

# Do We Still Owe Iraq?

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WHAT WE OWE IRAQ: WAR AND THE ETHICS OF NATION BUILDING. By Noah Feldman. Princeton, N.J.: Princeton University Press. 2004. Pp. 184. \$29.95.

*Reviewed by Zaid A. Zaid\**

Noah Feldman's book *What We Owe Iraq*<sup>1</sup> is a unique contribution to the ongoing discourse—mainly amongst academics, former military personnel, and diplomats who served in the Coalition Provisional Authority (CPA)—regarding the past, present, and future of Iraq. In 2004, I served as the liaison from the CPA to the Iraqi Governing Council and now join the discussion from that vantage point. After discussing Feldman's primary points, this review confronts the central issue in his book: whether the United States should remain in Iraq given the deteriorating political and security situation there. Feldman argues that the United States has a moral and ethical obligation to remain in Iraq until there is a viable government with a monopoly on the use of force, i.e., when Iraqis are exercising full political and military sovereignty over the country. Although *What We Owe Iraq* has weaknesses, mainly its failure to address implications of civil war and American public opinion, I agree that the United States should not withdraw until it is clear that Iraq's institutional structure can sustain a viable democracy. The United States must help Iraqis maintain control of their country. Contrary to Feldman, however, I argue that the United States should remain in Iraq not because it has a moral or ethical obligation to do so, but because remaining in Iraq is in the national interest of the United States. The United States has an obligation, but it is not to Iraq. It is an obligation to the American people, to do what is in *our* national interest, whether or not it coincides with Iraq's national interest. Ideally, these interests will converge, but the United States' own citizens must have priority.

## I. WHAT WE OWE IRAQ

Grounded in personal experiences from serving as an adviser to Ambassador L. Paul Bremer, Feldman addresses a challenging and idealistic issue: “[W]hat obligations we might have to the Iraqis whose government

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<sup>1</sup> NOAH FELDMAN, *WHAT WE OWE IRAQ: WAR AND THE ETHICS OF NATION BUILDING* (2006).

we deposed and whose country we occupied” (p. 5). Feldman argues that no matter what one thought of the invasion, nation building in Iraq is what matters at this stage. The invasion and its consequences are thus framed as two separate issues.<sup>2</sup> Steeping his ethical claims in Kantian, Weberian, and Hippocratic arguments, Feldman quickly sets out what he believes ought to be the U.S. goal: “[T]he objective of nation building ought to be the creation of reasonably legitimate, reasonably liberal democracies” (p. 8). Feldman presents a persuasive argument, gaining reader support for general claims before applying them to Iraq. Despite his logic, however, I remain unconvinced.

Before the theoretical discussion, Feldman explains the short histories of the Office of Reconstruction and Humanitarian Assistance, the CPA, the Iraqi Governing Council (IGC), the Transitional Administrative Law (TAL), and the major Sunni and Shi’a factions.<sup>3</sup> This background, particularly from an insider who was in Baghdad as many of these regimes were created, is both helpful and necessary. Understanding these institutions and how they play into the scene in Iraq is important for understanding our mission there. Officials in Washington understand the importance of information from the field, and when I was in Baghdad they frequently complained that we did not keep them abreast of events on the ground. After I arrived in Iraq, I understood why diplomatic reporting from Baghdad was so scarce: events were moving too fast for up-to-the-minute political reporting.

Feldman does not shrink from hard facts: “Although supporters of the Iraq war who also purported to care about the war on terror tried to assimilate the two by claiming that Saddam supported international terror, the evidence for this claim was slight, perhaps slighter even than the evidence for Saddam’s weapons of mass destruction” (p. 13). For someone who worked as an adviser to the CPA to make such an honest statement, even one in accord with popular opinion, is both powerful and refreshing and gives the impression that Feldman’s account is not unduly influenced by politics or ideology. Feldman also writes that “it could reasonably be argued that the occupation of Iraq not only created an environment in which terror could emerge, but gave Iraqis and other Muslims hostile to the American presence in the region an excellent excuse for new terror” (pp. 13–

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<sup>2</sup> See *id.* at 91 (“[I]f we indulge in the luxury of condemning the nation-building project in Iraq just because we object to how we got there, we may miss the point of the ethical obligations that still stare us in the face. We got ourselves—and the Iraqis—into a serious fix: and we must see it through.”).

