

The Meaning of Sovereignty: What Our Founding Fathers Could Tell Us About Current Events

Jeremy Rabkin, Ph.D.

I have no special expertise about Iraq, but this disability does not inhibit the stars of broadcast journalism nor the philosophers of Hollywood from trying to enlighten us on this subject. I will stick, in any case, to the most obvious points—points so clear and indisputable that they might be described as “blindingly obvious.” From there, I will proceed to my main theme: why what ought to be so obvious is so infrequently noticed and so rarely acknowledged.

The basic reason, I believe, is that the most obvious lessons of our experience in Iraq run counter to prevailing hopes of so many contemporary pundits. It does not require advanced psychology to grasp the character of this pathology. As was said long ago, “There are none so blind as those who will not see.”

When it comes to claims about sovereignty, however, what we find hard to “see” today was a central principle for the American Founders. I will only offer a brief sketch here of the way the American Founders thought about sovereignty. I have written more extensively about that elsewhere.¹ But I would like to emphasize, in the last sections of this paper, some aspects of their understanding which are rare-

ly given adequate attention but may be particularly pertinent to our current season of doubt.

SOVEREIGNTY BEFORE OUR EYES

Many questions about our experience in Iraq will be disputed for years to come. Some will even deserve to be. No close study is required to affirm some basic lessons, however. The most important lessons are visible right on the surface of events. Three, in particular, deserve emphasis.

First, people around the world think there are rules that govern the relations of one nation with another—but disagree about what they are or about when and how they apply.

This was the obvious lesson from the months of debate that preceded the American-led invasion of Iraq in the spring of 2003. The U.N. Security Council was prepared to agree that Saddam’s government had failed in its obligation to cooperate with international inspectors and account for weapons of mass destruction. The council was prepared to agree that sanctions should be maintained, limiting Iraq’s ability to convert oil revenue into new weapons programs. The council was not able to agree that the proper next step was a military invasion. Still, some three dozen nations, including Britain, Australia, Spain, Italy, the Netherlands, Poland, and others, did ultimately contribute to the U.S.-led coalition that toppled Saddam’s government. The debate

¹See, for example, Jeremy Rabkin, *Law Without Nations? Why Constitutional Government Requires Sovereign States* (Princeton, N.J.: Princeton University Press, 2005), esp. chapters 2–4.

which started then has continued, and in some ways has intensified, in the years since.

We have learned—or have been reminded—that many people around the world look at the United States with fear, suspicion, or resentment and readily attribute the darkest motives to American actions; but we have also seen much indignation among peoples who, before the war, were not so inclined to anti-American feeling. Meanwhile, for all the indignation expressed in so many countries in Europe and elsewhere, we did not see any serious movement toward a gathering of disapproving governments and peoples into an ongoing anti-American coalition. Nor did countries previously allied with the U.S., such as NATO partners in Europe, show any disposition to build up their own military capabilities as a counter to American power.

Many people are angry about the American effort in Iraq, not because they regard America as a relentless and remorseless aggressor in the world, but precisely because they do think the United States has committed itself to live by established rules and then violated those rules in Iraq. Nobody seriously expected that the United States would follow up its invasion of Iraq with an invasion of Canada, but much of the world—perhaps most of the world—was not satisfied that war against Saddam was justified in the spring of 2003.

I do not want to rehash the contending arguments but simply to emphasize the underlying lesson of the debate. Most people think it is wrong to invade and overthrow another government except under very unique and special circumstances. Most Americans, even most American government officials, hold the same view. There are *supposed to be* limits, but we disagree about what they are or where they apply. Even in Europe, most people do not imagine that these limits can be settled by a majority vote of all nations, large and small, advanced and backward: one nation, one vote. Even in Europe, most people do not hold seriously to the idea that the U.N. Security Council must decide every disputed case. So, for example, the NATO war against Serbia in the late 1990s was not rejected in European opinion even though it was not authorized by the Security Council.

It matters that most people think there are limits on what one nation may do to impose its will on another, even the most powerful in dealing with the weakest. It matters because it shows that most people do not think international politics is simply a jungle of predators with no serious possibility for cooperation or the opportunity to differ in peace. And people are right to reject this vision because much experience goes against it. We do see that most countries live at peace with most others, most of the time. War is exceptional, while cooperation—in trade, in travel, in cultural and scientific exchange—is pervasive.

So most of the world thinks there are limits on when and how even powerful states can impose their will on others. But at the margin, when it comes to hard cases like Saddam's, there are differences, and there is no accepted international method for resolving these differences. Hence, in the extreme situations, which may be rare but still carry enduring consequences, nations must decide for themselves.

