The Ripple Effects of the Illegitimacy of War

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Recent data show systematic changes in the diplomacy and practice of war. Conquests, peace treaties, declarations of war, and state boundary changes have declined or disappeared. There are still wars, but they are increasingly *fait accomplis*, and their outcomes are often not recognized as legal. How can we explain this wide-ranging but seemingly contradictory transformation? Existing accounts, such as those based on a territorial integrity norm, do not adequately explain these changes. This paper uses norm dynamics theory to show that all of these changes can be explained as 'ripple effects' of war becoming illegitimate as a way to solve international disputes. The kinds of rhetorical justifications states can convincingly give for engaging in violence have changed. States are navigating this changed international social environment through legitimacy management behaviors. The paper specifies three types of ripple effect, Reframing, Displacement, and Consistency-Maintenance, corresponding to changes in what states say, the actions they perform, and how the audience reacts. We show how this theory unifies all of the existing data into a single explanatory framework. We also apply the theory to the decline of peace treaties to show how ripple effects play out in more detail.

Datos recientes muestran cambios sistemáticos en la diplomacia y la práctica de la guerra. Las conquistas, los tratados de paz, las declaraciones de guerra y los cambios en las fronteras estatales han disminuido o desaparecido. Todavía hay guerras, pero cada vez más son hechos consumados y sus resultados a menudo no se reconocen como legales. ¿Cómo podemos explicar esta transformación de amplio alcance pero aparentemente contradictoria? Las explicaciones existentes, como las que se basan en una norma de integridad territorial, no explican adecuadamente estos cambios. Este artículo utiliza la teoría de la dinámica de normas para mostrar que todos estos cambios pueden explicarse como "efectos dominó" de la guerra que se vuelve ilegítima como forma de resolver disputas internacionales. Los tipos de justificaciones retóricas que los Estados pueden dar de manera convincente para participar en la violencia han cambiado. El artículo especifica tres tipos de efecto dominó; Reencuadre, Desplazamiento y Mantenimiento de la Consistencia. Estos tres tipos se corresponden con los cambios en lo que dicen los Estados, las acciones que estos llevan a cabo y cómo reacciona la audiencia. Demostramos cómo esta teoría unifica todos los datos existentes dentro de un único marco explicativo. También aplicamos esta teoría al declive de los tratados de paz con el fin de mostrar cómo los efectos dominó se manifiestan con más detalle.

Des données récentes montrent des changements systématiques dans la diplomatie et la pratique de la guerre. Les conquêtes, les traités de paix, les déclarations de guerre et les changements de frontières étatiques ont décliné ou ont disparu. Il y a encore des guerres, mais elles se retrouvent de plus en plus devant un fait accompli et leurs résultats ne sont souvent pas reconnus comme légaux. Comment expliquer cette transformation d'ampleur mais apparemment contradictoire ? Les récits existants, tels que ceux fondés sur une norme d'intégrité territoriale, n'expliquent pas correctement ces changements. Cet article utilise la théorie de la dynamique des normes pour montrer que tous ces changements peuvent être expliqués comme des ≪ effets d'entraînement ≫ de la guerre devenant illégitime comme moyen de résoudre les différends internationaux. Les types de justifications rhétoriques que les États peuvent donner de manière convaincante pour s'engager dans la violence ont changé. L'article précise trois types d'effets d'entraînement (le recadrage, le déplacement et le maintien/la cohérence) qui correspondent àdes changements de dis- cours des États, de leurs actions et de la réaction du public. Nous montrons que cette théorie regroupe toutes les données existantes au sein d'un seul cadre explicatif. Nous appliquons par ailleurs la théorie au déclin des traités de paix pour détailler la façon dont les effets d'entraînement se produisent.

Introduction

The social nature of war has changed. Consider that Frederick II, King of Prussia, was able to use success in the battles of Mollwitz and Chotusitz against Austria to gain rights over the territory of Silesia that were agreed in the 1742 Treaty of Breslau. The standard procedure followed at the time—declaring war against an enemy, defeating them, then signing a peace treaty distributing rights—was an accepted means of dispute resolution in the international community.[1] By contrast, when Israel had success in battle over Egypt, Syria, and Jordan in 1967, Israel's physical control over the territories of the West Bank, Golan Heights, Gaza Strip, and the Sinai ended only in ceasefires and condemnations. The outcome of the war was formally repudiated and has never been recognized or accepted as legal by the international community.[2] Even the recent Russian invasion of Ukraine, the largest war in Europe since World War II, is not declared a war, but rather described as a "special military operation" by its instigator. Also, the annexation of territory taken by Russian force has been justified through nominally democratic referendums, not by right of conquest, although the Donetsk and Luhansk republics remain almost entirely unrecognized by the international community.[3]

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[1] Prussia's annexation of Silesia, for example, was collectively accepted in the 1748 Treaty of Aix-la-Chappelle.

[2] Most notably by United Nations Security Council Resolution 242 <https://peacemaker.un.org/sites/peacemaker.un.org/files/SCRes242%281967%29.pdf> Accessed April 16, 2024.

[3] See, for example, United Nations General Assembly Resolution ES-11/4 (https://undocs.org/A/RES/ES-11/4). Accessed April 16, 2024.

These examples hint at radical changes in attitudes toward interstate war, even though interstate war still occurs. In recent years, we have seen the generation of some truly original evidence of changes in the nature of war in the international system. These include data on a decline in state boundary changes (Zacher 2001; Atzili 2011), a decline in traditional conquests and conquest attempts but the continuation of fait accomplis[4] (Fazal 2007; Altman 2020), a decline in peace treaties (Fazal 2013), the disappearance of declarations of war (Fazal 2012; Irajpanah and Schultz 2021), a change to victims of failed conquest attempts restoring the status quo ante bellum rather than taking adversary territory as reparations (Hathaway and Shapiro 2017), and the rise of non-recognitions of aggressive gain (O'Mahoney 2018).

However, we have not seen theorization that makes adequate sense of these empirical phenomena. Why has war changed in these ways? And why have all these changes occurred over the same period of time? Existing treatments of these empirical findings do not take advantage of the full range of norm dynamics theory. Some rely only on a norm as a behavioral constraint on a single behavior, like a territorial integrity norm. In this literature on the decline of war, there has been a failure to appreciate the nature of large-scale international norm change and the broader effects of such a change. In this paper, I use theoretical insights from the literature on norms to specify a framework to explain the data. I offer an account of the "ripple effects" of norm change that delineates different types of legitimacy management behavior as reactions to a norm change. I argue that the above changes in the practice of war are caused by the change from war as a social institution of dispute resolution in international relations to war as an illegitimate means of dispute resolution.[5] States navigate the changed international social environment by changing their behavior in order to manage the legitimacy of their actions. States behave in these seemingly contradictory ways because the kinds of rhetorical justifications they can credibly give to an international audience for engaging in violence have changed. This theory explains all the individual empirical patterns with a single, unifying theory. This provides an additional, metatheoretical reason to prefer the ripple effects theory: It is the only explanation of *all* the data.

First, I summarize the data on the ways that the diplomatic and political practices around war have changed. I then highlight existing problems in the literature dealing with these changes. Then, I specify a theory in which norm change produces ripple effects on behaviors related to the norm; that is, mechanisms by which states react to changed possibilities for legitimation. I outline three types of ripple effects, reframing, displacement, and consistency maintenance, and illustrate them, before applying them to the changes in war. I show how the explanations are superior to the existing theories, including showing how the ripple effects play out in fine-grained detail in an existing empirical area, the decline of peace treaties. I then argue that an additional reason to prefer the ripple effects theory is that it explains diverse independent classes of facts simultaneously.

How Has War Changed?

War has changed in some ways, but not others. The big debate over whether war has declined (Mueller 1989; Ray 1989; Goldstein 2011; Pinker 2011; Braumoeller 2019) has come to focus on specific measures of war's occurrence (frequency) and destructiveness (e.g., fatality data). A recent systematic analysis of this data finds that war is not getting less deadly and that there is no long-run monotonic decrease in the rate of conflict initiation (Braumoeller 2019).

