

# Naval War College Review

---

Volume 16  
Number 4 *December*

Article 1

---

1963

## December 1963 Full Issue

The U.S. Naval War College

Follow this and additional works at: <https://digital-commons.usnwc.edu/nwc-review>

---

### Recommended Citation

Naval War College, The U.S. (1963) "December 1963 Full Issue," *Naval War College Review*: Vol. 16 : No. 4 , Article 1.  
Available at: <https://digital-commons.usnwc.edu/nwc-review/vol16/iss4/1>

This Full Issue is brought to you for free and open access by the Journals at U.S. Naval War College Digital Commons. It has been accepted for inclusion in Naval War College Review by an authorized editor of U.S. Naval War College Digital Commons. For more information, please contact [repository.inquiries@usnwc.edu](mailto:repository.inquiries@usnwc.edu).

# NAVAL WAR COLLEGE REVIEW

VOL. XVI, NO. 4

DECEMBER 1963

## CONTENTS

MILITARY CONSIDERATIONS IN NATIONAL STRATEGY . . . . .	1
Vice Admiral Bernard L. Austin, U.S. Navy	
THE SOVIET VIEW OF INTERNATIONAL LAW . . . . .	16
Professor Leon S. Lipson	
Recommended Reading . . . . .	37



## SPECIAL ATTENTION TO THE READER

The material contained herein is for the professional education of officers of the naval service. The frank remarks and personal opinions are presented with the understanding that they will not be quoted. It shall not be republished or quoted publicly, as a whole or in part, without specific clearance in each instance with both the author and the Naval War College.

*Naval War College Review* was established by the Chief of Naval Personnel in order that officers of the service might receive some of the educational benefits of the resident students at the Naval War College. It must be kept in the possession of the subscriber, or other commissioned officer and should be destroyed by burning when no longer required.

The thoughts and opinions expressed in this publication are those of the author, and are not necessarily those of the Navy Department or of the Naval War College.

NAVAL WAR COLLEGE  
REVIEW

Issued Monthly  
U.S. Naval War College  
Newport, R. I.

## MILITARY CONSIDERATIONS IN NATIONAL STRATEGY

An address delivered  
during the  
Fifteenth Annual Global Strategy Discussions  
on 11 June 1963

by

Vice Admiral Bernard L. Austin, U.S. Navy  
President, Naval War College

At dawn, 2,400 years ago, a desperate group of refugees from Athens cowered in fear on a rough and rocky island in the Bay of Salamis. On their left they could see the small Greek fleet, their last hope, drawn up in the bay, awaiting battle. On their right they could see the vast Persian fleet, poised for attack. In the minds of those Athenian refugees there could be no question as to the relation between military power and national security—they were obviously one and the same on that fateful morning. The trust imposed by the Greeks in their wily admiral, Themistocles, was absolute. As attested by the great era of Greek culture which followed the battle of Salamis, Themistocles did not fail them.

One hundred and fifty years ago this summer, in an obscure wilderness port by an inland sea, a young naval officer struggled against incredible odds to build, equip, man, train, and fight a fleet of tiny wooden ships. The glorious victory of Commodore Oliver Hazard Perry on Lake Erie in 1813, which saved the American West from invasion by the British, made such a direct and obvious contribution to national strategy and security that Perry was at once acknowledged as one of our immortal heroes.

Now we stand in this, the second decade of the Cold War. The frontier wilderness of Perry's day is no more. Yet today we dwell in a new wilderness, a troubled wilderness, in which bright new promise is offset by the threat of swift destruction, a baffling wilderness that turns victories hollow, a dark wilderness that makes it hard to tell when strong action may not be wrong action. In such an environment what considerations are significant regarding our military power and its relation to our national objectives?

Let us assume that we know pretty well what our objectives are, what the objectives of our adversary appear to be, and with

what capabilities he should be credited; in short, let us assume that we have a considerable degree of understanding of the broad political and intelligence aspects of the situation.

Based on these assumptions, my remarks will fall under three headings:

1. What are our own military capabilities?

2. What are the characteristics of our current and prospective environment that need analysis?—and,

3. What considerations relating to the employment of military power are of special significance under the circumstances in which we find ourselves?

\* \* \*

I. For a rapid sketch of our military capabilities, here are three brief extracts from the statement made by the Secretary of Defense to the House Armed Services Committee in January of this year:

1. As to the posture of our strategic retaliatory forces, Mr. McNamara said: 'There is no question but that today our strategic retaliatory forces are fully capable of destroying the Soviet target system, after absorbing an initial surprise attack.'

2. As to general purpose forces, he put it this way:

Presently programmed forces, in general, could, by non-nuclear means alone, counter a wide spectrum of Sino-Soviet bloc aggressions in regions other than Europe. With regard to Europe, the presently programmed U.S. forces, together with the present forces of other NATO countries, would not be able to contain an all-out conventional Soviet attack without invoking the use of nuclear weapons.

3. With respect to future strategic retaliatory forces, he stated that there is evidence that the Soviet Union is hardening and dispersing its ICBM force and building a significant number of nuclear-powered, ballistic missile-launching submarines, and added:

Even if we were to double and triple our forces, we would not be able to destroy quickly all, or almost all, of the hardened ICBM sites. And even if we could do that, we know no way to destroy the enemy's missile launching submarines at the same time. We do not anticipate that either the United States or the Soviet Union will acquire that capability in the foreseeable future. Moreover, to minimize damage to the United States, such a force would also have to be accompanied by an extensive missile defense system and a much more elaborate civil defense program than has thus far been contemplated. Even then, we could not preclude casualties counted in the tens of millions. . . . What we are proposing is a capability to strike back after absorbing the first blow.

Though there is a great deal more that might be said concerning our current and prospective military capabilities—and, indeed, Mr. McNamara's statement ran over 150 pages in length—I propose that we use those three extracts from his statement as a point of departure, and turn now to a consideration of aspects of our environment, an analysis of which is pertinent to our understanding of the overall problem of our nation's security.

II. It has become a cliché to say that we live in a world of change, a world in ferment; to say that we live in an age of revolution.

Change is becoming so familiar a part of the daily scene there is danger we may take it for granted.

Yet this is the keynote of the environment in which our military power must seek to make its contribution to our national strategy: a world of change; swift change, runaway change; change on a scale and of a scope totally unprecedented in the history of the human race.

Against a vista that sweeps far off into the distance of change unceasing, change compounded and recomounded, how stands our military strength?

To answer that question requires that we explore in some detail the dynamics behind the unstable environment in which we dwell.

The technological explosion is one of the most obvious and impressive of the sources of change; it is technology that has put

us, in the memorable words of Secretary of State Rusk, 'eyeball to eyeball' with an adversary who dwells on the other side of the globe. It is technology that produced nuclear weapons, and technology that led to the condition described as nuclear stalemate. We are all familiar, in the main, with technology's effect on our principal weapons of warfare: on the substitution of missile systems for guns and, to a considerable degree, for aircraft as well; on the development of nuclear propulsion and of the true submersible. Less familiar to many of us, but just as far-reaching in its ultimate effect, is the extent to which our combat forces, our fleets in particular, are becoming computerized and automated. Our combat forces are linked together and thus enabled to cope with enemy attack from any quarter by elaborate command and control systems whose complexity and sophistication increase by leaps and bounds.

The fantastic impact of technology in recent years can be brought into perspective by noting the estimate that human knowledge in the sciences has doubled about every seventeen years since 1700, whereas our knowledge in those subjects referred to as the humanities has been doubling only every fifty years. This works out roughly to give us 65,000 times as much knowledge today in the technological field as we had in the year 1700. It gives us only 64 times as much knowledge as we had in 1700 in the humanities. This raises the question as to whether or not we are receiving technological advances faster than we are developing the capability to best adapt them to the needs of humanity.

It is safe to say that the ever-accelerating pace at which man is overcoming the restrictions that were once imposed by his natural environment is causing many far-reaching modifications in man's social environment. For one thing, as a more or less direct result of better nutrition and modern medicine, the world's population is increasing at a rate which is causing concern in many quarters. Within the next third of a century, the world's population will double from what it is this morning. It can be shown, that, were the present population growth to continue for the next one thousand years—that is for the next fifty generations—there would not be enough land on the whole globe to allow each person in the year 2963 to place even one of his two feet on dry ground!



We need not concern ourselves too much this morning about the year 2963. It will suffice to take note of the fact that, over the last one hundred years, the earth has suddenly become crowded, and that it promises to become more so, in the not-too-distant future. The pressure of population expansion, and the realization of an even greater pressure to come, if we don't do something about it, are unsettling influences in various parts of the world. This is especially true in countries where technological advances have been applied for the benefit of the privileged few, while the lot of the bulk of the people is continued poverty, ignorance, and despair.

