

Aggression and World Order: A Critique of United Nations Theories of Aggression, by JULIUS STONE, LL.M., S.J.D., D.C.L., Challis Professor of International Law and Jurisprudence, University of Sydney. (Maitland Publications Pty Ltd, Sydney, 1958), pp. i-xiv, 1-226. Price £2.

It is no longer easy, in the middle of the twentieth century, to think of war as a natural element of life. Earlier generations managed philosophically to accept international armed conflict as either the mark of man's fall, or as evidence of his practical inability to escape from the state of nature where life was nasty, brutish and short. Moreover, war was not, until perhaps the twentieth century, the greatest threat to the security and comfort of the individual and society. Famine and plague cut broader swathes. But in two generations the triumph of military technology and the moderate success of welfare planning, at least in the Western world, have both elevated and isolated the destructive primacy of international conflict. Only in some economically backward communities is poverty still held to be at least as great a burden and threat as international conflict.

This change in the material balance of Western civilization has produced a growing diplomatic and academic preoccupation with the problems of international conflict. The last forty years have been marked by an increasingly feverish and spectacularly unsuccessful attempt to 'ban' war, or at least limit the possibilities of the appeal to armed force as the means of settling international differences. The League of Nations was dedicated by its founders and supporters to this project. The United Nations has been its less idealistic and single-minded successor. And since the 1920's a very considerable amount of diplomatic activity, at and below the summit, has been directed at the same global objective.

Professor Julius Stone's most recent book is mainly an analysis of one aspect of this enterprise—the attempt to define, and by defining to eliminate, 'aggression'. Despite this singular concentration, Professor Stone ranges widely. His book, in effect, is a collection of essays in history, logic, ethics, and international law, threaded together by a moderate exercise in special pleading for a more positive and less legalistic approach to the problem of international conflict. His thesis is that the search for effective definitions of 'aggression' has failed and must (inevitably?) fail; and that it would be more helpful if national statesmen and international theorists accepted the more modest aim of developing techniques to check 'breaches of the peace', and to encourage the negotiated settlement of existing national differences.

The book not only attempts a deceptively broad cover; it also aims at a wide public. Professor Stone tells us in his preface that he is writing for the general reader, the academic specialist in law and international politics, and the diplomatic practitioner.

He offers much that will interest the specialist reader, though it may be beyond the technical capacity of many others, including this reviewer. His analysis of the recent legal controversies in the United States over the concept of 'due process', and the relevance of this controversy for international law, seem to be strictly for the lawyers. So is a good deal of what he discusses under the heading 'Aggression and Individual Criminality'. Again, the non-specialist may be put off by the linguistic intricacies of his important (and difficult) discussion of the status and technical problems of definition. Here perseverance pays. For he draws

some illuminating distinctions between 'general and abstract', 'enumerative' and 'mixed' definitions, and points to the fact that the conflicting claims of administrative flexibility and conceptual clarity put the first two virtually out of court.

Even more fundamental to his general thesis is his elaboration of the differences between logical and legal definitions—'the former a matter of epistemology, the latter of statecraft'. Here he argues persuasively that while there are no insuperable logical obstacles to the successful definition of aggression, the real difficulties lie in finding a notion of aggression that is feasible (in the sense that it could be technically applied), acceptable (generally approved by the State members of the world community), and desirable (more of a help than a hazard to peace). His analysis here is crucial. The constant theme of his book is the proposition that a feasible, acceptable, and desirable definition is neither possible nor necessary in the present circumstances. And the difficulties, as he argues, are 'primarily ethical, political and sociological, not logical'. For any such concept of aggression implies a general, universally valid theory of international relations, covering considerably more than the process of war-making and the parameters of military technology.

And it is here, of course, that Professor Stone reveals most clearly his position in the current conflict of interpretation in international relations. He stands somewhere between the idealists who argue that a rule of law could even now be established to tame the anarchy of power politics, and the realists who contend that the only possible conformities are those which arise from the existing and predictable distributions of international power. He is clearly more with the latter than the former. He concedes that the present thermo-nuclear stand-off does endow the international system with a desperate sort of viability which makes a pragmatic approach to international politics both possible and urgent. And he specifically argues against the idealist presumption that international law can, at this stage of development of the international community, consolidate the 'indeterminacies and relativity of justice into the comforting certainty of a binding code' (page 166).

The general reader, and those who can stake only a feeble claim to specialist expertise, may feel that this is an expert's book for experts. But they will certainly gain from Professor Stone's brisk historical analysis of the failure to pin down the concept of war in precise definition. A valuable appendix of selected draft definitions, covering the League of Nations, the United Nations and the summit conferences of the 1920's, adequately supplements his analysis of the conflicts of both national prejudice and theoretical assumption which have incapacitated diplomatic negotiation for forty years. What emerges here is plain enough, and well documented. The conflict of national interests, the recognized need for flexible administration, the practical difficulties of reaching *consensus* on the facts themselves, the contrasts in value and meaning which different groups attach to the idea of justice—all these have consistently frustrated the often sincere labours of statesmen and jurists. Every move, from the primitive attempts in the 1920's to equate war with aggression and then ban war by written agreement, to the comparative sophistication of the Soviet Union's draft proposal in 1956, has failed to clear even one of the many obstacles to effective agreement. Professor Stone demonstrates how difficult, and improbable, agreement is while war remains one of the easiest ways, if not the most effective way, of readjusting the *status quo*.

