

REALISM, INSTITUTIONS, AND NEUTRALITY: CONSTRAINING CONFLICT THROUGH THE FORCE OF NORMS

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Realism posits power as the key component of international relations. In contrast, Institutionalism looks to norms and customs as the primary bases of world politics. Yet both theories frequently fall short in explaining major international events. This article considers the institution of neutrality as an example of how norms exert a stabilizing influence in international relations. On the other hand, the failure to observe norms often results in instability, and in extreme cases, can lead to war. When this point is reached, the use of force may be the only means to restore a stable balance of power. By drawing on both Realist and Institutionalist theories, a richer explanation of international life can be found.

INTRODUCTION

Realism posits power as the basis of international legal and political life. In contrast, Institutionalism is that branch of international relations theory that purports to find normative and cultural factors at work in guiding important international events. This article will offer evidence of both theories at work through an analysis of an important international convention: sovereign neutrality.¹ The article will first place neutrality within the framework of institutional theory, and then examine the historical experience of neutrality to demonstrate the importance of norms, rules, and conventions in shaping international events.

NEUTRALITY AND REALISM

For many centuries, western states cooperated under an international institution of neutrality in order to mitigate the scope and destruction of war. Yet Realism posits balancing or bandwagoning as the sole options for states when confronted with international conflict. The Realist options rely on the actual or threatened use of force as a blunt expression of national sovereignty, and discount the influence of institutions as a factor in international life. In contrast, neutrality, which is also an expression of state sovereignty, consists of the *removal* of force, territory, issues, and resources from the scope of conflict in order to constrain the use of force. And it has done so historically by means of an elaborate body of conventions and rules, couched in its own unique language, that reflects a bona fide institution among the society of states.

Mainstream Realist theory either treats institutions such as neutrality as an anomaly, or fails to account for them at all. The historical record makes clear,

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however, that statesmen have paid considerable attention to the conventions of neutrality. While not repudiating the core essentials of classical Realist theory (such as the ubiquity of force and the importance of the balance of power), this article demonstrates how the institution of neutrality has helped to shape major historical events. I first offer a theoretical framework to show how this is possible.

Neutrality as an International Institution

Neutrality consists of rules and practices that attempt to reconcile the goal of belligerents in cutting off enemy access to resources against the desire of neutrals to conduct trade and other relations with parties in a conflict. Neutrality rules and norms have been a key element in numerous bilateral and multilateral agreements.² Important neutrality conventions have included the exemption of neutral non-military goods and ships from belligerent seizure during times of war, rules regulating neutral trade with belligerents, prohibition or restrictions on belligerent use of neutral territory and resources, conventions for "search and visit" at sea and coastal blockade, and mechanisms for adjudicating prizes seized in war. Until World War I, contraband lists were generally limited to items of direct military value. Neutrals are obligated to prevent belligerent use of their territory and may not augment the war-making capacity of any belligerent, or they risk losing the protection of neutrality. A state is assumed to be neutral unless it acts to the contrary, but states are not required to be neutral under traditional international law. Historically, a state was not obligated to prevent its citizens from assisting belligerents,³ but modern international law would provide otherwise.⁴

In order to posit neutrality as an international institution distinct from "Realist" devices such as balancing or bandwagoning, it is necessary to establish a precise definition of the term "institution."⁵ At its core, an institution can be described as "the broadly understood and accepted ways of organizing particular spheres of social action" (Cox, 1992). International regimes and institutions consist of rules, norms, and values which influence state behavior and which develop over time in response to reoccurring situations in order to mitigate the effects of international anarchy.⁶

To analyze more effectively the role of institutions, this article adopts the formulation used by Friedrich Kratochwil and scholars of the "interpretive" school of institutionalism.⁷ This approach views institutions as "conventions for conceiving and formulating rational policies, even if they are cast in terms of the pursuit of power" (Kratochwil, 1989). The interpretive perspective identifies the language and roles of international institutions that Realism ignores. This allows for construction of a theoretical framework to account for the historical influence of neutrality.

Under the interpretive approach, international institutions perform three essential functions. First, institutions offer a "framework for rationality." Since international life lacks effective central control, relations among states could not proceed without common acceptance of certain conventions. Conventions bridge

the gap between actors who do not know or trust each other, or who could not reliably predict or interpret the actions of other players. Second, institutions provide "templates for solutions," allowing parties to negotiate over sensitive areas of interest, without breaking the will of the other by sheer force. Conflict resolution short of total defeat for one side requires a normative structure for making credible promises, and depends not only upon the distribution of power among the parties, but also upon notions of reciprocity stemming from commonly accepted values. Finally, institutions perform "ordering functions." For example, institutions establish parameters of acceptable behavior and thus help create boundaries to conflict. Institutions embody commonly understood packages of rules and goals, and thus the motives and actions of parties are more easily interpreted. In addition, institutions provide procedures for adjudication, negotiations, or mediation of grievances. Without these settled patterns for negotiation and resolution, states would face enormous bargaining costs and dangerous uncertainty with each new potential conflict (Kratochwil, 1989).

