

FORDHAM CENTER ON RELIGION AND CULTURE

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THE ETHICS OF EXIT:
THE MORALITY OF WITHDRAWAL FROM IRAQ

Monday, March 21, 2005
Fordham University, New York NY

THE ETHICS OF EXIT: SYNTHESIS AND DISCUSSION

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FOURTH FREEDOM FORUM

SPEAKER: PETER STEINFELS, CO-DIRECTOR, FORDHAM CENTER ON
RELIGION AND CULTURE

ALISTAIR MILLAR: Good afternoon. We're going to now start the final concluding session where we'll have a synthesis and some discussion. My name is Alistair Millar. I'm the vice president and Washington Office Director of the Fourth Freedom Forum. We're pleased to be a co-sponsor with the Fordham Center on Religion and Culture and the Joan B. Kroc Institute for International Peace Studies at the University of Notre Dame.

We're going to do things a little differently because we have so many people up here on the stage this afternoon. Instead of taking questions from cards at the end, we're going to invite people to ask questions from the audience. But because we do have so many people up here, we would like to ask that you keep the comments to a minimum and just ask questions if possible. And I've been asked to say no speeches ñ (laughter).

To moderate this discussion and to give us some concluding remarks as a wrap

up, Peter Steinfels has been asked to do that and Iím just going to introduce him.
Heís co-director of the Fordham Center on Religion and Culture. He also writes a bi-weekly column for The New York Times and he is author of A People Adrift: The Crisis of the Roman Catholic Church in America. And Iíll turn it over to Peter now. Thank you.

(Applause.)

PETER STEINFELS: Thank you. Iíve been given an assignment, which by definition is impossible; therefore I cannot really fail at it. (Laughter.) Iím not really going to try and attempt a genuine synthesis; that would truly be out of the question, but something more resembling a menu in a dayís worth of taking a

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whole reporters notebook full of notes of very interesting observations. I really have learned a lot myself today.

I would simply like to break these down into the three categories of things that I think can be listed as agreements, things listed under the heading disagreements, and things listed under the heading of un-addressed or virtually un-addressed topics. Now, of course we may disagree about what is an agreement (laughter), but at least that will get the discussion going and provide some sort of a recapitulation for all of us who have heard so many interesting things today.

Agreements.

1. There is an unstated agreement, I think, that has been implicit, and that isó
and people could challenge me on thisóthat everything weíve talked about includes moral and political risk. There are no risk-free answers to the sorts of problems that we are facing and itís a question of degree and of the benefit of the doubt, and taking one risk rather than another and so on.
2. Second point of agreement: U.S. policy has not been a shining success, whether we would be talking about the decision to invade, the management of the occupation, or the surrounding diplomacy. I think it was very striking that Lawrence Kaplan, who is not with us anymore and was supporting a policy of staying the course, spoke ofóand I quote himólinearly criminal level of incompetence with which the policy was actually implemented.î
3. The third point: the moral question today is not resolved by our judgments on the moral question two years ago, and weíve certainly heard that again in the last session.
4. The fourth point of agreement I think is that there are considerable cultural limitations in dealing with this issue of either the U.S. in general and/or this administration as political international actors. Again, Lawrence Kaplan was the one who began making that point by referring to a gap between the real Iraq and that of the administrationís imagination and, again, coming from a supporter of the invasion two years ago and still one who supports staying the course in Iraq.
5. The fifth point is that the leaders in Iraq now donít want an immediate withdrawal of U.S. forces.
6. The sixth point is that political and economic reconstruction is necessary and obligatory.
7. The seventh point of agreement is that the U.S. should ask ñ should leave, rather, if asked to do so by a legitimate Iraqi government.

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8. The eighth point is that dates do play some part in everyone's analysis here, whether it be Lawrence Kaplan's more-or-less proposal that we should be on autopilot for a year-and-a-half and reconsider the situation at that point depending on how well we have progressed in supplying security, or whether it be George Lopez's reference to February 2006 as a kind of a milestone in terms of withdrawal, or whether it be Professor Dawisha's suggestion that we need a ballpark figure that the U.S. should announce for some kind of withdrawal.

9. Ninth, there is the reconstruction. The reconstruction of Iraq should be done with local leadership and resources and not as has been the case primarily U.S. ones or outstandingly U.S. ones.

10. And the final point of agreement that I'll note and there are probably others is that the insurgents are a mixed group; if we ask a question about the nature of the insurgents, we're not going to get a simple answer there.

Disagreements:

1. the very first one was kind of a rhetorical one, and that was the different reactions, especially in the first session this morning, to the use of the word "abandonment," whether it was Mr. Kaplan's suggestion that we didn't want to compound our mistakes by now abandoning the Iraqis, or George Lopez and Stanley Hoffmann's suggestion that that was not the operative concept in our conversation.

2. Secondly, a disagreement around the question and this of course is central to whether staged withdrawal would either compound or remedy the mistakes that have already been made.

3. Third, and these are all overlapping in a way, centers around the issue of stability. Is it a precondition for withdrawal or is U.S. disengagement/withdrawal a precondition of establishing security?
4. Related again to that is the question of whether political and economic reconstruction, on which there is some agreement, can really proceed in a significant way without the provision of security or with a kind of halfway house in terms of security.
5. Fifthly, does the continuing U.S. presence, and I'm not only here talking about stability in general, but a whole range of other things that would be happening in Iraq like the establishment of legitimate political actors, the legitimacy of elections, and the ability to establish, reestablish infrastructure, for example?

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6. The sixth disagreement is over how to interpret the fact that most of the leaders, as I suggested, were agreed upon, are not now in favor of U.S. withdrawal. There is disagreement over how to interpret that in view of the larger population, either now, or given how the larger population and its opinions may develop, in the near future.
7. Seventh, a disagreement about how to interpret the shift in the recent targeting of military actions by the insurgency. Is this a real factor that shows a shift that the U.S. presence is no longer at the center of fueling the insurgency or is this just one of those signs that goes up and down in the course of time? That was referred to again in the morning's discussion.
8. Eighth, again on the cultural limitations, which were manifest in the decision to go to war and in the management of the occupation about which there

was a lot of agreement in a general way—are those still to be given heavy weight in planning our future policy or can staying the course integrate—in a way that I think Jean Bethke Elshtain just suggested—some kind of course correction in view of the lessons we have learned.

9. Ninth really has to do with the nature of the insurgency. There was some disagreement about the degree of popular support. Professor Dawisha referred to there not being so much popular support. Mr. Lang suggested that there was probably a good deal of popular support and at least a large, not majority, but minority toleration.

10. There was also—maybe this should be an un-addressed question—some disagreement or different views about who is leading the insurgency, or whether there is any party in the insurgency that could become an interlocutor in a political settlement.

11. There was disagreement about the amount of time needed to train security, whether it would have to be done on the timetable that the U.S. took to put operating troops in the field or whether it could be done much quickly. There was a disagreement here between Professor Dawisha and Mr. Lang.

