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# ABSTRACTS

## COVENANTS WITHOUT THE SWORD

INTERNATIONAL LAW AND THE PROTECTION OF CIVILIANS IN TIMES OF WAR

By BENJAMIN VALENTINO, PAUL HUTH, and SARAH CROCO

Do the international laws of war effectively protect civilian populations from deliberate attack? In a statistical analysis of all interstate wars from 1900 to 2003 the authors find no evidence that signatories of The Hague or Geneva Conventions intentionally kill fewer civilians during war than do nonsignatories. This result holds for democratic signatories and for wars in which both sides are parties to the treaty. Nor do they find evidence that a state's regime type or the existence of ethnic or religious differences between combatants explains the variation in civilian targeting. They find strong support, however, for their theoretical framework, which suggests that combatants seek to kill enemy civilians when they believe that doing so will coerce their adversaries into early surrender or undermine their adversaries' war-related domestic production. The authors find that states fighting wars of attrition or counterinsurgency, states fighting for expansive war aims, and states fighting wars of long duration kill significantly more civilians than states in other kinds of wars.

## POCKET PROTESTS

RHETORICAL COERCION AND THE MICROPOLITICS OF COLLECTIVE ACTION IN SEMIAUTHORITARIAN REGIMES

By JASON M. K. LYALL

This article examines how repression in semiauthoritarian regimes affects collective action by comparing antiwar protesting during Russia's first (1994–96) and second (1999–) Chechen wars. Vladimir Putin's creeping authoritarianism acts as a "natural experiment" where we can study collective action before, during, and after the introduction of restrictive measures. Two key findings emerge. First, despite the Kremlin's increasingly heavy hand, antiwar actions have grown in size and frequency over the course of Putin's tenure. Second, the movement's failure to replicate its Yeltsin-era success in forcing a peace, albeit temporary, in Chechnya is due to organizational culture, not state repression. Indeed, the antiwar movement's prevailing cultural norms have undercut mobilization by locking activists into using symbolic appeals that ring hollow among Russians. Activists are thus unable to wield latent antiwar sentiment as a cudgel to entrap the Kremlin into reversing course. This argument is supported by a protest data set, primary documents, interviews, and participant observation.

## FROM UNANIMITY TO CONSENSUS

AN ANALYSIS OF THE NEGOTIATIONS AT THE EU'S CONSTITUTIONAL CONVENTION

By THOMAS KÖNIG and JONATHAN B. SLAPIN

In spite of the recent failure of two referendums, the drafting of a constitution for the second biggest economic power in the world, the European Union (EU), remains a major event in the history of European integration. Whether the constitution or a revised version of it will come into force or not, several important questions emerge. How did an increased number of twenty-five member states reach a conclusion, whereas a lower number of fifteen had failed at previous intergovernmental attempts? In particular, how did the constitutional convention differ from previous intergovernmental conferences (IGCs) at which the EU exclusively bargained its treaty documents in the past? How can one explain the outcomes of the convention, which proposes redistribution of power and resources among twenty-five or more member states? This article uses the positions of the delegates of the EU's constitutional convention to examine bargaining in a setting with few formal rules. The authors use theoretical insights from a spatial model and new survey data to determine the implicit voting rule used at the convention. They find that the convention differed from previous IGCs because the convention was governed by consensus, whereas previous EU bargains on treaties had always required unanimous support. The level of

consensus was higher than simple majority rule but lower than unanimity. Since this threshold impacted who won and who lost at the convention, the authors also examine the sources of bargaining power, such as delegates' distance to the status quo, distance to the median, population size, and domestic constraints. The results confirm several findings in the EU bargaining and two-level game literature, for example, that actors closer to the status quo hold a stronger bargaining position and that actors from larger member states are neither more likely nor less likely to win at the negotiating table than are actors from smaller states. The findings on the irrelevance of domestic constraints also indicate why the popular votes in France and the Netherlands failed.

### THREE'S A CROWD

#### THIRD PARTIES AND WTO DISPUTE SETTLEMENT

By MARC L. BUSCH and ERIC REINHARDT

Disputes filed at the World Trade Organization (WTO) are attracting a growing number of third parties. Most observers argue that their participation influences the institution's rulings. The authors argue that third parties undermine pretrial negotiations; their influence on rulings is conditioned by this selection effect. They test their hypotheses, along with the conventional wisdom, using a data set of WTO disputes initiated through 2002. Consistent with the authors' argument, they find that third-party participation *lowers* the prospects for early settlement. Controlling for this selection effect, the evidence also suggests that third-party support increases the chances of a legal victory at the WTO.

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