SPECIAL PRESENTATION

"PURSUING THE GLOBAL COMMON GOOD: PRINCIPLES & PRACTICE IN U.S. FOREIGN POLICY"

MODERATED BY:
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FEATURED PANELISTS:
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MS. SUZI EMMERLING: Good morning everybody. Thank you for coming to this event at the Center for American Progress. We'll be getting started shortly so please take your seats and remember to turn off your Blackberries and cell phones, and we will have a question and answer period after the panel discussion, so please remember to state your name and organization when I bring the microphone to you. Thanks.

MS. MELODY BARNES: Okay. We're ready to get started. I want to thank you all for being here this morning. My name is Melody Barnes. I'm the executive vice president for policy here at the Center for American Progress and again, thank you. I know it's first thing Monday morning, so we're really glad to see all of you.

First of all, I want to thank my colleagues here at the Center for American Progress both on our Faith and Progressive Policy Initiative team and our National Security team for organizing today's event as well as for the publication of the book that I think that you all have in your packets. We're really excited about the publication of this book. We're hoping that it will generate interesting conversations both here in Washington and certainly around the country, and in fact globally as well.

Almost to the day, about a year ago, the Center for American Progress launched a half-day conference on the common good and we did that in conjunction with Georgetown University and President Bill Clinton was our keynote speaker. We also had a really amazing group of panelists that day, and we talked about the common good mostly through the domestic lens, but today we're going to go global. I know many of you in the audience, so I think you have a great perspective of what that means, but for those of you who don't, I want to talk a little bit about what the global common good means.

The global common good is a moral concept and a set of principles that define who we are and how we act in the world. According to the global common good, we're all part of a common humanity, and despite differences of race and culture and ethnicity, we are all one in terms of common values and our needs, and joining together are stronger than those that actually draw us apart. The global common good recognizes that we also share problems, and I certainly don't have to go through the litany of those problems with you. They include disease, pandemic disease. They include political terrorism. They also include global warming, and a set of issues that we're all trying to confront. Those needs, those problems call us to work together to find solutions, to translate our principles into action and to seek a better world. When we as a nation act upon our ethical principles, the global common good reminds us that we are also strengthening our national self-interest; in fact, our national security, for the truth is that our moral responsibilities and our self-interest are certainly intertwined.

Each of the chapters in our book tackles a pressing foreign national security issue: torture, global warming, foreign aid, the responsibility to protect, and the question of

when to go to war. And each of the authors, several of whom are gathered with me today lays out how we can – how we must craft foreign policies in those areas that are strategically smart and ethically strong. The United States is the remaining world superpower, and that brings enormous responsibilities. We must focus on working with our international neighbors in developing a revitalized global leadership through the just use of force, and on the empowerment of multilateral institutions and networks. We have to move away from failed policies of aggressive unilateralism and narrow self-interest, and instead we must fight global extremisms with a comprehensive strategy that uses all of the tools in our foreign policy tool belt.

Today, the challenge is to chart a new and more effective course, one that projects our values, enhances our security, and leverages our nation's strength to bring the world together and not tear it apart. In times of great turmoil, Americans have often drawn together. We've historically rallied around one another, drawing strength from our shared sense of purpose and our shared pride and our values and responsibility. We've looked to our leaders to help us confront challenges and forge ahead towards a better future.

At the same time, the world has looked towards the United States in times of great peril, from World War II to the crisis in Kosovo and beyond. Many of us would say that we're in a time of great turmoil right now and that now, more than ever, we have to bring the values and policies of the global common good to bear. I'm hoping that today's panel will take us closer to that goal.

Before I introduce the panelists, I just want to tell you a little bit about what we'll be doing today. We're going to spend some time having a conversation up here, and then I'm going to open the floor to you, so as we go through the conversation – I'm sure many of you have brought questions with you, but as we go through the conversation, think about the kinds of questions you'd like to ask our distinguished panel and we'll certainly allow plenty of time to do that.

And now, I want to give you a sense of who's with me today. Sitting to my immediate left is Father Bryan Hehir. He's the Parker Gilbert Montgomery Professor of the Practice of Religion and Public Life at the Kennedy School of Government at Harvard University. He is also the Secretary for Social Services in the Archdiocese of Boston, and prior to assuming these positions, Father Hehir served as the president and CEO of Catholic Charities USA.

To his left, we have Dr. Elizabeth G. Ferris, who is a senior fellow in the Foreign Policy Studies Program at the Brookings Institution, and Co-Director of the Brookings-Bern Project on Internal Displacement. Dr. Ferris' current research interests focus on the politics of humanitarian action and on the role of civil society and protecting displaced populations.

To her left is my colleague, the Reverend Dr. William Schulz. He's currently a senior fellow here at the Center for American Progress. His work focuses on the intersection of religion and public policy. Prior to coming here, he served as a fellow at

the Carr Center for Human Rights Policy at Harvard's Kennedy School of Government, and prior to that he served as executive director of Amnesty International, USA.

And to his left, is also my colleague, Denis McDonough. And Denis is a senior fellow here at the Center and also a senior advisor to the distinguished senior fellow Tom Daschle. Prior to joining the Center for American Progress, Denis was legislative director for Senator Ken Salazar of Colorado. And from July, 2000, to December 2004, he was foreign policy advisor to Democratic Leader Tom Daschle, and in that role he worked on the war on terrorism, the global response to HIV/AIDS, Iraq, and the greater Middle East.

So I hope you will join me in welcoming our panelists.

(Applause.)

Thank you. I want to start out by asking you, Father Hehir, as I said – if I scoot off the stage, I hope you'll grab me from peril – but I want to start out by asking you a question. In your essay in the book, you said that some foreign policy leaders have argued that it's neither smart nor realistic for the United States to be explicit about the moral dimensions of our foreign policy. And in fact – and I want to quote from your essay. You say: "the problem, of course, is that some morality always guides policy choices. It may be described in non-moral terms or it may be shrouded in arguments about power and interest, but morality is inherent in human behavior, so the real question is whether the moral dimension of policy is explicitly defined and argued in a disciplined way or whether it lies embedded in other factors without explanation."

And I was wondering if you could give us some examples of instances where morality is unspoken and tangled in other policies and other policy factors and ask you if you could untangle that a little bit and give us a sense of the moral elements that are or in fact should be elevated.

MR. BRYAN HEHIR: Well, I think probably the best way to answer the question if to draw somewhat shamelessly from another analyst. Someone else who's analyzed foreign policy and ethics once said there's no such thing as a purely moral answer to a major foreign policy problem, and there's no such thing as a non-moral answer to a major foreign policy problem. So if you start with those two guidelines, then watch out for the person who says, "I know what's morally right, therefore I know what the policy ought to be," but equally watch out for the person who says, "I am not going to talk the moral dimension now, just the political strategic dimension."

The idea is that as human beings, one of the things that qualifies us as human is that we must take moral responsibility for our actions. Now, if that proposition is true, then the question about whether morality is included in foreign policy discussions, it's not whether it's there or not, it's just whether it operates as a subterfuge or whether it operates explicitly. So let's take the classic kinds of questions: national interest. The classic realist argument is that discussions of morality are dangerous for foreign policy, and what the realists always worried about – understandably – were three things:

complexity, consequences and crusades. The realist always said, if you try to include moral factors in your decision-making, you'll simply confuse the policy maker. It's hard enough as it is in terms of hard data, don't include morality.

