# Introduction

From Dachau to Darfur, it is often surprisingly hard to say precisely who is really responsible for what horrors, for which share of a long and tangled episode of mass atrocity. Historians and social scientists generally pride themselves on explaining such a large event entirely in collective terms, irreducible to the acts or intentions of any participant. These scholars are content to speak of Serbs and Bosnians, armies and terrorist networks, of the political dynamics and social forces at play.[1]

But for lawyers – those who must prosecute such wrongs (and defend the accused) – the devil necessarily lies in the proverbial details of who did which terrible thing to whom, in what manner, at a given time and place, with what purpose in mind. Our approach is thus unabashedly "reductionist," in the sense of reducing all large abstractions to the most concrete particulars.

Yet can this lawyerly reductionism offer a coherent and defensible account of and response to massive genocide?[2] After all, even the most powerful heads

[1] In recent years, to be sure, some of the best social science has shifted toward an insistence on the so-called micro-foundations of violent collective behavior in the incentives of individual participants. See, e.g., Stathis N. Kalyvas, *The Logic of Violence in Civil War* 10, 390 (2006).

[2] This study will use the word *genocide* in two different senses: first, as a legal term of art, defining the international crime of this name, and second, in the lay sense, as employed by journalists, historians, and social scientists. The legal offense differs from the lay meaning in its insistence that perpetrators display a specific intent to destroy the protected group, rather than simply an understanding that such destruction will likely result from a more proximate intention – forcible deportation (or "ethnic cleansing"), in many cases. The criminal offense further differs from the lay meaning in its indifference to the number of people actually harmed. Indictments before the ICTY, for instance, often accused defendants of seeking the destruction of small numbers of people. It is enough for the law that such victims were "part" of a protected group whose destruction was intended. The present book generally employs the term *genocide* in the more common, lay sense, except where the discussion turns clearly to more technical questions of legal doctrine.

of states need not fully control all those around and below them, especially high-level comrades or death squads beyond their formal authority, often with agendas of their own. Almost never are the worst wrongs readily traceable to direct orders from above, descending through an orderly chain of command to regular army troops.[3] And rarely does a head of state have any advance knowledge of the factual specifics that courts would normally require to convict anyone of such grievous wrongs.

It seems beyond doubt that dictators like Augusto Pinochet, Slobodan Milošević, and Saddam Hussein must be "responsible for" widespread barbarities that clearly furthered their political agendas while they held high office, committed by kindred spirits under their influence or inspiration. Yet the law's conventional resources for linking such "big fish" to more immediate wrongdoers are disconcertingly crude and clumsy, developed historically to deal with simpler crimes. This is true when seeking to tie a head of state to the acts of both powerful rivals within a military junta[4] and of "small fry" among informal militias who often commit the worst violence.[5]

With its focus on discrete deeds and isolated intentions, legal analysis risks missing the collaborative character of genocidal massacre, the vast extent of unintended consequences, and the ways in which "the whole" conflagration is often quite different from the sum of its parts. Some allege that the law, in its relentless individualism, fails at such times to apprehend the paradox of collective responsibility: how large-scale wrongdoing is at once divided into many small pieces, yet still widely shared. With these limitations, criminal law must surely fail to do justice to the implicated parties, in resolving whom to blame for which harms and how much to punish any given participant.[6]

[3] There are notable exceptions, however, to this empirical regularity. The single worst massacre in Bosnia, at Srebrenica in 1995, was committed in a well-organized manner by regular forces, not by paramilitary hooligans on a spontaneous rampage.

[4] The members of Argentina's military juntas, for instance, were ultimately held liable only for crimes committed by those within their formal chain of command (i.e., particular branch of service – army, navy, air force), even though the regime functioned integrally, with the junta as its governing institution, according to scholars. Nothing of wider political significance could occur within any service without the approval of those governing the other branches, and policy concerning the "dirty war" was centrally made in key respects at the junta level.

[5] By "small fry," I refer to those at the lowest echelons of a military or paramilitary organization. This term is not intended to minimize the enormous human suffering such individuals are often capable of causing during the violent conflagrations here examined.

