
THE RISE AND FALL OF THE NONINTERVENTION NORM: SOME CORRELATES AND POTENTIAL CONSEQUENCES

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Is the gap between the rules of nonintervention and the facts of intervention now so vast that the former has become a mockery which it would be better to dispense with altogether, or does the proscription of intervention remain a vital part of the normative structure on which international order depends? —*Hedley Bull*¹

Intervention has always been controversial in international affairs. Partly because of this controversy, rules regulating it have been a prominent feature of international law. Because states are increasingly seeking to legalize the use of intervention for a variety of purposes, some observers² have noted that the nonintervention norm has now, as in several previous periods in the past, begun to erode. Such pressure springs from the mounting conviction of those who share the belief "that the universal appeal and intrinsic justice of their objectives serve to override the traditional legal prohibition against interference in the internal affairs of other states."³

This article presents evidence that speaks not only to the growing support since the 1970s for making intervention more permissible, but also enables an interpretation of the potential consequences of this change against the backdrop of the nature of the nonintervention norm since the early 1800s.

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Before historical trends regarding the nonintervention norm are examined, the concept of intervention must be defined. As conventionally conceived, this type of coercive diplomacy pertains to, and is a derivative of, orthodox *realpolitik*, which views intervention as a punitive form of international behavior. Taking independent sovereign states as a legal given, the classic realist account classifies all military intervention as an impermissible violation of a target state's boundaries, and therefore an illicit interference in its internal affairs.⁴ In this traditional conception, the nonintervention norm is a corollary of the principle of sovereignty: "to ask what areas the principle of nonintervention protects is equivalent to asking what matters are within the domestic jurisdiction of states."⁵ From a conventional legal standpoint, therefore, sovereignty and nonintervention are part and parcel of the same "doctrinal mechanism to express the outer limits of permissible influence that one state may properly exert upon another."⁶

However, to accept this traditional definition of nonintervention invites the fallacious conclusion that the meaning of intervention—the illegal coercive interference of one sovereign state in the domestic affairs of another sovereign state—is invariant over time. This claim is assuredly mistaken, as the meaning of the concepts of sovereignty and nonintervention clearly are not stable; they have changed over time in response to changes in global circumstances and in the communitarian consensus regarding these concepts' content. It is therefore important to "allow for variable meanings of intervention at different historical periods."⁷

It is useful to proceed from the organizing premise that the nature, frequency, and methods of intervention depend in part upon the character of the international system....When the system undergoes substantial change, the role of intervention in world affairs is likely to change.⁸

Tied to that axiom is the postulate that when the global system undergoes substantial change, not only the role, but also the intersubjective definition of the boundaries of justified intervention in world affairs is likely to change as well. The general disposition of the international community has been since Westphalia to reject interventionary practices. Nonetheless, the classic prohibition against the interference of one state in the internal affairs of others is a social construct which has varied in levels of support across epochs and eras.⁹ It is not a constant. We posit that the nonintervention norm should be construed as a cultural variable, subject to change as well as continuity.

Intervention as a Scientific Concept

To speak of nonintervention as a culturally defined construct is not to argue that it resists observation, description and measurement. At any point in time different state actors are likely to attach different meanings to this core principle of international law. If exaggerated, these differences can lead one

to overlook the potential to create a normative consensus about the concept's legal meaning. It is the primary function of international law to summarize the prevalent opinion about such rules in the international system and the direction in which that consensus is building.¹⁰ To imply that a basic norm such as nonintervention is so subjective that it cannot be defined is to strip it of content, and to overlook the fact that sovereign states have collectively agreed to legal criteria for determining when intervention has occurred.¹¹

How might changes in the content of the nonintervention norm be measured during different historical periods? Following James Rosenau,¹² who was perhaps the first to advocate the application of scientific methods of observation to the study of intervention, it is advisable to define intervention behavior in generic terms. This permits the construct to be treated as inter-culturally and inter-temporally equivalent—as having essentially the same referents through time so that comparisons of change in historical periods are meaningful. And fortunately, we are dealing with an idea—a norm of and for behavior—for which basic agreement about the principle and activity to which it is meant to refer has persisted for centuries.

Following Rosenau,¹³ intervention can be defined generically as acts undertaken by one state to modify the authority structure in a target state—either the way the target organizes itself for making decisions or the policies, internal or foreign, that emanate from the decision-making processes of that structure.¹⁴ These acts are overt, and therefore observable and measurable, because when they are undertaken they are highly visible (in large part because they are usually publicly condemned by the target). Not only are the targets identified, but “the intervener’s objective” is also “differentiated: a distinction is drawn between the desire to change the policy and the authority structure of the target state.”¹⁵

As instances of such acts increase or decline in frequency, norms tolerating or prohibiting this category of behavior rise and fall accordingly. It is not necessary to distinguish the purposes for which these acts are undertaken, or the diverse arguments voiced to justify them, to monitor the extent to which the international community reaches agreement about whether the effort to alter the authority structure and policies of sovereign states are viewed as normatively acceptable. We can observe changes over time in the community code of conduct that states have embraced in different periods, which summarizes the prevailing consensus about which customs are perceived as legal, with obligations and responsibilities attached to them.

To anchor the study of changes in the nonintervention norm in observables, evidence can be gathered from historical legal treatises concerning the beliefs held at different points in history about the boundaries of acceptable

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interventionary behavior. According to Article 38 (1)(d) of the Statute of the International Court of Justice, such legal writings are a subsidiary means of determining which legal norms have gained acceptance in the international community. When subjected to content analysis, legal treatises provide a source of data on historical shifts in beliefs about community sanctioned interventionary behaviors, and provide an indicator of the nature of the legally binding obligations that are recognized. "The works of text writers and other private commentators represent a...subsidiary source of international law [because it is the responsibility of each authoritative publicist to] state what the law is in his own time and...speculate on future developments."¹⁶

In order to trace changes over time in international norms that pertain to intervention, 275 legal treatises written between 1815-1996 were content analyzed under the auspices of the Transnational Rules Indicators Project (TRIP).¹⁷ To measure the permissibility of military intervention as a tool of statecraft, each treatise was coded on a five-point scale, ranging from one (no normative support for intervention) to five (strong support), with intermediary positions designating degrees of qualified support (that is, delineating increasing numbers of conditions under which intervention is permissible). Once every treatise from a particular half-decade was coded, mean scores were calculated to create time-series data.