Neutrality fits within the interpretive definition of an international institution. First, neutrality provides a framework for rational discourse between belligerent and third-party states. Belligerents want to prevent their enemies from obtaining military and other assistance, while neutrals prefer to maintain or expand commerce with belligerents and other states during times of conflict. The conventions and language for legitimate behavior under neutrality have been among the most widely-known (if not uniformly accepted) international regimes in diplomatic history. Recourse to neutrality laws offers the template for resolution of these historically significant points of contention, without the unrestrained use of force by one side or bald capitulation by the other. States that flaunt neutrality norms run the risk of losing status as law-abiding members of the international community, and must be prepared to upset the status quo. Moreover, neutrality serves several important international functions, such as separating neutral territory, ships, and cargo from the core issues of conflict. This helps avoid drawing ancillary parties and issues into war. Maxims such as "free ships, free goods" serve as the initial language of balancing the priorities of belligerent and neutral rights. In short, neutrality is a multilateral institution with diffused reciprocity and a set of organizing principles that, while subject to change, are universally understood.

The Failure of Realism to Account for Neutrality

Mainstream Realist writers are unable to provide a convincing explanation for the influence of neutrality. They are hobbled by their basic assumptions and limited range of agents for analyzing international events.

Realists assert that international cooperation occurs for the purpose of enhancing the relative power balance of an actor state at the expense of others (Keohane 1984). Under the Realist paradigm, no state should cooperate in behavior that is not directly tied to improving its position against other states (Waltz, 1979). For classical hard realists such as Machiavelli, Hobbes, and

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Heinrich von Treitschke, state sovereignty was directed solely by power capability and national expediency. No prudent state should long observe an institution such as neutrality in absence of tangible, short-term benefits.⁸

"Soft" Realists, such as E.H. Carr and Hans Morgenthau, reject the notion that states have a common interest in open trade and absolute economic gains, and both posit force as the essence of international law. They would reject the imposition which neutrality imposes on state sovereignty, which makes it difficult to account for the concern of statesmen for neutrality law. Morgenthau at least addressed the issue of neutrality in several writings. His summary, however, is that neutrality is no more than a by-product of the balance of power for small states. The appearance of neutrality as an institution is illusory (Morgenthau, 1958).⁹ Even Hedley Bull, who acknowledges both the existence of state society and neutrality as a cooperative device for limiting the spread of war, fails to construct a theory which adequately explains neutrality. Bull argues that the primary purpose of any regime is the preservation of the nation-state system and the survival of individual states (Bull, 1977). But neutrality neither expressly or implicitly advances these goals, nor does it necessarily seek to limit violence, another a goal cited by Bull. Traditional neutrality rules asserted the right of neutrals to sell arms and supplies to any belligerent, regardless of destruction or larger political consequences that might result.

Neorealist theory is likewise deficient in accounting for neutrality. For example, Kenneth Waltz asserts that the sole option for states when confronted with international conflict is to balance or bandwagon (Waltz, 1979), thus overlooking an important third option: remaining neutral. Moreover, Waltz goes beyond "soft realism" to assert that force is not only the *ultima ratio* of international politics, but also the "first and constant one." Authority in international governance is, for Waltz, directly tied to capability. Thus, Waltz would argue there can be no normative system of priorities such as a neutrality regime. Of course, the fact that some states are consistently neutral as a matter of official policy is sharply at odds with the key neorealist tenet that states do not "self-differentiate" (Ruggie, 1986). Robert Gilpin's theory of hegemonic rise and fall adds the dynamic of uneven growth to the stagnancy of Neorealism (Gilpin, 1981), but, like Waltz, he fails to address the issue of why statesmen even bother with neutrality regimes, nor does his theory leave room for the normative influence of neutrality and other institutions.¹⁰

Although balance of power and neutrality are both devices for achieving international stability, they are fundamentally different. Conceptually, the balance of power is about the real or hypothetical military contest between opposing sides. Balance of power is a calculation of state self-interest based upon quantifiable resources, that is, the sum total of the resources possessed by a state or group of states determine the potential threat which the state(s) pose to the actor.¹¹ In contrast, neutrality seeks to achieve stability by establishing a body of rules and norms that *remove* power and military resources from the scope of neutral/belligerent interaction. Its essence relies, not upon power, but upon shared

understandings between the parties involved. While "armed neutrality" and relative distribution of power certainly affect the status of neutrality norms, the central focus of neutrality is not to aggregate military force, but rather to eliminate potential sources and participants from conflict. In short, the balance of power is a device for which power is primary, and rules and conventions are secondary. Neutrality is a device for which rules and conventions are primary, and power is ancillary.

