



Seminar with Michael Ignatieff 25th May 2004 "Political Ethics in an Age of Terrorism"

Michael Ignatieff:

Thank you, it's very nice to be here, it's very nice to recognise so many of you and to welcome people I've not met before but whose stuff I've read and learned from. I thought I would talk not too long because I'd like to have as much time for questions and discussion as possible because that would teach me a lot and I feel drastically out of touch with the policy world and discussion world that I used to feel I understood well and four years away now makes me feel like Rip Van Winkle. I turn on the television, look and recognise people and say, pathetically, how old they all look, which is another way of saying how old I've got but anyway. I thought I'd talk a little bit about the 'Lesser Evil' as a project and then I'd be happy to talk in questions about Iraq and where we go from here and stuff. But I thought I'd begin with this project - this is what it looks like in the States and Canada but there is another version around. These were the Gifford lectures at the University of Edinburgh and they were an attempt on my part to think more fundamentally than I had done before about the long term challenge that terrorism has posed to liberal democracies almost from the beginning. My sense was that terrorism has been a kind of fatal twin of democracy from the onset of mass representative democracy in the nineteenth century and that there's quite a lot to learn from going back to the history of this deadly encounter between a form of political action which uses violence as a first resort and which seeks to intimidate and coerce political opinions through acts of violence. And the challenge that that model of doing politics poses to a liberal democratic model of politics, which is based on supposedly persuasion and argument - and I clearly have an enormous emotional and moral investment in a defence of the liberal democratic arts in politics - the sense of politics being essentially about persuasion rather than force and violence.

One of the difficulties as I thought about this century long encounter with terrorism, I drew first one obvious conclusion which was that if you look at the history of terrorists, terrorist episodes in liberal democracies going back to the 1890s, the anarchist bombs in the Third Republic right through to Weimar, right through to the United Kingdom, the IRA, the Basques in Spain, Brigades Rosa in Italy and German examples. It's very hard to find an example of a liberal democracy that has been destroyed by terrorist attacks; that is tipped into permanent authoritarianism or actually brought down. The good news is that liberal democracies are extremely robust historical creatures; they only appear to be weak herbivorous creatures when attacked by terror. They are exceedingly ruthless, they will permit themselves almost anything in their defence - the image we have of gentle liberal democracy turns out not be true at all. Then the question when you assess that record of survival you have to ask the difficult question about whether, what are the conditions of survival and victory; do liberal democracies so distort themselves in the process of defending themselves that they begin to in fact change their nature. I can talk about the details, you may all also be thinking about Weimar, well isn't Weimar a case where political violence tipped a liberal democracy into authoritarianism. That's the famous twentieth century case and it seems to me to only be conceivable in the context of a global economic crisis, catastrophic inflation.

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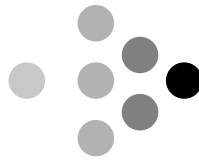
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Terrorism in other words itself, I think, can't crack the pillars of liberal democracy unless it comes concurrently with an economic crisis which the political system can't solve. So the good news as it were from a historical review is that liberal democracies are very ruthless and very robust and they tend to survive. The bad news of course, which is what worries us, is the sense that we are faced with a terrorism that does not have continuities with the historical story that I've been telling. It's what I call apocalyptic nihilism - that is it's not representing determinate political claims like self-determination, like freedom from a particular historical group. And therefore it is very difficult to know how it can be appeased politically, how demands can be met politically. When everybody says to you after 9/11, we have to address the root causes; there may be a kind of simple rational error here. That is to say, to assume that there is a political agenda of determinate claims with which having met we could confidently expect this kind of apocalyptic nihilism to be appeased, to go into recession, to accept victory and go home. But I've never thought that it was plausible to think that if you got the Americans out of the holy places in Saudi Arabia, the Palestinians had a state, that we would see [the threat go away], I'm sure we would have a reduction in the grass roots support for terror, that is the willingness of otherwise uninvolved people to loan a house for hiding in or lend the kinds of tacit support that terror needs in order to survive - I don't doubt that particularly the granting of, securing the Palestinian state would secure an enormous reduction in the visceral anti-American hatred in the Middle East. I'm not denying that, but I think that there is a much more indirect relationship between the Palestinian struggle and the claims of Osama bin Laden which I think are apocalyptic, they can't be accomplished in historical time; they're millenarian goals; they want to bring the Middle East back to the Caliphate; they want a thorough revolutionary reform of Islamic life; a Palestinian state - the only one that we can conceivably grant is one that is side by side with a secure and viable state of Israel. And Osama bin Laden is campaigning for a state for the Palestinians in the Middle East but it's one state from the Jordan to the Mediterranean, therefore securing a Palestinian state on terms that humanly and ethically and politically liberals are not going to do.