Secondly, they always said, if you try to include morality, you'll get unintended consequences. You'll get sort of Woodrow Wilson kind of change world politics from beginning to end and failing in the whole enterprise. Or they said, if you try to include moral factors, then you'll end up with crusades. People will go running across the globe trying to change everybody into democracies, trying to eliminate all aspects of power, so the argument is if you try to do it, it's dangerous.

It is equally dangerous to simply say we're going to follow the national interest, because that simply raises the question: what's the content of the national interest? Can the content of the national interest be exhausted by political factors, strategic factor, or economic factors?

My point would be as human beings, as we make those three kinds of choices – political, strategic and economic – we will make moral choices, we will balance this against this, we will favor this group versus that, we will decide that something is always doable or never doable. The point about morality is simply being explicit about why you think something is always necessary or never doable, just explain what you're trying to say because it's inherent in the decision you make. So you're simply trying to be honest with yourself and others if you bring the moral factor to the surface, and national interest is sort of the classical example. Of course you have to act out of national interest. The question is what's the content of national interest as you define it?

MS. BARNES: I don't know if other members of the panel have thoughts on that question as well?

MR. WILLIAM SCHULZ: Of course, a major problem is to figure what morality is in the first place. I'm sure many of us have taken introduction to ethics courses and we know how complicated that question is. I think what we're faced with in this administration has been a patina of morality placed over a wide variety of policies which, in fact, when you dig a little deeper are not reflective of morality at all. After all, this is an administration that has draped itself in the raiment of morality from the Schiavo case and abortion and all sorts of issues. Gertrude Stein – I love Gertrude Stein's comment when she said, "I like a beautiful view. I just like to sit with my back to the window," and I think that that's exactly what we've seen in any number of contexts, certainly with regard to the topic I wrote about: torture. This administration loves torture, but wants very much to sit with its back to the view, to call it by other names, to challenge us to say that the emperor has no clothes. So, of course, Father Hehir is absolutely correct about the intersection of national interest and morality. The complex thing is to sort those out and figure out which morality we're going to pursue.

MS. BARNES: And how do we engage the public as well as the various institutions that make up civil society and government in that kind of conversation so that you're getting to the very question that you raise?

MR. DENIS MCDONOUGH: Well, I think that Father Hehir raises a good point by saying that the challenges need to be explicit and to name what you're doing and to explain to the public why you're doing it. I think this is exacerbated in a day and age like today when information shoots across the globe instantaneously. Take for example this question of how we decided to make foreign policy or foreign assistance decisions about Iraq. There was – in the summer of 2003, at the time we had just succeeded in overthrowing the dictator in Baghdad – there was a great amount of excitement, but also a great amount of anticipation. There was a belief that this very powerful country should be able to turn the lights on, to turn the air conditioning back on, to make the factories run again, and the fact that they're choosing not to said that the United States is making particular decisions about what the future of Iraq would be.

Well, that fact of the matter is that we rushed into a series of policy decisions that had disastrous consequences, but left them still under this patina, I think as Bill talked about, of making a series of moral decisions. So by not being able to elucidate very clearly the choices we are making, we fed into a series of myths or conspiracies about what our choices in fact were. So at the end of the day, it's absolutely right that there's never going to be entirely a decision about the national interest, or entirely a decision about what is fundamentally the most moral choice, but insofar as we refuse to explain exactly what the motivation is and where those motivations come from, we end up losing control of what the ultimate outcome of the policy choice was in the first instance.

MS. BARNES: Beth, I want to draw you in and ask you a question here. Denis raised the specific example of foreign assistance. You write so eloquently about the responsibility to protect, the responsibility to protect individuals from mass atrocity; indeed, the desire to prevent mass atrocity for happening initially. And you also write from your experience as a foreign policy expert, also from your experience working with the World Council of Churches. And I'm just wondering thinking about Kosovo, thinking about Rwanda, Darfur, all of these really heinous and troubling periods of time and conflict, mass atrocity, if you can tell us based on your experience what the most important lessons are that we should take away from the United States' action and activity at those various points in time. You don't have to go through all of them, but distilling some of the lessons.

MS. ELIZABETH FERRIS: I'd start really picking up on the conversation we've just been having and that is morality isn't enough. These are complex situations, a variety of different actors are involved. There are no easy answers. And when you look at the record of what has been called humanitarian intervention, there are few cases where clearly the international community responded well. But there are also cases where the international community created more problems, if you will, than actually resolved. I think the first lesson is that these are complex and be wary of simplistic answers, whether we're talking about Darfur today or Burma or some of the experiences we've had in the past.

The second lesson is that building international consensus and working multilaterally is fundamental. The times are past when the U.S. can simply go at it alone

and have the right answers. Given the complexity of the situations, the need to wrestle with moral issues, political issues, logistical issues of how to best respond to relieve suffering, I think it's essential to having a good response.

Furthermore, the international community does pretty well when there's a major disaster, whether it's tsunami or Bosnia and outpouring of support for refugees for example. But where the international community fails is in taking those long-term, preventive, non-sexy measures of working to address issues of justice and injustice and poverty and so forth that makes conflict more likely, but taking those preventive actions and responding early before the conflict bubbles over has certainly been a shortcoming in our response for far.

Finally, we need to look at this in the longer term. Half of all conflicts that are resolved, in fact return to conflictual situations. The whole challenge of peace building and post-conflict reconstruction and being there to ensure that the forces that gave rise to these violent situations are in fact addressed and so that conflicts don't bubble over again. These are all lessons that come from some of the international experiences in the last 20 years, but I think that they also apply to the situation in Iraq, as Denis just mentioned about thinking about the long term, about recognizing the complexity, about being somewhat humble about how effectively international community can respond to situations of civil war and violence.

MS. BARNES: One question. You were mentioning multilateral institutions, and certainly over the last many years we've had a range of conversations about the role of multilateral institutions and the sense of U.S. national security and self-interest and how we operate with regard to multilateral institutions. There is the famous permission slip conversation and debate, and I was just wondering if you could talk a little bit more about the U.S. national security interests and how multilateral institutions in fact boost our own national security.

MS. FERRIS: There are a couple of examples, and certainly some of the current examples that are going on now. When you look at the major foreign policy challenges facing the U.S. today, you see Iran, North Korea, Iraq, and in all of those cases the multilateral approach may be helping the U.S. to pursue its own national interests. In Iraq I think there's a good example where in terms of the situation on the ground in Iraq there's been a realization that for many reasons the U.S. can't meet those needs. The U.S. is perceived in Iraq as an occupying power, a belligerent, part of the military struggle. So when the U.S. tries to deliver humanitarian assistance, it's perceived in political terms. In a situation like this where the UN has – it doesn't have a great reputation in Iraq, but certainly it has a reputation as more of a humanitarian organization able to deliver assistance in the future, and I think the latest UN Security Council resolution is a testament to the need to the U.S. to use the UN to further its own national interests and to help get out of the mess that's been created.

MR. HEHIR: Some of the tension, though, is simply the complexity of the problems that need to be solved. International institutions have a very strong suit in providing legitimacy to action, and that is what was lacking in the Iraq action. On the

other hand, if you look I think at a number of humanitarian decisions of the 1990s, one of the problems with humanitarian interventions is sometimes you have to act within three weeks, and while international institutions have a strong suit on legitimacy, they do not have a strong suit on capacity to react to deliver within three weeks – I mean, to deliver boots on the ground in a way that is effective. And so the problem you run into is that you need legitimacy for part of the decision, you need effective response in another part, and that's where international institutions do not have the capacity to mobilize that in their present state.