Since the full aspirations of neutral states are seldom respected *in toto* by other states, force frequently comes into play as a neutral state seeks to secure its neutrality claims against belligerents, and belligerents seek to restrain such claims. In these instances, force is at issue only because the norms and rules of neutrality are not universally respected. States which claim neutrality use force for the secondary purpose of securing their neutrality; the application of force for political ends is not the primary focus of neutrality.

Theoretical Framework for Neutrality

Neutrality has long been a device of statecraft to constrain conflict and limit the disruption of war. The institution of neutrality consists of rules, norms, and decision-making principles that shape actor expectations regarding the rights of belligerent and disinterested third-parties during times of war. To the extent that the conventions of neutrality have been observed by states, the result has been restraint in the spread of hostilities beyond the core conflict, and minimal disruption in the economic life of states. Neutrality has functioned as a series of checkpoints, which, if implemented at an early stage in international conflict, restrain the spread of hostilities by removing ancillary parties, issues, territory, and resources from the scope of war.

If the conventions of neutrality are violated, either wholesale at the outset of potential conflict or in ever-increasing increments, the vortex of war spreads to draw in third-parties with little direct interest in the underlying conflict. The result in some cases is general war. At this stage, neutrality may be ineffective or even counterproductive in restoring a balance of power. As the normative conventions of neutrality are discarded, the traditional predictions of Realism are actualized like a self-fulfilling prophecy. Force then becomes the *ultima ratio* until a balance is restored, at which time, neutrality and other institutions can once again become useful factors for maintaining stability in international life.

NEUTRALITY IN INTERSTATE RELATIONS

As a military and political strategy, the device of neutrality has been in existence since biblical times. By the end of the Greek city-state system, an elaborate code of conduct had formed to order the relationship of neutrals and belligerent which was remarkably similar to modern neutrality law.¹² States in the middle ages acknowledged the right of freedom of navigation in the Mediterranean

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during wartime (Jessup and Deak, 1935). Neutrality was widespread in official documents during the 1400s, and became a regular part of diplomatic language by the 1500s. Grotius allowed states to remain neutral only if the subjective rightness of the conflict at issue was doubtful.¹³ The Thirty Years War helped to remove subjective moral criteria from statecraft, and the concept that states could legitimately be neutral thus became an important aspect of international relations (Politis, 1935). Neutrality law was further refined during seventeenth and eighteenth centuries in the wars among Scandinavian and North European states. It is significant that states recognized a powerful normative standard of conduct among belligerent and neutrals, and either tended to voluntarily comply with neutrality conventions, or go to great lengths to explain their decision to defect from neutrality regimes (Kulsrud, 1935). As Robert Strauss-Hupé asserts, "By the end of the 18th century, neutrality had become an institution only rarely violated by the strong" (Strauss Hupé and Possony, 1954).

The compromise between neutrals and belligerents throughout the centuries has frequently depended upon the expediencies of power balances, military and industrial development, political configurations, and the good-will of belligerents--a sentiment often in short supply. At other times, however, either because neutrals were strong or belligerents desired reciprocal treatment, neutrality law proved to be an effective means of limiting the scope of conflict. This occurred at times and in ways which the distribution of power and state self-interest alone cannot adequately explain.

There is insufficient space in this article to provide a detailed examination of the law and politics of neutrality in modern times. Instead, I will proceed with five case studies of international conflict since Napoleonic times to demonstrate the influence of neutrality as an institution for shaping the events of world history. These cases were chosen as samples of major periods or important transitions in international politics.

Case #1: Bonaparte and the Italian campaign, April 1796

Until the French Revolution in 1789, European wars were akin to "armed law suits--fought out by small professional armies without hatred and in accordance with certain fixed rules."¹⁴ Among these rules were neutrality conventions. French nationalism which accompanied the revolution made possible the raising of massive civilian armies through the *levée en masse*. This development vastly increased the scope and complexity of war. The previous "civility" and fixed rules of war soon became obsolete, with profound implications for warfare and statecraft.

At the start of April 1796, Napoleon Bonaparte was a competent but little-known general in the French revolutionary army, firmly subordinate to the Directory and under the watchful scrutiny of political commissars attached to his command. By the end of May, however, Bonaparte had become the most powerful and celebrated general in Europe, receiving emissaries and making foreign policy

on behalf of France from his headquarters in the field. The institution of neutrality played a major part in this transformation.

In 1796, after several years of war that had been mostly successful for France, the Directory determined to strike a mortal blow at Austria--foremost among Europe's reactionary monarchies, and France's only remaining opponent on the Continent. The plan consisted of a two-prong offensive: the main thrust was to come from the north through Germany, while a second front would act as a diversion by menacing Austrian possessions in Northern Italy. Bonaparte was given command of the second front: the understrength, under-equipped, "Army of Italy." The posting could hardly have been less auspicious: his army was entirely without funds, and the plans were already underway to replace Bonaparte with General Kellerman if political expediency required.