[6] That sentencing in international criminal tribunals is therefore incoherent and indefensible is contended by Mirko Bagaric & John Morss, "International Sentencing Law: In Search of Justification and Coherent Framework," 6 Int'l Crim. L. Rev. 191 (2006); see also Olaoluwa Olusanya, "Sentencing War Crimes and Crimes against Humanity under the International

When it narrows its lens to the person in the dock, the law risks underestimating the significance of his or her deeds, for their gravity is comprehensible only when seen in relation to those of many others, above and below the accused within a chain of command. Responding to this concern, international criminal offenses are now often defined to widen the narrative frame, encompassing a broader picture.[7] A crime against humanity, for instance, must be part of a "widespread or systematic attack" on civilians. Prosecutors need to show that the defendant's actions took place within such a context and that he or she was aware of it.

Yet here the law almost immediately succumbs to the opposite danger: blaming the defendant for wrongs beyond his or her control or contemplation. Criminal law seems to find itself impaled on the horns of this dilemma. It is widely claimed that these frailties derive ultimately from law's "liberalism,"[8] which insists on viewing social collectivities as no more than "infinite combinations of the number one."[9] This moral and political creed thus stands condemned as well, along with the legal rules enshrining it. That is the challenge, at any rate, to which this book responds.[10]

It is a natural challenge for a social theorist of law like the author, because sociology has been virtually defined since its inception, as notes Bruno Latour,[11] by efforts to resolve the question of "whether the actor is 'in' a system or if the system is made up 'of' interacting actors." In other words, to what extent must we understand the institutional properties of such a system to assess the conduct of those within it? Large-scale atrocity, sponsored by the political system, poses this perennial question in particularly vivid and perplexing form.

The key hurdle that criminal justice confronts in coping with mass atrocity reduces, in a sense, to a single dilemma. Law and evidence permit liability

Criminal Tribunal for the Former Yugoslavia," 5 J. Int'l Crim. J. 1221 (2007); Robert Sloane, "Sentencing for the 'Crime of Crimes': The Evolving 'Common Law' of Sentencing of the International Criminal Tribunal for Rwanda," 5 J. of Int'l Criml. Just. 713 (2007).

[7] Antonio Cassese, *International Law* 270 (2001) (observing that formal elements of the offense, such as crimes against humanity, often require courts to consider "the historical or social context of the crime").

[8] For a recent argument to this effect, see Paul Kahn, *Out of Eden: Adam and Eve and the Problem of Evil* 56 (2006).

[9] Arjun Appadurai, *Fear of Small Numbers: An Essay on the Geography of Anger* 60 (2006).

[10] It responds, more particularly, to those aspects of this challenge concerning the difficulty of attributing the acts of dispersed followers at the lowest levels to leaders at the upper echelons.

[11] Bruno Latour, *Reassembling the Social* 169 (2005). As he characterizes the conundrum, it cannot easily be dismissed as posing a false dichotomy. "Actors [are] simultaneously held by the context and holding it in place, while the context [is] at once what makes actors behave and what is being made in turn." Id.

far beyond the few individuals who can practically be prosecuted; yet even these few can be convicted only through theories of indirect liability that blame them for wrongs beyond their control or contemplation. Since so few can actually be tried, the impulse to blame those prosecuted for wrongs beyond their culpability becomes overwhelming.[12]

Responses to this dilemma differ at the national and international levels. International prosecutors in The Hague have sought to empower their emergent professional field of international criminal law by maximizing convictions through resort to the doctrine of "participation in a joint criminal enterprise." National prosecutors in transitional democracies, by contrast, must placate executives wishing to limit prosecution in the interests of social reconciliation. Other legal doctrines, such as "superior responsibility," serve this end. National and international courts are thus employing different legal methods to characterize offenders similarly situated, reaching disparate results and imperilling international law's coherence.

This fact troubles some people profoundly, striking them as "inherently unfair."[13] Other observers – equally knowledgeable – are wholly unconcerned, not merely in practice but also on principle. They think it essential, on the contrary, that "international criminal law . . . be adapted to local legal culture, the contours of communal experience, and local moral sensibilities."[14] Thus, the raging question of how much coherence

[12] This is a particularly extreme expression of the general human propensity to ascribe greater control to people than they actually enjoy and to blame them accordingly. Psychological experiments confirm the frequency of this cognitive distortion. Richard Nisbett & Lee Ross, *Human Inference: Strategies and Shortcomings of Social Judgment* (1980).

