COMMENTARIES

International Order and National Sovereignty—They *Can* Co-Exist*

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In the past, national sovereignty and international order have been treated as if they were two utterly opposite and mutually exclusive concepts. It was as if each were like a fixed quantity of money in the bank. To put more into international order, one would have to subtract it *pro rata* from the sovereignty account. And to have a true international order worthy of the name, national sovereignty would have to be cashed in almost entirely. Proponents of strengthened world order usually begin by conceding this unpalatable fact, but argue that the gain is more than worth the sacrifice. Aggressive nationalists heartily agree with them as to this reciprocal relation, but they express it by protesting loudly, every time we make a treaty or handle a matter through the United Nations or settle a dispute by adjudication, that we are "giving away our sovereignty."

The thesis here ventured in that this grim equation is not valid, and that we can, without sacrificing an undue amount of the sovereignty that we now realistically have, achieve the amount of world order that we realistically need to keep the peace. It might be added: let us hope that this is indeed so, since we may as well face the fact that neither we nor any other people are going to give up our national sovereignty to even a limited world government in the foreseeable future. At the same time, we must also face the even bleaker fact that, if we do not achieve a minimum working international order soon, we are not going to have much future to foresee.

Now, if by national sovereignty one meant the unlimited unilateral assertion

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of as much national power as a country can get away with—which seems to be the concept thoughtlessly or deliberately adopted by many people—and if by international order one meant the kind of limited world government favored by, say, the World Federalists, strong enough even to coerce the super-powers when necessary to keep the peace—it would plainly be fatuous to suggest that the two could co-exist. What will be attempted here, therefore, is, so to speak, to trim these concepts at both ends, first, by showing that sovereignty as it now exists in law and practice is far more restricted than most people realize, and second, by showing that, under an up-to-date analysis of the peace-keeping task confronting a world organization, the requisite degree of international order can be achieved within the limits of the concessions that can be made with no loss of security.

Let us start this trimming process on the sovereignty side.

Sovereignty Under the Law

One must begin with the fundamental jurisprudential concept on which the whole present thesis rests: the proposition that sovereignty is not above the law. It is within the law, and under the law.

It is all too easy to jump to the conclusion, in these days of exaggerated nationalism, not least among the newer countries, that the sovereign of each nation-state is the be-all and end-all of law and political authority. If this were really true, we might as well close the book right here and stop talking about reconciling sovereignty and international order. Fortunately, it is *not* true.

When the Rule of Law Research Center program was launched, devoted to finding ways in which the rule of law among nations could be achieved as a means toward peace, it was immediately apparent that the most important single foundation stone on which this entire effort would have to rest was necessarily a demonstration that the acceptance of international rule of law was consistent with the deepest traditions, not merely of Western Christendom but of all the major civilizations of the world. The largest single research project ever conducted by the Center was the result—the project on sovereignty. We enlisted the services of fifteen of the greatest legal scholars from the different legal systems and sub-systems of the world, beginning with Roscoe Pound, for the Anglo-American tradition, and including a former Chief Justice of Japan, an Indian High Court Judge, the Attorney-General of Nigeria, and authorities on Islamic, Jewish, Chinese and Soviet law, and eminent French, British, German, Italian, Dutch and Scandinavian scholars. The result was that these scholars, working independently and with no restrictions, came to the clear conclusion that, with the qualified exception of the Soviet system, every legal

tradition in the world from earliest times down to the latest post-war constitutions has accepted the idea that the sovereign is not above the law. He is within the law.

This is not particularly surprising when one remembers that most of the legal systems of the world are religious or quasi-religious in origin. It would be unthinkable, for example, for the temporal sovereign of an Islamic state to say: "I am above the law of Islam." In the Judaeo-Christian tradition, the point is well illustrated by the story of King Ahab and Naboth's vineyard. All King Ahab wanted was to acquire a vineyard belonging to Naboth, which was contiguous to Ahab's castle. The King summoned the commoner before him and attempted to talk him out of his vineyard. After a while he became quite reasonable, as kings go, and even offered to pay for the vineyard, or trade one of equal value. But Naboth, the commoner, stood up to Ahab the King, and said, "The Lord forbid it me that I should give the inheritance of my fathers unto thee."

