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"The United Nations is the most concentrated assault on moral reality in the history of free institutions, and it does not do to ignore that fact or, worse, to get used to it." William Buckley[1]

"International law is that thing which the evil ignore and the righteous refuse to endorse." Leon Uris[2]

From the time of its earliest beginnings down to the present day, public international law has been something less than a search for the Holy Grail. Roman precedent provided the fertile soil for the roots of international law, the writings of Augustine and Aquinas aided in its evolution, the development of sixteenth and seventeenth century classical theory provided a firm foundation, and it was finally implemented by the political realities surrounding the Peace of Westphalia.[3] As it has evolved over the past four and one-half centuries, the prime purpose of the law of nations has been to prevent the emergence of a Darwinian global order. The discredited political credo of the ancient world was that "might made right." The charge of hostile critics in the present century, who argue that international law has failed to achieve its grandiose objectives, has been that international law is merely what the international lawyers delcare it to be. A jaundiced contemporary observer might add that international law, when viewed from a U.N. perspective, is what the anti-Western bloc in the United Nations wants it to be.[4]

International law does not consist of a fixed system of binding rules imposed upon nation-states by the collective will of a world community.

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The opinions presented in this article are solely those of the author and do not reflect in any way the views of the Subcommittee on the Constitution or of the Senate Judiciary Committee.

1. *Quoted in* D. P. MOYNIHAN & S. WEAVER, A DANGEROUS PLACE 29 (1980).

2. L. URIS, EXODUS 498 (1958).

3. *Cf.* P. HAGGENMACHECHER, GROTIUS ET LA DOCTRINE DE LA GUERRE JUSTE (1983); H. WHEATON, HISTORY OF THE LAW OF NATIONS IN EUROPE AND AMERICA: FROM THE EARLIEST TIMES TO THE TREATY OF WASHINGTON, 1842, 1-64 (1845); Gross, *The Peace of Westphalia, 1648-1948*, in INTERNATIONAL LAW IN THE TWENTIETH CENTURY 25-46 (L. Gross ed. 1969).

4. *Cf., e.g.*, MOYNIHAN & WEAVER, *supra* note 1, at 39-288.

There is, for all intents and purposes, no compulsory judicial process. Professor Beres writes of a law of the U.N. Charter and implies that it contains a codified expression of international law.[5] Professor Sohn optimistically, and unrealistically, entitled a casebook of a generation ago: *Cases on United Nations Law*, and then went on to write, in a second, revised edition about a "constitutional law of the United Nations."[6] Yet, despite their admonitions and exhortations, post-Charter international law is not doing the job for which its advocates maintain it was intended.

Public international law is not a statutory system. It operates upon a horizontal rather than a vertical plane and lacks a generalized means of enforcement or coercion. Economic sanctions, as one form of coercion, have not worked well, even when legitimated at the world community level under the auspices of either the League of Nations or the United Nations.[7] The international legal process functions now, as in the past, on the basis of comity, reciprocity, and mutuality. It is aided by treaties and conventions, which in turn rely upon the principle of *pacta sunt servanda*, the good faith obligation to carry out treaty terms.

Treaties and conventions historically have provided much of the substantive nature of international law, though custom and tradition (particularly in the form of general practice) have been held to be of almost equal significance. Professor D'Amato calls custom "perhaps the most basic and most important of the secondary rules of international law. . . ."[8] Custom deals with a habitual activity more than a required pattern of activity. Not by accident is pre-Charter international law often called customary international law. Professor van Hoof, in his somewhat controversial study of the sources of international law, claims that "custom is in decline."[9] A modern post-Charter tendency among the non-Western United Nations majority is to emphasize the third category listed by Article 38 of the Statute of the International Court of Justice—"the general principles of law recognized by civilized nations." The non-Western majority in the U.N. takes this view because they are able, by means of General Assembly declarations and resolutions, to refashion or to reinterpret existing international norms, as well as to invent new ones.

What, then, is left as to the definitional aspect of international law? Despite the extravagant claims made by its political advocates and academic acolytes, perhaps the most appropriate description is the famous statement made by Justice Potter Stewart about a more exotic subject, but which certainly can be made applicable to international law: I can't define it, and I can't explain it, but I sure as heck know it when I see it.

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5. L. BERES, REASON AND REALPOLITIK: U.S. FOREIGN POLICY AND WORLD ORDER 101-104 (1984) [hereinafter cited as REALPOLITIK].