To put the contemporary debate about intervention into historical context, changes in the international community's consensus on the nonintervention norm since 1820 can inform us about the factors that have historically been correlated with its rise and fall.

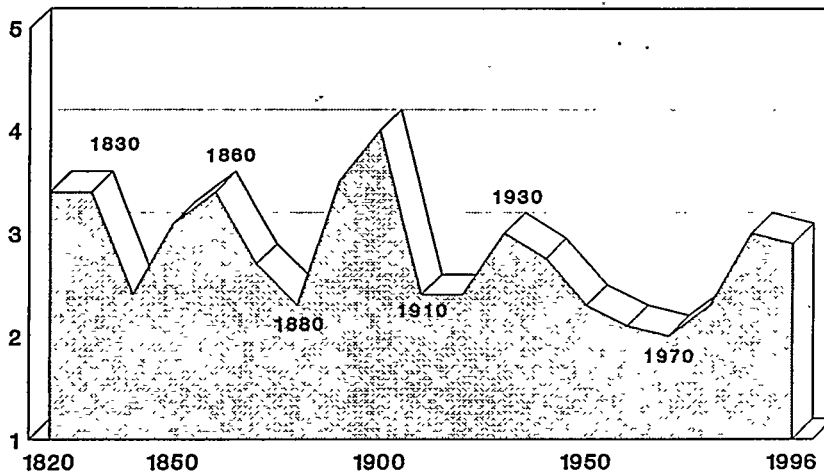
Trends in Intervention Norms

Support for intervention fluctuated erratically throughout the nineteenth century, as revealed in Figure 1. Three general phases are identifiable: intervention was viewed as relatively permissible in the immediate aftermath of the Napoleonic Wars, during the middle of the nineteenth century, and once more as that century came to a close. But these three episodic phases of rising acceptance for interventionary activities were interrupted by brief periods when the legality of intervention declined, with the falls reaching their low points in 1840 and 1880. At the onset of the twentieth century, the legal permissibility of intervention again fell precipitously and, except for a brief upsurge during the 1930s, continued to decline steadily throughout this century. This normative rejection of intervention in the internal affairs of states persisted until the mid-1960s, when a global consensus condoning interventionary practices once again began to crystallize.

Inspection of Figure 1 suggests that significant changes in beliefs about the permissibility of intervention occurred across the nineteenth and into the early part of the twentieth centuries. In searching for the systemic characteristics that most correlate with particular phases in the shifting climate of legal opinion since 1820, we can proceed with the hypothesis that normative changes regarding the nonintervention rule have regularly followed system-transform-

ing wars. One example is Napoleon's defeat at Waterloo in 1815—when our data on international norms begin. In fact, the largest inflection points in this time series appear in the wake of major periods of global instability suggesting that discontinuities have been precipitated by changes in levels of interstate aggression in the world. These normative shifts seem to demarcate new directions in the international definition of the conditions under which intervention is justified.

Figure 1
Degree of Support for Interventionism
Intervention Norms, 1820-1996: Periods and Periodicities



The Concert of Europe

The French Revolution and Napoleonic Wars battered Europe for almost a quarter century, leaving over two and a half million dead. With the Congress of Vienna, the Treaty of the Holy Alliance, and the Quadruple Alliance, which followed in succession between 1815 and 1818, the major powers of the period (Austria, Great Britain, Prussia, and Russia) agreed to a set of rules to regulate warfare. Perceiving the French Revolution as an attack on monarchical legitimacy, the victors vowed to "remain united by the bonds of a true and indissoluble fraternity" and "on all occasions and in all places, [to] lend each other aid and assistance" in opposing liberal revolutions.¹⁸ The Concert of Europe modified the Westphalian conception of sovereignty by legitimating intervention to protect particular forms of authority structure.

In the first half of the nineteenth century, when almost all states had centralized authority structures, many liberals in new democracies sought to defend the nonintervention norm in the hope that it would discourage authoritarian states from intervening to preserve monarchical rule. For example, British Foreign Minister Castlereagh rejected the Protocol of Troppau in 1829 that permitted the great powers to use force to put down revolts against tyrannical governance. In *A Few Words on Nonintervention*, a contemporary, John Stuart Mill,¹⁹ similarly condemned intervention to protect a particular form of authority structure.

The security regime established by these agreements reflected a revision of the Westphalian prohibition against external intrusion into the internal affairs of sovereign states. The Westphalian system insulated the state from outside interference by defending states' rights to freely exercise control over their domestic affairs and by making governing institutions subservient to the principle of sovereignty. This view was challenged by the French and American revolutions, and in hostile reaction the great powers began to view self-government as a threat to be met by politically motivated intervention. The nationalism unleashed by Napoleonic France put revolution in the same class as war. Conservative statesmen like Clemens von Metternich and Friedrich Gen-

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tz "increasingly saw counter-revolution as crucial to stability" and proclaimed the right of intervention to suppress the growth of liberal authority structures.²⁰ While intervention had been uncommon in the eighteenth century, it became more frequent in the early nineteenth century.²¹ Bound together in a common cause to quell rebellion from within, monarchies increasingly permitted collective intervention, and advanced proposals at successive congresses of the Concert of Europe to coordinate a response to the threat of revolutionary insurrection.²²

Though they agreed on the permissibility of interventions in the 1815-1830 period, the great powers took conflicting positions on the justifications for intervention. For example, Austria's invasion of Naples and of Piedmont (1820-1821)

and France's intervention in Spain (1820-1823) sought to suppress liberal revolutions, and were justified by that conservative goal. While the British were willing to help other great powers stem military aggression aimed at destabilizing the post-Napoleonic balance of power, they did not support interventions to prop up ailing autocrats. Britain led the resistance to the growing use of intervention to halt liberal reform in other states. The British were joined in their advocacy by the fledgling United States republic, which perceived the nonintervention rule as a means of protecting the American experiment in democracy from external intervention.²³ The 1823 Monroe Doctrine formed the cornerstone of American nonintervention policy for the next century, and contributed to the international restoration of the nonintervention rule in the 1830s. Despite this renewed support for the nonintervention rule, state sovereignty was qualified during the time period by the growing consensus that intervention might be used for the collection of debts and for humanitarian purposes.²⁴

From the Revolutions of 1848 to the End of the Century

In the three decades following the Congress of Vienna, the decline of the nonintervention norm can be directly linked to the growing challenge of dem-

ocratic governance to the rule of absolute monarchy. The surge of national uprisings in 1848 challenged the conservative norm of intervention to preserve the status quo and redirected intervention toward the management of revolutionary wars until 1860. In the aftermath of this era of national independence movements, intervention to preserve the status quo was no longer acceptable under the Concert of Europe and there was a reaffirmation of sovereignty as the prime component of nationhood.

