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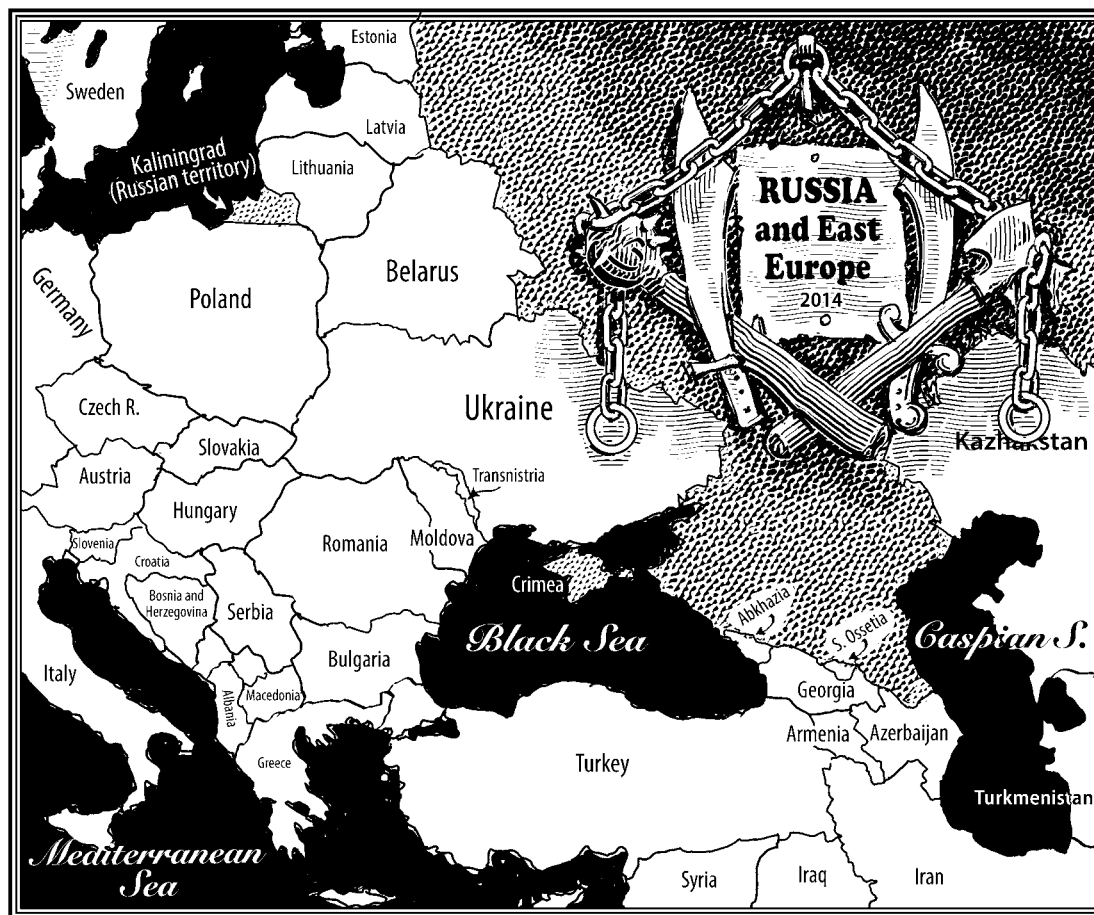
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Essay by Jeremy Rabkin

A MORE DANGEROUS WORLD



THE OBAMA ADMINISTRATION'S RUSSIA policy has followed a well-established pattern. Last year, the president declined to provide direct support for any side in Syria's ongoing civil war, but insisted that the use of chemical weapons would cross a U.S. "red line." When evidence of such use could not be ignored, Obama threatened military strikes on Syria in retaliation. After half-hearted efforts to persuade Congress to endorse the strikes, he seized on Russian President Vladimir Putin's offer to negotiate the withdrawal of Syria's chemical weapons without resort to force. So far, the promised withdrawal is way behind schedule and foreign intelligence agencies insist that chemical weapons have been used again. But there has been no further talk about resorting to force.