Now, you can think of a day down the road when they will, but when you're really talking about dropping boots on the ground in two weeks, and the Rwandan event was less than six weeks, less than six weeks you had 800,000 people dead. So what do you do to put together a match of legitimacy on the one hand, effectiveness on the other? You really do have to parcel out different kinds of functions to different players in the international community.

MS. FERRIS: But that's where the importance of being proactive and looking down the road, early action, early warning comes in because people knew that things were going to explode in Rwanda long before they did. We know now the situation of the Democratic Republic of Congo is pretty horrendous, but the system gears up to respond to emergencies once they occur. If we were putting the kind of energy into DRC as we are into Iraq or other areas, then there might be some possibility of avoiding further disasters. But you're right: the multilateral discussions take time and they're far from perfect.

MS. BARNES: Bill?

MR. SCHULZ: I want to just draw this back to the common good – the notion of the common good – because the doctrine of the responsibility to protect is about as good an example of the evolution of that notion as we have, and it is just the latest and most dramatic example of a whole series in which international imperatives have trumped national sovereignty, going back to the war crimes tribunals in Bosnia, Sierra Leone, certainly the 1999 British Law Lords decision with regard to Pinochet – that tyrants anywhere in the world could be brought to justice.

This is how international human rights norms evolve, and while it's absolutely true that there isn't effective fast response – all of this is absolutely true – it's a remarkable change since the introduction of the Westphalia system of sovereignty, a remarkable change that's going on. If anybody wants evidence that the ark of the universe bends toward justice in the long run, this is the example of that, and I think it's important to recognize that while it changes slowly, it's been changing far more quickly, that this is the way norms evolve.

After all, what are human rights? They are a growing, gradual affirmation of new standards of civilization in some fashion. One of my favorite examples is when the state of South Carolina abolished video poker, a gentleman was interviewed by the *New York Times* and he said it's damn communist. They're taking away all of our rights. Well, not

being able to play video poker may be an inconvenience, but it isn't an internationally recognized right yet, much as some of us might like it to be, and though these norms are changing slowly and our ability to fulfill them is changing slowly, they represent the common good. They are about as clear a place to look for the notion of the common good as anywhere we have.

MS. BARNES: There are a couple of things – Beth, I want you to touch a little bit on what Bill was first saying about sovereignty and about the justification for intervention. It's certainly something that you've written about and you use this very compelling analogy. I think you write that parents cannot kill and beat their children with impunity anymore; so too governments cannot repress and kill their own people while the world stands by. I was wondering if you could touch on that a little bit.

MS. FERRIS: Yes. I think it also relates to what Bill was saying about the challenges to sovereignty. And sovereignty was a cornerstone of the international system for a long, long time, but it's breaking down in lots of ways. With globalization, the distinction between domestic and foreign policies isn't as relevant as it used to be. I think one of the most positive developments in the last 20 years has been this movement against impunity and whether through truth and reconciliation commissions, or international tribunals, or extradition being used, the leaders or those who commit violent acts are beginning to realize that they can't do so with impunity and may be held accountable at some point, which is changing the whole notion of sovereignty. It is an issue of the global common good and so forth.

And so decisions to take action in violation of this principle of sovereignty as is enshrined in the responsibility to protect – this is a major development in the normative sense. It's much more difficult to apply and to come up with criteria as to when and how this should be. The recent resolution on Darfur is really the first time it's been used to say the international community has a responsibility for individuals living under the control of their own governments when governments are unable or unwilling to protect them, which is the fundamental responsibility of governments. But when you come up with criteria, when is intervention justified, you come into the question of what is intervention? A lot of people immediately jump to military intervention, but there are a whole range of actions that can be taken far short of sending in troops to respond to situations, and those need to be done to protect the rights of those who are facing situations of mass atrocities and widespread violations of human rights.

MR. MCDONOUGH: (Off mike) – of any of the norms that are developed there is similar to the debate that we have in Washington every time this question of war powers comes up, which is that, sure, there are norms standardized. There's opportunities for actors to intervene. Congress has the right to declare war; it just never does. We have the right in Sudan, in Darfur to more aggressively insert the UN-AU force, but we're choosing not to.

And so at the end the day, it gets back to this question that Father Hehir raised which is that someone has to take the norm and use it, which I think is – if we're for putting our fingers on the most interesting developments over the last 20 years, I think the

emergence of pressure groups, non-state actors to call attention to the norms, so it's not just the existence of the norms, but also the pressure groups of organizations, churches, human rights groups, nongovernmental organizations just point to those norms as fulcrums on which to force action, because at the end of the day, the norm in and of itself is, while attractive, insufficient until there's some kind of fulcrum on which the action itself is pushed, because at the end of the day it's like any other right or norm. It's not self-executed. The lights don't get turned down by themselves. Somebody has to do it.

And so that's what's most attractive to me about what comes through in this whole book both in the first instance, ultimately the pragmatism of doing the right thing; that is to say that if we're measuring our policy choices by the outcomes, ultimately, oftentimes the right outcome is based on pursuing a policy through the common good. But on the other hand, we have to have some way to ensure that that comes about. It's just not a self-executing operation.

MR. HEHIR: I think it's also we're in a transitional period. It's going to go on for a long time. If you take the sort of pure Westphalian order, the one way to classify it is you organize the world around absolute sovereignty and absolute non-intervention. That's basically the model you get. I think we're moving to a point of what I would call relative sovereignty and relative non-intervention, because sovereignty is not going to go away. Sovereignty is the way you get admitted to the United Nations, so Bob Keohane's distinction between operational sovereignty and the normative concept of sovereignty is a very good distinction, I think, because the argument is obviously people want sovereignty. The PLO wants sovereignty. The Palestinians want sovereignty.

The question is whether you're going to treat sovereignty as absolute and that's what in a sense the great move in the responsibility to protect was: to change the conceptual design of the debate from the right to intervene to the duty to protect; and that's a very, very creative move which then still forces you to deal with, as I say, what does it mean to reduce from absolute sovereignty to relative sovereignty and from absolute non-intervention to relative non-intervention? Because before you throw away the non-intervention principle, remember how many good things it does. The non-intervention principle on the whole, for 400 years has supported order in international affairs, it's supported self-determination in international affairs, and it supported the small against the large. It's always great to remember Hedley Bull's comment that large states don't worry about intervention because large states are not intervened upon. It is small states that value non-intervention, so you can't throw these things out the window. At the same time, you can't leave them where they were because the world's too complicated. So how you hit a new balance between relative sovereignty and relative non-intervention it seems to me is the process we're sort of working our way through conceptually and operationally.

MR. SCHULZ: But I think we're making remarkable strides. Look, the responsibility to protect was only adopted in 2005 – this is two years ago – and it does articulate a series of check points that have to be worked through. And I think we recognize that there has to be some kind of international imprimatur, and when it can't be the United Nations, then perhaps we do look to some other international or regional body

to provide that. I just think this is a remarkable achievement in such a relatively brief time.

MR. HEHIR: The tough point is when you begin to list the reasons for intervention, how are you going to mix that then with the proliferation debate? If you're in favor of intervention to prevent starvation, to prevent human rights violations, to prevent genocide, are you in favor of intervention to prevent proliferation? Do you want to go in that direction, or does that category fall into a different place and raise other questions, because that's then going to bring you into the preemption debate. So my point is none of these things operate independently, and it's when you begin to test one against the other that it gets very specific about where you're going to draw the line.