So one problem, of the twentieth century record of liberal democratic encounters with terror has been that if you meet certain parts of the political demands of the terrorists, you can draw away support. The first thing here is that we are facing a political terrorism that has apocalyptic demands that can't be fully appeased and met. There is a disjuncture between what they're demanding and what any liberal democracy can conceivably grant. That's problem number one. Problem number two is that this is terrorism, again not in the service of the liberation of Algeria, not in the service of the liberation of Palestine, not in the service of liberation of the Basque, that is determinate national struggles, but in the service of or by appropriation or false appropriation of a global ideology, namely Islam. What makes it serious is the sense that there are potentially one billion believers who are being drawn upon, so it's a terrorism in the service of a global ideology and that makes it infinitely serious in its implications even though, to make it perfectly clear, the claim that this terrorism represents a billion people is as spurious as the claim that it authentically represents the Palestinians. One of the concessions we make to terror without fully acknowledging it is when we tacitly accord them the right to represent anybody with acts of political violence. My, as a liberal democrat, my ethical views, the minute you target civilians, you by that act forfeit the right

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to represent the causes you claim. That would be the ethical claim I would make.

So some of the root causes discussion makes a concession in the sense that it accepts the representativeness of terror. The right of terrorists to speak on behalf of one billion Muslims, it seems to me spurious and usurped, because if representation means anything in a liberal democratic ideology it means or in any terms that I can understand, it means that you have earned the right to represent me, you have sought their suffrage, sought to represent their claims. Unions can authentically represent their members because they have sought their suffrage, they've sat on the line together, they've gone through the same experiences of exploitation and difficulty. Women's groups can authentically claim the right to represent women etc. These terrorists don't, it seems to me, have not earned the right to represent anybody. And that's one of the reasons why I think that while any strategy of terror, any strategy to respond to terror must respond to failures of Middle Eastern societies, must respond to some of the failures of American and British policy. We've got to make it very clear that we wish to correct the errors of our policies, for reasons intrinsic to those policies rather than as a concession to some dubious claim that these folks represent the homeless, oppressed citizens of the Middle East.

So to summarise what's new here. First, there is a series of apocalyptic claims that I think are very different from the national liberation claims that terrorism has served in the past. Secondly, the association between terrorism and a globalising ideology with an approach to a billion potential supporters. And the third element, obviously all of this is perfectly familiar to you, is the possibility of the acquisition of weapons of mass destruction. And here I think we are in a new era, the twenty first century, in which, as I try and say at the end of the book, we may be at the end of the Westphalian era. That is the Westphalian era which associated a state with the possession of a monopoly of the means of lethal force, the monopoly over ultimate forms of violence, that long historical parenthesis which gave us the European state order and the global state order may, I say may, be coming to an end as we move in to an era in which weapons of mass destruction, ultimate lethality, passes into the hands of non-state actors and ceases to be located or confined to the territorial state. And as we all know that's a problem because the entire system of deterrence which has controlled ultimate lethality has depended on the state, on the existence of determinate populations, who if threatened with nuclear annihilation or counter reprisal had rational reasons not to resort to their weapons. Well if you got non-state actors I do accept the argument made by the current administration and Blair; what makes this a new situation is that the existing logic of the deterrence defined by the state era is now much more problematic. I'm not saying that Osama bin Laden can't be deterred, I'm not saying Saddam Hussein can't be deterred but I am much more concerned now about the emergence of a kind of apocalyptic loner who not only doesn't value his life or the life of the small cohort or conspirators but conceives of their own immortality in terms of wreaking of continental wide vengeance and that does seem to me to open up new possibilities. I don't mean to scare you but I don't see any point in not trying to distinguish what is the three elements in which I think modern terrorism does look different.

Ok, so that's a kind of very rough and ready analysis of what I think the problem is. And the question is what do liberal democracies do about that.

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And here, to a degree that I didn't expect when I began to do this, I found myself having to think much more seriously about what a democracy was then at any other time in my adult thinking life; what is it that we're actually trying to defend here. One of the reasons the book is called the 'Lesser Evil', is that I came to view that one of the things that's distinctive about democracy as a form of government is that it regards all forms of coercion, since it's a government based on the consent of the governed, since democracy is based on the consent of the governed, it regards all forms of coercion by the state as lesser evils. This is a possibly extreme view, it's a controversial view because if you look at things like what the British government does at any given point in time given the enormous public support for a health service, roads, schools, lighting, all the provision of public services, it's very hard to think of this democratic order as coercive. But I think that one of the central strengths of the liberal tradition as opposed to the social democratic, socialist and communist traditions - and I'm not eliding them, they're all distinct traditions - there is a liberal fixation on the coercive character of all social order, fixation on the coercion at the heart of all acts of government. That is, we all want a health service but we all have to pay for it. We actually consent to, the portion of taxation that we accord to these public services which is regarded as at least a constraint. And the whole substance of democratic politics is how much of our income we should pay, how much coercion, how much involuntary absorption of our surplus we should be willing to accept in order to create a public world.

What I think what distinguishes liberals from anybody else is that we're much more troubled by the necessary coercions, the lesser evils, that make a modern liberal social order cohere. I think this is not just me getting older and paying more and more of my income in taxes, and it's not me having gone to the United States and gone all Republican and neo-con. I think I've always thought that and I think as I look at the liberal tradition from which I descend, which is kind of Locke, Hume and Smith and eventually Isaiah Berlin, I'm very stuck by the strength of the tradition being its very unvarnished look at the act of government as being a form of coercion which eventually always involves the abridgment of certain individual liberties, always the abridgment of certain forms of individual freedom and which we submit to because we clearly benefit from a public world. It's not an argument against having public investment for a public world but it is an argument that can't ever shy away from the coercions involved, and therefore the constant burden of persuading citizens unwillingly to sacrifice to maintain it. And I do think that social democracy and socialism has finessed the coercive bargain that's at the heart of social life in favour of, I think a mythology of the relationship of the individual and collective - so some of what I'm saying about the Lesser Evil starts from the proposition that all forms of government activity involve the lesser evils of constraint. The problem with terrorism, needless to say, is that it opens up a whole new range of very very, hard choices, all of which put democratic life under enormous strain. But particular things and I won't run through them in any detail in the book, preventive and investigative detention, extended search and seizure warrants, interrogation - I will get to this in relation to Abu Ghraib - targeted assassination of terrorist leaders, and right up to pre-emptive or preventive war. All of these hard choices are the ones that the book picks apart in some detail to find out the conditions and circumstances in which they could in theory either be justified or not.