<sup>3</sup> See *id.* at 31–43, 113–17. For a more detailed view of the TAL negotiations and first-hand personal views of the CPA, see L. PAUL BREMER, *MY YEAR IN IRAQ: THE STRUGGLE TO BUILD A FUTURE OF HOPE* (2006); LARRY DIAMOND, *SQUANDERED VICTORY: THE AMERICAN OCCUPATION AND THE BUNGLED EFFORT TO BRING DEMOCRACY TO IRAQ* (2005).

14). This assertion predates the now-famed declassified April 2006 National Intelligence Estimate that characterized Iraq in much the same way.<sup>4</sup>

After Feldman's summary of the Iraqi situation, it becomes clear that Iraq is not like post-World War II Germany and Japan (p. 1). The nation-building that took place in those countries cannot work in Iraq because Iraq differs in a number of ways. First, Iraq's geographical situation is unique: it is in the center of an unstable region, surrounded by neighbors who are hostile to the United States, and it is not an ethnically homogeneous country. Second, Iraq suffers from political problems not evident in post-World War II countries, such as a weak central government, division along ethnic lines, and sectarian violence that grows worse every day.<sup>5</sup> Given these factors, instead of analogizing to Germany or Japan, Feldman believes that what happened in Afghanistan, Somalia, and Haiti could also happen in Iraq: U.S. disengagement could lead to anarchy, increased violence, and the formation of a haven for terrorists. For Feldman, our experiences in those countries provide clear examples of what we do not want Iraq to become (p. 29). Importantly, Feldman maintains that such a possibility reinforces the United States's ethical and moral obligation to remain in Iraq until the country is stabilized. While I agree that "our objectives [should] *coincide* with the interests of" Iraq (p. 22), I believe that the United States should commit itself to reconstruction and stability because it is in our national interest to do so. While Feldman focuses on Iraq's interests, I view our foremost concern as U.S. national interests. The United States should do what is best for the United States, whether or not those interests are in accord with those of Iraq.

Feldman also provides a brief summary of the law of occupation. This area of law is not as commonly referenced as other areas of international law. American lawyers working at the CPA frequently consulted a book written by Gerhard Von Glahn as a principle source of the law of occupation.<sup>6</sup> Feldman explains the Fourth Geneva Convention, the Hague Regulations, trusteeships, the League of Nations, and theories of sovereignty (pp. 55–64). Despite this international legal structure, he acknowledges early in his book that occupation and trusteeship are paternalistic. "The ethical dimension[s] of this argument depend[ ] upon the implicit claim that we were breaking the Iraqis' law *for their own good*" (p. 57). While acknowl-

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<sup>4</sup> See Press Release, Dir. of Nat'l Intelligence, Declassified Key Judgments of the National Intelligence Estimate "Trends in Global Terrorism: Implications for the United States" dated April 2006 (Sept. 26, 2006), available at [http://www.dni.gov/press\\_release/Declassified\\_NIE\\_Key\\_Judgments.pdf](http://www.dni.gov/press_release/Declassified_NIE_Key_Judgments.pdf) [hereinafter DNI Press Release].

<sup>5</sup> See Richard O. Opiel, Jr., *Sectarian Rifts Foretell Pitfalls of Iraqi Troops' Taking Control*, N.Y. TIMES, Nov. 12, 2006, § 1, at 1; Joshua Partlow & Josh White, *22 Slain in Raid at Iraqi Bus Station*, WASH. POST, July 13, 2006, at A20; Jacki Lyden, *U.S. Forces Face Heightened Violence in Iraq*, National Public Radio, Oct. 15, 2006, <http://www.npr.org/templates/story/story.php?storyId=6272433>.