12. Twelve, there was disagreement about the role of the United Nations or allies.

Mr. Kaplan—when that question was raised—said they are not going to help because they don't want to help and other people made the point that understandably they don't want to help because they don't want to be implicated into the mess of policies that they were opposed in the first place. But there were other points of view suggesting that they still could be brought in for certain roles in terms of the security training, reconstruction, oversight of oil, and so on.

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Unaddressed topics: I'll move on to a number of what I have listed here as unaddressed topics.

1. The first one is that there was a good deal of talk during the day about the necessity of a political negotiation or a settlement to disaggregate the insurgency or as I think George Lopez said to unglue it. There was some talk of that in terms of concessions for elements of the Sunni population along the lines that are now almost taken for granted in terms of the Kurds. But we really didn't talk much about whether such a political settlement with the elements of the insurgency is possible, whether that is realistic.

2. Secondly, is the question of whether the U.S. military commitment was actually too small, rather than too large? Patrick Lang brought this up in terms of overall military forces. But listening to Kenneth Himes talk about the obligations, it occurred to me that maybe the obligations require either before or now it would be difficult now to have 200,000 or 300,000 troops there, not 150,000 or less, to carry out those obligations for U.S. post-bellum, and we haven't really addressed that possibility.

Let me just limit myself to two other things that I thought were interesting and didn't get further addressed.

One is the point that George Lopez made that he thought that the ethical priorities in this discussion should be primary because so many of the other factors to which we've understandably paid so much attention, political and military, really cannot be very well resolved. We never returned to that provocative point.

And finally, in our very last session, we had the question of

democracy, and I'll
add to that liberal government in Iraq as a goal. That has been
referred to
sometimes explicitly, sometimes obliquely. I know Lawrence Kaplan has
a
lament that we are maybe establishing democracy in the electoral sense
but
without establishing liberalism in the sense of deliberative political
space and
checks and balances. This came up somewhat in our discussion about
civil
society, but it is a question about whether that as opposed to terms
like stability,
order, security, Iraqi well being, can be the realistic goal or
condition which
would determine the moral moment, if you will, for the United States
to withdraw
from Iraq.

Now, for this massive panel, I would like to invite people in just
about any
order maybe if they want to volunteer or otherwise I'll start at one
end and work
on the way to the other end to comment on any of these elements of
agreement,
disagreement, or un-addressed questions. I'd also like to give them a
chance

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perhaps to enter into the discussion other points that they sat here
thinking about
when they were not among the speakers. I know Professor Dawisha ended
up his
comments this morning by saying he had other points, but because of
the time
constraints he would save them for later. I would be quite happy to
start with you
if you to get them all on the table now.

ADEED DAWISHA: Well, I had had a few points but listening to the afternoon panel, I must admit it generated other kinds of questions in my own mind, particularly Professor Himes assertion: the legitimacy of our initial invasion and occupation of Iraq.

We heard a lot about Saint Augustine, and I just wanted to make this comment and see how you respond. I'm treading here softly; I'm a political scientist, not a political theorist. But I have read Saint Augustine I remember when I was a graduate student. My impression is that he actually also defined a just war in terms of the duties of civilized society to come to the rescue of other communities that happen to live under a tyrant; that it was almost a duty that we should rescue societies from tyranny.

Now, given that you also said that peace under coercion is not real peace and people say now, well, let's compare Iraq now to what it was under Saddam. There were no killings, there was no insurgency and so on, but the peace under Saddam was actually an illusory peace; it was a peace under coercion. People didn't go to demonstrate because they'd get their heads chopped off.

And that brings me to a point that I was going to bring initially when I think of what of all people Larry Kaplan said: that the U.S. invasion unleashed violent forces in Iraq. It did not unleash violent forces; the violent forces were there in Iraq before we entered. People think that the beheading in something that just happened in Iraq now. Saddam Hussein's men used to behead people during the Iraq-Iran War and after the invasion of Kuwait. Bodies floating in the Tigris River without a head were some part of what was happening in Iraq. This is not new; we did not unleash that; this was there from the very beginning.

Now, given all of that, I still wonder why we should still say that in fact going into

Iraq was not just; it was illegitimate. It was an unjust war but now we have to do something about it to make it just. If one refers to Saint Augustine, which I kept hearing over and over again (chuckles) he in fact justifies the kind of action we took in Iraq.

MR. STEINFELS: With the proviso that we are not here primarily to discuss the original decision to go to war in Iraq, nonetheless, it is important to all of us and I think that, Kenneth Himes, you were directly addressed, and I think Stanley

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Hoffmann, and Jean would have something to say about this. I would ask you all not to be too extended on this so that we can get also onto other matters.

KENNETH HIMES: Thank you, Peter. I'll try to be as brief as I can.

First, you're quite correct; Augustine did believe that war should be used as a means of punishing wrongdoing that is very clear. The tradition moved away from that significantly in the modern era. Indeed, as recently as the 150s, Pius XII was talking about that the only grounds for a just war was to repel aggression, all right. The reason for that of course is, is because if we were going to have wars to punish wrongdoing, we would be endlessly involved in interventions in the lives other nations.

And that is one of the reasons why I think the question of humanitarian

intervention comes in here. I'm a proponent of humanitarian interventions; I believe it's possible, but I think the American people were wise enough to realize you cannot simply go and intervene on humanitarian grounds every place where there are humanitarian crises. Indeed, Jean referred to the point earlier; we didn't go into Hungary in '56. There are other considerations besides humanitarian considerations when you make judgments about what is a wise or an unwise intervention. Prudence remains one of the cardinal virtues.

The point about Hussein running an abusive and totalitarian or authoritarian regime, I would make no brief for Saddam Hussein. I would say, however, that most of the material I've seen on Human Rights Watch Reports is that in fact the Human Rights abuses were worse earlier in the regime when we were friends with Saddam Hussein (chuckles) than they were in the later years (applause). If we were going to intervene for humanitarian reasons, there were reasons to go much earlier than when we did go.

And I would simply say that if the grounds were purely a punishment of a wrongdoer who was engaged in inhumane activity that should have been put up first and foremost and promoted. As we all know, that was never the chief argument for why we went into the war and I think the reason for that is if it were, the American people would never have supported the war.

MR. STEINFELS: Could I just reverse the order. If Jean, you go first, and then Stanley Hoffmann because I think you had some other points you wanted to move on to.

JEAN BETHKE ELSHTAIN: I just wanted to add to what Professor Dawisha said. The language that Augustine uses is to protect the innocent from certain harm, the innocent being non-combatants; people in no position to defend

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themselves, which is an obligation, he called it, of caritas, of neighbor-regard to do something if the neighbor is being harried and hounded, and butchered, and so on, and so forth.

So I think that out of that Augustinian dictum, you can make some very interesting connections to issues of humanitarian intervention and of the requirements that might be laid on third powers, outside a situation, to do something about what is internal to the situation. Peter has told us to be brief so I'm going to talk really fast.