Between 1880 and 1910, the predominant concern of states was external, not internal, war. To contain the spread of such wars, and to advance the imperial project, intervention regained legal and military importance in a multipolar structure. Rulers like Bismarck, Cavour and Napoleon III actively sought a new regime that permitted each of the major powers to intervene unilaterally. As a result, the conditions justifying intervention became increasingly permissive to accommodate the new balance of power after the 1870 Franco-Prussian War.

Disputes between the major powers began to increase; between 1882 and 1914 thirty-eight wars between states erupted—more than twice the number of civil wars within states.²⁵ Among these were the outbreak of the 1884 Sino-French War, the 1898 Spanish-American War, the 1898-1900 joint great-power intervention in China to repress the Boxer Rebellion and the 1904 Russo-Japanese War. On the eve of the First World War, and even more so in its wake, questioning of this permissive posture toward interventionism began to grow.

The Rejection of Interventionism in the Post-World War I System

The norms governing military intervention underwent significant changes after World War I when the League of Nations sought to institutionalize a collective security regime under the rule of law and extend its scope globally. The nonintervention norm once again was enthusiastically embraced. For a brief interregnum in the wake of external interventions in the Russian Civil War (1918-1921), this level of restriction was temporarily relaxed. However, as indicated in Figure 1, this short-lived growing acceptance for the use of intervention as a tool of coercive foreign policy waned rapidly after 1930, when threats to international stability provoked by interventions in Manchuria (1931), Ethiopia (1935) and China (1937) aroused increasing awareness of the imminent dangers of intervention escalating to war. The intolerance of interventionary practices pronounced in various international conventions such as Montevideo (1933) and Buenos Aires (1936) reflected the new direction in which international law was beginning to move.

This trend toward the prohibition of intervention continued after World War II until 1970. States increasingly imposed restrictions on the justifiable uses of intervention. The 1943 Atlantic Charter expressed as well as any document the international community's strong endorsement of sovereignty and the nonintervention norm prohibiting external interference to alter a state's authority structure; it pronounced "the right of all peoples to choose the form of government under which they will live."²⁶ As the world moved beyond World War II, the international legal order strengthened its support of the

principles of political independence and territorial integrity of sovereign states, and simultaneously sought to dampen the prospect of ideological interventions fought by one type of polity against another. In addition to the rejection of interventionism expressed in the Charter of the United Nations Article 2 (7) stipulating states' duty not to intervene in matters that fall within the domestic jurisdiction of sovereign states, a series of other international agreements framed increasingly more restrictive rules on military intervention (for example, the 1945 Act of Chapultepec and the 1954 international convention agreed to in Caracas). These treaties "forbid states from operating to overthrow foreign governments [and supported] the basic right of states to create their own government, constitution, and domestic laws without external coercion or suasion of any kind."²⁷ Through the 1960s the international community defined intervention as legitimate only "when carried out with the consent of the subject government."²⁸ The principle of nonintervention was further reaffirmed in other conventions, such as the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States, and the 1975 Final Act of the Helsinki Conference on Security and Cooperation in Europe (CSCE).

The Fall of the Nonintervention Norm Since 1970

The security regime that materialized after World War II placed the sanctity of borders at the top of the global agenda and sought to protect states from intervention. The nonintervention norm, though widely viewed as legitimate by the international community, was nonetheless violated on repeated occasions during the Cold War. These actions reduced confidence in the ability of the prohibitory rule to restrain the interventionary behavior it was designed to control. For example, the two superpowers, the United States and the Soviet Union, frequently used intervention as an instrument to influence the authority structures of governments within their spheres of influence and throughout the globe. The U.S. interventions in Guatemala (1954), the Dominican Republic (1965), and Vietnam (1967), and the Soviet Union's interventions in Hungary (1956) and Czechoslovakia (1968) illustrate this point.²⁹ Despite the efforts of the superpowers to install political systems in power in the so-called Third World whose authority structures were compatible with their own, and the superpowers' attempt to defend that interventionary right in the Brezhnev Doctrine and the Reagan Doctrine, international law throughout the 1960s nonetheless continued to voice its traditional prohibition against such practices.

Throughout the Cold War, the major contest in international affairs revolved around the forms of political systems that states were creating. Each superpower sought to convert, or change with force, other members of the state system to their form of government, and these practices undermined the international community's support for maintenance of the nonintervention norm. "The desire to see governments of a particular political persuasion in power in neighboring countries, very rarely the cause of war in previous time, [had] become the most frequent single incentive for warlike action."³⁰

Even though during the Cold War “international legal prohibitions on the use of force were clearer than they were at the beginning of the century, the pattern of condemnation of violations of the law regarding the resort to force over the past forty-five years has been irregular.”³¹ In fact, since the 1970s support for the nonintervention norm has steadily fallen, as “new exceptions which might legitimate the use of [military intervention] have been claimed.”³² The inclusion in the U.N. Charter of Chapter VII to permit intervention for peacemaking is representative of the expanded admissibility of forcible intervention³³ and it now is the case that “the belief that governments have a right, even obligation, to intervene in the affairs of other states seems to have gained great currency in recent years.”³⁴ Thus, the traditional prohibition against the use of intervention, which had gathered increasing support between 1925 and 1965, has fallen under increasing attack.

We observe movement toward many new justifications for the use of intervention beyond the consent of the subject government. Intervention is increasingly perceived as legitimate to halt the violence in civil wars that have broken out since the Cold War ended. Incentives to interfere by force in the domestic affairs of weaker states whose domestic order has collapsed have increased. The intervention in Somalia represents an example of the recent effort to respond to “failed states” in which the central authority in a country has collapsed and there no longer exists a functioning government to maintain order. This justification has become pronounced in reaction to the disintegration of states such as the former Yugoslavia, which face significant problems demanding action, including ethnonational conflict, ethnic cleansing, genocide and anarchy.