MS. BARNES: Where is that conversation taking place right now? Who's having that conversation?

MR. HEHIR: Well, it takes place – that's part of it. It takes place in different forums. I think the point about the responsibility to protect is focused on humanitarian military intervention. I would argue that if you're going to talk about intervention in the proliferation debate, at least be clear you're not talking about humanitarian intervention. You're talking about big power, global order intervention, and whether there is any justification to intervene or not.

Now, obviously, the Israeli action against Syria was not debated. It was just done and so the reaction to that, and the debate about it, and the question about whether this sets a pattern for the future or this sets a pattern that you precisely don't want to move in, is precisely it. So they operate in different forms to some degree and there is a need to bring them together to try to think through what one means about intervention and non-intervention in moral terms, in empirical terms, and in legal terms.

MS. BARNES: Well, we've talked some about the responsibility to protect. We've touched a little bit on foreign assistance. Bill, I want to start a conversation with you about another specific issue and that's torture, and your chapter along with Imam Feisal Abdul Rauf in the book is a really compelling argument for ending torture, but just to play devil's advocate to be the critic for a second or articulate what critics might say: We've heard – you know, in a post-9/11 world, can we really abide by that standard, just marching down that very clear line?

In fact, given where we are in a post-9/11 world, you could argue or critics would argue, What if in fact torture of an individual in fact helped you protect thousands of people from being killed? Or what if you try to set some kind of international standards, you had to use some kind of court order or something before you could go in and use that action against an individual? How do you respond to those kinds of arguments made by critics of the essay that you're written?

MR. SCHULZ: Well, you're referring of course to the classic ticking-bomb hypothesis in which we torture one person and save 1,000. Now, of course there's first a broader religious imperative, which in the three Abrahamic traditions of course grows out

of the notion that human beings are created in the image of God and that their dignity is therefore what ought to be sustained. But even if we set aside the fundamental religious arguments, there are three or four I think rather compelling arguments against the ticking-bomb hypothesis, which in the abstract looks pretty good. And on a purely cost benefit analysis, one can make a defense of it as Jeremy Bentham and many other very respectable philosophers have done.

The first problem is it is almost impossible to obtain a 100-percent moral certainty that the person who is being torture actually has the information we suspect they have. How much of a moral certainty is good enough? Is 50 percent certainty good enough? Ten percent? If you're going to save 1,000 people? What about one in 1,000? There's no limit either and there's no moral limit to how far one can go. We know from studies of people who have been tortured that it is often far easier to make somebody talk if you torture a relative, a loved one than it is if you torture the individual him or herself. So does that mean that under this circumstance we're morally compelled to torture the two-year-old daughter of a suspect who we have in custody? So there are no moral limits to that abstract proposition that we're discussing.

The second problem is that it rarely works. It may work in some circumstances, and I don't want to make an absolute contention. We don't know that for sure. But we certainly know that people who are experienced in interrogation tell us over and over again that it's one of the least effective ways to procure information.

The third problem is that is always morphs into something larger. You know, torture is the most common human rights crime in the world today. More than two-thirds of the world's countries practice torture. That means that hundreds of people, thousands perhaps, are being tortured around the world. Now, if in fact they were all being tortured because in about 10 minutes a bomb was going to go off and we were torturing them for the, quote, "purest of motives," well, given the inefficiencies of government, we would have bombs going off every 10 minutes around the world. The fact is that this argument always morphs into torture of my political enemies or opponents in one realm or another. We've seen that everywhere.

And finally, just strictly from a utilitarian cost-benefit analysis, those who support the ticking-bomb rationale for torture rarely think about the fact that the torture of a loved one, of a comrade, is often one of the most humiliating experiences in the world for the community and the families from which that person comes. It's one of the greatest motivators – as we've seen in the Israeli-Palestinian dispute – one of the greatest motivators for those who are related in some fashion to the suspect who's being tortured to retaliate. So if we save 1,000 individuals in the first instance but we create 100 more angry terrorists or bombers who then go out and bomb 10,000 or 100,000, even our cost-benefit analysis fails. So I think that there effective ways to respond to this argument, and it's important to do so because it's such a popular one today.

Let me just say one last thing. I think that what we've seen in the disclosures last week about the torture memos from 2005 in the Justice Department that have existed after the McCain Amendment and after the administration had, quote, "sworn off" torture

but only supported of course enhanced interrogation techniques, we find two things are very interesting to me about that. The first thing is that the administration was – the Justice Department was very, very eager to have a legal rationale for whatever behavior they were taking and this is very reminiscent of many torturing regimes around the world and throughout history – that they want to make sure that their action somehow has a legal cover to it.

Second thing that's very interesting is that it was very important that this be kept secret. Now, of course, partly it was important because of congressional oversight, but it was also important because the people who are behind this have a certain level of guilt about what they're doing, and that is almost always the case in one fashion or another. The Israeli Supreme Court in overturning the Landau Commission's authorization for what the commission called moderate physical pressure, the Israeli Supreme Court said in effect, if a public official believes that they ought to torture, then okay, let them go ahead and do that, and after the fact they will have to defend their action based upon the defense of necessity, and they will have to go before either a court of law or a court of public opinion and explain why they took that action. But they ought not to be able to rationalize that action ahead of time or make it legally compelling. And I think there is a certain moral stance and moral authority to say this is not legal, but we have tough decisions to make. Maybe we have to commit civil disobedience, but we're going to own that and hold ourselves accountable for it in the long run, and we're seeing none of that in this context.

MS. BARNES: You touched on it a little bit, but I was wondering if you could broaden to some degree your comments that I think go to the national security issues here, and thinking about the secret prisons, thinking about Abu Ghraib, what are the implications on the United States' national security of those situations in addition to the view of the United States globally?

MR. SCHULZ: They're pretty straightforward. Anyone who has traveled certainly in the developing world will know that Guantanamo Bay and Abu Ghraib – that those two phrases themselves have done more to damage the U.S.'s reputation than virtually anything with the possible exception of the Iraq war around the world. The reality is that the number of, quote, "terrorists," unquote, in the world is limited. We don't any of us know how many it is. But in every situation, whether it be the Shining Path in Peru of the IRA in the days of their greatest activity in Northern Ireland, we know one thing about terrorists: we know that they can't exist without a community of support, without a larger context which offers them a place to live financial support, a ready pool of recruits.

And the strategy to defeat terrorism is not, of course, just to go after them militarily, important as that is. The strategy is to make is as difficult as possible, as unappealing as possible for that larger community to offer support to the extremist option. And if we had set out to devise a strategy to make it difficult for those people who are undecided about torture to opt against it, we couldn't have done a better job. Casey Stengel once said the secret of a great baseball manager is to keep the two guys who hate your guts away from the three guys who are undecided about the question at the

moment. (Laughter.) And we have done exactly the opposite. We've put them together and the torture that we've been responsible for, not just in Abu Ghraib because it's gone on at Bagram Air Force Base, it's gone on at Guantanamo Bay, it's going on at secret detention sites which now apparently are being repopulated as best as we can tell – that has succeeded in putting the undecided on the side of those who hate our guts.