In other words, the fundamental fact about international affairs is the sovereignty of nations. Sovereignty is not in opposition to rules or norms in international affairs. To the contrary, to claim sovereignty is to claim a recognized status among nations, whose rightful prerogatives are more or less defined by existing rules of international conduct. Sovereign states are bound by rules in their mutual dealing. That is what makes it possible for distinct sovereignties to coexist rather than have all fall under the sway of one or two great empires. But nations may disagree about particular applications of the general rules and insist on their right to act on their own views. They may insist, that is, on their sovereign rights.

We have learned a closely related lesson from more recent experience: *The community of nations is not a very strong or reliable community.*

We can see this point much more clearly from what happened after the war against Saddam. In the summer of 2004, all members of the Security Council put aside their previous disagreements about the appropriateness of the initial invasion. With Saddam

gone, with Iraqis working to establish a new government, all agreed that the new government deserved international assistance. The council called on all U.N. member states to provide what help they could to the struggling new government.

Despite this call from the Security Council, however, few nations offered much assistance, apart from those already contributing to the original coalition. Germany's offer was so grudging and qualified—it would train Iraqi police but not in Iraq, nor even in the Middle East—that it was rejected out of hand by Iraq's new government.

The paucity of international assistance is all the more striking because no government in the world openly embraced the shadowy terrorist groups already starting up a very nasty insurgency against the new government in Iraq. Certainly no Western government wanted terrorists to prevail in Iraq. Not even Russia and China can have wished success to the insurgency, since they faced their own long-term threats from Islamist terrorist groups who would likely be energized by terrorist victories in Iraq.

But deepening crisis in Iraq did not prompt governments outside the initial coalition to step forward with offers of significant assistance, let alone with additional troops. Governments around the world looked on the war as controversial because the initial decision to intervene remained controversial. It might be a bad thing for Iraq to fall into chaos, but few governments were prepared to take serious action to avert this bad result. It was easier to leave the burden of defending the new Iraqi government to the United States and its original allies. A resolution of the Security Council could not, by itself, mobilize commitments to act in a serious way.

In other words, international machinery for consultation and coordination—which is what the U.N., at its best, can afford—is no substitute for actual powers to legislate and enforce new laws, to raise revenue by taxation, to raise and deploy armies. International machinery is no substitute for sovereignty.

So violence escalated in Iraq. It continued to escalate even as Iraqis voted for an interim government,

voted in larger numbers to ratify a new constitution, voted in still larger numbers for parliamentary parties which then negotiated a broad coalition government.

This experience shouts the final lesson: *Sovereignty is not merely a legal construction, conferred by legal resolution and recast to suit outside preferences. Sovereignty means effective governing capacity and is crucial for decent life in the modern world.*

So it was one thing for the Security Council or the United States to affirm the “sovereignty” of the new government in Iraq. It was something else again for all Iraqis to accept the new government's authority. If the new government could not protect its people, it could not demand their obedience to its laws or their cooperation with its policies. Iraqis sought safety in the tribe, the sect, the local strongman, or the charismatic chieftain.

In retrospect, we should not be surprised that a government which lacked effective military and police forces was not able to command respect and that people gravitated to loyalties or hopes that seemed more substantial or reliable. The historic purpose of national sovereignty was to put a check on such impulses, to tame the force of local, ethnic, or sectarian loyalties. When there is not an effective sovereign authority, these latent loyalties reassert their claims, as in the violent past. Without the restraining force of established sovereignty, the result is wretchedness.

International endorsements are no substitute for sovereignty. Democratic elections are no substitute for sovereignty. A free press—which Iraq has indeed developed—is no substitute for sovereignty. Nor are formal guarantees of religious freedom, which the new Iraq also has. All of these are fine things, as are free exchange of goods and services and openness to trade and exchange with the outside world, which Iraqi law now also permits. The law does not mean much because the government lacks power to enforce it or ensure protection for those who obey it. Without a secure sovereignty, the benefits of freedom—the free practice of religion, of commerce, of inquiry and debate—cannot be enjoyed.

It is all so very obvious. Why don't critics see this? What critics emphasize, instead, is the failure of "unilateralism"—that is, the futility of sovereignty.

MULTILATERAL BLINDERS

Opposition to the American-led effort in Iraq traces back, of course, to the way the war began. Critics, especially in Europe, rallied to the claim that war against Saddam's government could be lawful and legitimate only if authorized by the Security Council and that, since war was not explicitly authorized, it was indeed unlawful. Lacking the endorsement of all major powers, the war was, in essence, "unilateral"—at least as critics depicted it. "Unilateral" efforts, as they are morally questionable, do not deserve to succeed. Subsequent developments in Iraq, in all their tragedy and misery, should have been expected, say critics.