Another social consequence of the technological revolution is the increasing awareness that people everywhere have of conditions and happenings elsewhere in the world. This increasing awareness has been brought about by modern methods of transportation and communication, and these methods have penetrated into practically every corner of the world. The recent successful intercontinental communications by Telstars I and II constitute one of the later quantum jumps in this field. The potential of communication satellites staggers the imagination. Just think—a man now on one continent in darkness can see the sunrise thousands of miles away on another continent by television.

These modern innovations not only telescope distances, but provide depth of cumulative knowledge. For the first time in history, the present generation can hear the words of wisdom of a past generation, not as seen by others, nor as put together by others, not through the lips of interpreters, but from the greats of the past themselves with the high fidelity of the tape recorder.

The growing awareness of conditions, events, and actions everywhere, however, is contributing much strain to social institutions throughout the world. People with low incomes, in nations that have little modern industry, are made impatient with their status by the awareness of relatively high standards of living elsewhere. Some current writers refer to this situation as the revolution of rising expectations. Not long ago, mob rule was pretty much confined to the size of a mob which could hear one man's natural voice. But now, as events over the past half century would indicate, control and clever use of mass media make it possible to excite and sustain mob rule of national and even international dimensions!

These, gentlemen, are but a few of the social consequences of the rapid changes that are taking place in the era in which we are living.

Now, the thought I wish to suggest here is that all institutions, and all individuals, in the world today are under the strain of having to adjust to new and rapidly changing conditions, I suggest that the seething change in our world has origins not necessarily in Marxism or in the Kremlin, but in the march of science and freedom that has been so pronounced during the last few hundred years. The great changes that are occurring are the continuing results of the spirit of inquiry, industry, and progress that has flourished wherever free institutions have replaced the repressive authority that was once wielded by any means whatever--it may have been feudal mobility, secular clergy, or absolute rulers. In this view of history, Marxism is only an aberrant offshoot from the main current of human progress--and Soviet communism is clearly a movement backward to centralized, absolute authority. These, then, are some of the manifestations of the dynamics behind the unstable world of change in which we dwell. Against such a background, we seek to maximize the contribution of military power to our national strategy.

Thus, we now are ready to turn to considerations relating to the employment of military power which might sometimes be overlooked or undervalued.

III. Our military undertakings are familiar to us all under the strategic concept of deterrence--deterrence across the entire military and paramilitary spectrum. This strategy seems to have attained a degree of success.

The Soviet Union, in spite of menacing moves in Berlin, Greece, Iran, Cuba, and elsewhere, has not attacked. In spite of superiority in conventional forces on the ground in Europe, the Soviets have not attempted to carry out any of their oft-repeated threats by force of arms. Yet, if we are to be worthy of calling ourselves hardheaded military strategists, or realistic civilian strategists, we must be prepared to continually reassess the situation, to look at it skeptically, to attempt to evaluate how much of what we see is affected by what we wish to see. In introducing this general subject, one caution is in order.

My purpose this morning is not to generate controversy, nor in any sense to cast reflections on current strategic planning.

Rather I seek to stimulate, for discussion purposes this week, the relentlessly searching type of examination of all factors of the situation, in a manner such as we habitually use in our military planning process.

From bitter experience, military planners have learned, for example, the danger of trying to make an inspired guess at enemy intentions, rather than setting down all courses of action open to them and then determining, not one, but all courses which might be followed. We have only to consider the strategy of France in the years between the wars to remind ourselves that the capacity for self-delusion can be disastrous. Are we in danger of developing a Maginot mentality?

What characteristics in the current situation can we identify that are worthy of emphasis? Here are a few which I suggest.

The first of these is the probability of surprise. We should be mentally prepared for the probability of surprise, rather than its mere possibility, simply because history contains so many examples of startling developments. Perhaps it is that we keep hoping things will get better instead of worse; perhaps it is that we are incurable optimists who persist in believing that aggressive nations have changed their ways merely because they are temporarily quiet or seem momentarily agreeable. In any event, the record shows that our public at least, and on occasion our national government as well, has experienced many rude and disagreeable surprises. I need only mention Pearl Harbor and Korea, though the list is a long one.

Then, of course, there has been a whole series of technological surprises: the Soviet detonation of an atomic device in 1949, and of a hydrogen bomb in 1953, and the stunning surprise of the launching of Sputnik I, on 4 October 1957.

Cuba has been full of annoying surprises. Even the behavior of the Common Market, and certain trends within a resurgent Europe, have disquieting aspects. For such reasons, therefore, I suggest we keep in mind the probability of surprise.

The second element in our situation which warrants recognition and evaluation is the need for strategic discontent, the need for conceptual dissatisfaction. Because of the probability of surprise, it is important for those pondering the employment of our military power in support of our national strategy to be suspicious

of pat answers, and alert for signs of 'set piece' strategic thinking. As an example of what I have in mind, consider the concept of 'limited war' as it is reflected in current periodicals. For the past seven or eight years, the idea of limited war has received a great deal of attention due largely to what some regard as an overemphasis at one time of a general war capability.

Just how clear are we in our own minds as to the possible types of conflict that might be included under the term, 'limited war'? Do we just mean a rather tidy little war that is preferably not nuclear at all? What about war at sea that does not come ashore? Consider the vital importance to the Soviets of gaining control of the sea at least for a limited time under certain conditions—such as during the Cuban crisis of last year, or during the Congo crisis the year before. What about nuclear war at sea—need it necessarily escalate? Are we, in short, prepared to face up to the broad range of capability our adversary has or may develop, under the deceptively mild-sounding title of 'limited war'?

The skeptical, critical powers of the analytic military mind need to exercise ceaseless vigilance to the end that we are not lulled by what may happen on the diplomatic and political fronts. Though we in the military are firmly convinced that all aspects of our national strategy must be effectively co-ordinated to make full contribution to the achievement of our national objectives, still it must be remembered that the means and methods, and even philosophy, behind these various strategies are bound to differ.

It is the job, for example, of the diplomat to be endlessly hopeful, to admit to despair only as a tactic, to believe wholeheartedly in the wonder-working powers of the art of negotiation, even when it is obvious that not all of the parties are negotiating in good faith.

The military strategist, on the other hand, must at all times be ready to promptly and effectively bring our military forces into play when, and if, the diplomats are unable to solve the problem short of military action. Take, for example, the matter of evaluating the effectiveness of our strategy of deterrence. Though it seems to have been effective, in the main, there is no way of knowing how effective it really is. Consider for a moment the possibility that this strategy is far more successful than we dream. Assume that Soviet Russia contains a dynamic that drives her to expand, to reach out in one way or another.

Assume also that not only is West Berlin walled out from the East, but that the East is to an even greater degree walled in, and that the Soviet Bloc is caged behind its own Iron Curtain, due to the power and resolve of the West.

In what ways, then, could the Soviet dynamic express itself? There are precious few worthwhile options left on the ground. Only two outlets would then be left: the sea and the sky. Soviet Russia's crash exploitation of space could be in part at least an expression of the effectiveness of our strategy of deterrence. The Soviet drive to the sea could be another. The sea is the broad highway to most of the underdeveloped world. The sustained growth of the Soviet merchant fleet—a sevenfold increase since 1945—is perhaps an even more significant clue to future Soviet strategy than her fleet of submarines. This line of reasoning, then, would suggest the conclusion that, in pursuance of our objective of the orderly development of the underdeveloped world, the Navy should prepare for an increasingly important role in insuring control of the seas.

The third element in our current situation which requires constant emphasis is the necessity to make the right choices among new weapon systems which science and technology offer in such profusion. Today our weapon systems are increasing in lethal effect at a much more rapid pace than in the past. Not only is the magnitude of lethal effect changing with greater rapidity, but the defense against each new weapon must change with similar rapidity, to be worth what it costs in scientific man-hours and tax dollars. Today it is more important than ever to correctly judge 'how' and 'when' technological change is to be incorporated in our weapons and hence in our strategy. Never before has it been so evident that the act of making a wrong decision on a weapon system might well be a step toward national suicide.

Decisions on weapons should not be made by military men alone, but military men have great responsibility to make available to those charged with making the decisions, the professional military advice without which such decisions cannot be timely and correct.

The fourth element to which I would direct your attention also has to do with technology, but in a much different way. I am referring to the possibility we may be suffering from an overdose of technology. While on the one hand it is obviously vital that we capitalize on the full contribution of technology to our national

defense, is it not possible that, in some respects, we show signs of suffering from what might be called 'technological hypnosis'? My point here is that through technology, great new capabilities are offered as well as limitations imposed. Technology itself has its own limitations and should not be relied upon to provide all the final answers.

The fifth element in our current situation which requires emphasis is the necessity for service representatives to put national interest ahead of service interest. In fact, rightly viewed, the two should not conflict. We need strong advocates for everything that has to do with our national security. The more enthusiastic and persuasive a service advocate is for his service's most cherished weapon system, the more he should be appreciated.