MS. FERRIS: I was going to say that the U.S. standing in the world is very much related to national interests and national security, and the damage that's been done by these revelations of torture I don't think we can minimize. I was living in Geneva at the time of Abu Ghraib and had a close Syrian friend, and one day I went into her office and she had tears rolling down her face and she said, I believed in the U.S. You are the symbol of freedom when I lived in a country when you couldn't even think in opposition to the government. You were an ideal. As a little girl I always wanted to have the kind of freedoms you do in the U.S. and she said sadly, and now that's all gone. That's all gone. All of your ideals mean nothing if this can happen. So I think that the implications of this kind of torture and the knowledge about it everywhere in our globalized world has tremendous implications for U.S. security.

MR. HEHIR: I think, and it also goes back to the point Bill made earlier, that is to say when you talk about morality in foreign policy, you have to figure out what morality is, and there are different ways of determining what you think the morally right is, and one of them is always counting the consequences.

The problem with that as a single standard of morality is that it is always open-ended, in other words, if your only view of morality is you count the consequences and you seek to maximize, quote, "good consequences," it is a highly, highly flexible view of morality because somebody can always say, well, you don't understand how good the consequences will be if we just allow this one time.

So an alternative view of morality which is complementary ultimately, but different, says there are some things you just never do. There are some things in and of themselves you never do. And one of the interesting historical perspectives on this is that if you go back 60 years in the middle of World War II, both sides violated the conscious, purposeful bombing of civilians – both sides. And it's a really interesting case study of what happens when that principle, which was one of those principles that said, you just never do this, you do not purposely bomb civilians. And the point was if you read, for example, McGeorge Bundy's history of the nuclear age, Bundy said by the time we got to Hiroshima and the decision was should we drop the atomic bomb on Hiroshima, Bundy who was very close to Secretary Simpson said no one – no one – in the upper reaches of the American government ever said don't bomb Hiroshima because of civilians, and the reason for that, Bundy made the point, was that that question had been settled. It had been settled at Dresden, it's been settled at Tokyo. So when you forget a moral principle and particularly you forget the moral principle that says there are some things you never do, you lose something out of your capacity to make judgment.

On the other hand, it is not possible today for the United States or anyone else to fight a major war where bombing is involved where they are not tested by the principle of

the direct bombing of civilians. I'm not saying it doesn't happen. I am saying that the debate of the 1940s where that was never discussed is not the question today. And torture, like the bombing of civilians, has a potential status to be one of those things you simply say you never do.

The final point is that when you do do it, and you're a major power in the world, then you set a precedent, and the meaning of precedent is you give people permission to do what they might not have done otherwise. So whether it's torture, direct bombing of civilians, or the debate about preemption – if you want to start a debate about preemption, do not think it ends here, because if you can solidify that preemption is necessary, good, normal, usual, other people will take that permission and run with it, and so there's that precedent-setting notion as well as how you decide what's morally right or wrong.

MR. MCDONOUGH: Oftentimes you take these very important questions to the highest level; which is to say, what is the precedent you set in the international system? But I think we're seeing play out now what the result is on a very personal basis. You see it either in this Quest case where Quest is now suggesting it was squeezed to continue to participate with the program or even then pushing it down to really – literally down the chain of command to the more junior interrogators who would have – as that precedent gets set, those least able to resist the precedents are the ones who end up being most complicit in the action.

MR. HEHIR: That's another dimension of morality. Morality is not only balancing consequences, it's not only some things never should be done, whether you believe that or not. Another direction of morality is what's sometimes called virtue ethics, and what virtue ethics says is the kinds of choices you make about what you will do have a feedback mechanism on the kind of person you are. That is to say, you can corrupt your own character by what you do externally. So when you get to torture, it isn't only does it balance out good or bad, does it violate what never should be done, if you think you can make that case, but when you get to torture there's partly the question of what does it do to the torturer? And then you ask that question individually or ask it institutionally, and that becomes a major kind of problem for an institution to deal with if you have now started doing things that feed back on individuals in a way that changes the very sense of who they are as human beings.

MR. SCHULZ: (Off mike) – that's why torture is such a good example of the common good, because it is not just the victims whose good we are concerned about, but in traditional religious language the soul is sinner and what it does to the sinner as well, and that I think is why this is a beautiful example of the common good.

MS. BARNES: I want to before we go to the audience just if I can a couple of quick questions thinking forward, and picking up, starting with torture, how do we diminish the use of torture in the world? How do we approach that?

MR. SCHULZ: Well, torture happens for four reasons. First, there's some authority for it. Low-level soldiers and police don't go off torturing people if they don't

think somebody wants them to do it. There's got to be a rationale for it, there's some reason to do this even if it's just to rough the people up because we don't like them.

Thirdly, there has to be dehumanization of that victim. When Dick Cheney called the terrorists barbarians and did that over and over and over again, that was setting up a context for permission to torture. But fourth and most importantly, there has to me impunity, as Beth was saying. The way we stop torture is to make sure that people recognize that they're going to be punished if they do that. It's as simple as that.

Now, it won't be perfect anymore than our laws against burglary or murder or rape or anything else are perfect, but what we have to do is make torture as abhorrent in terms of our cultural norms as slavery is today and we need to make is consistently punished. And in the long run, that will stop torture. Now, your next question of course is how we do it, and I pass that on to the rest of our panelists.

MS. FERRIS: I'm going to pick up on something Denis said earlier and that's the role of civil society and mobilizing public opinion against things like torture and other kinds of human rights violations. But the role in monitoring and reporting and exposing so that these things don't just happen in secret, but that there's a knowledge about it, an opportunity to mobilize public opinion and policymakers to such a degree that it's no longer acceptable.

MS. BARNES: I want to pick up on your public opinion, public will comment, but direct a question to Denis on foreign assistance. In your essay, you say the United States, though the top foreign assistance donor, is in fact stingy. And I want to ask you: What should we be doing and how do we create the political will, the public will to do all that we can and should be doing?

MR. MCDONOUGH: Well, it is a fact that while we, in a gross volume sense, give the most dollars into foreign assistance programs, we by per capita are somewhere between 17 and 25 in the world, and so we have a situation whereby you have a country to whom much is given, but very little is being done. And so I think it's widely understood to be the case. I don't think anybody disputes it, but then again, having worked on the Hill for a long time on these questions, I've never seen so few people so willing to make an argument publicly that they make oftentimes privately, which is: We simply just should do more than we are currently doing.

And so I take it back to something that Senator Fulbright wrote in the middle of the '60s, which is that a legislator is ultimately also an educator, and that it will continue to be taboo to push for higher levels of assistance as long as nobody makes the case publicly to push for higher levels of assistance.

And so I think you've seen tremendous examples where it works. I think the most recent one is in the year 2000 with the Jubilee Movement. That included everybody from Bono to Pope John Paul II, making a very public case for the need for debt relief for the world's poorest countries. At the end of the day, it was a pretty hard coalition to argue against, although it was by no means a slam dunk getting that even through the Senate.

But without somebody at least making the argument that this is in our interest and that this reflects the values of who we are, you're never going to carry the argument.

So my starting point in terms of how do you turn this debate around here in this country is encouraging to civil society in other ways. This argument that not only is it in our interest to do but it's the right thing to do, and when we start to make that argument, we've had success in the past and I hope that we'll start to have it again. Interestingly, you see this in presidential campaigns. It seems each four years in the primary the Democrats who are pursuing a certain number of voters argue very vociferously for increased foreign assistance; when you get to the end of the general, those numbers seem to come down a little bit, so hopefully this will be something that lives in this instance through the primary, into the general and then actually into policy making.

