

gap between national ideals and foreign policy, especially in the United States. Bass takes the opposite position. Relying on recent political science studies, he notes that in some areas, the foreign policy of states amounts to an extension of their basic social commitments as nations. As an example, he cites a study showing that the states that are most generous in terms of humanitarian aid are the ones that have the most generous social welfare programs at home. Bass carries over this premise, at pages 17 and 18, to what I would call the export of programs to foster peace:

*I argue that liberal ideals make liberal states take up the cause of international justice, treating their humbled foes in a way utterly divorced from the methods carried by illiberal states.*

*What does this mean for war crimes tribunals? If a war crimes tribunal is victors' justice, it makes a difference who the victors are. Victorious legalist liberal states tend to operate abroad by some of the same rules they observe at home. A trial, the supreme legalistic act, wrote liberal political theorist Judith Shklar, "like all political acts, does not take place in a vacuum. It is part of a whole complex of other institutions, habits, and beliefs. A trial within a constitutional government is not like a trial in a state of near-anarchy, or in a totalitarian order."*

There has also been a great deal of discussion in Canada about the shift of political issues into the judicial arena, and the expansion of that arena as a forum for debate between values that were formerly expressed in the political arena. I do not think it would be premature to say that a similar shift is taking place at the international level, in response to initiatives by the liberal states to which Gary Bass refers, which do indeed champion the rule of law, and the supremacy of the law over force. I would not go so far as to suggest that we are going to see law gain the upper hand over politics in the international arena, but I do believe that the rising importance of the law is an inevitable consequence of the globalization of rights.

There has also been considerable discussion about when humanitarian intervention is legitimate, lawful and appropriate, particularly in connection with the NATO air strikes in Kosovo. The Canadian initiative announced last September, which established an International Commission on Intervention and State Sovereignty, is very much a part of this process, and its proceedings are sure to be