But those military men who are assigned positions requiring that they advise on which weapon systems are best suited for specified purposes must then consider which systems are best for their country and not just for their services. Their eyes must not be blinded by service loyalty; their eyes must be able to see the greater goal for which all services strive: the security of our country. Nothing which is inconsistent with that goal is worthy of support. On the other hand, the word 'parochial' has become such a loaded term that a service spokesman may even feel constrained against speaking up on matters affecting his service which his professional background of experience and training convinces him should be discussed.

While fully appreciating the part to be played by the other services, I hold a deep conviction that naval power is making, and will continue to make, a vital contribution to our national security, as either a component of the unified command system, or in support of the other military services, or on its own. I am encouraged in my view by the fact that in the military establishment itself, indeed in our nation as a whole, there appears to be a growing realization that our greatness will be found, not in everyone becoming exactly like everyone else, but in each individual, each community, each ethnic group, each military service, making its own unique and distinctive contribution to our national strength. To this higher unity, I feel the military services can wholeheartedly subscribe.

#### IV. CONCLUSION

We have now arrived at the crucial question in relation to the military contribution to national security. That question is, What is the most meaningful way to measure or assess our military power?

One means of evaluating military power has to do with measuring all the quantitative aspects of opposing weapon systems and the circumstances of their employment. Stemming from this type of evaluation are such measures as cost effectiveness by which the cost of competing weapon systems can be compared.

Also related to this same type of measurement is the closed-type of computerized war game in which many factors of a human or irrational nature are suppressed. Such schemes for assessment of power by quantitative means I will refer to as measures relating to combat potential.

Relative combat potential has been a useful type of comparison for centuries. Such factors as numbers and sizes of opposing fleet units, numbers and ranges of opposing guns, comparative weights of broadside—these were matters of concern to Perry at Lake Erie, to Drake and Hawkins preparing to sail forth against the oncoming Spanish Armada, and, though in different form, to the Greeks and Persians at the battle of Salamis. Yet, as every schoolboy knows, since the beginning of time it has not necessarily been the force with the greatest measurable combat potential that has prevailed. Drake and Hawkins would otherwise never have dared engage the immensely superior combat potential of the Spanish Armada. Nor would the Greeks at Salamis ever have dared seek battle with the overwhelmingly superior combat potential of the Persians.

So the quantitative concept of combat potential itself is not enough. I suggest that especially is this true in this era of complex weapon systems. Complex systems do give great advances in capabilities, it is true, but they make their effective employment not more simple, but infinitely more complex and demanding on the officers and men who man them. The crucial quality involved in determining how strong we are is not alone combat potential, not alone cost effectiveness, but rather combat readiness. Certain aspects of readiness can be measured to some degree, but other important aspects of it are intangibles that are not well suited to assessment by the quantitative approach.

As I conceive it, combat readiness would include not only an estimate of the measurable potential of opposing forces, but would also include these elements:

Character and leadership qualities of the commander.

Courage, dedication, and morale of personnel.

State of training.

Degree of professional competence.

Mental flexibility; freedom from stereotyped thinking.

It is in matters relating to combat readiness that the military leader makes his unique and vital contribution to national security. In this process he receives invaluable reinforcement from the shared tradition, loyalty, and expertise of his parent service. The responsibility of the military leader is to train, maintain, evaluate, and employ the combat readiness of his assigned forces. No one else can perform these functions for him.

With two examples of true combat readiness I shall close: Perry at Lake Erie and Themistocles at Salamis.

Oliver Hazard Perry's victory in the Battle of Lake Erie was minimized by the young Theodore Roosevelt, in a book published just two years after he had graduated from Harvard. Because the guns of the American fleet hurled a heavier weight of metal than those of the British—because, in short, the combat potential of the Americans was greater, the young Roosevelt stated, 'It would have been a disgrace to have been beaten.' For him, the decisive quality involved was superior combat potential. In my opinion, he failed to comprehend the unpredictable hazards of actual combat as opposed to theoretical or ideal combat. For me, and I believe Teddy would have agreed in his more mature years, the truly decisive quality at Lake Erie was the inspired combat readiness of the commander. It is for this we honor him. With his flagship a helpless wreck, with four fifths of his officers and men killed or wounded, with all his guns silenced, it was Perry's boldness, his mental agility, his burning will to win, that led him to undertake the daring feat of transferring his flag under fire to an undamaged and dilatory unit of his fleet, bringing it into action, and thereby winning the battle which was all but lost.



Combat potential is a help in estimating odds, in preparing for battles, but only combat readiness can win them.

At Salamis, little did the overwhelming combat potential behind the ambitious young Persian king, Xerxes, avail him against the superior combat readiness of the Greeks. Their admiral, Themistocles, had devised a plan to turn the greater combat potential of the Persians to their disadvantage by tricking them into a fight in narrow waters. Little avail to Xerxes then his mighty palace guard of secretaries, soothsayers, and diviners of dreams; of little avail his throne of gold set high above the bay, from which he exercised personal supervision and centralized control.

Let us, therefore, strive to have superior combat potential but let us never forget the importance of combat readiness and the part man plays in it. Since the days of Salamis, battles have been won many times by the side with the lesser combat potential, but only when it possessed the superior combat readiness. Yes, combat potential is a help in estimating odds and in preparing for battles, but only combat readiness can win them.

## BIOGRAPHIC SKETCH

Vice Admiral Bernard L. Austin, U.S. Navy

After graduation from the Naval Academy in 1924, Vice Admiral Austin was assigned to the Bureau of Ordnance, Navy Department, Washington, D.C., for temporary duty under instruction at the Naval Gun Factory, the Naval Proving Ground, Dahlgren, Va., and at the Naval Powder Factory, Indian Head, Maryland. Completing his instruction in August 1924, he joined the *USS New York*. Between July and December 1926, he had instruction at the Naval Torpedo Station, Newport, Rhode Island, followed by submarine training aboard *USS Chewink*, station ship at the Submarine Base, New London. In July 1927 he joined the submarine *R-10*, based at Pearl Harbor, T.H., and in June 1929 was transferred to the submarine *R-6* in which he served until May 1931.

The three succeeding years he was an Instructor in the Department of Electrical Engineering and Physics at the Naval Academy, Annapolis, Maryland. Returning to sea in May 1934, he commanded the submarine *R-11* until June 1937, and the next six months served as Executive Officer of the *USS Potomac*. In December 1937 he became Press Relations Officer, Navy Department, Washington, D.C., and remained in that capacity until August 1940, when he was assigned duty as Special Naval Observer at the American Embassy, London, England. He commanded the *USS Woolsey* from February to December 1942. After fitting out the *USS Foote*, he assumed command of that destroyer upon her commissioning, December 22, and in May 1943, became Commander Destroyer Division 46.

In December 1943 he reported as Commander, Destroyer Squadron Fourteen, and with additional duty as Commander Destroyer Division Twenty-seven, and on April 15, 1944, was transferred to duty as Assistant Chief of Staff for Operations and Training on the staff of the Commander Destroyers, Pacific Fleet. On June 9, 1944 he became Assistant Chief of Staff for Administration to the Commander in Chief, Pacific Fleet and Pacific Ocean Areas.

On October 25, 1945 he was ordered to duty in the Office of the Chief of Naval Operations, Navy Department, and in December of the same year, was assigned duty as Navy Secretary of the

State-War-Navy Coordinating Committee. Completing the course at the National War College, Washington, D.C., in June 1947, he was detached to duty as Assistant to the Assistant Chief of Naval Operations for Politico-Military Affairs, Navy Department. He served in that capacity until October 1949, when he went to England for special duty for one year.

In January 1950 he was designated Commander Service Squadron One, and in July was sent to the Western Pacific to organize and command Service Squadron Three. In May 1951 he became Assistant Director, International Affairs Division, Office of the Chief of Naval Operations, and from February 1952 to March 1954 served as Director of that Division. He then reported as Commander, Cruiser Division Two, and in April 1955 joined the staff of the Supreme Allied Commander, Europe.

On March 15, 1956 he became Director of the Joint Staff Office, Joint Chiefs of Staff, Washington, D.C. On May 5, 1958 he assumed command of the Second Fleet with additional duty as Commander Strike Fleet, Atlantic and in February 1959 was ordered detached for duty as Deputy Chief of Naval Operations (Plans and Policy), Navy Department. In June 1960 he was ordered to duty as President of the U.S. Naval War College in Newport, Rhode Island.

Among his many medals and decorations, Admiral Austin holds the Navy Cross with Gold Star in lieu of a Second Navy Cross, the Distinguished Service Medal, the Legion of Merit, the Bronze Star with Combat 'V,' and the Ribbon for the Presidential Unit Citation.