<sup>6</sup> See GERHARD VON GLAHN, *THE OCCUPATION OF ENEMY TERRITORY: A COMMENTARY ON THE LAW AND PRACTICE OF BELLIGERENT OCCUPATION* (1983).

edging that trusteeship is paternalistic, Feldman believes it to be the best available alternative to occupation. “[T]he version of trusteeship that I want to propose restricts the trustee to governing in the manner in which an ordinary, democratically elected government would” (p. 68). He does not believe that the United States must tell Iraq how to run its country. “To nation build successfully and ethically, we need to *abandon* the paternalistic idea that we know how to produce a functioning, successful democracy better than do others” (p. 71). For example, Feldman is critical of Ambassador Bremer’s refusal to sign the IGC’s Decision 137 (which modified the Iraqi Personal Status Law of 1959) (pp. 108–11).<sup>7</sup> In order for IGC decisions to take effect, Bremer had to approve them—as CPA Administrator, he had an absolute veto. Feldman implies that because the IGC passed Decision 137, it was improper and paternalistic for Bremer to refuse to sign it.

Feldman’s account, however, is incomplete. Many Iraqis did *not* support Decision 137. In fact, the decision was passed while the female members of the IGC were out of the country attending an international women’s conference, and none of them supported the decision. I clearly remember that on February 28, 2004, the day the IGC was supposed to complete negotiations for the TAL, Dr. Raja Al-Khuzai, one of three female IGC members, called for a repeal of Decision 137. “I am here representing the Iraqi women, and I will not let them down,” she proclaimed.<sup>8</sup> Dr. Al-Khuzai convinced the IGC to repeal Decision 137, albeit by a slim margin. This suggests that Bremer’s refusal to sign Decision 137, rather than being a paternalistic decision, was actually in accord with Iraqi sentiments. Indeed, during my time in Iraq, there was a sense among CPA officials—both American and coalition partners—that we were helping to remake Iraq; we were there to make things better.

Feldman’s discussion of trusteeship and occupation makes the strongest case for the ethical obligations of an occupying power. He begins by claiming that a nation-building power has responsibilities to the country it is trying to help (re)build. “The first duty of a nation-building power, then, is to produce order in the very literal sense of monopolizing violence” (p. 79). In the abstract, this assertion is fairly uncontroversial, but once the argument is applied to the situation in Iraq, it is not as obvious. Feldman continues: “The United States owed to Iraq during the occupation and beyond a duty to put down the existing insurgents and to guarantee safety and security” (p. 80). By specifically identifying nation-building and trusteeship, Feldman makes the argument more controversial. Nation-building

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<sup>7</sup> The Iraqi Personal Status Law of 1959 governed matters of marriage, divorce, and inheritance, but was based on Sunni religious doctrine. Decision 137 shifted the focus of the law, by decreeing that the religion practiced by the individual would govern issues of marriage, divorce, and inheritance. Feldman correctly points out that Decision 137 was criticized by Iraqi women’s groups.

<sup>8</sup> Dr. Raja Al-Khuzai, Remarks at IGC Meeting in Baghdad (Mar. 11, 2004).

clearly involves the provision of safety and security, but when it requires spending U.S. tax dollars and putting American lives at risk, the stakes are, for some Americans, too high.

