

Law and the Use of Force in World Politics: The Varied Effects of Law on the Exercise of Military Power in Territorial Disputes

Paul K. Huth
Sarah E. Croco
Benjamin J. Appel

September 25, 2009

Abstract: Scholars of international law typically assert that international law affects state behavior by promoting peaceful negotiations between states and discouraging the use of military force. In this paper we argue that this understanding of the role played by international law in international politics is incorrect. Instead, we posit that the influence of international law on state leaders varies significantly and depends not only on the particulars of the law relevant to the dispute at hand, but also on elements that establish the leader's current strategic environment. Simply put, leaders should not react in a uniform way to international law, but should instead use the law to their strategic advantage. In this paper we demonstrate this logic in the context of territorial disputes. Using a series of statistical tests we find that international law can be both a force for promoting cooperation as well as conflict escalation.

Introduction

Within the last three decades, scholarship on international law has grown extensively, both in terms of the number of scholars working on the general topic and in the variety of approaches utilized to address research questions. Given this, it is somewhat surprising that scholars representing such a wide variety of theoretical backgrounds almost all agree on what has emerged as the central stylized fact of the larger enterprise: when international law affects state behavior, it does so by promoting cooperation between states and discouraging the use of military force.¹

In this paper we argue that this understanding of the role played by international law in international politics is incorrect. Instead, we posit that the influence of international law on state leaders varies significantly and depends not only on the particulars of the law relevant to the dispute at hand, but also on elements that establish the leader's current strategic environment. Namely, which stage (i.e., the challenge the status quo phase or the escalation phase) of the dispute he is in; his role in the dispute (i.e., challenger or target); the specific legal principles that are most relevant to the dispute; and the more general principles of international law regarding the use of force and the right of self defense. Given these different considerations in the calculus of leaders, the influence of international law on state behavior is more complex and varied than is commonly believed. Simply put, leaders should not react in a uniform way to international law, but should instead use the law to their strategic advantage. As a result, international law can be both a force for promoting peaceful negotiations as well as conflict escalation. In this paper we demonstrate this logic in the context of territorial disputes. Territorial disputes provide an appropriate yet challenging testing ground not

¹ Two important bodies of scholarship include those representing the normative framework (e.g., Franck 1992; Finnemore and Toope 2001; Reus-Smit 2003), and those representing the institutional, or rationalist approach (e.g., Abbott et al. 2000; Guzman 2008; Goldsmith and Posner 2005).

only because of the law's obvious relevance to the delimitation of boundaries between states but also because leaders have historically been willing to use force to maintain their state's territorial integrity.

Overall, we find strong support for our theory that emphasizes the interplay of international law and the specific strategic context facing state leaders. Two key findings highlight the strategic nature of this process. First, during the challenge the status quo stage, leaders of challenger states are significantly more likely to alter the status quo through negotiations rather than force, but only if their specific legal claim to the disputed territory is stronger than their opponent's. As we argue below, leaders in this scenario pursue peaceful paths to dispute resolution not only because abiding by the law will afford them a bargaining advantage, but also because using force would most likely compromise any leverage they may have had due to the well-established legal principle in the post-WWII era that proscribes the use of force to acquire title to territory.

An even more interesting set of findings emerges in the escalation stage. We find empirical support for our argument that leaders of target states with strong legal claims to the disputed territory that are attacked or threatened with force are more likely to escalate the dispute to higher levels of military conflict. In this case, the interplay of the right to self-defense along with the strength of the specific legal principles in question is critical to consider since both work to legitimize the use of force by these targeted leaders. In contrast, we find, as expected, no relationship for leaders of challenger states with strong legal claims and the decision to escalate with force. Taken together, our theory and supportive findings suggest that although international law has a powerful effect on state behavior, this effect can vary across the different stages of a dispute.

We also investigate the possibility that the effect of international law is conditional upon a state's regime type. As some scholars have argued, democratic leaders will be more likely to respect international law and the behaviors it sanctions. As above, we expect the combination of democracy and law, which we call democratic legalism, to have different effects across the two stages. Our

empirical results confirm these expectations: democratic leaders are more likely than non-democratic leaders to pursue peaceful paths of resolution by adhering to international law in the challenge the status quo stage, but not the escalation stage. The fact that none of the explanatory variables, from either the international law or democratic legalism approach, produce similar responses across both stages underscores the importance of studying the escalation of international disputes as a process rather than a series of unrelated discrete events.

The rest of this paper will consist of four sections. In Section 2 we briefly discuss the multi-stage approach we alluded to earlier. In Section 3 we present our theory for when and why international law should affect leader behavior in territorial disputes in greater detail. In this section we also discuss the hypotheses from the democratic legalism approach. In Section 4 we describe our research design, while in Section 5 we present and discuss the results of our statistical analyses. In Section 6 we conclude with the implications of our findings.

Stages and Selection

We focus on two stages of territorial disputes.² We begin with the challenge the status quo stage, where the leader of a challenger state decides whether to challenge the territorial status quo, either by threatening or using force or by pursuing negotiations. If the leader chooses to threaten or use force, the dispute shifts to the escalation stage, where the leaders of both the challenger and target states decide whether to escalate the level of militarized conflict further, risking the outbreak of war.

Two aspects of this two-step sequence are particularly crucial. First, the leader of the target state can only make a decision (i.e., to escalate or not) if the challenger leader first selects both states

² For a general discussion on the importance of analyzing the stages of international conflict, see Huth and Allee (2002, ch. 2).

into the escalation stage; she does not make a decision in the status quo stage.³ As such, while we analyze the decisions of the leader of the challenger state in both stages, we only consider the targeted leader's behavior if the dispute has progressed to the escalation stage. Second, the two-step nature of the dispute highlights the selection effect at work in the challenging leader's actions.⁴ Challenging leaders do not end up in the escalation stage randomly. Instead, they only find themselves in the second stage if they made a decision to eschew a peaceful pathway and opt for violence in the first stage. This means that factors (such as strong legal claims to the disputed territory) that may have encouraged peaceful behavior in the first stage should not have the same effect in the second. By virtue of selecting himself and his adversary into the escalation stage, the leader has already demonstrated that these otherwise-pacifying factors do not play a large role in his decision-making calculus. We elaborate on this selection effect in our theory section below, and specify our hypotheses with this logic in mind.

International Law

Our theory and hypotheses for this approach draw upon the growing rationalist literature on international law, which incorporates many of the assumptions and insights from the institutionalist literature in international relations (e.g., Abbott et al. 2000; Abbott and Snidal 2000; Goldstein et al. 2000; Guzman 2008; Koremenos et al. 2001). Within this framework, we focus on two different bodies of international legal principles. The first is the set of specific legal principles (e.g., thalweg,

³ Since target states are generally satisfied with the territorial status quo, military conflicts over disputed territory are driven by challenger decisions to initiate military confrontations. In the absence of such challenges, target states will be content to retain control over the disputed territory and consolidate their position.

⁴ See, for example, Huth and Allee (2002, ch. 2), Reed (2000), Signorino (1999) and Smith (1999) for the importance of addressing selection effects in conflict studies.

estoppel, effective control, etc.) relevant to each state's territorial claims.⁵ The second is the more general legal principle that not only proscribes the acquisition of territory by force in the post World War II era, but also recognizes the right of self-defense to protect the territorial status quo. As we argue below, it is the interplay of these two distinct sets of principles that affects a leader's decision to use force in both the challenge the status quo and the escalation stage.

