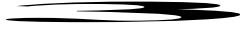


SCHOOL OF INTERNATIONAL AND PUBLIC AFFAIRS
COLUMBIA UNIVERSITY



This brief essay begins to address one of the fundamental dilemmas of our time: how to reconcile the demands for broad-based global institutions and norms with the realities of America's power and exceptionalist impulses. How, in other words, can one go about designing and constructing an international architecture whose structures, rules, and decision-making processes serve the needs both of the single hegemon and of the many less powerful countries? Can American power and multilateral institutions coexist happily and productively?

At the outset, it would be helpful to consider the extent to which this is a problem in theory or in practice, in perception or in reality, in all things or in certain sectors. The initial section of the paper suggests some parameters for making these judgments, for concluding, in fact, that while this is indeed a large and growing problem, it is not a universal one. Relations between Washington and international institutions have been handled more adeptly and creatively in some areas than others, and the US is as keen to develop the international infrastructure in some sectors and at some levels as it is cautious about others. The second

out of step with the rest of the world in terms of the creation of important new normative regimes for dealing with issues as diverse as the environment, weapons of mass destruction, human rights, landmines, development, population, small arms and light weapons, the death penalty, and the International Criminal Court. Even when its allies largely approve of US actions, as in the conduct of the war in Afghanistan, complaints have persisted about insufficient consultations or attention to allied views.¹ In addition, the US has persistently taken stands on the Middle East, Iraq, and the use of military power that tend to set it apart from most other countries concerning how to handle some of the key geopolitical crises of the day, including the war on terrorism.² Washington, moreover, has over the past two decades repeatedly displayed a brazen willingness to flout the rules and customs of the United Nations if necessary to get its way on matters of administrative and fiscal reform, unilaterally flexing its financial and political muscles in stark contrast to what had been its traditional insistence on preserving the fiscal and constitutional integrity of the world body.³ A veteran *New York Times* correspondent, traveling with Secretary

¹ In August 2001 and April 2002, surveys of public attitudes in France, Germany, the United Kingdom, and Italy found very large majorities agreeing that President Bush “makes decisions based entirely on U.S. interests” without taking European concerns into account. Pew Research Center, Online Reports, <http://www.people-press.org/bush01rpt.htm> and <http://www.people-press/reports> (Americans and E

of State Colin Powell in Europe, wrote of “the heedless, insular, bellicose, unilateralist America seen by many European eyes.”⁴

This would not matter so much, of course, if it were not for the second big complaint: the growing superiority of America’s power position compared to its one-time or potential rivals.

As Oxford’s Timothy Garton Ash, hardly known as a strident critic of the US, phrased it:

The fundamental problem is that America today has too much power for anyone’s good, including its own.... Contrary to what many Europeans think, the problem with American power is not that it is American. The problem is simply the power. It would be dangerous even for an archangel to wield so much power.⁵

Because of its power, the US is seen by some as arrogant not just singular, as domineering not just influential. It is criticized alternatively as being an intrusive, hyper-active, hyper-power or as being self-absorbed, uncaring, and unresponsive as crises flare in various parts of the world. It is, no doubt, the inevitable lot of the world’s leading power to attract brickbats from those capitals whose relative power position is receding. Yet such prevalent and critical perceptions – even if exaggerated – have a troubling way of defining political realities and international relationships over time.

The implications of such a pre-occupation with American power are particularly troublesome in terms of the motivations for and the parameters within which the project of building a larger and denser set of multilateral institutions is proceeding. To put it baldly, in the ongoing effort to create a network of multilateral rules, norms, actors, procedures, and decision-making processes, is the ultimate political objective to constrain and counter US power or simply

⁴ Todd S. Purdum, “A Wider Atlantic: Europe Sees a Grotesque U.S.,” *The New York Times*, May 16, 2002.

⁵ Timothy Garton Ash, “The Peril of Too Much Power,” *The New York Times*, April 9, 2002.

to leash it, wherever possible, to larger and more widely shared goals?⁶ Is America's unsurpassed power, in other words, the problem or potentially a big part of the solution? This is where the anti-Americanism heard so often among European intellectuals and policymakers, and to a lesser extent elsewhere in the world, is working inadvertently to undermine the prospects for effective and sustainable multilateral cooperation.⁷ Even Professor Ash asks, "who, then, should check and complement American power? International agencies, starting with the United Nations, and transnational nongovernmental organizations are a place to start."⁸ The problem with such views, of course, is that they tend to confirm the fears and suspicions of those in the United States who have been most skeptical of the benefits and most concerned about the costs to American sovereignty of multilateral engagements and commitments. It is worth recalling

And three, if the hegemon is conceded major

making the US look that much more exceptional in the eyes of others, while making multilateral regime building appear that much less attractive and hospitable to American skeptics. This approach also may offer tempting opportunities for free-riding on the part of countries that would face no real constraints under the regime in question and that want to look good for the public and/or to make the US look bad. The jury is still out on whether these were wise tactics in the case of the ICC and landmines and on whether these regimes will function effectively over time without US participation (this seems more likely in the latter case, where the US dissent is quite circumscribed).

