

against any violation of international law.⁵ There was also some attempt made to portray the concession of 1933 as a treaty.

The Court did not feel able to admit that the combination of the treaties of 1857 and 1903 with that of 1934 could serve to avert the Iranian reservation and it could not regard the concession as a treaty. Sir Arnold McNair, who yielded the Presidency of the Court, under Article 13 of its Rules, to Sr. Guerrero, filed an individual opinion which sustained the Court's denial of the British demands, though for slightly different reasons. Judge Hackworth rendered a minority opinion in favor of the British case, as did Judges Alvarez, Carneiro, and Reed.

It is not our task to commend or criticize at length the decision of the Court or its reasoning. They both seem rather orthodox. Judge Hackworth's main point was that the Iranian Government had not formally filed, at the time of its acceptance of the obligatory jurisdiction of the Court, a reservation in terms of its public law of June 14, 1931, confining application of its acceptance to later disputes, thus leaving other states to learn such reservation from other sources. This point undoubtedly has some weight, but the Court did not feel that, under all the circumstances, it was sufficient; the type of reservation was very familiar at the time and was not invariably made part of the deposit of acceptance. Judge Hackworth also argued that the treaty of 1857 really became operative, or at least operated, in 1934 and therefore post-dated the acceptance, but this idea likewise failed to win the approval of the Court.

From a juridical viewpoint this seems to be a rather commonplace and technical decision and a sound one. The highly political circumstances surrounding the case cannot alter this fact. Even if, as is hoped in some quarters, it proves possible to secure Iranian consent to voluntary submission of the case on its merits, there do not promise to emerge any very novel or sensational legal principles or rulings. There might, indeed, eventuate a decision in favor of fair compensation for nationalized property, but this would be nothing new, nor would Iranian reluctance to comply with such a decision. This is, of course, wholly conjectural. In the instant case the Court behaved normally and encourages a belief in its growing stability and authority.

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DR. SCHWARZENBERGER'S *POWER POLITICS*

The new, substantially rewritten and much enlarged edition of Dr. Schwarzenberger's *Power Politics*¹ raises issues much too fundamental to

⁵ *Ibid.*, p. 100.

¹ *Power Politics. A Study of International Society.* (Second Revised Edition.) By Georg Schwarzenberger. Published under the auspices of the London Institute of World Affairs. New York: Frederick A. Praeger, Inc., 1951. pp. xxxi, 898. Bibliographies. Index. \$12.75.

be disposed of in cursory review. It is our purpose in this editorial to outline his major thesis only and to indicate some of the principal difficulties in that thesis.

Dr. Schwarzenberger states that his "main objective," stimulated by a desire to see international law "in perspective" or "from the outside," is "to provide a working theory of international relations which fits the facts and main trends of international relations, past and present, and which puts the proper emphasis on the real driving forces in this turbulent society" (p. xvi). The "objects" of "the science of international relations" are defined as "the evolution and structure of international society; the individuals and groups which are actively or passively engaged in this social nexus; the types of behavior in the international environment; the driving forces behind action in the international sphere, and the pattern of things to come on the international plane" (p. 3). Subsidiary objectives which in fact appear in the book, though not so explicitly formulated at the beginning, are exorcism of the sinister demon "power politics" and the proposal of a form of organization which might enable the contemporary world to escape this demon.

In a brief introductory clarification of assumptions, Dr. Schwarzenberger categorizes "power" and "power politics." Power is defined as "the mean between influence and force," which "distinguishes itself" from "influence by reliance on external pressure as a threat in the background, and from force by preference for achieving its ends without the actual use of physical pressure" (p. 14). Though the "exercise of power may be tempered by reason," such exercise "is accidental," and "the essence of power is the ability to exercise compelling pressure irrespective of its reasonableness" (p. 14). The conception of "power politics" is made to depend upon a distinction between society and community: "Society is the means to an end, while a community is an end in itself" (p. 12). Thus, "power politics" is "a system of international relations" in which "(e)ach group considers itself not merely as a means to a common end, but as an end in itself" (p. 13). In such a system "any measure which is required to achieve" self-preservation "is deemed to be justified" and groups are "measured by their weight in any potential or actual conflict" (p. 13). The dominant patterns of behavior are "armaments, isolationism, power diplomacy, power economics, regional or universal imperialism, alliances, balance of power and war" (p. 13). A "system of power politics in disguise" is one which assumes "the cloak of a community" but actually continues on as before and is not "replaced by an international community proper" (pp. 13, 14).

In the "Elements of Power Politics," Part One of the three major subdivisions of the book, the author presents and applies his theoretical structure to the origins and development of modern international society. Successive chapters deal with "the members of the cast" (the national

state, the multi-national state, the sovereign state, the international aristocracy, the international oligarchy, and minor members), with the objects and motivations, the instruments (diplomacy, propaganda, armaments), the strategies, and the tactics of international politics, and with the functions of international law, international morality and international institutions. Among the members of the cast, paramount importance is ascribed to states:

Compared with the individual, or with other less potent types of association, compulsory territorial organizations, endowed with overwhelming physical force, are like giants in relation to dwarfs. (p. 251.)

Groups other than states, whether they "represent economic interests, such as big industry or finance, or whether they are of a religious or ideological character, such as churches, parties or trade unions," have "an essential feature in common: in their attempts to influence international relations, they work in the main through the medium of either the State apparatus or of public opinion" (p. 126). The individual "as such," though described as "the ultimate basis of community and society life," is said to count "for little in international society" and to be appropriately relegated, because of his impotence, by "classical international law" to the position of an object, rather than subject, of international law (pp. 146, 143). In the discussion of functions, it is insisted that international law, morality, and institutions presently, play but a very small rôle in limiting "the rule of force in international society" (p. 253). Dr. Schwarzenberger writes:

In a society in which power is the overriding consideration it is the primary function of law to assist in maintaining the supremacy of force and the hierarchies established on the basis of power and to lend to such a system the respectability and sanctity of law. (p. 203.)