6. L. SOHN, CASES ON UNITED NATIONS LAW (2nd. ed. rev. 1967).

7. For a recent dissenting view, *see* Editorial, *When Sanctions Make Sense*, The Economist, Aug. 3, 1985, at 59.

8. A. D'AMATO, THE CONCEPT OF CUSTOM IN INTERNATIONAL LAW 270 (1971).

9. G.J.H. VAN HOOF, RETHINKING THE SOURCES OF INTERNATIONAL LAW 114 (1983).

International law is like its municipal counterpart in the sense that its structure and institutions are merely reflective of the aspirations, ambitions, and conduct of humankind. Not all of these characterizations are particularly noble. In essence, public interntional law turns out to be a code of generalized behavior governing the relations of nation-states. It is not, as Professor Beres implies, a set of absolute principles to be enforced and obeyed by the world community of nations. Whatever international law is, it definitely is not a "branch of ethics."[10]

Public international law deals with such things as recognition of new governments, creation of new states, the transfer of sovereignty, treaty interpretation, determination of national and international boundaries, self-defense, the laws of war—all being of prime importance in the turbulent and chaotic contemporary world. Whether it be Central America, the Middle East, or Southeast Asia, the fundamental challenge for the international legal system remains the same: How can stability and order be introduced into regions where radical change is the desired end, and violence accompanied by disorder is the accepted and even the legitimated means?

The twentieth century is unique in the history of international law in that twice, following two prolonged global conflicts, an international security organization was created representing the world community of nations. Each time the organization in question was given the express function of preserving a minimum standard of world order. Both the League of Nations and the United Nations were, in origin and by design, collective security mechanisms which were specifically intended to maintain and keep the peace. The League made a weak attempt and inevitably failed. The United Nations in this respect seems to be following the same path.[11]

Before the Second World War, in fact dating back to its very origins, international law dealt primarily, if not exclusively, with nation-states. Individuals, at best, were merely the objects of international law and not the subjects. Since the end of the Second World War, largely as a result of the Nuremberg trials, the U.N. Charter, and the Universal Declaration of Human Rights have brought individuals within the protection of the international legal system. But so-called human rights "law" remains a questionable body of principles, confusing and confounding the more set-

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10. Beres, *Ignoring International Law: U.S. Policy on Insurgency and Intervention in Central America*, 14 Den. J. Int'l L. & Pol'y 77, 85 (1985) [hereinafter cited as *International Law*].

11. The conservative columnist, James Kilpatrick, refers to U.N. debates as "the vaporings of an impotent body,"and goes on to add "[i]ts purpose as a forum has been reduced to a nullity." Kilpatrick, *U.N. Assembly Again Shows Its Hypocrisy*, The Blade (Toledo), Sept. 23, 1981, at 14, col. 6. *See also*, Yesselson, *Remarks, The United Nations: Reorganizing for World Order*, 1976 PROC. AM. SOC'Y INT'L L. 144-148. Professor Yesselson's phrase,"House of Blood," was expunged by the editors from the printed version.

tled norms (themselves still debated) of public international law.[12] Professor Beres has added to the confusion, and to the scholarly cacophony, by melding together human rights, humanitarian intervention, and international law.

The claim that "contemporary international law concerning human rights is necessarily founded upon a broad doctrine of humanitarian intervention,"[13] is plainly in error. Humanitarian intervention, in the post-Charter decades, is a highly controversial concept which has occasioned a deep split among legal publicists. Humanitarian intervention can be a legitimate and necessary remedy in certain well-defined instances (i.e.-terrorists hostage seizure incidents),[14] but non-Western support for this approach barely exists. The problem with Beres' analyses, and those by a number of other critics of the Reagan Administration,[15] is that they comingle and coalesce principles, norms, and rights, using these terms interchangeably, without careful distinction and delimitation. Their theoretical view of the law as it ought to be, rather than of the legal order as it actually functions, implies—erroneously—that public international law is a vertical system of law enforcement instead of a horizontal network of mutuality and reciprocity.

