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## BOOK REVIEW

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Gary Jonathan Bass. ***Stay the Hand of Vengeance: The Politics of War Crimes Tribunals***. Paperback edition with new afterword by author. Princeton: Princeton University Press, 2002. Pp. 424, maps, index. \$19.95. ISBN: 0-691-09278-8.

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*Stay the Hand of Vengeance* is a well researched and convincing first book. Gary Jonathan Bass argues that war crimes tribunals, though tugged in various directions by the political forces of “realism” and “idealism,” are in fact best understood not by grand sweeping models of political behavior but by a clear-headed investigation of the conditions under which they arise and proceed. His historical survey of war crimes trials, which begins with British handwringing over Napoleon in 1815, continues through the post-World War I trials at Leipzig and Constantinople, and concludes with sober discussions of both Nuremberg and the current tribunal at The Hague, is both novel and informative. Bass possesses the analytical techniques of a political scientist, the archival predilections of an historian, and the writing style of a journalist. Throughout the book, Bass is brutally straightforward about the various political and moral shortcomings of these tribunals and the states that sponsor them. He grants cynics their concerns about “victor’s justice,” the selfishness of great powers, and the inconsistent ways that international justice is meted out. But he still concludes that the legalist desire for tribunals is far superior both practically and morally to a “realist” indifference to justice and postwar landscapes suffused with vicious thoughts of revenge. The result is a thought-provoking piece of history that has tremendous relevance to international politics in the 21<sup>st</sup> century.

The major goal of this book is to explore the conditions under which states have supported international war crimes tribunals. The conclusion Bass makes on the basis of his survey is that tribunals have always arisen

as the result of political action by liberal states plagued (or blessed) by a tension in their foreign policy between "liberal ideals and cruder self-interest." Bass uses this formula to explain why liberal states are not consistent in their legalist desires (because self-interest is always powerful). His argument that liberal states are the only ones that press for war crimes tribunals rests on the premise that "only liberal states have legalist domestic norms that have a clear impact on foreign policy." (29)

This claim that tribunals are the exclusive domain of liberal states seems to be borne out by the cases Bass examines, but I find it somewhat problematic on methodological, historical, and practical grounds. My methodological objection is that Bass focuses almost exclusively on tribunal politics in liberal states (mostly Britain and the United States, occasionally France), and as a result the conclusion that only liberal states support tribunals comes uncomfortably close to a tautology. The only full non-liberal case study deals with the Soviet Union during the Nuremberg process. There, Bass shows, Soviet diplomats sought to make the tribunals replicas of their own form of "justice" by turning them into show trials. Bewigged Brits and vicious Vyshinskiis make for dramatic counterpoints, but it does not follow that all illiberal states are somehow Stalinist in their judicial outlook. To really prove his point, Bass should have included a case of a "milder" non-liberal state caught up in tribunal politics.

This brings us to the historical issues. The case of a non-liberal state in an era of concern about war crimes with which I am most familiar is that of tsarist Russia during World War I. Russian politicians showed a great deal of support for the idea that war crimes should be punished throughout the war. Bass finds evidence for this support in his research but does not integrate it into his analysis. Instead, Bass is a bit embarrassed that "of all people" the man who came up with the phrase "crimes against humanity" as a basis for international tribunals was Tsar Nicholas II's foreign minister Sergei Sazonov, in 1915. (116) This tidbit of information surprises Bass; I am not surprised at all. Indeed, I would venture to guess that had the war miraculously ended in German and Ottoman defeat in 1915, the tsarist government would have eagerly participated in tribunals. Throughout the war, tsarist officials and public figures both in and out of the Duma busily gathered testimony from escaped POWs, civilian victims, and others in tandem with the efforts of their western allies. Russia did not participate in the postwar tribunals because the Bolsheviks who came to power in 1917 ridiculed "bourgeois" norms of justice and were in any case shut out of the Versailles process. But the activity of Sazonov and others prior to 1917 does seem to show that illiberal states can have "legalist domestic norms that have a clear impact on foreign policy," precisely because even illiberal states can have powerful political actors who believe in legalism. This is a fortuitous occurrence in practical terms, since absent this political

dynamic it is hard to see how tribunal justice can hope to gain widespread legitimacy in the current global political climate.

My only other substantive criticism of this book has to do with the contrast Bass draws between the political cluster of "realism," "crude self-interest," and generally amoral "bad will" and the cluster of "liberalism," "idealism," and "humanitarianism." I am sympathetic to the moral and political objections Bass makes to the traditional "realist" line; indeed, the epilogue to this book is the clearest argument I have yet seen as to why tribunal justice is superior to its alternatives. But it seems to me that contrasting "realism" with "idealism" obscures the profound ideological basis of political "realism." Throughout the book, Bass dismisses the concerns of realists that tribunals threaten the traditional functions of the state (regulation of criminality, war-making, and indeed sovereignty as such) and thereby directly challenge the centrality of the nation-state in the world political order. These passionate objections are idealistic; they are based on the idea of the nation-state as the fundamental unit of cultural, social, and political life. What we have, therefore, is a clash between two idealisms, not between selfish and sober realists and humane but fuzzy idealists. It is this clash of idealisms that Bass describes best in this book, and it is the struggle over these fundamental political ideals that will determine the viability of international justice for the foreseeable future.

Thoughtful and provocative books on complicated topics inevitably bring out the querulousness in reviewers. It is therefore important to stress in conclusion what an excellent book this is. It effectively punctures the main arguments of "realists" and "idealists" regarding international justice and does so without animus or rhetorical excess. It is clear enough to assign to first-year students and sophisticated enough to recommend to your colleagues. I'm going to do both.