Before discussing how the two bodies of international law interact to affect leader behavior, it is essential to first understand that the legal principles relevant to any particular dispute can evolve over time and may vary in their clarity, which has important theoretical implications for their influence on a leader's decision to threaten force (e.g., Brownlie 1998: ch.1; Oppenheim 1955: ch.3; Sureta 1973; Verzijl 1970). This dynamic nature of international law is a product of the compliance patterns of states, the terms of new international treaties signed by states, and the interpretation of legal principles by legal bodies and experts. In some cases, consistent and reinforcing patterns emerge across these different sources of law, which encourage future compliance. Other legal principles, however, may be subject to considerable debate and competing interpretations by legal bodies and among states.

Taken together, we should expect that the interpretations of a set of legal principles relevant to a dispute at any given time have the possibility of varying in both their clarity and consistency. Only those legal principles that are well developed, regarded as legitimate, and that are interpreted by states and courts in a consistent fashion are likely to act as a focal point that affords bargaining leverage to the state with the stronger legal claim.

Once established as a legitimate focal point, the specific legal principles in question provide a way to frame the problem at the center of the dispute by focusing on evidence and arguments that

⁵ Due to space constraints, we do not discuss the specific legal principles relevant to each territorial dispute. Please contact the authors for more information.

establish the strength of each state's claims to the disputed territory (Goldsmith and Posner 2005). These legal principles help identify a potential solution by calling for the division of territory that is based on the legal merits of the claims. The ability to suggest a potential solution is an especially important attribute of international law since states have divergent preferences regarding how the contested territory should be divided. International law can work to solve this distribution problem by indicating how the disputed territory should be allocated between the two parties. In this way, the legitimacy that stems from international law grants bargaining leverage to the leader of a state with the stronger legal claim since any solution suggested by international law will likely favor him (e.g., Hurd 2008; Franck 1992; Finnemore and Toope 2001).

We expect the relative strength of a state's legal claim to affect the behavior of its leader in both stages of the dispute. With regards to the first stage, when the leader of a challenger state has strong legal claims to the disputed territory, we expect him to favor negotiations because he expects his legal advantage to translate into a favorable resolution of the dispute. As a result, once negotiations materialize, leaders in such a position should both press for concessions from his adversary and be reluctant to cede ground in negotiations due to the strength of this legal position.⁶ By contrast, when both sides' legal claims to the disputed territory are highly contested or the available evidence does not clearly favor one party's legal position, then neither leader will enjoy a

⁶ Indeed, in our previous work, we found that leaders with stronger legal claims to the disputed territory were less likely to make concessions in rounds of negotiations and received more favorable terms in final settlement agreements.

bargaining advantage.⁷ In such a scenario, there is no reason to expect the leader of the challenger state to pursue negotiations based on the legal merits of its claim to disputed territory.

The costs of using force reinforce the legally advantaged leader's incentive to pursue negotiations. As Zacher (2003) and international legal scholars (e.g., Jennings 1963:53-67; Korman 1996; Oppenheim 1955:570-75) argue, a key principle of international law in the post-WWII period has been the illegality of using force to secure title to territory, and the accompanying right of self-defense to protect against any territorial aggrandizement by force. In light of this, the leader of a challenger state with strong legal grounds for his territorial claims risks undermining his favorable legal position and, by extension, his claim to the disputed territory by initiating military threats or using force.

The same leader also risks additional reputational and non-reputational costs for violating the legal doctrine that prohibits the use of force to acquire territory. As Guzman (2008) argues, when a state complies with international law, it will develop a favorable reputation and other states will view it as a reliable partner. A reputation for adhering to international law makes future attempts at cooperation both easier and less costly both for the state in question and any would-be partners. There are also non-reputational costs to consider; a state that violates the law in threatening or using force may be confronted with economic sanctions, international condemnation, and a general lack of military support from allies and the international community. Compliance with international law, therefore, reflects a rational calculation that it generally serves state interests and goals to respect legal principles.

⁷ Although not a focus of this paper, we believe that leaders of states without strong legal claims are likely to comply and cede territory because of the reputational costs that they may incur if they ignore international law.

The costs of using force also make it more likely that the leader of a challenger state will maintain the status quo compared to using force. As we argued above, if the leader decides to shift the dispute to the escalation stage, he will suffer international audience costs in light of the prevailing legal principle that forbids the use of force to acquire territory. Additionally, the leader may face charges of incompetence by domestic critics because by using force he has squandered his country's strong legal position with respect to the specific legal principles relevant to the dispute. We see then that the interplay of both the specific legal principles in question and the legal principle that prohibits territorial aggression create reinforcing incentives for leaders. In this case, the incentives encourage the leader of a challenger state with strong legal claims to avoid using force and pursue negotiations instead.

Our argument for leader behavior in the escalation stage differs from the challenge the status quo stage because the leaders of challenger and target states face different incentives that alter their decision-making calculi. We begin our discussion with the behavior of target states.

As we briefly noted above, it is essential to recognize that a target state only enters into the escalation stage if the leader of a challenger state first threatens or uses force. This selection process is consequential to the discussion of the effects of international law for two reasons. First, as we discussed earlier, when the leader of a challenger state violates international law by using force to try to acquire territory, this weakens any potential legal advantage regarding the specific legal claims to disputed territory he may have had. Second, once the leader of a target state is in a position of responding to aggressive actions by the challenger state, she will justify a forceful response by citing the aforementioned legal principle that allows for the right of self-defense. Given this, international and domestic audiences alike will regard any military action taken by the target as legitimate. Consequently, she can escalate militarily without the fear of facing the various costs and sanctions that are associated with the illegal use of force to acquire territory.

The specific legal principles regarding the disputed territory also factor into the target's decision. First, as we argued above, international law will be most likely to influence state behavior when the legal principles in question are well-established and clearly favor one side. Therefore, when the leader of the target state has strong legal claims to the disputed territory, the international community will consider her claim to the territory as being more valid than the claim of the challenger. Thus, in addition to her right to defend the territorial status quo from threats by the challenger state, the strength of the legal principles can also reinforce the legitimacy of her actions. These same factors will also increase domestic support for military action for the same reasons. Therefore, the combination of the two sources of international law, and the resulting international and domestic support, grant the target the necessary legitimacy that enables and encourages her to respond forcefully to the challenger's threats or use of force.

The idea that law may promote some leaders to respond with the escalation of militarized conflict may seem counterintuitive to some since advocates of international law often believe that law has a pacifying effect on state behavior. Once we situate international law in the strategic context of international politics, however, and consider the position of the parties with respect to challenging or defending the status quo, we see that the legitimacy of the law, under certain conditions, can actually lead to increased levels of military escalation.

The leader of a challenger state with strong legal claims, however, faces a different set of incentives. As we stated above, because he chose to challenge international law in the first stage by initiating a threat or use of force, he is already in a compromised legal position, despite any specific legal principles that may have bolstered his claim to the disputed territory. Therefore, he has already taken into the consideration the costs and benefits of complying with the law, and has already chosen to disregard it by challenging the status quo with threats to use force. In terms of our empirical expectations, this means that international law is only likely to play a deciding role in the

challenge the status quo stage and not the escalation stage for challengers. The logic of our argument suggests the following hypotheses:

IL1: The leader of a challenger state with strong legal claims to disputed territory will be less likely to threaten or use force compared to maintaining the status quo.

IL2: The leader of a target state with strong legal claims to disputed territory will be more likely to escalate militarily in the escalation stage.

IL3: The strength of a state's legal claims to disputed territory will have no impact on the leader of a challenger state's decision to escalate militarily in the escalation stage.