[13] Ciara Damgaard, *Individual Criminal Responsibility for Core International Crimes* 257 (2008) ("it . . . seems inherently unfair that an accused could not be held accountable for a particular act [i.e., core international crime] before a domestic court [in a state that had ratified the ICC Statute], but that he could be held accountable for that same act before the ICC."). On the other hand, a rather different "problem" would arise if national courts resolved to apply the new, international law approaches to modes of liability. Those prosecuted in such courts for international offenses (conducted jointly with others) would then be held to different – probably more demanding – standards than those tried for even the most serious offenses of domestic origin. This prospect troubles still others. Elies van Sliedregt, "Complicity to Commit Genocide," unpublished manuscript, 26 (2009); Harmen van der Wilt, "Equal Standards? On the Dialectics Between National Jurisdictions and the International Criminal Court," 8 Int'l Crim. L. Rev. 229, 231–32 (2008).

[14] Mirjan Damaška, "What is the Point of International Criminal Justice?" 83 Chi.-Kent L. Rev. 329, 349 (2008). He continues, however, "But realization of this ideal would entail fragmentation of international criminal law: the multiplicity of its variations would be difficult to order in ways capable of preserving the system's coherence." The queries then arise: what it might mean, and would it be possible, to "harmonize" national variations in the domestic incorporation of international criminal law on the basis of general principles,

international law really requires – or, alternatively, how much fragmentation it rightly permits – becomes important to the present inquiry. The matter is particularly pressing as states, having adopted the Statute of the International Criminal Court (ICC), increasingly apply such law within their domestic courts.

This book proposes an integral "economic" response to these challenges by endorsing an interpretation of superior responsibility that reduces this doctrine's high risks of acquittal, thereby weakening incentives for international prosecutors to rely excessively on enterprise participation and permitting convictions consistent with defendants' culpability. It further argues that enterprise participation should be employed to impose collective monetary sanctions on the officer corps, who can readily monitor prospective wrongdoers and redistribute costs to individual members who are actually culpable. In abjuring appeal to humanitarian or other disinterested motives, this study argues that the behavior necessary to avert and redress mass atrocity may spring from motivations that are surprisingly banal. This approach brings the law into closer harmony with what historians and social scientists now conclude about how atrocity actually occurs.

## COLLECTIVE CRIMINALITY

Even as the Holocaust still raged, lawyers were quick to realize that an adequate response would require creation of new offenses such as genocide and crimes against humanity. With these offenses, international law soon began to take on board the idea that the victim of crime could be understood as a group, independent of the attendant suffering by particular members. The laws of genocide and of persecution as a crime against humanity recognize this idea by making the defendant's discriminatory animus against the protected group integral to the definition of the offense. The mental state

rather than seeking perfect uniformity across all societies, jot for jot, in the details of statutory provisions and judicial interpretation. Such harmonization efforts have often been quite effective in other areas of international law. Mireille Delmas-Marty, *Global Law: A Triple Challenge*, Naomi Norberg trans. 74–96 (1998). These other areas, however, generally involve frequent and deep cross-border interaction, as with regulation of products in foreign trade. There, the imperative and incentives to cooperate with other states are generally greater than in many aspects of international criminal law. Cooperation among national police agencies already works relatively well, on most accounts, despite enduring differences between the criminal codes of many states. Ethan Nadelmann & Peter Andreas, *Policing the Globe: Criminalization and Crime Control in International Relations* 96–104, 224–28 (2006); Ethan Nadelmann, *Cops Across Borders: the Internationalization of U.S. Criminal Law Enforcement* (1993).

for genocide is thus the "intent to destroy, in whole or in part" a protected group, whereas persecution entails deprivation of rights "by reason of the identity of the group or collectivity."[15]

International law has been much slower, however, to grapple seriously with the notion that crime's *perpetrators* might also be groups – or, at least, individuals acting through groups. Only in 1998 was the offense of crimes against humanity revised to acknowledge the perpetrator's group character. The ICC Statute thus specifies that the prohibited attack must have been "in furtherance of a state or organizational policy."[16] As the International Criminal Tribunal for the former Yugoslavia (ICTY) announced in its first case, "Most of the time the crimes [before us] do not result from the criminal propensity of single individuals but constitute manifestations of collective criminality: the crimes are often carried out by groups of individuals acting in pursuance of a common criminal design."[17] In rising to this challenge, the ICTY has found that apprehending the group character of the perpetrator requires new conceptions of criminal association and of how offenses may be committed.[18]

