

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.

ship; indeed, the present Secretary of State is personally not the most conciliatory individual in the world by a long distance. It is the orthodox, standard, and well-approved technique of diplomacy to be conciliatory. It is sometimes argued that we should have a department in the Government devoted to the maintenance of peace; that is actually the mission of the Department of State in large part, and this is largely the explanation for its preference for the conciliatory technique; an attitude of the opposite tone would infallibly lead to accusations of chauvinism or "how diplomats make war."³ The Department is also mainly an administrative agency and decisions to take drastic or coercive action must properly come from the executive or representative arms of the Government, perhaps extending to the employment of economic or military means. As for justifying its case before public opinion, there probably is some doubt whether the Department really does need popularity in order to operate effectively and in any case public opinion can be molded better by some of the many educational activities carried on by the Department than by engaging in political controversy.

In the second place, such an attitude does not involve any sacrifice of position or of rights. It does not necessarily mean appeasement. Silence on the part of the Secretary in the face of criticism implies neither admission of guilt nor lack of ability to answer. It merely means that, rightly or wrongly, he does not believe that there is anything much to be gained by answering back. So in dealing with another government the persistence, through thick and thin, year in and year out, in the conciliatory attitude does not sacrifice any rights and is based upon the well-established belief that there is more to be accomplished in this manner than by antagonizing the opposition. Hence the seeming rigid adherence to the tactic of conciliation, patience, and prudence.⁴

It is interesting to note that an opposite type of rigidity is maintained, or an opposite type of attitude, policy, and technique is rigidly maintained, in other quarters. It is the tactic of totalitarianism, which does not admit the possibility of sharing the good things of the earth with any opponent, never to compromise or yield or admit or do anything but fight sharply all the time in one way or another.⁵ This attitude, in part but not entirely the creation of Marxian theory, is based on an assumption of inevitable and unalterable hostility on the part of the opposition. It involves many sub-

³ F. Neilson, *How Diplomats Make War* (New York, 1915).

⁴ See two other recent contributions to this controversy over methods in diplomacy, both pleading for "the diplomatic approach (old style, to be sure)" as against "emotional diplomacy" in the *Washington Post*, Sept. 3, 1951, p. 4, cols. 3, 6.

⁵ N. Leites, *Operational Code of the Politburo* (New York, 1951), reviewed below, p. 819.

ordinate elements, including concealment, misrepresentation, and so on, which are not very relevant here.⁶

This illustration would seem to give a clue to the proper solution of the problem. The attitude of the totalitarian leaves the opponent little liberty to do anything but answer in kind. By hypothesis, and, it may be added, by experience, there is little possibility of eliciting a conciliatory attitude on the part of the totalitarian. To persist in trying to deal with him by the standard methods is to waste time and energy, create false impressions, and court failure in the end. On the other hand, the non-totalitarian government, including our own Department of State, is hardly equipped, in terms of personnel, psychology, experience, or training, to play the totalitarian game. It might be added that in its own domestic sphere, the totalitarian government pursues a similar policy of telling the citizenry what it wants them to know and making them accept it.

In short, it would appear that an adjustable technique is preferable to any rigid tactic. The standard conciliatory technique was based upon the assumption, accurate enough when that technique was developed, that others would employ it also and that, if mutually employed, it was the most fruitful technique available. Today this does not hold. Hence some modification seems indicated. In the international sphere it also appears that strong action by the executive and representative arms is called for in view of all the circumstances. On the domestic side likewise it would appear that a little less aloofness and indifference might be useful or even a reasonable amount of competent and lively statement of facts and explanations. In both fields what is to be avoided most is rigidity of technique of one kind or another and lack of capacity for alternation and realistic adjustment.⁷

PITMAN B. POTTER

THE ORDER OF THE INTERNATIONAL COURT OF JUSTICE IN THE
ANGLO-IRANIAN OIL COMPANY CASE

The order of the International Court of Justice, under date of July 5, 1951,¹ in the Anglo-Iranian Oil Company Case, has raised a number of interesting questions of law and procedure in respect to which there appears to be considerable controversy.

On May 26 proceedings were instituted before the Court by Great Britain against Iran by an application addressed to the Registrar in accordance with Article 40 of the Statute of the Court. Subsequently, on June 22, Great Britain submitted a request to the Court to indicate certain interim measures of protection calculated to prevent damage to the property and interests

⁶ P. B. Potter, *Introduction to the Study of International Organization* (New York, 1948, 5th ed.), pp. 269-270.

⁷ See previous discussion, "The Alternative to Appeasement," in this JOURNAL, Vol. 40 (1946), p. 394.

¹ For text, see below, p. 789.