When Russia seized Crimea from Ukraine this March, President Obama repeatedly appealed for a peaceful solution. In late March, he insisted in a speech in Brussels that NATO would not use force outside its own borders. The aim was to "de-escalate tensions," an aim reemphasized at a meeting between Secre-

tary of State John Kerry and Russian Foreign Minister Sergey Lavrov in mid-April. Russia is still in Crimea and will likely continue to challenge the Kiev government's control of Ukraine's eastern provinces. And that won't be the end of Russian aggression in the region. When one side has determined aims and the other is resolute only for avoiding confrontation, it is easy to see which will prevail.

What's the Fuss?

CHALLENGES DON'T DISAPPEAR BE- cause we refuse to acknowledge them. Russian aggression against Ukraine may well prove a turning point in world politics. It is certainly a blow to prevailing notions of international law. It will be all the more consequential because the West's tepid response makes it harder to isolate as an exceptional case, and so harder to deter its repetition.

The Left, extremely vocal about international law during the Bush Administration, has gone quiet. On the Right, international law is often regarded as little more than a

collection of pious platitudes or liberal talking points. After all, major powers commonly resort to force without waiting for authorization from the United Nations—as the United States itself did in the past 30 years in Iraq, Kosovo, Panama, and Grenada. So why make a big fuss when Putin stages a bloodless coup in Crimea?

As recently as 2008, Russia sent troops to border regions of independent Georgia, then sponsored two new, nominally independent republics in Abkhazia and South Ossetia. Then-presidential candidate John McCain proclaimed, "We are all Georgians now." The outgoing Bush Administration offered modest sanctions and the incoming Obama Administration promised a "reset" of Russian relations. So why make more of a fuss about Crimea, which Ukraine did less to defend than Georgia did for its breakaway territories six years ago?

But in truth, it's one thing to assist a separatist uprising and something else to annex your neighbor's territory into your own borders. The U.N. Charter doesn't just admonish members



to avoid resort to force except in self-defense; it specifically prohibits resort to armed force “against the territorial integrity or political independence of any state” (Article 2, Paragraph 4). Whatever you want to say against American actions in Iraq, Kosovo, Panama, or Grenada—or still earlier in Vietnam—we didn’t think of acquiring any of those territories as permanent American possessions.

When Saddam Hussein tried to annex neighboring Kuwait in 1990, almost the whole world—with Russia and China going along—condemned that aggression and the Security Council demanded Iraq’s withdrawal. Some 600,000 American-led troops were dispatched to the region within weeks and soon smashed Saddam’s army to make good on the U.N.’s demand.

In the immediate aftermath of that Gulf War, President George H.W. Bush heralded this success as the advent of a “new world order” that would replace Cold War divisions. That world order is now gone. The annexation of Crimea is more definitive than any coroner’s report.

Several features of the Crimean conflict set it apart from previous conflicts. The most important is that the aggressor made no effort to disguise its actions as legitimate self-defense. Crimea had been part of Ukraine since the 1950s. Russia had not disputed Ukrainian claims to the region when it became independent, following the 1991 dissolution of the Soviet Union. Putin’s government did not seek Ukrainian agreement to the annexation nor international mediation. It used special forces to seize strategic strong points before Ukraine—let alone outside powers—fully understood what was happening.

The Russians then immediately organized a referendum to demonstrate local support for annexation. No outside monitors were invited to verify the integrity of the voting, which took place under Russian guns. The announced result—97% approval for transfer to Russia—was a Soviet-style landslide. Putin made no effort to reassure the world that Crimea was a special case. He hopes to reestablish Moscow’s sway—in one form or another—over most of the successor states of the old Soviet Union.

It adds up to a very big challenge to international order. In early March, Secretary of State Kerry dismissed Russia’s seizure of Crimea as “a 19th-century act in the 21st century”—as if sheer embarrassment at being out of date would persuade Putin to change course. But our 21st-century responses don’t seem adequate to deal with traditional challenges. What gives Putin his opportunity is that we are no longer equipped to respond to old challenges in the old ways.