Some of you may know that Kofi Annan commissioned a body of scholars and others to reflect on these issues in light of the catastrophes of Rwanda and Bosnia. That has been published; it's available to everyone under the title is, "A Duty to Protect." And the argument there is, in fact, this sort of Augustinian argument. If you have systematic and egregious human rights abuses going on, and a regime that obviously imposes stability through these kinds of abuses, and if the United Nations itself doesn't act, member states can be empowered or empower themselves to act in those kinds of circumstances.

One other very quick point, Peter, and that is in response to Ken ñ that you can't go everywhere doesn't mean that you shouldn't go somewhere. You know you can't catch every murderer but it doesn't mean you let every murderer go. So I don't think that is a very persuasive argument, my friend. (Laughter.)

MR. STEINFELS: Jean, I have never known you to speak slowly.
(Laughter.)
Stanley.

STANLEY HOFFMANN: I couldn't disagree more (scattered laughter) for two reasons. The first one is that for one country, even if it is as saintly as the United States, (laughter) to decide that one regime is a terroristic or a murderous one and decided all by itself and gives a license to regimes that are less saintly, let us say Mr. Putin's Russia with respect to Chechnya, or any other examples we can find, to do exactly the same thing. And what do you have at the end of it? A global mess.

The other thing is, let us forget for a minute. I'm sorry about Augustine (laughter).

MS. ELSHTAIN: If only he were here.

MR. HOFFMANN: But he was writing in a universe and on a hypothesis of a Christian community of mankind. We unfortunately, for a few centuries, have been living an age of nation-states. The result of this is that there has been a

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development since World War II, in particular, a new sort of set of norms about humanitarian intervention, a very painful development because there are many nations that are against it on grounds of sovereignty, which is still the foundation,

alas, of the international order.

At this point in time, the consensus which has been developed case by case is one which does recognize the need to intervene with legitimization when there are I was going to say visible and present massive abuses. The moment in Iraq was 1991 when the Kurds and the Shiites were murdered and everybody could see it on television. There are limits to this consensus. There is no consensus yet on regime change. I doubt there will be one very soon because there are too many questionable regimes.

And I'll end on this. One reason why I think it's a very important issue is not because I want to revisit what happened two years ago, but for the following reason: does the fact that we unilaterally decided that this was, not without ambiguity, that this was indeed a case of humanitarian intervention and that regime change in that instance was perfectly justified. Right now, when we think about the future, to act equally unilaterally in protecting and helping Iraq is more of the same hubris I am afraid. We are not alone.

I remember a debate some years ago about what happened at the end of the Cold War when the first Bush administration, with the help of Condi Rice, and as he proceeded to reunify Europe and Germany, in particular, we had a whole discussion about it in which it seemed as if the only country which contributed to this happy ending was the U.S. At the end of the panel, one gentleman who, by the way, has just been rehired by Condi Rice, which is a good thing Robert Zoellick, who said, you know, there is one name, which hasn't been pronounced

that was the name Gorbachev. Well, we are not the only ones here, and if we continue to insist that is one of my little problems with Noah Feldman that only we are justified now in rescuing the Iraqis from themselves, we are going to continue to make

a mess of
those things.

MR. STEINFELS: George Lopez.

GEORGE LOPEZ: I have something to say down the middle of my remarks that bounced right off Stanley's good comment here. I want to set it up by saying that as much as I enjoyed today in hearing many of these good people who have helped inform me on ethics, I'm not sure we haven't fallen below the task that we were assigned: I thought we would emerge from this day with not just the good categories of a jus post-bellum, but some sense of the conditions under which a

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nation might actually fail those criteria. We know the conditions under which a jus ad-bellum is failed; we know the conditions of state behavior that lead us to conclude that a nation is not observing jus in bello criteria. We stated the criteria for use post-bellum but we have shied away from the judgments.

So let me provoke us by suggesting that at least on four or five criteria—the details of which I'll spare us for reasons of time—I believe the time has come to say the United States has failed the jus post-bellum criteria. The first and the most dramatic is for even the good story in The Atlantic last week, for even the good account and good charge that Sohail gave us about a combination of international and Islamic law at the trial of Saddam Hussein, the United States

government refused Amnesty International, Human Rights Watch, the International Center for Transitional Justice, and the European Human Rights Groups entry into Iraq for the first seven months after the occupation to help document what they hailed as the best set of records for Saddamís abuses from the mid-180s on, and instead the Pentagon controlled what we knew later was the damaging of various mass grave sites.

One of my criteria for the advancement of human rights and the bringing to justice of offenders would be a responsibility of an occupying power to see that through according to the standards of international law. We failed every test. I can go on with regard to a number of issues but the one that piques my interest is the Fallujah problem. November 104 to January 105, we have no idea by an act of policy how many civilians were killed, how many buildings were damaged, how many people have been resettled and under what conditions, and at the beginning of the assault, we were already told that the primary target of their assault, that is the insurgents in the network had already left the city. I donít assume to understand all of the military logistics that go into this, and Iím sure people could educate me a great deal about the dynamics that operate here. But if civilian casualties and human rights criteria matter in jus post-bellum, we failed on those two accounts.

Iíll give a third: the ability to ensure that an Iraq sovereign state works and develops and can carry on foreign policy in a climate of friendly states. The bellicose activity toward Iran and Syria, what ever higher order principals may govern our critique of both of those regimes, does not serve the prospect for regional stability or for an emerging Iraqi regime when it is a thorn in the side of its neighbors with 150,000 U.S. troops in Iraq; itís contradictory purposes.

So I ask the questions of those who know ethics much better than me,

what are
the criteria by which we can judge a nation is or isn't fulfilling its
jus post-bellum
criteria, because according to my very crude framework not having read
Aquinas or Augustine in depth but only having played them in school
plays at an

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earlier time in my Catholic existence (laughter) at what point was the
state
failed?

Second, just very small point: we have assumed, again, consistent with
the
culture, that more involvement and more consistent involvement by the
United
States is better than less involvement. Ethics demands as I understand
it that we
be critically self-scrutinizing and I don't think we have been that
today.
(Applause.)

MR. STEINFELS: Sohail, you have given us a clear statement of failures
in the
past and what would consist of failure in the future from the point of
view of
Muslim teaching and leadership. We have had something of that in
regard from
Jean and from Ken in terms of physical, material reconstruction, but
not the
points that George has brought before us now. I don't know whether
anyone
should be ready to speak to these things.

MS. ELSHTAIN: I think that some of the concerns that we have just
heard
mentioned are certainly implicit in some of the criteria that I was
talking about in
discussing a minimally decent, stable society that respects human

rights, and also
in the reflection on the whole issue of a post-conflict situation
where an
accounting has to be made of what happened previouslyóthe kind of
continuing
trauma that being a subject of a regime like the Saddam Hussein regime
involves
for the people in the country itself and how they come to terms with
that kind of
situation.