What did Ahab the King do? Did he pull himself up and say, "I am the king around here. I make the laws around here"? He did not. "He laid him down upon his bed, turned his face to the wall, and would eat no bread."[1]

That was the end of the matter, so far as the King was concerned. Of course, at about that point Jezebel the Queen walked in, and matters began to take a different turning. Jezebel took one look at this weeping, non-breadeating, face-to-the-wall sovereign and uttered a sentence that was perfectly characteristic of all people before and since who would like to say that the sovereign is above the law: "Dost thou now govern the kingdom of Israel?" Jezebel was what might be called an early form of legal positivist. And we all know what happened to Jezebel. The searing wrath of Jehovah, the appalling punishments visited upon one who would attempt to bypass the law of Israel, leave no doubt where this particular legal tradition stands on the question of sovereignty under the law.

In Hindu tradition, the vital concept is Dharma, an ethical-legal complex, of divine origin, to which kings were as much subject as anyone else.[2] This is reflected in the most ancient legends, such as the story of a mythical ancestor of the Cola dynasty named Manu Cola. The King's son had killed a calf by running over it with his chariot; the bereaved cow complained to the King and the King sentenced his own son to be killed in the same way.[3]

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1. I *Kings* 21.
2. A. LARSON & C. JENKS, SOVEREIGNTY WITHIN THE LAW 188 (1965).
3. 1 N. SASTRI, THE COLAS 12 (1st ed. 1936).

As to China, from earliest times, it was well accepted that, as stated in the *KuanTzu*, "Law is superior to the ruler."[4]

In Africa, even the highest chief or king governed according to unwritten constitutional principles, and if he abused his power he could be called to account; in Nigeria, for example, among the Yorubas, an offending king in earlier times would be asked by his chiefs to "open the calabash"—that is, to commit suicide or go into exile.[5]

The German tradition is reflected in the story of Frederick the Great and the miller of Sansouci, a story that echoes remarkably the story of King Ahab and Naboth. Frederick the Great took a particular liking to the miller's rustic mill, but the miller, like Naboth, refused to sell. The King then attempted to "pull his rank" and threatened to confiscate the property. The miller calmly replied, "Yes, Majesty, *if* there was no supreme court in Berlin."[6]

Out of this same anecdote can be extracted also a symbol of the principle under French law. In the eighteenth century there appeared this proverb in France: "Il y a des juges a Berlin," symbolizing the supremacy of law over arbitrary power.[7]

And in the English common law tradition there is the famous encounter of the Chief Justice, Lord Coke, with King James I. The King, in a rage, charged Coke with saying that the King was under the law, "which was treason to affirm." Coke, in the teeth of this far from subtle threat, stood his ground, cited the early legal scholar Bracton, and said that the King should be under no man but under God and under the law.[8]

It would be wrong to leave the impression, of course, that this study rests mainly on anecdotes, legends and proverbs. Its conclusion is based on 492 tightly-packed pages of legal evidence and analysis in the book entitled, appropriately enough, *Sovereignty Within the Law*.[9]

We begin, therefore, with firm underpinnings for the proposition that practically all civilizations can accept, without shock to their deepest traditions, the concept of a jurisprudence that is higher than and independent of the will of any particular local sovereign.

When we move from jurisprudence to everyday practice, we again find that sovereignty as it exists in real life is far more restricted than the claims of chauvinistic oratory might make it seem.

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4. KUAN TZU, ch. 16.
5. A. LARSON & C. JENKS, SOVEREIGNTY WITHIN THE LAW 214 (1965).
6. *Id.* at 92.
7. *Id.*
8. Conference between King James I and the Judges of England, 12 Rep. 63 (1612).
9. 1 N. SASTRI, THE COLAS 12 (1st ed. 1936).