Redrawing the Map

THE WORLD, DIVIDED ON SO MUCH ELSE, has generally agreed in recent decades on the importance of respecting existing international boundaries—a commitment born of bitter experience. The language in the U.N. Charter was adapted from the central provision of the League of Nations Covenant, that “The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League” (Article 10). The League was created in 1919 as new states emerged in central and eastern Europe from the break-up of the Austrian and Russian empires. With uncertain borders and limited means to defend themselves against larger powers, these states looked to the League for protection. So did other nations whose borders had been rearranged in the general chaos following World War I.

As it turned out, the “collective security” promised by the League proved entirely illusory. It did not respond when Japan annexed Manchuria in 1931. It adopted only half-hearted (and transitory) economic sanctions when Italy annexed Ethiopia in 1935. It did nothing when Germany annexed Austria in 1938, even though this merger had been expressly prohibited in the Versailles Peace Treaty less than 20 years earlier.

Barely six months later, Britain and France ignored the League entirely when they agreed at the Munich Conference that Czechoslovakia must hand over its Sudeten border regions to Germany. The Czechs themselves were not consulted but simply told to sign. The other signatories at Munich did not lift a finger when Germany dismembered the remaining territory of Czechoslovakia in the spring of 1939, annexing Bohemia and setting up a puppet state in Slovakia. Hungary, Romania, and, for a time, Yugoslavia quickly came to terms with newly resurgent Germany.

Surely one reason for Western acquiescence to Russia’s annexation of Crimea is that Putin’s Russia seems a far cry from Hitler’s Germany. True enough. Russia is aging, alcohol-ridden, and totally dependent on exporting oil and natural gas to other countries. It does not host hysterical rallies deifying its present leader—who is not a spell-binding orator anyway. But that makes Western acquiescence all the more telling.

Western statesmen of the 1930s were desperately afraid of another world war, anticipating—correctly, as it turned out—that another war would claim millions of victims and reduce leading cities of Europe to rubble.

Today’s leaders are worried that confrontation with Putin’s Russia will boost energy prices and rattle stock markets. Although severe economic sanctions would probably suffice to compel Russia to reconsider its current course, they would also impose costs on Western Europe—so they are off the table. As in the 1930s, we have shrugged off any serious measures of “collective security” to protect vulnerable states’ “territorial integrity.”

The alternative is not necessarily complete anarchy, but it’s not pretty. In earlier centuries, wars commonly ended with demands for territorial concessions from the loser. Often the appetite for such rewards seemed the real reason—if never the stated reason—for resorting to war. Prussia’s Frederick the Great won that epithet by seizing Silesia from the Habsburg empire and then managing to hold it through successive wars, after which he helped himself to more territory. Napoleon Bonaparte redrew boundaries across Europe, to suit his strategic interests or his tastes, after defeating powers that would otherwise have objected.

After Napoleon’s final defeat, the assembled victorious powers at the Congress of Vienna in 1815 did not restore pre-Napoleonic boundaries, but redrew the map of Europe to suit their own priorities. Among other innovations, they assigned new holdings on the Rhine (as a bulwark against French resurgence) to the rising kingdom of Prussia (the medieval name originally meant, “near Russia”). Prussia kept rising. Under Prime Minister Otto von Bismarck, it seized territory from Denmark after a short war in 1864, absorbed Austrian client states after a short war with the Habsburgs in 1866, finally took the French provinces of Alsace and Lorraine after a brief war with France in 1870, and reorganized all the remaining German states outside the Austrian empire into a Prussian-led German Empire.

There was a lot of that in the 19th century. A unified Italy emerged after a succession of short wars in which the Kingdom of Savoy defeated the Austrian Empire (with French help) and various petty states on the Italian peninsula. In North America, the growing United States acquired vast territories in the southwest after a successful war with Mexico. Japan followed in the pattern of Western powers by seizing Korea and Formosa at the end of the century.

Code of Honor

BUT THAT WORLD WAS DIFFERENT from ours in two important ways. First, the victors did not just grab territory, but insisted on getting formal recognition for their acquisitions. Wars were as much



about establishing title as about occupying territory. Prussian troops had seized the Alsatian strongholds in the opening weeks of the Franco-Prussian War. Bismarck ended up bombarding Paris weeks later, because he was determined to get French agreement to the cession of its border provinces. Though the United States easily captured California from Mexico, as well as Mexico's chief port and its capital city, the U.S. ended up paying a considerable sum for the territories between Texas and the Pacific because it wanted Mexican agreement to America's title.