Yet the law has nonetheless been largely content to rely on fictions remote from the empirical reality of mass atrocity discerned by historians and social scientists. The fictions are invoked to understand large numbers of disparately motivated people – performing very different actions, only partly coordinated – as engaged in a single criminal endeavor and to distinguish those in the dock from those who bear substantial responsibility for major wrong but will escape prosecution, in the interests of political prudence, social stability, and resource limitations. Transitional justice demands such legal fictions for much the same reason as the politics of transitional justice demands "noble lies." The fictions and political dissimulations are, in fact, largely the same, in that both seek to draw lines of accountability departing in significant ways from the social realities and moral complexities apparent in any close examination of how mass atrocity occurs.

[15] Rome Statute of the International Criminal Court, July 17, 1998, arts. 6, 7(2)(g), 2187 U.N.T.S. 90, 93–4.

[16] Id. art. 7(2)(a). As early as 1945, however, A. N. Trainin observed that "[a]s distinct from common crimes, international crimes are almost always committed not by one person but by several or many persons – a group, a band, a clique." *Hitlerite Responsibility under Criminal Law* 79 (A. Y. Vishinski, ed., 1945).

[17] *Prosecutor v. Tadić*, Case No. IT-94–1, Judgment, ¶ 191 (July 15, 1999).

[18] At Nuremberg, to be sure, the International Military Tribunal (IMT) employed the novel doctrine of "membership in a criminal organization." But the doctrine of that name has since been almost universally repudiated within international law. Stanislaw Pomorski, "Conspiracy and Criminal Organization," in *The Nuremberg Trial and International Law* 213, 229 (George Ginsburg & V. N. Kudriavtsev, eds., 1990).

This book suggests several ways in which historiography and social science can help criminal law conceptualize central aspects of mass atrocity more consistently with what is known about how and why such events take place. In particular, scholarly accounts of atrocity's organizational forms and interactional dynamics prove helpful in refining and choosing among legal renderings of how and by whom it has been "committed."

Mass atrocity could not transpire without the organized cooperation of many, often numbering in the several thousands. There may have been more than two-hundred thousand immediate participants in the Rwandan genocide, for instance.[19] Regular and irregular military forces, which did most of the killing, numbered about ten thousand. In the Third Reich, more than one-hundred thousand Germans participated in mass slaughters.[20] In the former Yugoslavia, killers and rapists numbered at least ten thousand.[21] These numbers include both soldiers of various rank and sympathetic civilians in government and private life.

Their cooperation takes innumerable forms, and a satisfactory method for ascribing particular harms to specific defendants is not always readily at hand.[22] This is particularly true of those not physically present at the "crime scene," such as high-ranking civilian leaders located many miles away.[23] Criminal law in the common law world – unlike civil law – has insisted on shoehorning all these modes of commission into a handful of categories, preferring simplicity to nuance. Recent additions and revisions

[19] Scott Straus, "How Many Perpetrators Were There in the Rwandan Genocide? An Estimate," 6 J. Genocide Res. 85, 93 (2004). This figure does not include those who identified Tutsi neighbors to militias or were present in mobs whose other members committed murderous acts.

[20] Daniel Jonah Goldhagen, *Hitler's Willing Executioners* 164, 167 (1996). This is probably a conservative estimate, given that the Gestapo numbered nearly fifty thousand and the number of Waffen-SS in combat divisions alone reached more than four-hundred thousand. Int'l Military Tribunal, 4 *Trial of the Major War Criminals before the International Military Tribunal: Nuremberg* 14 Nov. 1945–Oct. 1946, at 195–6, 241–2 (1947).

[21] Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* 418, 424 (2005). Estimates for twentieth-century victims of mass killings (including genocides), as distinguished from war deaths (other than through war crimes), range between 60 million and 150 million. Benjamin Valentino, *Final Solutions: Mass Killing and Genocide in the Twentieth Century* 1, 255 (2004).

[22] David Cohen, "Bureaucracy, Justice, and Collective Responsibility in the World War II War Crimes Trials," 18 Rechtshistorisches J. 313, 324 (1999) (suggesting "the inadequacy of existing analytical tools" in criminal law for "apprehending the collective, organizational, and systematic dimensions of Nazi war crimes").