The answers will depend, in part, on the nature and limits of American exceptionalism. This author has argued elsewhere that the following four characteristics tend to make a state exceptional in its approach to international institutions:

- 1) a willingness to define its own path and positions within and toward international institutions, regardless of pressures and critiques by others;
- 2) a proclivity for asserting the universal validity of its national values and practices;
- 3) a tendency to look to domestic sources for legitimacy, even in the face of contradictory rulings by international bodies; and
- 4) a confidence that national policymakers have alternative ways of pursuing national interests and values, so that the use of multilateral institutions is generally perceived to be an option, not an obligation.¹¹

¹¹ American Exceptionalism and International Organization: Lessons from the 1990s, in Rosemary Foot, Neil MacFarlane, and Michael Mastanduno, eds., *The US and Multilateral Organizations* (Oxford University Press, 2002, forthcoming).

strategic factors and to the natural disinclination of the powerful to be bound by international rules, procedures, and obligations when other means of pursuing their policy goals appear to exist. Regimes that work to confirm and perpetuate the superior position of the big powers, such as the NPT, are obviously easier to swallow than those that might constrain their ability to expand their technological edge, such as the CTBT. While in general satisfied or status quo powers ought to see an advantage in laws and regimes that tend to add a sense of order and predictability to international affairs, especially those norms that discourage violent change, in specific sectors and situations they may prefer to keep open the option of bringing unilateral pressures to bear regardless of international rules and procedures for multilateral decision-making. Regimes that rely on reciprocity and unilateral enforcement measures, as well as on agreed rules and mechanisms, such as the WTO, would seem to serve both criteria (general rules, enforced through national power) and may prove increasingly attractive in the future.

The second explanation for America's zigzag approach to these matters can be found in a unique complex of domestic factors: among them, its political culture, history, and constitutional structure.¹² These, as well as its power position, feed the sense of exceptionalism that is so apparent in the US approach to multilateral undertakings. The problem is not, as some have suggested, that America's geographical isolation and domestic preoccupations condition it to disregard distant developments or the concerns of others. Though Americans are apt to regard big government, especially if it appears distant, opaque, and unaccountable, with some wariness, they are not, as a whole, markedly more negative than people elsewhere in their attitudes toward the UN and other international institutions.¹³ The difference lies, instead, in the fact that

¹² *Mixed Messages*, op. cit., passim.

¹³ Edward C. Luck, "False Choices: Unilateralism, Multilateralism, and U.S. Foreign Policy," to be published in an edited volume by the German Council on F

Americans are, and have long been, much more deeply divided on these questions than others have been. While the majority can be characterized as vaguely supportive, a vocal and politically active minority of perhaps 15 percent of the people has vigorously opposed – generation after generation – the expansion of international institutions and of US participation in them, largely because of perceived threats to national sovereignty. With this split magnified by partisanship and Congressional/executive differences, the result has been inconsistent and ambivalent policymaking for mu

multilateral arrangements through a different lens than do those in other countries, one that may lead them to distinct conclusions about what any new architecture should look like. In strategic terms, it would appear to be a general rule that smaller or medium powers tend to place a higher priority on the development and observance of processes, mechanisms, and rules for multilateral decision-making than do major or dominant powers. While such standardized procedures may appear to offer some voice and protection for the interests of the less powerful, they may be seen by Washington policymakers as encumbrances that delay effective action or that produce inept compromises. In general, Americans tend to care more about results than process. They also are more likely to look to domestic and constitutional sources for legitimacy than to international ones.

This was never more starkly illustrated than after the terrorist attacks of last September 11th. No doubt US officials were most appreciative of the quick and unanimous votes in the Security Council and General Assembly condemning the attacks and particularly of the establishment of the Council's unprecedented counter-terrorism committee. While determined to build a broad anti-terrorism coalition, however, they certainly did not share the Secretary-General's stated view that these votes were important in imparting legitimacy to the forceful US response. Neither the media nor the public gave more than passing attention to the actions by these two principal organs of international authority. It could be argued, in fact, that the UN organs would have risked losing legitimacy, authority, and relevance if they had not so readily joined the counter-terrorism bandwagon. In earlier years, when UN organs took sharp exception to the US use of force in places such as Grenada and Panama, the White House was able, with considerable success domestically, to cast doubt on the legitimacy of the UN bodies instead.¹⁴

¹⁴ Edward C. Luck

This last set of questions should matter a great deal to how regime-building is approached, but too often these distinctions seem to be lost in the rush to apply the same exceptionalist label to all cases of American reluctance, whether it is in response to the CTBT, Kyoto, the Law of the Sea, or the Rights of the Child Convention. True, in some sense each of these rejections represents one more step in the historic continuum that is American exceptionalism, but in policy terms their implications and how they should be addressed are substantively different.