However, there have been multiple significant shifts in the practice of interstate war.[6] Instead of conquests unproblematically reshaping territory, we now see fewer, lesser conquests, and they are rejected rhetorically and legally by the international community. Zacher (2001) argues that there has been a change in the practice of the use of force to alter interstate boundaries. He claims that the rate of conflicts resulting in the redistribution of territory was much lower in the 1951–2000 period than all the other half-centuries prior; 27 percent compared to 67–90 percent. Altman (2020, 507) finds that consistent coding criteria mean that the decline is smaller, only to 59 percent of conflicts. Atzili, concentrating on the concept of foreign military conquest of homeland territory, finds that the number of conquests and annexations divided by the number of states in the system is much lower in 1951–2000 than in the previous three periods (2011, 25–6). He also finds that the number of conquests per decade divided by the number of contiguous state dyads has decreased to the point that there was only one in 1974–2000. Even for those de facto border adjustments that have occurred, we have often seen them be accompanied by non-recognition, that is, collective statements that deny legality or legitimacy to the territorial or political gain produced by battlefield success. O'Mahoney finds twenty-one cases in which non-recognition of the results of the use of force was considered in 1932–2014, ten of which resulted in persistent non-recognition (O'Mahoney 2018). Hathaway and Shapiro find that unrecognized territory transfers between 1929 and 1949 were almost entirely reversed back to the pre-war borders (2017, 318). They also argue that in WWII and afterward, states that had been attacked but that had subsequently had battlefield success did not try to gain territory beyond the pre-war borders, unlike during the nineteenth and early twentieth centuries (2017, 322). Relatedly, Brown finds that before 1919, less than 5 percent of peace accords brought belligerents back to ante bellum boundaries after territory had been captured, whereas after 1970, over 90 percent did (2014, 139).

Altman (2017, 2020) finds that territorial conquest has evolved rather than declined. Land grabs, that is, seizure of territory with the intent to have lasting control, have continued to exist throughout the post-WWII era (Altman 2017). Conquest has changed, though. Attempts to conquer entire states have disappeared (see also Korman 1996; Fazal 2007), but *fait accompli* in which small territories are seized in an attempt to avoid war have not declined in frequency and so newly constitute the primary form of conquest. Further, those territories seized have become less populated by people or defended by garrisons over time, with unpopulated territories comprising 28 percent of conquest attempts before 1980 and 60 percent after, and undefended territories accounting for 31 percent before 1980 but 60 percent after (Altman 2020, 516).

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[4]Altman characterizes fait accompli as imposing a limited unilateral gain with the expectation that the adversary will relent not retaliate (2017, 882).

[5]Raymond calls the process "delegitimizing war as a means of conflict resolution" (2019, 86).

[6]This paper is concerned with explaining patterns in the practice of interstate war, as discovered by the following literature, rather than other types of war or use of armed force.

Another finding is that declarations of war and peace treaties no longer accompany interstate wars, especially after World War II. Fazal (2012, 2018) finds that declarations of war have decreased from about 65 percent of wars in the nineteenth century to 9 percent after 1945, with none after 1972 (2018, 80). Irajpanah and Schultz argue that domestic declarations of emergency should not be coded as declarations of war and so there have been zero since 1945 (2021, 502). So, we have seen the rapid and global disappearance of declarations of war. Instead, they find, we see states pursuing UNSC authorization for the use of force, or making Article 51 notifications that they are engaged in self-defense; 47 percent of war participants had one or both of these after 1945 (Irajpanah and Schultz 2021, 500–1). The ends of wars are also radically different now compared to previous centuries. Fazal (2013, 2018) finds that pre-1950 interstate wars were accompanied by peace treaties at a rate of more than 70 percent. By contrast, only 15 percent of post-1950 wars concluded with a peace treaty (2018, 136).

Together, these data demonstrate substantial changes in the practice of war over the last century. Even if war has not disappeared from our world, the way that states behave around wars and the use of force, and the function that war plays in international politics, looks nothing like it did in the days of Frederick the Great. Previously, states declared war, exchanged territory as a result of war, and signed peace treaties distributing rights. Now, generally, they do not. Instead, states only grab small bits of land and do not recognize the de facto fruits of victory. How can we explain all of these changes in the practice of war?

Existing Accounts

Existing accounts of these empirical patterns do not take advantage of the theoretical richness of the norm dynamics literature. So far, only a limited number of causal mechanisms have been used to explain the behaviors that we see in the data. One problem is that some accounts do not move much beyond identifying a behavioral regularity and positing a single behavioral norm as an explanation. For example, Zacher (2001) argues for the existence of a "territorial integrity norm" on the basis of a decline in the use of force to alter interstate boundaries.[7] Atzili (2012) uses a lack of changes of borders to claim the existence of a norm of "border fixity." Fazal treats a decline in the use of peace treaties as the decline of an international norm (2013, 697). Altman advocates for a "norm against aggression" rather than a "territorial norm against conquest" or a territorial integrity norm, on the basis of behavioral regularity (2020, 498). This approach leads to an underappreciation of the role of norms in producing various types of behavior.[8] For example, Zacher's analysis sees the 1974 Turkish invasion of Cyprus and the subsequent assertion of the Turkish Republic of Northern Cyprus (TRNC) as evidence against both the existence and the strength of a territorial integrity norm (2001, 216, 237). This is despite the fact that the TRNC is not recognized by any states other than Turkey, which means, for example, that the TRNC cannot participate in international life, including direct trading with the European Union.

Another problem is that existing studies use only two effects of a prohibition norm: Actors do not do the prohibited action because they have either internalized the norm or because they expect economic or military sanctions for violating it. Hathaway and Shapiro exemplify this approach by arguing that the legal prohibition on war brought about by the 1928 Kellogg-Briand Pact "operated as a direct constraint on states committed to the Peace Pact," and those not committed "discovered that violating the law brought consequences" (2017, 334).[9] Altman allows states to interpret their own conquests as not violating a norm against conquest, but concludes only that this limits the causal effect of the norm on compliance (2020, 496). This limited conception of norm dynamics leads to misinterpreting how evidence bears on norm-based explanations of behavior.

In addition, no existing accounts address the simultaneity of these observed changes in war diplomacy. While it could be a coincidence that all of these numerous behavioral changes are occurring at the same time, a unifying explanation would solve this puzzle. The solution is to theorize how norm changes can produce changes in numerous behaviors simultaneously.

Ripple Effects of Norm Change

The norm dynamics literature includes accounts of many types of causal mechanisms via which norms and norm changes produce a wide variety of behaviors. Here, I draw on some of these mechanisms to specify an explanatory framework that can explain the observed changes in the diplomacy of war.

One insight is to conceptualize norms as "principles of legitimate action" or legitimation resources (Suchman 1995; Krebs and Jackson 2007; Goddard 2018; Mackay 2019). This means that a norm is a means of justification of action to a community (Hurd 2017; Rapp 2022). How does this work? Norms can have some effects by changing an actor's prospects of getting their action accepted by the community as legitimate.[10] This is a change in what the community values, a social change. This means that people change the way they act toward other people's behavior, including what actors accept as a good reason for someone else doing something. When an actor performs an action, they give reasons for why they are performing it, and the other actors in the community accept or resist the action depending on what those reasons are. And because people know this, individuals change their behavior in anticipation of others' reactions to the justifications.[11] Another insight is that issues of interpretation and contestation can be central to the politics around norm-oriented behavior (Wiener 2004; Dixon 2017; Stimmer 2019). Whether an action is a member of the class of X, or not, is not always clear to all parties. This means that states can fight over the meaning or framing of an event, and hence some norm effects are produced from the mismatch between expectations of successful legitimation and whether legitimation is in fact successful. Or by actors trying to get away with doing prohibited action by justifying it in alternative ways. These insights open up a broad range of cat-

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[7]Goertz et al. (2016) break a territorial integrity norm into three other norms; a norm against conquest, a norm against secession but in favor of decolonization, and a norm of uti possidetis.

[8]See Percy and Sandholtz (2022) for a related argument. Many authors have argued that norms should not be seen as singular objects but as, e.g., processes (Krook and True 2012), clusters (Lantis and Wunderlich 2018), or configurations (Pratt 2020).

[9]See also Irajpanah and Schultz (2021), 493) and Altman (2020), 509).

[10]This line of theorizing is related to sociological institutionalism, in which international behavior is driven by global cultural factors through organizations' pursuit of external cultural legitimation (Finnemore 1996).

[11]The "problem facing an agent who wishes to legitimate what he is doing at the same time as gaining what he wants … must in part be the problem of tailoring his projects in order to fit the available normative language" (Skinner 1978, xii–xiii).

egories of behavior that are effects of a norm change. I term these broader effects, "ripple effects," and specify multiple types below. The core cause of these ripple effects is that third party, or community, support or acceptance will be less forthcoming for the prohibited action. The effect could be to change community reaction from complete acceptance to coordinated and prolonged active resistance (O'Mahoney 2017). This is a much more inclusive conception of community reaction than only economic or military sanctions.