Democratic Legalism

As we argued above, the democratic legalism approach occupies a complimentary, yet somewhat narrower, position to the international law argument. Although proponents of the democratic legalism argument would agree that international law should shape a leader's behavior, they argue that its effects will be limited to democratic leaders. Briefly put, this argument posits that leaders of states with strong democratic norms generally have greater respect for legal institutions and processes in managing and regulating domestic political conflict and competition.⁸ This approach draws on the earlier writings of comparative scholars, who argued that the acceptance of the rule of law and norms of restrained competition are benchmarks of political elite beliefs in well-

⁸ Importantly, we do not expect these peaceful norms to carry over to the escalation stage when the democracy is the target of an attack. In instances like this, a democratic leader should be willing to respond to the attack with force; the defense of one's territory is therefore viewed as consistent with democratic norms logic. (See: Huth and Allee 2002: ch. 5; Reed 2000; Rousseau et al., 1996).

established democratic systems (e.g., Diamond 1999; Lijphardt 1984; Powell 1982, 2000; Putnam 1976).⁹

Scholars expect two effects to emerge from this political context. First, as the leader of a democratic state engages in domestic political bargaining, he will become socialized in the norms of respect for the rule of law and avoiding the initiation of violence as part of a strategy of coercive bargaining (while nevertheless responding forcefully to violent threats and acts). Second, as the effects of this socialization become more solidified, democratic leaders will become more likely to apply these norms to international disputes.¹⁰ As a result, the leader of a democratic state will be more inclined to pursue foreign policies that recognize the legitimacy of international law in settling territorial disputes. In contrast, in authoritarian systems marked by repression of political opposition elite norms of political bargaining are much more likely to include acceptance of coercion, disdain for legal restraints, and an unwillingness to compromise on a regular basis with political opposition (e.g., Dahl 1972; Lijphardt 1984, Przeworski et al. 2000).

The logic of our first hypothesis regarding the challenger's decision in the first stage is that democratic leaders with strong legal claims will be less likely to challenge the territorial status quo by using or threatening force compared to either seeking negotiations or maintaining the status quo. Their strong legal position reinforces the democratic leader's existing disinclination to initiate threats or use force. Negotiations will also look more attractive to a democratic leader because, in addition to his non-violent political norms, he expects to be able to use his strong legal claims as bargaining leverage in rounds of negotiations. Additionally, democratic leaders may be more sensitive to the

⁹ We recognize that regime type alone could affect a leader's behavior, irrespective of the legal particulars of the dispute. We account for this possibility in our discussion of the control variables below.

¹⁰ Dixon 1994; Dixon and Senese 2002; Huth and Allee 2002: ch.5

international costs if they decide to threaten force and violate established legal principles instead of doing nothing or pursuing negotiations. By contrast, we expect that the leader of an autocratic state who lacks domestic norms that support the rule of law, will be less likely to pay close attention to international legal considerations when considering his options in the challenge the status quo stage.

If, however, diplomacy fails and the dispute moves to the escalation stage, we believe there will be no relationship between this interactive effect and the decision to escalate the dispute by the leader of a challenger state. In short, we believe a powerful selection effect is at work for democratic challengers with strong legal claims. Because there are so many forces that work to encourage democratic leaders with strong legal claims to choose peaceful pathways, we know that democratic challengers in the escalation phase did not arrive there randomly. Again, looking at the two-step process is informative. By virtue of threatening or using force in the first stage, this subset of democratic leaders have demonstrated that they are not strongly influenced by either strong norms of non-violent political bargaining nor the associated inclination to abide by international law. Therefore, we should not expect these factors to influence their behavior in the escalation stage.

Finally, we expect no difference in the escalation stage between a targeted democratic leader with strong legal claims and a targeted autocratic leader with strong legal claims in terms of their propensity to escalate. This is true for two reasons. First, leaders who are the targets of an attack who also have strong legal claims will be more willing to escalate, regardless of their regime type.¹¹ Second, as we discussed above, we do not expect the non-violent coercive norms of political bargaining that differentiate democracies from non-democracies in the challenge the status quo stage to constrain a leader when the state is on the defensive in the escalation stage. Taken together, we

¹¹ As a reminder the target is more likely to escalate militarily due to the legitimacy associated with the specific legal principles relevant to the disputed territory, and the legal right to defend the territorial status quo from threats or the use of force by the challenger.

expect no difference between regime types when states have strong legal claims. The above logic suggests the following hypotheses:

DL1: The leader of a democratic challenger state with strong legal claims to disputed territory is less likely than autocratic leaders to challenge the status quo by threatening force compared to both pursuing negotiations and maintaining the status quo.

DL2: The leader of a democratic challenger state with strong legal claims to disputed territory is no less likely than autocratic leaders to escalate the dispute with higher levels of military force.

DL3: The leader of a democratic target state with strong legal claims to disputed territory is no more likely to escalate militarily compared to the leader of a nondemocratic state with strong legal claims.

Finally, in addition to our hypotheses of theoretical interest, we control for other variables in both stages. Specifically, we account for: the fact that the challenger and target states may be enduring rivals; the balance of military power between the disputants; the strategic value of the territory; and for the presence of co-ethnics in the disputed territory. We expect all of these variables to be associated with the use of force in both the challenge the status quo and escalation stages. We also included a regime type variable as a control variable in the model without the interaction, which allows us to determine what effect, if any, democracy might have, regardless of a state's legal standing.¹² We expect that while democratic challengers should behave differently than autocratic ones in the first stage, regime type alone should not play a large role in the second stage for challengers or targets.¹³ We also controlled for any common security ties between the states, which

¹² Doyle 1986; Huth and Allee 2002; Maoz and Russett 1993.

¹³ The logic behind these latter hypotheses is similar to the logic underlying the selection effect outlined in the international law and democratic legalism sections. As with our previous hypotheses, if the leader of a challenger state has already disregarded his norms of compromise and non-violent bargaining by moving the territorial dispute to the escalation stage, then there is little reason to

we expect to have a dampening effect on the use of force in both stages.¹⁴ Finally, we also included a counter of the number of months to the event of interest to control for the effects of time (Beck et al. 1998).

Research Design and Data Analysis

We investigate each of the stages and test our hypotheses using our dataset of 199 territorial disputes from 1945-2000.¹⁵ For each stage, we estimate two models: one that examines the effect of international law, and another that examines whether an interactive effect exists between a state's regime type and international law, as suggested by the democratic legalism argument. In the challenge the status quo stage, there are three choices available to the leaders of challenger states:

believe that he will resort back to the nonviolent norms once in a militarized dispute. A different logic underpins the target's behavior. Again, because she is in a position of responding to military threats from the challenger state, she is unlikely to resort to compromise and other non-violent forms of conflict resolution in an effort to defend her state from aggressive actions. (See Huth and Allee 2002, ch. 5; Reed 2000; Rousseau et al. 1996).

¹⁴ More precisely, we expect common security ties to make challengers and targets less likely to use force in the challenge the status quo and escalation stages, respectively. We do not expect common security ties to have an effect on the challenger's behavior in the escalation stage due to selection; if the leader of the challenger state uses force against an ally in the challenge the status quo phase (and, in doing so, moving the dispute to the escalation stage), he has already demonstrated that shared security ties have little influence over his behavior. Consequently, we do not expect them to affect his decisions in the escalation phase. Targets, on the other hand, will not escalate so as to prevent any further disruption to the alliance.