From the time of the promulgation of the United Nations Charter, in the last week of June, 1945, until the present day, the U.S. Department of State has viewed the Charter of the United Nations as a multilateral treaty, and a number of prestigous commentators share this view.[16] This means, first, that the U.N. Charter is not the fundamental law of the world community of nations, although it can be considered as the constitution of an international organization of sovereign entities. This signifies, in turn, that the Charter is binding upon a particular member, or group of members, in the same sense as the doctrine of *pacta sunt servanda* (or good faith obligation) operates with respect to the implementation of treaty provisions between signatory parties.

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12. *Cf.* the provacative analyses offered by M. MOSCOWITZ, THE POLITICS AND DYNAMICS OF HUMAN RIGHTS (1968); M. MOSKOWITZ, INTERNATIONAL CONCERN WITH HUMAN RIGHTS (1974); M. CRANSTON, WHAT ARE HUMAN RIGHTS? (1973); Watson, *The Limited Utility of International Law in the Protection of Human Rights*, 1980 PROC. AM. SOC'Y INT'L L. 1-6; Watson, *Efficacy and Validity in the Development of Human Rights Norms in International Law*, 1979 U. ILL. L. F. 609. For an opposing view, see the sweeping and all-embracing claims put forward by L. HENKIN, THE RIGHTS OF MAN TODAY (1978).

13. *International Law*, *supra* note 10, at 82; REALPOLITIK, *supra* note 5, at 107-8.

14. Friedlander, *The Mayaguez in Retrospect: Humanitarian Intervention or Showing the Flag?*, 22 ST. LOUIS U.L.J. 601 (1978). For the authoritative pre-Charter view, *see* E. STOWELL, INTERVENTION IN INTERNATIONAL LAW (1921).

15. Among the most rabidly hostile are Sultan, *Ronald Reagan on Human Rights: The Gulag vs. the Death Squads*, 10 U. DAYTON L. REV. 339 (1985); Boyle, *International Lawlessness in the Caribean Basin*, 21-22 CRIME & SOC. JUST. 37 (1984); and REALPOLITIK, *supra* note 5.

16. *See, e.g.*, I. BROWNLIE, PRINCIPLES OF PUBLIC INTERNATIONAL LAW 622 (3rd. ed. 1979); G. SCHWARZENBERGER & E. BROWN, A MANUAL OF INTERNATIONAL LAW 122,125 (6th ed. 1976); J.E.S. FAWCETT, THE LAW OF NATIONS 95 (1968).

Second, violation of those treaty obligations, or the refusal to abide by a specific obligation, raises the issue of how the failure to perform by one party to a multilateral treaty affects the other signatories, or the adversary signatory, in a confrontational situation. A fundamental question for the international legal order, still unresolved, continues to be: what role does the Charter play in the contemporary international legal system? Professor Beres, in a rare moment of candor, reluctantly admits that "[t]he state of nations is still the state of nature."[17]

President Reagan's foreign policy assumptions, even those that have gone awry, have been favorably perceived by the majority of the American electorate, as contrasted with their decisive rejection of the ineffectual Carter record, which current liberal analysts prefer not to remember. A large portion of the general public believed that Carter had guessed wrong on Iran and had guessed wrong on Nicaragua, when he literally pulled the props out from under a weakening Samoza regime. The succeeding Reagan Administration, therefore, resolved to avoid any further misjudgments occasioned by compromise and vacillation, which also marked the generally unimposing Carter human rights record. Notwithstanding the fact that the Carter White House claimed the highest priority for a human rights agenda, the realities of the Carter program were confusion, disappointment, and frequent self-defeat.

For one thing, neither President Carter nor his State Department subordinates ever defined human rights clearly, either for its friends or its foes.[18] For another, U.S. human rights implementation was properly viewed by other governments as being arbitrary, capricious, vague, and overbroad. In a final appearance before the Organization of American States General Assembly in late November, 1980, the recently defeated President assertively pointed with pride to what he claimed to be a new governmental conscience created in the Western Hemisphere. Due in good part to his efforts, Carter boasted, the cause of human rights had now become an "historic movement."

The succeeding Reagan Administration quickly proclaimed a willingness to aid the fight against radical terrorist insurrection or guerrilla insurgency in the Western Hemisphere. During the presidential campaign of 1980, candidate Reagan warned, with respect to the threat of growing Marxist subversion in Central America, that "[w]e are the last domino."[19] Given the current security problems with Nicaragua and El Salvador, this statement was hardly far-fetched. Thus, the Reagan Administration correctly maintained that a hands-off posture in Central America would inevitably result in an adverse domino effect.