War's Changing Legitimacy

A crucial claim underlying the theory in this paper is that over the course of the twentieth century, war became illegitimate as a means of resolving international disputes, or as a means "for the solution of international controversies." This depends upon the claim that war had been legitimate previously, in the limited sense that it was an accepted means of resolving disputes. One way to appreciate changes in legitimacy is through the development of international law. International law has developed considerably, both through treaties and black letter law as well as customary law over the period considered here. There has been a radical change in the *jus ad bellum* away from the *competence de guerre* that considered war as a legitimate conflict settlement mechanism.[12] In traditional just war thought, as revealed by Thomas Acquinas, war was an instrument to be used by the sovereign against evil or injustice. The idea of a presumption against war, so ingrained in us today, "is simply not present" prior to the modern era (Johnson 1999, 49). Grotius recognized in the seventeenth century that "war is a legitimate method for sovereigns … to enforce rights against one another" (Hathaway and Shapiro 2017, 28). Whitman shows that war in the eighteenth and nineteenth centuries was "a legitimate means of settling disputes and resolving legal questions through violence" (2012, 10). He argues that war acted as a form of civil litigation for settling property disputes. Each state had the generally accepted right to determine when its interests were threatened and initiate war accordingly. Like a bet or gamble, you were agreeing to accept the result even if you lost. Despite an increase in anti-war sentiments and peace societies through the end of the nineteenth century, this understanding continued past the First World War (Moyn 2022). The League of Nations was created primarily in order to help prevent war, but even the League Covenant did not forbid war outright; it merely enjoined states to wait 3 months before commencing hostilities. However, the movement to outlaw war helped to produce the Peace Pact/Kellogg-Briand Pact in 1928, in which states pledged to "condemn recourse to war for the solution of international controversies, and renounce it, as an instrument of national policy."[13] Most significantly, the Charter of the United Nations, as well as a profusion of international legal developments since then, reinforced the illegality of war as a means to resolve disputes. However, the UN Charter also allows self-defense against "armed attack" and the ability to authorize the use of force specifically to deal with threats to international peace and security.[14]

An important limitation to the scope of the illegitimacy of war is that it is confined to interstate war. In effect, states have agreed that war between themselves is illegitimate. No such consensus appears to exist when it comes to civil wars.

Previously, interstate war was "accepted as a means of resolving disputes," meaning actors treated the outcome of war as a new institutional reality. The idea of war "resolving" disputes does not mean that everyone was happy about the outcome. Rather, the outcome was treated as the new institutional reality, whether only temporarily or not. So, for example, when Frederick the Great gained rights over Silesia from Maria Theresa, the Austrian Empress, in 1742, Maria Theresa tried to win those rights back a few years later. She was not happy about the outcome but treated the transfer of rights as a fact. She did not demand the restoration of those rights because of the nationality, ethnicity, or religion of the inhabitants. She did not request adjudication of the status of the territory by an independent authority. Nor did she appeal to a democratic referendum to determine who had rights over the territory. She expected that if she was granted rights over Silesia as the result of a subsequent war, Frederick and other members of the international community would treat that as the new institutional reality.

Ripple Effects of the Illegitimacy of War

So, the illegitimacy of war here means that the use of force is no longer accepted by the international community as a good reason why a state should acquire rights. The social purpose of war has changed.[15] There is now a prohibition on war as a dispute resolution mechanism. If a prohibition exists, people will try to frame or classify their potentially prohibited actions as other sorts of actions. Also, people will try to avoid actions that are unambiguously prohibited. They will also displace their activity to actions that are more ambiguous or only marginally interpretable as the type of action that is prohibited. So, we should see actions that are easily re-classifiable as a non-prohibited type of action occur, and also instances of attempted but failed reclassification.

Further, war can often only be useful to the state that ends up with a better bargaining position if the new situation is accepted by other states. This is because other states' behavior is relevant to the value of territory, or other political outcome, and because stigmatization and reduction in status accompanies illegitimate actions. But if states expect not to need extensive third-party cooperation, when their other incentives override the problems of doing something deemed illegitimate by the community, they should still consider the use of force as a way to achieve their aims. Also, because the concept of war is socially constructed, what counts as a justified war or use of force is open to interpretation, so states can still use force to achieve their aims when they have an alternative means of legitimating the action. As such, war can be illegitimate, this illegitimacy can produce a wide variety of international political outcomes, and yet war still occurs.

In this paper, I focus on three distinct types of ripple effects.[16] If X comes to be newly prohibited, then we might see reframing, displacement, and consistency-maintenance effects. These correspond to changes in the way actors talk, the way they behave, and the way audiences react. These

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[12]Thanks to an anonymous reviewer for this point.

[13]https://avalon.law.yale.edu/20th_century/kbpact.asp. Accessed April 16, 2024.

[14]Also, actors justifying force talk about different types of actions as being categorically different from a war between states. Civil wars, humanitarian intervention, peacekeeping and peace enforcement, counterterrorism, drone strikes, limited strikes, no-fly zones, deployment of special forces, etc. are all, in modern discourse, discussed, and justified in categorically different languages and with reference to different rhetorical commonplaces (Brunstetter 2021).

[15]See Finnemore (2003) for a related argument about types of military intervention.

[16]A full account of various types of ripple effects is a topic for future research. One additional type of ripple effect is Nutt and Pauly's account of states using discovered norm violations to blackmail other states (2021).

types of ripple effects explain the observed changes in war-related institutions and behaviors in the international system, as detailed above. States deciding how to act in international politics adapted to the changed possibilities for legitimating their use of force by (1) avoiding framing what they were doing as an aggressive war of conquest; (2) displacing their use of force toward actions that look less like war and toward uses of force that could be legitimated in other ways; and (3) maintaining consistency between the illegitimacy of war and the results of the use of force by not treating the outcomes of wars as the new institutional reality.

Reframing

Reframing means trying to have actions you perform be classified not as the prohibited X but as an acceptable Y by the community. One type of reframing includes (1) not overtly describing what you are doing as X. An actor performs an action that looks to be a clear example of X, and they have a choice. They can declare, "I am doing X," or they cannot say that. If X is prohibited, declaring that you are performing X substantially increases the likelihood that other actors will interpret your action as a case of X, and hence treat it as illegitimate and oppose it on that basis. So, if X becomes prohibited, then we should see fewer or no actors describing their actions as X.

The second aspect of reframing is (2) attempting to frame or reclassify actions as Y, some other category that is not prohibited. Even though an action might look like an example of X, it might also be interpretable as a case of Y. If an actor can get its action interpreted as Y by other actors or the community, then there will be more acceptance of and less resistance to the action.

An everyday illustration of reframing comes from the coronavirus lockdowns in the United Kingdom in 2020/2021. Social gatherings of more than two people inside were banned by law, but they were allowed if the gathering "was reasonably necessary for work purposes."[17] So, people gathered and tried to describe them as work events to avoid being penalized. For example, UK Prime Minister Alexander "Boris" Johnson tried to do this, although eventually he was fined by the police for breaking the rules.[18] An international relations example is the League of Nations mandates. Even though in practice, it looked very much as if the victors of World War I were annexing the colonies of the defeated powers,[19] this was not in line with the calls for self-determination and a peace without annexations. So, the territories of the Ottoman Empire were framed as being "independent nations ... provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory."[20]

Reframing explains the disappearance of declarations of war. Whereas sovereigns before WWI treated acknowledging that you are fighting a war as unproblematic, now that war is illegitimate, governments go out of their way to reframe their actions as not a war or conquest. States do not automatically know whether another state's use of force is justified or not. They base their reaction partly on whether the justifications given are acceptable and convincing. So, states that want to use force think about how to legitimate their use

of force with reference to those justifications and framings that give them the best chance of winning over the community.[21] When there is a dispute over territory or other issue, states do not declare war because that would unambiguously frame or describe their action as a war. However, wars for self-defense are seen as legitimate in the post-1945 world order (Hurd 2017), and so states try to legitimate their uses of force by framing them as self-defense. One way to do this is by submitting Article 51 notifications to the United Nations Security Council.[22] Another way to make sure that your use of force is acceptable to the community is to ask them beforehand to authorize it, such as via pursuing a UNSC resolution. This has been the procedure used to legitimate the use of force in, for example, the 1990–1991 Gulf War, Somalia, and Bosnia.

Also, there are other ways to legitimate the use of force or the outcome of success in battle. A variety of uses of force in the twentieth century look to some scholars like they are wars largely indistinguishable from those supposedly forbidden by a norm against war and so appear to be violations of that norm. However, one of the most important alternative sources of legitimation during the twentieth century was decolonization. If you could frame your use of force as a war of decolonization, then you could legitimate not only the use of force, but also any resulting political advantages, such as territorial annexation. Perhaps the best example is India's conquest of Goa from Portugal in 1961. Despite some debate at the time, the annexation was widely supported on the basis that it was part of the decolonization process, and the issue very quickly became unproblematic. We also see attempted but unsuccessful legitimations of the use of force in terms of decolonization, such as Argentina's attempt to oust the United Kingdom from the Falkland Islands (Lebow 1983).

Two major empirical trends in the practice of armed conflict can thus be explained as ripple effects of the illegitimacy of war. Declarations of war have disappeared, and alternative justifications have risen because states have tried to reframe their uses of force away from war and toward self-defense or another reason, such as decolonization.

