

Embarrassing Victory

by Justus D. Doenecke

Temptations of a Superpower

by Ronald Steel

Cambridge: Harvard University Press;
144 pp., \$18.95



"The other side lost, but did we win?" So asks Ronald Steel concerning America's foreign policy. Obviously the world long familiar to us has suddenly collapsed. "Of course there is a victory," writes Steel in reference to the United States' triumph in the Cold War. "But what do we do with it?" No stranger to such questions, Steel has long been a respected historian and commentator. Some of his books—*Pax Americana* (1967), *The End of the Alliance* (1994)—were clearly tracts for the times. His 1980 study of Walter Lippmann, however, remains a truly monumental work. Now, in the Joanna Jackson Goldman lectures at the Library of Congress, Steel warns against indiscriminate global commitments. "How does a superpower bring democracy to Haiti? How does it fight terrorists it cannot find?" The Cold War, Steel believes, was a most ambiguous victory. Though certainly the West is greatly relieved by the demise of the Soviet Union and the discrediting of communism, the United States cannot now translate its military might into political power. Suppose, Steel hypothesizes, American forces bomb Serbia or blockade Haiti. Ultimately, they would still be unable to impose American policy. As Dean Acheson once commented about the British, the United States had lost an empire without finding a new role to play.

In the contest with the Soviets, every area of the globe seemed vital—indeed a potential place of crisis. But now, with the contest over, Steel observes that the fundamental challenge facing the United

States is economic in nature, involving such powerful entities as the industrial megalith of Japan, the fiercely competitive trading states of Southeast Asia, and "the giant emporium" of a uniting Europe. These areas, writes Steel, do not want to "bury" capitalism; rather they are determined to "do it better" than the United States. Technology, finance, trade, innovation—this is the current game.

Yet the United States still envisions itself bearing responsibilities more appropriate to the Cold War at its height. It plans, notes Steel, to keep 100,000 troops in Europe in addition to maintaining permanent forces in Korea, Japan, and the Persian Gulf. The military budget of \$253 billion is 85 percent of the average Cold War budget, making it as large as that of the other nations in the world combined. Over half of all discretionary federal spending is devoted to defense. Indeed, during the presidential campaign of 1992, Bill Clinton pledged himself to build weapons systems that the Bush administration had tried to cut: the Seawolf submarine and the tilt-rotor V-22 plane. Speaking from the White House, Clinton said, "We do have to lead the world," though later he more modestly added that the United States cannot solve all international problems. When he terminated the ill-fated expedition in Somalia, he disguised it as a victory. Otherwise, the President explained, "Our own credibility with friends and allies would be damaged" and "our leadership in world affairs would be undermined."

Steel concedes that the world is more violent than ever, with its fresh regional wars, balances of power, coalitions, and spheres of influence. Indeed, we see such systematic political breakdowns that in some quarters there is the war of "all against all." Fortunately for the United States, however, militarily it has never been more secure. Citing former Defense Secretary Dick Cheney as his authority, Steel writes, "We are as near to being invulnerable as a nation can get." Neither Iran nor Iraq is a major power. South Korea is covered by a nuclear guarantee from threats by its northern neighbor. Europe is more secure from aggression than it has been for 60 years. For the foreseeable future, Russia is like-

ly to be a marginal player in European statescraft.

Steel questions America's ability to halt, even confine, today's bloodshed. On its own terms, military muscle-flexing is often counterproductive. Taking sides between China and Japan, or China and Russia, can alienate the other power. "Reassuring" trading partners by punishing "malefactors" can make them more anxious, as seen by the cautious reaction of South Korea and Japan when the United States confronted North Korea over its nuclear program. Furthermore, military might is just one component of national power, and the United States is discovering this fact the hard way. It certainly is no help in lowering Japanese trade barriers or taming the deficit. Moreover, as Steel observes, America needs the Europeans and Japanese to buy the Treasury bonds that finance its persistent deficit.

When it comes to international organization, Steel is skeptical. He finds NATO outmoded, unable to identify an enemy while costing \$100 billion a year. European alliances, he believes, must now be limited to Europeans. The United Nations is ineffective, in part because there is no international consensus on the rules of a post-Cold War world. If one truly believes that peace is indivisible throughout the world and that aggression anywhere threatens peace everywhere, collective security can simply escalate minor quarrels, making them regional, even global ones.