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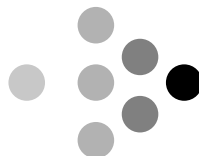
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One of the central things I come to at the end of the book and I'm now going to grind to a conclusion, is that the other feature of liberal democratic theory of government, I think, is the idea of adversarial justification. By adversarial justification I simply mean the ethical form that correlates to checks and balances. The thing about liberal democracy that seems to be uniquely valuable is the very limited amount of trust that we accord executive power, the institutional ways in which we seek to check executive power through the courts and the legislature. We require all forms, all excises of power to be put through the filter review and scrutiny of what I call adversarial justification – we do so in trial by jury which is in some sense the classic visible form of that; show it to me, prove it to me, justify it to me. And that's the form of modern government; show it to me, prove it to me, justify it to me, run it past this interlocking system of checks and balances.

The single danger of a war on terror to a liberal democracy is the one that you see as a red flag right through the twentieth century and into the twenty first century. It's that terrorism drastically increases the power and authority of the executive at the expense of the other branches. It has this double effect, it increases the power of the prime minister and the president and it increases their resort to secret government in various forms - most of the war on terror is fought in secret. These are the double challenges to a liberal democracy that a war on terror presents. The knife that it aims at our democracy is at this system of adversarial justification, which is judicial review, congressional and parliamentary review, public scrutiny and public debate of an act of government. And so I do regard this apocalyptic nihilism that has potential access to chemical and biological weapons and has access to an ideology of justification that's global as the most serious threat to the future viability of liberal democracies since fascism in the thirties. I really think that our future is on the line here. In two ways: first that we will be subjected to a mass casualty attack. And second, that the mass casualty attack in the future will drive us very, very hard towards giving our prime ministers and our presidents powers which essentially subvert, for the long term, the system of adversarial justification and review on which democracy actively depends. And everything in the book is saying the only way to fight a war on terror is not to weaken adversarial justification but to strengthen it systematically: a free press, courts that review detention, courts that insist on the jurisdiction of courts over detention faculties like Guantanamo and everywhere else, legislators and legislative committees that insist upon, demand parliamentary review of secret measures.

I can't think of anything anyway to deal with the problems I've described with you other than returning to what it is democracies are. And for me democracies are not majority rule balanced by minority rights but much more the system of adversarial institutional justification and we've got to make these institutions work and if we don't make them work we're in very, very serious trouble. My own view is that where we are at the moment is mixed. If you just look at the media, a vital institution, probably the most important institution in the system of adversarial justification, we know about Abu Ghraib because of CBS students' 60 minutes, Sye Hirsh and some honest young American soldiers. Without them doing their democratic job we'd still be in the dark about what has been a self-evident moral and political catastrophe. If you then look at the Supreme Court, the Supreme Court is conservative and likely, if Bush wins the second term, even more conservative. But the interesting thing about it as a

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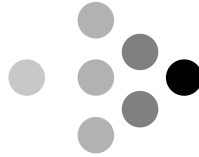
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court is that it is a very strong institution, in the sense of its prerogatives. I hope that it will say federal courts do have, and ought to have review over all places of detention in which Americans are held; it's not only about the impact of Abu Ghraib but simply their institutional sense going back to Marbury vs. Madison in 1803 that that is the job of the Supreme Court irrespective of their political configurations. Their job is not to allow the President to have the power to imprison an American citizen or non-citizen at his pleasure. Even this institution will understand that it's not defending Republican or Democratic views, it's defending the very prerogatives of the US federal courts system. Similarly Congress which has been extremely disappointing over its supervision of the presidents war powers as we know and it's been disappointing not just over Iraq, but over Vietnam back to Korea. Congress over the prison scandal and a number of other measures like the 9/11 issue, has been using congressional hearings to basically conduct a standard operation in adversarial justification and review and it's part of the business of how a liberal democracy cleans its stables in public and must do so.

So I've given you a very apocalyptic and scary scenario of what's new about global terrorism. I then tried to define democracy as a system of adversarial justification and finally I've said that maybe I'm a hopeless liberal optimist but actually do think that our institutions are still doing their jobs. Our very lives depend on those institutions doing their jobs properly. And at that point I will stop and thank you for your attention and hope that we can widen the discussion to anything you'd like to talk about.

Comments on Civil Liberties.