Displacement

Displacement means that the norm change displaces actions away from the prohibited action and toward other actions. This means that in a situation where X is illegitimate, the actions performed constitute a pattern of behavior that is similar but systematically different from a counterfactual scenario in which there is no prohibition on X.

This includes (1) not performing actions that are unambiguously X or that you expect the community to treat as X. Cases vary according to how close they are to a paradigmatic exemplar of a category. Actors make a judgment based on their expectations of how likely it is that the community will interpret an action as an example of the prohibited category. So, actors will avoid performing actions that they expect will be treated as illegitimate in order to avoid the costs of community resistance. Also, actors try to get similar results by (2) doing actions that they do not expect to be resisted on the basis that they are X because it is only ambiguously or marginally X. Third-party actors usually vary in their interpretations, and so the less an action appears to

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[17]<https://www.legislation.gov.uk/uksi/2020/350/regulation/7/2020-06-19> Accessed April 16, 2024.

[18]<https://www.npr.org/2022/01/18/1073791401/boris-johnson-parties-lockdown?t=1649844865910> Accessed April 16, 2024.

[19]Pedersen (2005).

[20]League of Nations Covenant, Art. 22, https://avalon.law.yale.edu/20th_century/leagcov.asp. Accessed April 16, 2024.

[21]See Grynaviski (2013).

[22]Article 51 of the UN Charter states that members have "an inherent right of individual or collective self-defence" and that if states do take measures to exercise this right, they should be "immediately reported to the Security Council" https://legal.un.org/repertory/art51.shtml. Accessed April 16, 2024.

be an example of a prohibited action, the fewer actors will oppose it on the basis that it is illegitimate.

An example of displacement comes from recent work in sociology that theorizes a variety of ways that people try to limit the moral fallout from illegitimate exchange activities by engaging in substantively similar activities that obfuscate the exchange nature of the activity. Schilke and Rossman find that audiences systematically disapprove less of activities like political or commercial bribery and baby-selling if the exchange nature of the transfer is obfuscated, such as by giving a used car "as a gift" instead of providing a cash payment (Schilke and Rossman 2018). Here, it is not purely the way the action is described or justified, as in reframing, but the behavior that is systematically different. Actors achieve similar results without as much resistance to the behavior from the community.

Displacement explains the shift in the types of armed conflict that have occurred over the twentieth century. States now avoid performing actions that are unambiguously wars of conquest. But, even if war is illegitimate, we should still see "wars," i.e., uses of force, that look less like a paradigmatic war of conquest. This explains why we still see faits accompli. If you are judged to be in a war, the outcome might be resisted or non-recognized, and you might lose support more generally. So, we would expect states to turn to conquests that look less and less like war. Altman's data show exactly this, with conquests becoming more likely to be unpopulated and ungarrisoned, and hence less likely to produce a situation that looks like war, over time (Altman 2020). Also, if you do not need third-party or community support or acceptance to enjoy the fruits of your use of force, then legitimation is less important. Fait accompli are less dependent on community endorsement to be valuable. States know that they will not be able to enforce (or even get) an agreement that gives them more than what they can physically hold onto, given the likely pushback. So, instead of fighting to an agreement, they fight to the point of defensible physical control and no more.

A third type of displacement is (3) instead of doing actions that are unambiguously X, doing an action that is potentially interpretable as X but is also justifiable as a legitimate type of action, Y. Some actions are only interpretable as X and hence illegitimate, while some have the potential to be interpretable as Y also or instead of X. Some actions can still be performed without provoking community resistance if they are successfully reframed as Y. So, an empirical pattern of behavior, the ripple effect, that could result from the illegitimacy of X, is a shift in the distribution of cases away from those frameable as X and toward those frameable as Y. This explains why we can see bifurcation, or norm violations being split into two types; those that were only legitimated under the previous norm and those that, while seemingly a similar type of action as the prohibited action, can be legitimated using different norms.

An example of bifurcation is that the Thirteenth Amendment to the US Constitution abolished slavery but continued to allow involuntary servitude as punishment for a crime.[23] Southern states created vague new offenses such as vagrancy that were used to force many Black Americans to work without pay (Blackmon 2008). They could not be bought and sold, but they were coerced into performing the

same labor as before. Here, as in the other displacement examples, the actions performed constitute a pattern of behavior that is similar but systematically different from a counterfactual scenario in which there is no prohibition.

This type of displacement explains why the evidence shows that some types of violence have decreased while others have continued to occur. The norm change such that war is prohibited for resolving disputes has led to states continuing to use force that can be otherwise legitimated. One of the main examples is wars of decolonization. Many of the uses of force that occurred under the illegitimacy of war for the resolution of disputes were wars in which the frame of decolonization was deployed as a rhetorical legitimating tactic. These include successful decolonizing wars, like the Indonesian War of Independence against the Netherlands or the Vietnamese and Algerian Wars of Independence against France, and unsuccessful ones like the Falklands War against Britain. Hathaway and Shapiro raise the decolonization issue but deal with their list of "sticky conquests" by dismissing them as "relatively rare and comparatively small" (2017, 329). However, whereas under their view, these wars are potential anomalies, it is a novel implication of the ripple effects thesis that states would continue to use force in situations where they expect to be able to legitimate it in other ways.

Consistency Maintenance

Consistency maintenance means trying to keep the various norms and rules in society consistent with each other.[24] One important type of this activity is refusing to admit that prohibited or illegitimate actions can be the source of legitimacy for other actions. This involves a claim that since X is now illegitimate, Y is *therefore* also illegitimate. The effect of the rhetorical "therefore" is contingent on actors actually deploying this inference.[25] The most intuitive example of consistency maintenance is the fact that theft does not provide property rights. Similarly, the phenomenon of money laundering, and its illegality, is a ripple effect of the widespread prohibitions on various types of profitable behavior. Another illustrative example is if adultery is prohibited, then the children of an adulterous relationship may be classed as "illegitimate" children, aka bastards. They may not be able to inherit property, nationality, titles of nobility, or go about in society as freely as children born in wedlock.

Consistency maintenance explains non-recognition of the results of war. If war is not a legitimate way to resolve disputes or distribute rights, how should the community react when states do in fact use war to gain territory or create a new political situation? One way to reestablish the community's commitment to the principle that war is not legitimate is to explicitly state that the results of the war are not legitimate. Collective non-recognition of the results of successful battles is the way that the international community has dealt with de facto conquests like Israel's territorial gains in 1967, the creation of the TRNC in 1974, and Russia's annexation of Crimea in 2014, inter alia (O'Mahoney 2018).

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[23]Section 1 of Amendment 13 to the US Constitution reads, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." https://www.archives.gov/founding-docs/amendments-11-27. Accessed April 16, 2024.

[24]There is no requirement that norms, rules, or even laws be consistent with each other and in fact there are often contradictions in rule systems. This inconsistency is a pervasive feature of regime complexity (Alter and Meunier 2009). Diehl et al. (2003) address some ways that inconsistencies between the operating and normative systems of international law are resolved. O'Mahoney (2014) shows how tensions between inconsistent rules can produce important international political outcomes.

[25]Reinold (2023,146) attributes the "universal human need to perceive the legal rules which structure social life as a more or less coherent set of norms" to dissonance reduction.

Table 1. Empirical patterns and explanations

Empirical pattern	Existing explanation	Ripple effects mechanism
		Reframing
No declarations of war	Avoiding *jus in bello*, Signaling limited aims	Not explicitly describing what you are doing as X
Seeking UNSC authorization, submitting Article 51 notifications	Signaling limited aims	Attempting to frame/reclassify actions as Y
		Displacement
No major wars of conquest	Norm against conquest, territorial integrity norm	Not performing actions unambiguously X
Persistence of *fait accompli*	Anomalies	Performing ambiguous/marginal actions instead
Wars of decolonization	Anomalies	Performing actions also justifiable as Y
		Consistency maintenance
Non-recognitions		Explicitly denying that prohibited or illegitimate actions are source of legitimacy
Decline in peace treaties	Avoiding *jus in bello*	Actions dependent upon legitimacy of newly prohibited actions lose value

An implication of consistency maintenance is that actions that used to depend on the legitimacy of newly prohibited actions will decrease in value. Consistency maintenance thus explains why peace treaties are now so rare. Peace treaties were a record of what rights were distributed as a result of the war (Lesaffer 2004). Now that rights cannot be distributed by war, now that the international community will not accept or recognize any substantive redistribution that is codified in a peace treaty, there is no incentive to sign a peace treaty if you need third-party support or acceptance of that peace treaty. A peace treaty under the illegitimacy of war is analogous to an unenforceable contract. If a treaty is an unenforceable contract, then states will not make it—it is valueless. One implication of this theory is that we should still see peace treaties or peace agreements when (1) belligerents do not need third-party acceptance or (2) third-party acceptance is forthcoming for some other reason. As is shown in the next section, this is exactly what we do in fact see.