Steel is certainly not an isolationist of the stripe of Robert Taft or William Borah, and perhaps not even of J. William Fulbright, who in 1966 attacked America's "arrogance of power." Indeed, he is far more restrained than the Ronald Steel who, in the winter of 1972, claimed that Americans had been cruelly used by "political leaders who have squandered their wealth and stolen the lives of their children to fight imperial wars." Indeed, Steel asserts that at times there is a need for American intervention, as for example when the horror "undermines the foundations of Western civilization itself," as in the "genocidal madness" of Hitler's Germany, or when the United States can act quickly, as in the contemporary cases of Rwanda and Cambodia. As far as Bosnia goes, however, a direct

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American interest is lacking, and its intervention would be misunderstood. The United States, Steel writes, has "no responsibility to defend break-away states that unilaterally declare their independence." Certainly it must not lead any "global fire brigade."

There is one sense in which Steel has something in common with many isolationists; this concerns his claim that threats to American security are now internal. Americans suffer from a host of ills, ranging from illiteracy to violent crime. Not only is the United States falling behind its trading partners, but the gap between rich and poor at home grows steadily. Whole sections of our metropolises resemble those of the Third World. Steel writes, "Our country is hobbled by debt, weakened by fears for personal safety, and increasingly divided between the skilled and the unskilled, the jobholders and the unemployable." If American leaders do not look inward, predicts Steel, the public will repudiate them.

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Parochial Formalism

by Gregory J. Sullivan

Hugo Black: A Biography
by Roger K. Newman
New York: Pantheon Books;
741 pp., \$30.00

Justice Hugo Black remains something of an anomaly in the history of the Supreme Court. A textualist who was contemptuous of the arbitrary mysticism of substantive due process, he nevertheless advocated the most extreme position on the issue of incorporating the Bill of Rights against the states through the 14th Amendment, a revolutionary doctrine that conflicted with the original understanding of that amendment. In other words, there is a little something for everyone in Black's legacy, which perhaps justifies Jeffrey Rosen's oxymoronic reference to Black in the *New Republic* as

a "liberal strict constructionist."

Roger Newman's biography is thoroughly researched in the exhaustive way that biographies are these days—any person at all connected with Black has been interviewed, and every scrap of paper examined. It is, however, occasionally obtuse, failing to illuminate the intellectual contradictions that marred Black's jurisprudence. (And it is completely unfair in its relentless attacks on Justice Felix Frankfurter.) Newman is very good on Black's membership in the Ku Klux Klan. Far from a nominal involvement with that organization, Black's was in fact an enthusiastic participation. ("Hugo could make the best anti-Catholic speech you ever heard," said one Klan member.)

Black was, of course, famous for his faith in what he viewed as the plain meaning of the Constitution. This faith was often misplaced, however. For example, Black's literalist, no-law-means-no-law approach to the First Amendment is impossible to reconcile with the history of that provision and unworkable within the context of its incorporation. Black's rigid view led him expressly to reject such necessary and historically sanctioned restraints on speech as defamation laws. This position was accurately characterized by Frankfurter as "doctrinaire absolutism."

To his credit, though, Black remained steadfast in his commitment to the text of the Constitution even in the face of the outrages of the Warren and Burger Courts. He was one of the few voices of restraint on a Court that was hell-bent on reading its own egalitarian preferences into law. Black, for instance,

scoffed at the notion that the death penalty violated the prohibition on cruel and unusual punishment found in the Eighth Amendment. "And he would have been," says Newman, "the most vociferous opponent of *Roe v. Wade*, the Court's 1973 decision that due process permits the right to abortion. Black flatly opposed any constitutional recognition of such a right during conference in a 1971 case."

A proper view of the Constitution does not permit the use of natural law to decide a case. This position—which may be called constitutional positivism—is wholly consistent with a belief in natural law, and it hardly represents what Hadley Arkes intemperately condemns (in *The Return of George Sutherland: Restoring a Jurisprudence of Natural Rights*) as "indolence." That Black was a thoroughgoing positivist in the sense that he repudiated any idea of natural law is an indication of nothing more than his own intellectual parochialism. One can embrace natural law reasoning and hold that the proper arena for its use is the legislature. Indeed, under our Constitution, it is entirely necessary to adopt this position inasmuch as there is no authority for a jurist to reach outside the document and its historical context for his decisions.

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LIBERAL ARTS



POETIC JUSTICE

According to an article cited in the July 27 issue of *The Wanderer*, David Gunn, Jr., son of the murdered abortionist David Gunn, faces a lawsuit filed by two women who are upset that he received the 1993 Feminist of the Year Award, which is bestowed annually by the Feminist Majority Foundation. They allege that Mr. Gunn, who has become a national spokesman for feminism and the pro-choice movement, infected the two women with herpes and genital warts in the course of unprotected sex, never bothering to inform them that he carried these diseases. "I'm just really tired of him speaking for my gender when I know who he really is," said one of the women.