular referendum. This constitution would replace the Transitional Administrative Law issued by the short-lived Iraqi Governing Council in conjunction with the U.S.-run Coalition Provisional Authority.

This proliferation of representative bodies recalls the creation and dissolution of successive assemblies during the French Revolutionary period. Unlike rival French Revolutionary leaders, however, rival leaders in Iraq have focused less on claiming to speak for the entire Iraqi people, and more on claiming political influence in the name of their respective groups. The paradox of constitution operates within each of these groups, manifested in part in the struggle between those who would institutionalize secular values, and those who would enshrine a central role for Islamic law.

The division between secular and religious authorities risks becoming blurred where religion is explicitly entrenched as a source of collective values and standards of conduct. At the time of writing, the drafters of the Iraqi constitution appeared likely to reject the model of separation of church and state, leading to unresolved concerns about the potential for the Iraqi legal order to foster exclusion and curtail individual rights in the name of religious principles.

3. COMPOSITION. Debates about the inclusiveness of the new Iraqi legal order suggest the implications of the process of constitution for that of composition. Inclusiveness relates both to the representation of Iraq's component ethnic and religious groups in the new Iraqi government, and to the degree of protection afforded by Iraqi laws and legal institutions to all citizens and residents, including non-Muslim or nonobservant Iraqis and women.

The risk that instituting self-government will produce illiberal or exclusionary outcomes requires tempering an emphasis on self-determination with the imperative of protecting basic human rights. The Bush administration's rhetoric reflects this tension between affirming the right of the Iraqi people to choose their own destiny, and ensuring that this choice complies with standards rooted in the Western liberal political tradition. In 2002, Bush declared:

> The 20th century ended with a single surviving model of human progress, based on non-negotiable demands of human dignity, the rule of law, limits on the power of the state, respect for women and private property and free speech and equal justice and religious tolerance. America cannot impose this vision—yet we can support and reward governments that make the right choices for their own people.[27]

Condoleeza Rice echoed in 2005:

> There are those who say that democracy is being imposed. In fact, the opposite is true: Democracy is never imposed. It is tyranny that must be imposed.
>
> People choose democracy freely. And successful reform is always homegrown.[28]

While Rice makes a valid point about the "homegrown" nature of successful reform, her comments underestimate the extent to which, even in

the absence of tyranny, political processes can produce results at odds with the United States's vision of a liberal democratic state, and with the goals of rights-promoting groups within a democratizing country. The question is: What constraints, if any, can be placed on the conduct and outcomes of such processes to ensure results consistent with a particular conception of fundamental rights and human dignity?

If one looks at political self-determination as an end in itself, then any external constraints on the outcome of popular deliberation within a particular state would appear unjustified. However, if one views self-determination as a means to the end of protecting human dignity and promoting human flourishing within politically autonomous communities, then the case for a certain degree of international scrutiny becomes easier to make—particularly where local groups themselves express concerns, as have Iraqi women's groups about the detrimental effect on women's rights of a constitution that enshrines Islamic principles. Despite the valid observation that Western ideas of democracy depend on economic foundations and societal understandings that are not necessarily present in many parts of the world, the universalist impulse should not be condemned whole-scale. Rather, as suggested in chapter five, the promotion of self-determination within a framework guaranteeing respect for basic human and minority rights can aim to reconcile the demands of particularism with the recognition of a moral obligation to protect individuals and groups from marginalization and persecution.

The risk, of course, is that any constraints will be perceived as hallmarks of foreign interference that undermine the legitimacy of a new Iraqi government and, consequently, compromise its ability to generate sufficient cohesion, compliance, and commitment among the population to sustain a functioning state. This trade-off may be the inevitable cost of ensuring that self-determination enhances, rather than curtails, the dignity and well-being of the individuals concerned.

Conclusion

The above discussion suggests certain continuities in the tension between universalism and particularism in international relations, particularly in the context of attempts to export a particular political ideal. These tensions are magnified when that ideal itself emphasizes the value of self-government. The contradiction involved in a policy of "forcing a people to be free" will not be lost on its intended beneficiaries, and can be expected to generate resistance, particularly where the methods used in the name of promoting freedom in fact disregard the desires and well-being of the

population involved, and where the intervening state's motives appear more self-interested than benevolent. That said, this conceptual contradiction should not breed complacency in the face of oppressive dictatorships. As suggested in chapter five, abuses can best be minimized by ensuring broad international support for any intervention, and continued international supervision of its results.

In practice, intervention in the name of another people's best interests is most likely to come about when the intervener perceives that its *own* interests are threatened or at stake. In this sense, intervention purely in the name of promoting self-government is bound to be somewhat disingenuous. The task of state-building cannot be a mere afterthought. As the United States could and should have foreseen in Iraq, the existence of a functioning and vibrant civil society ready to take the reins of responsible and responsive government cannot be assumed, particularly in societies emerging from a long period of suppression of dissent and citizen participation. As the French Revolutionary experience confirms, the idea that "sovereignty resides in the people" is easier to proclaim than it is to implement. Any attempt to create stable and lasting institutions for self-governance in the Middle East or elsewhere must acknowledge and take account of this reality. The United States's apparent underestimation of the difficulties involved in this process, including the likelihood of prolonged armed resistance, has meant that Iraq's democratic transition has been both more precipitous and more precarious than it otherwise might have been.

Whether the United States's policy will vindicate itself in the long run remains to be seen. In the meantime, skeptics might recall the satirical definition of the word "constitution" in a 1796 dictionary by Charles-Frédéric Reinhard, an aristocratic *émigré*:

> Vieux mot Français, dont on n'a pas encore su fixer le vrai sens. . . . On a sermenté, on s'est embrassé, on s'est battu, on a égorgé, on a guillotiné, pour l'amour de cette *Constitution*. Mais hélas! elle n'est plus. . . . Peut-être cela arrivera-t'il, avant l'année 2440. [Old French word, whose real meaning we have not yet managed to establish. . . . (The members of the National Assembly and their supporters) took oaths, they embraced one another, they fought one another, they slit throats, they guillotined, for the love of this *Constitution*. But alas! it no longer exists. . . . Perhaps (the creation of a lasting Constitution) will happen before the year 2440.][29]

Three years later, in 1799, Reinhard enjoyed a short-lived tenure as foreign minister of France immediately following Napoleon's coup of 18

Brumaire (after four months in office, he was replaced by Charles-Maurice de Talleyrand). Reinhard's experience—from ousted aristocrat to foreign minister—evokes another aspect of the French Revolutionary experience with potential lessons for the situation in Iraq: the failure of a democratic experiment, followed by an opportunistic dictatorship.

France's Fifth Republic, created in 1958, has now lasted almost half a century. The good news is that the seeds planted by the 1789 Revolution eventually bore fruit; the bad news is that it took close to two centuries. Zhou Enlai, the first Premier and Foreign Minister of the People's Republic of China, reportedly opined in response to a question from Henry Kissinger about the impact of the French Revolution that it was "too soon to tell." The same is no doubt true of the U.S.-led intervention in Iraq. That said, the vicissitudes of history do not provide an excuse for failing to foresee the likelihood of backlash and the danger that instability will pave the way for a new authoritarianism. Continued support and vigilance will be required to prevent Iraq's constitutional process and its aftermath from vindicating the skepticism of contemporary Reinhards— and facilitating the rise of new Napoleons.