Attacking and defeating his enemies piecemeal, Bonaparte made rapid progress through Piedmont in the early weeks of the campaign. But while still outside Lombardy, he suddenly found himself facing the Austrian army securely entrenched behind three tributaries of the Po river at the town of Valenza. *Immediately south of the Austrian position lay the neutral duchy of Parma*, unoccupied and too weak to defend itself. Austrian General Beaulieu, an experienced officer in command of seasoned troops, could reasonably expect the French Army of Italy to observe the sacrosanct inviolability of neutral territory; thus he did not secure his southern flank by occupying Parma. But Bonaparte determined to play by different rules, and transited neutral Parma, crossing the Po downriver at Piacenza, well to the rear of Austrian lines. The maneuver outflanked the strong Austrian position and forced Beaulieu to evacuate almost the whole of northern Italy without a major battle. Lombardy fell to Bonaparte at virtually no cost. French troops then occupied Parma and other neutral territory, and imposed a sweeping "war tax" which thereafter sustained the Army of Italy and enriched the French treasury. Austria was forced to use neutral Venetia in order to supply its sole remaining Italian fortress at Mantua. Thereafter, and for the duration of the Napoleonic wars, neutrality ceased to serve as a constraint on force, as it had in previous wars.¹⁵

The tactical advantage gained by Bonaparte's violation of neutrality norms was pivotal to Bonaparte's stunning success in the Italian campaign. The Italian victories bestowed upon Bonaparte a renown which not even the Directory could assail, and proved the beginning of twenty years of warfare and organized pillaging on a scale unknown before.

Case #2: The Crimean War

Bonaparte's violation of neutrality law shows how disregard of institutions can destabilize international life. In contrast, the observance of neutrality conventions have served to maintain international stability. The Crimean War provides an example.

The Revolution of 1848 nearly overthrew the aristocratic social order of Europe. By 1850, the Revolution had ostensibly been beaten back, except in

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France, where it firmly triumphed. Yet the financial and political costs to European governments were enormous, especially Austria. Despite an apparent return to normalcy, underneath the smooth diplomatic veneer, lay many deep cleavages. The precipitous decline of the Ottoman Empire would bring these cleavages violently to the surface (Wetzel, 1985).

England was the only European power largely unscathed by the Revolution. The British public resented the autocratic Russian monarchy, while the Foreign Office was deeply concerned about the threat to India should Russia fill the space left by the retreating Ottomans. For its part, the Russian government took umbrage at England's efforts to keep it out of the Near East, and for Britain's refusal to support the Czar's claim to a special protectorate over Orthodox subjects of the Sultan. By 1853, both England and Russia envisioned a massive defeat of the other, and both states were only too willing to wage a general war in Europe to accomplish their aims. France and Turkey were solidly behind England. Czar Nicholas, fearful of 'the revolution,' worked to resuscitate the 1815 Holy Alliance of Russia, Prussia, and Austria.

War came in October 1853, sparked off by a rash Turkish raid on a Russian port. Some 3,000 Turkish sailors died in the ensuing bombardment by Russian gunboats. Outraged, England and France declared war, and called upon all "free peoples of Europe" to join in a crusade against autocratic Russia. Literally and figuratively in the middle were Austria and Prussia, with Sweden on the northern borders. But the Crimean War did not prove the downfall of the established European governments, notwithstanding the serious social turmoil of the times and sharp political and ideological antagonisms at stake. What proved to be the key stabilizing factor was the institution of neutrality.

Belligerents ardently courted the support of the uncommitted states, alternately cajoling, bribing, and threatening. These included defense guarantees, vast amounts of foreign aid, military assistance, territorial gains, and threats of invasion or loss of foreign domains (Lambert, 1990; Bayley, 1977). But Austria, the key to central European politics, claimed neutrality and refused to be drawn into the conflict. Prussia followed the Austrian lead, and as long as the former two states did so, Sweden publicly pledged to stay neutral as well. What might have been a general war on the European continent was thus confined to the maritime peripheries.

The conventions of neutrality were generally observed during the Crimean War. The belligerents recognized that to pressure a neutral risked driving it to the enemy. Russia, for example, reached an early compromise with Austria and moved its troops away from a threatening position on the banks of the Danube. As the Czar's Foreign Minister pointed out, should Austria abandon neutrality "instead of three enemies, we will have to take on Europe."¹⁶ After this, Austria no longer considered participating in a general war against Russia (Lambert, 1990). Throughout the war Austria was a primary proponent of peace efforts, eventually brokering the final peace settlement (Wetzel, 1985).

Belligerents sought to avoid the wanton destruction which characterized the Napoleonic wars. All states adhered to the liberal maxim, "free ships, free

goods." Queen's Advocate J.D. Harding blocked several attempts by the British Navy to declare a blockade, either because the fleet was not in proper position, or because it lacked sufficient ships on station for an effective blockade. This caused considerable losses for the British, but reflected the government's determination not to antagonize neutrals (Lambert, 1990).