[23] An Argentine legal scholar thus dryly observes that "the rules on telling perpetrators from accessories were not written with the crime of genocide in mind." Edgardo Alberto Donna, *El Concepto de Autoría y la Teoría de los Aparatos de Poder de Roxin* 295, 315 (Carlos Julio Lascano, ed., 2001).

to this short list seek to acknowledge the subtleties of shared responsibility in mass atrocity, but present vexing problems of their own.

A recurring set of questions arises in mass atrocity prosecutions: How should the law allocate responsibility between those with different roles in the division of labor? What is the relative importance of their respective contributions, and how may the answer to this question best be rendered into legal form? Which such renderings most risk exaggerating a defendant's culpability? Or does a preoccupation with individual culpability simply prevent proper recognition of the collective nature of mass atrocity, thereby foreclosing the collective sanctions that may offer an efficient response?

Moreover, if international criminal law is to be truly cosmopolitan in nature, as all admit it should, then it cannot simply extend Western doctrine onto the transnational plane without considering the implications for societies not sharing similar underlying assumptions. For example, many non-Western societies simply do not insist that penal sanction presupposes and requires clear proof of personal culpability,[24] at least not with such punctiliousness as do we Westerners.[25] If international law is to be made by different types of courts – national, international, or hybrid – then how might these courts be made to work in sync, for instance, to harmonize their interpretations of a given doctrine?

An episode of mass atrocity will likely display, through its forms and processes, features resonating with this or that "mode of commission" – the alternative doctrines for linking the big fish to one another and to the small fry.[26] Does close assessment of these features lead us to endorse serious punishment of only the big fish? If so, then how may prosecutions

[24] Daryl J. Levinson, "Collective Sanctions," 56 Stan. L. Rev. 345, 352–7 (2003) (evidencing the frequent use of legal sanctions against groups, including inculpable members, by many non-Western societies, from contemporary Japan and Africa to medieval Iceland); Michael Barkun, *Law without Sanctions* 20 (1968) ("Primitive law has long been known to be weak in concepts of individual responsibility. A law-breaking individual transforms his group into a law-breaking group, for in his dealings with others he never stands alone."); Saul Levmore, "Rethinking Group Responsibility and Strategic Threats in Biblical Texts and Modern Law," 71 Chi.-Kent L. Rev. 85, 91–101 (1995) (demonstrating, from Old Testament sources, the frequent reliance on threat and/or use of collective sanctions, especially in international relations and the law governing them).

[25] In fact, American criminal law does not always condition criminal liability on a clear showing of personal culpability, as demonstrated by the rules on felony murder, *Pinkerton* conspiracies, and liability under the Racketeer Influenced and Corrupt Organizations Act (RICO). These doctrines remain controversial, however, precisely to the extent of their apparent departure from that principle.

[26] This admittedly colloquial terminology was widely employed by ICTY prosecutors. Chris Stephen, *Judgement Day: The Trial of Slobodan Milošević* 147 (1st Am., ed. 2004) (describing prosecutors' reference to Milošević as "the Big Fish"). It is also widely used in professional discussion of their cases. The law itself has made much finer distinctions, as between "Class

persuasively and practically be limited to these defendants, considering the gravity of wrongs committed by lower echelons? Or if the small fry deserve penal sanction, then – given their numbers – what punishment other than lengthy incarceration might they properly receive? Which combination of sanctions – incarceration and compensation, formal and informal – is most effective in preventing mass atrocity *ex ante* and redressing it *ex post*? If criminal law sometimes seems so inadequate in grappling with mass atrocity, is this because the law rests on assumptions that are simply inapplicable and irrelevant to such events?[27] Does prosecution of these wrongs therefore require a theory of punishment utterly distinct from that on which we rely for garden-variety wrongs,[28] especially when prosecution shifts from national to international courts?[29]

A striking feature of debate about all such questions is that very different answers tend to be reached at the domestic plane than at the international. No one who attends transitional justice conferences in postconflict societies can long fail to notice the near-total disconnect between the discourse of local participants, often focused on historically specific grievances about who did what horrible thing to whom, and of us more "cosmopolitan," peripatetic academic consultants, touting larger lessons drawn from other countries recently facing predicaments we consider "similar."