¹⁵ The dataset of territorial disputes is taken from Huth and Allee (2002) and updated based on their coding rules through 2000 from the original end date of 1995.

initiatives to hold talks, initiation of militarized disputes, and continuing to accept the status quo. Our data consists of 3,840 observations in the challenge the status quo stage. The decision to maintain the status quo is the most common choice and makes up 64% of the observations, while the leader of a challenger state calls for talks 30% of the time and threatens force 6% of the time. We use a multinomial logit estimator in our analysis due to the nominal nature of our three outcomes and because our hypotheses focus on comparisons across the three options (e.g. threaten force vs. pursue negotiations and threaten force vs. maintain the status quo).¹⁶

If the leader of the challenger state threatens force in the challenge the status quo stage, our analysis moves to examining the nature of the resulting militarized dispute. In this stage, we consider the decision to escalate the dispute militarily by the leaders of both challenger and target states. To do this we coded a separate degree of escalation for each side in the territorial dispute. Specifically, we coded three levels of military escalation: 1) no escalation 2) limited escalation, and 3) major escalation. Following Huth and Allee (2002, ch. 2), limited escalation is when the leader of a state increases the size and readiness of military forces beyond the initial threat level but short of war, while major escalation is when leaders risk war by employing the large-scale use of force. In our dataset, there are 241 militarized disputes; the leaders of challenger states do not escalate 28% of the time, engage in limited escalation in 56% of the observations, and employ the large-scale use of force 16% of the time. Conversely, the leaders of target state refrain from escalating in 23% of the observations, engage in limited escalation 62% of the time, and employ major escalation 15% of the time.

¹⁶ The multinomial logit model also produces a pair-wise comparison of pursuing negotiations versus maintaining the status quo. As this comparison is not of theoretical interests to us, we do not present the results for this. They are available upon request.

We use the bivariate ordered probit estimator (Sajaia 2009) to test our hypothesis. We use this estimator to account for the fact that the challenger and target decisions to escalate are separate, but interrelated decisions.¹⁷ Finally, we used a censored probit estimator (LIMDEP 8.0 2002) to check for any selection bias in the escalation equation for the challenger.¹⁸ Although we find no evidence of selection bias (rho is not significant at .05 level), we review the results for each of our hypotheses of theoretical interest since the selection argument is an important part of our theoretical framework.¹⁹

Because the substantive meaning of the findings are hard to discern directly from these types of models, we also compute predicted probabilities, first differences/discrete changes, and the

¹⁷ Specifically, the bivariate ordered probit allows us to estimate separate equations for both the challenger and target and still incorporate the correlation between the disturbances of the two equations.

¹⁸ As another robustness check, we also estimated a censored probit for the target's level of escalation. All the results for our theoretical variables of interest remained the same, although we only present the results for the challenger (see appendix) due to space constraints. Additionally, since the challenger is the only actor that chooses to shift the dispute to the escalation stage, we believe his actions are driving any possible selection effects.

¹⁹ We use the bivariate ordered probit estimator as the main model and rely on the censored probit as a robustness check because in the former the rho (correlation between the challenger and target equations) is significant indicating the we need to estimate the equations together, while in the latter the rho (correlation between the selection and outcome equation) is not significant suggesting that we can estimate the outcome equation independently of the selection equation. Furthermore, the results for our key hypotheses on international law are stable and consistent across the two different estimations.

percentage change for all of the statistically significant explanatory variables of theoretical interest. We use Stata and Clarify (King et al. 2000; Tomz et al. 2001) to estimate our coefficients and to determine the quantities of interest.²⁰ To compute the first differences in the challenge the status quo equation, we hold the other variables in the equation at values that predict force. We do this to determine the impact of international law when the situation favors threatening force. In the escalation equation, we hold the other variables in the equation at values that predict no escalation. Again, we do this to compute the substantive effect of international law on the large-scale use of force when the rest of the equation favors no escalation.

Measurement of Variables

International Law

Strong Legal Claims: For the variable used in the analysis, we created a dummy variable to capture the relative legal merits of challenger and target state claims to the disputed territory. The variable received a one if the state in question had superior legal claims relative to its adversary and zero otherwise. To code this variable, we first systematically searched for expert legal assessments from scholars and international organizations, rulings from international legal bodies and government reports and documents for every territorial dispute. From this, we identified multiple expert sources for each territorial dispute and then coded the legal assessments presented in the sources for each legal principle that was discussed by the expert sources.

We considered a state's claim to be superior relative to its adversary if at least a majority of the following conditions were met: 1) a history of customary state practice backed its legal claim and opposed the adversary's claim, 2) existing legal principles, as deemed by previous court rulings,

²⁰ In the escalation equation, we computed the predicted probabilities and discrete changes by simulating the coefficients manually 10,000 times since Clarify does not provide a program for the bivariate ordered probit estimator.

supported the validity of the state's claim and found fault with the adversary's claim, and 3) any historical evidence and facts of the case clearly and consistently supported the state's legal claims when compared to the claim of its adversary. When a state's legal claims failed to meet a majority of the above criteria, we coded the state as having unfavorable legal claims.

To ensure further accuracy in our coding decisions, we followed several more general guidelines when determining what constituted the superior legal claims of the state in question. First, we did not use public documents and/or statements by the governments that are parties to a dispute to identify the majority view. These public sources were often useful for understanding the legal claims put forward by states, but we did not use them for assessing the merits of those legal claims given the obvious bias in such analyses. When internal government sources contained analyses and conclusions that were critical of their own country's legal claims, we included them for the purposes of determining the majority views among the expert sources. In practice, we judged some internal government sources as sufficiently balanced to use when they were either consistently critical, or contained a mix of critical as well as supportive legal assessments.

Second, we also had to consider possible bias in legal assessments by scholars who are nationals of one of the countries in the dispute. When nationals present uniformly supportive analyses of their country's legal claims while uniformly negative assessments of the adversary country, that source was judged too biased to be drawn upon for assessing the merits of legal claims. We often used this type of source, however, to identify what legal issues are involved in the dispute and what kinds of legal arguments the country advanced in the dispute. If a national source is critical in some respects of his/her own country's legal claims, then we treated that source as sufficiently balanced to include it when drawing conclusions about what is the majority position as represented in the expert sources.

Third, in some territorial disputes it was necessary to code the strength/weakness of legal claims for a state as changing over time. For example, the expert sources might indicate that in the 1950s the state's legal claim was questionable, but by the 1970s it was much stronger as legal principles evolved (e.g., principle of self-determination), or due to actual state behavior and actions that had legal implications (e.g., use of force to seize control of disputed territory). Another reason for allowing legal codings to change over time is that the territory in dispute may change and lead to different legal issues and assessments (Israeli disputes with Jordan and Syria, for instance, changed fundamentally after the Six Day War in 1967 when Israel gained more territory).

Finally, in some disputes (less than 30%) expert sources provided useful descriptive and historical analyses that helped to identify the relevant legal principles that applied to the dispute, but they did not offer judgments on the strength of a state's legal claims. In such cases, we coded the merits of legal claims ourselves. To ensure inter-coder reliability across the entire dataset of 199 territorial disputes, two coders initially examined a sample of 20 territorial disputes independently. Their codings were then exchanged and discussed to address any differences and problems that arose in order to increase consistent coding of the cases. After this preliminary round of codings, we updated and clarified the coding rules and definitions. We then randomly assigned the population of territorial disputes to three different coders, while we randomly coded 80 of the cases that the three other coders were working on. Inter-coder reliability on these 80 double-coded cases was quite high.; the independent coding decisions were identical 84% of the time (67 cases).