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17. REALPOLITIK, *supra* note 5, at 5.

18. *See* Friedlander, *Human Rights Theory and NGO Practice: Where Do We Go From Here?* in GLOBAL HUMAN RIGHTS: PUBLIC POLICIES, COMPARATIVE MEASURES, AND NGO STRATEGIES 219-222 (V. Nanda, J. Scarett, & G. Shepherd eds. 1981).

19. *Quoted in* Grande, *A Splendid Little War: Drawing the Line in El Salvador*, 6 INT'L SECURITY 27, 45 (Summer 1981).

Most critics of U.S. policy toward Central America, such as Professor Beres, have yet to free themselves from the murky grip of the Vietnam quagmire. All three presidential administrations during the last decade found themselves immobilized by prior history and confrontational politics. It is undeniable that the Vietnam war dramatically exposed the limits of American power in a dangerously chaotic world. It is also self-evident that present U.S. policy in Central America represents, in part, a return to the principles of the Monroe Doctrine. This came about because Reaganism in international affairs, as in domestic philosophy, sought to revert to traditional values and to stress historic ideals.

Central America was chosen as the Administration's first ideological battleground in the world arena. There is no doubt that the Reagan strategy in Central America represents, basically, a return to the "Monroeism" of the past. However, foreign intervention should be no more permissible today than it was at the time of John Quincy Adams and James Monroe. Based on the premise that freedom is not divisible, the national interest is best served by opposing foreign governments propogating alien ideologies which initiate, sponsor, and sustain extremist insurgencies throughout the Western Hemisphere.

There also appears to be emerging, though rather tentatively, a "Reagan Corollary" to the Monroe Doctrine. So far, it has emphasized rhetoric (a Reagan trademark) over specific implementation. But its meaning is clear and gradually has been gathering congressional support. The premise under the Monroe Doctrine is simple and straightforward—that no foreign government or expansionist ideology should be able to impose its alien system by means of armed force from outside the Western Hemisphere. The "Corollary," as it applies to Latin American and Carribean regimes, is that military aid and assistance will be given to any beseiged non-Marxist Latin American state whose political independence and territorial integrity is violated by a hostile aggressor, espousing an expansionists ideology.

That premise explains the U.S. security guarantee to Honduras. and also explains the difference between the dangerous Soviet support of the Sandinistas and the current Reagan Administration policy. The latter is designed to protect not only the United States security interests, but also hemispheric freedom. Russian and Cuban involvement in Nicaragua has meant Marxist subversion in El Salvador, Costa Rica, and a growing military threat to the borders of neighboring Honduras. These pressures require a policy similar to those of the Reagan Administration in order to promote hemispheric peace.

The Monroe Doctrine has been, and remains, a generally recognized legal norm.[20] During the past generation, particularly under Presidents Eisenhower, Johnson, and Nixon, the United States interpreted Monroe's

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20. Thomas & Thomas, *The Organization of American States and the Monroe Doctrine—Legal Implications*, 30 La. L. Rev. 541 (1970). For a critical approach, *see* Taylor,

proclamation to be founded upon a previously asserted right to self-preservation, both for the United States and for the American continents. A "Johnson Corollary" was created in connection with the 1965 U.S. intervention in the Dominican Republic, wherein President Johnson justified that action as preventing a communist seizure of power in the Western Hemisphere.[21] The Dominican intervention was subsequently endorsed by the General Assembly of the Organization of American States.

TRB, *The New Republic's* lead columnist, wrote that "the Reagan doctrine is the Brezhnev doctrine",[22] and that the former implies that the United States will uninhibitedly "molest" any nation in its national desires.[23] This argument ignores the factual reality. If there were any remaining doubts as to what the Sandinistas were up to in Central America, they should by now be dispelled from the continuing indications of Nicaraguan aid and assistance to the Marxist rebels in El Salvador.[24] Nicaragua has provided a haven for Red Brigade and PLO terrorists, and there is more than mere suspicion that they have provided safe-refuge for other perpetrators of international terror-violence.[25] Those advocates of Sandinista nobility and integrity seem to be rerunning the Vietnam story all over again. "[T]here is already a richly elaborated romanticization of the Sandinistas, much like the romanticization of the Vietnamese and Cambodian Communists."[26]

Why the United States is held to an untenable standard by angry critics of American foreign policy (wherever that policy may be applied), while America's adversaries clearly are not, is one of the most perplexing questions of U.S. academic and intellectual life. Despite the propagators of political gloom and doom, American policy has worked in El Salvador and democracy continues to improve, if it has not yet prevailed.[27] No journalist, to this writer's knowledge, has pointed to the fact that there

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Jr., *A Revival in Washington for the Monroe Doctrine*, N.Y. Times, Nov. 13, 1984, at 8, col. 1.