The point of such formalities was to strengthen the odds that the loser would be reconciled to the results, having formally agreed to them. It did not always work. Territory gained in one war could be reclaimed in another war. So—a second difference—states in the 19th century were serious about seeking additional safeguards, primarily through alliances. After he finished grabbing territory from neighbors and intimidating clients into a tighter federation, Bismarck assiduously pursued alliances with Russia, Austria, and Italy in order to discourage France from dreaming of a war of revenge. France eventually wooed Russia into a different alliance—an implicitly anti-German one. In an age when territory could be seized, you wanted friends.

Small states especially wanted friends. When Francophones in the enlarged Kingdom of the Netherlands rose in revolt in 1830, Britain blockaded Dutch ports to force Dutch acquiescence to the separation. But it insisted the new state, called Belgium (after a tribe inhabiting the area in Roman times), must not be acquired by France. France and Prussia were persuaded to join Britain in a formal agreement guaranteeing Belgium's independence and territorial integrity.

When Germany invaded Belgium in 1914, Britain declared war on Germany, citing its 19th-century commitment. The German Foreign Office expressed surprise that so much fuss was made about “a scrap of paper.” Perhaps that was not the only reason Britain resorted to war. Nevertheless, it was the publicly stated reason and seemed to persuade members of Parliament at the time. If you give your word and don't keep it, why would anyone trust your word in the future? And if no one trusts you, how can you be a great power?

Even after the cynical experiences of the interwar years, the argument had a lot of force, at least in Britain and France. It was precisely these experiences that revived the moral claims of treaty commitments. When dictators had seized territories at will and disdained legal obligations, the League did noth-

ing. Britain and France then pledged to Poland that they would defend it against further aggression. When Germany invaded Poland, they declared war.

But not immediately. British Prime Minister Neville Chamberlain hoped for some last-minute agreement to avert war. In the House of Commons, the spokesman for the opposition Labour Party, Arthur Greenwood, protested, “Every minute's delay now means the loss of life, imperiling...our national interests.” A Conservative back-bencher shouted “Honour.” Greenwood continued, “Let me finish my sentence. I was going to say, imperiling the very foundations of our national honour.” The historian Martin Gilbert, reporting this exchange in his book *The Appeasers* (1963), commented: “The invocation of honour hit at appeasement where it was most weak.... It might seem sensible to refuse to go to war for Poland. It could not be honourable.”

Honor was important in medieval Europe for the same reason it remains so with urban

Russia is aging, alcohol-ridden, and totally dependent on exporting oil and natural gas to other countries. That makes Western acquiescence all the more telling.

gangs in American inner-city neighborhoods today: if you can't rely on law, you need to rely on a reputation for strength and courage—and for keeping your promises to protect your friends and punish your enemies. Only nobles had honor in medieval times because others were denied the weapons and training to defend themselves. Only major powers by the 19th century were expected to live up to promises. You could forgive small states for accepting any deal imposed on them, since resistance was likely to be futile, especially where they had been careless about lining up reliable protectors.

It sounds anachronistic today to talk about honor. Graduates of fancy colleges don't fight duels when insulted; they file lawsuits. And small countries—they have the United Nations, don't they?

As it happens, Britain and the United States (along with Russia) did promise Ukraine to help protect its “independence and sovereignty and existing borders.” Not in

anything so abstract and universal as the U.N. Charter but in a specific 1994 agreement, the Budapest Memorandum on Security Assurances, designed to reassure Ukraine after it agreed to relinquish control of nuclear weapons, left on its soil after the collapse of the Soviet Union. Unlike the NATO Charter, it was not cast as a formal treaty, so was never ratified by the U.S. Senate. It does not promise a military response “if Ukraine should become a victim of an act of aggression.” By its explicit terms, the signatories only promise to “seek immediate United Nations Security Council action to provide assistance to Ukraine.” Putin has declared this agreement no longer in effect. The Obama Administration seems to regard it as irrelevant.

