



Crusade Against Norms that Prohibit the Use of Force: The ‘Might’ of the Autocrats Meets the Detractors of ‘Right’



by Oana-Cosmina Mihalache

- The rise in the number of authoritarian states, compounded by democratic backsliding, is accelerating challenges to the legal regime governing the use of force.
- As authoritarian states openly challenge norms against territorial conquest, democratic powers increasingly justify their military action on grounds that contradict the post-1945 legal order which they helped shape.
- The erosion of norms like the territorial integrity of states risks normalising a ‘might makes right’ approach to international order.

The number of state-based and interstate conflicts has been on the rise during the last few years, posing serious challenges to the entire legal regime underpinning the prohibition against the use of force. Many of these armed conflicts were initiated by authoritarian states, who generally tend to be more willing to use force abroad given the institutional incentives and lack of internal constraints to do so. This troubling trend is exacerbated by the fact that democratic states have not only adopted similar practices but also relied on comparable discursive frameworks to legitimise the use of force, placing unbearable strain on the norms prohibiting aggression.

The **war-prone status** of autocratic states is historically associated with a stronger

Oana-Cosmina Mihalache is an independent researcher working on military intervention, state sovereignty and international law

✉ oana.mhl@gmail.com



willingness to crush or ignore internal dissent and absorb a higher rate of military and civilian casualties in comparison to democratic states. American legal scholar Tom Ginsburg **argues** that authoritarian states not only breach international rules and norms, but also try to bend them to their liking. The ultimate aim is to replace the norms and practices governing the use of force between states that were largely shaped by liberal democracies with an “authoritarian international law”.

Authoritarian states not only breach international rules and norms, but also try to bend them to their liking

The danger of the entire regime against the use of force collapsing is compounded by the fact that its alleged guardians, notably the United States, seem to acquiesce to a world in which ‘might makes right’. Washington’s recent interventions against Iran and Venezuela, coupled with the lack of checks on Russia’s intervention in Ukraine and Israel’s military actions in Gaza, the West Bank, Lebanon and Syria, indicate that autocratic states are not alone in their crusade against norms prohibiting the use of force.

More authoritarianism, more wars

As per **Uppsala Conflict Data Program**, which maps the number of conflicts and conflict-related casualties in the world, 2024 was the year with the largest number of state-based armed conflicts, 61, since World War II and double compared to 2010. Preliminary datasets for 2025 and 2026 indicate a further **uptick in the number of armed conflicts**. A closer look at the states involved in these conflicts by regime type will reveal that the majority of them are either hybrid regimes or full-fledged autocracies. Critically, democracies where civil liberties and the rule of law have been on a downward trajectory have also joined in the process.

As the number of autocracies is rising, it is becoming increasingly relevant to study conflict propensities by regime type and look at the interventionist behaviour of authoritarian states. Not only has liberal democracy become the least common regime type globally, but the majority of the world population lives in autocracies. The widely cited **Varieties of Democracy (V-Dem) Index** noted in its 2026 report that for the first time in 50 years, the United States has lost its long-term status as a liberal democracy, undergoing a process of soft autocratisation. This **authoritarian creep** has gone hand in hand with a period of belligerent foreign policy, with the second Trump Administration starting two wars against Iran in 2025 and 2026 and pursuing forceful regime change in Venezuela and Cuba, while also intervening in Yemen and Nigeria. US military interventions abroad have historically coincided with greater infringements on civil liberties – as during WWI, Vietnam and the Global War on Terror. Today, however, the dynamic may be reversed: authoritarian drift may be driving belligerence, rather than foreign interventions justifying temporary restrictions on dissent.

