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BOOK REVIEW


Professor J. G. Starke,* well known to international lawyers for his standard text, International Law,1 has shown intellectual courage by entering into a new field setting forth the basic outline and fundamental elements of a new scientific discipline, i.e., The Science of Peace, or Irenology—adopting the name of the Greek Goddess of Peace, Irene. His intention is to have “Trenology” function in opposition to “Polemology,” which has become a current appellation for the science of war after “Polemos,” the quasi-personification of war according to ancient Greek literature (p. 15). As a basis for his counterpart to the study of war, Professor Starke employs international law principles, including United Nations Law, as a springboard for moving into an area encompassing sociology, political science, history, logic, mathematical structure, psychology, and content from other closely related fields.

In addition to being commended for his ambition in accepting the challenge of organizing a new social science, Professor Starke is naturally to be congratulated for seeking the realization of man’s greatest dream—the establishment of world peace! In doing so, he not only displays courage but also a great deal of optimism. Perhaps he is too optimistic; that remains to be seen. But, at the very least, Starke gets away from the present pessimism and utter despair facing international lawyers and men of good will by approaching the problem of establishing and maintaining global peace in a logical and scientific fashion. This analytical approach to the social problem demands that the writer qualify as a legal scholar, a mathematician, and a sociologist to even approach the book’s content! Starke argues, and correctly so, “A truly scientific attitude requires one to be neither optimistic nor skeptical about the possibility of a future perpetual peace” (p. 24).

The book, the first in a series entitled: International Series of Studies on Sociological Problems, “is intended as an introductory systematic treatment” (p. 7) of the new science, rather than an exhaustive analysis. In fact, it would appear that the present treatise may well serve as the pilot study for a great definitive work. One point is certain, the Science of Peace will grow in importance during the remainder of this century. Although the Science of War has dominated man’s thinking in the past, especially during the present century and tragically will continue to receive the greater share of the world’s energy and

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resources, a sizeable number of dedicated men and research institutions\(^2\) are seeking to consolidate the dynamic forces evolving toward peace.

In Chapter One, *Nature and Scope of the Science of Peace (Irenology)*, the basic definition of the new discipline is set forth:

The science of peace may be defined as that body of theories, concepts, hypotheses, principles, generalizations, general laws, deductions, and propositions which can best be formulated concerning the subject of peace, and which serve to clarify the forces or conditions that: (a) from a positive standpoint, are favourable to, or necessary for the maintenance or establishment of a peaceful regime; and (b) from a negative standpoint, are unfavourable to, or may threaten or disturb such peaceful regime. It also necessarily includes systematic analysis of the formal machinery or formal methods for securing peace (p. 15).

A fundamental question which presents itself immediately is whether there is an effective body of knowledge which can be consolidated into a science of peace. This basic issue serves as the foundation for the ensuing explanation. Obviously a positive answer must be given, for the reason that there exists a body of knowledge—both affirmative and negative—dealing directly with the problem of peace. The author asserts that the time has arrived to synthesize those scientific (and philosophical) elements,\(^3\) which in turn will constitute an interdisciplinary basis for scientific inquiry. Four basic observations about the nature of this body of knowledge can be summarized as follows: 1) a great deal of factual material, susceptible of systematization has been revealed by research projects; 2) a significant number of general hypotheses, concepts, generalizations, and theories concerning peace have already emerged; 3) these

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2. Professor Starke elaborates as follows: There are at least 70 existing centers— institutes, associations, and other bodies—in different countries, currently devoted to peace research projects; three of the best known of these are the International Peace Research Institute, Oslo, which has been engaged in co-operative and comparative research in about 30 countries, the International Peace Research Association, Groningen (Netherlands), and the Stockholm International Peace Research Institute. It may be significant to mention also that the United Nations Educational, Scientific and Cultural Organization (UNESCO) has been and still is playing an active role in the promotion and advancement of the peace research movement (p. 16). (Footnote omitted.)

3. Accordingly, he indicates the main components of a science.

(1) Hypotheses of greater or less generality, providing a basis for particular deductions.