It is surely not hard to resist such claims if one has a mind to do so. They do not express a serious argument so much as an amorphous climate of opinion. Was the war against the Serb government of Milosevic in the late 1990s bound to fail because it was not authorized by the Security Council? Were the entirely unilateral American interventions in Panama in the early 1990s and Grenada in the late 1980s bound to fail because they were so entirely unilateral?

What magic is there in U.N. endorsements, anyway? The war in Afghanistan had full U.N. approval from the outset, but the Taliban continues to recover strength because very few countries have been prepared to offer actual fighting forces to shore up the new Afghani government. The Security Council insists that Iran must not continue its nuclear program without international safeguards and inspections. There is no indication that the government in Tehran is in any way impressed by the force of these impeccably multilateral admonitions.

People who insist that "unilateral" ventures are bound to fail must suppose that the world has been transformed in some way at least since the time when wars, even major wars, could be won without full international endorsement for one side in the conflict.

Those who insist that the age of sovereignty is behind us can say—as they have, quite insistently, since the early 1990s—that international politics is no longer restricted to sovereign states.

True, we now have intergovernmental organizations, starting with the United Nations and the World Trade Organization, the European Union and NAFTA, and a whole catalog of smaller or more specialized organizations. We have an even larger stock of non-governmental organizations which are internationally active, including major churches and religious organizations, relief organizations like Doctors Without Borders or the International Red Cross, and advocacy groups like Amnesty International. And of course there are transnational corporations—oil companies, manufacturing firms, transportation and communication companies, etc.

The more sober economic historians caution that our era is not, by many measures, more "global" in its trade and investment patterns than the era before the First World War.² Influential "non-governmental organizations" are not a novelty of our times, either, as the history of religion will confirm.³ But we can stipulate that international communication, among nongovernmental entities as well as governments, is wider and deeper than ever before. That stipulation will still not bring us within range of the conclusion that critics of "sovereignty" embrace.

The world is richer than ever before, and more people have more time for political and even international engagement than ever before. What follows? Do they all agree? Do transnational oil companies agree with international environmental advocacy organizations just because they both operate in many countries?

²For review of relevant measures, see Paul Hirst and Grahame Thompson, *Globalization in Question* (Cambridge, U.K.: Polity Press, 1996).

³Note, for example, the influence of missionary organizations on U.S. policy toward Africa and Asia for decades before the First World War—a pattern described in Walter Russell Mead, *Special Providence: American Foreign Policy and How It Changed the World* (New York: Knopf, 2001), pp. 132–162.

Does al-Qaeda agree much with the Roman Catholic Church just because both are international and non-governmental? When they disagree, who decides what law is binding in what territory?

It simply does not follow that because international civil society is deeper, national sovereignty is less relevant. Even if many differences are worn away by increasing international contacts, new ones appear. Within the United States, Americans have more opportunity to communicate with each other than ever before, with cell phones that can transmit pictures and Internet technology that can make video segments available at all hours to everyone. Is the country more united than it was 60 years ago?

To imagine that increasing international contact will lead to increasing consensus, you have to embrace an additional premise: that fundamental differences are illusory, or at least that they are on their way to disappearing. You must assume that we can talk our way through all conflicts or evolve our way past them. You must assume that with patience and goodwill, we can continue talking and negotiating until we will finally recognize that our conflicts were rooted in misunderstanding, so conflict can give way to a new and broader consensus.

Sovereignty is a way of constraining conflict. It presupposes the ongoing potential for conflict. That is not necessarily a tragic thought: Conflict need not result in actual war; actual wars may be relatively brief; longer and harder wars may still be won. Still, to insist on sovereignty is to insist on the continuing relevance of security concerns, since providing security is the core purpose of sovereignty. At home, a sovereign state tries to reduce conflict by offering protection to citizens of varied views. Abroad, a sovereign state may hope to secure peace by demonstrating its willingness and capacity to use force to redress injury or forestall threats. But both at home and abroad, it is the potential for conflict which makes sovereignty seem necessary.

The modern world is filled with dreamers who envision a world in which even the possibility of conflict has vanished. Not all of these dreams are sentimental. Jihad-

ist terrorist networks also look to a future of universal peace and harmony—under a single religious authority in an Islamicized world. At some level, the vision is not all that different from that which inspired Communists through much of the 20th century. And many Communist formations were also nongovernmental and transnational. It should not surprise us that heirs to the Communist or extreme left vision of globalism now make common cause with Islamist transnationalism on many issues and in many forums. They have many of the same hatreds—for example, of commerce, of freedom, of differing faiths, and the constitutional democracies in which these are all protected.