So I think George that some of the concerns you're expressing are
really implicit
in some of the things that I said and would have to be spelled out
further. But let
me just say that I think you're a bit hasty in your critique of the
events of the day.
To be sure, I wasn't here in the morning but it strikes me that when
you have had
centuries of development, of jus ad-bellum and jus in bello, it's a
bit too much to
expect that in one day you would come up with a clear of criteria for
just postbellum.
That is obviously something that is going to be debated for a period
of
time. So I think it's a bit hasty to suggest that the discussion today
has been ñ
has been a failure.

MR. STEINFELS: Frankie, did you want to ñ

FRANCES FITZGERALD: Well, I just was thinking about this interesting
question of when you decide you've failed and when you've decided it's
actually
had some success. I'm no ethicist, but it would seem to me that one
way to look
at it is: have you created a better situation than was there in the
first place or a
worse one? I'm not going to judge this situation at the moment, but it
does seem
to me that the issue of whether we actually believe that the U.S.
government can

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change its pretty disastrous post-occupation, post-invasion course. That to me is what the real issue is.

The only ray of hope that I've seen is the election because that would say this is certainly not our doing but nonetheless it's happened on our watch. If it can lead towards more decisions being made by Iraqis and far less by Americans, it would seem to me like a good thing. And if we can sort of hang back and wait for that a bit. I wouldn't personally say, you know, it's time to bail out now. I mean, I just ñ I can't imagine that.

But I also think it's quite possible that we fail; I mean, it's a possibility. And it won't entirely be our fault; perhaps it might be the problem of the Iraqi political process that is taking place. It may just not work out. We have to face that on one side and on other side, we have to look at the possibility that there is some hope not for a liberal government necessarily. In the best of all possible worlds, yes, but at least things would be better if it was the government that was seen as legitimate by the major groups in Iraq. And in fact, it has to be, otherwise, there won't be a government at all; there will just be a continuing insurgency, but also a break up of Iraq. So it is in the interest of all Iraqi politicians to work that out if they can. I'll stop there.

MR. STEINFELS: Mr. Dawisha, did you ñ

MR. DAWISHA: Yeah, I mean ñ since this is the last, what, half-an-hour or so, this may be hubris to be a little bit optimistic about this. I think Frances has just come up with some very interesting scenarios about Iraq. Now, you can take these scenarios and see in them glimmers of hope. Now, I get the

impression

here and also in Europe that every time you want to try to be optimistic about the situation, it's somehow translated as support for the George Bush administration position and therefore immediately you get booed and the others get clapped and applauded, and so on and so forth.

So if anyone is waiting to boo me, wait; I'll give you reason to in the next four or five ñ no, two or three minutes. (Laughter.) First of all, we did have an election. It was interesting to me that before the election, those who are, you know, basically have a knee-jerk anti-American stance, were almost praying that the election would fail so that we could go and say, we told you so. Well, the elections did not fail. In fact, we had, what, eight-and-a-half million people go to the polls under the most intimidating circumstances and vote.

Now, as Stanley Hoffmann said, all of these guys were outsiders. Well, they may be outsiders, and the people went to the polls without knowing who they were voting for. That is simply untrue. The fact is that they knew what the lists were,

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they knew who the leaders of the list were, they knew what the list stood for, and as a result of that, you found that even though we had something like about 175 different parties or candidates, in fact, in the final analysis, there were three major lists that had huge votes, plus another five or five, which had four or five

seats. That tells me that people who went to the vote knew exactly who they were voting for.

The third positive sign is that now that the elections are over, people, well, my god, they are taking ages to get together. At least they are discussing. You know, these discussions, these arguments are happening under what we usually call the democratic tent. Nobody is killing anybody, nobody is assassinating; they are basically talking to each other. They are coming with different demands. Everybody of course has their interests and they are pushing these interests to the floor, and others are arguing.

For example, the whole issue of Kirkuk is very interesting because the Kurds are demanding Kirkuk rather than sending the Kurds into Kirkuk and taking it by force, which they can I presume do. Rather than the Shiites or the others saying not over our dead body, they are discussing and they are discussing the problem of Kirkuk within the interim constitution. They are talking Article 58, what it says and what it does not say. That to me anyway, is something that we should be optimistic about, and that's something that we should encourage.

Now, hopefully, once they sit and form a government, even those who are Islamists or who we are worried about ñ given what they have been doing over the last three or four, or five ñ (audio break, tape change) ñ to go and say, we told you so; the Bush administration ñ (chuckles) ñ or the American policy is an imperialist one. There are lots of things, believe me, that are very positive about Iraq. And maybe in about a year or two ñ if we have this conference maybe next year or 18 months time, we might kind of have a different perspective on what is happening. (Applause.)

MR. : Let me put a slight spin on that.

MR. DAWISHA: I was waiting for the boos. (Scattered laughter.)

MR. STEINFELS: We didn't ñ Colonel Lang, yes.

COLONEL PATRICK LANG: Yeah, you know, I really have enjoyed this discussion, and discussions of points of law are always of great interest. But I have one major problem with a lot of this and that is the fact that with the discussion of jus post-bellum; we are not in the post-bellum period at all. In fact, the war goes on a pace. The assertion that was made here ó that everything is

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going swimmingly and that things will probably die out if we're lucky ó is not based on anything of any great specificity that I know of other than assertions in various quarters. The people that I know on the ground in Iraq, who are fighting the damned war, don't believe that, especially if you talk to somebody who is below the level of about a three-star general. (Laughter.) And in fact, it's just not right. And addressing your point about maybe we ought to have three hundred, four hundred thousand ñ whatever your number was.

MS. ELSHTAIN: It was 200,000.

MR. STEINFELS: Two hundred or 300 thousand.

COL. LANG: We couldn't possibly sustain a deployment to Iraq of a force larger than the one we have now on the basis of our existing force structure both in the active forces and the reserve components. All of the senior officers that I talk to

will tell you that in a heartbeat if they don't have to stand out in front of a group like this. In fact, the problem is, is that the force is running steadily downhill. In fact, we're wearing out our very expensive equipment, tanks and Bradley fighting vehicles. All of this stuff is just falling to bits. Helicopters are falling to bits over there. It's a major strain.

We restructured our forces at the end of the Cold War on the basis that we weren't going to have to fight anybody, basically that is really what we did. So we have very small forces and we're having to fight this continuing war and redeploying the same people over and over again to this place. Somebody said, well, we've got forces in Germany, we got them in Korea. Well, you know a lot of the guys who are in Iraq, their units have deployed from Korea and Hawaii, and places like that, and every other place in the world. The United States does have other obligations in the world, which it does have to deal with as well.

So the idea, you know, that you're going to keep 300,000 men in Iraq evidently derives from General Shinseki's statement before the Senate. Well, you know, Shinseki said that because he was trying to make a point: that we couldn't do it. That was his point. And he was well repaid for that (laughter) and everybody knows it's true. Anybody who has any professional knowledge at all, you know, understands this is true.

In fact, as the old military saw goes, amateurs talk about policies and tactics, and professionals talk about logistics. Well, this is about logistics. In order to keep a force that size in Iraq, given the kind of rotations you would have to have, other commitments, you would need a ground force, Army and Marine Corps, of about a million people; that is what you'd need really, and tremendous expenditures of money to replace all of this equipment and buy new equipment.