One of the difficulties about thinking straight on civil liberties issues is that there is very properly - and I'm a member, I'm a paid-up member of the ACLU [American Civil Liberties Union] - there's a very strong civil liberties lobby and the civil liberties lobby's job, appropriately, is to blow the whistle any time there is an infringement of standard due process, rights. That's what good lobbies do but it doesn't necessarily make the law right on every issue. If you then say - this is getting to my answer to your question - if you compare what's happened post 9/11 on the civil liberties front to what happened in wartime, the obvious axial comparison is the internment of more than a hundred thousand Japanese in America from 1942-45. At the moment nothing like that is contemplated but the question however is and you might have the same, draw the same conclusion about the internment of Germans during the second world war in Britain which often interned, rather grotesquely, Jewish refugees from Germany who were likely to be the last people to engage in subversive activity. If you were inside you maybe thought it was more of a scandal than a mess up. The point I'm making however is that the difficult question is whether these rather comforting historical analogies from the Second World War actually ought to comfort us at all. I mean after all in 1940 this country's existence was menaced in the most direct possible way imaginable. And it's not clear to me that you can analogise a sense of comfort from a sense, from a comparison between an imminent Hitler invasion and where we are now. In many ways what's so difficult to grasp with the civil liberties dilemmas we face now is that so much of the hand of the state is targeted at very, very small populations leaving most of us entirely unaffected except when we engage in air travel. And that's in effect where, as many civil libertarians have properly pointed out in the United States - the thing that's scary it's the ways in which the civil liberties pinch is

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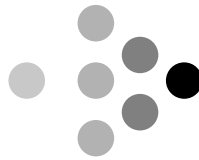
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concentrated almost exclusively on Arab residents of the United States who have some visa status that is, can be deemed either is or can be deemed irregular plus the number of Muslim citizens of the United States. The numbers are actually quite small - five to ten thousand people at most who have paid a real civil liberties price for 9/11. And it's probably because these are populations that are often friendless in relation to the rest of the population that they're so vulnerable and very appropriately civil libertarians have stepped up to defend them.

The difficulty however is that if you ask the question what would you have done on the morning of 9/11, with three planes ploughing into the World Trade Centre and the Pentagon and one narrowly having missed the White House and Congress itself and you didn't know how many sleeper cells were out there operating, I can tell you myself, I would have called in every single immigration violator of Arab origin in the United States for a little chat and I might have put some of them in tank. You ask me what I would have actually done in that situation is at that moment that civil liberties issues become - in other words, I could justify targeted preventative or investigative detention without trial for a very brief period of time and this is where the abuses then set in. What we know happened to the five thousand detainees swept up after September 11 was that they were held on average eighty to ninety days, which seems an abusive period and abusive length of time. Secondly, they had a great difficulty accessing lawyers, although they eventually did get access. Third, their hearings, they were mostly immigration hearings, deportation hearings - were held in secret, their names could not be released for national security reasons. I mean there were four that seemed to me, absolutely unnecessary violations of their civil liberties. In other words my position is and this is why I'm talking, this is why it's called the Lesser Evil - I can justify investigative or preventive detention in a situation of crisis. What I can't justify is the length of detention, the secrecy of the hearings, the denial of due process and the justice department indicates that some of these individuals were subjected to psychological and physical abuse - I can't justify that either. So this is a pretty concrete example of trying to draw the lines precisely but let's not pretend that I'm easy about the idea of investigative or preventative detention. It is a departure from the rule of law, it's not a thing any liberal democrat can be happy with. But then the issue in my view is that if you have to do it, and it is a lesser evil, how can you make sure it doesn't violate basic due-process standards. That's the line I'm trying to walk here.

I accept that when I've listed it in that order they weren't actually a priority ordering because I've just given a commencement address at a liberal arts college in the United States entirely devoted to Specialist Derby the young 24 year old reservist who put the pictures on the... - and I commended this young Pennsylvanian guy as an example of the kind of civic courage that every student in that college should have. And I also think that you're right, what was interesting was that how badly the conservative Republican counter attack bounced - the guy Senator Immauf of Oklahoma got up and said what I'm outraged by is the outrage. He got such a blast back that I think it is the case that American public opinion did begin to lead on this. But, the Abu Ghraib thing is important to me because it is precisely the utter and complete breakdown of the system of adversarial justification. What is been known to the liberal democratic tradition, since you know Magna Carta, has been that when you put any detainee under the absolute power of any other human being,

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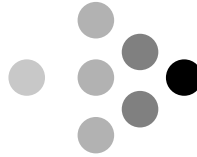
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abuse is as inevitable as night follows day unless you have judicial review of detention. That's what habeas corpus is called. And part of what makes a lot of liberals in the United States so outraged about Abu Ghraib is the sense that the people committing it don't understand the society they're supposed to be defending and the critical ideas of the society we're defending is this notion of adversarial review of course of power. That's one aspect of it. The other aspect of it is the absolutely astounding way in which the ICRC made its representations through the chain of command and this administration's, beginning with Guantanamo and on forwards, simply allowed the ICRC clear ICRC testimony through the autumn to be ignored. Here is a case where international adversarial review and i.e. through international law, was being short changed, was being deliberately ignored by the administration from the top because we know that the White House legal counsel in January 2002 basically sent out memoranda instructing all arms of government to interpret the Geneva convention in a manner acceptable to administration's interests. Self-evidently you can't sign up to international law and pick and choose. It's a package. The Geneva Convention is a package, so in that sense the responsibility for Abu Ghraib goes absolutely up to the White House, there's no other way around it.

Comments on Adversarial Review.