The soft vision of peaceful evolution toward global consensus certainly differs from such brutal dreams of world unity by world conquest. Yet these visions share, at least, a common premise: that differences will be overcome in the course of history or that the movement of history is already, in some way, assured. Those who see the world moving toward peaceful consensus ought to be strongly opposed to those who advocate unification by violence. Yet, in practice, countries that are the most insistent about respecting the authority of the United Nations have been notably reluctant to see U.N. authority invoked against terrorist violence or jihadism.

So, years after the 9/11 attacks, the U.N. has still been unable to agree on a definition of “terrorism,” in part because too many governments fear to insist on a definition which would force them to take sides in ongoing controversies. The government of Iran, one of the leading sponsors of terrorism, has defied international controls on nuclear weapons technology, but the Security Council cannot agree on meaningful sanctions because governments in Europe, as in Russia and China, are engaged in direct confrontation with Tehran. During the Cold War, as well, advocates of “peace” were reluctant to denounce Communist arms buildups or “wars of national liberation” because “peace” might be threatened by emphatic opposition to aggression.

The difficulty of organizing the world against security threats ought to be seen as a clear argument

for sovereignty. If the world can't organize itself to provide security, doesn't that show that individual countries must organize to defend themselves? But apart from hypocrisy and posturing, many people seem beguiled by the hope that somehow the effort at self-defense won't be necessary—or they despair that it won't be availing.

Looked at in this way, national sovereignty appears as the alternative to faith in, or resignation to, inevitable trends in the world. Sovereignty confers the legal right for nations to resist the prevailing tide, but it is not easy to exercise sovereign rights when people have lost confidence in their capacities and think adverse tides can only be accommodated or accepted.

Perhaps we ought to think again about the moral foundations of sovereignty.

THE MORAL FOUNDATION OF SOVEREIGNTY

It is common today to associate arguments for sovereignty with “realism.” Usually, those who make this association disparage “realism” in favor of what is now called “idealism.” If that is the choice, one might reasonably classify the American Founders among “realists.” They certainly were not overly sanguine about the possibility of achieving peace simply by wishing for it.

Peace by treaty commitments? That was tried in Europe in the early 18th century, as Alexander Hamilton remarked in *The Federalist*:

[A]ll the resources of negotiations were exhausted and triple and quadruple alliances were formed; but they were scarcely formed before they were broken, giving an instructive lesson to mankind how little dependence is to be placed on treaties...which oppose general considerations of peace and justice to the impulse of any immediate interest or passion.⁴

⁴*The Federalist*, No. 15, Mentor edition, Clinton Rossiter, ed., with new introduction by Charles Kesler (1999), p. 77. Cited hereafter as *The Federalist*, Rossiter–Kesler ed.

James Madison, writing in the 1790s, was more restrained in his language but not much more optimistic: “A universal and perpetual peace, it is to be feared, is in the catalogue of events, which will never exist but in the imagination of visionary philosophers or in the breasts of benevolent enthusiasts.”⁵

During the ratification debates in 1788, advocates for the new federal Constitution had special reason to emphasize the unreliability of treaty commitments. The country was governed at the time under the Articles of Confederation—essentially a treaty among the states. Federalists argued that a government adequate to the common defense of the American states must have sovereign powers to tax and legislate, to maintain troops and officers and courts, to repel foreign threats and enforce domestic laws. Hamilton put the point succinctly in *The Federalist*: “Government implies the power of making laws.... If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws will, in fact, amount to nothing more than recommendation.”⁶

On the one hand, this meant to the Founders that the federal government must be supreme over the states, at least in regard to objects of common concern with which it would be entrusted. The Constitution stipulates as much in Article VI: The federal Constitution, federal statutes, and treaties must be the “supreme law of the land,” and judges in the states must be “bound” to uphold this supremacy, “notwithstanding” any contrary provisions in state law or even state constitutions. All state as well as federal officials must swear to support the federal Constitution. The same Constitution also stipulates that the President, as commander in chief of “the Army and Navy of the United States,” would also be “commander in chief” of “the militia of the several states, when called into actual service of the United States.”

⁵“Universal Peace,” originally in *National Gazette*, February 2, 1792; reprinted in Jack N. Rakove, ed., *James Madison: Writings* (New York: Library of America, 1999), p. 505.

⁶*The Federalist*, No. 15, Rossiter–Kesler ed., p. 78.

Congress, in Article II, Section 2, was given separate authority to enact rules for “organizing, arming and disciplining the militia” in the states and for “calling forth the militia to execute the laws of the Union...” So supremacy in military matters would complement or reinforce federal supremacy in legislative and judicial matters.