Ironically, just as it was Austria's neutrality that kept the war limited, it was the threat to abandon that neutrality which forced Russia to accept allied terms for peace. So long as it could count on Austrian and Prussia neutrality, Russia was willing to continue a low-scale war on its periphery, far away from its core areas of interest, despite the fact that its military had proven largely ineffective. But when the potential loss of central European neutrality threatened to bring general war to the Russian heartland, Russia accepted the allied terms for peace. The protection of neutrality allowed the nascent Prussian state to continue its course of national development, and kept the tottering Austrian monarchy on its feet long enough for the two states to switch roles in German suzerainty some ten years later. A general war in Europe at this pivotal time would have considerably changed the course of European history.

In a war which saw few notable violations of neutrality, it is remarkable that the final peace accords paid a great deal of attention to restating the rules of neutrality. Along with a formal treaty signed on 15 April 1856, the parties signed a "Declaration" dealing with neutrality at sea. The provisions included abolishment of privateering, affirmation that a neutral flag covers enemy goods except for contraband, protection for neutral non-contraband goods under enemy flag, and a statement to the effect that a naval blockade, to be legal against neutrals, must be "effective," that is., maintained by a force sufficient to prevent access to the enemy coast.¹⁷

The Declaration was a clear acknowledgment by statesmen of the value of neutrality in limiting the scope of conflict. The revisiting of neutrality law was necessary due to a significant development during the war: the advent of steam-powered warships. Until this time, an "effective" blockade was nearly impossible.

While neutrality law served to direct the course of events in the Crimean War, it was itself influenced by events of the war, in this case, an important development in military technology.

Case #3: The Boer War

The Boer War (1899-1902) was a low-level conflict which concerned the political status of Dutch-speaking settlers in British-dominated South Africa. Troops from the British Empire suppressed a nationalistic independence movement among Boer farmers, who were handicapped by the fact that not a single foreign government formally recognized their cause. The war was confined to a small area in southern Africa, far from the vital interests of most major powers.

Developments on the battlefield had almost no strategic consequences, and did nothing to alter the international balance of power. But a series of neutrality law violations by Britain against German civilian shipping early in the war

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provoked a fundamental shift in European politics which set the stage for World War I.

The Boer War came at a transitory time in international politics. Britain was the undisputed world power in the late-1800s, yet Germany, with its victories over Denmark, Austria, and especially France, had by 1880 established itself as the major force on the continent. Few statesmen at the time (Bismarck excepted) understood the extent and implications of Britain's relative decline against the German state.

The early months of the war went badly for Britain. Supplies and materials for Boer forces poured in through the neutral Portuguese colonial port of Lourenço (in modern-day Mozambique). This conduit was soon closed by the Portuguese, but the benefit to the Boers was considerable. In response, Britain adopted an aggressive policy towards neutral shipping. A sweeping contraband list was issued covering a broad range of military goods, but also numerous peacetime commodities including food intended for civilian use. This step was unprecedented, and demonstrated that the civilian economy was becoming increasingly integrated into the war-making capacity of states (Pakenham, 1979; Campbell, 1908).

A more consequential event, however, occurred when the British navy detained and searched a number of German and other neutral steamers bound for neutral East African ports. Several German vessels were towed to Durban for closer inspection. In one instance, cargo was impounded. No contraband was found on the German vessels, and the events were of no military significance to the war. The response in Germany, however, was unbridled outrage. A previously recalcitrant Reichstag, which in 1898 had begrudgingly passed Germany's first modest naval bill after a decade of debate and cajoling, was now united solidly behind the bombastic Kaiser William II. In the space of a few weeks, it overwhelmingly approved a hugely ambitious bill for the construction of an ocean-going battle fleet, the express purpose of which was to reach parity with Britain in the North Sea.¹⁸ What the Kaiser had been fruitlessly demanding for years, the British Royal Navy served up in just a few months. Moreover, the mood of the German populace and government was deeply and decidedly anti-British (Massie, 1991).

It was not a change in the balance of power which led to this dramatic turnaround. Germany was no more vulnerable to Britain at the end of January 1900, when the navy bill was passed, than it was in October 1899, when the Boer War began. What had changed was that, unlike during the Crimean War, Britain demonstrated that it now viewed neutrality law as readily subordinate to its own national interest. Neutrality norms, in other words, no longer weighed much in the balancing process for British foreign policy. Without the protection of neutrality norms, the German merchant fleet was at the whim of the Royal navy. As a major industrial power, the German state was not willing to accept this status. The result was political polarization, and an aggressive naval arms race between Britain and Germany--in short, prelude to World War I. As the Kaiser himself might have lamented, the German public prior to the Boer War had shown no

inclination to challenge Britain on such a massive scale. The observance of neutrality would have delayed—if not prevented—this movement. The violation of a clear neutrality norm certainly exacerbated it. International stability suffered as a result.¹⁹

Case #4: Neutrality and World War I

The institution of neutrality has traditionally been used as a device to constrain the use of force. But, as Bonaparte first demonstrated, it can also serve as a tool to maximize force. In the weeks prior to the outbreak of World War I, Britain made several attempts to bargain its neutrality for guarantees from Germany to abandon or limit its plans for aggression (Ewart, 1925; Ogle, 1970; Massie, 1991). Germany also made a last-minute offer for British neutrality in return for a promise that its troops would not invade France even if war did break out (Massie, 1991). These attempts to use neutrality to maintain a balance of power were too little, too late. As the vortex of conflict spread, neutrality then became a tool of warfare.