Sovereignty in Actual Practice

Sovereignty, in the only sense that is workable rather than rhetorical, must be limited to the authority a nation-state has over its own territory and nationals, recognizing a similar right in every other nation-state. Too often, however, the term is carelessly or boastfully used as if it meant the unbridled right of a state to do anything it pleases, and to have its own way in every international dispute in which it becomes involved anywhere in the world. In the continuing controversy, for example, whether we should in good faith entrust our disputes on international law and treaties to the International Court of Justice, one is constantly met with the cry: "But that would be giving away our sovereignty!" Consider this for a moment, in the light of a concrete and currently lively example. Suppose that both the United States and Ecuador had accepted unreservedly the Court's jurisdiction on international law questions. Now suppose that, as a result, the controversy over Ecuador's assertion of the right to seize our fishing vessels anywhere within 200 miles of its shores was submitted to the Court. Is this in any conceivable sense an abdication of our sovereignty? To say so is to say that we all along had sovereignty over both sides of the question—indeed, that we have sovereignty over what we assert are the high seas. When we "give up," then the right to dispose of such an international dispute unilaterally, we give up something we never had.[10]

Or suppose, to take another example out of recent headlines, both Chile and the United States had agreed that any disputes about compensation for expropriation of American investments in Chile would be submitted to the binding decision of the International Court. And suppose the recent expropriations were indeed accordingly taken to the Court. Where in this is the sacrifice of our sovereignty? We have no sovereignty over what goes on inside Chile's borders.

What really happens when a country accepts international adjudication is not that it diminishes its sovereignty but that it uses its sovereignty to obtain something of value. In the loose usage of the term, one could just as well say that a nation loses some of its sovereignty every time it makes a treaty. It would be nearer the truth to say that the country *uses* its sovereignty by putting it to work to obtain values that can be secured in no other way. The United States has the sovereign right to bar all importation of coffee from other countries. And Brazil has the sovereign right to bar all American automobiles. But does the United States sit back gloating over its sovereign power to exclude coffee? And does Brazil spend its days glorying in its undiminished sovereign

10. *See* A. LARSON, WHEN NATIONS DISAGREE 101 (1960).

power to exclude automobiles? No, because we want coffee and they want automobiles. So we make an international trade agreement. We give our sovereign right to turn back Brazilian coffee; they give up their sovereign right to bar our cars; and everyone is happy. It never occurs to anyone to characterize all this as a "sacrifice of sovereignty."

Similarly, if nations *use* their sovereignty to create an efficient dispute-settling mechanism, they will have used their power to gain something of value—something indeed that is of much greater value than automobiles or coffee.

The true picture, then, of the kind of sovereignty with which we start in today's world is one in which all nations have accepted modifications of their sovereignty in hundreds of ways in order to achieve objectives in an international community that can be achieved in no other way.

This description of the limitations of sovereignty in the real world of today is no less true because a particular nation may be enormously powerful militarily. If the kind of law-of-the-jungle sovereignty pictured by so many people really existed, it ought to follow that the United States, with its indescribable military might, should invariably get its way in its disputes with smaller countries. But what happens? Ecuador continues to seize our fishing vessels at will on waters that most of the world considers high seas, and this collossal military giant fumes helplessly while its citizens are forced to pay $125,000 fines. Indonesia, Cuba, Chile and other countries expropriate American investments, while the same pathetic scene of official American impotence is again and again displayed. Even our friendly neighbor to the north, Canada, abruptly asserts national control over vast areas of northern waters previously considered international, while we sputter in ineffectual protest. Where then is all this sovereignty we are so afraid of losing if we submit these disputes to international adjudication?

Deadlock as the End Product of "Sovereignty"

What happens, in actual practice, when all nations attempt to assert this phoney version of sovereignty is not that they get their way—whether they are powerful or not—but that they get utter deadlock.