Democratic Legalism

Democratic Norms: We measure the extent to which a state's political system has been democratic over the previous 20 years. We utilize the POLITY IV dataset (Marshall, Jaggers and Gurr 2004) and its net democracy score to code whether a state is democratic for each year. A state is considered democratic if the net-democracy score has a value of 6 or greater on the -10 to +10 scale. We

construct the operational measure, which ranges from 0 to 20, to indicate how many of the past twenty years the state has been democratic (+6 on the net democracy scale). We then multiply this measure by 5 to get the percentage of the past 20 years that the state in question has been a democracy.

Strong Legal Claims X Democratic Norms: An interaction of the strong legal claims variable multiplied by the democratic norms variable.

Controls

Military Balance: This is measured as a ratio of military capabilities between each state and its adversary. The measure is the average ratio of three separate indicators of military capabilities: total military personnel, military expenditures, and expenditures per soldier. The ratios for the challenger and target sum to 1 with values near .5 indicating that a state is near military parity with its adversary, while values above .5 indicate a state has a military balance advantage. Values below .5 indicate the state is at a military disadvantage. The primary source for this variable is the Correlates of War National Material Capabilities dataset available in EUGene (Bennett and Stam 2000)

Common Security Interests: The variable is coded a 1 if there is a defense pact or entente military alliance between the challenger and target and zero otherwise. The variable is based on the COW dataset on interstate alliances (Gibler and Sarkees 2004).

Strategic Territory: A dummy variable coded as 1 if the territory is strategically located or if it contained (or was believed to contain) natural resources that were used by the state in the production of military weapon systems.

Ethnic Ties: From the point of view of each state, ethnic ties exist if the dispute concerns, at least in part, the status of some group of co-ethnics who inhabit the disputed territory. We coded a dummy variable with a value of one if the state in question had ethnic ties with a population living in the dispute territory, zero otherwise. Data for this variable was taken from Huth and Allee (2002).

Enduring Rivals: A dummy variable coded as 1 if the combatants have been involved in at least 5 militarized disputes in the past 10 years. Data for this variable was taken from Huth and Allee (2002) and updated with the COW MID data (Ghosn et al. 2004).

Time: Similar to Beck, Katz, and Tucker (1998), we created a counter of time to the event of interest for each equation. For example, in the challenge the status quo equation, we count the number of months in each dispute that has elapsed since the challenger last threatened force or otherwise challenged the status quo. We then restart the counter once the challenger either threatened force or called for negotiations. We follow the same logic for the military escalation equation.

Results

International Law

Insert Tables 1 and 2

Overall, we find considerable support for our international law hypotheses. In the challenge the status quo equation (Table 1), the leader of a challenger state with strong legal claims is less likely to threaten force compared to pursuing negotiations. Law seems to have no effect, however, on the decision between threatening force versus maintaining the status quo. Regarding the substantive impact (Table 2), we see that the leader of a challenger state with strong legal claims is 25% less likely to threaten force compared to a leader without strong legal claims. By way of comparison, the leader with strong legal claims is 27% less likely to maintain the status quo and 47% more likely to pursue negotiations. Our results, therefore, provide solid support for Hypothesis IL1 in that although we only see a statistically significant result for the threaten or use force versus seek negotiations pair-wise comparison, we nevertheless find an overall strong substantive effect that leaders of challenger states are 25% less likely to resort to force. A closer look at the raw data

reinforces this point. There are in total 169 cases of challengers with strong legal claims but only 8 instances of military threats being initiated (six of which are from only two disputes).²¹

In the escalation equation (Table 5), the leader of a target state with strong legal claims is more likely to escalate militarily (supporting hypothesis IL2), while international law has no significant effect on the behavior of the leader of a challenger state in this stage (as expected in hypothesis IL3). Specifically in Table 7, we see that the leader of a target state with strong legal claims is 9% less likely to not escalate militarily, 12% more likely to engage in limited escalation, and 60% more likely to employ the large- scale use of force.²²

Moving to the challenger results for the second stage, although, as expected, we did not find a statistically significant effect, this is likely because, as discussed above, there are only eight cases in which challenger states with strong legal claims shift the dispute to the escalation stage. This reinforces our theoretical argument that there is indeed a selection effect regarding the international law and military threats in territorial disputes. Finally, the censored probit results (see the appendix) further support our argument as strong legal claims is still not significant even when we account for any selection bias.

Insert Tables 3 and 4

Democratic Legalism

²¹ The two disputes are Argentina vs. Uruguay in 1969 & 1973 and Egypt vs. Israel in 1968, 1969, and 1973 (twice).

²² Again, it is important to note that this finding is robust even when we estimate the censored probit model for the target to account for possible selection bias.

We also find considerable support for the hypotheses suggested by the democratic legalism argument.²³ In the challenge the status quo stage, as the leader of a challenger state with strong legal claims becomes more democratic he is less likely to threaten force compared to both pursuing negotiations and maintaining the status quo. To fully understand fully the effect of the interaction in a non-linear model, however, we must use either marginal effects or discrete changes (Kam and Franzese 2007). Consistent with the political science literature we rely on discrete changes, and following Brambor et al. (2005) and their online appendix, we use Monte Carlo simulations to compute the 95% confidence intervals in our nonlinear model to determine the level of significance.

In Table 4, we see that as the leader of a challenger state with strong legal claims moves from low to high levels of democracy, the probability of using force moves from 6% to .06%, which results in a first difference of -5.94% and percentage change of -99%. Put differently, the probability of a democratic leader with strong legal claims using force is virtually zero. The 95% confidence interval indicates that the discrete change is significant since it does not cross zero and 95% of the 10,000 simulated first differences are negative.²⁴ One issue, however, with computing the predicted probability and discrete change for threatening force is that there are no cases of democracies with strong legal claims that do so. Thus, our substantive quantities of interest for threaten force are based on forecasts rather than the data available and, thus, caution in drawing conclusions is

²³ It is important, however, to recognize the complications that arise from using interaction terms. As our hypotheses relate to the differences across regime type, we operationalize our interaction term as the effect of democracy being conditional on international law. This allows us to see how democracies and non-democracies behave differently in the presence of strong legal claims.

²⁴ A 95% confidence interval that does not cross zero is identical to a coefficient estimate that is significant at the .05 level using a two-tailed test.

warranted. Nevertheless, the distribution of the data strongly supports the democratic legalism argument since democracies with strong legal claims never resort to the use of force.

We use the same method to determine the significance and substantive values of the pursuing negotiations and maintaining the status quo. Specifically, as the leader of a challenger state with strong legal claims moves from low to high levels of democracy he is 48% more likely to seek negotiations and 48% less likely to maintain the status quo. Moreover, the 95% confidence intervals again indicate that the interaction term is significant. Finally, unlike the threaten force category, the predictions are based off the data and not a forecast. This further supports the democratic legalism position since although there are plenty of cases of democracies with strong legal claims in our data set, there are no observations where they threaten or use force.

In the escalation equation, we could only estimate the interaction term for the target equation. As discussed above, as there are no cases of democratic challenger states with strong legal claims that threaten force, there is an identification problem in the escalation equation since there is no variation between the response variable and the interaction term. We are, therefore, unable to estimate the equation.²⁵ On the other hand, we are able to estimate the interaction term for the target since there are enough observations (18 out of 241), although it does not come close to reaching standard levels of significance.²⁶

Insert Tables 6 and 7

Controls²⁷

²⁵ Likewise, we could not estimate the censored probit due to the lack of observations.

²⁶ We do not present the substantive impact of the interaction term since we found them not to be significant when we estimated discrete changes. Results are available upon request.