Secretary Kerry was content to denounce Russia's annexation of Crimea as a reversion to the 19th century. In fact, the unilateral character of the annexation—disdaining even to get Ukraine's agreement—shows it has more in common with Stalin's 1940 seizure of the (then independent) Baltic states and of the Romanian provinces of Bessarabia and Bukovina in the same year. Stalin was disdainful of formal agreements, and he assumed successful force would speak for itself—as Putin now does. But in 1940, Western states had made no independent promise to defend these eastern nations, apart from the general promises in the Covenant of the League.

Kerry's statement suggests we don't care much about 19th-century niceties ourselves. They still talked a lot about honor in those days.

Self-Determination

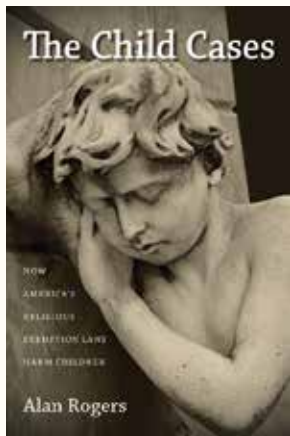
TO THE EXTENT HE HAS BOTHERED to defend it at all, Putin has claimed Russia's action was necessary to protect ethnic Russians from persecution in Crimea—the point of his quick referendum. Though some observers think this a point worth considering, others are dismayed at the resurgence of ethnic nationalism as a factor in world politics.

It has long been a conservative lament that Woodrow Wilson opened a Pandora's Box by affirming American support for national “self-determination.” But Wilson didn't invent the idea. America's own Declaration of Independence asserted the right of “one people to dissolve the political bands which have connected them with another.”

A century earlier, John Locke's *Second Treatise of Government* put it this way: “Who doubts but the Grecian Christians, descendants of the ancient possessors of that Country, may justly cast off the Turkish yoke which they have so long groaned under when ever



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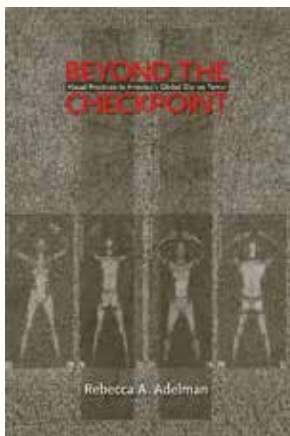


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they have a power to do it? For no Government can have a right to obedience from a people who have not freely consented to it." When the Greeks did launch a revolution against Turkish rule in the 1820s, they needed outside help, which British, French, and Russian war fleets supplied.

But nationalities don't come in neatly distributed packets, corresponding to natural borders. If self-determination means every ethnic group gets to choose its own state, then many existing states would face attempts at ethnic secession—perhaps sponsored by neighbors claiming kinship with the local minority. States facing such threats would be tempted to preempt them with brutal measures of ethnic repression. That is why, in the 19th century, the emergence of new states was usually accomplished with cross-cutting international guarantees.

Serbia's independence from the Ottoman Empire, for example, was formally recognized at the 1878 Congress of Berlin, which also arranged that neighboring Bosnia would become a protectorate of the Austrian empire, in order to keep the Serbs from overreaching. Even the scramble for colonies in Africa in the late 19th century was accompanied by a succession of international conferences at which rival claimants sorted out the boundaries of their new claims. Recognized borders took priority over self-determination.

The U.N. Charter does offer a nod to self-determination. Article I lists, among the U.N.'s other purposes, developing "respect for... the self-determination of peoples," along with "encouraging respect for human rights and for fundamental freedoms." But the Security Council, the only organ empowered to issue binding "determinations," is not authorized to take action to assure self-determination or human rights but only to resist "aggression" and to contain any "threat to the peace."

New states emerging from African and Asian decolonization tried to give self-determination more meaning, endorsing wars of "national liberation" against remaining colonial powers. A 1974 General Assembly Resolution, purporting to define "aggression," expressly excludes struggles of "peoples under colonial and racist regimes or other forms of alien domination" who may "seek and receive support" for such struggles from outside powers. A succession of U.N. resolutions from that era clarified that the "racism" tag was meant to designate Israel as well as the white minority regime in South Africa.