Indeed, when history comes to coin a term for the second half of the twentieth century, it may well be known as the Age of Deadlock. Practically all international relations and disputes, whether between great powers or between great powers and small, are now and have been for years in a state of apparently perpetual stalemate.

It is important to grasp the full significance of the fact that this condition of unbreakable international deadlock is absolutely unprecedented in human history—for only when we fully realize this will we also realize that the only solution lies in equally unprecedented forms of international order and dispute-settling.

To demonstrate why this context is unprecedented, one must reconstruct what has been the traditional pattern of international dispute settlement from earliest times. Let us suppose that Country A and Country B have an international dispute, the most typical being a boundary dispute. The first thing that would happen would probably be that their diplomats would conduct negotiations, trying to win their point without the use of force. However, the real heart of the discussion would not be the intrinsic merits of the controversy but the question of which side could defeat the other if it came to a military showdown. If Country A could convince Country B that it would win in an eventual war, sooner or later the boundary would move to the disadvantage of B. But if neither side could convince the other of its military superiority, tensions would erupt into full-scale war. One side would win; one side would lose; the boundary would move against the loser; the loser would bide his time, quietly rearm, as Germany did between the two world wars, and when the time was ripe for another test of diplomatic or military strength, the process would perhaps repeat itself.

Whatever else might be said of this all too familiar pattern, at least it did not result in perpetual deadlock. Sooner or later there came the blow-up, the clearing of the air, the release of tensions in the form of war, and, in a sense, a settlement of the controverted question.

But now that final blow-up has been denied us, so far as disputes between the nuclear powers are concerned. It is denied us legally, because we have solemnly ruled out war in the Charter of the United Nations. It is denied us practically, because the extermination of all life in the Northern Hemisphere that might result from a full nuclear exchange is, if one may borrow the language of the Pentagon, unacceptable. By now everybody realizes this. But what has not been fully realized is that, when you rule out the ultimate possibility of war as a means of settling disputes, you also rule out all kinds of intermediate measures that depend on the ultimate availability of war for their effectiveness.

Specifically, we must now reconcile ourselves to the fact that nobody is going to achieve any significant political gains through the device of power politics diplomacy backed by the threat of war. When you have absolute military deadlock, you have absolute diplomatic deadlock. Diplomacy is the hand-maiden of armaments. "We arm to parley" said Churchill. But when the arms are deadlocked, so is the parleying.

If any evidence is needed of this, one may take note of the fact that there has not been one inch of movement through diplomacy on any serious cold war issue since the Austrian Peace Treaty. Divided Germany, divided Berlin, divided Korea, divided Vietnam, divided China—all as far from solution as they were almost a generation ago.

The milestone marking the realization of this new fact of international life was the Cuba missile crisis. Before that time it had been fairly common to hear the nuclear superpowers use the threat of atomic warfare to back up diplomatic demands. The Soviet Union at the time of the Anglo-French-Israeli invasion of Suez in 1956 freely threatened rocket attacks if the invasion did not cease. President Kennedy in his major address on the Berlin crisis explicitly said that he would resort to nuclear war in defense of Berlin if necessary.

Then came that chilling week of the Cuba missile confrontation. For a moment a crack opened up in the surface of the volcano and we all looked down into the seething white-hot hell that was bubbling below. The Russian ships, confronted on the high seas, turned back. By late in the week Khrushchev was actually joking about the whole affair, with an air of "you can't win them all." From that day to this neither super-power has ever again used the threat of nuclear attack in its dealings with the other.

We have learned still another lesson, and this time Vietnam is our teacher. For a long time there has been a school of thought that believed that, while admittedly you could not win a nuclear war, you could win a limited war. In this view, the key to success was to perfect such highly effective methods of fighting "brush fire wars" that we could quickly and decisively win our point in some of these smaller conflicts even within the context of nuclear armaments. The idea seemed to be that, since nuclear armaments were paralyzed by the deadlock of the stable deterrent, they could be safely ignored, and small conventional war could be waged as usual.