(2) Theoretical concepts, representing properties or qualities of the empirical data observed, and with which some of the hypotheses are concerned. (3) Generalizations or general laws for the purpose of making reliable predictions with regard to future behaviour or future events. These may be at different levels, including at a lower level mere tendency-formulations, that is to say statements that there is a disposition to behave or eventuate in a particular manner, without such possibility being one of definitive certainty. (4) Descriptive or analytical statements, not necessarily expressed as generalizations or as general laws, of the relationships between observable phenomena. (5) Similar statements of the relationships between the theoretical concepts derived from observation of empirical facts. (6) The formulation of theories, or indeed of alternative explanations where the material examined permits of no more than speculative propositions. (7) Laws or propositions of a causal character; e.g. that event B is or must be a consequence of event A. (8) Teleological laws or propositions, describing or defining the goals or end-aims of certain phenomena. (9) Models (pp. 17-18).
principles "lend themselves to the application of the hypothetico-deductive method" (p. 19); and 4) exact or definitive laws cannot always be announced (pp. 18-19). While this fourth observation should not negate the worth of the new discipline it does point to the inherent weakness of this new social science, i.e., in a few instances the science may not be totally complete. On the other hand, the reviewer is of the opinion that such lack of symmetry or mathematical certainty provides the scholar and decision-maker with a challenge. For example, in the third item of the above summary the conclusion is reached:

Thus, general hypotheses concerning peace may be found expressed or reflected in the provisions of the Charter of the United Nations, and in the constitutions of, or basic documents establishing other international institutions, including the specialized agencies, while the draftsmen of these instruments have utilized concepts, formulated generalizations, and acted on theories otherwise in some way related to peace. So, to take the United Nations Charter alone, in article 55 there is an affirmation of the hypothesis that conditions of stability and economic well-being are necessary for peaceful relations between nations; article 39 deals with the concepts of a "threat to the peace" and a "breach of the peace"; and certain generalizations and theories concerning peace, if not explicitly formulated as such, are at least reflected in the preamble and other provisions of the Charter; e.g., the generalization that the early investigation of any dispute, or of any situation which may lead to international friction or give rise to a dispute is necessary to prevent the dispute erupting into a danger to peace (see article 34), and the theory that the observance by States of agreed principles for disarmament and regulation of armaments will contribute to the maintenance of peace (see article 11). (P. 19.)

It is no mere accident that this book was published during 1968, The United Nations International Human Rights Year, as promulgated by Resolution of the General Assembly. The U.N. Charter and Universal Declaration of Human Rights (reflecting the League of Nations Covenant), along with the Constitution of UNESCO, provide a legal basis for a peace-science. To illustrate, the UNESCO Constitution attempts:

[T]o contribute to peace and security by promoting collaboration among the nations through education, science and culture in order

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See also International Year for Human Rights: Note by the Secretary-General, U.N. GAOR A/6687, Agenda Item No. 59 of the Provisional Agenda, 22d Sess., 9 August 1967.

The General Assembly, in resolution 1961 (XVIII) of 12 December 1963, designated the year 1968 as International Year For Human Rights, and arranged for the preparation of a program of measures and activities to be undertaken in celebration of the twentieth anniversary of the adoption of the Universal Declaration of Human Rights. Id. ¶ 4, at 1.

to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.

As already implied, numerous topics are presented as phases of the total inquiry, e.g., the value of peace research, definitions of peace, and the varying degrees of peace. Nevertheless, lawyers would tend to seek the answer to one very fundamental question: Has international law a place within Professor Starke's system? Obviously an affirmative reply must be given, and those legal aspects set forth in the book must now be given special consideration by the reviewer.

Starke characterizes the place of Law and Jurisprudence as follows:

[J]uristic science continually reminds us that the principal aim of a legal system is the administration of justice, notwithstanding that many rules of that system must have the effect of deviating from that system (p. 29).