## THE SOVIET VIEW ON INTERNATIONAL LAW

A lecture delivered  
at the Naval War College  
on 4 September 1963

by

Professor Leon S. Lipson

You have already heard something on this subject in yesterday's lecture and in yesterday's classes. Indeed, in listening to Admiral Mott and Professor Sohn I felt myself being gradually pre-empted. I understand that Professor McWhinney also made some pertinent observations, and I had half a mind to abandon any presentation in chief this morning in favor of asking at once for questions from the floor, but the other half of my mind told me that you deserved a slightly more systematic, or at least a slightly longer presentation. In the first part of our time this morning, then, I should like to take you rapidly through the development of Soviet international law in its historical setting, describe some salient features of contemporary Soviet international law, dwell at some length upon the so-called principles of peaceful coexistence, and hazard some speculation on the future.\*

The background of Marxist-Leninist theory with which Soviet international law began permitted, and indeed required, an analysis of the contemporary nation-state system from without. So long as a Soviet analyst could in thought remain outside the system, he found not much difficulty with the conundrum that has troubled so much of the writing about international law since the fictions of medieval universality broke down; that is, the problem to which you addressed yourselves yesterday afternoon, of the efficacy and even the existence of international law in the absence of a single compelling enforcement machinery. That problem has seemed especially acute to Western scholars under the influence of what they thought to be the implications of Austinian positivism. It was taken care of in early Soviet terms by a theory of the organization of society which refused to look on states as the ultimate aggregates of legitimized power. Instead it emphasized the controlling role of the bourgeoisie, a class that was supposed to overlie all society, regardless of political boundaries, in those parts of the world which had attained to industrial civilization. We must remember that one of the reasons for calling upon the proletarians of the world to unite was that it

---

\*Source references omitted.

was assumed that for many purposes the bourgeoisie of the world were already united.

International law in a bourgeois setting, so the theory ran, was sanctioned by the transverse power of the global bourgeoisie up to the point where imperialistic conflict, caused by the growing contradictions of capitalist society and capitalist economics, was expected to lead to a breakdown of the system and open the way for a proletarian revolution and the establishment of socialism. Under this analysis, international law is trivial until the moment it becomes obsolete.

Before and for some time after its occurrence, the Russian revolution was expected to touch off a continuing series of revolutions in the more industrial countries of, at least, continental Europe. As Taracouzio put it:

With . . . the advent of a single world-wide denationalized, classless society, there [would] be no place for a system of law regulating the international life of independent states. International law [would] be converted into a purely domestic inter-Soviet law, a federal law for a world-wide union of Soviet Socialist Republics.

It was no accident—to use a favorite Soviet phrase that is typically redundant, for under the philosophy of dialectical materialism it never is an accident—that the name given to the new federation at the time of its official formation at the end of 1922 contained no geographically limiting term. ‘Union of Soviet Socialist Republics,’ while the word Soviet betrays its Russian origin, is in principle capable of expansion without incongruity to embrace any territory on earth, or beyond.

Events in the first five years after the 1917 Revolution required a modification of these perspectives. The revolution did not spread to all of Europe, though there were brief episodes in Germany and Hungary. Conflicts on the perimeter of the former Russian Empire with national and anti-Bolshevist forces along the Baltic coast, in Poland, and in the Caucasus led to temporary independence for some and to inclusion within the federation for others. Foreign intervention in Russia by some fourteen states from 1917 to 1922, aimed first mainly at supporting the forces continuing the war against Germany, later at safeguarding lives and property of foreigners and (in a confused and ineffectual way)

assisting the efforts of anti-Bolshevist armies, may have helped to teach the Bolshevik publicists gradually that national boundaries can be ignored in more than one direction and that territorial integrity has its uses.

The stabilization of the international situation in the early twenties included on the Soviet side a partial settling-down to statchood. For strategic reasons it proved necessary to coexist temporarily with other states that remained opposed to the Bolshevik revolution; for economic reasons it was necessary for the young, ravaged, and very poor Soviet state to establish commercial relations abroad. True, Lenin and his successors have presented the case as though the economic necessity constrained not the Soviet Union but the outside world; but that was a common turn of Soviet, particularly Leninist, argumentation that did not affect the substance.

In this state of affairs, Soviet Russia necessarily became a part of the international community that its leaders analyzed and assailed. Unable thenceforth to denounce all existing rules and processes of international law, the Soviet writers appealed openly to expediency as the principle of selection. As a Soviet writer remarked at the time:

The situation became rather ambiguous. On the one hand, Soviet Russia openly and loudly declared its denunciation of all treaties inherited from Tsarism and the Government of Kerensky, of all secret conventions, military debts, privileges of exploitation and imperialist obligations, and on the other, its official representative often demanded the execution of minor agreements, referring to the fact that beneath the text were affixed the seal and the signature of the Imperial [Tsarist] Ambassador.

As the strategic retreat of the New Economic Policy in 1921-1928 required some limited encouragement for foreign technicians and supply contracts, it was discovered that even the dictates of expediency can lead in different directions for the short term and the long; in the longer-term interest of the Soviet Union it was thought to be expedient to display—and here the etymology is intentionally convergent—the status and stability of a state. Thus we saw the development, in the mid-twenties, of ‘The International Law of the Transitional Period,’ in which an attempt was made to reconcile the millennial perspectives of pre-Revolutionary

Marxist-Leninist theory with the contemporary coexistence of the Soviet Union and surrounding, or encircling states. At this time, the attitude of the Soviet Union to the traditional norms of international law was said by the conciliatory wing of Soviet international jurists to be what we might call consistently inconsistent, in the sense that the Soviet Union took what it liked and rejected what it did not like in conformity to its general policies. Thus the Soviet Union was said to 'exclude' such notions as extra-territoriality, special concessionary privileges, and mandates; the Soviet Union 'selected,' meaning chose to accept, such institutions at consular and diplomatic immunities; the Soviet Union 'interpreted' other doctrines of international law as its interests dictated.

The differentiated attitude toward traditional doctrines of international law assured the conformity of doctrine to current foreign policy. It also, however, presupposed an awkward concession on what in the martial Soviet terminology was known as the theoretical front. Here you must, for a minute or two, wander with me through the thicket of Marxist dialectic. It had been accepted teaching that social institutions, including law, must belong either to the base or to the superstructure. The base included pre-eminently the relationships of production. Between base and superstructure was a causal connection, operating preponderantly in one direction: the base determined the superstructure, though it was at times conceded that in some respects the superstructure might have a back-influence on the base. But if anything was central to the Soviet Marxist catechism, it was that the base, in the Soviet Union, differed fundamentally from the base in the countries of capitalism. That served as a convenient polemical framework in the Soviet comparative analysis of internal legal systems; but it seemed to imply that the same international law could not exist for the Soviet Union as for 'bourgeois' countries. The dilemma was that if international law belonged to the superstructure, states with different bases could not be acknowledged to agree upon international rules so long as it remained dogma that base determines superstructure; but if one assigned international law to the base, then one denied the primacy of productive relationships and called into question the uniqueness of Soviet society which was so important for the self-image and the propaganda of the new leadership.

If this problem had arisen in the early 1950's, when some of the foundations of Marxism-Leninism were being revisited, it could have been swept under by a stronger assertion of the superstructure's partial independence of the base. As it was, in the

1920's it was necessary to resort to two other explanations. The first of these was the compromise formula, which most Soviet definitions of international law have included since, to the effect that international law is the complex of norms that regulate relations between states in the process of their *struggle and collaboration*, or *conflict and co-operation*, and so on. The second, which is a feature of the Stalin period, rests on the distinction familiar to us and found in many corners of Soviet thought between form and content; just as a given internal legal, economic, or social institution can be bourgeois in form but Socialist in content, so differing bases can infuse a verbally identic form in international law with different content. A similar problem encountered later, after the Second World War, in characterizing the relations between countries in the Soviet camp, was met by the distinction between letter and spirit; the rules that were obeyed only in the letter by bourgeois countries were infused with a different spirit when applied between friendly socialist countries.

During the 1920's and 1930's the Soviet Union carried on treaty relations, entered into international supply contracts, conducted exchanges of goods, took part in certain international organizations, and lived an international life, though at a level of activity far below that of the West. The more powerful Hitler became, the more traditional Soviet international law became.

After the Second World War, the Soviet Union came to play a leading role in world politics. The Soviet attitudes toward the structure of international politics have undergone certain changes, and the distribution of emphasis in Soviet international law is correspondingly being modified. The process was submerged for a while in the suppression of foreign contacts that accompanied the purges of the late nineteen forties and early fifties, but there is considerable evidence that it had begun well before Stalin's death. The chief factors in the process seem to have included, beside the temporary power vacuum in Europe and the emergence of a loosely bipolar confrontation, the increasing inability to tolerate high risks of large-scale war after the development of nuclear weapons, particularly after the development of the hydrogen bomb; the emergence of new nations from the passing of the old colonialism in Africa and Asia; and the coming to power in neighboring countries of regimes called socialist and prepared, on the whole, to act in accord with Soviet moves in the international arena.