MS. BARNES: And Father Hehir, I want to ask you a question. You are an expert, you've written so interestingly about Just War Ethic. At the same time, we see the issue of Iran sitting out there – the debate, the rumblings about it, and I was just wondering if looking at that issue, looking at that country and what's happening and what you write about in terms of just war principles, if you can apply Just War Ethic and principles to the circumstances in Iran and just give us a sense of how you would apply it, where we would come out.

MR. HEHIR: Well, Iran fits under the proliferation debate. That's where you want to locate it, it seems to me. Obviously it's a country in the general broad region of the Middle East which has its own complexity, but in terms of, I think, what you're asking me it fits under the proliferation debate. And the fact of the matter is that we are in, again, a different period on proliferation than the one we grew very used to for 50 years. For 50 years, the dominant nuclear question was the U.S. and the Soviet Union. The secondary question was proliferation of weapons of mass destruction throughout the international system. With the collapse of the Cold War, the dominant question now is proliferation, not the old question of two enormously powerful powers that could work out a highly rational sort of framework for deterrence and arms control.

It now is a much more complicated grid, and part of the difficulty is that the way we've handled proliferation since 1968 is with what we call a regime – a set of principles and ideas, the nonproliferation regime. That regime has 184 signatories, which is a pretty impressive reality in which the signatories who do not have nuclear weapons say they will not pursue them, those who do have them say they won't share them, and yet they go on to say that countries will have access to nuclear energy for peaceful purposes. That's the framework.

My sense is that the dominant question at the minute before you get to Iran is the whole of the Nonproliferation Treaty on the mind of the world. That is to say unless that treaty is convincing over time to people, that the world is divided between nuclear haves and have-nots, while clearly imperfect, while clearly imperfect – Lawrence Freedman, the British strategist, said when you listen to the nuclear states talk about nonproliferation to the non-nuclear states, it's like the town drunk talking about abstinence. And with that framework, you see, it is hard to keep the hold of the treaty on the mind of people. That's

the first thing. So how do you build support for what is, from the beginning, a flawed treaty but not an indefensible one?

Secondly, in light of the treaty, how do you use implementation measures? So that's going to raise the question that has been with us since really the early '90s where proliferation moved from being a primarily diplomatic entity which you enforce by diplomatic means – tradeoffs, carrots, sticks – to: Are you going to think about nonproliferation policy primarily in terms of coercive measures that are not diplomatic, but are military? I think crossing that line is a very dangerous line.

Thirdly, even if you then seek to cross it and say under certain circumstances you would want to make an argument that there is an issue of systemic safety here and therefore intervention is justifiable, my question is: What triggers intervention? Somebody that says they're going to look at nuclear weapons? Somebody that starts to develop them in terms of scientific development? Somebody that starts to move into plutonium processing? Somebody that deploys? In other words, what constitutes the trigger that says, in the extreme case in the name of international systemic safety, some use of force is necessary?

I think in order to get to a justifiable use of that, you would need, again, multilateral legitimation. You would need to make the argument that this was not simply a prospective, possible danger, but an imminent danger. And you'd have to resolve the problem of whether you say Iran or anyone else, (a), doesn't have the right to make this move; secondly, that they will be sufficiently dangerous if they make the move that you can make a convincing case internationally to support your action; and thirdly, that you're not going to cause more harm than good by doing it.

So my conclusion is: Keep the nonproliferation framework on Iran primarily a diplomatic framework, not a military framework. Recognize that building support for nonproliferation regarding Iran or anybody else is in dire need of some shoring up. And thirdly, build very, very tight criteria for any use of military force as the way to solve nonproliferation in Iran or anyplace else.

MS. BARNES: Thank you. Well, I know we certainly already have questions. That's terrific. If you would give me your name and organization, if relevant, that would be terrific. And why don't we start with the gentleman with the black jacket and tan tie.

Q: Hi there. My name is Mains. I'm from the German Marshall Fund. Thank you, first of all, for a fascinating discussion. I thought it was really wonderful. And I really appreciated the fact that you emphasized the fact that we've moved towards a new international norm in terms of sovereignty. Like you say, I think there is a new emerging consensus that sovereignty is more than just a right now, it's also a responsibility. And that's absolutely key. And I also appreciate the fact that you've indicated that the Bush administration has done a lot in some ways to push this back rather than pushing forward as a real common good.

But I would put to you that that's a relatively short term conclusion and that in the long term the real impediments to building this now common good internationally is not any American administration per se, but it's great powers across the world – I'm thinking of Russia and China – who have a fundamentally different view of what the common good is. They simply don't believe in these values of human rights and intervention. So I would appreciate it if somebody would be willing to address how we engage or how we confront the authoritarian great powers who in the long term are going to prevent this from moving forward. Thank you.

MS. FERRIS: If I can begin at least by responding, if you look at China, recent public opinion polls show that 76 percent of Chinese public favors a collective intervention in Darfur, while the government of China has pretty consistently blocked the efforts to move forward in that direction. So I think that there's still a source of support, if you will, among the public that needs to be challenged and tapped.

But another big problem with these emerging notions of sovereignty comes not just from the great authoritarian powers, but also from a number of small powers who see this as a way of legitimizing big power intervention in their ongoing lives whether via trade policy or other actions. So I think there's a lot of work still to be done before it really moves forward and gains widespread legitimacy.

MS. BARNES: All right. I'm –

MR. : You've just got a lot of hands here.

MS. BARNES: Okay. (Laughs.) Right, exactly. Why don't we take the gentleman in the striped shirt in the back?

Q: Okay. Stanley Kober with the Cato Institute. Nobody has mentioned the issue of sanctions, and I was wondering if you could discuss that. Before we invaded Iraq, we had sanctions on Iraq and we were being roundly criticized for that, for the effect on the people – and I see people nodding. Now, we're being asked to impose sanctions on Burma, for example. So let's give a concrete example. How do you assess the morality of sanctions?

MR. HEHIR: One thing is if you use something like the Just War Ethic on when is force justified, one of the criteria you have to pass is that you've used something else besides force to solve the problem. And I think particularly during the Cold War period, sanctions looked like the magic solution to something short of force; that is to say, you use an economic pressure trying to exert leverage on a government in order to bring about a result. And in that sense I think that's true. It's short of using force. If force is to be the ultimate (reaction?), or the ultimate, the final thing you use to solve a problem, sanctions look pretty good.

The difficulty with sanctions is in the outcome of the sanctions. And that is in a number of cases when sanctions are used – I think Iraq was one, Haiti was certainly another – the sanctions were all falling on the wrong people. So it's one thing to be in

favor of sanctions as something short of the use of force, it's a second thing – and this in the debate with other people – defining what you mean by smart sanctions. How do you target them? How do you leverage them in the right direction?

I think on the whole they are in principle the preferable solution to force. On the other hand, you at least have to recognize that in the way they've been used in the past, they target the very people that you say in warfare you're not supposed to target; namely, the civilians. So it is less a question about their inherent validity as a moral response to a problem than it is about their operational effectiveness and capacity to target what you're really trying to get at.

MS. FERRIS: I think we need to do a lot more work on these smart sanctions. Because you can – you know, sanctions is a broad term that includes a whole range of activities from freezing bank accounts of leaders, to denying visas. And it's not just those measures that cost wide spread suffering among the civilian population.