Once war broke out, however, both the Entente and Central powers sought to use neutrality as a means to gain military advantage. For example, both sides set up intricate networks of neutrality arrangements in the effort to prevent the spread of hostilities to areas away from the main theatres, or where it was inopportune to commit troops. They also utilized neutrality as a mechanism to time the introduction of hostilities in certain regions for maximum strategic effect.

These patchwork neutrality schemes were effective for a time. By encouraging the neutrality of moderately-armed Greece and Romania, for example, the allies hoped to make Bulgaria, with its considerable military power, feel secure enough to stay out of the war. For its part, Germany did everything possible to bring Bulgaria into the war from the start. Until the entry of Greece and Bulgaria into the conflict in October 1915, the Balkans remained at peace, which is ironic considering that the war was triggered by events in the Balkans. Turkish neutrality was a particular focus of diplomatic effort. Britain offered to guarantee Turkey's territorial integrity if it remained neutral. Russia strongly opposed that offer; it wanted Turkish neutrality for only three months, during which time it hoped to defeat Germany before making a grab for the Turkish Straits. Germany, on the other hand, had already signed a secret pact with Turkey, which, among other provisions, called for strict Turkish neutrality until such time as Germany entered the war in support of Austria (Fromkin, 1989). Of course, the entire war might have been avoided if states such as Germany and Russia had stayed out of the Austrian-Serbian conflict in the first place.

World War I demonstrated that progress in industrial and military technology could force fundamental institutional change. Previously, contraband was limited to a narrow range of products with direct military use. But early in the war, both sides published exhaustive contraband lists which included virtually every commodity in the stream of commerce, including food intended for civilian use. The ability to wage war had never been so closely associated with the civilian

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economy, and changes in neutrality rules reflected the intention of belligerents to strike at industry, and, if necessary, induce mass starvation of citizens. Increased economic interdependence made neutral nations all the more vulnerable to belligerent pressure. Britain used its economic leverage to coerce Norway into restricting exports of fish and copper ore to Germany. It offered financial compensation for loss of German exports, but also threatened economic shutdown by cutting off exports of coal and manufactures. These developments were a radical departure from centuries of neutrality experience.

New military technology profoundly affected the venerable doctrine of "visit and search." In the North Sea, the Royal navy sowed newly-developed stationary underwater mines in key sea lanes. This gave Britain control of all neutral shipping by forcing cargo vessels to apply at British ports for directions or escort through mine fields. Directions were given upon certification that the vessel was not carrying goods intended for Germany. With ships now coming directly to British ports, the exercise of visit and search, previously risky and expensive, was now safe, easy, and reliable. If Britain "amended" the rules of visit and search, Germany completely broke them. The Kaiser's government could not match Britain in naval power, and lacked enough conventional ships to escort captured prizes to port. But its U-boats gave Germany a potent weapon for intercepting civilian maritime traffic. U-boats, however, were highly vulnerable on the surface, thus making an inspection visit of neutral cargo on the high seas extremely dangerous. The German navy first tried to implement the traditional procedures of visit and search, but this proved far too dangerous for submarines. Germany then resorted to unrestricted submarine warfare, even though it ran the risk of bringing the United States into the conflict.²⁰

Neutrality might have played a key role in preventing the war, or in mitigating its spread and magnitude of destruction. But once the scope of conflict reached a "critical mass," neutrality was no longer an effective tool for maintaining international stability. States which had no interest in the initial fray between Austria and Serbia were sucked into the war as the checkpoints of neutrality gave way. Even America saw fit to violate neutrality norms by assisting Britain, thus prompting a German response²¹ and eventual United States entry into the war. By this point, the power configuration in Europe had become dangerously *unbalanced*. Germany planned to annex large tracts of occupied territory, and the United States might have lost its democratic allies in Europe. Continued American neutrality would, in fact, have hindered the restoration of a long-term, stable balance of power. Once this point had been reached, the sole remaining *ratio* for restoring international stability was the naked use of military force. The unspeakable destruction of the war is the legacy of Realism without institutional constraints.