Rather than shrinking from this obligation, Feldman makes it clear that he believes American troops will have to stay in Iraq for years to come: “Foreign troops . . . will undoubtedly have to remain in Iraq for some time . . . . The United States should be prepared, if necessary, to intervene in Iraq’s internal affairs to preserve the arrangements that Iraqis themselves have democratically reached” (p. 86).<sup>9</sup> This is a forceful contention, especially since one of the goals of the CPA (and now the U.S. Embassy) was to demonstrate to the Iraqi people that the Iraqi government controlled the country. “When things are running suitably smoothly and an international or, better, an Iraqi security force can guarantee the peace, we will be entitled—indeed obligated—to leave” (p. 86). Things in Iraq are not running smoothly—far from it, many Iraqis view their security as depending on the United States’s continued presence—and Feldman’s standard for withdrawal is therefore in conflict with the U.S. goal of demonstrating the Iraqi government’s control.

There is no indication that the Iraqi government is about to ask the U.S. military to withdraw. Last summer, the Iraqi ambassador to the United States, Samir Sumaida’ie, wrote an Op-Ed in the *Washington Post* pleading with the United States to stay in Iraq:

Not only would abandoning Iraq to its fate now be irresponsible, it would almost certainly lead to disintegration and dictatorship, with a high risk of a wide regional conflict. It would be catastrophic not just for Iraq but also for the United States and for world peace and stability for decades to come.<sup>10</sup>

Iraqi vice-president Adel Abdul Mahdi expressed similar views around Washington when he visited in early September.<sup>11</sup> Furthermore, Iraqis understand the need to convince the American public that the United States should stay in Iraq. The media blitz by senior Iraqi officials is aimed at convincing the American people to support a continued U.S. presence in Iraq.<sup>12</sup> I believe Iraqi leaders understand that they cannot survive without the United States.<sup>13</sup>

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<sup>9</sup> *But cf.* FELDMAN, *supra* note 1, at 71 (urging the United States to abandon paternalistic ideas about nation-building). Feldman is not suggesting that the United States intervene to tell Iraqis how to run their country—just the opposite. His argument is that the United States must intervene if insurgents prevent Iraqis from realizing the fruits of democracy.

<sup>10</sup> Samir Sumaida’ie, Op-Ed, *A Call to Support Democracy*, WASH. POST, Aug. 21, 2006, at A15.

<sup>11</sup> See Jackson Diehl, *Not Wanted: An Exit Strategy*, WASH. POST, Sept. 4, 2006, at A19.

<sup>12</sup> For example, the Deputy Prime Minister of Iraq wrote an Op-Ed piece arguing that Iraqis “will undoubtedly need sustained support from the international community and

Moving on from Feldman's main arguments, it is important to note some further weaknesses in his book. First, he fails to address the consequences of civil war and how it relates to U.S. involvement in Iraq. Such an omission is conspicuous because there have been warnings since 2004 that Iraq may fall into civil war.<sup>14</sup> The Bush Administration and many Army generals avoided using the term because of the perceived psychological impact it would have on American public support for the war.<sup>15</sup> Feldman likewise bypasses a discussion of civil war, instead arguing that "[t]he United States now has no ethical choice but to remain until an Iraqi security force, safely under the civilian control of the government of a legitimate, democratic state, can be brought into existence" (p. 86).<sup>16</sup> Yet by most standards, it seems quite clear that Iraq is in a civil war.<sup>17</sup> And as the Bush administration feared, American public support for the war is increasingly waning.<sup>18</sup> At some point, the calls for withdrawal will be too pronounced to justify the growing liability created by our ongoing presence in Iraq.

A second notable weakness in Feldman's book is his disregard for declining domestic support for the war. He does not seem to pay attention to people who supported the war at its outset but have since changed their minds. Polls show that a majority of Americans disapprove of President Bush's handling of the war in Iraq.<sup>19</sup> These numbers have reversed as compared to the beginning of the occupation.<sup>20</sup> As Americans become increasingly disheartened by the lack of progress in Iraq, a stronger argument will be needed to justify continuing to spend billions of taxpayer dollars on a war and reconstruction efforts that do not seem to be produc-

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particularly the United States." Barham Salih, Op-Ed, *Where Iraq Itself Finds Hope*, WASH. POST, Sept. 17, 2006, at B7.