No to intervention, yes to territorial integrity

The principle of non-intervention was born in Europe intellectually but was then developed in the Americas, and through the League of Nations and the United Nations, it became universalised. Apart from the better-known Monroe Doctrine of 1823, which precluded European states from interfering in the affairs of the Western Hemisphere, notable on the continent was the **Calvo doctrine** of 1868 developed by an Argentine scholar to offer greater protection to Latin American states by restricting the right of intervention to collect debts, or the **Drago doctrine**, similarly formulated against attempts by European powers to collect debts through foreign intervention. The United States conceded to the non-intervention principle, gradually and first with reservation, in 1933 at the Seventh International Conference of American States



in Montevideo, and then in 1936 at the Buenos Aires Conference, and in 1948 with the signing of the Bogotá Charter, when the Organization of American States was established.

Despite the long gestation of the normative regime governing the use of force, the complexity of international life has habituated states to rule-bending. However, international law does not derive its authority from enforcement or compliance. Norms do not disappear because they are breached. One such example is the territorial integrity norm. Up until the early 20th century, the practice of **territorial conquest** was considered legitimate, with states showing support for it up until World War I. Support for the territorial integrity norm actually evolved alongside attempts to outlaw war, both codified in major post-war settlements like the Briand-Kellogg Treaty of 1928, which stipulated that “the settlement or solution of all disputes or conflicts shall never be sought except by pacific means”.

The norm against conquest and the territorial integrity norm became essential elements of the post-World War II order, so much so that the legal prohibition against the use of force is recognised as *jus cogens*, meaning that it has the status of a peremptory norm of international law, from which no derogation shall be permitted. There are *only* two instances in which, at present, international law allows for the use of force, both enshrined in Chapter VII of the UN Charter: for self-defence, according to Article 51 and as part of a collective security arrangement authorised by the United Nations, enshrined in Article 42. And yet, in recent years wars have mounted with no ground in either legal case.

New wars, old norms

The justifications advanced by the initiators of wars – from Russia to the United States itself – were not in line with international law. On the contrary, some of the political grounds advanced resonated closely with norms of

intervention like the protection of certain religious minorities, or with illegal operations to remove foreign leaders that were more common in the 19th century or during the Cold War. The attempt to find legitimate grounds for intervention in defunct norms was on display in the case of Russia’s full-scale invasion of Ukraine, a full-fledged war of conquest against a sovereign state that resulted in up to two million casualties on both sides after four years of hostilities.

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The ambivalent behaviour with regard to the use of force has been openly displayed by states like China or Iran, that simultaneously promoted norms of non-interference and defended the territorial integrity of states, while engaging in cross-border repression and offering support for interventions abroad. Turkey, Saudi Arabia and the United Arab Emirates (UAE) have made no attempts to cloak the use of hard power under any veneer of legitimacy or legality. Turkey has occupied areas of northern Syria starting with 2016, seeking to exert territorial control over entire towns while claiming to establish “safe zones”. Saudi Arabia and the UAE have both engaged in a proxy war in Yemen, vying for the control of strategic locations since 2015. The UAE has also intervened in Sudan, where Egypt backed the other side of a conflict that erupted in 2023. These states are shaping the rules of engagement as they continue to contest, in practice, the rules shaped along decades of diplomatic work.

The lack of domestic restraint makes it more convenient for authoritarian states to justify the use of force based on norms they seek to revive, like that of territorial conquest. Indeed, Russia



has tried to brand its intervention in Ukraine under the idea of the protection of nationals abroad, but it has not shied away from claiming right over territory either. This indicates both an attempt to emulate and mimic the legal and normative framework that characterises legitimate interventionist behaviour, but also a tendency to shape the contours of an authoritarian *modus operandi* when it comes to justifying the use of force abroad.

Authoritarian states do not need to advance new legal frameworks to announce the coming of the “authoritarian international law”. They can either mimic the rules characteristic of the liberal international order, blatantly

violate them and seek to revive the old ones or simply exert their influence through existing mechanisms governing the rules on the use of force. When their efforts are abetted by democratic states that have helped shape the regime against the use of force, their task becomes easier. The brave new world in which force will know no restraint is not going to announce its coming with a ‘shot heard round the world’, but rather with a deafening silence from those who (still) defend the rules, norms and principles that let us hope for a just world.

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Via dei Montecatini, 17
I-00186 Rome, Italy
T +39 06 6976831
www.iai.it



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