²⁷ Due to space considerations, we only compute and discuss the substantive effects for variables that achieve statistical significance in the models presented in the tables below.

Across the two stages, we find mixed support for the control variables. First, we found that as the leader move from low to high levels of democracy he is 36% less likely to threaten force, 27% more likely to seek negotiations, and 10% less likely to maintain the status quo than his less democratic counterparts. Finally, as expected, we found no relationship between democracy and the likelihood of escalating in the second stage.

Second, when the challenger moves move from low to high levels of military capabilities in the first stage, he is 89% more likely to threaten force, 20% less likely to seek negotiations, and 2% less likely to maintain the status quo. In the escalation stage, we see that as the leader of a challenger moves from low to high levels of military capabilities, he is 26% less likely not to avoid escalation, 33% more likely to use limited escalation, and 133% more likely to engage in the large-scale use of force. We find no relationship between the military strength of the target and her decision to escalate in the second stage.

Contrary to our expectations, common security ties between the disputants have no effect on the challenger's decision regarding a revision of the status quo, though using force against an ally is always the least preferred option of the three. We also find no relationship between the presence of common security ties and leader behavior in the escalation stage, which we expected for challengers but not for targets.

When the disputed territory is of strategic value to the leader of a challenger state, he is 20% more likely to threaten force, 3% more likely to pursue negotiations, and 5% more likely to maintain the status quo. In the escalation stage, the challenger is more likely to escalate, but not significantly so. Moving to the target, we found that when the leader feels the territory has strategic value she is 20% less likely to escalate, and 12% and 60% more likely to engage in limited and major escalation, respectively.

When the leader of a challenger state has ethnic ties to the population in the disputed territory, he is 25% more likely to threaten force, 24% more likely to seek negotiations, and 10% less likely to maintain the status quo. The ethnic ties variable is also associated with greater levels of escalation for both combatants in the second stage, but is only significant for the challenger. Regarding the substantive impact, when the leader of a challenger state has ethnic ties to the disputed territory, he is 18% less likely to engage in no further escalation, 17% more likely to employ limited escalation, and 100% more likely to use the large-scale use of force.

In the challenge the status quo phase, when the challenger and target are enduring rivals, the leader of the challenger state is 140% more likely to threaten force, 16% more likely to seek negotiations, and 19% less likely to maintain the status quo. In the escalation stage, the enduring rivalry variable is associated with greater escalation for both the challenger and target. Specifically, when the challenger and target are enduring rivals, the leader of a challenger state is 29% less likely not to escalate, and 30% and 125% more likely to engage in limited and major escalation, respectively. Similarly, the leader of a target state is 40% less likely not to escalate, 22% more likely to engage in limited escalation, and 140% more likely to employ the large-scale use of force.

Conclusion

The analyses presented in this paper offer several contributions that require us to re-think the scholarly conventional wisdom regarding international law. First, although many scholars have long argued that the principal contribution of international law is to promote non-violent paths to conflict resolution, our results demonstrate that leader's reactions to international law are more nuanced than previously thought. Leaders will pursue a peaceful means of settlement and eschew using force, but only if they feel the law is firmly on their side. Leaders lacking a clear legal advantage, however, will be indifferent between using force and maintaining the status quo. If the dispute proceeds to the escalation stage of the dispute, international law has a different role to play.

As we discussed above, while few should be surprised to find international law had no pacifying effect on challengers in the escalation stage due to the selection effect that we anticipated, many proponents of international law should be surprised by the effect international law had on targets. Instead of encouraging these leaders to moderate their response to hostile actions by the challenger, their strong legal position prompted targets to pursue higher levels of military escalation.

Our results suggest that the combination of the right to self-defense and strong legal claims to the disputed territory produces highly resolved state leaders who believe it is legitimate to take strong, forceful actions in defense of the territorial status quo. Our results also illustrate the nuanced nature of the effect of international law. Depending on the circumstances, international law can substantially reduce the likelihood of violence, greatly increase it, or have no effect. One of the major contributions of this paper, then, has been to develop a theoretical framework for analyzing international law that accounts for such varied effects.

Second, our findings also speak to the power of international law across different regime types. Although international law has a stronger effect on democratic leaders than autocratic leaders in the first stage, we find no difference between the two regime types in terms of their response to international law in the second. This suggests that while there is some merit to the argument suggested by the proponents of democratic legalism, its explanatory power is somewhat limited.

Third and finally, our analyses also illustrate the utility of a multi-stage framework for studying international disputes. The fact that a number of variables produced different effects across the two stages of a territorial dispute underscores the need to not only consider the specific strategic circumstances facing a leader at any given point, but to also consider how these circumstances (and the accompanying incentives) might change as the leader moves through the different stage (Huth and Allee 2002, Reed 2000). Consequently,

our analysis improves upon the standard dyad or country-year research designs in the IR literature that fail to theorize and empirically test international conflict as an interconnected process.

References

- Abbott, Kenneth, Keohane, Robert, Moravcsik, Andrew, Slaughter, Anne Marie., and Snidal, Duncan 2003. "The Concept of Legalization" *International Organization* 54,3: 401-419.
- Abbott, Kenneth and Duncan Snidal. 2000. "Hard and Soft Law in International Governance" *International Organization* 54,3:421-56.
- Allee, Todd and Paul Huth. 2006. "Legitimizing Dispute Settlement" *American Political Science Review* 100,2:219 234.
- Beck, Nathaniel, Jonathan Katz, and Richard Tucker. 1998. Taking time seriously in binary time-series-cross-section analysis. *American Journal of Political Science* 42:1260-88.
- Bennett, D. Scott, and Allan Stam. 2000. "EUGene: A Conceptual Manual." *International Interactions* 26:179-204. Website: <http://eugenesoftware.org>.
- Brambor, Terrence, William Clark and Matt Golder. 2005. "Understanding Interaction Models: Improving Empirical Analyses" *Political Analysis* 14:63-83.
- Brownlie, Ian 1998. *Principles of Public International Law* 5th ed. Oxford: Clarendon Press.
- Kam, Cindy and Robert J. Franzese. 2007. *Modeling and Interpreting Interactive Hypotheses in Regression Analysis*. Ann Arbor: University of Michigan Press.
- Dahl, Robert *Polyarchy: Participation and Opposition*. New Haven: Yale University Press.
- Diamond, Larry 1999. *Developing Democracy: Toward Consolidation*. Baltimore: Johns Hopkins University
- Dixon, William 1994. "Democracy and the Peaceful Settlement of International Conflict" *American Political Science Review* 88,1:14-32.
- Dixon, William and Paul Senese. 2002. "Democracy, Disputes, and Negotiated Settlement" *Journal of Conflict Resolution* 46,4:547-71.
- Doyle, Michael 1986. "Liberalism and World Politics" *American Political Science Review* 80,4:1151-70.

Franck, Thomas 1992. "The Emerging Right of To Democratic Governance" *American Journal of International Law* 86,1: 46-91.

Finnemore, Martha and Stephen Toope. 2003. "Alternatives to Legalization: Richer Views of Law and Politics" *International Organization* 55,3: 743-58.

Gibler, Douglas and Meredith Sarkees. 2004. "Measuring Alliances: The Correlates of War Formal Interstate Alliance Data set, 1816-2000." *Journal of Peace Research* 41,2: 211-222.

Ghosn, Faten Glenn Palmer, and Stuart Bremer. 2004. "The MID3 Data Set, 1993–2001: Procedures, Coding Rules, and Description" *Conflict Management and Peace Science* 21:133-154.

Goldsmith, Jack and Eric Posner. 2005. *The Limits of International Law*. Oxford: Oxford University Press.