The fallacy in this idea is now painfully apparent. If you have a situation as in Vietnam where the Soviet Union believes it has an absolute commitment to defend a small socialist state, the nuclear context cannot be ignored. The Soviet Union can match every step in our escalation of that conflict with more sophisticated weapons—including nuclear—furnished to the North Vietnamese. The theory on our side seems to be that, if we escalate enough, there is a point at which the North Vietnamese and the Russians will call it quits. It is a mystery why anybody should make such a supposition about a people who have been engaged in almost continuous war for more than a generation, and about the Russians whose investment in arms for North Vietnam is only a very small fraction of the investment being made by the United States, quite apart from the incalculable loss in American lives.

In any situation, then, in which the Soviet Union believes that it has an obligation to defend small socialist states, or in any other way has its own commitments or security at stake, we should by now have learned once and for all that we cannot "win" in an international controversy either through nuclear war or through limited war, and that accordingly we cannot win any advantage through diplomatic pressures backed by threats of either kind of war.

How Much International Order?

Up to this point, in the effort to show that sovereignty can co-exist with international order, the object has been to demonstrate that sovereignty as it actually exists in today's world is already sufficiently limited to accommodate itself to a working world order without any serious loss, both because all civilizations philosophically are prepared to accept the concept that sovereignty is within the law, and because the hard realities of everyday international life have taught us that we do not in fact have sovereignty over the disputes that properly should be entrusted to an international order.

It is now necessary to do a little trimming at the other end—the "international order" end, to show that it may not take as much internationalizing as we may have thought to do the job of keeping the peace.

In line with the approach of working from the given facts of today's world and the given attitudes of today's major powers, much as one may disapprove of them, one must accept the proposition that no nation is going to entrust to an international order what it regards as its vital national security interests. The essence of the problem thus immediately becomes that of constructing a candid new conception of the true meaning of "vital national security interests." Here, just as in the case of the concept of sovereignty, there is a vast difference between the phoney propaganda version of the concept and the honest factual version. For years it has been routine for the super-powers to cry out, whenever trouble broke out in almost any part of the globe, that their vital security interests were at stake. But if we look closer, particularly since the Cuba missile crisis and the Soviet invasion of Czechoslovakia, we begin to see that, with one tragic exception the actual conduct of the super-powers has followed a quite different pattern. Let us try to discern this pattern by identifying, out of the infinite shadings of national interest, three broad categories into which the concern of a power with an international conflict might fall.

Category I: Security Interest.

A controversy of such vital interest to the particular power that it considers its security, if not its very survival, directly and genuinely, not merely rhetorically, involved. Examples: Hungary and Czechoslovakia, as to the Soviet Union; Cuba, as to the United States.

Category II: Policy Interest.

A controversy in which a power believes that its national interests are affected to a substantial degree, but at such a distance in time or space that a response other than forceful unilateral action will not seriously endanger national security. Example: The Congo, as to both the Soviet Union and the United States.

Category III: Moral Interest.

A controversy containing some threat to peace, primarily regional, without necessarily and specially threatening the vital interests of the particular power, but in which it may or may not have a strong moral or sympathetic interest. Example: Tibet, as to the United States; the Dominican Republic, as to the Soviet Union; the West Irian and Biafran disputes, as to both the Soviet Union and the United States.

It is fortunate for the world that in most instances the Soviet Union's highest category interests are lowest category for the United States and vice versa. Hungary and Czechoslovakia are in Category I for the Soviet Union. They are not for the United States, whatever orators may say. The Soviet Union for many years had held, as an article of faith, that its national safety requires a bank of buffer states, including Hungary and Czechoslovakia. The United States has an interest in the freedom of the East European countries, but no one suggests that our national survival stands or falls on what happens in these countries.