I don't think the burden of my claim was that adversarial justification is instrumental in a war on terror. My point was different. My point was what is it we are defending in a war on terror, how do we prevent executive power from getting out of control as we fight the war on terror? Answer: we have to strengthen the systems in adversarial review in our own country. Then the other issue which you touch on when you refer to Pakistan and places like this is, you know, sixty years of sustaining authoritarianism in Pakistan, Egypt, Morocco, Jordan, you name it and also Iraq, have cost the United States dearly, and its attempts to write its course and its attempts to align itself with more progressive forces in Middle East then elsewhere are fraught with peril. The hour is very late, the capacity to democratise these societies through external influences is very limited, the President again, it's not a popular thing to say, but the President - what I found ironic as a human rights teacher is the President's speech to the National Endowment of Democracy, is the speech that every human rights activist has been begging a president to make from about 1975 and I don't care whether it was given by George Bush. It was a speech that said we have to align American power with liberty and freedom and democracy in this part of the world. The problem is that it's very very late. The actual policies of the United States are in flagrant contradiction with that also, but it's unfortunately the problem with the Bush speech is not that the ideas are wrong, in fact unfortunately the ideas are only too right, but enacting them in real time in a situation where your only alternative to Mubarak is the Muslim Brotherhood is anybody's guess. So there we go.

As I said as I went though, I could be very pessimistic about the resilience and robustness of American government and the British government – Lord Hailsham called the prime minister an elective dictatorship - there are a lot of very disturbing trends towards the concentration of the executive power in both this system and the American system. And the evidence you sighted, congressional compliance post 9/11, say the relation to the Patriot Act passed in about four-five weeks with very little scrutiny, the unwillingness of the federal

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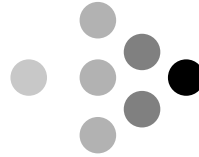
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courts post 9/11 to do anything about the presidential designation of illegal non-combatants - all those are disturbing signs. The point I was trying to make however is that one can always assume the kind of stupidity, venality, corruptibility of the officials that run these institutions, but it's also equally important to remember that these institutions exist to defend their own prerogatives. No congressman, no federal judge, no Supreme Court judge, whatever their politics, wants to have their institutions weakened or go into advance. They will defend quite tenaciously their institutional prerogatives and it's on that instinct that I'm making my case for adversarial justification. These people know that whatever else they have to do as senators and congressman, they have to leave the Congress as strong an institution as they found it and the Supreme Court as strong an institution as when they found it. Now often they fail to do so but I think they can be counted on to take that as an institutional imperative and to the degree that they do those institutions will remain free. But descriptively I agree that it's not a happy picture. I'm actually trying to find a chink of light here and the problem with trying to find a chink of light is that you sometimes make the chink of light into a great bloody window.

Further comments on millenarian terrorism.

As I said I feel that there's simply no way to reach the convinced. There's no way to convince someone - someone used the word chiliastic and apocalyptic views - that's why I've always actually been rather comfortable with the sense that we're at war, you're at war with people who cannot be persuaded to desist by any other means than force and in that sense - I mean I don't like the war on terror as a metaphor - but I actually believe that combat operations against Al Qaida are justified in part normatively because there is no other language we've got with apocalyptic nihilism. The idea of war as a reaction to terror seems to pre-empt any possibility or take away any possibility of political engagement and I want to in fact enlarge the range of political engagement. Every time I get up I say this in American audiences a still comes over the room because it's the third rail of American politics - the United States is going to be locked into a hundred years of war in the Middle East which it will lose if the Palestinians don't get a viable, contiguous, joined up state on the West Bank and Gaza. Period. And American policy that fails to understand that is heading straight off the cliff and this is said by someone who wants Israel to survive and prosper and loves the state of Israel. I like it a hell of a lot better than I like the Palestinians if my personal preferences are at stake. You know we just can't go on like that and I'm convinced that's the central element of a political strategy in a war on terror. Just as I think that educational reform, women's empowerment, strategies of discreet assistance to civil society in the Middle East are also a central political strategy, provided that we don't orchestrate that as a concession to terrorists, provided that we don't accept that terrorists represent a set of grievances or have a right to represent a set of grievances. We ought to respond to sixty years of policy failure in the Middle East because for sixty years we've been doing the wrong thing. I'm confident that if we do, that will lead to net benefits. It will reduce and appease some of the hatreds of the United States that seems to me only too well grounded actually, but doing that is distinct from making concessions that people who have no right to represent the grievances that I think we have good reasons to seek to respond to.

The other more general point and this is impossible to argue but it's just true.