In effect, then, the application of Law and Jurisprudence will be essential to achieve the ideal sought. Accordingly, international law is analyzed in conjunction with each of the other subject-matter areas, particularly sociology, but in true lawyer-like fashion.

The Second Chapter, The Conditions and Factors Favourable to Peace, serves as the basis for the remainder of the book, first, because it attempts to bring together those conditions lending support to a scientific inquiry, in turn serving as a foundation for the science, and second, because it presents the basic discussion of international law—along with supporting topics, such as: war-making capacity, balance of power, survival of mankind, deterrent factors, freedom of human communication and development of the ecumenical spirit, non-alignment and non-intervention, alternating cycles of war and peace, and the creation of conflict-resolving tribunals—as indispensable phases of "Peace Typology." Precisely, Peace Typology involves "the invariables or permanent factors contributing towards an equilibrium of peace" (p. 31). All of the above topics, then, are treated as forces favorable to peace, although they all contain inherent weaknesses. While it is not possible to review each of the above mentioned subjects, one field is of special interest to the reviewer, namely Freedom of Human Communication. In a manner similar to the treatment of law, the theme of communication can be found throughout the book. American lawyers, accustomed to our cherished First and Fourteenth Amendment Freedoms, will strongly defend freedom of thought and communication—forces working toward the "objective acceptance of truth" (p. 39). Even though the problem often is one of securing this inalienable right to all peoples, in those regions where

freedom of communication exists—as a guaranteed legal right—it serves as a major contributing force evolving toward world stability. In this same context, however, the use of propaganda as a cold war instrument has a negative effect by playing upon emotion and prejudice and as such hampers "the unrestricted pursuit of objective truth" (p. 39). Thus, one sad conclusion emerges concerning both law and communication; they can be used to defeat world order and actually create new controversy.

It seems so obvious as to not require reiteration that governments, particularly U.N. members, live in a condition of hostility and even open warfare; furthermore, it must tragically be conceded, since the end of the Second World War in 1945 there have been no less than fifty instances of "limited war" conflicts. This fact alone illustrates the necessity not only for the effective application of international law but, equally important, the creation of effective conflict-resolving techniques and supporting structures, primarily arbitration, conciliation, good offices, mediation, and multi-national judicial settlements. Assuming peace-science—as promulgated by research centers—can ultimately be established, it follows that those elements enunciated in Article 1, U.N. Charter, must be rendered effective through "Development of effective international institutions; respect for international law, compulsory adjudication by an international court, and procedures for settlement of disputes," to use the language of a chapter subheading (p. 45). These goals—especially the establishment of international tribunals and procedures supported by a respect for law—are fundamental to the development of world order.

Aside from topics already mentioned, Professor Starke discusses two very significant areas of legal activity each critical to the achievement of peace. First, the International Law Commission by codifying and further developing traditional international law is removing uncertainty from customary norms, making law truly universal and, thereby, creating respect for law. (Pp. 47, 170-71.) Evidence of this is the fact that since the dreadful judgment in 1966 of the International Court of Justice in the South West Africa Case,8 the Inter-

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6. The term "guaranteed" is employed in the same sense as by Professor Julius Stone, namely "... the sanctioning process which stands behind the substantive rights conferred by the treaties [protecting minorities concluded after World War One]." Regional Guarantees of Minority Rights vii n.1 (1933). See also W. Gormley, The Procedural Status of the Individual before International and Supranational Tribunals (1966).

7. U.N. Charter art. 1, para. 1 sets forth the maintenance of global peace as a fundamental aim of the World Organization:

To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

Paragraph Two requires that the U.N. "... take other appropriate measures to strengthen universal peace."

See Starke's analysis at 45-50.

national Law Commission has become the U.N.’s main law making organ. But this development tends to undercut the second point, namely the use of the International Court to resolve issues threatening peace or stability. He cautiously advocates greater use of The Hague Tribunal: “While it would seem that universal compulsory adjudication may remain a vision of the future, there is certainly room for efforts to encourage States to place greater reliance on the International Court of Justice...” (p. 159). The reviewer must disagree with the author, since said reviewer is of the opinion the ICJ has lost the respect and confidence of the World Community\(^\text{10}\). As such, it does not presently retain the stature required to contribute significantly to world peace; rather, it can only deal with a few relatively technical cases, until such time as its empowering Statute is drastically revised.