MR. SCHULZ (?): I was just going to say that, just as in the case of the reasonability to protect, so with regard to sanctions. There are a whole series of check marks that none can go through in answering your question as to when to undertake them. Is it, in fact, feasible to exercise sanctions against this country? It's not feasible to exercise sanctions against China no matter how angry we may be by their policies, but it may be feasible to exercise them against Burma, for example, or others.

Do the local democracy and human rights advocates call for sanctions as Aung San Suu Kyi does in Burma, or do they oppose them? Do we have – can this be multilateral, or would it be just bilateral sanctions? There are a whole series and, of course, the smart sanctions question. You remember when Colin Powell testified about smart sanctions before Jesse Helms' Foreign Relations Committee and Helms thundered: "What do you mean? We've been putting on dumb sanctions?" Well, yes, I suppose we had. But so – (laughter) – so I think that they are evolving again in this area as in the responsibility to protect area. They are evolving a series of checkmarks that we can look to answer your very good question.

MS. BARNES: Why don't we – only take a couple [of questions] – why don't we take the gentleman in the very back – I'm sorry, Suzi. I was trying to prevent you from getting an aerobic workout.

Q: My name's Lee Diamond (ph). Continuing on the sovereignty issue: I mean, we look at all these countries from Yugoslavia to Timor. I mean, those were the ones where we intervened, but other ones where we didn't that we've mentioned, for one the Darfur, Burma, Congo. In Congo, children are being kidnapped and forced to become child soldiers.

I'm wondering what about this idea that's been discussed, I think even before 9/11, about a new international organization of sort-of democracies, and also it would seem to make sense that maybe moving beyond the UN model that there'd be some more formal relationship with NGOs that might strengthen such an organization. And –

because I mean, obviously the Big Five – or one of them, is going to always block something and that creates a – basically, they're creating an international human rights crisis and we can't protect those people under any standard of fairness or whatever. So I'm wondering what you think about that.

And also in terms of looking at Burma, looking at the role the Chinese and Darfur, should we consider a grassroots campaign to boycott the Olympics next year?

MS. BARNES: It's one, and I want to try and take two more questions, this gentleman here and this woman here in the multicolored scarf.

Q: Thank you. Achille Zalor (ph), formally of the Kennedy School where I met – Achille Zalor formally of the Kennedy School, now of the – (unintelligible) – here. I was wondering if one could not say that the common good, the responsibility to protect, the prevention paradigm, are not just very sophisticated versions for international relations use of the ticking-bomb paradigm for human right, very complicated arguments that you used to do what you want to do and then you have an explanation, and when you don't want to do it you also have an explanation. The thought crossed my mind. Thank you.

MS. BARNES: And then this – take a question – (inaudible).

Q: In mobilizing public opinion – I'm Nancy Wilson, with the Washington Region Religious Campaign Against Torture. We started a while ago and we had, I'd say, some public support much more actively last year. I have a fear that people have gotten, as Gertrude Stein does, turn her back to the window a little inured to the fact that we are torturing all over the world. We used to get a lot more – what should I say – support in forms of honk when you pass us. We are going to have a vigil on Mass Avenue across the street from the vice president's house this Wednesday, which is one year after the Military Commissions Act was signed. And we ask anyone who would be interested to join us: wrrcat.org. Thank you.

MS. BARNES: Okay. I'm going to do another round, so get some more questions, but responses to any of the questions that were raised?

MS. FERRIS: I mean, first, in terms of the movement for a Concert of Democracies to replace the UN (and the UN has lots of problems) but it's the best organization we have. And I would support efforts to strengthen it and make it more responsive and bring in civil society and have a more recognized role for NGOs who are responsible for a lot of the positive developments that have happened in human rights in recent years.

Boycotting the Olympics, I mean, this – even the mention of that by the Save Darfur campaign, I think, led to some change. The Chinese are very sensitive about this. You know, whether or not this is the appropriate way to respond, I don't know, but it certainly has increased pressure on the Chinese government to allow this new resolution on Darfur to come through. I think it's also interesting to look at China and other powers

in terms of their economic interests particularly in Africa now. This is growing by leaps and bounds and it's causing new challenges for all of us.

In terms of the gentleman's question of whether or not this is just a fig leaf for big powers to do what they want to do anyway, that's been a lot of the concerned around the term humanitarian intervention. I mean, can intervention really be – can military intervention ever really be humanitarian? Don't – military missions always have military objectives. So I think that there are a lot of concerns about how in fact it can be used for other purposes of great powers to intervene in the affairs of small ones, which is why it's important that these checklists exist and that there's a lot of debate about it before decisions are taken.

MR. SCHULZ: Let me just demur slightly from one thing Beth said here. I don't think the Concert of Democracies would replace the United Nations. I think it would supplement it. And I'll tell you what I think is fascinating about it and if our colleague Mort Halperin were here he would, I'm sure, be speaking far more eloquently than I on this. But what's fascinating about this is that if there were to be a Concert of Democracies organization that was one of the places where one could go for the imprimaturs we've talked about, for sanctions or intervention or whatever, the United States would be under far greater pressure to conform to the opinions of that organizations than it is to the opinions of the United Nations.

The United Nations the United States can dismiss not only as a bureaucracy, a corrupt bureaucracy, but it's filled with all these nuts, these crackpot organizations, these dictatorships, these anti-Semitic, anti-Zion – all. There are lots of ways to undermine the credibility of the United Nations. Far harder to undermine the credibility of a Concert of Democracies that the United States has been a party to creating in among presumably countries that are not only our allies, but in some cases in which we've nurtured their democracy. And I think that that conceivably would lend both a pragmatic and an ethical character to a Concert of Democracies that it might not have in another context.

The only other thing I'd say is about the boycott of the Olympics is I think here's a good example where we ought to apply some of those benchmarks that I mentioned about sanctions. Could it be effective? I mean, could we get other people to do it? After all, the president's going to be the chief guest of honor there already. Would other countries join in? Is it effective? And are those people, who will be affected by it, in favor of it?

MR. HEHIR: I think – I guess I'm sort of half-way between. (Laughter.) In this sense that between the Concert of Democracies and the UN may fit the coalition of the willing, and that doesn't attract me at all. And so therefore, my general sense in response to the question from the gentleman in the back is, in a sense, I start – or Nancy starts – I'd start with the UN. We've been trying to build this for 60 years, and one would not be overwhelmed with progress, but the fact of the matter is it highlights what it takes to build an international trans-national organization to make it work. So I'd start there.

I do think there is – and this can be institutionalized then in Concert of Democracies – my view is if you get stymied in the Security Council, there is at least a way to think about the argument that the Security Council vote is a political legal vote. It is not necessarily a moral vote. And so when you get stymied in the Security Council, you will have open to you at least the argument that there is a moral argument that prompts the decision and can give legitimacy to action. Now, it's dangerous and tricky, but that's exactly what happened on Kosovo. It's exactly what happened on Kosovo, except that we never let the vote be taken on Kosovo.

I think it's better to treat the UN as an adult organization, let it take its votes and then you have a further argumentation about the moral quality of the political legal vote that's been taken. Then if you want to have an institutionalized group of people that make this argument, than I'm more in – I think you've got to give the UN its due, then you have to treat it as an adult, which means that it doesn't always make good decisions and those decisions can be brought under critique.