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One of the weirdest things about Middle Eastern politics is that the United States is blamed for everything, and part of the pathos of being the world's greatest superpower, the hegemon, the great Satan, the great beast is that it's blamed for failures in the Middle East which are absolutely local and have nothing to do with the United States, have to do with local, mean, venal political elites who can't do the right thing. Who are yes propped up by the United States, but that's part of the pathos of great power. You're blamed for things that actually have very little to do with you. I simply don't believe, for example, that Egypt is badly governed simply because it gets five billion dollars a year of military assistance from the United States. It's badly governed because Mubarak is a jerk and Nasser was a jerk. They haven't had decent government since the place was independent. I mean it's fifty years of failure in which the United States is a player, is a contributor, yes, all that's true and ditto right along the board, but it's very difficult to get up in this infernal environment and say, you know, everybody should take responsibility for what they're responsible for. But part of what makes anti-Americanism, so it seems to me, so comforting, so deeply comforting is that it's one long alibi for refusal of local elites to take responsibility for what they are truly responsible for. I mean it's not the United States' that's to blame for the fact that Arab literacy among women across the whole Arab world is the lowest in any section of the world. Is that the United States' fault? No. It's the fault of local elites, it's the fault of an ignorant construction of Islam, it's the fault of male patriarchies. You can tell I'm heated about this because it's part of what seems to me so deeply dishonest about anti-Americanism - I happen to be a Canadian but I love this country and I find the ways in which America is blamed for what's gone on in the Middle East seems to me an evasion of responsibility which actually needs to be attributed somewhere else. And it's sweeping Europe and it's just intellectual laziness of the worst kind. There are all sorts of things the United States have gotten wrong, deeply wrong and I particularly feel it's the policy towards the Palestinians, it's shameful support of Saddam Hussein, it's the toppling of Iran. I can do the list as well as anybody can, but to go from that to the construction that the world would be a better and happier place if the United States stayed home and never sent a troop overseas and that the Middle East would be a happy peaceful and secure place is just political science fiction.

Comments on the charge that the current panic over terrorism is similar to fears of "anarcho-syndicalism" in the late nineteenth century.

I think that in the nineteenth century there were moments, certainly if you look the moment that post 9/11 most closely resembles is the summer of 1919, when lots of thinking, thoughtful folks thought they were faced with a global ideology, world communism, it toppled the Russian empire, it was surging into Germany, it had the motor of history behind it and we now know what a deep illusion that was. And yes I do think we've been here before and I think that's an important corrective. The question about Iraq. I guess, I was in Iraq for a week at the end of March - early April, just before the Fallujah - the massacre of the contractors. And you know I was there as it began to go badly, badly south or even more south than it did north. And I spent a week talking to Kurdish leaders and then I went south towards Kirkuk and then into the zone between the Kurdish areas and Sunni areas and I didn't go into the triangle because my Kurdish guys said I'd just get shot so I thought I wouldn't do that.

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But the one overwhelming impression I had in Iraq is what is not been said in the media. What has been said is that the American and British occupation has made nearly every mistake possible for an occupying force to make and then a few more. It's been disastrously bad and it's probably been about as bad as depicted in the press I would think. But the thing that has not gotten enough attention in the media is, I think, has been that the reason that this country is not in civil war owes nothing to the occupation but everything to the wisdom of the Iraqi political elite. The reason we're not in civil war is that Ayatollah Sistani has managed relations with the occupation with consummate political skill. That is he's refused to meet with American leaders, he's refused to bless the occupation, which is entirely appropriate, he's played the national card to perfection. He's played the democratic card to perfection so that you have the grotesque spectacle of liberal democrats coming over to Iraq saying we'll have elections in about ten years time and Ayatollah Sistani says no we want on man, one vote and we want it now. He played that to perfection. He's played the ethnic card to perfection, in the sense that he has not urged the Shia to rise up against the Kurds and Sunnis. And now it's not just Ayatollah Sistani, it's the entire clergy elite of the Shia who've acted with extraordinary political wisdom. Part of the reasons that Al Sadr is having a run at them is because all he's got is militia, all he's got is violence. He's never going to have the respect that's owed to a great and learned cleric.

It doesn't mean there aren't problems in Shia land, such as the Bada Brigade in Basra. There's a big problem looming in Iraqi politics about getting the gun out of politics and we probably have to bear a very imperfect set of elections indeed, which is far too much intimidation. But that's still way short of civil war and it's short of civil war because we have political leadership over here that is of a very, very high quality. You know, and part of the reason you get mad with fury at this administration is when the president comes out and says 'we've got to take the training wheels off this thing'. I mean you just can't believe these people. If it wasn't for the wisdom of the political elite he would be unelectable. He's been kept in business by the political wisdom of people who he treats like children. It really does make me furious. Then there is the Kurds who I spent a lot of time with. Now the Kurds are the dogs that haven't barked. I think that they made a very shrewd historical judgment that they're not going to be blamed for the failure of Iraq. So in the transitional administrative law negotiations concluded in March, they made substantive concessions, really strong concessions. And I know that because all their smartass American advisors said about the Kurds that they're very disappointed, 'I'm very disappointed. They've let me down terribly. I've advised them to go for independence and for some unaccountable reason they don't seem to be doing the right thing'. I said 'Peter for Christ's sake, it's their country not yours'. They've made a historical compromise to keep the show on the road. For Christ's sake don't you see what's in front of you? That's extraordinary political wisdom. They've also stopped killing each other for the time being. I'm not sentimental about the Kurds but for the moment they're not killing each other, that's the second thing.