And this, it seems, is the real rub. Simple definitions of 'aggression' of the resort-to-force or crossing-the-frontier-first type, leave all but the mightiest powers helpless in the face of the existing situation. Broader, enumerative definitions, which spell out criteria justifying the use of 'legitimate' force, degenerate into an incitement to anarchy, because they cannot hope to cover every case.

Professor Stone goes even further. He sees the twentieth century attempt to define aggression out of existence as part of the illusion that there is an easy institutional escape from power politics.

We should resist the fashion, modelled on the dream work of our own age, of assuming that the operations of power for good or ill can be abolished by drafting the constitution of a world security organisation. Philosophically speaking, the concept of power is ethically neutral, and it remains in any kind of society a basic principle of social cohesion. . . . It is neither necessary nor possible, in order to escape from its more evil consequences, for our age to plunge into a vacuum of statecraft. The neuroses, indeed, which produce this very escapism, and manifest themselves in monolithic ideologies of our time, may well be the most evil of these consequences which now threaten us. In a deep sense the long vain search for a precise automatically operating definition of aggression is a product of these neuroses, an escape into fantasy from the hard tasks of statecraft. (Pages 105-106.)

This leads him steadily forward to a number of general recommendations about the future role of the United Nations and, in particular, the General Assembly. The main task for the United Nations, as he sees it, is to arrest breaches of the peace when they occur, and then to develop follow-through tactics and techniques to adjust the conflicting interests and ideals of the contestants.

He offers three rules of thumb as a guide to action by the General Assembly. First, as peace and justice are mutually interdependent ideals, peace cannot be preserved by mere cease-fires unless the General Assembly then proceeds to adjudicate the merits of each case. Secondly, because of the plurality of national convictions about what is just, the General Assembly should not attempt to judge each issue against some *general* standard. Thirdly, in each instance, the General Assembly should content itself with aiming for a minimum settlement which will 'reduce the sense of injustice and insecurity to a point permitting a tolerable co-existence' (page 173). 'We certainly cannot bring justice down from the heavens to the nations in full and pure measure; yet we may still be able to raise the nations that little towards justice which may allow them to survive together.' (Page 168.)

To this general injunction for moderate settlements, moderately arrived at, he adds two specific recommendations. A standing tribunal, as independent and expert as possible, might usefully help the General Assembly by investigating the facts and exploring the possibilities of settlement in any dispute. It might even, he believes, reduce bloc-voting and log-rolling. Again, while the General Assembly has no constitutional power to set up an international army to enforce the peace, an observer corps, like the United Nations Emergency Force created for the Middle East dispute in 1956, has a useful though limited task to perform, and does 'symbolise the community interest which now broods between the battle lines at every breach of the peace' (page 181).

All this is sensible, and familiar. At no stage does Professor Stone suggest that it is revolutionary, or even that it would provide a certain guarantee of peace. The objections are obvious enough, and Professor Stone recognizes them, at least by implication. There are no sure means of arresting a breach of the peace short of compulsion, particularly when one (or both) of the contestants is being indirectly supported by one (or more) of the major powers which has (or have) a demonstrable interest in pushing the conflict to its limit. And the more effective the thermo-nuclear stand-off, the greater incentive for the major powers to encourage their dependent allies to open up the situation for them with limited wars.

Again, the idea of viable settlements which fall short of everyone's, or anyone's, standard of what is just must inevitably have a limited appeal. A General Assembly dispensing systematically limited justice would have a muted appeal to the smaller nations who have observed the great powers exacting full measure for themselves by their individual strength and enterprise. Given the uneven distribution of national power and influence in the present world order, a United Nations system tied to a qualified concept of justice would, in practice, result in the establishment of a double standard—full satisfaction for those strong enough to insist on it, and something less for those obliged to pursue their objectives through the United Nations. Any dispute between a great power and a small one would fall in the first category. All disputes between smaller powers would fall in the second.

In a sense, Professor Stone's analysis of the pacifying function of the United Nations stops short just at the point where the problem begins to become a little clearer. While he argues convincingly that international conflict is related to a total social, economic, and political situation which must be taken into account in any attempt to devise means of preventing or limiting wars, his own conclusion falls short of that requirement. His concern is with facilitating minimum settlements. But these must inevitably operate within the limits of the *status quo*. This would mean that the United Nations would be confined to dealing effectively with minor conflicts and minor fluctuations in the world system. In the sphere of international conflict, the United Nations would then serve functions analogous to those of the European Payments Union in international economic relations. It would simply iron out the wrinkles in international stability. This is a useful and important task. But it leaves untouched the basic disequilibrium in the present world order—the unequal and unstable distribution of resources between the national communities which make up the international system.

This is a learned and an important book. But the student and the layman should be warned that it is not an easy one to read. Professor Stone has an occupational addiction to the Latin tag and the categorical imperative.

It is a virtue of his book that he sets the problems of international law against their social and political background. He sees war as something more than the breakdown of formal relations between sovereign states. Though he never says so he clearly implies that war is revolution. It would be unreasonable to complain that he fails to explore the relations between warfare and welfare. That is the task of the economist, the sociologist, and the political scientist, not of the lawyer.

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