The challenge to the nonintervention norm taking place today, however, is motivated by more than humanitarian concerns about the increasing incidence and severity of atrocities within fragile and failing states. The institution of state sovereignty and the principle of nonintervention is being undermined by the growing belief that intervention is a just and necessary means of controlling chaos in a globalized, interconnected system. The criteria for acceptable intervention have also been broadened to include the promotion of high ideals: human rights and democracy.

International law has changed. It is increasingly concerned with issues which impinge on what were once considered matters of domestic policy... With this change has come a new stress on democracy as a virtue, even a dominant value, in national and international affairs. [This change presages the unprecedented acceptance of] a rule of legality for pro-democratic invasions.³⁵

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The nonintervention norm is under attack, in short, because it stands in the way of "reform interventionism" dedicated to the proposition that democracy is an "entitlement" in international law and that it is acceptable to "guarantee" this human right by external intervention.³⁶ "Intervention in order to promote democracy" has pushed the traditional legal boundaries of justified intervention, as reflected in the June 1991 Santiago Commitment to Democracy and Renewal of the Inter-American System convention and the policies of the G-7, World Bank, International Monetary Fund and United Nations.³⁷

Together these developments clearly signal the trend toward the growing legitimacy of intervention that has taken root in current international law. A consensus has crystallized for its acceptance among the members of the international community, and this renewed support for community-sanctioned interventionary behavior has grown as the criteria for the justifiable use of intervention have broadened. Punctuating the normative transformation, U.N. Secretary General Boutros Boutros-Ghali declared that "the time of absolute and exclusive sovereignty... had passed."³⁸

Correlates of Changes in the Nonintervention Norm

Norms are the rules regarding behavior expected or accepted by members of the international community. For the past three centuries, since the Westphalian treaties of 1648 that ended the Thirty Years' War and papal authority over secular affairs, no norms have been more important or enduring than the sanctity of sovereignty and the nonintervention rule that underpins it. Expectations, however, regarding the prohibition against external intervention into sovereign states have not been invariant over time. As has been described, since 1815 this norm has exhibited periods of rising support alternating with periods of falling support. Although the ultimate status of the nonintervention norm in the new millennium is unclear; it is instructive that every era in the past in which it has been challenged has eventually been followed by a period in which the nonintervention norm has reasserted itself.

The episodic redirections in the level of support for the nonintervention norm have coincided with the evolving experiences and perspectives of the dominant states in the international system, whose relative power has enabled them to shape the system's rules to advance their perceived national interests. With polestar-like fixity, the great powers have redefined the boundaries of permissible intervention whenever their security seemed to make an altered meaning imperative. Observation of the changes in the prevailing normative consensus that these redefinitions have produced suggests that they have not been random; rather, redirections appear to have co-varied systematically with some salient transformations in world politics.

To review and summarize the influences associated with the cyclical fluctuations noted above, we can identify some of the basic conditions and issues indicated by the historical record that appear to be the most potent correlates of the rise and/or fall of the nonintervention norm. Table 1 charts the factors that seem to have most affected changes in the legality of interventionary practices.

Table 1
Identifying the Salient Correlates of Changes in the Nonintervention
Norm Since 1820: Some Patterns in Past Periods

Period	Level of Support for Intervention ³⁹	Similarity Among System's Governmental Authority Structures ⁴⁰	Polarity (Number of Great Powers) ⁴¹	Frequency of Militarized Disputes Between States ⁴²	Frequency of Civil Wars ⁴³	Frequency of Interstate War ⁴⁴	Economic Cycle in World Economy ⁴⁵
1820-1830	High, but falling	Moderate; falling	Multipolarity	Low (<3 per year)	Moderate	Moderate	Stagnation
1830-1860	Rising	Stable	Multipolarity	Low but increasing (range 2 to 8 per year)	Rising	Moderate, increasing	Stagnation
1860-1880	Falling	Falling slowly	Multipolarity	Moderate	Falling	Steady	Expansion (1848-1871)
1880-1910	Rising	Stable	Multipolarity; rising polarization	Erratic, but low; rising	Moderate	Steady	Stagnation (1872-1892)
1910-1930	Rapidly falling	Falling rapidly	Polarization through alliance aggregation	Rapid rise (4 to 14 per year)	Low	Falling	Expansion (1893-1914)
1930-1970	Falling steadily	Erratic: rising 1925-1940; falling 1940-1960	Multipolarity to bipolarity after 1949 (U.S. & U.S.S.R.)	Erratic, but rising (2 to 20 in 1966)	Rising; very high	Moderate	Stagnation followed by expansion
1970-1996	Rising rapidly	Low (third wave of democratization)	Bipolarity to multipolarity	Relatively high and rising	High	Low	Expansion

This profile provides a history, but few conclusive history lessons. The evidence does not permit many causal inferences to be confidently drawn about the determinants of the rise and fall of the international community's acceptance of interventionism. Nonetheless, the record since 1820 suggests several patterns worth further consideration. Generalizing, it would appear that international society's acceptance of the right to intervene has risen in periods when (1) political transitions from one type of authority structure within states were frequent or expected; (2) the 'great powers' governing institutions were growing increasingly similar and homogeneous; (3) the threat of war between sovereign states was low; (4) the incidence of civil wars within sovereign states was high, and (5) issues surrounding the maintenance and territorial integrity of the state and the authority structures of governments were uppermost on the global agenda.

The conditions under which the legal permissibility of interventionary activities have increased are suggestions of a syndrome, composed of five principal interactive elements that, in combination, have contributed to the erosion of the nonintervention norm. The defining attributes of this syndrome are the

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prevailing properties of the state system's authority structures or domestic political institutions. In periods of turmoil, when nationalistic separatist revolts and transformations in states' forms of governance have been prevalent and comprised core systemic issues, the international community's adherence to the nonintervention norm has receded. The decline appears to have been especially rapid when international tension, the expectation of war between states, has been relatively low and the dominant powers at the time have organized their governing institutions for the formulation of national policy in relatively similar ways.⁴⁶ By extension, the status of the sovereignty and the nonintervention norms appear to be powerfully shaped by

conditions within the members of the state system, and by the magnitude of the changes and/or instability that have characterized the distribution of such states' governance in particular periods.