Also, to the extent that we see a decline in border adjustment as a result of war, this is explained by states not expecting to have the international community accept or recognize border changes imposed as a result of war, unless there is some other legitimation for the border adjustment. This might be democratic processes, like the independence of South Sudan or East Timor coming as a result of a UN-sponsored referendum, self-determination, like the independence of Bangladesh (O'Mahoney 2017), or decolonization, like India's annexation of Goa.

So, all of the changes in the diplomacy of war identified above can be explained as ripple effects of the illegitimacy of war produced by the three mechanisms of reframing, displacement, and consistency maintenance (see Table 1). The ripple effects model also explains how these dynamics work in a world that still experiences interstate war.

Alternative Explanations

There are some other existing explanations of some of these changes in the diplomacy of war. Fazal explains the decline in declarations of war with a theory that state actors are trying to evade the costs of violating the laws of war, *jus in bello*, by not admitting to a state of war (2012). The logic is, if a state admits to being in a state of war, they have to pay the costs of adhering to the laws of war, such as foregoing the military advantages of committing war crimes, and the costs of breaking the laws of war, such as other states not considering them as law-abiding citizens of the international community. One problem with this evasion hypothesis is that the lack of a declaration of war has not, in fact, prevented states from treating hostile acts and official statements as creating legal liability for war crimes,[26] nor from bearing significant costs in order to adhere to international humanitarian law (Irajpanah and Schultz 2021, 492–3).

Irajpanah and Schultz argue instead that declarations of war came to be seen as an "inherently aggressive act" (2021, 496) after WWII. They explain the absence of declarations of war by saying that declaring war became a signal of extreme aims, of "dedication to the total destruction of the enemy," and so states do not do it because it makes it harder to manage escalatory pressures, and harder to build coalitions in support of military action. However, this costly signaling theory relies upon the claim that "the meaning of a war declaration … changed from being an expected part of armed conflict to a violation of prevailing norms" and that there are now only two ways to normatively and legally justify military action; self-defense and UNSC authorization. They justify ignoring the fact that declarations of war are a way of admitting to a violation of prevailing norms because relabeling activities in order to avoid them being seen as proscribed behavior cannot have an effect because no one "seriously struggle[s] to recognize war when waged under a different name" (Irajpanah and Schultz 2021, 493). But actors do not just perceive what type of action something is, or how limited or extreme the aims behind the action appear to be. Actors also judge whether actions are justified or legitimate. Irajpanah and Schultz's evidence shows that belligerents were primarily concerned with getting cooperation from third-party states by painting opponents' actions as illegal and a "breach of the peace" and avoiding their own use of force being seen as aggression.

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[26]For example, Russian President Vladimir Putin was indicted by the International Criminal Court for war crimes in March 2023, despite not declaring war on Ukraine. https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and. Accessed April 16, 2024.

The Decline of Peace Treaties as a Ripple Effect of the Illegitimacy of War

In this section, I demonstrate in more detail how ripple effects play out in an empirical area. The mechanism by which the illegitimacy of war has produced the decline of peace treaties is that consistency maintenance has made a peace treaty unenforceable if imposed by the victor on the defeated state. Peace treaties used to function analogously to a contract between states, regardless of whether they were "imposed." For example, Pufendorf argued, "One may not reasonably challenge a peace treaty by alleging that it was agreed only under duress. Anybody who passes up the chance to come to a peaceful accommodation with his enemy, preferring to go to war, is deemed to have agreed to allow the decision about their dispute to be settled by the chance of arms; such that he has no basis for complaint, no matter how luckless his fortune" ([Whitman 2012](#), 77). However, if third parties, or the international community, will not respect or support a peace treaty, then a peace treaty is valueless. In brief, states now generally disapprove of peace treaties imposed by the victor on the defeated that "resolve disputes" by transferring rights or other political benefits to the victor. And states know this to be true, so they avoid actually signing peace treaties unless either they do not need third-party approval or they think that the peace treaty will be respected by third parties because it is seen as legitimate for some other reason, like it resolves the dispute through arbitration or neutral boundary commission, etc. I will now unpack this logic in more detail.

The change in the legitimacy of war as a way to distribute rights thus changed states' incentives to pursue and sign a peace treaty. But in what exact way were incentives changed by the illegitimacy of war? Under a system where war is a legitimate source of rights and a peace treaty is a means of delineating and distributing rights, both sides have incentives to sign a peace treaty. The state A that stands to gain at the expense of the other state B wants to pursue a peace treaty in order to express what it is that A has gained. A can also try to manifest the expectation of A's future battlefield success into treaty terms without having to pay the costs of actually winning the battles. B, while losing, has to choose between continuing to fight now and accepting the current loss. If B wants to regain its rights in the future, it can do so by restarting a war and using its battlefield success to negotiate the terms of a new peace treaty.

However, once a peace treaty is no longer enforceable,[27] A has no incentive to negotiate a peace treaty because it is not useful in its dealings with third parties in the community. Victorious aggressors can no longer rely on the tacit acceptance of other states in enforcing the terms of the peace treaty. If there is no likelihood of monitoring and enforcing the agreement reached, or if that is going to be extremely costly, "they have no incentive to negotiate or negotiate seriously" ([Fearon 1998](#), 279). If treaties that distribute rights appear illegitimate because they have been concluded on the basis of success in battle, or under the threat of force, then enforcement of the terms of those treaties is going to be harder than it was when war was a legitimate means of acquiring rights. Also, any further actions dependent on the legitimacy of the terms of the treaty are going to be hindered or not possible if the treaty is not supported or respected by the community.

Also, the incentives to renege on the agreement increase as the costs of enforcing the agreement increase. One im-

plication of this is that an individual state need not consider the use of force immoral for the illegitimacy of war to influence their behavior. If part of the enforceability of an agreement involves the cooperation, active or passive, of other states, then if state A expects that other states will not collude with it in enforcing the agreement, A will be less likely to make the agreement in the first place. This is true regardless of whether A views the treaty as morally right.
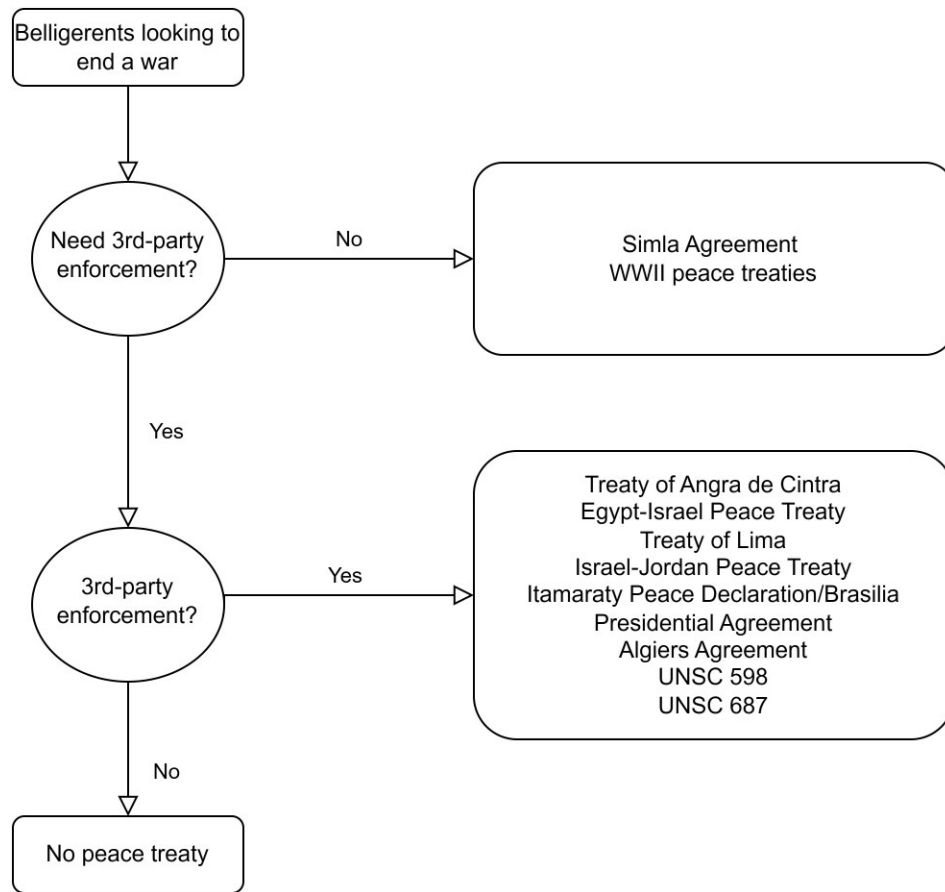
Also, B has a new outside option; not fighting but also not accepting the current loss, in the hopes that the community will help it to restore the status quo ante in the future. Defeated or victim states can make a claim for support in the face of aggression. After fighting has finished, support includes rhetorical support in the form of recognition as well as material support such as providing a base of operations. Under the illegitimacy of war, the alternative to signing a peace treaty is not necessarily more fighting. With the support of other states and the international community, a defeated state or its government can resist or hold out much longer and in a different way.