But the remarkable thing is that borders changed very little after decolonization. Despite much bloodshed in wars between Cuban-backed insurgencies in Central America in

the 1980s (and American backed insurgents against a Soviet-backed government in Nicaragua), no borders changed. Despite bloodshed on a vaster scale in Africa, no borders have changed, apart from the secession of South Sudan from Sudan in 2011—by mutual agreement after an internationally supervised referendum in the South. An attempt by the Christian Igbo people to create a new state of Biafra in the late 1960s was starved and pounded into submission by Nigeria's Muslim and Hausa-dominated government—with no interference from other African states.

Central America's various Spanish-speaking, predominantly Catholic countries seem more alike than populations of many individual countries but they retain their independence. Even though the borders of African countries were drawn by Western colonial powers with little attention to tribal loyalties or local languages, these states have been very reluctant to allow changes to their boundaries.

Even in the Middle East, despite decades of denunciations by Arab nationalists, colonial-era boundaries remain largely in place. The region might be better off if Syria's warring sects and ethnic communities were allowed to withdraw into separate states. Lebanon—already little more than a loose confederation of competing ethnic and sectarian strongholds—could be parceled out among Syria's successor states. Kurds might be better off breaking from surrounding states and establishing their own nation. Whatever the logic of such revisions, they have been resolutely opposed by all leaders of the region's existing states. Secretary Kerry has confidently proclaimed that the region only needs a new State of Palestine and all other murderous conflicts will magically abate, once we get the proper boundaries in place.

Russia has shown that it's not necessary to worry too much about existing boundaries. Turkey has, since its invasion of Cyprus in 1974, resolutely defended the new entity it created in the part of the country inhabited by ethnic Turks—the Turkish Republic of Northern Cyprus. No other country has recognized this entity, but Turkey does not claim it is part of Turkey. Before Putin seized Crimea, that would have seemed to be going too far.

Israel's claims to East Jerusalem have been angrily and persistently rejected by U.N. resolutions—even though the rival claimant, that new State of Palestine, never exercised sovereignty there, while Jordan (which did) has formally renounced all claims west of the Jordan River. Israel may be a special case, however, since it has become a kind of proxy for Muslim expressions of rage at the course of the modern world (which many Europeans are not sure they like very much, either).

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Crimea may not prove a special case at all. Substantial populations of Russian-speakers are scattered throughout the old Soviet Union's successor states—others can learn the intricacies of Russian grammar. As Putin is reminding the world, there are sizable Russian minorities—and with the right sort of gerrymandering, local Russian majorities—in the eastern Ukraine.

Then there is the former Soviet republic of Moldova (created from those regions carved from Romania in 1940). Like Georgia in the Caucasus, Moldova has its own break-away province, Transnistria, whose independence is not recognized—except by the new states on Georgia's border. Transnistria does not border on Russia—yet. But Russia has eyes on the port of Odessa in southern Ukraine and the regions surrounding it could provide a land bridge to the border regions of Moldova. Putin does not even have to pursue a campaign of formal annexations. The threat to seize new territory may be sufficient to cow border states into compliant subservience.

Spheres of Influence

IN ITS LEGALISTIC WAY, 19TH-CENTURY statecraft acknowledged a range of more one-sided alternatives to formal alliances. There were formal colonies, and also less formal "protectorates," in which the sponsoring power exercised decisive (though not complete) control on internal matters and demanded that others refrain from interfering. It was how the British controlled Egypt and the French controlled Morocco (and nearly came to war with Germany in 1911 when the visit of a German gunboat and loose talk from Kaiser Wilhelm II seemed to challenge French supremacy there).

Then there was the less formal but still recognized "sphere of influence"—less a claim to internal control than a warning to foreigners not to interfere. Coastal China was carved into distinct spheres for different European powers. The United States protested these arrangements but it exercised its own version—more benevolently, perhaps, but just as emphatically. Under the 19th-century Monroe Doctrine, the United States warned European powers against any sort of military intervention in Latin America and the Caribbean. Under Theodore Roosevelt's Corollary, the United States repeatedly sent gunboats and Marines to countries in the Caribbean basin to force hapless local governments to honor financial obligations to Old World powers, lest the Europeans send their own troops to enforce such obligations.