<sup>13</sup> Even Iraqi Prime Minister Nouri al-Maliki's statement that Iraqi forces are prepared to take control of most of the provinces in Iraq if the U.S. decides to leave was not an invitation for withdrawal. He was merely attempting to assure Iraqis that they could have confidence in the Iraqi government. See Amit R. Paley, *Premier Calls Iraqi Forces Ready to Extend Control*, WASH. POST, Aug. 18, 2006, at A17.

<sup>14</sup> See Editorial, *America Adrift in Iraq*, N.Y. TIMES, May 15, 2004, at A16.

<sup>15</sup> See Jackie Northam, U.S. Avoids Calling Iraqi Violence a 'Civil War,' National Public Radio (Oct. 24, 2006), <http://www.npr.org/templates/story/story.php?storyId=6373560>.

<sup>16</sup> See also FELDMAN *supra* note 1, at 97 ("Once a legitimate, democratic government does exercise actual sovereignty . . . the nation builder is ethically bound to withdraw its forces unless the new government asks it to remain involved as a guarantor of continuing security . . . . [T]he nation builder cannot defensibly ignore this request. If the new nation wants its help to preserve stability through military presence, the nation builder has no ethical choice but to remain.").

<sup>17</sup> See Nicholas Sambanis, *It's Official: There Is Now a Civil War in Iraq*, N.Y. TIMES, July 23, 2006, at D13 ("Civil wars are defined as armed conflicts between the government of a sovereign state and domestic political groups mounting effective resistance in relatively continuous fighting that causes high numbers of deaths . . . . Iraq is clearly one of them.").

<sup>18</sup> See, e.g., Washington Post-ABC News Poll, Wash. Post (Aug. 7, 2006), [http://www.washingtonpost.com/wp-srv/politics/polls/postpoll\\_080606.htm](http://www.washingtonpost.com/wp-srv/politics/polls/postpoll_080606.htm).

<sup>19</sup> See *id.*

<sup>20</sup> See *id.*

ing results. Feldman states that “[t]he costs of premature withdrawal are just too great” (p. 129), but many Americans likely believe that the costs have already been too great to justify remaining any longer.

Feldman does not claim to have all of the answers. In fact, he acknowledges his own limitations.<sup>21</sup> Yet he offers a solid argument for why the United States must maintain its presence in Iraq. I support a continued U.S. presence in Iraq for different reasons. The next section will address some of those reasons.

## II. DO WE STILL OWE IRAQ?

Given Feldman’s convincing ethical arguments, do we still owe Iraq? In a recent Op-Ed piece, Ambassador Peter W. Galbraith argued that America and its allies should withdraw from areas where the United States “cannot unify Iraq or stop the civil war.”<sup>22</sup> Such calls for withdrawal are common, particularly as the President’s poll numbers have plummeted,<sup>23</sup> but they seem to reflect a belief that the United States is fighting a war that it will not win. This is the wrong lens through which to view our presence in Iraq. Unlike Feldman, I do not argue for a continued U.S. presence in Iraq simply because of a belief that we still owe Iraq; rather, I argue that if we leave prematurely, Iraq is likely to spiral into a lawless terrorist safe-haven that could easily destabilize the region. It is in our national interest to make sure that Iraq does not turn into what Afghanistan became prior to 2001.

Many politicians and commentators have compared Iraq to Vietnam, arguing that the United States should not get bogged down in a protracted civil war. Yet, in a recent round-table discussion at the Council on Foreign Relations, Stephen Biddle, a senior fellow for defense policy at the Council, argued that there are discrete differences between Vietnam and Iraq. He contended that Iraq is experiencing a communal civil war, in contrast to the “Maoist people’s war” in Vietnam.<sup>24</sup> Biddle believes that the United States should remain in Iraq, but he suggests slowing the integration and expansion of the Iraqi national military and police. While I agree with his suggestion, it may be politically unfeasible.