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Are we all willing to pay that price? My friends are over there; I would pay every nickel that I could drag out of the bank, but in fact, are the rest of us willing to pay that price. I had a lady walk up here just a minute ago and say, I bet you I'm the only person here that had a child in Iraq. You know, I'm not going to ask for a show of hands, but in fact, I'll bet you that's a true statement in a lot of wars. This is a disproportionate group of people who are bearing the cost of what is going on. Well, they are my people and I think they are not being dealt with fairly.
(Applause.)

MR. STEINFELS: I would like to follow that up. When you brought up that point earlier and at the end of your remarks you just said, that has implications. To my mind that brought up questions about reinstating that draft, whether we're willing to pay the amount of money. The costs of the war if you don't mind my saying so have been pretty much cloaked or obfuscated from the beginning. I would like to follow that up then. Does this have moral implications? If this really would require a much greater expenditure of forces and fortune, and we're not going to do that, what are the moral implications of that?

COL. LANG: That's a really good point. You know, I don't have any problem with the project in Iraq having been a just war. Deposing a tyrant is worth doing in my book. The question in my mind is whether or not it was a prudent

thing to do, because it seems to me the government has a moral responsibility to act prudently in addition to everything else. Another assertion that was made here is that nobody could have predicted this. That is just a lot of hokum. In fact, there are a dozen people I can name in Washington, in and out of government, with immense experience in this field who tried desperately to convince the government of the United States that an insurgency in the event of an occupation was a very likely thing. The administration was just not interested. There is a moral question there too. And now we're committed to this war with undersized forces, with not everybody's kids sharing the same burden. You know, there is a moral question for you and I think that is one that we ought to think about.

MR. STEINFELS: Professor Hashmi, I think, would like to speak to that and then maybe the other people who are on the ethics panel.

SOHAIL HASHMI: Thank you, Peter. And I'd just like to say thank you for ñ to you and all of the organizers ñ for having a Muslim voice actually speaking about Islamic ethics. (Applause.) But in the last session and indeed right now I feel this vague unease; that I'm speaking to the wrong ñ (chuckles) ñ audience. I look out at you good people and I think I should be speaking to a bunch of aging men with white beards, wearing white headdresses because, you know, it's the ulama

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really that are the focus of much of my comments and then beyond the ulama, the religious scholars in Islam, the Muslim community.

Professor Hoffmann, you mentioned that Augustine may not have that much relevance to our 21st century discussion of ethics. We'll the Islamic world is 600 years behind chronologically ñ (chuckles) ñ historically speaking ñ 600 years behind Christendom. And there are still a lot of Augustines floating around in terms of the talk of a united Muslim community, a Muslim ulama with Muslim obligations that transcend the obligations and duties of citizenship. The problem is there is a lot of talk but very little action. And I have been trying to emphasize in my presentation that this opportunity that we have now ñ and George, this is not jus post-bellum because Muslims have failed in both just ad bellum and jus in bello. So if you're upset with the just war tradition's failure, then I can only imagine what you have to say about the jihad's tradition's failures. (Laughter.)

But Muslims have a golden opportunity now to try to get this right, as I said before, avoid the mistakes that they made in the past. I'm reminded of a delegation that was sent by the Organization of the Islamic Conference. It's the most universal organization of Muslim states out there. Today, it consists of 57 members. Back in March of 1981, the OIC sent a delegation to talk to Ayatollah Khomeini to Tehran to try to figure out a way to end the Iran-Iraq war. Now, they went at time when the tide of war was swinging against Iraq, when Iranians were poised to not only stop the Iraqi aggression but to push the fight back across the border into Iraqi territory. Khomeini asked them one very simple question: where were you when the Iraqis invaded Iran?

That was the time to begin this kind of discussion. You failed to meet the Islamic ethical requirement that whenever there is a conflict among Muslims,

all

Muslims have a duty to step in and to end the conflict as soon as possible, not looking at the merits, necessarily, of the conflict going back to the Koranic verse that I quoted before but looking at the way the war is being fought. In the case of Saddam Hussein's invasion of Iran, he violated not only jus ad-bellum, but he was grossly violating jus in bello from the very beginning. And of course Muslim leaders didn't do anything until it looked like the Iranians might win.

So what I have been trying to emphasize is that Muslim states have the resources and they have proven the capacity to play important peacekeeping roles in past

U.N. operations the Pakistanis, Bangladeshis in particular have a great deal of experience. They were in Somalia as support troops to the American-led intervention in Somalia. They may not be any more effective than the United States but one thing that I have been emphasizing over and over again is that the legitimacy that the insurgency gains by the sight of foreign troops on Iraqi soil that would evaporate over night if European and American troops were replaced

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with Muslim troops. And it's about time that Muslims begin to take charge of their own house if they are going to have any validity to this notion that they are a single community.

MR. STEINFELS: Yes, if you want to speak to the other issue about the whether we are willing to make the sacrifice.

MS. ELSHTAIN: On the issue of whether we're willing to make the sacrifice, which in the final analysis is a political question as well as an ethical one. I'm not at all certain. This is an issue that would have to be put before the American people and become part of a robust debate and one could make a determination at that point whether the American people believe that the values and the purposes at stake were worth this additional expenditure.

Let me just add a couple of other things apropos of the interesting discussion that has been going forward here. And I think that Professor Hashmi's comments just now suggest this. That is, in the Muslim tradition there are thinkers who from many centuries ago who remain deeply relevant to the contemporary situation, the eyes of those who articulate Islamic ethics and values – so I think there are great philosophers, thinkers, theologians from our shared past in the West who seem relevant at particular moments in time. And I think that we're in a very Augustinian moment if you will, and that is one reason that Augustine is called upon repeatedly today and is being thought about so seriously – an Augustinian moment in the sense that we really see a world of vulnerabilities. We've recognized our own in a way we didn't before of the difficulties of achieving what Augustine called the purpose of politics, which is reconciling conflicting human wills. And it strikes me that those kinds of concerns are just as pertinent now when Augustine was writing about them.

A final point about Professor Hoffmann's comments, about the world of sovereign states – the post-Westphalian world is certainly true. One could not deny that we are in a world of sovereign states. But it's not just a world of sovereign states; it's a world of sovereign states that pledged itself over a half century ago to a set of universal rights and values. These are not just the

possession of the United States or of Western Europe, but the world at large is committed to at least in a de jure sense, if not a de facto sense these universal rights.

So the question is, do we take them seriously or not? If we don't take them seriously, we may as well junk the whole Universal Declaration of Human Rights and declare it a failure. If you do take that seriously, as do people who are aggrieved and oppressed, and tormented, in every society in the world today, then the question is, what are the obligations of those who have not just the

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United States some capacity and some ability to respond to those who are couching their claims in the language of human rights respond in a variety of ways, not just not exclusively or narrowly militarily.