The third thing that's happened, again, now I'm really straining my optimism I know, but the Sunni uprising has had a crucial effect on the political dynamics in this sense that both the Kurds and Shias understand that we can't keep this country together at all unless we do a deal with the Sunnis. The only functional aspect of the Sunni uprising is that both of the other sides have said, oh my god

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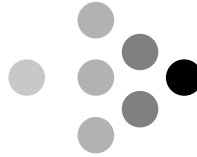
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they're a minority but they could absolutely destroy this country, so we've got to find someone to deal with. So what you get from the current is very interesting - you get quite a lot of 'I don't like the old Ba'athists but you know they're represented in the Sunnis, we've got to cut a deal with some general, I hate them, they shot my people', which is political realism. So when I look at the future I can see a way that we get to avoid civil war and we get to a very messy, quite violent but democratic political transition that's based on the political wisdom of Sistani, the political restraint of the Kurds and their joint awareness that they've got to stand up to the Sunni leadership and work with the Sunni leadership or they will have civil war. That's how I cut it and it was nothing to the Americans. It was a little to do with Brahimi who's smart enough to see these realities. And that's why I'm not totally pessimistic. I'm totally pessimistic about the occupation. It has no capacity to do any further good whatever. The only thing it can do is prevent the militias engaging in large scale troop movements. It can prevent the Kurds from seizing Kirkuk. It can do certain big things to keep the country together. But it has no capacity to do good. It should be drawn down. There ought to be an embassy and it ought to actually be small. I mean this is where we've got to bet the store on the wisdom of the Iraqi people. And there are dozens of them and they've been treated with contempt, they've been ignored and etc. I won't rant on but that's why I still believe this is possible. Not because of anything we've done but because of their civic courage.

Comments on whether Iraq has discredited future Liberal Interventions.

You know because I'm getting old I've got a long memory and you know I can remember that the same people that opposed the war in Iraq in 2003 actually opposed the war in 1991 for God's sake. You know, if you've got a long enough historical memory you know that there's never a case for intervention that will please or suit a large swathe of the British left, let's be frank. And that was the case, will be the case and is always the case. Even a case of flagrant aggression straight, article fifty one, flagrant aggression of Iraq in Kuwait wasn't good enough for these people. So there's a whole part of the English left with whom I think communication is impossible on this. I mean they believe what they believe, they're entitled to believe what they believe, but you know I can't discuss. The much more troubling issue, where there is a troubling issue for someone like me, is that I was in favour of military intervention in Bosnia and I was in favour of military intervention in Kosovo and so much so that it seemed to me if you had to choose between procedural legitimacy and substantive legitimacy, that is procedural legitimacy - UN approval - and substantive legitimacy - that is the morally right thing to do - you should do as we did in Kosovo in 1999. And that paired off another bunch of people. There's a kind of liberal multilateralist who won't go unless the UN approves and that's mostly the Europeans in this case, particularly the Germans.

I think the issue that we never faced, through the nineties was the issue of democratic consent. As long as the unstated premise of humanitarian intervention in the nineties was that it wouldn't cost us a dime, it was intervention with under impunity. We bombed from the air, we weren't going to put anybody in harms way in Bosnia, we could stop this and above all the Americans were doing it so we could land political support. But we never had to pay any real cost in human life. When interventions are conducted under conditions of impunity, the issue of democratic consent is really mute. The

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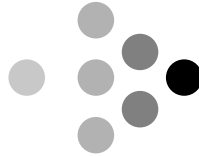
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public doesn't really care and if you few liberals want to bomb a few Serbs that's fine with us because you're all going to come home and dry. But Iraq was different because people always knew somebody's going to get shot, people are going to die. And that's where the spinning of the war, which was such a huge debate here, really is a troubling for someone who supported the war. That is to say, I know that liberal hawks are arrogant but I'm not so arrogant to believe that a country of fifty five million should go to war because I've got, I and Tony Blair and a bunch of other people have got strong moral principles. I mean you have to convince the public of arguments that convince them, on the basis of facts that are real.

And on that group and it was a disaster for liberal interventionism because we finessed the issue of consent. I don't believe that the Prime Minister would be so willingly, knowingly, cunningly, Machiavellian. I believe he probably believed his facts but anybody looking at that intelligence traffic with any degree of honesty knew that he didn't have a bloody clue what Saddam had, he had to extrapolate and deceive himself first and then deceive the country after. Well that's just a disaster. The issue of democratic consent it seems to me returns to the centre of intervention. You know I was part of this thing called Responsibility to Protect, the international commission and so on. One of the interesting little sidelines there is that we never talked about democratic consent. We ran just war theory liberal intervention and we said, you know, you had violent tensions, unreasonable prospects, right authority. We never actually said one of the conditions for intervention is democratic consent. I think we were Machiavellian enough to know that if you imposed democratic consent as a condition nobody's going to bloody go anywhere. That's the Achilles heel, I think, of liberal interventionism now. In any case where it costs lives, I think unfortunately, the public has a right to know, right to approve. And if I've said of everything I've said of adversarial justification pushes me into the issue of democratic consent.