Since the beginning of the war, U.S. policy in Iraq has been continually influenced by political pressures, which have often made decisions less transparent. For example, only after American public opinion shifted

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<sup>21</sup> See FELDMAN, *supra* note 1, at 82 (“I want to reiterate a deep skepticism about the capacity of outside experts—myself not excluded—to design democratic institutions that will work.”).

<sup>22</sup> Peter W. Galbraith, Op-Ed, *Our Corner of Iraq*, N.Y. TIMES, July 25, 2006, at A19.

<sup>23</sup> See Washington Post-ABC News Poll, *supra* note 18.

<sup>24</sup> Stephen Biddle, *Seeing Baghdad, Thinking Saigon*, FOREIGN AFF., Mar./Apr. 2006, at 2. Biddle explains that communal civil wars “feature opposing subnational groups divided along ethnic or sectarian lines; they are not about universal class interests or nationalist passions.” *Id.*

in favor of withdrawal, and Congressional Democrats put forth a timetable for such withdrawal, did the top military commander in Iraq, General George W. Casey, Jr., present a plan outlining troop cuts in Iraq. This plan included sharp reductions in U.S. troops beginning in September 2006.<sup>25</sup> But even then the plan came with a caveat: any withdrawals would be dependent upon continued progress in Iraq.<sup>26</sup> The situation has only gotten worse, and so troop levels in Iraq have remained relatively unchanged.<sup>27</sup> Despite contrary political pressures, this may actually be the best outcome. The Iraqi security forces are not ready to take control, and troop reductions and premature withdrawal could cause Iraq to fracture even more than it already has. When I was in Iraq in 2004, the U.S. military and Special Forces guarded and transported Iraqi government officials. Two years later, they are still performing the same functions. Even more than in 2004, top level Iraqi government officials live in the heavily fortified Green Zone that is guarded by the U.S. military.<sup>28</sup> A withdrawal of such fundamental security services would severely jeopardize the Iraqi government. Furthermore, immediate or premature withdrawal would also have enormous long-term political ramifications.

Another choice, advocated as the “honorable option” by Leslie Gelb, former president of the Council on Foreign Relations, would be to decentralize Iraq into “three strong regions with a limited but effective central government in a federally united Iraq.”<sup>29</sup> The problem with this suggestion, as Biddle notes, is that decentralization “would amount to a form of partition.”<sup>30</sup> There are both practical and political problems associated with anything that resembles partition.<sup>31</sup> Practically, northern, southern, and central Iraq do not have the same resources: oil is not as accessible to the middle of the country as it is to the other regions. Politically, partition would ignite problems in Turkey, Syria, and Iran in dealing with Kurdistan.<sup>32</sup> The effect of decentralization nearly prevented the IGC from sign-

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<sup>25</sup> See Michael Abramowitz & Thomas E. Ricks, *Democrats Cite Reports on Troop Cuts in Iraq*, WASH. POST, June 26, 2006, at A1; Michael R. Gordon, *Top U.S. General in Iraq Outlines Sharp Troop Cut*, N.Y. TIMES, June 25, 2006, at A1.

<sup>26</sup> See Gordon, *supra* note 25.

<sup>27</sup> See Nina Kamp, Michael O’Hanlon & Amy Unikewicz, *The State of Iraq: An Update*, N.Y. TIMES, Oct. 1, 2006, § 4, at 11 (op-chart accompanying article).

<sup>28</sup> See GlobalSecurity.org, Baghdad Green Zone, <http://www.globalsecurity.org/military/world/iraq/baghdad-green-zone.htm> (last visited Nov. 21, 2006).

<sup>29</sup> Larry Diamond, James Dobbins, Chaim Kaufmann, Leslie H. Gelb & Stephen Biddle, *What to Do in Iraq: A Roundtable*, FOREIGN AFF., July/Aug. 2006, at 150. Shiite leaders in Iraq have recently pushed for laws aimed at implementing a decentralized state; see also Richard A. Opiel, Jr., *Shiites Push Laws to Define How to Divide Iraqi Regions*, N.Y. TIMES, Sept. 7, 2006, at A16.