Realist theory would posit that, contrary to the above noted inference, changes in (1) states' relative military capabilities, "power transitions," (2) the incidence of interstate crises, as indexed by the frequency of militarized disputes, and (3) the number of poles or level of polarization in the international system's distribution of power should strongly affect the level of legal support for interventionary activities. The record fails to fulfill this prediction; none of these variables correlates consistently with the periods in which trends in communitarian support for intervention have shifted directions.

There is also an inconsistent pattern of co-variation between the level of support for interventionism and the phase of the international political econ-

omy in which the world capitalist system was heading. Contrary to world-system dependency theories, the permissibility of interventionism has risen in periods of both economic expansion and stagnation, suggesting that levels of prosperity or scarcity do not exert a direct impact on the international community's level of support for states' interference in the internal affairs of other states' authority structures. Similarly, support for interventionism does not co-vary with periods of imperialism, when the great powers' competition for overseas colonies and commerce were relatively intense. Interventionism became increasingly acceptable in the second great wave of imperialism in the late 1800s when the global economy was in an expansionist phase, but support for the nonintervention norm fell in the first half of the twentieth century when wars of overseas territorial conquest were fought frequently.⁴⁷ Hence economic variables do not seem to be highly or consistently correlated with the changing climate of normative support for the nonintervention norm. Changes in state practices, in global issues and in the composition of the authority structures of members of the international community, in contrast, better account for variations in the direction of the nonintervention norm.

This profile of the historical record provides a basis for projecting future trends. If the pattern of the past two centuries persists and the previous correlations continue to remain operative, we can predict the path the nonintervention norm is likely to take in the twenty-first century. The preconditional circumstances and issues that have most influenced the nonintervention norm's fall are present today. Moreover, they appear to be entrenched, and growing. The crisis of authority structures within existing sovereign states is now the major issue on the global agenda. Indeed, separatist revolts and challenges to the state by indigenous peoples and ethnonational minorities in the state-creation enterprise have reached epidemic proportions. The ascendance of secession rebellions threatens to rip apart and fragment the central governments seeking to preserve their sovereign status. If present disintegrative trends, like those symbolized by the bellicose collapse of the former Yugoslavia and the peaceful "velvet divorce" of the former Czechoslovakia, continue, the global system could fracture into as many as five hundred independent states.⁴⁸

The conditions underlying the crises of internal stability underway today are an affront to the moral sensibilities and liberal values of members of the democratic community, which are now both the most powerful and in the majority.⁴⁹ The civil strife and cries for help by noncombatant victims provide powerful incentives for the liberal democracies to further relax the nonintervention norm to arrest this raging violence. These states have begun to act in

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accordance with this new norm, "notwithstanding the fact that such action would constitute external interference in the affairs of sovereign states."⁵⁰ For example, consider the willingness of the United Nations to authorize interventions to separate the ethnonational protagonists within failing states in the majority of its nearly fifty new peacekeeping and peacemaking missions since the Cold War ended.⁵¹ If these circumstances of internal instability continue or become exacerbated, it is very likely that the decay of the nonintervention norm evident since 1910 will also continue unabated. In the past when domestic instability has co-existed with agreement among the great powers about core values and preferred authority structures, the traditional prohibition of external interference in the internal affairs of sovereign states has declined. With the nonintervention norm becoming more permissive, and with "international opinion gradually moving toward a reinterpretation of state sovereignty," the question to be confronted is: what are the likely consequences of this trend?⁵²

The Problematic Consequences of Permissible Interventionism

Intervention is the most frequent type of military force in use today. Wars between states have declined, but military interventions have continued unabated. As has been noted, in response to the epidemic of internal civil wars many states have moved from viewing intervention as illegal to broadening the definition of the conditions under which intervention should be legally justified. This broadened conception of normative boundaries, however, is problematic. The issue today is whether a permissive view of the use of intervention will lead to international order and justice or generate chaos.

We are, to a certain extent, at another crossroads in history. Concerns ranging from nuclear proliferation to transnational environmental problems, alongside moral outrage at human suffering and the rush of millions of refugees across national borders to escape poverty and persecution, may be expected to intensify the desire for the international community to reserve the right to intervene in the domestic affairs of other states.⁵³ Will these issues become the next step along the path toward the emergence of a world under which intervention is condoned? Will international collective intervention become a substitute for state intervention, particularly if U.N. and NATO peacekeeping and peacemaking operations become frequent? Indeed, if "the conscience of mankind is outraged by a repetition of repulsive practices within a state," then will the criteria for lawful intervention increase beyond the nine justifications recognized today, and will it become increasingly "acceptable to weigh a state's right to autonomy against its people's right to security?"⁵⁴ Such a normative change would transform the setting for international policy debate, and necessarily move contemporary discourse "toward a reassessment of the costs and the benefits of the nonintervention rule" to a level unprecedented, perhaps, since the rule was first enthusiastically embraced in the Treaty of Westphalia in 1648.⁵⁵ Controversies over these questions have prompted a number of scholars to wonder if a consensus has developed that the world

has already moved beyond the Westphalian noninterference system of state autonomy and sovereign legal equality.⁵⁶

Of what will the fall of the nonintervention norm be a harbinger? The balance sheet of potential costs and benefits is difficult to predict, which is why debate about the probable consequences is so heated and ideological. Well-intentioned world leaders are caught between two contradictory mindsets without a compass as to the norms that can best serve the obvious national and humanitarian interests in creating a more stable and just world order.

Consider the three major rival positions on this topic. Realists, who regard sovereignty as sacred, are of the opinion that stability necessitates keeping borders inviolable, because only by preserving the sovereign-territorial state as the system's most legitimate authority structure through adherence to the nonintervention norm can the rest of the international community be insulated from the threat of warfare caused by turmoil within states. To realists, following Hobbes, the state is necessary to police internal rebellion, and the nonintervention norm is needed because it permits the sovereign to maintain domestic order without the threat of external interference—which can easily escalate the dangers by pulling external parties into explosive situations they could otherwise avoid. Seeing the internationalization of civil war through foreign intervention as a greater evil, realists counsel against relaxing the classic restrictions against intervention, and contend that “prointervention arguments may open a Pandora's box of undesirable interventions and increase the number of conflicts creating humanitarian need.”⁵⁷