21. Rabe, *The Johnson (Eisenhower?) Doctrine for Latin America*, 9 DIPL. HIST. 95 (1985).

22. The Brezhnev Doctirne dates from 1968, when the First Secretary of the Soviet Union Communist Party declared that once a state had become part of the Communist system, it would not be allowed to revert back to its pre-Communist condition. Originally applied to Eastern Eurpoe, it was later extended by implication to Central America, two years after the invasion of Afghanistan. *See* Joyner & Grimaldi, *The United States and Nicaragua: Reflections on the Lawfulness of Contemporary Intervention*, 25 VA. J. INT'L L. 621, 678-9 (1985).

23. TRB, *The Reagahnev Doctrine*, THE NEW REPUBLIC, April 29, 1985, at 4 and 41.

24. *See, e.g.*, Omang, Nicaraguan Aid to Guerrillas Cited, The Washington Post, Aug. 9, 1984, at A31, col. 1.

25. *Meese Assails Nicaragua*, The Washington Post, Sept. 15, 1985, at A10, col.1. Premier Craxi of Italy denounced the Sandanistas for harboring some of the assassins of Aldo Moro, when he visited the U.S. in March 1985.

26. Editorial, *The Myths of Revolution*, THE NEW REPUBLIC, April 29, 1985, at 10.

27. For two examples of a worst case scenario by liberal critics of the Administration, *see* Watson, *A Test For Democracy*, NEWSWEEK, Mar. 26,1984, at 42-45; Preston, *What Duarte Won*, N.Y. Rev. of Books, Aug. 15, 1985, at 30-35.

are tens of thousands of Nicaraguan refugees in Costa Rica, Honduras, Mexico, and the United States, who by the summer of 1985, numbered more than 50,000.[28]

The Soviet Union and its Cuban surrogates do not play by the rules, nor do they care how the game is constituted, as long as they can destablize or dominate the other players. This has forced the U.S. to make some hard choices. Among the hardest was the decision of the Reagan Administration to refuse to litigate the merits of the Nicaraguan charges against the United States in the International Court of Justice (and to abstain from litigating Nicaragua's violations of international law). Much heat and considerable emotion have been generated by the U.S. withdrawal from the Nicaraguan case. Probably the most restrained criticism, as compared with that of Professor Beres, was the observation of two political scientists that "[i]n challenging the Court's jurisdiction and subsequently abandoning its proceedings, the United States has called into question the sincerity of its commitment to a public international order under the rule of law."[29]

The former Legal Adviser to the Department of State explained to the author of this essay that "[c]onfidentially, we knew before we went to the Hague that we were going to lose the case."[30] In fact, any impartial observer could have warned the American delegation about making a special appearance to contest jurisdiction as unsound legal strategy. Of course, the World Court was going to take the case—if it did not, all that would be left to the Court in the future would be the power to decide the ultimate fate of contractual parties, territorial boundaries, and offshore fishing rights.

One can argue that the political makeup of the Court is inherently at odds with its juridical function. The dominance of nation-states would tend to show that Justices of the World Court are inherently biased in favor of their own national views (and more than susceptable to their own government's political agenda),[31] but that also depends upon whose ox is gored. The United States, an unwilling participant in the Nicaragua case,[32] readily agreed to World Court jurisdiction in the recent U.S.-Canadian fishing rights dispute, with a rather satisfactory outcome for the American position.[33] The same was true of the Tehran hostages case,[34] where the Soviet judge and the existing Islamic judge voted the way one

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28. Senator David Durenberger (R., Minn.) has called it "a conspiracy of silence. . . ." 131 CONG. REC. S1030 (daily ed. Feb. 5, 1985).

29. Joyner & Grimaldi, *supra* note 22, at 687.

30. Conversation with Davis Robison, Esq., U.S. Department of State, Washington, D.C., Feb.28, 1985.

31. *See* Franck, *Icy Day at the ICJ*, 79 AM. J. INT'L L. 379, 380-1 (1985).