In Soviet foreign policy these factors led to the peace campaigns, in new form; the support for 'national-liberation movements' even at the cost of temporary eclipse for local communist parties; the grant of a substantial amount of foreign aid, deployed of course for political effect, but often useful, nevertheless; and the renewal of the campaign for general and complete disarmament. (By the way, for those of you who might otherwise be inclined to date the Soviet campaign for general and complete disarmament from the Khrushchev period, it would be instructive to consider the judgment made by George Grafton Wilson that:

One of the most striking features of Soviet policy has been advocacy of complete disarmament, land, maritime and aerial, in contrast to the policy of most states, which have favored varying degrees of mere limitation of armament.

The striking thing about that quotation is that it was published twenty-eight years ago.)

At present the Soviet Union is one of the most active participants in international relations and a prominent actor in the stages of international law. Though the Soviet Union is absent from some important international organizations, it is present and active in many, and some of these are closely concerned with problems of international law. It has sent judges to the International Court of Justice; it takes part in the work of the International Law Commission; its representatives make legal arguments in many bodies of the United Nations; it sends delegations to nongovernmental bodies like the International Law Association and the International Association of Legal Sciences; its scholars produce yearbooks of international law, textbooks on international law (of which one was published in English translation not long ago), and numerous monographs and articles; it is party to scores of bilateral and multilateral agreements, not all limited to the Soviet camp; its agents conclude many foreign trade agreements, providing for arbitration in Moscow before a vigorous, and, we are told, reasonably fair arbitration commission.

This activity is enough to provide some evidence of the characteristics of Soviet utterances in international law. I should say the chief characteristics, aside from the current emphasis upon the principle of coexistence (to which I shall return), are that contemporary Soviet utterances in international law are predominantly *official, moralistic, projective, offensive*, and

*underdeveloped.* These traits are not wholly absent from Western work in international law, but the differences of degree are great. As someone has said, the difference between a difference in kind and a difference in degree is in itself only a difference in degree.

By *official* I mean that Soviet work in international law supports current Soviet foreign policy with unremitting fidelity. Current Soviet foreign policy is always defended as legal; even past Soviet foreign policy is defended as legal though the policies may have been abandoned. Never is there a public statement by a Soviet private jurist calling into question the action of the Soviet government. To put it shortly, every Soviet writer on international law is on active duty. Variations do not often exist, and when they do they tend to be either on subjects of slight current practical importance, or on the question of which reason is to be preferred for supporting the legality of given Soviet behavior or the illegality of given behavior of an adversary. Thus every utterance from a Soviet source on international law must be taken as 'interested,' that is, the source must be considered. This fact need not always tell against the intellectual quality of what they write; in this country, lawyers' briefs often make impressive contributions to the thinking of the judges to whom they are directed, but they are recognized nonetheless as briefs.

Soviet argument on questions of international law is easy and cogent once you grant the invariant major premise that the Soviet Union is right. From this premise, combined with the minor premise describing in tendentious terms whatever the Soviet Government has done or advocated in a particular case is right.

If this judgment seems harsh to you, consider the following typical illustration. A respected Soviet international jurist discusses the relations between states within the Soviet orbit when faced with internal law on the one hand and international law on the other:

In the practice of the Soviet Union and the People's Democracies, conflicts between the norms of international law and the norms of internal law are impossible. The socialist states, strictly observing international law, cannot either impose or accept any of its norms that would contradict the principles of internal law of the contracting states. On the other hand, strictly observing international agreements, they cannot utter any norms of internal law that would contradict their international obligations.

Again, on the right of asylum, a statement is made that convinces only one who is already committed to the major premise:

The right of asylum is formally acknowledged by all states as a current principle of international law. In the USSR and the countries of People's Democracy it is available to progressives. . . . Asylum in socialist countries is not afforded to diversionists, terrorists and others of that ilk. In many capitalist countries, the representatives of leading and progressive mankind are in fact deprived of asylum, which, however, is widely afforded to all sorts of diversionists, terrorists and traitors who have committed grave crimes against their homelands.

In final illustration of this official characteristic I should like to correct the statement made yesterday, referring to violations of treaty by the Soviet Government. This is contradicted by the following information furnished by the authoritative current Soviet textbook on international law, which reports:

The Soviet Union, like the other socialist countries, stands for the strict observance of obligations assumed under international agreements, as has been demonstrated by the entire history of Soviet foreign relations. . . . The Soviet Union's strict fulfillment of its obligations under the U.N. Charter and other international treaties clearly demonstrates the Soviet Union's adherence to one of the basic principles of international law—the principle *pacta sunt servanda*.

The imperialist states frequently refuse to fulfill their obligations, and make international treaties mere scraps of paper. But it must not be concluded from this that international treaty links are unstable. There are now strong social and political forces opposing arbitrary action.

Perhaps at the time when yesterday's speaker mentioned Soviet treaty violations he did not have present in his mind the major premise that the Soviet Union does not violate treaties.

Soviet international law is official, then. It also is *moralistic*. In international law, as in domestic law and some other areas of culture, Soviet thinking has undergone a transformation since the

days when the Revolution was young. The very values and principles and even rules that used to be derided as bourgeois are now not merely accepted but expropriated. No longer is the Soviet Union presented as the bearer of a super-morality, transcending the hypocritical and outworn morality of the bourgeois past; now it is the Soviet Union that has inherited the obligations that used to be borne by the bourgeoisie in the days of its vigor. A Soviet scholar mentions as one category of 'generally recognized principles of international law':

principles and concepts that entered into international law during the struggle of the bourgeoisie with feudalism under the influence of the democratic and national-liberation movements. They above all define basic rights and duties of states in international relations, and then guaranties of the rights of the population and various other sides of international life. Such are the principles of sovereignty and equal rights of states, non-intervention . . . inviolability of state territory, the institutions of citizenship, plebiscite, rights of asylum for political emigrants, etc. These democratic principles and institutions, which reflected in their time the demands of the broad masses who took part in bourgeois revolutions and national-liberation movements, were taken up and raised to a new height by the Soviet Union and other socialist states.

The same moralistic tone can be observed in the Soviet espousal of disarmament, now about to be proclaimed not merely a policy, but also an existing principle of international law. Expediency is (officially) shuffled; morality is trumpeted.

Official, moralistic, *projective*. I use the term *projective* in the sense in which psychologists use it when speaking of the tendency to attribute to others the ideas and intentions that one must deny in one's self. For example, it is common to meet in Soviet work condemnation of the United States for concluding agreements 'involving unequal rights' as with the Marshall Plan—which, as you will remember, the Soviet Union kept some Central European satellites from joining when they wished to. For another example, I heard a Soviet scholar in Moscow insist to some colleagues planning a work on disarmament that they must expose the Western practice, which he said was to advocate disarmament not merely hypocritically and without intending to disarm, but precisely in order to lull the Soviet Union and other peace-loving states

into a dangerous reduction of their armed strength. For a final example, when Soviet publicists a couple of years ago stepped up their campaign against published American discussion of orbiting space weapons, it was fairly clear that the Soviet Union was well on the way to a decision to develop those weapons.

Official, moralistic, projective, *offensive*. This term is used in the military sense. Soviet work in international law is predominantly polemical, and the polemics are based on the theory that the best defense is a good offense, like the theories held by the French general staff before the First World War or the old management of the Boston Red Sox. Thus the condemnation by the United Nations of the use of Soviet tanks and troops to suppress the Hungarian revolution in 1956 is referred to by a Soviet scholar of international law in this way:

The Soviet Union and other socialist states spoke out decisively against the efforts of the U.S.A. and its partners to make use of the United Nations Organization as an instrument of intervention in the internal affairs of the Hungarian People's Republic after the counterrevolutionary rebellion, inspired by foreign reaction, had been crushed in November 1956.

The same observation of offensiveness can be made of the continuing Soviet emphasis upon outlawry of aggression, or the combination of high military expenditures with high volume of disarmament campaigning, or the criticism of the American 'voting machine' in the United Nations to draw fire away from the Soviet veto. You may not all be familiar with the old story of the visitor to Moscow who, on being shown a new subway station, admired the decoration but after a while asked his host why there weren't any trains, and was answered, 'And what about the lynching of negroes in your Southern states?' (Correspondingly, it is no answer to Soviet criticism of U.S. racial discrimination to say that the Soviets have a housing shortage or even that they have racial discrimination.)

My last epithet was that present-day Soviet international law was *underdeveloped*. In one sense it is underdeveloped in that it seems designed to win the support and the votes of the underdeveloped nations, or, as we are now calling them in an effort to seem less condescending, the new or newly developing nations. The analysis of international law, the choice of emphasis, the thrust of the moralizing, is calculated to appeal to ex-colonial

countries and others suffering from the present fact or the recollection of Western domination. The attitudes that seemed to suit the Soviet Union in the days of its weakness are found appropriately transferable to those countries, and the gulf between (say) Mali or Bolivia and the Soviet Union of today is ignored. There are still gains to be made by playing the role of the underdog.