Is that not an obligation that is laid upon such outside powers? I would submit that it is; it is not a unilateral obligation; it is a multilateral one. Many of the conflicts in which we see egregious human rights abuses and attacks on persons I think can best be handled regionally in a variety of other ways. But there is a fundamental question here whether we take these values seriously or do not.

We now face a kind of structural contradiction, as our Marxists friends always like to say, where you have got a world of sovereign states and you have these

universal values. And we don't have a way, universally speaking, to enforce those values at the moment. The U.N. has, if it ever had the capacity to do that and I think this contradiction is built into the charter of the U.N., which is after all an association of sovereign states who don't lose their sovereignty by joining.

So the U.N. is not a likely instrument of enforcement, certainly not in a military sense. So then the question is what responsibilities are laid upon other human rights respecting powers; what are these, how can they best be understood, what are the limits and constraints that are at play in any given situation. And that seems to me to be part of the burden of the discussion here today to reflect on that tension, the reality of the world of which we're a part, and what indeed can or should be done where you do have systematic egregious violations of human rights, and who should do it.

MR. HOFFMAN: May I just -- oh, sorry.

MR. STEINFELS: Ken and then Professor Hoffman. And then Professor Dawisha can probably end up before we open it up to the audience. I also have a point I wanted to ask you about. And we'll have to be briefer though now, than --

FR. HIMES: The question that you raise, Peter, about are we willing to do this -- I think it's pretty clear we're not. Let me give two simple arguments of that statement.

Neil Ferguson, the historian at NYU, has been arguing for some time that --

MR. Hoffmann: He's at Harvard now.

MR. HIMES: At Harvard now. Oh (laughter) he's (cross talk, laughter) been arguing for some time that we're trying to do empire on the cheap. And a wonderful example of that of course is here we are trying to run a major war and

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occupation and we're also calling for permanent tax cuts. The two just don't go together and make little or no sense.

Second, on the draft, as we all know, the reason Charley Rangel called for instating the draft was he knew it would stop the war dead in its tracks if the draft had been reinstated. So the question of, are we willing to do this? We're obviously not willing to pay the price, which goes back to the question I'm going to raise. Patrick's point that the war was moral but he wasn't sure it was prudent. I want to suggest that one of the reasons why I thought the war was immoral was precisely because it was imprudent.

FR. HIMES: That is one of the long-term elements of the just-war tradition is the jus ad-bellum is more than simply having a just cause. There are lots of reasons to go around the world correcting abuses. It takes more than that to determine a just war; among the things are reasonable hope of success, and any prudential assessment of whether or not we were going to have success with a limited number of troops.

And I agree with Patrick. I don't work in intelligence; I don't have anything like the connection Patrick has. I just read what is on the Internet, I just read what's in journal, and there were oodles of analyses before this war began saying we are going into this under-manned, under-supplied, not understanding what

we're
getting into. This was not a surprise, this was not a shock; it was
entirely
foreseeable, and it seems to me it's very clear that we did not have
sufficient
troops on the ground in Baghdad when the war ---when at least the
initial overt
hostilities came to a close. It was imprudent action and that is why I
think it was
a clear that it was a failure.

Which brings me back then to George's point about when do we say we
failed? I
have no problem saying that up to now we have failed, that clearly we
failed
initially, and I think it was a failure that was not simply due to
mistaken
judgments or poor planning; it was simply a denial of the realities
that were there
if policymakers wanted to hear the advice that they could get from the
best people
who would speak honestly to them. (Applause.)

MR. STEINFELS: Stanley Hoffmann then Professor Dawisha.

MR. HOFFMANN: I agree with what has just been said. It seems to me
that we
should be prudent. On the basis of a charter that was written in such
a way that it
rules out military interventions in the domestic affairs of even very
bad states.
We should be very careful how we move forward because we risk
compromising
the whole attempt. I have been a defender of the intervention in
Bosnia and in
Kosovo. But it seems to me that one case, which we haven't talked
about, has

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been a failure in Rwanda. Now, this is 800,000 people killed, and there was a

U.N. commander, General Dallaire who like Neil Ferguson is at Harvard this year (laughter) I hope they haven't met (scattered laughter) who thought one could with a few thousand people prevent the genocide. Nobody did anything. So it seems to me that before we engage in regime change, in cases where we don't catch a murderer in the act, we need to be extremely careful. We have to decide when there is indeed an obligation to act. I think, for once in agreement with General Powell, that that is what is happening in Darfur. We are not doing anything. Yes, we went as far as saying, yes, it's probably genocide and then we didn't do anything.

At this point I wouldn't say that genocide is rare enough (inaudible) but genocide is potent enough that it should mobilize people. Regime change, precisely because there are so many regimes that so many others would like to change remain something for which we will not for quite a while obtain any sort of international legitimacy. So we have to be prudent where we go. And if we do go into it simply because of our good conscience and without an international legitimization, we will find ourselves in the sort of mess in which we have found ourselves in Iraq.

MR. STEINFELS: Professor Dawisha.

MR. DAWISHA: Did you say you had a question?

MR. STEINFELS: I did. My question is you may not want to address it but one of the things that was striking to me was the proposals that came from Colonel Lang, George Lopez, and Stanley Hoffmann that there could be some kind of political negotiations and settlement which would disaggregate the insurgency and would have major positive consequences. I know you

don't have
enough time, but say whether you think that's an actual possibility or
is it a dead
end.

MR. DAWISHA: Can I just start with the point that I was trying to make
and
then I'll come to that very quickly. You know, I have lost hope and
faith in the
definition of sovereignty. I really don't consider it important at all
because
increasingly what we mean by sovereignty is membership in the United
Nations,
yet to my mind, one of the main elements of the definition is domestic
support.
We tend to confuse sovereign states with sovereign government, and as
long as
the United Nations considers Syria or any of these murderous regimes
anywhere
to be sovereign states, then because it's an organization that is
based on the
concept of sovereignty as being one of the core elements of the U.N.,
then we're
not supposed to touch it.

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This is why the notion of the U.N. participating in Iraq is absolutely
farfetched
because the U.N. simply does not go against the sovereignty of states.
The fact is
that the world is full of governments who oppress their people, the
world is full of
states where the majority of the population, as Jean has already said,
are
tormented, are persecuted, and would like to see their governments
out. The
world is full of those, yet we call them sovereign, and as a result of
that we cannot
touch them or we cannot deal with them. So to me sovereignty has lost

any real
meaning.

The second point is this business of prudent. I mean, I agree with Pat that prudence is part of the whole equation. Yet, to be quite honest, it's a judgment call. It's always easy to be a what is it, a Monday morning quarterback to look back and say we weren't prudent, we didn't put in enough force. I was struck by, for example, what Stanley Hoffman just said, which was very interesting, is that this general told him that all we needed was 30,000 people to go to Rwanda and the whole thing would have been settled. Well, guess what, we may have gone with 30,000 and found that we got embroiled in it. Now, he may have been right or he may turn out to be wrong. That says that a lot of the administration was advised by a lot of people against the war.