A summary judgment is offered that the "bond that holds world society together is not any vague community of spiritual interests" but "power."

In Part Two, styled "Power Politics in Disguise," Dr. Schwarzenberger reviews in detail our experience with the League of Nations, the United Nations, and the specialized agencies to demonstrate that international organization has not yet devised an escape from power politics. He finds with respect to both the League of Nations and the United Nations that "the gap between the ideals of these collective systems and reality was bridged by processes of de facto revision of the Covenant and Charter, that is to say, by the adoption and subordination of these commitments to the requirements of world power politics" in such a way as to produce "a system of power politics in disguise" (pp. 713, 714). The "powers that matter" have been unwilling to confer upon the United Nations the competence necessary to transform "international society into an inter-

national community" because each Power "stands for values which it cherishes more highly than universal peace"; world "society" has not yet become "an international community" (p. 723). The conclusion is sweeping:

Thus, it is complete illusion to imagine that world peace depends on the United Nations. The United Nations depends on peace between the world powers. The problem of how to break the vicious circle of power politics in disguise is still unsolved.

Dr. Schwarzenberger's proposals for solution are put forward in Part Three, "Conditions of International Order." We are encouraged that "power politics," whether plain or in disguise, "need not be the eternal fate of mankind," that the "alternative to anarchy is government, and the alternative to an international society is an international community" (p. 737). After rejecting possibilities in the reform of the United Nations, in the development and codification of international law, and in certain regional and functional patterns of integration, the author recommends a "nuclear pattern" of "federal integration." In broad strokes he outlines the potentialities and promise of an "Atlantic Union" composed at first of "three constituent members: the United States of America or the Organization of American States; the British Commonwealth and Empire, and a European Union" (p. 807). Such an "open community," in which "all stand for all" (p. 805) would, "[w]ithout unduly forcing the pace," "immediately take over the functions of foreign policy, defence and protection of democratic institutions, the rule of law and human rights in all the member States" (p. 807). So organized, this union might be able to hold until a common denominator between East and West could be found "to break the vicious circle of world power politics." With its "inter-racial composition," such a union might be able to "stake its claim as a nuclear world federation which, in due course and without pressure, might grow into a federal world state" (p. 813). "Far off as this goal may seem, nothing less," the author assures us, "is ultimately a commensurate alternative to world power politics in, or without disguise" (p. 813).

Dr. Schwarzenberger's book certainly represents the most comprehensive and successful effort yet made to relate certain parts of international law and organization to world social processes and the proposal he makes for escape from our present impasse is not without appeal. The book offers, furthermore, with staggering erudition and an abundance of sharp and wise insights, a magnificent history of recent international relations. It is this writer's belief, however, that Dr. Schwarzenberger's theoretical structure is not adequate to the tasks he imposes upon it and that the defects in this structure cause him both grievously to underestimate the achievements and potentialities of existing international organization and to impede the understanding necessary to acceptance of his own proposal or comparable alternatives.

The root difficulty stems from an imprecise conception of power and, hence, a failure to achieve a comprehensive description of power processes in terms of participants, bases of power, and practices. Much too often the author seems to equate "power politics" and "power" and to suggest force as the only base for power. The distinction offered, for defining "power politics," between "society" and "community" as "means" and "end" is much too sharp a dichotomy to catch the rich pluralism of contemporary man's identifications, demands, and expectations. The individuals whose decisions today constitute the world power process demand many values other than power and act rôles not only in the nation-state, important as it is, but also in many other institutions (international governmental organizations, political parties, pressure groups, and private associations) much too significant to be dismissed as minor members of the cast or by brief discussion of amorphous economic and ideological forces. Power can be based not only on force but also on peoples' identifications, demands, and expectations, with respect to many values, such as wealth, respect, enlightenment, well-being, and rectitude, and even upon their perspectives about the appropriate sharing of power. The United Nations, the regional organizations, and the specialized agencies, decried by Dr. Schwarzenberger as power politics in disguise, may in fact be working the changes in perspectives and habits of co-operation indispensable to the more intensive union he proposes. The human rights program of the United Nations may, in particular, not be a mockery (p. 633 *et seq.*), but rather a rational and necessary effort to clarify the values of the peoples of the world in terms of the values of a free society, to cement their loyalties to such society, to promote their identifications with larger and larger groups, and to predispose them to create the institutions the author demands. When Dr. Schwarzenberger insists that "world society" does not yet constitute an "international community," he does not mean that peoples everywhere are not interdependent in fact for securing all their basic values; what he apparently means is that peoples have not yet recognized their interdependences to the extent necessary to identify with and formulate their basic demands in terms of the larger community. It is precisely this recognition and these identifications and demands that are being promoted by the United Nations, the regional organizations, and the specialized agencies and no miracle-working alternative is apparent. Among the instruments of power, when power is comprehensively conceived, there might be recognized, finally, not merely diplomacy, propaganda, armaments, and goods, but an international law which is an expression, not of arbitrary political fiat, but of the fundamental policies of peoples and in which decision-makers have a continuous creative rôle in formulating, applying, and reformulating such policies.²

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² For development of this theme see editorial, "Law and Power," this JOURNAL, Vol. 46 (1952), p. 102.