There are several key observable implications of this theory, other than that peace treaties should become less common at the end of wars. Because expectation of enforcement is a core part of the mechanism, one additional observable implication is that states should still conclude peace treaties or agreements when (1) belligerents do not need third-party acceptance/support or (2) third-party acceptance/support is forthcoming for some other reason. So, peace agreements should only deal with issues that can be enforced bilaterally, like ceasefires or normalization of relations, or, be explicitly guaranteed by a third party, or legitimated to the community in some other way. For example, we might see peace treaties that are UNSC resolutions, or explicitly framed as fulfilling UNSC resolutions, those that include a return to the territorial status quo ante, or those that agree to submit a territorial resolution to a third party, like the International Court of Justice, the Permanent Court of Arbitration, or a group of guarantor states.

Alternative Explanations

One alternative explanation could be that there is now a "norm against peace treaties" as such. There are indications of a rejection of "imposed treaties," such as Article 52 of the Vienna Convention on Treaties, which states, "A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations" (see also [Malawer 1977](#)). However, this is not an injunction against consensual peace treaties. If there was a norm against peace treaties as such, we would not see, for example, states and the international community calling for a negotiated peace agreement in Ukraine and on the Korean peninsula.

The main existing alternative theory for the decline of peace treaties is Fazal's evasion thesis ([2013, 2018](#)). This is that states using force would rather not comply with or be judged with reference to, *jus in bello*, and signing a peace treaty acknowledges or admits that states are at war and hence subject to the laws of war. Part of the way this works is similar to the causal mechanism of reframing (see above) in that actors are trying to influence the way others react to their actions by changing how those actions are described. However, the evasion thesis is focused on legal liability for violations of the laws of war rather than a more generalized management of other states' judgments about the legitimacy of the use of force. An observable implication of the evasion theory is that the more states are subject to *jus*

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[27]Note that here enforceable means that third parties will assist in getting the terms fulfilled or in pursuing remedies for breach.

Figure 1. War termination under the illegitimacy of war as a means of dispute resolution

in bello treaties, either at the system level or at the unit level, the less likely they are to sign peace treaties, which is Fazal's main finding.

There are problems with the evasion theory. It is not clear that concluding a peace treaty is an "unambiguous step" indicating a state of war. If the 1901 Boxer Protocol could redistribute rights among the belligerents while also denying the legal existence of war (Fazal 2018, 154), why cannot states today do the same thing? The evasion theory also does not account for why we should see any peace treaties at all. Anomalies are treated as exceptions to the clear trend but otherwise unexplained (2018, 137). Another problem is that the existing evasion theory does not account for why we might see new phenomena, like the Iran–Iraq War and the Gulf War being ended by UNSC resolutions.[28] However, the evasion theory might be extended to explain this last behavior. That is, if accepting a UNSC resolution does not create or imply a legal status of war, whereas signing a peace treaty would do so, then states could evade legal responsibility for war crimes by choosing the UNSC resolution. But, in fact, accepting a UNSC resolution is not different from a peace treaty in this way. Also, the two resolutions in question do not seem to fit this explanation. UNSC Resolution 598, eventually agreed to by both Iran and Iraq, includes paragraph 3 urging compliance with the Third Geneva Convention regarding prisoners-of-war.[29] Paragraph 16 of Resolu-

tion 687 states that Iraq "is liable under international law" for its damage to Kuwait during its "unlawful invasion and occupation."[30] So, accepting these resolutions does not appear to allow leaders to avoid accepting the applicability of international humanitarian law.

By contrast, the ripple effects theory holds that expectation of third-party enforcement is the main mechanism for states agreeing to a post-conflict settlement instrument. And a UNSC resolution is a paradigm case of an instrument that is likely to be generally accepted by the international community.

How well does the illegitimacy of war thesis explain the data? Fazal's data (2018)[31] include seven peace treaties after 1945. Figure 1 and Table 2 show that all of these peace treaties are explained by the mechanisms outlined above (see Appendix 1 for more detail).

All of the post-1945 peace treaties either dealt with bilateral issues only or had a means to third-party enforcement through delegation and/or pursuing legitimation such as via the withdrawal to ex-ante borders.

Another way to investigate whether the illegitimacy of war made a difference is through a comparison of cases matched on some observable characteristics. Here, I present an illustrative comparison between the Sino-Japanese War of 1895 and the Manchurian Crisis of 1931–1932. This comparison

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[28] UNSC Resolution 598 and UNSC Resolution 687.

[29] https://digitallibrary.un.org/record/137345/files/S_RES_598%281987%29-EN.pdf. Accessed April 16, 2024.

[30] https://www.un.org/depts/unmovic/documents/687.pdf. Accessed April 16, 2024.

[31] http://www.tanishafazal.com/s/Wars-of-Law-Replication-Data.zip. Accessed April 16, 2024.

Table 2. Post-1945 peace treaties

War	Peace instrument	Third-party enforcement
Ifni War (Spain–Morocco)	Treaty of Angra de Cintra 1958	Treaty fulfilled Spain's intention to withdraw from the Moroccan Protectorate, previously declared in the 1956 Declaration of Independence
Football War (El Salvador–Honduras)	Treaty of Lima 1980	Joint Frontier Commission, border demarcation to be referred to the ICJ
Bangladesh War (India–Pakistan)	Simla Agreement 1972	No distribution of rights, bilateral issues only
Yom Kippur War (Egypt–Israel)	Egypt Israel Peace Treaty 1979	Guaranteed by the United States, withdrawal to ex-ante borders, partially fulfilled terms of UNSC Resolution 242
Cenepa Valley War (Peru–Ecuador)	Itamaraty Peace Declaration and the Brasilia Presidential Agreement 1995	Signed by guarantors (Argentina, Brazil, Chile, the United States), border delineation by guarantors
Badme Border War (Ethiopia–Eritrea)	Algiers Agreement 2000	Impartial boundary commission under the auspices of the OAU, the UNSG and the Permanent Court of Arbitration

shows how the judgment of the international community over whether using force to acquire rights was legitimate correlates with the use of peace treaties to distribute rights. In both 1895 and 1931, Japan invaded Northern China with the aim of subjugating parts of it. In 1895, success in battle for Japan resulted in the Treaty of Shimonoseki. This peace treaty included transfer of suzerainty over Korea, cession of territory including Taiwan, Fengtian, and the Pescadores Islands, 200 million silver taels, etc.[32] This peace treaty was opposed by some other great powers, but not on the basis that imposing terms on a defeated state was illegitimate. Russia, Germany, and France, in what is known as the Triple Intervention, opposed the cession of Fengtian because it represented too much of a threat to Russian and German expansion into Northern China (Ikle 1967). In the face of this pressure, Japan agreed to change the cession of Fengtian to an additional cash payment of 30 million silver taels. The rest of the terms of the peace treaty remained operative.

By contrast, after the 1931 Japanese invasion of Northern China, third parties issued statements that they would oppose any peace treaty imposed by war. US Secretary of State Henry Stimson issued notes to both China and Japan that the United States would not "recognize any situation, treaty or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris."[33] The Assembly of the League of Nations passed a resolution stating that League Members would not "recognise any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris."[34] In the face of these explicit declarations, Japan and China signed an armistice in 1932 to end the fighting, but did not conclude a peace treaty distributing rights.[35]

This comparison is consistent with the claim that it was the expectations of the belligerents that a peace treaty would not be respected on the basis that it was in violation of the illegitimacy of war to resolve disputes that caused them to not sign a peace treaty. This comparison is especially useful in distinguishing between alternative explanations because it comes before many of the laws of war, like the Geneva Conventions of 1949 and 1954, and because China and Japan had signed relatively few laws of war during this period.[36]

The theory that the decline of peace treaties is a ripple effect of the illegitimacy of war thus not only provides a coherent causal mechanism for why peace treaties should stop occurring, but can also account for residual variation and is supported by additional observed implications.

A Unifying Theory

As we have seen, the ripple effects theory explains all of the individual empirical patterns and outcomes at least as accurately as the existing set of theories. In some cases, it has more specific implications, which allow for novel, or additional, facts. However, there is another reason why the ripple effects theory should be preferred; it is a unifying explanation. The theory explains all of the various data within a single framework.