At the same time, the federal government would have certain powers to regulate commerce, coin money, standardize weights and measures, “promote the progress of science and useful arts” with patent protections, and in various other ways protect the rights and interests of private citizens. In promising protection to individuals, the federal government would “be able to address itself immediately to the hopes and fears of individuals; and...attract to its support those passions which have the strongest influence on the human heart.”⁷ In sum, establishing “sovereignty in the Union” required repudiating any notion of “complete independence in the members.”⁸

Yet the Founders were not cynical about power politics. Certainly, they were not fatalistic. They got to be founders by first launching a successful revolution against the greatest power of their age. Then, at the Philadelphia Convention, they drafted a constitution for a continental-scale republic at a time when such an enterprise, as *The Federalist* boasted, had “no model on the face of the globe.”⁹ These were not the actions of fatalists, let alone cynics.

And, of course, the language of the Declaration of Independence is not readily associated with cynicism. The opening sentence invokes “the Laws of Nature and of Nature’s God” on behalf of the claim of each “people” to a “separate and equal station.” It is, in a way, a modest claim. At the conclusion, the Declaration affirms that an independent America will regard the British, “as we hold the rest of mankind, Enemies in War, in Peace Friends.” As a sovereign nation, America

does not expect much of others: To be our “friend,” it is enough to leave us in peace.

Yet to be independent is to be different. From the outset, even in the text of the Declaration of Independence itself, the Founders pointed at a need to respect distinctions. The Declaration does start with the plea of “necessity”: “When in the course of human events, it becomes necessary for one people to dissolve the political bands that have connected them with another...” But the very same opening sentence goes on to affirm that “a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.” If there is a need to explain, it must be because what is “necessary for one people” may not be immediately recognized as necessity by all other peoples. After all, as the Declaration carefully says, “mankind” has various “opinions”: Different peoples, it seems, may have different “opinions.”

To show “decent respect” for the opinions of others is not equivalent to submitting to be ruled by them. The Declaration acknowledges an obligation to “declare the causes,” but it does not at all suggest American willingness to be bound by foreign judgments on the adequacy of these “causes.” The Declaration sets out the American case and then states the conclusion: that the American states may now “do all other Acts and things which Independent States may of right do.” It seems sufficient to justify the conclusion that Americans find it convincing.

But not quite. The authors, as “representatives of the united States,” begin the final paragraph of the Declaration “appealing to the Supreme Judge of the world for the rectitude of our intentions” and then, in the last sentence, express their “firm reliance on the protection of divine Providence.” Isn’t that enough? Yet the Supreme Judge, in His omniscience, has no need of expositions in formal documents. The Declaration sets out “causes” to make clear to others—others contending with earthly challenges, with “the powers of the earth”—why Americans might be justified in appealing for providential favor.

⁷*The Federalist*, No. 16, Rossiter–Kesler ed., p. 84.

⁸*The Federalist*, No. 15, Rossiter–Kesler ed., p. 76.

⁹*The Federalist*, No. 14, Rossiter–Kesler ed., p. 72.

Setting out “causes” in a chain of reasoning from “self-evident truths” is a way of assuring others that the conclusions need not be taken as mere mystic visions. To speak of “self-evident truths,” after all, is to speak of principles which might be seen and acknowledged by anyone; and to set out an argument in terms which others might understand is, according to the Declaration, the “decent” thing to do before committing to such a dangerous and momentous undertaking as a war for independence.

It may seem paradoxical—simultaneously appealing to the world’s opinion while refusing to be bound by it. If so, the paradox is hardly unique to Americans, let alone unique to the high rhetoric of the Declaration. The true philosopher or the man of deepest faith may be indifferent to the opinions of others. The American Founders did not aspire to quite that degree of detachment from the “course of human events” and the “opinions of mankind.” Washington, for example, for all his celebrated posture of stoic detachment, both in adversity and in triumph, is known to have worked very hard at mastering his emotions: Even when quite agitated by anger or worry, he sought to maintain the outward appearance of unshakeable composure. He was so concerned about appearances that he changed the arrangement of crops at Mount Vernon to make a better impression on visitors who might cast a casual glance at his fields.¹⁰

¹⁰ Edmund S. Morgan, *The Meaning of Independence: John Adams, George Washington, and Thomas Jefferson* (Richmond: University of Virginia Press, 1976, reprinted 2004), p. 35: “At the simplest, most superficial level, Washington’s love of honor showed itself in a concern with outward appearances. His attachment to Mount Vernon, for example, did not stop at the desire to make a profit from it. He wanted the place and its surroundings to look right, to honor the owner by the way they looked; and this meant giving up the slovenly, though often profitable, agricultural practices of his neighbors.... [H]e insisted that all weeds and brush be grubbed out of his plowed fields, not simply for the sake of productivity, but because the fields looked better that way. He would rather, he said, have one acre properly cleansed than five prepared in the usual way.” After reporting Washington’s refusal to allow publication of letters for fear of appearing vain: “But if Washington was not vain, his very fear of appearing so argues that he did care deeply about what

