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Enforcing International Law: A Way to World Peace

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how to deter any potential Soviet plans for expansion on European territory.

Many believed that the only viable deterrent available after 1945 was the atomic bomb. The delivery vehicle to be employed was the large strategic bombers of the Army Air Forces, which recently emerged from the successes of Germany and Japan. Lieut. Colonel Harry Borowski states that while historians generally have credited America's strategic air arm with singlehandedly holding the Soviets at bay during the late 1940s, they were mistaken because at the time that air arm was incapable of carrying nuclear weapons to Soviet soil.

The wartime chief of the Army Air Forces (AAF), General H.H. Arnold, believed the three postwar priorities of his service were autonomy, continued research and development, and a strong air arm capable of strategic bombing. AAF leaders felt that the demonstrated ability to carry out the strategic bombing mission was essential in order to achieve autonomy. Impinging on these priorities were demobilization and President Truman's comparatively small postwar defense budgets that placed severe constraints on continued R&D efforts.

Nonetheless, the separate air force was established in 1947, with strategic bombing vested solely in the Strategic Air Command. Unfortunately, creation of the command did not insure that capability. Under General George Kenney's leadership, SAC struggled during its first two years of operation. Grave personnel and tech-

nical problems, as well as uncertain national policies on the use of atomic weapons, compounded the difficulties in producing a viable atomic capability.

The author holds that it was the US airlift, not US atomic power, that prevented the Berlin blockade from spreading into further Soviet action. Despite repeated intelligence estimates of the Soviet intentions to initiate another war, it was only with the naming of SAC's second commander, General Curtis LeMay, that the Air Force began to develop a true atomic capability. But even that failed to defer the North Korean invasion of South Korea in 1950.

Making excellent use of National archives and Strategic Air Command historical documents as well as oral history material covering the period, Lieut. Colonel Borowski provides an interesting look at the development of US atomic development between 1945 and 1950. Yet, though he establishes his case for the "hollow threat," he leaves with an unanswered question: what actually deterred the Soviets from taking more aggressive action during those years?

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Ferencz, Benjamin B. *Enforcing International Law: A Way to World Peace. A Documentary History and Analysis.* Dobbs Ferry, N.Y.: Oceana, 1983. 2 vols. 891pp. \$90 the set.

In 1975 Benjamin Ferencz brought forth *Defining International Aggression: The Search for World Peace, A Documentary History and Analysis* (Oceana, 2

vols.), two volumes of discussion and documents presenting the historical evolution of the attempts of the international community to define the term "aggression," attempts which culminated in the 1974 Resolution of the General Assembly of the United Nations. 1980 saw the publication of *An International Criminal Court: A Step Toward World Peace, A Documentary History and Analysis* (Oceana, 2 vols.), two volumes of discussion and documents presenting the historical evolution of the attempts, still unsuccessful, to establish an international criminal court in which individuals could be tried for aggressive acts, acts disturbing world peace. Now, in 1983, there has appeared *Enforcing International Law: A Way to World Peace, A Documentary History and Analysis*, two volumes of discussion and documents presenting the historical evolution of methods recommended or adopted over the centuries to encourage or to compel nations to abide by the norms of conduct prescribed for states. This set of volumes completes the Ferencz trilogy, his contribution to the efforts to make the twentieth-century world a safer place in which to live, one where the scourge of war will be the exception rather than the rule.

Volume I begins with a 79-page essay, followed by 35 documents which cover such diverse sources as the classical writers on international law (Ayala, Belli, Grotius, Vattel, etc.) in the sixteenth and seventeenth centuries, to the discussions in the Council of the League of Nations in the late 1930s on the Treaty of

Locarno, the Spanish Civil War, and other activities of the League of that period. Volume II begins with a 72-page essay, followed by 42 documents which cover the period from the 1944-1945 proposals for a new international organization, the United Nations, to the 1975 Final Act of Helsinki. Thus we have the record of four centuries of efforts by publicists and governments to control the use of war as a means of settling international disputes by searching for viable methods of enforcing international law short of war—efforts which, unfortunately, have been largely unsuccessful.

There are, and there always will be, states which abide by the rules of law in their international relations and states which, when it suits their interests, do not. When the larger, more powerful, nations are not united in their desire to prevent war, when one of them is solely interested in world domination, when it encourages and supports armed conflict wherever found, when it demonstrates that it does not consider its activities restricted by the accepted rules of international law and relations, when it enters into treaties with no intention of complying with any restrictions therein contained which would limit its unpeaceful activities, then the objective of preventing recourse to armed conflict as a means of settling international disputes is a chimera which law-abiding states should by all means pursue—but from a position of strength, not weakness.

While Ferencz's trilogy in general,

and *Enforcing International Law* in particular, unquestionably is successful in its objective of demonstrating that for centuries mankind has sought ways and means of enforcing the law between nations without the use of the ultimate enforcer, war, regrettably, it even more clearly demonstrates that up to this point in history mankind has had minimal success in this area. This is not to say that works such as those of Benjamin Ferencz, works which demonstrate the need to exert every possible effort to secure the peaceful enforcement of international law, are merely a spinning of wheels. On the contrary, they are absolutely essential if the enforcement of international law is eventually to be moved *in toto* from the battlefield to the conference table or the court room. We are indeed fortunate to have a Benjamin Ferencz to highlight the problems and to point the way.

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Kendall, Lane C. *The Business of Shipping*. 4th ed. Centreville, Md.: Cornell Maritime Press, 1983. 485pp. \$18.50

During this period of enhanced interest in seafight, strategic mobility and the plight of the US merchant marine, Lane Kendall's work provides a timely primer for those who would like to know more about this multifaceted industry. Now in its fourth rendition—the original was published ten years ago—*The Business of Shipping* is more than an update of previous editions.

Kendall includes new chapters on containerization, the phenomenon which has turned the ocean cargo business upside down. He examines this revolution in detail. Revolution it is: it grows by leaps and bounds as more ports add specialized cranes and as larger ships join the fleet, each ship carrying more cargo, thereby displacing smaller ships on a ratio of 1:3 or more. He has updated and revised other chapters and cites recent examples in illustrations of developments. He even refers to the Falkland Islands hostilities and their impact on shipping.

Other welcome changes are an easier to read typeset and the grouping of all footnotes and references in a separate Notes section immediately preceding the Index, which facilitates cross-referencing.

Fortunately for the reader, Mr. Kendall has retained his chapters on Tramp Shipping and Chartering virtually unchanged. His lucid treatment of these fascinating operations should be of interest to even the casual reader. His description of the Baltic Exchange and the determination of charter parties is particularly interesting.

Entertaining, easy reading and informative; lacking, perhaps, only in a chapter on issues of maritime labor, this book certainly meets the author's hope expressed in the preface that the reader ". . . gain greater understanding of a worthwhile way of life"

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