Similarly, for military reasons, the United States concluded that missiles based in Cuba, because of lowered warning time and other considerations, involved an unacceptably altered balance of power imperilling its security. As for the Soviet Union, although it would have gained a substantial "plus" if its Cuba maneuver had succeeded, the ups and downs of communism or anti-communism within Cuba have no real bearing on the safety of the Soviet Union. Certainly Cuba was not a threat to the Soviet Union under Batista, nor would it be if a more liberal regime replaced that of Castro. This is why the United States could limit its involvement in the Hungarian uprising and at the time of the Czechoslovak invasion, and why Khrushchev could quickly

call off the Cuba adventure when it began to encounter serious risks to the Soviet Union.

The beginning point of a new reconciliation of sovereignty and world order, then, must be a frank acceptance of the fact that the super-powers are not going to hesitate to use unilaterally forceful measures when a national security threat to themselves of the first category is involved. Just as the United States acted swiftly and forcefully in the threat to our security in the Cuba missile crisis, and the fancied threat in the case of the Dominican Republic, so it would unhesitatingly take whatever direct action was necessary if similar threats involved such countries as Mexico, Canada, Western Europe or Japan.

The fact that we know in advance that we cannot forcefully challenge the Soviet Union in its own Category I area does not mean that we should be indifferent to the fate of the people of Eastern Europe. Every kind of protest and pressure short of physical force should definitely be employed, and every possible peaceful measure to aid in the liberalization of the regimes in these countries should be encouraged. The only danger is that we may begin to be carried away by our own oratory and really begin to think that we can "roll back the Iron Curtain" and "free the captive nations." This is a hard saying, but, much as we sympathize with these people, we cannot help bring about their freedom by force, and if we attempt to do so it will only plunge us all into an infintely greater tragedy.

The second major component of the new analysis of security interests has to do with recognition that there is such a thing as Category II security interest, and with identifying the proper way of dealing with disputes as to this class of interests. If the United States had been able to do this ten years ago, we would not be involved in the Vietnam war.

The distinctive thing about the Category II interest is that it is not so intense and immediate that unilateral action is justified, nor is it so remote that unilateral action by the rival super-power can be tolerated. At the same time, the interest is important enough so that the threat must be effectively handled. How then, short of unilateral action, can this be done? The answer is obvious. All Category II disputes must be handled through the United Nations, including the International Court of Justice, with the help of the United Nations Armed Forces if necessary.

It cannot be too strongly stressed that what is here described is not some Utopian plan, but the actual way the Great Powers for the most part now operate in practice.

The best example is the Congo where, although the Russians at first attempted to intervene unilaterally at the invitation of the Congolese Government, the

United States in response to a similar invitation insisted on having the matter handled by the United Nations. The United Nations carried off this difficult assignment successfully, although the process was tedious, frustrating and expensive. What really counts is that a confrontation between the super-powers in the heart of Africa was avoided.

Similarly, both the United States and the Soviet Union have accepted United Nations channels and forces as the proper mechanism for both Suez crises, and for the Cyprus problem, and for the current Middle East conflict. Less well known is the fact that a similar course was also accepted as to the potentially troublesome crisis in West New Guinea or West Irian. One piece of evidence that this lesson has been learned is that the two super-powers did not rush in to take sides in the Biafran conflict. Some years ago it would not have been surprising at all to witness an attempt to turn this into a cold war testing ground, but the super-powers had by this time plainly reached the conclusion that this was much too dangerous a game.

The one great tragic exception to the learning of this lesson is Vietnam. Let us make no mistake about it: Vietnam was not a Category I security interest for the United States. The Vietnam war is a "policy war." A "policy war" is one in which the objective is not survival or true self-defense, but the achievement or preservation of a power position in some part of the world. It is true that, if achieving a power position in Asia were a legitimate war objective, military involvement in Vietnam might be defended on the ground that it bolstered our military influence in Southeast Asia. This is quite a different thing from saying that, if South Vietnam goes Communist, the Communists will inevitably soon be swarming over the beaches of Honolulu and Santa Barbara.