Case #5: Global Security and the Korean War

Following World War II, the advent of the Cold War and a global security regime under the United Nations should have meant the end of neutrality, although for different reasons. The Cold War division of the world into opposing superpower camps presented the ultimate Realist incentive to balance or bandwagon. Never before had the starkness and the stakes of world conflict loomed so high. At the same time, post-war legal arrangements for collective security purported to do away with fence-sitting and enlist all nations in the cause of peace. The UN Security Council possessed authority to identify international aggression and mandate collective sanctions, including the use of force, if necessary. Neutrality was not considered an option in the face of UN collective action by the framers at San Francisco.²²

Against all expectations, neutrality survived and found a niche in global society. Although post-war neutrals were often forced to compromise some of their neutrality due to heavy dependence on American-led finance and technology,²³ even neutrals that were heavily integrated into the western economy refrained from joining the western military alliance and worked to reduce East-West antagonism, preferring to mitigate the prospects for global war rather than join an alliance to fight it. The Conference on Security and Cooperation in Europe (CSCE) and the European Free Trade Association (EFTA) are prominent examples of neutral engagement in European politics.

The Korean War represented a high-point in East-West tension. The UN Security Council (with the Soviet Union absent) condemned the North Korean invasion of 25 June 1950 as a threat to world peace, and called upon all UN members to render aid to a US-led United Nations military command. Many statesmen feared that an escalation of the war might provoke hostilities in Europe and possibly a nuclear confrontation. Prior to the introduction of Chinese "volunteers" in November 1950, PRC leaders had, in fact, accepted the prospect of nuclear attack against Chinese cities. From both a political and legal perspective, the moment was not auspicious for neutrality.

There were several factors which worked to keep the Korean War limited. These included the tacit understandings of restraint between the Chinese and UN forces, Soviet and American desire to avoid escalation of the war, and the neutrality of India.²⁴ As a UN-member, India had no legal basis for declaring neutrality. But it soon proved useful for facilitating communications and encouraging the negotiation process. In addition, the neutrality of the world's largest democracy on its long western border must have provided a measure of security for the Chinese leadership, which had just won a hard-fought civil war, and still did not have an absolute hold on power. I believe that Indian neutrality made possible the first mitigating element, Chinese-UN mutual self-restraint, thus ensuring the continued viability of the second element, U.S.-Soviet restraint.

Institutional constraint of conflict depends upon whether the parties involved feel secure enough to forego an immediate advantage in return for a future benefit, which, even if delayed, is of larger importance. China, the Soviet

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Union, and UN forces each showed restraint in their conduct during the war, and Indian neutrality assisted in this process by performing the functions of an international institution. India's role as a conduit for communication and its several peace proposals provided the framework for rational discourse and helped form the template for a resolution. Moreover, Indian troops implemented the armistice and repatriation process.²⁵ At the height of East-West tension, when nuclear war was a real possibility and security all too tenuous, the neutrality of a major state served the historical purpose of constraining force and maintaining international stability. Neutrality proved to be a deeper norm than the positive law regime of the United Nations, and overcame the narrow Realist paradigm of balancing or bandwagoning.

CONCLUSION

Neutrality is an international institution based on norms, rules, diplomatic language, and widely-understood conventions regarding relations between belligerents and neutrals during times of war. Neutrality has been used by statesmen as a device to constrain the use of force since early written history, and continued to play a role in mitigating superpower tension during the Cold War.

When the conventions of neutrality are observed among the society of states, the result tends to be a constraint of conflict. However, as the checkpoints of neutrality are violated, conflict assumes a vortex which draws third-party states into hostilities. This can reach a "critical mass" of violence, after which neutrality and other institutions are of little help in restoring a stable balance of power. Realist factors such as force then come to the forefront, and must be used in unadulterated fashion, including, at times, general war, in order to restore international stability and the balance of power. Important historical outcomes have been profoundly influenced by neutrality, but the institution itself has also evolved due to changes in the balance of power, political expediencies, and progress in military and industrial technology.

This study does not deny the importance of force and the balance of power in the interaction of states. Force is often a necessary factor in maintaining a balance of power favorable to the existence of regimes. And force can often sweep away the restraining influence of norms and institutions. But history shows us that institutions such as neutrality can promote international stability in ways that Realism and the use of force alone cannot. The result of such institutions is frequently stability. In short, institutional forces such as neutrality have a rich historical legacy which Realism overlooks. What the history of neutrality proves is that international institutions matter. By looking at *both* Realist and Institutionalist approaches to international life and applying either at the right time and context, a richer mosaic of international relations is evident.