<sup>30</sup> Diamond et al., *supra* note 29, at 166.

<sup>31</sup> See Rend al-Rahim, *Partition Is Not the Solution*, WASH. POST, Oct. 29, 2006, at B7 (arguing that “partition is neither desirable nor feasible”).

<sup>32</sup> *Id.* (“If Iraq is partitioned, Iran, Turkey, Syria and Saudi Arabia will intervene—either militarily and directly, as Turkey might do in Kurdistan and northern Iraq, or by increasing and expanding support to Iraqi factions, or both.”).



ing the TAL in 2004, and the issue will not be resolved in the foreseeable future. In fact, as late as September 2006, Iraq's top political factions agreed to delay a federalism law that could have splintered Iraq into autonomous zones.<sup>33</sup>

Going forward, however, there is an option distinct from the Bush administration's now-disavowed "stay the course" policy, immediate withdrawal, or decentralization. This revised approach requires the United States to increase the number of troops in Iraq, coupled with other diplomatic initiatives such as the launch of a multilateral diplomatic effort to develop a regional security framework, development of a more focused approach to reconstruction, and development of a more effective strategy for countering the global war of ideas.<sup>34</sup> Recent calls for the U.S. government to engage Syria and Iran on Iraq are a step in the right direction.<sup>35</sup> When retired Major General John Batiste, former commander of the Army's First Infantry Division in Iraq, spoke to the Senate Democratic Policy Committee, he said that "[w]e must mobilize our country for a protracted challenge."<sup>36</sup> However, as the number of troops killed in Iraq nears 3000, and other horrors continue, it will be increasingly difficult for the U.S. government to resist calls for withdrawal.<sup>37</sup> Batiste also told the Democratic senators that "[o]ur world is much less safe today than it was on September 11."<sup>38</sup> There are real concerns that Iraq could become the next Somalia or Afghanistan, deteriorating into a safe-haven and breeding ground for terrorists.<sup>39</sup> A number of generals who have served in Iraq acknowledge that redeployment from Iraq may result in "a civil war of some magnitude that will turn into a regional mess."<sup>40</sup> Even after the mid-term elections in which President Bush acknowledged that the American public

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<sup>33</sup> See Amit R. Paley, *Iraqi Parties Reach Deal Postponing Federalism*, WASH. POST, Sept. 25, 2006, at A18. The law has a provision that calls for its implementation to begin after eighteen months.

<sup>34</sup> See generally Lawrence Korb & Brian Katulis, *Strategic Redeployment 2.0: A Progressive Strategy for Iraq* (May 2006), [http://www.americanprogress.org/issues/2006/05/strategic\\_redeployment.html/strategic\\_redeployment\\_2.pdf](http://www.americanprogress.org/issues/2006/05/strategic_redeployment.html/strategic_redeployment_2.pdf).

<sup>35</sup> See Glenn Kessler, *Democrats May Urge More Contact With U.S. Adversaries*, WASH. POST, Nov. 10, 2006, at A7.

<sup>36</sup> *Id.*

<sup>37</sup> See Kirk Semple, *Wave of Violence in Baghdad Puts 3-Day Death Toll Past 100*, N.Y. TIMES, July 12, 2006, at A1; Paul von Zielbauer, *40 Bodies, Many Blindfolded, Are Found in Baghdad; 1980's Execution Site Is Also Uncovered*, N.Y. TIMES, Sept. 5, 2006, at A8; Edward Wong, *Blast Kills 35 and Wounds 120 at Shiite Shrine in Najaf*, N.Y. TIMES, Aug. 11, 2006, at A3; Alastair Macdonald, *Dozens More Bodies Found in Baghdad*, Reuters.com (Sept. 15, 2006), [http://today.reuters.com/news/articlenews.aspx?type=topNews&Stodyid=2006\\_09\\_15T1112472\\_01\\_GEO743062\\_RTRUKOC\\_0\\_US-IRAQ.xml&src=rss](http://today.reuters.com/news/articlenews.aspx?type=topNews&Stodyid=2006_09_15T1112472_01_GEO743062_RTRUKOC_0_US-IRAQ.xml&src=rss).