The Federalist continually emphasizes the look of things. To secure trust and confidence, the government must maintain an appearance of solidity and respectability. “How is it possible,” a paper by Hamilton asks, “that a government half supplied and always necessitous can fulfill the purposes of its institution”? Among these “purposes,” as the passage explains, is provision of “support” for the “reputation of the commonwealth.” If a government is ineffectual, floundering through “a succession of expedients temporizing, impotent, disgraceful,” how can it “possess” either “confidence at home or respectability abroad”?¹¹ Later, *The Federalist* puts the point succinctly: “No government, any more than an individual, will long be respected without being respectable.”¹²

To look respectable, a government must act with self-respect. In a republic, that means it must appeal to the self-respect of the people. That is one of the central themes in Washington’s Farewell Address: The nation which “indulges” toward other nations either “an habitual hatred or an habitual fondness” would become “a slave to its animosity or to its affection.” To look for “disinterested favors” from another nation would be a “folly” for which “it must pay with a portion of its independence”—and a course which “a just pride ought to discard.”¹³

people thought of him. Although honor was in part a private matter, a matter of maintaining one’s self respect by doing right regardless of what the world demanded, it was also a matter of gaining the respect of others.” (*Ibid.*, p. 36.) Washington was also particularly sensitive to foreign opinion; that is, to America’s standing in the eyes of the world. The year before the Philadelphia Convention, he wrote (in a private letter): “I am mortified beyond expression that in the moment of our acknowledged independence we should by our conduct verify the predictions of our transatlantic foe, and render ourselves ridiculous and contemptible in the eyes of all Europe.” (Quoted in *ibid.*, p. 47.) Morgan’s excellent small volume also offers similar sentiments from John Adams and Thomas Jefferson.

¹¹ *The Federalist*, No. 30, Rossiter–Kesler ed., p. 159.

¹² *The Federalist*, No. 62 (by Madison), Rossiter–Kesler ed., p. 350.

¹³ George Washington, “Farewell Address,” September 17, 1796, in James D. Richardson, ed., *Messages and Papers of the Presidents* (Washington, D.C.: Bureau of National Literature and Art, 1910), pp. 213 and 215.

Hamilton, the principal ghostwriter for this famous speech, went further in private, denouncing Jefferson's sentimental attachment to France as "womanish."¹⁴ It may be that Hamilton was unusually preoccupied with questions of honor. He was, after all, the only one of the Founders to die in a duel. Yet Jefferson's disciple Madison, generally regarded as the most cerebral of the Founders, could, at decisive moments, appeal to American pride in rather similar terms.

In his first Inaugural, he warned Americans against "foreign intrigues and foreign partialities, so degrading to all countries and so baneful to free ones." Lest the "degrading" character of foreign attachments seem merely incidental to their harm, he continued in this vein, urging Americans "to foster a spirit of independence too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others..."¹⁵

Four years later, delivering a second Inaugural address, Madison had to justify resort to war. It was, we should recall, a "unilateral" war launched by the United States, with no allies, against the mightiest empire in the world. Madison depicted resort to war, even in these circumstances, as a necessary act of self-respect. To have accepted continuing British impositions on American shipping, he argued, would have risked "breaking down the spirit of the nation, destroying all confidence in itself and in its political institutions and...perpetuating a state of disgraceful suffering," whereas war gave the prospect of "regaining by more costly sacrifices and more

severe struggles our lost rank and respect among independent powers."¹⁶

To demand "respect" in this context was not to engage in bombast but to focus directly on what the United States still lacked: A year later, a British raiding force would burn the White House and the Capitol in Washington as if engaged in a punitive raid against pirates or some marauding tribe.¹⁷ The point of the war from the American perspective was to re-establish the foundations of American independence. The war was justified as a necessary response to British interference with American shipping on the high seas. It was justified, that is, by claims so abstract or so intangible—the repudiation of outside interference, even outside American territory—that the war is still known by the year in which Congress declared it (1812) rather than the enemy or the precise issue over which it was fought.