We don't do that sort of thing anymore—certainly not to force deadbeat governments

to pay foreign debts. As Secretary Kerry would say, we don't live in the 19th century anymore (or the early 20th). But as ongoing conflicts with jihadis should have taught us, others don't always share our understanding of Progress.

Putin seems to be establishing a recognized Russian sphere of influence, if not formal protectorates, among the states of the former Soviet Union. Though it may seem anachronistic to us, the former KGB officer learned his skills in the era when the Soviet Union exercised a very reliable sphere of influence over all states on its side of the Iron Curtain—and successfully intimidated a few others, like nominally independent Finland. It is not obviously impossible, nor even prohibitively costly, for Russia to secure a less demanding predominance over these states.

Such arrangements were accepted in the 19th century, when there were four to six major powers that might be drawn into any local dispute and it was helpful to reduce the potential for conflict among them by clarifying claims beyond borders. Over the past two decades, the European Union exerted something like a sphere of influence in eastern Europe and the Balkans, by holding out the lure of membership in the E.U. as a reward for good behavior. With Russia still staggered from the break-up of the USSR, the E.U. had no real rival for local loyalties in the east.

With 28 members now, the European Union finds it harder than ever to establish the promised "common security and foreign policy." It has no troops and is less and less willing to absorb new members, let alone shower subsidies on them. And its response to the Crimean situation has been hesitant at best. In Germany, the largest state, prominent voices (especially on the left) insist that the country has a special historic relation with Russia which it must try to preserve. Germany certainly has a considerable dependence on Russian natural gas and substantial investments in Russia by major corporations, which counsel against open confrontation.

So Europeans will be tempted to recognize Russia's annexation in return for guarantees that nothing of the sort will occur again. But that sort of deal would require confidence in Putin's commitment to honor it—and Europe's willingness to enforce it. Instead, we may end up reverting to the classic 21st-century response: saying that the situation is unacceptable, while tacitly accepting it and hoping for the best. The U.S. and E.U. may even impose additional sanctions to show that we are concerned—without provoking Russia to more extreme measures.

A decade ago, NATO gave formal guarantees to Latvia, Lithuania, and Estonia, when they entered the alliance. To show resolve, Denmark has now sent air force contingents to Estonia. They are supposed to be backed up by German air force units. Would these governments actually risk war with Russia to protect Estonia? Germany and Denmark are signatories to the International Criminal Court statute, which embraces, in its definition of "war crimes," attacks on "civilian objects," including factories, public buildings, and private housing. Putin's Russia did not ratify the statute. Who would have more staying power in an air war between Western states and Russia?

Perhaps Denmark has more backbone than we might think. Today's secretary general of NATO is a former prime minister of Denmark. But the relevant question isn't what outsiders actually have in mind, but what the leaders of the Baltic states believe they can rely on. A quarter of Estonia's 1.3 million people are ethnic Russians, concentrated in major cities. Estonians might be forgiven for thinking they would be better off slipping away from NATO and making a deal with Russia. Especially if a string of other former Soviet republics precede them into a new Russian orbit.

Everything done by Putin may prove an encouraging example to China. It has territorial claims on a string of off-shore islands. Perhaps they don't have many Chinese speakers—for now. But China claims they once belonged to a previous Chinese empire. It has old maps and old treaties to bolster these claims. And a growing Navy. How seriously will Japan, South Korea, and the Philippines take our treaty commitments if we allow Russia to have its way in eastern Europe?

If we don't have the resources or the resolution to stop a slide toward a world of separate, rival spheres of influence, we should remember that it takes quite a lot of effort and skill to protect even a limited coalition of partners. We can't even be the protector of our friends if they can't trust our word. To insist that we won't use force for any confrontation outside NATO is to leave even NATO states vulnerable to intimidation.

If we don't want to guarantee all borders everywhere—as the U.N. Charter promised—we have to decide what guarantees we do mean to keep and make that clear. That's the oldest principle of international law: *pacta sunt servanda*—keep your promises. Instead we send signals of doubt and hesitation.

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