Why should we choose a single explanation of all of these data rather than *N* explanations for *N* pieces of evidence? One reason is that it is the "best" explanation. Inference to the Best Explanation, also called abduction, is a type of inference that privileges explanatory considerations, as contrasted to, for example, predictive success or logical deduction, in choosing between alternative theories (Lipton 1991). For example, inference to the best explanation appeals to "theoretical virtues" as relevant considerations in theory choice. One of these is consilience or unification, which is the capacity to explain diverse independent classes of facts. McGrew gives the example of Darwin's theory of evolution explaining "'several classes of facts' ranging from homology to the 'atrophied' organs of animals" (McGrew 2003, 561). The ripple effects theory is a common-origin explanation, a subtype of inference to the best explanation and one that provides "strong warrant for the conclusion that the phenomena they tie together are due to the same structure or mechanism" (Janssen 2002, 465). One aspect

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[32]https://china.usc.edu/treaty-shimonoseki-1895. Accessed April 16, 2024.

[33]The text of the note can be seen in this telegram: Foreign Relations of the United States, 1932, The Far East, Vol 3, doc. 9, The Secretary of State to the Consul General at Nanking (Peck), January 7, 1932, https://history.state.gov/historicaldocuments/frus1932v03/d10. Accessed April 16, 2024.

[34]League of Nations, 1932. *Official Journal Special Supplement 101*.

[35]The War Initiation and Termination Data Set (WIT) codes this case as a 0 for a peace treaty (Fazal and Fortna 2015).

[36]Fazal and Fortna (2015). The WIT coding for mean bilateral laws of war for this war is 3.5. Many wars back to WWI and even earlier that ended in peace treaties had means of 3.5 or higher.

of unification is that it provides an answer to the question of, "Why are all of these different empirical patterns occurring at the same time?" The evasion hypothesis provides a candidate explanation for both war declarations and peace treaties, but not for the persistence of fait accomplis or the rise of non-recognition. By contrast, the ripple effects thesis explains why all of these phenomena occur concurrently.

Conclusion

States act in a world where legitimacy matters for determining the reactions of the community toward their actions. Now that states expect the international community to treat the outcome of wars of profit as illegitimate, the old practices surrounding war do not make sense anymore. In order to manage the legitimacy of their uses of force, states avoid openly describing their actions as war and try to legitimate their actions in other terms. They also try to maintain consistency between the illegitimacy of war and the de facto results of war by not treating these results as a new institutional reality. This simple model and its associated mechanisms account for a wide variety of observed changes in war-related behavior. In this paper, I show that evidence for declines in border changes, wars of conquest, declarations of war, peace treaties, and winners taking territory beyond the status quo ante bellum, as well as the continuation of fait accomplis and wars of decolonization, and the rise of non-recognition, can all be explained by this model.

The theory can also be applied to an evolving and substantively important situation; the Russian war on Ukraine, which started in 2022. As a unilateral use of force seemingly aimed at annexing territory, this war is a clear violation of the norms against conquest, territorial integrity, and the use of war to resolve disputes. The mere existence of this war could be taken to demonstrate the weakness of these norms. But the features of the war vindicate the ripple effects theory. Russian President Vladimir Putin has framed the war as a special military operation, not a war, and is attempting a fait accompli, which Russia has attempted to legitimate through local referendums. As with Crimea, the international community has condemned the war, and some have expressed intentions to "not recognize" the proposed annexations of East and South Ukraine.[37]

More broadly, the ripple effects model likely has wide application outside of the changing nature of war. Norm changes plausibly play out by having a variety of effects around the legitimacy management practices of states adapting to the new normative environment. For example, the change to a normative prohibition on sharing nuclear technology after the Atoms for Peace era has led to a variety of institutions and practices around the current strict controls on enrichment and reprocessing technology. The analysis in this paper can also be viewed as an account of what happens when a social institution of international politics stops being an institution. International society theorists have paid attention to the existence, emergence, properties, and structuring role of social institutions (Reus-Smit 1999; Buzan 2014), but have not addressed what happens when an institution becomes illegitimate. The ripple effects theory provides an account of this process that could plausibly be usefully applied to other changes in the institutions of international society, such as dynasticism. Discovering how ripple

effects work in other empirical domains should thus be a fruitful area for future research.

References

ALTER, KAREN J., AND SOPHIE MEUNIER. 2009. "The Politics of International Regime Complexity." *Perspectives on Politics* 7 (1): 13–24.

ALTMAN, DAN. 2017. "By Fait Accompli, Not Coercion: How States Wrest Territory from Their Adversaries." *International Studies Quarterly* 61 (4): 881–91.

———. 2020. "The Evolution of Territorial Conquest after 1945 and the Limits of the Territorial Integrity Norm." *International Organization* 74 (3): 490–522.

ATZILI, BOAZ. 2012. *Good Fences, Bad Neighbors: Border Fixity and International Conflict.* Chicago, IL: University of Chicago Press.

BLACKMON, DOUGLAS A. 2008. *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II.* New York, NY: Anchor.

BRAUMOELLER, BEAR F. 2019. *Only the Dead: The Persistence of War in the Modern Age.* Oxford: Oxford University Press.

BROWN, CAMERON SHEPHERD. 2014. "The Vanishing Peace: Why Belligerents Are Increasingly Reluctant to Make Formal Concessions." *PhD Thesis.* UC San Diego. ProQuest ID: Brown_ucsd_0033D_14465.

BRUNSTETTER, DANIEL R. 2021. *Just and Unjust Uses of Limited Force: A Moral Argument with Contemporary Illustrations.* Oxford: Oxford University Press.

BUZAN, BARRY. 2014. *An Introduction to the English School of International Relations: The Societal Approach.* 1st ed. Cambridge; Malden, MA: Polity.

DIEHL, PAUL F., CHARLOTTE KU, AND DANIEL ZAMORA. 2003. "The Dynamics of International Law: The Interaction of Normative and Operating Systems." *International Organization* 57 (1): 43–75.

DIXON, JENNIFER M. 2017. "Rhetorical Adaptation and Resistance to International Norms." *Perspectives on Politics* 15 (1): 83–99.

FAZAL, TANISHA M. 2007. *State Death: The Politics and Geography of Conquest, Occupation, and Annexation.* Princeton, NJ: Princeton University Press.

———. 2012. "Why States No Longer Declare War." *Security Studies* 21 (4): 557–93.

———. 2013. "The Demise of Peace Treaties in Interstate War." *International Organization* 67 (4): 695–724.

———. 2018. *Wars of Law: Unintended Consequences in the Regulation of Armed Conflict.* Ithaca, NY: Cornell University Press.

FAZAL, TANISHA, AND PAGE FORTNA. 2015. Interstate War Initiation and Termination (I-WIT) data set. *Qualitative Data Repository.* https://doi.org/10.5064/F6JW8BSD.

FEARON, JAMES D. 1998. "Bargaining, Enforcement, and International Cooperation.." *International Organization* 52 (2): 269–305.

FINNEMORE, MARTHA. 1996. "Norms, Culture, and World Politics: Insights from Sociology's Institutionalism." *International Organization* 50 (2): 325–47.

———. 2003. *The Purpose of Intervention.* Ithaca, NY: Cornell University Press.

GODDARD, STACIE E. 2018. *When Right Makes Might: Rising Powers and World Order.* Ithaca, NY: Cornell University Press.

GOERTZ, GARY, PAUL F. DIEHL, AND BALAS ALEXANDRU. 2016. *The Puzzle of Peace: The Evolution of Peace in the International System.* Oxford: Oxford University Press.

GOLDSTEIN, JOSHUA S. 2011. *Winning the War on War: The Decline of Armed Conflict Worldwide.* New York, NY: Penguin.

GRYNAVISKI, ERIC. 2013. "The Bloodstained Spear: Public Reason and Declarations of War." *International Theory* 5 (2): 238–72. https://doi.org/10.1017/S1752971913000158.

HATHAWAY, OONA A., AND SCOTT J. SHAPIRO. 2017. *The Internationalists: How a Radical Plan to Outlaw War Remade the World.* New York, NY: Simon and Schuster.

HURD, IAN. 2017. "The Permissive Power of the Ban on War." *European Journal of International Security* 2 (1): 1–18.

IKLE, FRANK W. 1967. "The Triple Intervention. Japan's Lesson in the Diplomacy of Imperialism." *Monumenta Nipponica* 22 (1/2): 122–30.

IRAJPANAH, KATHERINE, AND KENNETH A. SCHULTZ. 2021. "Off the Menu: Post-1945 Norms and the End of War Declarations." *Security Studies* 30 (4): 485–516.

JANSSEN, MICHEL. 2002. "COI Stories: Explanation and Evidence in the History of Science." *Perspectives on Science* 10 (4): 457–522.

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[37]https://www.washingtonpost.com/world/2022/07/21/russia-ukraine-annex-referendum-kherson/. Accessed April 16, 2024.