A different line of reasoning underlies the criticism that dependency theorists make of contemporary efforts to jettison the nonintervention norm. This perspective takes “a dim view of intervention, not because of a concern for order or out of love for sovereignty, but because of the likelihood that intervention, whether unilateral or collective, will mean, in practice, the triumph of the powerful over the poor and powerless, and the exploitation of the latter by the capitalist interests that dominate many of the major powers.”⁵⁸ The vast majority of past interventions have been undertaken by the great powers against weak states, and the sovereignty of the great powers has rarely been compromised by external intervention aimed at modifying the internal authority structures of these weak states. For dependency theorists, because “a norm allowing intervention helps camouflage acts of sheer self aggrandizement, i.e., aggression,” the benefits of the nonintervention norm outweigh its costs.⁵⁹

A third school of thought, represented by the neoliberal position, finds neither of these arguments persuasive.⁶⁰ Neoliberals “have been the most fervent champions of intervention, or rather critics of the dogmas of sovereignty and nonintervention,” in large measure because they place the goal of securing justice ahead of the value of defending the state's sovereign power against internal and external challengers.⁶¹ Elevating the power of principle over the principle of power, the liberal tradition puts the ethics of human rights and peace for individuals and minorities within states above protecting established regimes from foreign interference. Atrocities and oppression are not to be con-

done in the name of order; instead, to the liberal bent of mind there exists an inherent natural right to use force for interventionary purposes in pursuit of humanitarian ends to curtail these evils.

Strict adherence to the nonintervention norm precludes the international community from having a just means to moral ends. Because to liberal theorists "adherence to the absolute interpretation of nonintervention will paralyze the international community in the face of events that demand action,"⁶² the need to protect innocent victims from oppression, injustice, aggression and genocide makes imperative rejection of the doctrine of sovereignty and

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the inviolability of state borders that it rationalizes. "To ensure that starving children can be fed or that whole populations will not be slaughtered," liberals advocate relaxing the restrictions of the traditional nonintervention norm for the cause of justice, in conformity with St. Augustine's classic defense of just wars — "that love may require force to protect the innocent" and to shield noncombatants from harm.⁶³

Each of these three postures toward the nonintervention norm is plausible, and has much to recommend it. But together they are incompatible, and the incompatibilities suggest the magnitude of the dilemma they pose to the international system. The tension between the quest for sovereignty and the quest for security is not likely to be reduced by the fall of the tra-

ditional normative right of existing states to create their authority structures free from outside intervention. As the norms supporting sovereignty, the cornerstone of international law since 1648, become more elastic in an increasingly interdependent, globalized system, the prospects for peace with justice remain as problematic as ever.

"The idea of intervention threatens an already fragile system by challenging the one principle of authority, the state, in the system."⁶⁴ And we do not have a sound basis for estimating the consequences that will result if sovereignty and nonintervention are jettisoned. Given institutions for global governance remain in an embryonic stage of development, the demise of the sovereign state and its replacement with a system comprised of semi-sovereign actors without authority to maintain order within their borders could produce peril rather than provide promise. To be sure, the precarious balance of power mechanism currently used to prevent global war that is the product of sovereign-state autonomy has many defects. Indeed, the tragically catastrophic global wars that have erupted under it repeatedly make such a mechanism exceedingly difficult to justify.⁶⁵ However, as much as the system of state sovereignty and nonintervention has failed at preserving peace and protecting human rights, it is the only model with which the world has had some experience and from which to draw lessons about the most fungible rules for

orderly international relations. Since 1648 there has existed no alternative analog to provide guidance. Therefore, given the necessity of dealing with counterfactual arguments about what a world without strict sovereignty and nonintervention norms would be like, we are left unarmed intellectually, without a compass to guide theorizing and policymaking. We have to proceed on the mere hope that the fall of the nonintervention norm will lead in turn to the fall of chaos and disorder. Sovereignty may be under siege and the end of the state may even be in view, but whether this will prove a cause for celebration, or for anguish, remains in doubt.⁶⁶

As we search for the means of preserving peace in the next millennium, there is ample reason to question if intervention can be used to maintain global order. Should interventionism be "recycled?"⁶⁷ The answer will largely depend on our ability to delineate the boundaries between constructive and destructive intervention. It is imperative that the international community critically evaluate the conditions under which a breach of the principle of nonintervention may truly be medicinal. Caution is warranted, because many interventionary acts, inspired by noble intentions, have had a historic tendency to exacerbate the very problems they sought to solve.

Notes

1. Hedley Bull, ed. *Intervention in World Politics* (Oxford: Clarendon Press, 1984).
2. Barry M. Blechman, "The Intervention Dilemma," *The Washington Quarterly* 18 (Summer 1995): 63-73; J. Bryan Hehir, "Intervention: From Theories to Cases," *Ethics & International Affairs* 9 (1995): 1-13; Gene M. Lyons and Michael Mastanduno, eds. "State Sovereignty and International Intervention," pp. 250-265 in Gene M. Lyons and Michael Mastanduno (eds.), *Beyond Westphalia? State Sovereignty and International Intervention* (Baltimore: The Johns Hopkins University Press); Allan Rosas, "Focus on the Case for Intervention: Towards Some International Law and Order," *Journal of Peace Research* 31 (May 1994): 129-135.
3. David L. Hendrickson, "The Democratist Crusade: Intervention, Economic Sanctions, and Engagement," *World Policy Journal* 11 (Winter 1994-1995): 18-30.
4. Bull, 1984.
5. Richard J. Vincent, *Nonintervention and International Order* (Princeton: Princeton University Press, 1974), 14-15.
6. Richard Falk, *Law, Morality and War in the Contemporary World* (London: Pall Mall, 1963), 159.
7. Cynthia Weber, *Simulating Sovereignty: Intervention, the State and Symbolic Exchange* (Cambridge: Cambridge University Press, 1995), 26; Richard Little, "Revisiting Intervention: A Survey of Recent Developments," *Review of International Studies* 13 (1987): 53.
8. J. Bryan Hehir, "Intervention: From Theories to Cases," *Ethics & International Affairs* 9 (1995): 1.
9. Thoman Biersteker and Cynthia Weber, *State Sovereignty as Social Construct* (Cambridge: Cambridge University Press, 1996).
10. William D. Coplin, *The Functions of International Law* (Chicago: Rand McNally, 1966).
11. Gerhard von Glahn, *Law Among Nations*, 7th ed. (Boston: Allyn & Bacon, 1996), 9-20.
12. James N. Rosenau, "Intervention as a Scientific Concept," *Journal of Conflict Resolution* 13 (March 1969): 149-171.
13. Ibid.