ENDNOTES

1. As used here, the term *neutrality* refers to "situational sovereign neutrality," meaning a deliberate policy of impartiality towards all belligerents in a specific conflict. This form of neutrality differs from *neutralization*, neutrality imposed by force, and *permanent neutrality*, avoidance of alliances which would obligate a state to favor one side in a conflict.
2. A partial list includes the *Consulato del Mar*, numerous treaties among Scandinavian states, 1794 Jay Treaty between the US and Great Britain, The Declaration of Paris (16 April 1856, ending the Crimean War), 1907 Hague Conventions, 1909 Declaration of London Concerning the Law of Neutrality and Naval War, 1923 General Treaty of Peace and Amity of the Central American States, and 1928 Habana Convention on Maritime Neutrality.
3. 1907 Hague Convention V Article 6. Neutrality law is one of the few international legal regimes that extends to individuals. Privately-owned ships and cargo are subject to seizure and condemnation if found to be in violation of neutrality rules.
4. A survey of traditional neutrality law can be found in von Glahn, 1986, chap. 26. For a review of modern neutrality law, see Leonhard, 1988. A comprehensive treatise of pre-World War II neutrality is Jessup and Deak, 1935. See also Kulsrud, 1935.
5. In this article, "institution" and "regime" may be considered interchangeable.
6. Many authorities could be cited in this regard. See Keohane, 1988; Young, 1992.
7. The label comes from Keohane, "International Institutions: Two Approaches," p.381.
8. For review of the Hard Realists, see Smith, 1986, pp.10-13. A brief summary of Treitschke is in Carr, 1964. His complete works are published in von Treitschke, 1916.
9. See also "Neutrality and Neutralism," *Yearbook of International Affairs* 1975, pp.47-75.
10. Holsti, 1992 at pp. 32-36 provides examples of institutions as a force in maintaining the European balance of power.
11. Walt, 1987, adds the factor of intent or perceived threat.
12. A comprehensive study is Robert A. Bauslaugh. 1991. *The Concept of Neutrality in Classical Greece*. (Los Angeles: University of California Press). A brief but useful summary is Coleman Phillipson. 1911. *The International Law and Customs of Ancient Greece and Rome* (London: Macmillan & Co), esp. Vol.II, p.206. Evidence

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of neutrality conventions are also found in Thucydides, *History of the Peloponnesian War*; see, for example, V:94-95; VII:539.

13. Hugo Grotius, *Law of War and Peace*, Book III, Chapter XVII, p.3.

14. Jessup and Deak, 1935, Vol. IV, p.78.

15. Guglielmo Ferrero claims that Bonaparte's violation of Parmese neutrality marked a turning point for warfare due to the loss of the normative restraints of neutrality. Guglielmo Ferrero. 1936. *Aventure: Bonaparte en Italie 1796-1797* (Paris: Plon) pp.43f; quoted in Strauss Hupé and Possony, 1954, p.275.

16. Wetzel, 1985, p.119.

17. Turlington, in Jessup and Deak, Vol. III, pp.v,vi.

18. Admiral Tirpitz' long-term goal in building a great battle fleet was to either entice Britain into an alliance with Germany, or force it to remain neutral in the event of a future war (Walt, 1987).

19. As Pakenham notes, "who could have guessed that these earth tremors of 1900 were to lead to the earthquake of 1914?" (Pakenham, 1979, p.264.)

British violation of neutrality was also a precursor for its wartime alliance. While American officials turned a blind eye, British commissars set up a massive supply operation in the United States, turning part of the Port of New Orleans into a British base staffed by British officers and flying the Union jack. From 1899 to 1902, over \$52 million worth of military-use goods were shipped from New Orleans to British depots in South Africa. This violated American neutrality law, as well as the 1871 Treaty of Washington between the U.S. and Great Britain, which required a neutral government to prevent the use of its ports for belligerent operations. Had the Boer Transvaal Republic and Orange Free State won their independence, they could have pressed a substantial indemnity claim against the United States (Campbell, 1908).

20. These changes took place less than ten years after the signing of two major international neutrality agreements, the 1907 Hague Conventions, and the 1909 Declaration of London.

21. The German sinking of the British passenger ship Lusitania in May 1915 is notable. Hit by German torpedoes as it was approaching Liverpool, the vessel sank in eighteen minutes after the forward hold exploded, with the loss of 1,198 persons, including 128 Americans. The hold was loaded with tons of American-made munitions, a flagrant violation of neutrality obligations.

22. Article 2(5) of the UN Charter states that members "shall give the United Nations every assistance in any action it takes in accordance with the present Charter...."

Article 48(1) stipulates that the "action required to carry out the decisions of the Security Council...shall be taken by all the Members of the United Nations or by some of them, as the Security Council shall determine."

Statements arguing neutrality under the Charter can be found in UNCIO Documents, Vol.6, Doc.736, p.722; Doc.944, pp.459-460; Vol.7, Doc.1178, p.327. See also Goodrich, Hambro, and Simons, 1969, 91.

23. Indeed, by the end of the 1950s, the Soviet Union viewed the European neutrals as latent Western allies.

24. Under these loose arrangements, UN forces agreed not to eliminate the existence of the North Korean government and to refrain from bombing targets in China. China refrained from sea-borne attacks against UN supply vessels. Within a few weeks after the invasion, the Soviet Union scrupulously avoided providing assistance to communist forces, and only reluctantly sold small arms to China on a cash basis (Halperin, 1963; Hastings, 1987). See also "Mao's Cable Explains Drive Into Korea," *The New York Times*, 26 February 1992, A8.

25. An overview of India's role in the war is found in Foot, 1990.

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