The problem here, now let me add another issue, because I want to get to pre-emption and here's where I think the tensions reach breaking point. Any pre-emptive war and any preventive war - and I distinguish between the two, pre-emption meaning eminent threat and prevention meaning gathering or more distant threat - is going to be undertaken on the basis of intelligence estimates which are at best going to be uncertain. So then the issue is how can you run democratic consent in cases where the evidential basis of combat is just in principle uncertain. How's the Prime Minister going to say 'listen guys, the honest case for the war would have sounded something like this: I'm your Prime Minister and I've got a lot of evidence here but I'm telling you that most of it is rubbish. We don't have any fixed assets on the ground because he kills everybody, he cuts out their tongues. And the satellite stuff upstairs from the Americans at GCHQ is crap but I'm your Prime Minister and it really is my judgement that in three or four years this guys going to be poison. And I can't tell you right now he's been dealing with Al Qaeda, we've got some crap about some guys meeting in Prague. I don't know that's what they tell me, it doesn't look very good to me. But I'm telling you, we're in a new world where we've got low probability events with catastrophic consequences. That's what you have to understand my fellow Brits. As your Prime Minister my job is to defend you against a low probability threat, but if these bastards get through millions of you die, ok. My job is to protect you against these low probability events on the basis of some of these intelligence. And in addition the other thing you

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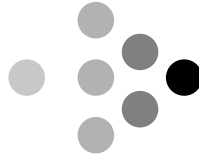
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have to know about this guy is that he killed a one hundred and eighty thousand Kurds and forty five thousand marsh Arabs. So don't give me this stuff about what his intentions are like. His intentions are the worst there are and it's proven historically. That's what I got for you, will you support me? I can't tell you honestly that that is imminent. I can't tell you that he's going to launch on forty five minutes. I don't know about the bloody Niger yellow cake. Now that's the story, will you come with me?'

Now at that point I think that's the case to make and that was the case I put forward and it was mostly a preventive case rather than a pre-emptive. I think the British public would have said go stuff yourself. I think he knew it and that's where we are. So that poses an almost insuperable problem about intervention in the future. For so long as it's Sierra Leone and nobody gets killed and everybody comes home and blow back you know, but the minute there is risk. And this takes us into to a very old story indeed. This is Churchill standing up in the House of Commons saying we have to get this guy when he goes into the Rhineland and everybody laughs and four years later they were begging him to save the country. I don't want to make false analogies Blair and Churchill, I don't want to go there. But I'm saying it's an old problem. How do democracies face rising but not imminent threats? How do they create a system of democratic consensus in cases where the evidence is unclear? This is the fundamental issue here. This is the ground, this is what this was about to me and I haven't got full answers. I feel as a democrat, I feel divided between democratic components - if they won't vote for you, if they won't support you, you can't do it - and the feeling that there are some dangers that a leader has to lead his country to face even if the country is not convinced and whether Iraq was that case or not is another matter. But there's still this tension between leadership and democracy that I think I can't reach and I think that's the substantive reason why the intervention doctrine is now in ruins. You know in Britain there is the additional problem of being Bush's poodle and all that stuff. There are huge presentational difficulties for any British prime minister appearing to go along with American foreign policy. But that's another problem. The real one is this issue of democratic consent. You know the book ends with, one of the things the book says is we have to look at pre-emption, we can't run the twenty first century with the UN charter definition of justified force only in response to actual aggression, we just can't. We'll all be sitting ducks. They'll take out Detroit, Chicago, San Francisco, Seattle, London, Paris and Rome, if we sit on that conception of the use of force which is only in response to actual aggression. The difficulty of pre-emption is to do it in a democratic manner, and at the moment this is where Blair and Bush failed.

Comments on whether there was a superior case for war against North Korea.

I'm raising a speculative point for the future because I'm convinced we'll be in situations upcoming. The North Korean situation is just different. These guys have nukes. There's no military option in North Korea. I spend my whole time with carnivorous meat eating hawks who spend their daylight hours gaming nuclear strikes at reactors at the Kennedy School these incredibly blood thirsty characters. But even they think it's a non-starter.

Comments on democratic consent.

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If you're saying democratic consent is only too easy because there's a lot of majoritarian hostility not just to pantomime villains but absolutely blameless citizens in good standing on account of their ethnicity or religion, yes, we have a huge problem. Then we have a different issue where we just have to have very strong anti-majoritarian safeguards, in the form of courts, well I was going to say the media but here the media plays the wrong way, and lobbies that simply stand up and be counted. I mean I haven't got a magic solution here. Here we have to have majoritarian pressure in the institutions and what is laughingly called civil society. And the issue again I think is the indivisibility of citizenship and I think what's a problem with liberal democracies is that they actually think that their citizenship is only too divisible. I mean in Canada we had this recently where the United States announced that it would give those Canadian citizens whose country of origin was say Iraq, Syria or Iran – despite the fact that they were Canadian citizens of good standing, the fact that in their passports their place of birth said Kern or something - that they would give these people a special law. To the credit of our External Affairs Minister, he said 'uh uh, a Canadian is a Canadian is a Canadian. A Brit is a Brit is a Brit'. That's important and then this is where I think the next frontier is that we can just manage the invisibility of citizenship with citizens. The problem is that we've got very large number of non-citizens and their divisibility is only too easy, and that's why the regularisation of the status of visitors to this country, doing something about immigration and illegal immigration, giving people status and rights in this country is incredibly important for the war on terror because we've got to create a situation where a Moroccan student in good standing in this country has some juridical claims so he isn't knocked around in the cop shop when the going gets tough. We've got to get that stuff in place before and that's not incompatible with a tough immigration policy. I'm not a softy on this. We have to have control of who comes in and out of this country precisely so that we can safeguard the rights, privileges, entitlements, juridical guarantees of those who aren't citizens in transition towards normal citizenship, and then we've got to make citizenship absolutely gold standard and indivisible.

ENDS

Transcription by Ceren Coskun May 2004.

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