14. Note how this definition captures the conventional meaning of nonintervention embedded in many treaties and conventions. For example, consider Article 2(4) of the United Nations Charter, which stipulates as a norm that "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State." According to this principle, countries have a duty to refrain from uninvited involvement in another's internal affairs, either to change their governing procedures or their domestic practices.
15. Little, 53.
16. von Glahn, 20.
17. The treatises were selected for coding if they met the following criteria: (1) the text had gone through multiple revised editions (indicating that it was considered a standard in the field), or (2) it was identified as authoritative by either independent scholarship (e.g., listed in the Association of Law Schools bibliography of international law texts) or a recognized judicial body such as the World Court. For a detailed description of the methodology used to generate the TRIP data, see Kegley, Charles W. Jr. and Gregory A. Raymond, *When Trust Breaks Down: Alliance Norms and World Politics* (Columbia: University of South Carolina Press, 1990), 76-116.
18. Michael Hurst, *Key Treaties for the Great Powers, 1814-1914*, Vol. I. (London: David and Charles, 1972).
19. Pierre Laberge, "Humanitarian Intervention: Three Ethical Positions," *Ethics & International Affairs* 9 (1995): 22-23.
20. Jeremy Black, "From Pillnitz to Valmy: British Foreign Policy and Revolutionary France 1791-1792," *Francia-Forschungen zur Westeuropäischen Geschichte* 21 (No. 2, 1994): 131.
21. Evan Luard, *War in International Society* (New Haven, Conn.: Yale University Press, 1986), 53-58; Even though the Westphalian security regime rejected *droit d'ingérence* (the right to intervene), prior to the French Revolution and Napoleonic wars intervention was conceived of and occasionally practiced as a tool to allow needed adjustments in the balance-of-power system to be facilitated. Still, although after the 1713 Peace of Utrecht national independence was seen a prerequisite for the flexible alliances of such a system, meddling in the internal affairs of another state was thought to impede the ebb and flow of alignments needed to maintain an international equilibrium (Kaplan, Morton A. and Nicolas Katzenbach, *The Political Foundations of International Law* (New York: Wiley, 1961), 36, 120). The Concert system created after the 1815 Congress of Vienna altered this conception of intervention. Now military intervention was deemed permissible to support the kind of domestic rule that was accepted by the powerful as being legitimate and conducive to international order; it was a perceived remedy for the public nuisance and potential security threat posed by revolutionary regimes and the principle of self-government.
22. At the Congress of Aix-la-Chapelle in 1818, Tsar Alexander I of Russia proposed an alliance to intervene on behalf of rulers who were threatened by revolutionary insurrection. A few years later, revolts in Spain and Naples led Russia, Austria, and Prussia to agree at the Congress of Troppau that force could be used against states "which have undergone in their internal structure an alteration brought on by revolt, whose consequences may be dangerous to other states." Two months later at the Congress of Laibach, the three conservative powers sanctioned Austria's intervention into Naples and Piedmont to suppress liberal revolts. Furthermore, during the following year at Verona, they agreed to a French proposal to crush Spanish rebels. In the ensuing years liberal revolutions were suppressed in Palma (1831) and Portugal (1846-47).
23. The U.S. position was captured in an August 25, 1796, letter from George Washington to James Monroe, which prescribed that no nation should have the right "to intermeddle in the internal concerns of another, that everyone had a right to form and adopt whatever government they liked best...."
24. During this period, the great powers began using military intervention to recover debts that other states owed their nationals. For example, France landed troops in

Vera Cruz in 1838 to collect debts owed by the Mexican government; the British and Spanish joined the French in sending troops in 1862; and between 1902 and 1903, Germany and Great Britain blockaded the Orinoco River, bombarded forts at Puerto Cabello, and sank several Venezuelan gunboats. By the early twentieth century, however, intervention for the collection of debts from delinquent states ended. (Based on Argentine Foreign Minister Luis Maria Drago's subsequent 1902 insistence that insolvency should not be considered a form of misconduct, the parties to the Second Hague Peace Conference agreed to permit the use of military intervention to recover what was owed to foreign bondholders, if the debtor state refused to arbitrate the financial dispute.) Military interventions during this period began to be undertaken for humanitarian reasons. For example, prompted by reports of atrocities, Britain, France, and Russia intervened in 1827 to support the Greeks during their struggle for independence from Ottoman control. Similarly, France intervened in what is now Lebanon in 1860 to protect Maronite Christians, and Russia intervened in the Balkans a decade later to protect Orthodox Christians. Not all reports of genocide precipitated external interventions, however, as the response to extreme human rights abuse was highly selective, and in Europe mass killings of non-Christian peoples did not provoke action by the reigning great powers.

25. Melvin Small and J. David Singer, *Resort to Arms: International and Civil Wars, 1816-1980* (Beverly Hills, Calif.: Sage, 1982).
26. Reflecting the principle underlying this normative view in this period, President Dwight D. Eisenhower (on April 16, 1953) declared that "Any nation's right to a form of government and economic system of its own choosing is inalienable. Any nation's attempt to dictate to other nations their form of government is indefensible" [in von Glahn, Gerhard, *Law Among Nations* (New York: Macmillan, 1972), 174].
27. Christopher C. Joyner, "International Law," pp. 229-244 in Peter J. Schraeder (ed.), *Intervention Into the 1990s: U.S. Foreign Policy in the Third World* (Boulder, Colo.: Lynne Rienner Publishers, 1992), 233.
28. Lyons and Mastaduno, 264.
29. The process of decolonization in the early 1960s significantly increased the number of independent states in the world, and multiplied the incentives for the superpowers to intervene. The desire to see governments of a particular political persuasion in power became the primary motive for using force during the Cold War, which became a zero-sum conflict over which type of polity or authority structure would be dominant. As a result, many interventions were directed toward states undergoing regime transitions, and most appeared to have been attempts at influencing the authority structure that would emerge.
30. Luard, (1986), 182.
31. W. Michael Reisman and Chris T. Antoniou, eds. *The Laws of War* (New York: Random House, 1994), 32.
32. Evan Luard, *Conflict and Peace in the Modern International System*, 2nd ed. (Albany: State University of New York Press, 1988), 49.
33. James Turner Johnson, "Humanitarian Intervention, Christian Ethical Reasoning, and the Just-War Idea," in Luis E. Lugo (ed.), *Sovereignty at the Crossroads?* (London: Rowman & Littlefield, 1996), 127-143.
34. Blechman, *The Washington Quarterly*, 63.
35. James Crawford, *Democracy in International Law* (Cambridge: Cambridge University Press, 1993), 14, 20.
36. Thomas M. Franck, "The Emerging Democratic Entitlement," in Anthony D'Amato (ed.), *International Law Anthology* (Cincinnati, Ohio: Anderson, 1994), 367-373; Morton H. Halperin, "Guaranteeing Democracy," *Foreign Policy* 91 (Summer 1993): 105-122; von Glahn, (1996), 586.
37. Stanley Hoffmann, "The Politics and Ethics of Military Intervention," *Survival* 37 (Winter 1995-1996): 50.

