

States and the Soviet Union. Eventually such arrangements with the U.S. S. R. would seem desirable, but in the present state of international affairs they may be long postponed. Fortunately such delays in doing all that might be desired with the problems of North Pacific fisheries do not seriously impede the making of satisfactory arrangements with Japan at the present time when relations are cordial and conditions ripe for taking care of these matters before controversies again arise. It is understood that there is slight connection in fact between the fishing areas and fishing industries which concern Japan and the U. S. S. R., and those for which it is urged that agreement be reached now between the United States and Japan (and Canada and Japan). It appears that in recent years there has been almost no fishing by Soviet vessels near Alaska or by American vessels off Siberia. The international controversies in this field which have actually arisen in the pre-war years, and which may be expected in the immediate future unless steps are now taken to prevent them, are those between the United States and Japan, not between the United States and the Soviet Union. Therefore it is urged that there should be no delay by the United States and Japan in entering into an agreement along the general lines suggested, which will do so much to bring about an era of real peace and good will in the Pacific.

WM. W. BISHOP, JR.

INTERNATIONAL LAW OR NATIONAL INTEREST

Two recent books illustrate current trends of thought as to the conduct of nations within the community of nations. They do not present new attitudes; they represent the long struggle between advancing law and the maintenance of the interest of individual units of society.

Professor Hans Morgenthau writes *In Defense of the National Interest* and regards the interest of the nation as superior to anything else. He appears to regard the pursuit of accepted moral principles as in itself immoral: "a foreign policy guided by moral abstractions, without consideration of the national interest, is bound to fail"; "the appeal to moral principles in the international sphere has no concrete universal meaning" (pp. 33-35). To law and the United Nations he devotes about three pages, under the heading of "legalism"; this approach he speaks of as an "erroneous tendency" of the American people. The United Nations might possibly contribute in the field of procedure, by development of new techniques of diplomacy (pp. 101-104). It is "an iron law of international politics, that legal obligation must yield to the national interest" (p. 144); and the only alternative roads to peace are war or negotiation. There is no place whatever for law or morality in Professor Morgenthau's system; it is "realism" stated in most extreme form.

Professor E. D. Dickinson has written a book entitled *Law and Peace*, in which he recognizes the inadequacy of present international law and makes some thoughtful and constructive suggestions for its improvement. "How defective a system in which order must always bow out backward, so to speak, in the presence of sovereignty!" (p. 89). Sovereignty—a word which doubtless corresponds to national interest—was perhaps necessary when nations lived in a state of nature, and it is a consequence of the insecurity of national life in an imperfect community of nations; but it is also a shibboleth (p. 109). Enduring peace with law will be hard to obtain, but there is no doubt in Professor Dickinson's mind that the struggle for peace and justice must increasingly be waged with law. He is not content with anarchy.

For centuries human beings have sought relief from conflict through law and government; it was natural that they should look in the same direction for relief from conflict between nations. One failure—the League of Nations—has only made people eager to try again toward an international legal order; they know of no other solution. Nevertheless, there is a strong trend of thought toward what is called "realism" in the conduct of international affairs, represented in extreme statement by Professor Morgenthau's book, and in such concrete forms as impatience with "legalism" in the debates of the United Nations, refusal to refer questions to the International Court of Justice, the reservation attached by the United States to its acceptance of the Optional Clause, the disregard of legal obligations and judicial settlement shown by India, Iran and other states in current controversies. In such upset times as we live in at present, it is perhaps natural to turn to the known methods of the past and to rely upon national strength and war, rather than upon new law and institutions. Yet it seems to this writer that there are certain defects in the so-called "realistic" thinking which should be noted; they are not new or original; they simply need to be recalled to our attention.

In the first place, it is incorrect and dangerous to put the nation first in one's thinking. It is the individual human being for whom all social institutions are maintained; the state is simply an agency to serve the human being. If the state is to be an end in itself, and allowed to become all powerful, the rights of individuals will be submerged and other nations will be absorbed. We see this happening about us: two world wars and a current "cold war" show that the peoples of the world are unwilling to accept a morality which is subsumed under the heading "national interest."

A second defect is the assumption that the best protection which can be provided for the individual human being is that afforded by his state. Perhaps this could be said in the past, though it has never been true that any one state could protect its members against other states. Today, however, in the new pressures of interdependence, not even the strongest of states can protect its individuals against economic forces, or against the

risks of war which modern technical developments have made so destructive that humanity can no longer afford to use it.

Again, it is not necessarily realistic to rely solely upon the strength of one's arm; on the contrary, this would seem to indicate a failure of intelligence. The combined wisdom of the community may be able to solve problems more easily, and the combined strength of the community may afford more protection than any one state can offer its members.

Finally, it seems to me to be incorrect to present law and power politics as irreconcilable alternatives. Political power is always present, whether within or lacking a system of law and government. It is an energy which can be used for the good of mankind, or for the aggrandizement of one or a few persons or states. It is, like fire, an energy which can be dangerous or can be helpful. It must be brought under control, and this is done through the establishment of law and governmental institutions. Within such a system, power politics will continue to operate, but under a degree of control which will depend upon the efficiency of the system established.

As things now stand, each nation must maintain its national strength and be prepared to battle when other procedures fail, but this does not exclude development toward a legal order to replace the present inadequate and dangerous methods of resolving disputes between nations. Human beings, though distracted by present stresses, will ultimately turn, or be forced to turn, to international law, and to build it up into a stronger system.

CLYDE EAGLETON

RIGID *VERSUS* ADJUSTABLE TECHNIQUES IN DIPLOMACY

Recent critics of the Department of State have complained that "under its present leadership" the policy of the Department has been "to go slow, play cautious, and be nice."¹ It is claimed that such a tactic is bound to be ineffectual in dealing with Moscow and Prague. Other critics have complained that the Department has failed to respond vigorously to the charges hurled at it by hostile politicians within the country; the Department seems, it is said, to have tried to avoid or evade or run away from controversy.² It depends on public support for successful operations in many ways but does not try very hard to win that support. The second situation differs notably from the first, of course, being a case in domestic rather than international politics, but the choice involved is substantially the same in the art of group dynamics and constitutes an important problem, apart entirely from the substance of the questions at issue between the Department and its opponents, domestic or foreign.

To begin with, the problem is by no means new nor is the preference of the Department for the conciliatory technique peculiar to its present leader-

¹ Editorial, "Plaintive Protests" in *Washington Daily News*, Aug. 9, 1951, p. 38.

² Editorial, "Striking Back" in the *Washington Post*, Aug. 21, 1951, p. A-9.