MR. : Now, that is not right. They never succeeded in advising the administration.

MR. DAWISHA: Yeah, this is true. So there were voices that were basically against the war but there were equal voices who were for the war. And you can argue that as early as 1995, Paul Wolfowitz believed that all you had to do was put two brigades in the south of Iraq, and as a result of that, the Shiites would rebel
ñ

MR. : Well, shouldn't there be some penalty for a failure of judgment?

MR. DAWISHA: No, but it's by the same token ñ (laughter) ñ absolutely, but you know what ñ you know what? He has been punished; he is now the head of the World Bank. (Laughter.)

MR. : I doubt if I can get a loan.

MR. DAWISHA: Okay, so time out. So that generally speaking about the negotiations, I don't think this is a going concern. I mean, when we talk about those who are at the moment against the political order, they consist

of the most radical Islamists, Zarqawi, and basically people who belong to Jaish-e-Mohammad, who are basically the worst elements of the Fedayeen Saddam, and

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the intelligent services of the Baath Party. These are not people that you negotiate with and in fact they will not negotiate with you. This is not the essence of their mission; their mission is to destabilize Iraq so they can actually somehow get to power themselves. They know that any negotiations will mean a secondary, even a marginal role, and so they will not negotiate negotiating with them is just a waste of time as far as Iím concerned.

MR. STEINFELS: If the panelists want to pursue any of these points, they will have to weave them into their answers (laughter) to questions from the audience. So if you raise your hands, we'll give you a chance to ñ

MR. : Bring the draft back.

Q: Thank you very much. I think we have all enjoyed ñ

MR. STEINFELS: If you would take the mike and speak right into it.

Q: Iím a Fordham graduate, philosophy major, and I am a commander in the United States Navy Reserve, in the Medical Corps. I think one of the interesting questions and I being someone who is certainly far less senior than a three-star general officer I would agree with everything Colonel Lang had to say. One of the ethical and moral questions that really needs to be debated in a way before

there is going to be further interventions anywhere else is who is going to fight on our side, who is going to do the actual fighting? Because I can tell you in the United States Military Reserve, as they will obviously tell you now, if you're in it, there is no reserve. You are on active duty just kind of when we need you. For instance, in the Medical Corps, as of November 1st, all mobilizations are now one year. This happened during the Persian Gulf I war; essentially every doctor who was in tried to get out, and we basically burned out the reserve. So unless we're going to look at this issue of a draft, I just wonder whether all of the rest of this is sort of an academic discussion, just politically, we won't be able to go any place in response to any conflicts.

MR. STEINFELS: Thank you. We'll take that as a comment rather than a question and I think comments are fair game but they have to be brief otherwise I'll interrupt. Thank you. Do you want to give someone on that side?

MS. : Over here.

Q: Following Peter's description of the three categories, I have a comment and then a question about jus ad-bellum. The third category's something not said but I think would surprise everybody that it wasn't said, and I feel simplistic for even mentioning but nobody mentioned oil. Now, it seems to me (applause, laughter)

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that one of the reasons that we don't have humanitarian interventions in Darfur or Rwanda is there ain't no oil there.

Now, to make this constructive in terms of looking for criteria for a U.S. jus postbellum:

Wouldn't the United States have to develop criteria for leaving Iraq and leaving its oil supplies in the hands of some other country or United Nations force or some Arab people, but to leave the oil in our hands would make us immediately suspect.

I also want to ñ I should have said this earlier ñ the March before the war was declared, when there was many tens of thousands on the New York street and many college students, I would say about every other placard had something to do with oil on it. So, I mean, that is one of the obvious things we would have to address.

MR. STEINFELS: Would a panelist ñ a couple of people want to say something about that? Frances Fitzgerald.

MS. FITZGERALD: Oil is obviously key and important. If the Bush administration did not consider what this war would do to oil supplies, they ought to be impeached. On the other hand, if you ask why the Bush administration decided to go into this particular war that is another issue. And it seems to me that this is a war of ideology, not oil. Oil is fungible. At this point, we are actually in a very poor situation (chuckles) in terms of oil because the Iraqi oil is not coming out of the ground in the way it should. And that was, at least the Pentagon knew this, that the oil supplies, not just for the moment but for the future were in doubt as a result of this invasion because there was fear that they would fire off the oil.

MR. STEINFELS: I'm sure more could be said on that, but we'll take another questions so that more people can get in the discussion.

Q: Rather than to be boring, I will mention I am another Fordham graduate and a university professor elsewhere. But we are talking about exit strategy. What is our exit strategy from here today? What are we supposed to do that is

practical?

Where are we going with what we have talked about? Okay. I think that is

something when we walk out of this room, we say, this is a wonderful conference. What are you going to do? I would like to say that we should be

jihadists and I'll ask Professor Hashmi to see if I'm wrong. There are three things

to the jihad, if I remember rightly from my training. The first part is that you

look at yourself. The second part is that you talk and you seek in conversation,

and the third part is action. Am I okay on that?

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MR. HASHMI: Well put, well put.

Q: Okay. Now, my question is to us, where do we go with this? Colonel Lang

brought out that the ancient civilization of Persia was their long before

Augustine, and there is much merit to respect for the people who are there; that

we can work with and we need to begin to view the approach to this process from

the point of view of the people who live there now. So my question is how do we

begin to integrate that? What should we be doing with the results of this

conference when we leave this room?

MR. STEINFELS: I'm not sure if Professor Hashmi wants to say more about that.

(Laughter.) I think this is a question that has to be taken very seriously on an

individual level. I will say, that quite frankly, we do not expect to have a

collective response to it; it would be impossible. But I think thing that what we

have tried to do to mention John Courtney Murray again (laughter) is to

approach his maxim that real disagreement is not easy to achieve and I

think that
has been our objective with the diverse points of view on this panel:
to achieve
some clarity and helpful ideas ñ and some new ideas, certainly to me,
about even
what we may disagree about.

A question over here.

Q: A question for Jean Elshtain. You have proposed that there is a
unilateral
responsibility to intervene where there are serious violations of
human rights. As
I heard Professor Hoffman, he suggested that, no, there is a higher
standard;
namely, there has to be visible massive violations of human rights,
which is
somewhat akin to John Paul II saying there needs to be a whole people
put at risk
as he said in the case of Bosnia.
Isn't it reasonable given all of the costs that have been discussed
this afternoon
if only them and there are other considerations as well to say, yes,
in the present
circumstance, present legislation, our experience of interventions and
failures to
intervene over the past 15 years that that higher standard is the one
we ought to
abide by?

MS. ELSHTAIN: Drew, I think that you somewhat misheard me, just as I
think
you somewhat misread me and the review you did of my book. (Laughter.)

MR. STEINFELS: We may be on the verge of conflict breaking out here.

MR. : Can we know who you are so that when you read the review ñ

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MS. STEINFELS: This is Father Drew Christensen, who is currently an editor at the Jesuit journal America Magazine.