38. Boutros Boutros-Ghali, *An Agenda for Peace* (New York: United Nations, 1992), 5.
39. Transnational Rules Indicators Project (TRIP).
40. Keith Jagers and Ted Robert Gurr, "Transitions to Democracy: Tracking Democracy's Third Wave," *Journal of Peace Research* 32 (November 1995): 469-482; Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).
41. Kegley and Raymond (1994); William Thompson, *On Global War* (Columbia: University of South Carolina Press, 1988).
42. Zeev Maoz, *Paths to Conflict: Interstate Dispute Initiation* (Boulder, Colorado: Westview, 1982); Zeev Maoz, "The Onset and Initiation of Disputes," *International Interactions* 19 (Nos. 1-2, 1993): 1-26.
43. Kalevi J. Holsti, *Peace and War: Armed Conflicts and International Order 1648-1989* (Cambridge: Cambridge University Press, 1991); Luard (1986); Small and Singer (1982); Peter Wallensteen and Margareta Sollenberg, "The End of International War? Armed Conflict 1989-95," *Journal of Peace Research*, 33 (August 1996): 353-370.
44. Holsti (1991); Luard (1986); Small and Singer (1982); Wallensteen and Sollenberg (1996).
45. Terry Hopkins, Immanuel Wallerstein, and Associates, eds. *World Systems Analysis* (Beverly Hills, Calif.: Sage, 1982); George Modelski and William R. Thompson, *Leading Sectors and World Politics* (Columbia: University of South Carolina Press, 1996).
46. The astute reader will note that this pattern undermines confidence in realist and especially neorealist theories of the wellsprings of international behavior, which dismiss the importance of domestic authority structures as determinants of trends in the interactive practices of states. In addition, to discern that attacks on the sovereignty/nonintervention norm tend to decline when the threat of interstate war also have been declining (for example, in the aftermath of the Napoleonic Wars and the Cold War) also constitutes a challenge to the core assumptions of realist theorizing.
47. Holsti (1991), 144, 219, 283-284; Luard, *War in International Society*.
48. Ted Robert Gurr, "Peoples against States: Ethnopolitical Conflict and the Changing World System," *International Studies Quarterly* 38 (September 1994): 347-377; Ted Robert Gurr, "Communal Conflicts and Global Security," *Current History* 94 (May 1995): 212-217; Since the Cold War ended, there were an average 43.7 civil insurrections threatening the central authority of states underway each year, but in the same 1989-1995 period only five wars between states have erupted [Wallerstein and Sollenberg (1996); United Nations Development Programme (UNDP), *Human Development Report 1994* (New York: Oxford University Press, 1994)].
49. Jagers and Gurr (1995).
50. Commission on Global Governance, *Our Global Neighbourhood* (New York: Oxford University Press, 1995), 71.
51. Charles W. Kegley Jr., "International Peacemaking and Peacekeeping: The Morality of Multilateral Measures," *Ethics & International Affairs*, 10 (1996): 25-45.
52. Samuel M. Makinda, "Sovereignty and International Security," *Global Governance* 2 (May-August 1996): 149.
53. William F. Felice, "The Case for Collective Human Rights: The Reality of Group Suffering," *Ethics & International Affairs* 10 (1996): 47-61.
54. von Glahn, 1996: 584; The circumstances of intervention recognized as legal include those (1) granted by a treaty, (2) to punish violations of a previous agreement, (3) if a "serious" violation of generally accepted rules of customary or conventional law occurs, (4) if the citizens of a state are mistreated or endangered, (5) in the case of collective action undertaken by an international organ on behalf of the global community, (6) when invited by the lawful government of a state, (7) for humanitarian purposes when gross human rights violations occur, (8) to abate an intolerable international nuisance, and (9) to support the new right of states to democratic government (von Glahn, 1996: 579-585); Makinda, 149.
55. Hehir, 6.

56. Lori Fisler Damrosch, *Enforcing Restraint: Collective Intervention in Internal Conflict* (New York: Council on Foreign Relations Press, 1993); Ernst Haas, "Beware the Slippery Slope: Notes Toward the Definition of Justifiable Intervention," in Laura W. Reed and Carl Kaysen (eds.), *Emerging Norms of Justified Intervention* (Cambridge, MA: American Academy of Arts and Sciences, 1995), 63-87; Laura W. Reed and Carl Kaysen, *Emerging Norms of Justified Intervention* (Cambridge, MA: American Academy of Arts and Sciences, 1993); Mark Zacher, "The Decaying Pillars of the Westphalian Temple," in James N. Rosenau (ed.), *Governance Without Government* (New York: Cambridge University Press, 1992), 58-101.
57. Johnson, 139.
58. Hoffmann, 34.
59. Tom J. Farer, "The United States as a Guarantor of Democracy in the Caribbean Basin: Is There a Legal Way?" *Jerusalem Journal of International Relations* 11 (No. 3, 1989): 45.
60. Charles W. Kegley, Jr., ed. *Controversies in International Relations Theory: Realism and the Neoliberal Challenge* (New York: St. Martin's Press, 1995).
61. Hoffmann, 34.
62. Hehir, 6.
63. Johnson, 136, 137.
64. Hehir, 7.
65. Inis L. Claude Jr., "The Balance of Power Revisited," *Review of International Studies* 15 (January 1989): 78.
66. Jean-Marie Guéhenno, *The End of the Nation-State* (Minneapolis: University of Minnesota Press, 1995).
67. Richard Falk, "Recycling Interventionism," *Journal of Peace Research* 29 (May 1992): 129-134.



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