Goldstein, Joshua, Miles Kahler, Robert Keohane, and Anne Marie Slaughter. 2000. "Legalization and World Politics" *International Organization* 54,3:385-400.

Guzman, Andrew. 2008. *How International Law Works: A Rational Choice Theory*. Oxford University.

Hurd, Ian 2008. *After Anarchy: Legitimacy and Power in the United Nations Security Council*. Princeton: Princeton University Press.

Huth, Paul K. and Todd L. Allee. 2002. *The Democratic Peace and Territorial Conflict in the Twentieth Century* Cambridge: Cambridge University Press.

Jennings, Robert . 1963. *The Acquisition of Territory in International Law*. Manchester: Manchester University Press.

King, Gary, Michael Tomz and Jason Wittenberg. 2000. "Making the Most of Statistical Analyses: Improving Interpretation and Presentation" *American Journal of Political Science* 44,2: 341-355.

Koremenos, Barbara, Charles Lipson, and Duncan Snidal. 2001. "The Rational Design of International Institutions" *International Organization* 55,4:761-99.

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

Leeds, Brett Ashley 2003. "Do Alliances Deter Aggression? The Influence of Military Alliances on the Initiation of Militarized Interstate Disputes" *American Journal of Political Science* 47,3:427-439.

Leeds, Brett Ashley, Andrew Long and Sara Mitchell. 2000. "Re-Evaluating Alliance Reliability: Specific Threats, Specific Promises" *Journal of Conflict Resolution* 44,3; 686-99.

Lijphart, Arend 1984. *Democracies*. New Haven: Yale University Press.

Maoz, Zeev and Bruce Russett. 1993. "Normative and Structural Causes of the Democratic Peace" *American Political Science Review* 87,33:624-638

Marshall, Michael, Jaggers, Kenneth and Ted Gurr. 2004. *Polity IV Project: Political Regime Characteristics and Transitions, 1800-2007*.

Oppenheim, Lassa 1955. *International Law vol.1 8th ed*. London: Longmans, Green & Co.

Powell, Bing 2000. *Elections as Instruments of Democracy*. New Haven: Yale University Press

Przeworski, Adam, Michael Alvarez, J. Cheibub, and F. Limongi. 1996. "What Makes Democracies Endure?" *Journal of Democracy* 7,1:39-55.

Putnam, Robert 1976. *The Comparative Study of Political Elites*. Englewood Cliffs: Prentice-Hall.

Reed, William 2000. "A Unified Statistical Model of Conflict Onset and Escalation" *American Journal of Political Science* 44,1: 84-93.

Reus-Smit, Christian 2003. "Politics and International Legal Obligation" *European Journal of International Relations* 9:4; 591-625.

Rousseau, David, Christopher Gelpi, Dani Reiter, and Paul Huth. 1996. "Assessing the Dyadic Nature of the Democratic Peace" *American Political Science Review* 90,3: 512-33.

Russett, Bruce and John Oneal. 2001. *Triangulating Peace: Democracy, Interdependence, and International Organizations*. New York: W.W. Norton.

Sajaia, Zurab 2009. "Maximum Likelihood Estimation of a Bivariate Ordered Probit Model: Implementation and Monte Carlo Simulations" *The Stata Journal* (forthcoming).

Simmons, Beth 1998. "Compliance with International Agreements" *Annual Review of Political Science* 1:75-93.

Singer, J. David, Stuart Bremer, and John Stuckey. 1972. "Capability Distribution, Uncertainty, and Major Power War 1820-1965" in Bruce Russett (ed) *Peace, War and Numbers* Beverly Hills: Sage 19-48

Singer, J. David (1987). "Reconstructing the Correlates of War Dataset on Material Capabilities of States, 1816-1985" *International Interactions* 14: 115-32.

Slaughter, Anne Marie 1995. "International Law in a World of Liberal States" *European Journal of International Law* 6,2:503-38.

Signorino, Curtis 1999. "Strategic Interaction and the Statistical Analysis of International Conflict" *American Political Science Review* 93,2: 279-98.

Sharma, Surya 1997. *Territorial Acquisition, Disputes and International Law* Hague: Kluwer Law Smith, A.

1999. "Testing Theories of Strategic Choice: The Example of Crisis Escalation" *American Journal of Political Science* 43,4: 1254-83.

Sureda, Andres 1973. *The Evolution of the Right of Self-Determination: A Study of United Nations Practice*. Leiden: A.W. Sijthoff.

Tomz, Michael, Jason Wittenberg and Gary King. *CLARIFY: Software for Interpreting and Presenting Statistical Results*, Stata macros, versions 1998-2002

Verzijl, J.H.W. 1970. *International Law in Historical Perspective Pt.3* Leiden: A.W. Sijthoff.

Waltz, Kenneth 1979. *Theory of International Politics*. Reading: Addison-Wesley.

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

Table 1: Multinomial Logit Analysis of Decision to Challenge the Status Quo

	Threaten Force vs. Negotiations	Threaten Force vs. Status Quo
International Law Strong Legal Claims	-0.777*** (0.332)	-0.057 (0.252)
Controls		
Democratic Norms	-0.009** (0.004)	-0.005 (0.004)
Military Capabilities	1.074*** (0.311)	0.803*** (0.289)
Common Security Ties	-0.187 (0.176)	-0.071 (0.215)
Strategic Territory	0.172 (0.192)	0.235* (0.184)
Ethnic Ties	-0.080 (0.181)	0.250* (0.186)
Enduring Rivals	0.809*** (0.199)	1.146*** (0.179)
Constant	-1.529+++ (0.238)	-2.499+++ (0.237)

Note: N=3840. Clustered Standard Errors in Parentheses *p<.1, **p<0.5, *** p<0.01 (one-tailed)
 +p<.1, ++ p<0.05, +++ p<0.01 (two-tailed) Small-Hsiao Test for IIA: Drop Negotiations: χ^2 5.107
 (9 df) p=.825; do not reject IIA Drop Status Quo: χ^2 11.416 (9 df) p=.248; do not reject IIA

Table 2: The Impact of Changes in Variables on the Predicted Probability of Challenges to the Status Quo

	<u>Predicted Probability of Each Outcome</u>		
	Threaten Force	Seek Negotiations	Maintain Status Quo
<u>International Law</u>			
Strong Legal Claims			
No	12%	36%	52%
Yes	9%	53%	38%
First Difference	-3%	17%	-14%
% Change	-25%	47%	-27%
<u>Controls</u>			
Democracy			
Low	11%	37%	51%
High	7%	47%	46%
First Difference	-4%	10%	-5%
% Change	-36%	27%	-10%
Military Capabilities			
Low	9%	40%	52%
High	17%	32%	51%
First Differences	8%	-8%	-1%
% Change	89%	-20%	-2%
Strategic Territory			
No	10%	35%	55%
Yes	12%	36%	52%
First Difference	2%	1%	-3%
% Change	20%	3%	5%
Ethnic Ties			
No	4%	25%	71%
Yes	5%	31%	64%
First Difference	1%	6%	-7%
% Change	25%	24%	-10%
Enduring Rivals			
No	5%	31%	64%
Yes	12%	36%	52%
First Difference	7%	5%	-12%
% Change	140%	16%	-19%
<p>Note: To estimate the predicted probabilities we move the covariate of interest from low to high while holding all the other covariates at values that predict threaten force. To compute the first difference, we subtract the baseline predicted probability (covariate at low values) from the predicted probability following the change in the covariate of interest. We then divide the discrete change by the baseline probability and then multiply that by 100 to get the percentage change. Due to rounding, predicted probabilities may not add up to 100.</p>			