The proper handling of the Vietnam conflict, then, was the same as for the Congo crisis, the Middle East crisis, the Cyprus crisis, and all the rest of the Category II disputes: It should have been turned over promptly to the United Nations. Indeed, this is what the United Nations Charter requires in Article 37, when it states in unqualified terms that, when other means of dealing with a threat to the peace have failed, the matter "shall" be referred to the Security Council. We failed to abide by this clear legal obligation of the Charter, and now we are paying the price.

It may be said that this analysis of the world situation sounds remarkably like the old concept of spheres of influence, and indeed, up to a point it is. Previous eras of spheres of influence have not been the result of nuclear deadlock, but nevertheless they were the result of something roughly comparable, which was the understanding of both sides that all-out war between them would be disastrous to both sides. The big difference is that today a very

large part of the world is not within the sphere of influence of either of the super-powers, but is in what is here called Category II. Moreover, we now have an international organization that is capable of handling disputes in Category II, which is something that did not exist in earlier spheres of influence. If both super-powers, then, can now bring themselves to realize that they cannot attempt to extend their spheres of influence in these Category II areas, and indeed do not need to for purposes of their own security, they will also be willing to let them be handled by United Nations measures. And, as we have seen in such places as Cyprus and Suez, if the super-powers stand together in backing United Nations solutions, the United Nations is perfectly capable of dealing with this class of disputes.

At this point someone may ask: But are we really talking about the important problem when we say that international order can handle the Category II disputes? The answer lies in the facts of recent history. Every armed conflict that has threatened or broken the peace since World War II has been, as to the super-powers, a Category II dispute. To put it in more familiar terms, all the wars and near-wars have originated in the so-called Third World: Korea, Middle East, Algeria, Congo, Cyprus, Kashmir, Indochina, Biafra and all the rest. A moment's reflection will show why this is so. Direct conflict between the super-powers or their blocs and allies is ruled out by the strategic nuclear deterrent. While this deterrent continues to function, the peace will be kept between the great powers by the balance of terror. If, then, no international organization in the foreseeable future could be expected to take over this task, this is no reason to despair of international order—because that is not where the problem is. Nor is the problem within the Category I area within which super-powers exercise hegemony or at least reserve the right to take direct action in genuine self-defense—because the super-powers have apparently resigned themselves to the fact that they cannot challenge each other in this category. The problem is, and has been for a quarter of a century, and will continue to be, in the Category II areas. And to meet this problem only two things are necessary: first, to recognize that these Third World conflicts really do belong in Category II, and never again to believe our own propaganda about how our survival is hanging in the balance in some distant rice paddy; and second, to make full and good faith use of the resources of the United Nations and World Court in handling these disputes. Then, while the peace is thus being kept, we can get on with the slow and constructive job of gradual disarmament, perfection of our dispute-settling tribunals and order-keeping forces, enrichment and modernization of our international law, and enhancement of basic world harmony through trade, travel, cultural and educational exchange, sports, literature and science, and the habit of international cooperation through the many specialized international agencies dealing with such matters

as health, food, labor standards, children, communications, transportation, meteorology, population problems and economic development.

The kind of world order here described may not look very glamorous beside some of the blueprints that men have been devising from the time Marsilius of Padua in 1324[11] speculated about "one single government supreme over all" right down to the Clark-Sohn plan for World Peace through World Law under limited world government.[12] But the world order here envisioned does have one cardinal advantage: It is realistic. It can do the job. And, because it makes no unacceptable inroads into the actual sovereignty or the actual vital security interests of the great powers, its acceptance requires of them no sacrifice, no idealism, no altruism, not even generosity—only a clear-eyed, unblinking look at their own profoundest self-interest. Let us devoutly hope that even this does not prove to have been too much to ask.

11. MARSILUS OF PADUA, DEFENSOR PACIS (C.W. Previte Orton ed. 1928).
12. G. CLARK & L. SOHN, WORLD PEACE THROUGH WORLD LAW (1958).