In another sense, Soviet international law today is *intellectually* underdeveloped. When I looked in yesterday on Professor Sohn's class I heard him say that, if you looked at Soviet work in international law and deleted the obeisances to Lenin and the criticism of the imperialists, what you would have left would be something like our own work in international law, only not as good. He attributed this to restrictions on access to Western literature and Western jurists. He did not, as I understood him—nor do I—make any reflections on the personal abilities of Soviet jurists. He might have added that in international law activity, as in many other respects, Soviet society today has points in common with the Western world of two or three generations ago, not with the Western world of today or (let us hope) with the Western world of, say, 1984. The improvement in the quality of the work of the newer generation of Soviet jurists is welcome but still minor. Soviet international law, far from being the wave of the future, is intellectually a stagnant pool left over from the past.

Professor Lissitzyn once put it more kindly when he wrote of their technical conservatism. Many rules are stated and restated without criticism or reflection. Soviet doctrine on the *sources* of law follows older practice, as you know, in exalting treaties and depreciating custom. Soviet doctrine on the supposed conflict between internal law and international law comes down—except for relations between states in what is misleadingly called the socialist camp—on the side of the primacy of internal law. You heard yesterday of the rapid growth of legal doctrine on the continental shelf from the time of President Truman's proclamation in 1945 to the Geneva Conference on the Law of the Sea in 1958; but before that the Soviet publicists had poured scorn on the idea that the rights of a coastal state to resources on the continental shelf were becoming recognized in international law. As one of them said:

Thus a unilateral declaration proclaiming the seizure of open sea belonging to all and making it one's own property is turned into a norm of international law with the naked use of the machinery of the 'legalization' of

seizures, [the Americans declare, the satellites 'follow,' 'scholarship' recognizes—and behold, a norm is born!].

Technical conservatism does not mean that the Soviet Union is satisfied with the present state of generally accepted international law. Usually they cannot directly admit dissatisfaction without denying to the norms with which they disagree the dignity of being called existing rules of international law; and they can play as many games as we can with the *lex lata* and the *lex ferenda*, which may be rudely translated as calling the rule that helps you the law that is, and calling the rule that helps the other man the law that he wishes were the law. But they have other devices too. To look at those devices in perspective, let us return to their theme of peaceful coexistence.

*Peaceful Coexistence.* In some pronouncements of Soviet authorities, the principle of peaceful coexistence has been said to be not merely the basis of the Soviet view of international law, but the basis of all international law today, and not merely the basis, but the key, or the core, of all international law. It is even said that international law today has become the law of peaceful coexistence. So important a concept deserves our attention.

At the outset we are not to confuse 'Peaceful Coexistence,' in quotation marks and with initial capitals, with peaceful coexistence in the literal sense of the term. For example, it is clear that the term in Soviet usage does not mean condemnation of all war. Wars that serve the ends of Soviet foreign policy are given the label of wars of national liberation or revolutionary civil wars and are accepted as just.

It is fairly clear also that the term in Soviet usage does not connote relationships of trust, friendship, agreement, or free communication between the peoples of the 'peacefully coexisting' states. A striking confirmation of the freedom of maneuver left to the Soviet Union by the principle of peaceful coexistence was noticed last year by some close readers of the Soviet press. On January 30, 1962, Suslov, the chief Soviet Marxist theoretician (next to Chairman Khrushchev), made a speech at a conference of Soviet university teachers in the social sciences. His speech was published in *Pravda* on February 4th. According to that report, he said:

Peaceful coexistence means the coexistence of states with different social systems. It means the rejection of

war, the settlement of disputes between states through negotiations. It means the refusal to violate the territorial integrity of states, the refusal to export revolution and export counterrevolution. Finally, peaceful coexistence is economic rivalry of states, agreements, trading relations on the basis of mutual advantage between states.

Notice the *refusal to export revolution and export counterrevolution*.

Thirteen days later the same speech was published again in the chief theoretical magazine, *Kommunist*; here Suslov was made to say:

Peaceful coexistence means . . . the refusal to violate the territorial integrity of states, the inadmissibility of the export of counterrevolution. . . .

The reference to the refusal to export revolution had now been deleted, apparently at the last minute from galley proof or page proof; the key sentence in *Kommunist* is very widely spaced to make up for the deletion.

Peaceful coexistence in the sphere of ideology has been repudiated by the Soviet leadership in many statements, directed principally at the Soviet population to make sure they do not get any wrong idea. The use of the idea, though not the precise words, of 'peaceful coexistence' as a tactic in foreign policy rather than as a guiding policy of one's own, was made clear in the earlier and more candid days of the Soviet regime when Lenin said, in a letter to his representative at the Genoa Conference of 1922:

. . . we, communists, have our own communist program [Third International]; nevertheless we consider it our duty as merchants to support [even if there is only 1/10,000 chance] the pacifists in the other, *i.e.*, bourgeois camp. . . . It will be both biting and 'amicable' and will help to demoralize the enemy. With such tactics we will win even if Genoa fails.

As recently as early 1961, Chairman Khrushchev referred to the policy of peaceful coexistence as 'a form of intensive economic, political and ideological struggle of the proletariat against the aggressive forces of imperialism in the international arena.' The current Program of the Communist Party uses similar language.



Thus the fact that the considerable resources of scholarly and lay communication at the disposal of the Soviet leaders are directed toward the celebration of the importance of 'Peaceful Coexistence' says nothing necessarily about the probable foreign policy of the Soviet Union.

The term, as such, has been found in Soviet literature bearing as early a date as 1920. Though contemporary Soviet writing invariably describes the principle of peaceful coexistence as Leninist, by the way, the term does not seem to have been used by Lenin. It was Chicherin, People's Commissar for Foreign Affairs, who referred to the Peace Treaty with Estonia as the 'first experiment in peaceful coexistence with bourgeois states.' Twenty years later, as we know, the state of Estonia ceased to exist and it became unnecessary to coexist with her, except in the sense that the robin, in Don Marquis's old poem, coexisted with the worm it had swallowed.

While peaceful coexistence was often mentioned by Stalin, especially during the period of the United Front in the thirties and the period of wartime collaboration in the early forties, it is only since 1956 that the slogan has become central to Soviet pronouncements. At that time it took off from the Panch Sheela, the Five Principles, which had been proclaimed in the Sino-Indian pact of 1954 and expanded in the Bandung Declaration of 1955. Later the major share of the credit was ascribed more directly to Lenin. As a principle in international law, it has been treated in numerous Soviet monographs and articles since 1956 and pressed vigorously by Soviet representatives at international meetings of governmental and nongovernmental organizations.

To distinguish between the political and the legal purposes of the Soviet emphasis on 'Peaceful Coexistence' implies a distinction between law and policy that is not made by the Soviets, except for external consumption; but we can distinguish between general strategic purposes and technical doctrinal purposes.

The strategic uses of 'Peaceful Coexistence' vary with the audience. Afro-Asian audiences in general are assured that the Soviet Union sides with them in their campaigns for the Panch Sheela and, more basically, that the Soviet Union as an important European power takes seriously a form of words that the Afro-Asians profess to take seriously. With other non-Soviet audiences, except for Communist Party members or sympathizers, the aim is to influence non-Soviet disarmament, to attract East-West trade,

and to enlist support for various specific Soviet moves in foreign affairs from time to time. With communist audiences, the declaration of adherence to the policy of peaceful coexistence is a taking of sides on one of the main issues between the Chinese and Soviet communist leadership, which may be defined as the issue whether the expansion of the communist system can be rapidly achieved without actions that increase the risk of world-wide nuclear war. Recently, before a Soviet audience, some Soviet international lawyers took pains to distinguish

the concept of peaceful coexistence, as the fundamental principle of international law which is also the basis of the foreign policy of peace-loving states [from] . . . the concept of coexistence [note the absence of the adjective] of the two systems as an indication of the stage of history referred to by V. I. Lenin, a stage which is inevitable by virtue of the fact that the socialist revolution does not triumph simultaneously in all countries.

The fact that all these various audiences eavesdrop on one another has complicated the task of Soviet propagandists, but they are assisted by the durable propensity of us all to hear what we wish to hear and close our ears to what we would rather not hear.

For some of these purposes, the content of the principle has to be spelled out, though not in great detail. A minimum statement would include the Panch Sheela: these five points refer to respect for sovereignty, nonaggression, nonintervention in the internal affairs of other states, respect for equality of states, and peaceful coexistence itself, which in Afro-Asian usage is one of the five points, but in Soviet usage embraces all the others. Under pressure from international diplomatic and legal questioning, some additional content, still at a high level of abstraction, has been given to the principle of peaceful coexistence; it has been said to include, for example, in Dr. Lapenna's convenient summary:

1. Coexistence is 'a fundamental principle of international law.'
2. Peace without threat or use of force; settling disputes by peaceful means; individual or collective measures, in accordance with the United Nations Charter, to prevent or suppress acts of aggression; prevention or suppression of war propaganda; promotion of the implementation of general and complete disarmament.