<sup>38</sup> Dana Milbank, *For Democrats, Welcome Words on Rumsfeld—If Not the War*, WASH. POST, Sept. 26, 2006, at A2.

<sup>39</sup> See Henry A. Kissinger, *Lessons for an Exit Strategy*, WASH. POST, Aug. 12, 2005, at A19 ("If a Taliban-type government or a fundamentalist radical state were to emerge in Baghdad or any part of Iraq, shock waves would ripple through the Islamic World.").

<sup>40</sup> See Kessler, *supra* note 35.

wanted to see a change of direction in Iraq, U.S. Generals are still hesitant to support immediate redeployment.<sup>41</sup>

I too have recently questioned whether I believe we should remain in Iraq. At least for now, I am persuaded that remaining there is the best course of action. We must stand firm. A U.S. withdrawal would further weaken our international credibility and contribute to an already fragile situation in the region. Even more importantly, Iran stands to gain from a U.S. withdrawal. A U.S. withdrawal would leave a power vacuum, giving Iran an opportunity to take advantage of the turmoil in Iraq. Such an outcome is unacceptable—a more active Iranian role in post-withdrawal Iraq would likely result in further Sunni alienation and continued sectarian strife throughout the country. Destabilization of the region will have direct negative effects on U.S. national interests. Since Saddam Hussein's fall, Iran has had ample opportunity to reach in and create political constituencies in Iraq by using money and other incentives.

Even experts who support withdrawal understand that it would have serious, destabilizing consequences for the Middle East, and thus for U.S. national interests.<sup>42</sup> In the long term, it is in our national interest to support a viable, democratic Iraq. Although the U.S. presence in Iraq has been characterized as a cause célèbre for terrorists in the Middle East,<sup>43</sup> removing U.S. troops would leave behind a terrorist safe-haven. Instead, we must protect our own national interests and remain in Iraq until the government has a monopoly on the use of force and can support a viable democratic state. “By persevering, America stands at least some chance of putting Iraq on a more stable trajectory. By leaving, it is almost certain to make things worse.”<sup>44</sup>

Regardless of the politics behind the sentiment, maybe all of us who spent time in Baghdad are biased, and maybe we all feel that if the United States withdraws before its job is done, then we failed. Noah Feldman surely fits in this category. When the United States began combat operations on May 20, 2003, I vividly remember feeling that we had failed. After all, diplomats negotiate, talk, and argue so that armies do not have to fight. Since that pivotal date, the diplomats have continued to negotiate, talk, and argue, but the focus has changed. No longer is the concern whether the United States will invade Iraq. Instead, the discussion has shifted to what needs to be done now that Saddam has been deposed. In the midst of ongoing violence and worsening conditions, it is important to maintain these discussions. Continuous sectarian violence and the

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<sup>41</sup> See Michael R. Gordon, *Get Out of Iraq Now? Not So Fast, Experts Say*, N.Y. TIMES, Nov. 15, 2006, at A1.

<sup>42</sup> See Korb & Katulis, *supra* note 34, at i (“[W]e believe that an immediate withdrawal increases the probability of permanently destabilizing Iraq and the Middle East.”).

<sup>43</sup> See DNI Press Release, *supra* note 4.

<sup>44</sup> See *Cut and Run?*, ECONOMIST, Oct. 28, 2006, at 15, 15.

threat of civil war blur the issue that Feldman focuses on most clearly: nation-building. Security aside, this is what Iraq needs most right now.