One conspicuous feature of this discursive divide is that, in contemplating prosecution of former rulers and their subordinates, international prosecutors tend to favor legal approaches that broaden the reach of criminal law far

One" and other classes of war criminals in the Nuremberg and Tokyo trials after World War II, as well as in Rwandan national prosecutions.

[27] This argument has long been made concerning the legal treatment of defendants at the lower echelons. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* 251–4 (1963); Mark J. Osiel, *Mass Atrocity, Ordinary Evil, and Hannah Arendt: Criminal Consciousness in Argentina's Dirty War* 150–5 (2001); Mark A. Drumbl, "Collective Violence and Individual Punishment: The Criminality of Mass Atrocity," 99 Nw. U. L. Rev. 539, 539–48 (2005). The present book, by contrast, assesses limitations in the law's treatment of defendants at the highest echelons.

[28] This question has not been squarely posed, even by leading criminologists writing about mass atrocity and possible international legal responses, such as Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering* (2001) or John Hagan & Scott Greer, "Making War Criminal," 40 Criminology 231 (2002).

[29] These questions are the focus of recent work by Mark Drumbl. See Drumbl, "Collective Violence," op. cit., at 548–51. Drumbl questions whether the implicit criminology and normative theory informing national legal practice may be transplanted, without reconsideration, to the transnational plane. He casts his argument as one about irrational path dependency in legal evolution. See also Danilo Zolo, "Peace through Criminal Law?" 2 J. Int'l Crim. Just. 727, 728 (2004) ("The normative structure of international criminal justice remains quite uncertain and confused when compared to domestic law. This is especially so from the point of view of the philosophy of punishment.").

beyond what national prosecutors – beholden to domestic power holders, who themselves are often implicated in comparable criminality – can afford to endorse. The greater receptivity of international prosecutors to more capacious conceptions of legal accountability for mass atrocity bolsters the growing proclivity of atrocity's victims throughout the world, dissatisfied with the seeming unresponsiveness of national prosecutors, to seek redress in regional and other international legal forums.[30]

Any strategy of legal reform that seeks to align incentives will only succeed if actors can be expected to behave rationally, in the sense of maximizing their personal utility.[31] At first, mass atrocity seems a type of human conduct especially uncongenial to such analysis. During these episodes, passions prevail over interests[32] – or at least so it first appears. These passions prominently include intergroup hatred and the later desire for vengeance against perpetrators. On both sides, emotions are always fierce and often explosive.

Such times arouse nearly the full spectrum of human sentiment, often within the same people in short succession: collective malice, spontaneous sympathy, nationalist frenzy, disinterested kindness, rage and loathing, mercy, mindless cruelty, courageous self-sacrifice, sheer horror, and blood lust. Notably absent from this list, however, is the prudent, individual calculation of material interest.[33] And if law's challenge is to confront the irreducibly collective nature of mass atrocity, then it may first seem quite counterintuitive to seek guidance from so atomistic a worldview as that of economics. Moreover, international efforts to bring perpetrators to justice are inspired by sincere humanitarian sentiment and by remorse at not having done more to prevent the wrong, not by naked self-interest.

Where interests matter at all, they appear utterly irreconcilable, especially in postconflict redress: Prosecutors and victims want punishment,

[30] On this development, see Kathryn Sikkink, "The Complementarity of Domestic and International Legal Opportunity Structures and the Judicialization of the Politics of Human Rights in Latin America," unpublished paper, 27 (Mar. 8, 2004).

[31] Economics assumes people generally behave in this fashion. Bruno S. Frey, *Dealing with Terrorism – Stick or Carrot?* 55 (2004) ("Most of the time, and in most circumstances, rational behaviour in the sense of systematic reactions to changes in incentives prevails. Behavioural anomalies should merely be considered as minor deviations."); James G. March, *A Primer on Decision Making* 128 (1994) ("The most obvious strategy for building effective partnerships . . . involves . . . aligning the incentives pursued by rational actors.").

[32] On how modern political theory has viewed the relation of passions to self-interest, see Albert O. Hirschman, *The Passions and the Interests* (1977).

[33] Only when the dust has fully settled, perhaps, do such quotidian calculations reappear – as in, for instance, a Serbian prime minister's decision whether to extradite Milošević to The Hague in exchange for $100 million in U.S. aid. Steven Erlanger, "U.S. Makes Arrest of Milosevic a Condition of Aid to Belgrade," N.Y. Times, Mar. 10, 2001, at A1.