What is the connection between sovereignty and these recurrent appeals to pride or self-respect? "Sovereignty" is a rather abstract, legalistic term. It has no precise counterpart in ancient languages. That is why all modern European languages have adopted this new word, coined in the 16th century, to encapsulate a somewhat new view of political life or at least a somewhat new emphasis in political analysis. Sovereignty emphasizes, in the first place, the independence of distinct political communities—the claim of a sovereign nation to decide for itself. It also emphasizes the distinctness of governing authority from private life, which allows governments to focus on a few fundamental matters of common interest to the whole community while leaving most citizens, most of the time, to seek their own happiness in private life.

¹⁴"[T]hese Gentlemen [Jefferson and 'his coadjutor Mr. Madison']... have a womanish attachment to France and a womanish resentment against Great Britain.... This disposition goes to a length particularly in Mr. Jefferson...." Letter to Edward Carrington, May 26, 1792, reprinted in Joanne B. Freeman, ed., *Alexander Hamilton: Writings* (New York: Library of America, 2001), p. 745. Hamilton's initial draft for the Farewell Address subsequently delivered by Washington appears in this volume, including (in substantially the same form) the phrases from the Address quoted in the text above, pp. 864 and 867.

¹⁵Reprinted in Rakove, ed., *James Madison: Writings*, p. 681.

¹⁶*Ibid.*, p. 693.

¹⁷The British force "burned the Capitol, the White House and the Department buildings because they thought it proper, as they would have burned...a den of pirates. Apparently they assumed as a matter of course that the American government stood beyond the pale of civilization; and in truth, a government which showed so little capacity to defend its capital could hardly wonder at whatever treatment it received." Henry Adams, *History of the United States During the Administrations of James Madison* (New York: Library of America, 1986), p. 1014; originally published 1891.

The abstractness of the term “sovereignty” allows it to be deployed in a wide range of different circumstances and directs attention to what all independent states share—each has its own claim to sovereignty—rather than the differences that may divide them. At home, whatever else a government does, it must exercise the general powers of sovereignty in making and enforcing laws, gathering taxes and funding public measures, protecting against external threats, etc.—matters on which, at that level of abstraction, everyone seems to agree. Sovereignty is related to another new term of the 17th century—“the state”—and has the same soothing abstractness. To talk of “sovereignty” and “the state” is to encourage a view of politics in which we can all agree, or agree to disagree, so the world can proceed in relative harmony and most of us, most of the time, can leave “policy” to professional “policymakers.”

A short way of summarizing the connection between sovereignty and appeals to pride is this: Some degree of pride or self-respect is required, because sovereignty is not, after all, an automatic thing. Nations may have rights under international law—or even under “the Laws of Nature and of Nature’s God”—but these rights must be asserted and defended, or else they may be disregarded or trampled by other nations. Citizens may have rights to conduct their own affairs in private life, but these rights may be disregarded or trampled by sovereign authorities that forget the limited purposes of sovereignty. So in extremity, people have a right to revolution against their own government, as well as a right to resort to war against other nations; but it is often disputable—because entangled in so many uncertainties—when such extreme recourses should be invoked.

To establish and maintain a secure sovereignty, therefore, is an achievement. It requires a certain amount of discipline or seriousness. People lacking entirely in self-restraint or self-respect may well put their nation’s sovereignty at risk. People are justified, on the other hand, in taking pride when they belong to a nation that has defended and maintained its sover-

eignty. It is not the fierce pride of the conqueror or the hero but the quieter self-respect of those who maintain their own independence.

Even that level of self-respect is not automatic or assured to us in this life, however. Most of us recognize that respect must be earned—even (perhaps especially) that self-respect accorded by the one most aware of his own individual lapses and weaknesses. But most of us can, at least to some degree, sustain our self-respect in the midst of life’s challenges and temptations even as we maintain a “decent respect” for the opinions of others. To be “decent” or “respectable” is not an impossibly high ambition for most of us, but it still requires some effort at self-control and some degree of thought and judgment about the objects of our control.

IRAQ’S SOVEREIGNTY AND OUR OWN

Is all of this of merely historical or theoretical interest? The outlook of the American Founders will never be of merely historical interest while we live in the republic they founded. But it is worth returning to Iraq to remind ourselves how much in the world is still comprehensible to us in terms the Founders would have understood—or how much our understanding is improved by recurring to their precepts and even their hints and gestures.

In some ways, the fundamental question in Iraq is whether it can achieve genuine sovereignty. Recent debates about the wisdom of our intervention sometimes obscure the fact that the United States was already enforcing no-fly zones on much of Iraq before 2003 and that Iraq’s government was already contending with unique constraints on its sovereignty. In addition to these restrictions on use of its air space (under previous U.N. resolutions), Iraq was under special obligation to satisfy international inspectors that its previous weapons programs had been dismantled. Its oil exports were subject to special monitoring, and its use of oil revenues was supposed to be restricted by international controls. The “Oil for Food Program” turned out to be massively corrupt, allowing Saddam’s

government to use oil sales to bribe foreign governments and international officials, as well as to secure forbidden imports.