3. Co-operation in the field of economy, social and political questions, science and culture.
4. Sovereignty and territorial integrity; the right of peoples and nations to self-determination; anticolonialism.
5. Noninterference in the internal affairs of other states.
6. Equality of states; representation of states in international organizations in conformity with the interest of the three groups of states. This is a promoting of the Troika idea to the rank of a principle of co-existence.
7. Fulfillment in good faith of international obligations arising from treaties and other sources of international law.

On the whole, it is fair to say that the Soviet publicists have not shown themselves jealous for the purity of their principle; they have seemed willing provisionally to accept many of the formulations offered by others as components of the principle. The reason for this hospitality is, I think, the same as the reason for the failure hitherto to specify what Professor McWhinney calls concrete secondary principles, that is, principles sufficiently meaningful to be arguable. To make clear what I believe this reason to be, we should back up far enough to look at the position of the Soviet Union in the international legal community and at some of the other techniques advanced by the Soviet Union in the past to improve that position.

The Soviet Union began under conditions that implicitly denied the validity of traditional international law as the regulating idea of the traditional system of nation-states. Upon coming into the international community the Soviet Union was very much in a minority. Even today, though it is stronger, and has several satellites and many friends in power and out of power throughout the world, the Soviet Union both feels itself to be in a minority still and finds it useful for certain purposes of morals and ideology to emphasize, at times, that it is beleaguered by a hostile majority. To the extent that the international community was a going concern, Soviet views were alien and Soviet policies were distrusted. Not only were the doctrines of international law in many respects disagreeable or hampering from the Soviet point of view, but the processes by which international legal

doctrine was made and applied seemed, under Soviet analysis, to be necessarily exclusive and anti-Soviet. The facts indeed lent some support to this opinion.

In such a situation, Soviet international law theory, whatever its twists in accompaniment to the course of Soviet foreign relations, made use of a variety of techniques to depreciate the existing process of international norm-formation and to enlarge the role to be reserved for the Soviet Union in those processes. There was the time when international law was generally repudiated, later to be accepted during a period of transition admitted to be necessary before international law could be discarded along with the system of independent nation-states. There was the assertion that a state whose polity was based upon a new and juster social theory had the right and duty to repudiate those particular doctrines of international law that offended that theory. There was the continued insistence upon the primacy of treaties as sources of international law, the belittling of the rule of custom, the stress upon the necessity of the consent of a state before that state could be bound by a rule. When the United Nations Charter was adopted, with its institutional arrangements allowing a very important role to the Soviet Union, and its text corresponding in many ways to the demands upon which Soviet representatives had insisted, Soviet publicists began to exalt what was called the international law of the Charter over what was called traditional international law. For some time it looked as though primary stress was to be laid by Soviet international law theorists upon the institution known throughout the world as 'generally recognized principles of law,' or 'the general principles of law recognized by civilized nations.'

While I have listed these techniques roughly in the chronological order of their appearance, it should be kept in mind that there was no neat sequence of use, abandonment, replacement. Many of them are alive today, though not flourishing. They all have been overshadowed, even if not quite superseded, by the emphasis upon the principle of peaceful coexistence. What counts, for this purpose, is not that the principle shall mean anything special rather than anything else, or indeed that it shall mean anything at all. What counts is that something under the name of 'the Principles of Peaceful Coexistence' should win recognition—without definition, preferably—as lying at the heart of international law; that it should be acknowledged the world over that to define 'the Principles of Peaceful Coexistence' is the most urgent task of contemporary international law; that it

should be acknowledged that the process of defining them requires the participation and consent of the Soviet Union; and by implication, that any principle or doctrine of international law that has not been accepted by the Soviet Union as part of, or consistent with, 'the Principles of Peaceful Coexistence' has to be rejected as being for that reason invalid.

There, in my opinion, we have the chief significance of 'the Principles of Peaceful Coexistence' in contemporary Soviet work on international law. There, too, we have the explanation for the hospitality of the Soviet publicists toward so many of the items furnished on provisional lists of principles of peaceful coexistence by Yugoslavs, Americans, Canadians, and others. They are hospitable because at the present stage of their campaign the content of 'Peaceful Coexistence' does not matter for their main purpose. There will be arguments about the content, but those can expediently be postponed until a later stage when the centrality of the (undefined) 'Principles' has been conceded by the rest of the world. To this end, many particular questions of content can be sacrificed for the time being if the sacrifice will purchase agreement to the procedural claim, to the central idea that their idea of peaceful coexistence is central to international law. At the Brussels meeting of the International Law Association a year ago, for instance, the Soviet delegation, led by the most eminent currently authoritative Soviet international lawyer, were willing to admit a good many topics to the list of issues discussable under the heading of 'Principles of Peaceful Coexistence'; but when an attempt was made to change the name of the pertinent committee to drop the slogan of peaceful coexistence and bring the title into line with that used in the United Nations, the Soviet delegation quit work in the committee until the change of name was blocked. Their attachment to the name was not an attachment to the fact described by the name, or to the content they had been suggesting for the name, but a recognition of the utility of the slogan in serving other goals than this one and of the energy that, having been invested in its dissemination in international law circles, would be wasted in part if it had to be transferred to a new set of words.

In drawing this picture of the international law uses of the Soviet emphasis upon 'Peaceful Coexistence,' I may have over-rationalized the mental processes of Soviet lawyers, who may well not have planned it all at once. And I have no intention of asserting that the engine they have tried to build will roll along the planned route, or even that the route cannot change. The Yugoslavs and the Communist Chinese know how wide the swings can be.

Such are the main features of Soviet work in international law as they seem to strike the observer today. Have we any warrant for expecting them to alter soon? In some directions we may be justified in supposing the changes in the global situation of the Soviet regime to do their work in affecting Soviet international law. For example, the strong emphasis placed by Soviet doctrine on territorial sovereignty may be affected by several contemporary developments: First, the Soviet Union is acquiring power, influence, and attendant responsibilities in areas not contiguous to the Soviet Union, and the map on which they, the Soviet leaders, plan their political moves, looks a little more like a globe than it did in Stalin's time. Second, trade and aid, while still minute by our standards, are beginning to play a more significant role than before in Soviet economy and in Soviet foreign policy. Third, the Soviet Union is becoming more active in impinging upon other states in ways that are within the purview of international law, not least in their deployment of naval and ostensibly civilian vessels. (When Admiral Mott, by the way, spoke of the reciprocal interest in innocent passage, I was reminded of an old Russian proverb with a liquid setting and perhaps a naval application: 'Don't spit in the well; you may want to drink from it later.')

These factors are opposed, and perhaps still for a time will be outweighed, by the weight of history and training, the continued situation of the Soviet Union as a huge land power potentially threatened by action by sea and air, the continuing political advantage to be derived among nations of the Southern Hemisphere by espousing extreme concepts of sovereignty, the Soviet Union's perception of its minority status in most international fora, and the continued interest of the Soviet regime in restricting the access of its population to outside influence and the access of outside influences to its population.

We should not therefore be surprised to see inconsistencies, hitches, conflicts of emphasis. Proclamations closing large areas of ocean to foreign fisheries, or enclosing large bays, and advocacy of a wide margin to the territorial sea, may peacefully coexist with considerable sophistication in the use of Soviet fishing trawlers for not necessarily innocent passage; attacks upon the legality of United States reconnaissance satellites may be made in the same breath, or speech, with assertions of the right of the Soviet Union to make military use of space. Efforts to achieve a special theoretical position for legal relations among the states of the Soviet camp will be combined with bitter resistance to regional groupings over which they have no control; they are still uneasy with a

horizontal system, no matter whether the several units of that system are single states or groups of states. The mixture will be spiced with that self-righteousness in which the Soviet authorities have had so much experience and defended by the enforced unanimity of the legal profession—unfortunately they don't have a Quincy Wright of their own—but it will bear some resemblance to the complex and many-shaded relationship that other great powers have toward international law.

This is not, except by indirection, a class on American work in international law, and I shall not proffer detailed comment or advice upon the course we might take in reaction to, or consideration of, or disregard of, the Soviet work. My attitude toward desirable American policy is perhaps best expressed obliquely by a reference to the best defense ever given, as it seems to me, for Chairman Khrushchev's famous boast, 'We will bury you.' As you know, he has had many times to insist that the statement was meant only figuratively, that it was not meant to refer to particular individuals, that it was compatible with peaceful coexistence, that it has been misunderstood. But the best answer on Khrushchev's behalf was made for him more than twenty years *before* Khrushchev's statement. In 1936, at the tercentenary of the founding of Harvard College, President Conant moved that the meeting be adjourned to the same day of the year 2036. Ex-President Abbott Lawrence Lowell intervened with a comment beginning with the words with which I should like to close:

Before putting that motion [of adjournment] I want to say a word in its favor. If I read history aright human institutions have rarely been killed while they retain vitality. They commit suicide or die from lack of vigor, and then the adversary comes and buries them. . . .