That is precisely the meaning of distinguishing political, legal and moral categories for an argument. Political categories get made on one set of criteria, legal categories get made on another, but there's always the possibility to do internationally what Martin Luther King did on race in this country, and say the state of Alabama's got a legal rule on this and I'm making a moral argument against it. And I think I'd be more comfortable with that in order to – before I would jump as much as I love Mort Halperin, to an entirely different institutional forum that could I think be problematical.

MS. BARNES: Okay. We'll take a question here, and then a question here – the woman in the green top.

Q: Robert Murray, CNA Corporation. I had two questions. One was this business of intervening for proliferation that Father Hehir brought up. I wonder if this administration has not already leaped over that when it's intervening to create democracies? Is there the same kind of restraint that you would? – that's a question.

The other one is a bigger question, I guess. Americans aren't responsible for sorting out the world's problems unilaterally. Other people have those problems, and yet America has a huge capacity for leadership and resources and the like. And some of these problems where you talked about the need for urgent action, boots in the ground in three weeks. I wonder if we shouldn't be trying to turn the common good, if you will, into a larger set of principles that we would pursue, that allowed us to do much more collaboration with other governments and international institutions much earlier than we do, so that we've worked out some capacities ahead of time rather than waiting till the event and discovering that we've got to act urgently, or we have bad information, or whatever it is. So those are my questions.

Thank you.

Q: Simone Campbell from NETWORK. I'm concerned in the conversation around the limitation of sovereignty. An element that seems to be missing is the

economic – the global economic reality and the interplay and dominance of economics as sort of the measure of the choices that are made not necessarily the common good. And I'm wondering if you could comment on that interplay between sovereignty and global economic reality, especially when we look at things like the outsourcing of government activity, most recently seen with the Blackwater reality in Iraq. And how do you see the interplay of those for the global common good?

MR. HEHIR: I mean, I think when you talk about the limitation of sovereignty, it's a process. There's the status of sovereignty which is conceptual, that is to say: What do you mean by it? And essentially what sovereignty means – has classically meant – is that sovereign states acknowledge no superior authority. They acknowledge no superior authority legally, morally, politically. Now, the UN Charter has placed a framework around that claim. So that was the first limitation, except that the UN is made up of sovereign states, so they get to decide.

The second limitation on sovereignty was strategic. The two most powerful countries that history has ever known could not fulfill the classical definition of sovereignty. The United States and the Soviet Union had no capacity to defend their population and territory against a nuclear attack. They only could respond to it. That limits the classical definition of sovereignty.

The third limitation on sovereignty is economic. Globalization by definition, interdependence before it, establishes processes that cut across national boundaries and limit, but don't do away with, sovereignty. The Chinese managed globalization nicely because they have a very tight internal system.

And finally, there's a moral limitation of sovereignty, which human rights are the best example. In other words, before the UN Declaration on Human Rights, and before the human rights regime, there was no basis politically and legally – politically and legally, not morally – but politically and legally there was no basis for any state in the international system to say that they had a duty or a right to do anything about human rights violations within another state.

So sovereignty has been trimmed in a process, but not eviscerated or eliminated. And given the fact that we have no other principle on which to organize the international system, I sure wouldn't want to see it eliminated, because that would be chaos. So there are limitations of various kinds on sovereignty without the evisceration of sovereignty. So we're dealing with a highly interdependent world governed by independent states within the framework of the UN system, and with the multiplicity of forces placing limits on sovereignty.

MR. SCHULZ: I would just that I think that the World Trade Organization is a very good example of exactly what Bryan has said here. It is an organization that creates global rules that its members agree to follow and for the most part do follow – of course, there's give and take on this. And I think it presents a very interesting model for other enterprises.

MR. MCDONOUGH: And not only agree to the rules and they agree to the adjudication process, which is something you don't have with this tremendous imbalance of capability, which is the one difference I have between Father Hehir and Bill here is other than not being a man of the cloth is the fact that we would not be under any more undue pressure than we are at the moment, because we are the ones who've made the coalition on Kosovo possible, because we wanted it to happen even more than the Europeans did. And insofar as we've come under pressure from the Council on Democracies or the Concert of Democracies, it would be other people wanting to do something more than we want to do it even though they can't do it by getting people on the ground.

So at the end of the day, if we wanted to have some kind of greater pressure on the sole superpower here, we have to build up the capabilities of the Europeans to do that. I think we saw some development of that in the mid '90s, with this European Defense Initiative. But there's just no interest on behalf of the Europeans to do it themselves at the moment. So we're in, now, a system where *de facto*, we're the sole global actor which limits our ability to have to respond to this other pressure.

MS. BARNES: There is one more thing that we would like you to consider and want to share with you before I ask that you thank our panelists. And we've had, I think, a very interesting conversation about the global common good, but we hope that you will take this message with you as you leave the room along with the publication that we've shared with you today. So if you will turn your attention to the screen just for a few moments, we hope that this is as meaningful to you as it is to us.

(Begin video presentation.)

MS. : The global common good.

MR. : The global common good.

MR. : The global common good.

MS. : The global common good.

MS. : When is war justified?

MR. : When is war justified?

MS. : When is war justified?

MS. : Is it ever right to torture another human being?

MR. : Is it ever right to torture another human being?

MS. : Is it ever right to torture another human being?

MS. : Do we have a responsibility to intervene against atrocities 1,000 miles away?

MR. : Do we have a responsibility to intervene against atrocities –

MS. : – thousands of miles away?

MS. : When it comes to foreign policy –

MS. : – our self interest and moral responsibilities –

MR. : – go hand in hand.

MS. : In fact, the security of the United States is strengthened –

MR. : – when we act upon the ethical values –

MS. : – that have made our nation a beacon of hope to the world.

MS. : The global common good.

MS. : The global common good.

MR. : The global common good.

MS. : People around the world are bound by a common humanity –

MS. : – despite differences –

MR. : – of race, religion, culture –

MS. : – and ethnicity.

MS. : All of us share common needs and values –

MS. : – that are stronger than the things that separate us.

MS. : The global common good.

MS. : The global common good.

MR. : The global common good.

MR. : Unfortunately, we also share problems.

MS. : Global warming, disease and political terrorism –

MR. : – do not stop at national borders –

MR. : – but spread rapidly through the world.

MS. : Each of these challenges –

MS. : – is too great for any nation to tackle alone –

MR. : – and too widespread to avoid.

MS. : The global common good –

MS. : – offers a way of addressing these challenges –

MS. : – that cause us to translate our principles into action –

MR. : – and to work with partners around the globe –

MS. : – for the many threats facing the world today.

MS. : The global common good.

MS. : The global common good.

MR. : The global common good.

MS. : The global common good.

MS. : In the end, we all share this planet.

MS. : It is our home.

MS. : We all want to breathe clean air –

MS. : – and drink clean water.

MR. : We all want our children to be healthy –

MS. : – and grow up to lead productive, meaningful lives.

MR. : The global common good calls for us –

MR. : – to go beyond narrow self interests –

MR. : – and national borders –

MR. : – and find common ground with others.

MS.   : To be principled and pragmatic –

MR.   : – as we strive for a better world.

MS.   : The global common good.

MS.   : The global common good.

MR.   : The global common good.

MS.   : The global common good.

(End video presentation.)

(Applause.)

MS. BARNES: Please join me in thanking the members of our panel and we hope you continue to engage in this conversation with us. Thank you.

(Applause.)

(END)