But Iraq was the only state in the world under these international controls. Even by the very lax and accommodating standards of the international community, Saddam's government was seen as especially untrustworthy after its unprovoked aggression against Kuwait in 1990 following its earlier aggression against Iran.

The challenge now is to get Iraqis to accept a new government that can exercise normal sovereign authority without tyranny or aggression. Different armed groups are fighting for a different future. Jihadist forces that have infiltrated into the country, recruiting allies and protectors in some parts of Iraq, seek more than a mere sovereign state in Iraq. They look to revive a caliphate over the whole Muslim world or at least over the Arab world. Others, notably among the irregular militias in the south, seek to join with the current Iranian regime in establishing the primacy of Shia Islam throughout the region. Compared to such grandiose visions, hopes for a secure but independent Iraq may seem modest and uninspiring.

But Iraqis are not likely to attain a stable government in an independent nation unless enough of them are willing to fight for it and help sustain it. Iraqis must take some pride in achieving a respectable government among other governments in the world, or they will be prey to larger, more ambitious visions now fomenting violence in their midst. Despite ongoing terrorist attacks, young Iraqis do continue to sign up for the new army and policing units of the new government. Quite a lot of Iraqis, it appears, do want to take a "just pride" in a nation able to defend its independence and sustain its own domestic peace. In the end, it will be up to Iraqis. Independence is not something that can be handed to Iraq by departing American forces.

Even for us, however, sovereignty is partly a matter of resolution. If we act, we must be serious. If we walk away without the most committed effort at success, we acknowledge that our previous engagement was merely impulsive. We cannot expect our claims to be

respected in the world if we are not respectable. To be respectable, it is not necessary to be indisputably correct. Few claims in politics or international affairs are beyond dispute. But to be respectable, we must be serious. To be serious, we must have some commitment to what we undertake.

We cannot expect that a show of hands at the U.N. will guarantee acceptance of American initiatives, any more than initial approval by Congress can assure continuing approval for a war when it goes badly. One can respect a policy—or a leader or a nation—despite disagreement. A policy can be questionable without being impulsive, fanciful, or monstrous; but it matters whether a nation retains the respect of others, and it does not retain respect when it looks confused, indecisive, or irresolute.

Sovereignty is not merely a question of national rights. To assert sovereignty is to accept a cognate responsibility. The Founders were perfectly clear about that. They bequeathed a system of government in which Americans can still take, to quote Washington's phrase, "just pride." But we still have to pay attention to what is necessary to preserve our security as well as our liberty. That is part of our pride: that our system does require us to rise to a certain level of seriousness and discipline even if it does not, most of the time, make excessive demands on our own private happiness.

The situation that has developed in Iraq since 2003 does not inspire much confidence in our own capacities, let alone pride in American achievements. We have many disputes about what mistakes were made, who should be blamed, what should now be done. Intense debate is to be expected in a republic, especially when things seem to be going badly. Our freedom to challenge government failings is basic to our self-respect as citizens of a republic, and our capacity, as a nation, to learn from and correct our mistakes is a source of "just pride."

But even those who question the initial wisdom of intervention in Iraq must acknowledge that past actions have created new challenges. Even govern-

ments in the region which counseled against the invasion in 2003 now caution against precipitous American withdrawal. A sovereign state, especially one with alliances and commitments in so much of the world, cannot abandon its position under fire without paying a heavy cost for doing so. What it means to be sovereign is to be responsible for consequences. The pride we take in independence presumes that we have the seriousness to contend with the consequences of our own national decisions.

Two admonitions from *The Federalist* might be most appropriate in closing. First, some hard words from Hamilton:

Let us recollect that peace or war will not always be left to our options; that however moderate or unambitious we may be, we cannot count upon the moderation or hope to extinguish the ambi-

tion of others.... [T]o model our political systems upon speculations of lasting tranquility would be to calculate on the weaker springs of the human character.¹⁸

Finally, a pithy summary from Madison: "If we are to be one nation in any respect, it clearly ought to be in respect to other nations."¹⁹

—Jeremy Rabkin, Ph.D., is a professor of government at Cornell University and a member of the Council of Academic Advisers for the American Enterprise Institute.

This essay was published May 25, 2007.

¹⁸*The Federalist*, No. 34, Rossiter–Kesler ed., p. 176.

¹⁹*The Federalist*, No. 42, Rossiter–Kesler ed., p. 232.