For the purposes of analysis, it may clarify these distinctions to think of US policies toward global regim

address the HIV/AIDS pandemic and President Bush's views on the value of foreign assistance.¹⁵ Moreover, it has sometimes proven easier to persuade Washington to accept multilateral agreements or arrangements on a regional than a global level. This has been the case with international criminal tribunals, human rights bodies, and some aspects of arms control, trade, and the environment. A positive experience with a regional regime may make a global one seem more palatable.

There have also been a number of cases in which Washington – typically the Congress – initially rejected formal participation in a global regime, yet selectively supported some of its activities, and then allowed growing cooperation to lead to an eventual reconciliation. While some of the commercial and institutional provisions of the Law of the Sea Convention, for instance, initially raised sharp and ideological objections from conservatives on Capitol Hill, its core goals were embraced by many in Washington as advancing US interests in trade, rights of passage, and security. Through the years, the US has not hesitated to invoke the Convention in times of crisis and the Clinton and now Bush Administrations have pledged finally to seek the Senate's consent to its ratification. The US relationship with UNESCO has followed a similar pattern. Getting the Senate reconciled to the ratification of human rights conventions has often taken decades, but it has usually come around over time. Even after the Senate had so dramatically rejected membership in the League of Nations four generations ago, the US went on to become an active participant in many of its programs and missions. And, in many ways, the US leadership in creating the United Nations, as well as the reluctance of senators to criticize the

on

¹⁵ In the latter case, it is notable that an April 2002 Pew survey found that only 53 percent of Americans expressed approval of the President's decision to dramatically increase foreign aid, while some 90 percent of respondents in the four major countries of Western Europe did. Pew,

new world body, represented a reconciliation with both the spirit and the ambitions of the League.

This rejection, cooperation, reconciliation pattern reinforces the hypothesis articulated earlier that the US tends to base its policies, over time, more on pragmatism than on a slavish devotion to either unilateralism or multilateralism. It also gives some nourishment to a functionalist interpretation of US relationships with global regimes. According to this view, while often initially wary of entangling and constraining legal or institutional commitments, over time Washington is likely to give increasing weight to the practical benefits that cooperating with or joining a global regime would impart for specific economic, security, or foreign policy objectives or for advancing core national values. The incrementalism embodied in such graduated approaches may not satisfy either extreme – impatient advocates on one side or, on the other side, those fearful of a slippery slope toward a degradation of American sovereignty – but it does speak to a practical way of dealing with America’s historic sense of ambivalence toward such undertakings.

In broad strokes, those interested in building a particular normative regime have three basic choices when Washington’s view of what the new regime’s rules and architecture should look like differs in important respects from that which is held by most other capitals. They can 1) move forward without the US, 2) make major concessions to its viewpoint, or 3) go slow, looking for opportunities to narrow the differences over time.

The first option – leaving the US behind – may bring some gratification to those resentful of US power, priorities, or exceptionalism in the short run. But it is a strategy that will usually invite disabling implementation and enforcement headaches, as well as political complications, in the long run. As noted above, when the issues over which the US dissents are relatively

discrete substantively and do not have worrying political implications domestically, as was the case with the landmines accord, then the damage will be manageable and the prospects for eventual reconciliation will be fairly good. But when the substantive and philosophical differences are stark and political battle lines have been drawn sharply within the US, as has occurred with the ICC, then trouble lies ahead. In such cases, caution is generally the better part of valor.

The second option – giving in to US demands – runs the risk of alienating other countries, of weakening the rigor of the regime, and, as in the choice of leaving the US out, of undermining the potential legitimacy of the regime. Certainly there are situations when a system of differentiated obligations and responsibilities is both necessary politically and justifiable substantively. The NPT would be a case in point. It is a fundame

to keep productive transnational policy, expert, and public dialogues going on the costs, benefits, and possi

ambivalence is deeply rooted and has shown remarkable continuity over the last century. Yet neither does the historical record provide much sustenance for the rash and sweeping charges, which seem to be in vogue these days, especially in Europe, that the US has become unabashedly anti-internationalist or unalterably allergic to multilateral cooperation. The US record is far more differentiated and subtle than that. Indeed, it is through a sober assessment of where, when, and why these variations in US practice have occurred that one can begin to identify some points on which to build. To the more ambitious global regime builders, such selectivity and the incremental approaches it implies may seem hopelessly insufficient to the grand challenges of the day. But alternative strategies that seek more, and risk alienating the world's most powerful country in the process, may end up achieving far less. The better choice is to seek common ground with the US, to try to nudge its domestic political processes forward by appealing to its higher values as well as to its long-term interests, and, meanwhile, to consolidate the impressive gains that have already been achieved in terms of building global norms and institutions. Having just emerged from an era of unprecedented global regime creation, it may fall to the early 21st century to be a time of implementation more than of codification, and of reinforcing the foundation more than of constructing new wings and spires.