32. Military and Paramilitary Activities in and against Nicaragua (Nicar. v. U.S.), 1984 I.C.J. 215.

33. Delimitation of the Maritime Boundary in the Gulf of Maine Area (Can. v. U.S.), 1984 I.C.J. 246 (Judgment of Feb. 24, 1985).

34. United States Diplomatic & Consular Staff in Tehran (U.S. v. Iran), 1980 I.C.J. 4.

would expect. Given existing political considerations, many other governments were too vulnerable to future injury to have the decision turn out adversely from the U. S. perspective. On the other hand, the decision meant nothing as far as subsequent world events were concerned.

There has been much hand-wringing over the American decision to refrain from participating in the adjudication of the merits of the Nicaragua case,[35] largely centering on the need for an international rule of law. The real issue remains, however, whose rules and what law? The very fact that the Court virtually ignored its own prohibition against involving itself in an ongoing armed conflict, despite the nature of the Nicaraguan charges, and of the U.S. counter-charges, demonstrates that the World Court was primarily interested in extending its own competence and only secondarily interested in refining and defining the substantive issues.

Last, but certainly not least, is the question of the significance of World Court decisions in international law. Here, the answer is less than clear, since in World Court practice, stare decisis, is not recognized as an official technique of decision-making. Moreover, as Professor van Hoff has pointed out, the major effect of World Court jurisprudence is confined to the parties before the Court in a particular dispute.[36] A number of authorities have despaired in recent years about the dwindling of the Court's prestige and about the noticeable diminution of its influence.[37] Consequently, the Court has utilized the Nicaraguan complaint to revive its flagging fortunes and to restore its fading image. The problem is that this re-energizing has occurred at U.S. expense.

Critics of the Reagan Administration have for the most part generated more heat than light (exacerbated by the Administration's overblown rhetoric). On the other hand, as the Anglo-American journalist, Henry Fairlie, has cogently observed, "America is not an empire, and lives in a world in which it cannot claim to be an empire, but it has not yet defined its role."[38] As in the past, the argument between Administration supporters and Administration opponents, between liberal critics and conservative defenders, between polemicists and legalists, continues to be over the nature of that role. Nowhere has this been more dramatically focused than on Nicaragua.

The distinguished scholar, George Lichtheim, no unabashed admirer of U.S. foreign policy, has wisely written that "casting the United States in the role of the global aggressor results in nothing but further obfuscation."[39] The hard fact and cold reality is that the Soviet Union and its Cuban surrogate have created a Marxist-oriented fortress in Central

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35. Hassan, *A Legal Analysis of the United States' Attempted Withdrawal from the Jurisdiction of the World Court in the Proceedings Initiated by Nicaragua*, 10 U. DAYTON L.J. 295 (1985).

36. VAN HOOF, *supra* note 9, at 170-176, 267.

37. *See id.*, at 173-175.

38. Fairlie, *The Empire's New Clothes*, THE NEW REPUBLIC, April 29, 1985, at 17-19.

39. G. LICHTHEIM, IMPERIALISM 147 (1972).

America in the guise of the Sandinista regime. One might well ask, if the Sandinistas were not fighting the rebel Contras, then what would they do with their oversized army and extensive military hardware? The Contras are in fact performing an important Central American security function, which is the prevention of Nicaraguan expansionism (in contrast to the Vietnam example, wherein Vietnam's neighbors have been unable, or unwilling, to prevent Vietnamese aggression).

Secretary of State, George Schultz, in a speech delivered on February 22, 1985, to the Commonwealth Club of San Francisco, put the essence of the Administration's concern clearly, cogently, and effectively;

> There is a self-evident difference between those fighting to impose tyranny and these fighting to resist it. . . . In each situation it must always be clear whose side we are on—the side of those who want to see a world based on respect for national independence, for human rights, for freedom and the rule of law. . .but where dictatorships use brute power to oppress their own people and threaten their neighbors, the forces of freedom cannot place their trust in declarations alone.[40]

Name-calling and pious platitudes do not clarify issues and rarely sharpen intellectual debate. International law must be understood before it can be applied. To confuse victims with victimizers is a dangerous way of formulating national policies.

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40. Schultz, *We Must Not Fail the Freedom Fighters*, Reader's Digest, June 1985, at 64.