In all fairness Professor Starke, while favoring the use of the ICJ, oftentimes speaks of an international court rather than the existing U.N. Court (p. 48). Moreover, he quite realistically concedes that the frequent use of ad hoc arbitration will produce better results. Henceforth, at the theoretical level all lawyers and statesmen must support the ICJ, but at the practical level more informal type adjudicative procedures stand a better chance of eliminating dispute. He maintains:

> Although compulsory adjudication by an international court represents an optimum as a mode of determining a dispute, this does not exclude the ready availability of non-judicial processes for settling conflicts. This has been and will long continue to be a peace-contributing factor. The principle is clear, if its application has not always been successful, and that is, by recourse to such processes, the disputants have at least an alternative to war and armed conflict. The various time-tried and time-proved processes are set out in articles 33 and 34 of the United Nations Charter, and include negotiation, enquiry, mediation, conciliation, arbitration, resort to regional agencies or arrangements, and investigation by an appropriate international body to determine whether the continuance of a dispute or of a particular situation of controversy is likely to endanger peace. In recent years, emphasis has come to be laid on two particular peace-serving principles, the necessity of maintaining communication between disputant States or groups, on the one hand, and the importance of proper fact-finding, on the other hand. In the United Nations and other quarters, there is a current continuing quest for appropriate procedures to give effect to these two principles. ... (p. 48).\(^\text{11}\)

The above theme is elaborated upon in several sections of the book and restressed in Chapter Eight, *The Legal Framework of Peace*.\(^\text{12}\)

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11. See also, Ch. 5, *The Maintenance of Peace*, 88-112.
One fundamental issue can be stated as follows: Does there exist an international community in which an international system—or legal structure—can be built? In fact, the whole concept of peaceful coexistence depends on the notion of an international community, even though such "community" exists in an embryonic state only. Regrettably, "[t]his fundamental want of social cohesion in the international system necessarily conditions an anarchic tendency, not conducive to peace" (p. 68). Although world peace will not necessarily spring from any global structure, a legal system must be available if international law is to achieve the desired end-result of world peace. Specifically, the book has devoted considerable attention to the various international instruments (e.g., Constitution of the International Labour Organization, GATT, U.N. Charter), which are presently contributing to peaceful settlements of various conflicts. Thus, the control and management of conflicts becomes an essential phase of the science of peace. Nevertheless, the most basic factor remains the observance of international legal norms in a spirit of "good faith." In this regard, Starke's position will gain momentum because additional international and regional treaties are developing conflict-resolving machinery. Examples of such development would be The European Convention of Human Rights, the United Nations Human Rights Covenants, and numerous ILO conventions such as the Convention on Freedom of Association. In this connection the book advances one observation strongly supported by the reviewer: tension and conflict may be removed or prevented in the first instance

13. See also Ch. 4, The Sociological Framework of Peace, at 67-68.
14. See especially, Techniques of Maintenance of Peace, at 89-90. He states:
   The techniques of maintenance of peace utilized in the international system may be classified as falling into the following broad categories:
   (1) The control and management of power.
   (2) The control and management of conflicts. This includes the settlement of conflicts.
   (3) The control and management of tensions.
   (4) The control and management of crises.
   (5) The supervision and localization of limited wars and limited armed conflicts.
   (6) The early detection of ad hoc situations which may lead to a conflict, tension, or a threat to the peace.
   (7) The use of interposition missions and forces for so-called "peace-keeping" purposes.
   (8) The establishment of safeguards by treaty or otherwise, and the pursuit of peace through indirect methods.
   (9) The codification and development of international law, and the fostering of respect for its rules (emphasis added) (p. 89).
15. In this connection, see the reviewer's forthcoming study entitled, The Codification of Pacta Sunt Servienda by the International Law Commission: A Plea for the Preservation of Classical Notions of Moral Force and Good Faith, which is being prepared for the Research Center in International Law, The Hague Academy of International Law.
through the use of treaties and multilateral conventions. In reality, treaties as the main source of international law must be used much more frequently to effect compromise. Following the satisfactory conclusion of such agreement, States will be bound under the doctrines of **pacta sunt servanda** and **good faith** to carry out their obligations. The sanctity of treaties—embodies respect for the pledged word of governments—is a potent force to prevent war. Codification as presently employed by the International Law Commission or used by negotiating states will be a valuable adjunct to **Peace-Science**.