Johnson, James Turner. 1999. *Morality and Contemporary Warfare.* New Haven, CT: Yale University Press.

Korman, Sharon. 1996. *The Right of Conquest: The Acquisition of Territory by Force in International Law and Practice.* Oxford: Oxford University Press.

Krebs, Ronald R., and Patrick Thaddeus Jackson. 2007. "Twisting Tongues and Twisting Arms: The Power of Political Rhetoric." *European Journal of International Relations* 13 (1): 35–66.

Krook, Mona Lena, and Jacqui True. 2012. "Rethinking the Life Cycles of International Norms: The United Nations and the Global Promotion of Gender Equality." *European Journal of International Relations* 18 (1): 103–27.

Lantis, Jeffrey S., and Carmen Wunderlich. 2018. "Resiliency Dynamics of Norm Clusters: Norm Contestation and International Cooperation." *Review of International Studies* 44 (3): 570–93.

Lebow, Richard Ned. 1983. "Miscalculation in the South Atlantic: The Origins of the Falkland War." *Journal of Strategic Studies* 6 (1): 5–35.

Lesaffer, Randall. 2004. *Peace Treaties and International Law in European History: From the Late Middle Ages to World War One.* Cambridge: Cambridge University Press.

Lipton, Peter. 1991. *Inference to the Best Explanation.* London: Routledge.

MacKay, Joseph. 2019. "Legitimation Strategies in International Hierarchies." *International Studies Quarterly* 63 (3): 717–25. https://doi.org/10.1093/isq/sqz038.

Malawer, Stuart S. 1977. "Imposed Treaties and International Law." *California Western International Law Journal* 7 (1): 1–178.

McGrew, Timothy. 2003. "Confirmation, Heuristics, and Explanatory Reasoning." *British Journal for the Philosophy of Science* 54 (4): 553–67.

Moyn, Samuel. 2022. *Humane: How the United States Abandoned Peace and Reinvented War.* New York, NY: Verso Books.

Mueller, John. 1989. *Retreat from Doomsday: The Obsolescence of Major War.* New York, NY: Basic Books.

Nutt, Cullen G., and Reid B.C. Pauly. 2021. "Caught Red-Handed: How States Wield Proof to Coerce Wrongdoers." *International Security* 46 (2): 7–50.

O'Mahoney, Joseph. 2014. "Rule Tensions and the Dynamics of Institutional Change: From 'to the Victor Go the Spoils' to the Stimson Doctrine." *European Journal of International Relations* 20 (3): 834–57.

———. 2017. "Making the Real: Rhetorical Adduction and the Bangladesh Liberation War." *International Organization* 71 (2): 317–48.

———. 2018. *Denying the Spoils of War: The Politics of Invasion and Non-Recognition.* Edinburgh: Edinburgh University Press.

Pedersen, Susan. 2005. "Settler Colonialism at the Bar of the League of Nations." In *Settler Colonialism in the Twentieth Century,* edited by Caroline Elkins and Susan Pedersen, 127–48. New York, NY: Routledge.

Percy, Sarah V., and Wayne Sandholtz. 2022. "Why Norms Rarely Die." *European Journal of International Relations* 28 (4): 934–54.

Pinker, Steven. 2011. *The Better Angels of Our Nature: The Decline of Violence in History and Its Causes.* New York, NY: Penguin.

Pratt, Simon Frankel. 2020. "From Norms to Normative Configurations: A Pragmatist and Relational Approach to Theorizing Normativity in IR." *International Theory* 12 (1): 59–82.

Rapp, Kyle. 2022. "Justifying Force: International Law, Foreign Policy Decision-Making, and the Use of Force." *European Journal of International Relations,* 28 (2): 337–360.

Ray, James Lee. 1989. "The Abolition of Slavery and the End of International War." *International Organization* 43 (3): 405–39.

Raymond, Mark. 2019. *Social Practices of Rule-Making in World Politics.* Oxford: Oxford University Press.

Reinold, Theresa. 2023. "The Prohibition on the Use of Force: Plus Ça Change? Towards a Theory of Global Normative Change." In *Tracing Value Change in the International Legal Order: Perspectives from Legal and Political Science,* edited by Heike Krieger and Andrea Liese, 136–52. Oxford: Oxford University Press.

Reus-Smit, Christian. 1999. *The Moral Purpose of the State: Culture, Social Identity, and Institutional Rationality in International Relations.* Princeton, NJ: Princeton University Press.

Reyner, Anthony. 1963. "Morocco's International Boundaries: A Factual Background." *The Journal of Modern African Studies* 1 (3): 313–26.

Schilke, Oliver, and Gabriel Rossman. 2018. "It's Only Wrong If It's Transactional: Moral Perceptions of Obfuscated Exchange." *American Sociological Review* 83 (6): 1079–107. https://doi.org/10.1177/0003122418806284.

Skinner, Quentin. 1978. *The Foundations of Modern Political Thought: Volume 1, The Renaissance.* Cambridge: Cambridge University Press.

Stimmer, Anette. 2019. "Beyond Internalization: Alternate Endings of the Norm Life Cycle." *International Studies Quarterly* 63 (2): 270–80.

Suchman, Mark C. 1995. "Managing Legitimacy: Strategic and Institutional Approaches." *The Academy of Management Review* 20 (3): 571–610. https://doi.org/10.2307/258788.

Whitman, James Q. 2012. *The Verdict of Battle: The Law of Victory and the Making of Modern War.* Boston, MA: Harvard University Press.

Wiener, Antje. 2004. "Contested Compliance: Interventions on the Normative Structure of World Politics." *European Journal of International Relations* 10 (2): 189–234. https://doi.org/10.1177/1354066104042934.

Zacher, Mark W. 2001. "The Territorial Integrity Norm: International Boundaries and the Use of Force." *International Organization* 55 (2): 215–50.

Appendix 1

- During the dissolution of France and Spain's protectorate (colony) in Spanish West Africa, there was a dispute between Spain and Morocco over how much territory Spain would cede. In 1956, Spain agreed to end its protectorate, recognize the independence of Morocco, and cede much of the protectorate territory to Morocco. Moroccan semi-irregulars and a group under the Army for the Liberation of the Sahara subsequently attacked Spanish positions. On April 1, 1958, Spain and Morocco came to an agreement in Cintra, Portugal that Spain transferred control over the Southern zone of the former Spanish protectorate to Morocco (Reyner 1963). On April 15, 1958, Spain circulated a note verbale to the United Nations asserting that with this agreement it had completely fulfilled the Madrid declaration of April 7, 1956 terminating its protectorate. This peace agreement, in which Spanish victory in battle was followed by relinquishing territory, was thus expected to be respected by the international community.

- The Simla Agreement of 1972 between India and Pakistan did not distribute rights (https://www.mea.gov.in/bilateral-documents.htm?dtl/5541/Simla+Agreement). It addressed bilateral issues only and served to normalize relations between the two countries.

- The Egypt–Israel Peace Treaty of 1979 was preceded by the Camp David Accords, via which the United States pledged not only to respect the peace treaty, but also to pay both sides significant amounts of aid. The substantive terms of the treaty included Israel's withdrawal to the ex-ante border and accepting that the Sinai belonged to Egypt, which was in part fulfillment of the terms of UNSC Resolution 242.

- The 1980 Treaty of Lima that settled the Football War between El Salvador and Honduras in fact agreed to form a Joint Frontier Commission to draw the frontier and if the two states are not in total agreement over the frontier to refer the dispute to the International Court of Justice (https://peacemaker.un.org/sites/peacemaker.un.org/files/HNSV_801030_GeneralTreatyOfPeaceElSalvadorHonduras.pdf).

- The Israel–Jordan Peace Treaty of 1994 (https://peacemaker.un.org/sites/peacemaker.un.org/files/IL%20JO_941026_PeaceTreatyIsraelJordan.pdf) was co-signed by the United States and preceded by the Washington Agreement (https://avalon.law.yale.edu/20th_century/pal06.asp), via which the United States agreed to respect a peace treaty (President Clinton also pledged to forgive $700 million of Jordan's debt to the United States). The treaty states that it aims to fulfill

UNSC Resolutions 242 and 338, and does not involve any cessions of territory or other privileges.

- The Ecuador–Peru War in 1995 was ended by the Itamaraty Peace Declaration (https://peacemaker.un.org/ecuadorperu-itamaratydeclaration95) and the Brasilia Presidential Agreement (https://peacemaker.un.org/ecuadorperu-actbrasilia98). Both of these were signed by the Guarantors of the Rio Protocol (Argentina, Brazil, Chile, and the United States) and submitted the border delineation to the determination of the guarantors.

- The Eritrea–Ethiopia War in 2000 was ended by the Algiers Agreement, which created an impartial boundary commission under the auspices of the OAU, the UNSG, and the Permanent Court of Arbitration.