## BIOGRAPHIC SKETCH

Professor Leon S. Lipson

PRESENT POSITION: Professor, Yale Law School

### SCHOOLS:

Harvard University, AB, 1941; MA, 1943; LLB, 1950.

### CAREER HIGHLIGHTS:

Admitted to N.Y. and District of Columbia bar, 1951.

Practiced law in N.Y.C., 1951.

Practiced law in Washington, D.C., 1951-1956.

Foreign Economic Administration, 1946-1947.

Lecturer, Washington College of Law, 1953-1956.

Associate Professor, Yale Law School, 1957-1960.

Professor, Yale Law School, 1960-



## RECOMMENDED READING

The evaluations of books listed below include those recommended to resident students of the Naval War College. Officers in the fleet and elsewhere may find them of interest.

The inclusion of a book or article in this list does not necessarily constitute an endorsement by the Naval War College of the facts, opinions or concepts contained therein. They are indicated only on the basis of interesting, timely, and possibly useful reading matter.

Many of these publications may be found in ship and station libraries. Certain of the books on the list which are not available from these sources may be available from one of the Navy's Auxiliary Library Service Collections. These collections of books are obtainable on loan. Requests from individual officers to borrow books from an Auxiliary Library Service Collection should be addressed to the nearest of the following special loan collections:

Chief of Naval Personnel, (G14)  
Department of the Navy  
Washington 25, D.C.

Pearl Harbor Naval Base Library  
Navy No. 128  
Fleet Post Office  
San Francisco, California

Commanding Officer  
U.S. Naval Station  
(Attn: Station Library)  
San Diego 36, California

Commanding Officer  
U.S. Naval Station  
Attn: (Library (ALSC) Box 169)  
Navy No. 926, Fleet Post Office  
San Francisco, California

U.S. Naval Station Library  
Attn: Auxiliary Service Collection  
Building C-9  
U.S. Naval Base  
Norfolk 11, Virginia

## BOOKS

Strausz-Hupé, Robert, et al. *Building the Atlantic World*. New York: Harper & Row, 1963. 400p.

In this book the authors discuss the subject of the European Community as one of the biggest problems facing the United States today. This thoughtful book provides the readers with the guidelines for assessing the rights and wrongs of the coming struggle for the future of the Atlantic Community. The authors point out that the Suez episode was NATO's greatest political crisis and that the alliance might have disintegrated had it not been for Soviet policy in Hungary. The book also points out that Europe wants many things; but most of all it wants freedom from communism. She wants an end to the wars that have torn her apart for centuries. Instinctively she knows she cannot go it alone; the trend is toward some form of interdependence with the United States. The Europeans wish to be allies, not vassals, in the Atlantic Community, and they want the weapons that will give them equality. Here is one of the great differences in attitude that must be reconciled before an Atlantic Community can be made. Nuclear weaponry is where the voices meet. Nuclear arms control within the community is the central question. Until it is solved, it is difficult to see a true community among the Atlantic Powers.

Griffith, Samuel B. *The Battle for Guadalcanal*. Philadelphia: Lippincott, 1963. 282p.

*The Battle for Guadalcanal* is a volume in editor Hanson Baldwin's *Great Battles of History* series. The editor has made a near perfect choice for his author. Brigadier General Sam Griffith, USMC (Ret.) is an American military man who is a savant. With the scholar's tools and techniques, General Griffith has fashioned an erudite work. His sources, both Japanese and American, are many and largely primary. From them he has written a carefully annotated account that is complete from the outset of planning at the highest level, down through all the various echelons to the joining of battle at the small unit level. The remarkable feat is that each opposing camp receives a fair share of attention in such a manner that the narration is detailed yet always clear. As a participant in the action, General Griffith knows intimately of what he writes. He fought with Edson's Raiders. His descriptions are detailed and his opinions assertive. This is no 'sea story' recounting old prejudices, but there is an unmistakable reality or quality in the telling that only one who was there could create. Of prejudices there are none. But when scholarship, experience, and hindsight all lead to conclusions, then such are forthrightly asserted. This is an uncommonly good tale told by a scholar and master raconteur.

Robertson, Terence. *Dieppe: the Shame and the Glory*. Boston: Little, Brown, 1963. 432p.

The author has made a penetrating and critical analysis of the military disaster that was Dieppe. The initial part of the book is an inquiry into the background of the operation (the first battle of World War II involving the Canadian Army), including the inept preparations; the conflict between Canadian and British generals over the prerogatives of command; the eagerness of the Canadian units to engage in action; the basing of tactical decisions on the existence of naval gunfire and air support, and the removal of this support without a corresponding alteration in the concept of operations; the cancellation of the raid; and its hasty, ill-prepared reinstatement, with all its inherent tactical defects still intact, to satisfy political requirements. The second part is a narrative of the action as seen through the eyes of the survivors whom Mr. Robertson interviewed. The author concludes that two now famous military men were responsible for the initiation and the poor planning of the Dieppe raid. These men, Louis Mountbatten and Bernard Montgomery, were detached and engaged in other tasks at the actual time of execution of the raid. The lessons learned at Dieppe were applied in later raids and amphibious operations, but the extreme cost makes it imperative that the lesson not have to be relearned.

Shaffer, Harry G. *The Soviet Economy*. New York: Appleton-Century-Crofts, 1963. 456p.

Not often in researching a subject does a person find material representing two diametrically opposed viewpoints arranged conveniently, by subject, in a single volume. In the case of *The Soviet Economy*, however, we find exactly this situation. This particularly penetrating book consists of 53 articles by both Western and Soviet writers and economists, and discusses general subjects such as Soviet statistics, the Soviet consumer, labor unions, Soviet economic growth, Soviet agriculture, gross national product and many others. What makes the book unique is that the articles are arranged with the two viewpoints confronting one another in the same section, and with a bare minimum of editorial comment (usually only one or two pages of introductory material). Included are many excellent nontechnical, enlightening presentations that would be worth reading by themselves, such as 'The Proclaimed Emergence of Communism in the USSR' by Alexander S. Balinsky of Rutgers University, as well as a few somewhat technical dissertations on Soviet economics. Written not for the

esoteric research of economics majors or graduate students, but for the easy comprehension of anyone motivated to read it, the book points up, among other things, problems of comparing standards of living between nations, where definition of terms is not consistent, standard nor agreed upon.

Eubank, Keith. *Munich*. Norman: University of Oklahoma Press, 1963. 322p.

In this recounting of the events leading to and resulting from the Munich Pact of September 1939, Keith Eubank has produced an extremely well-detailed and documented chronicle of that fateful meeting. The greater portion of the book is virtually an hour-by-hour review of every action of each of the principals involved. The detail is staggering, and goes to great lengths to relate the story of the agreement which has come to be universally equated with appeasement and even cowardice. The author neither defends nor blames the leading actors in the drama—Chamberlain, Halifax, Bonnet and Daladier. Instead, he meticulously identifies every facet of the problems faced by them in dealing with Hitler at a time when both Britain and France were neither morally nor physically prepared to go to war to defend distant Czechoslovakia, over a question about which they knew or cared little. Mr. Eubank's meticulous research takes the reader into countless conference and meeting rooms and allows him to witness the rantings of Hitler, the forbearance of the British, and the frustration of the Czechs. The results of the Munich Pact are now history, but were accurately predicted by Emile Krofta, Czech Foreign Minister, at the time of Munich, when he said, 'We are certainly not the last: after us, there are others who will be affected and who will suffer from those decisions.' *Munich* is surely an outstanding documentary showing the diplomatic maneuverings which resulted in the fateful decisions. It is an unbiased and objective encyclopedia of the failure of diplomacy without power.

Thomson, Charles A. and Laves, Walter H.C. *Cultural Relations and U.S. Foreign Policy*. Bloomington: Indiana University Press, 1963. 227p.

This book presents a precise and quite detailed résumé of the cultural exchange activities in which the United States has participated during the past 25 years. It traces this country's efforts through private organizations, semi-official groups, and official government agencies. The term 'cultural' is used in its

broadest sense, and includes not only the fine arts, music, drama and literature, but sports, education, scientific and technical knowledge, and other endeavors of this nature as well. There is coverage of the efforts of organizations within the United Nations and of the Peace Corps. The authors contend that sincere, two-way cultural exchanges are now, and will continue to be, a necessary and vital action in support of the foreign policy objectives of the United States. In this connection, the text presents the general features which must characterize a large, well-planned, long-range program that would be carried out through effective co-ordination of government and private efforts. The historical analysis, which takes up two thirds of the book, is exceptionally well documented and should serve as excellent reference material for any student interested in tracing the development of the present United States cultural exchange programs.

— NOTES —