MS. ELSHTAIN: To say that the United States has an obligation doesn't mean that it is a unilateral one. Whether we like it or not, the United States still represents in the eyes, the voices, the minds of the vast majority of the world's people some notion of a human rights respecting constitutional order with a remarkably peaceful civil society that encompasses many different sorts of people.

So that being the case, it strikes me that we have to take very seriously situations where there are I use the language systematic and egregious human rights abuses take those situations very seriously and at least raise them to the level of serious discussion. Now, that doesn't mean that in every situation one will intervene, it doesn't mean one will intervene alone, but it does mean that certain moral claims have to be taken very seriously.

I'm never quite sure what people mean when they say unilateral because no one really acts alone. There are always ways in which others are involved, whether as explicit allies or in a variety of ancillary roles. I think sometimes the charge of unilateralism comes a little too easily, and I don't want to tether some idea of our responsibility to the notion that that automatically triggers some kind of unilateral action on our part. What I would say it should trigger or must trigger is a serious discussion about what is happening so that we don't have situations like Rwanda, where, as you know, the Clinton administration refused in that circumstance to use the word genocide precisely because they didn't want to name it as the kind of moral crime that it was because we didn't feel that we were going to do anything about it. So those are the kinds of situations I wanted to

avoid.

MR. STEINFELS: We'll have a question over here.

Q: My name is Arlene Flaherty. I'm a Dominican sister. In 2000, I was in Iraq visiting 120 Dominican sisters who were there and documenting the effects of the sanctions and embargo on Iraqi children. I would like to ask the panel to consider in terms of post-war exit and ethics in Iraq the conditions of the earth in Iraq under depleted uranium and its bombardment, and the continual contamination and disease of the people related to that; the ethical responsibility toward the Iraqi children who have been raised under sanctions embargo and war now for 15, 20 years; and also particularly the effects of war and environment on the Iraqi women and their bodies, in particular.

MR. STEINFELS: Would any panelists like to address that if they are ñ George?

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MR. LOPEZ: I think you raise some excellent concerns. I hear us arguing about, post-bellum and any number of other things. One of the dilemmas because of lack of real long-term experience with the effects of depleted uranium weapons is we don't know where some of these categories fit. We know that at the end of the day we have some responsibility. This is what gives me a low degree of confidence in a singular ability to make judgments about our own future *jus postbellum* behavior when we are falling below the standards at least in my judgment of *in-bello* and initial stage post-bellum.

In terms of the questions you raise, they have international treaty import, which gets us back to Stanley's and other's concerns about what are the frameworks for use? I would argue, for example, in terms of Jean's concern about the very important high standard we ought to have with regard to systematic violations. Those systematic violations have in fact been the purview not only of nation-state concerns but also transnational organizations and the expert community on human rights. The extent to which that community can be and continue to be integrated into the resolution of these issues is critical.

When I look at the nation, which in fact holds those expert organizations at arms length, I worry about us fulfilling our obligations. When I get concerned about multilateral versus unilateral concerns, I look at the let's leave aside a unilateral issue we had an opportunity in November 1983, we went back to the council for authorization for the next phase of occupation. The French and the Russians raised issues particularly with regard to oil supply and the development of the oil supply. Why? Because one of the things that we learned in our Kroc project about sanctions over the course of the 1980s is the American companies, the French companies, and the Russian companies had different areas of expertise for the development of the full Iraqi oil systems. The French technicians did some things very, very well, and French products are different than American projects in getting crude oil out of the ground, depending on the level of how much crude has flowed in the last six months. We continue to debate in this country the selfish economic interests that guided the French and the Russians, and give ourselves a carte blanche to enter the country and determine the future of the economics of oil based on our best intentions. The issue is, in a transnational global economy of oil, you need transnational

technologies to make
it work.

Our greatest dilemma with the unilateral/multilateral and for which I think we have ethical responsibilities was in November 2003 and in May-June of 2004 when the international community asked that the development of the Iraq oil sector be opened up to transnational bidding, we consciously and deliberately said no. We said it for purposes of punishing other states, and we sold it to our population

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that they were states with self-interest and selfish gain, whereas if you knew the transnational sector of oil development in Iraq, you needed Russian technicians who were the highest employees of Iraqis when oil was flowing under Oil for Food. We said to no to all of that.

In my mind, we abdicated our moral responsibility in that area. It doesn't make me sleep well at night that we will then be singularly in charge of other postbellum criteria for how Iraqis future will be determined. (Applause.)

MR. STEINFELS: We are approaching the end of the day. I would like to thank. Did you have a question? A very brief question there and one on the other side, and we'll close them. But these will have to be brief and answers will have to be brief.

Q: I am from the Kroc Institute. I'm also a Jesuit-educated and I come from the

Philippines where I saw the reign of dictatorship in the guise of democracy. Now, if I'm not mistaken, I heard it was Professor Dawisha about the success of elections in Iraq. Will there be no risk of a puppet government later?
MR. STEINFELS: Let's take that as a comment and we can pursue it. There is one question over here and then we will ñ

Q: Yeah, my question is for Colonel Lang. I have two questions. The first is about the nature of the insurgency. There are two possibilities raised. One was that the insurgency could be disaggregated and the second was that it could be given some kind of voice as a political lobby or party. I know Mr. Dawisha said that the second possibility was impossible but I would like to know what Colonel Lang thinks are the military prospects of that.
COL. LANG: No, I have the greatest respect for my colleague and friend, indeed. We just don't agree on this.

Q: And also my second question was, what do you think the prospects are for the amount of time it will take to train the Iraqis to defend themselves?
COL. LANG: Well, you know, I have said from the beginning, ever since I was blathering on about this, that in fact that the most important thing to know is who are the insurgents and who are supporting them. And we have never been able to grasp that I think and for a variety of reasons. It doesn't have so much to do with the intelligence process but with the kind of policy inhibitions that I was talking about before.

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So I think we still have this problem but I am of the opinion that most of the insurgents and the people on the ground think this too most of the insurgents are essentially Iraqi nationalists, former Ba'athists, people who were associated with the regime, annoyed Sunni tribesmen people who don't want to be dispossessed of their power. And then a fairly small number of people are true international jihadi terrorists who are receiving increasingly cooperation from the rest of them. Somebody said, the more you hammer these people, you more they drive them together. If you can't affect some kind of a political compromise I think you have to negotiate with the enemy if you are going to make a deal.

And as for the training of troops, it depends on where you are starting from. These interior ministry commandos a lot of them have a lot of prior experience in the former forces that are turning out very well after seven or eight or nine months of training. But if you're starting from scratch with officers who don't know anything, you know, you're talking two years, two-and-a-half years.

MR. STEINFELS: I know it's frustrating not to have all of the questions and comments before us but in a sense it's a good thing that we take away those loose threads that we want to continue yanking on.

I would like to ask everybody to please turn in their survey cards. And also, maybe in exchange, I'm told that we have a lot of fruit and cookies left over ñ (laughter) ñ and you can take those with you. We would not want to end without thanking the audience very much, and without thanking the panel here. (Applause.)

(END)