Admittedly, existing devices for the management of conflicts are weak, such as those presently at the disposal of the U.N. Security Council and General Assembly, but of significant import is that an embryonic structure has been established. From this structure, a peace-science can begin to function, at least "by way of promoting the peaceful settlement of disputes" (p. 91). These precise conflict-resolving techniques are well known to lawyers, but they must be perfected to a higher level of efficiency in the future. Included among these alternatives are: 1) fact-finding and inquiry, 2) direct negotiation, 3) mediation and good offices, 4) arbitration, 5) conciliation, 6) judicial settlement (perhaps even by the ICJ), 7) resort to regional machinery, 8) settlement within the U.N. framework, and 9) summit conferences. Obviously, the maintenance of peace requires the use of administrative and political devices in addition to legal forums. The book, therefore, makes a distinct contribution by analyzing and relating such material to the desired judicial order.

One further insight is especially noteworthy; domestic law can become part of this process looking toward the preservation or establishment of peace. For example, domestic laws can eliminate significant causes of war such as prohibiting racial discrimination, warlike propaganda, shipment of arms abroad, etc. The main illustration given to substantiate this proposition is the Security Council's imposition of mandatory sanctions against Southern Rhodesia in December 1966, which sanctions must in turn be implemented by domestic legislation as part of the U.N. enforcement process. The international process, accordingly, can be deemed dependent on the "collective enforcement, so far as legally permitted . . . on a collective political decision being taken" (p. 158).

The section entitled, **The Legal Framework of Peace**, is rounded out with a brief discussion of proposals for new international tribunals, plus a refutation of the growing "world rule of law" concept [strongly supported by the reviewer]—both of which are held to be highly desirable but unrealistic under present political conditions. In short, "Higher Law" or more sophisticated tribunals will not be accepted by the World's major powers.

By way of a final evaluation, Professor Starke has picked an incredibly

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18. The full discussion is to be found at 92-100.

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difficult assignment; still, the Science of Peace can be established and made to function. Realistically, world peace will not be immediately forthcoming, and no such claim is advanced. But the inability to achieve man's greatest need—a warless world—does not destroy the usefulness of the new science. Readers, and indeed book reviewers, must be extremely careful not to allow present conditions of global warfare to unduly influence their evaluation of the new scientific discipline of Irenology! The inherent weaknesses exist in the World's present political climate, not within the book!

The reviewer's main concluding thought is that here exists a book requiring more than a single reading. So much insight has been provided that this critique has had to be limited almost exclusively to describing the basic elements of the Science of Peace and providing a few comments concerning the function of legal elements within the system. The full contents could not even be indicated. Specifically, this reviewer found it difficult to fully grasp much of the content, unless portions were reread. Precisely, Professor Starke has such a concise style of writing and mathematical sense of organization his book must, necessarily, be studied rather than merely read. As already indicated, this volume should serve as the pilot study for a great definitive work.

The author has rendered a valuable contribution by bringing together the content dealing with peace in order that it might be systematically presented. Furthermore, the world desperately needs such an optimistic—though at the same time realistic—approach to global peace. The fact that Law renders a major contribution to the new science lends great credibility to the undertaking. There is a growing necessity for men of foresight to escape from the pessimistic events of 1968, International Year For Human Rights; perhaps this new discipline will satisfy this need.

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21. See in particular, Peaceful coexistence and peaceful co-operation, pp. 172-82.

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