Table 3: Multinomial Logit Analysis of Decision to Challenge the Status Quo

	Threaten Force vs. Negotiations	Threaten Force vs. Status Quo
International Law Strong Legal Claims	-0.415** (0.236)	0.028 (0.231)
Democratic Legalism Democratic Norms	-0.008** (0.004)	-0.004 (0.004)
Democratic Norms X Strong Legal Claims	-0.058** (0.026)	-0.048** (0.028)
Controls		
Military Capabilities	1.081*** (0.316)	0.800*** (0.289)
Common Security Ties	0.158 (0.176)	-0.075 (0.215)
Strategic Territory	0.182 (0.191)	0.239* (0.185)
Ethnic Ties	-0.060 (0.181)	0.252* (0.188)
Enduring Rivals	0.779*** (0.197)	1.135*** (0.180)
Constant	-1.543+++ (0.240)	-2.499+++ (0.237)

Note: N=3840. Clustered Standard Errors in Parentheses *p<.1, **p<0.5, *** p<0.01 (one-tailed)
 +p<.1, ++ p<0.05, +++ p<0.01 (two-tailed) Small-Hsiao Test for IIA: Drop Negotiations: χ^2
 5.107 (9 df) p=.825; do not reject IIA Drop Status Quo: χ^2 11.416 (9 df) p=.248; do not reject IIA

Table 4: The Impact of Changes in the Democratic Legalism Interaction Term on the Predicted Probability of Challenges to the Status Quo			
	Predicted Probability of Each Outcome		
	Threaten Force	Seek Negotiations	Maintain Status Quo
Democratic Norms X Strong Legal Claims *			
No	6%	52%	42%
Yes	.06%	77%	22%
First Difference	-5.94%	25%	-20%
95 % Confidence Interval	(-9%, -2%)	(12%, 39%)	(-33%, -7%)
% Change	-99%	48%	-48%
<p>Note: To estimate the predicted probabilities we move the covariate of interest from low to high while holding all the other covariates at values that predict threaten force. To compute the first difference, we subtract the baseline predicted probability (covariate at low values) from the predicted probability following the change in the covariate of interest. We then divide the discrete change by the baseline probability and then multiply that by 100 to get the percentage change. Due to rounding, predicted probabilities may not add up to 100.</p> <p>*We report the 95% confidence interval for the first difference values of the democratic legalism interaction term. As discussed earlier, it is necessary to compute this to determine if the interaction term is statistically significant.</p>			

Table 5: Bivariate Ordered Probit Results for Decision to Escalate with Military Force

	Model 1		Model 2	
	Challenger Level of Escalation	Target Level of Escalation	Challenger Level of Escalation	Target Level of Escalation
International Law Strong Legal Claims	0.130 (0.394)	0.251** (0.141)	0.121 (0.395)	0.210* (0.162)
Domestic Politics Democratic Norms	-0.0006 (0.003)	-0.0003 (0.014)	-0.0007 (0.003)	-0.0007 (0.002)
Democratic Norms X Strong Legal Claims			NA	0.002 (0.004)
Controls Military Balance	0.629** (0.310)	0.244 (0.337)	0.635** (0.310)	0.228 (0.338)
Common Security Ties	-0.283 (0.208)	-0.314* (0.211)	-0.285 (0.206)	-0.315* (0.210)
Strategic Territory	0.209 (0.184)	0.257** (0.150)	0.205 (0.182)	0.254** (0.150)
Ethnic Ties	0.274** (0.146)	0.013 (0.113)	0.275** (0.146)	0.015 (0.113)
Enduring Rivals	0.429*** (0.183)	0.492*** (0.160)	0.431*** (0.183)	0.502*** (0.160)
Rho		0.870+++ (0.148)		0.875+++ (0.033)

Note: N=241. Clustered Standard Errors in Parentheses.

* p<.1, **p<0.5, *** p<0.01 (one-tailed) +p<.1, ++ p<0.05, +++ p<0.01 (two-tailed)

Table 6: The Impact of Changes in Variables on the Predicted Probability of Challenger's Level of Escalation			
	Predicted Probability of Each Outcome for the Challenger		
	No Escalation	Limited Escalation	Major Escalation
Military Balance			
Low (10th percentile)	61%	36%	3%
High (90th percentile)	45%	48%	7%
First Difference	-16%	12%	4%
% Change	-26%	33%	133%
Ethnic Ties			
No	55%	41%	4%
Yes	45%	48%	8%
First Difference	-10%	7%	4%
% Change	-18%	17%	100%
Enduring Rivalry			
No	55%	40%	4%
Yes	39%	52%	9%
First Difference	-16%	12%	5%
% Change	-29%	30%	125%
<p>Note: To estimate the predicted probabilities we move the covariate of interest from low to high while holding all the other covariates at mean or modal values. To compute the first difference, we subtract the baseline predicted probability (covariate at low values) from the predicted probability following the change in the covariate of interest. We then divide the discrete change by the baseline probability and then multiply that by 100 to get the percentage change. Due to rounding, predicted probabilities may not add up to 100.</p>			

Table 7: The Impact of Changes in Variables on the Predicted Probability of Target's Level of Escalation			
	Predicted Probability of Each Outcome for Target		
	No Escalation	Limited Escalation	Major Escalation
<u>International Law</u>			
Strong Legal Claims			
No	45%	50%	5%
Yes	36%	56%	8%
First Difference	-9%	6%	3%
% Change	-20%	12%	60%
<u>Controls</u>			
Alliance			
No	33%	58%	8%
Yes	45%	50%	5%
First Difference	12%	-8%	-3%
% Change	36%	-14%	-38%
Strategic Territory			
Low (Low)	45%	50%	5%
High (High)	36%	56%	8%
First Difference	-9%	6%	3%
% Change	-20%	12%	60%
Enduring Rivals			
Low	45%	50%	5%
High	27%	61%	12%
First Difference	-18%	11%	7%
% Change	-40%	22%	140%
<p>Note: To estimate the predicted probabilities we move the covariate of interest from low to high while holding all the other covariates at mean or modal values. To compute the first difference, we subtract the baseline predicted probability (covariate at low values) from the predicted probability following the change in the covariate of interest. We then divide the discrete change by the baseline probability and then multiply that by 100 to get the percentage change. Due to rounding, predicted probabilities may not add up to 100.</p>			

Appendix

Censored Probit Results for Challenger's Decision to Threaten Force and Escalate Militarily
Outcome Equation

	Coefficient Estimate	Standard Error
International Law Strong Legal Claims	-0.581	0.456
Controls		
Democratic Norms	-0.0002	0.003
Military Capabilities	0.858	0.424***
Common Security Ties	-0.231	0.194
Strategic Territory	0.365	0.178**
Ethnic Ties	0.452	0.176***
Enduring Rivals	0.304***	0.240*
Constant	-1.193	0.899

Selection Equation

Strong Legal Claims	-0.158	0.189
Democratic Norms	-0.0037	0.0015**
Military Capabilities	0.473	0.148***
Common Security Ties	-0.0039	0.084
Strategic Territory	0.100	0.084
Ethnic Ties	0.050	0.077
Enduring Rivalry	0.514	0.076***
Constant	-1.608	0.110+++
Rho	-0.056	0.367

Note: Total observations=3840. Total Uncensored Observations=241. *p<.1, **p<.05, ***p<.01 (one-tailed) +p<.1, ++ p<0.05, +++ p<0.01 (two-tailed)