TRIALOGUE 35

SOVEREIGNTY & INTERVENTION

GARDNER
GLUCKSMANN
KOHN
HILL
VARGAS LLOSA
GAUHAR

March 1984

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Editor's note

In contrast to previous issues, this *Triology* does not focus on a given region or set of policies; its subject is not just a "problem", which pragmatism, information and political skills can "solve." Rather, it looks at a principle (sovereignty) and a frequent practice (intervention, with particular emphasis on the use of force) usually performed in the name of the very principle it would appear to negate. This theme stands squarely at the crossroads of deep-seated traditions, values and outlooks on history. It tests our very conceptions of political order and inter-national life, and in the end the very view we have of ourselves in society.

This explains the somewhat different cast of authors in this issue, where philosophers add their voices to those of statesmen and experts. Interestingly—and perhaps a sign of the times—if the contributions of Mario Vargas Llosa, André Glucksmann, Jerome Kohn and Melvyn Hill have something in common, it is their insistence on realism—and their corrosive treatment of some of the loftier ideas and principles that be. To the Peruvian writer, who chose here to compare his reactions immediately after Grenada and four months later, the democratic ethic, not a "general and abstract norm of sovereignty", should be our criterion to judge intervention. The French thinker poignantly questions the relevance, consistency and earnestness of contemporary doctrines of non-interference and "just" wars, and sees the dawn of a new "justice of emergency" amid the "sound and the fury" of our world. The two former associates of Hannah Arendt bring the fruits of her unique approach of the idea of sovereignty, both personal and collective, to bear upon the nuclear age.

"It would be ominous for their future relations if the trilateral countries were in fundamental disagreement over the principles to be applied in judging the legality and morality of the use of armed force by themselves or other nations," notes Richard Gardner in his opening essay. Needless to say, the views gathered here—as always, the sole responsibility of their authors—do not purport to amount to an exhaustive presentation of so inherently inexhaustible a subject. Simply, we hope they can help inform the kind of thinking to which, as Ambassador Gardner stresses, our countries "should accord high priority...in an effort to develop a trilateral consensus."
The controversy over the U.S. military action in Grenada is of the deepest significance for the trilateral countries of Western Europe, North America and Japan for two reasons. One is obvious; the other has been almost totally ignored.

The obvious reason is the political cost of the unprecedented isolation of the United States from its allies and friends on a military action deemed in the national interest by the American government and overwhelmingly supported by the American people. When the U.N. General Assembly voted by 108 to 9 with 27 abstentions on November 2, 1983, to “deplore” the occupation of Grenada as a “flagrant violation of international law,” the United States could not muster a negative vote from a single trilateral country. Only Israel, El Salvador and six small Caribbean countries joined the United States in opposition. The United Kingdom, Canada, Germany, Belgium and Japan abstained. France, Italy, The Netherlands, Norway, Spain and Portugal all voted to deplore the U.S. action.

The less obvious significance of Grenada is the confusion it revealed among trilateral governments and leaders of public opinion over a question of central importance to the solidarity and survival of the trilateral countries: Just what legal and moral principles governing the use of armed forces are the trilateral countries prepared to live by and ask others to live by at this point in the nuclear age?

It is not a new question, nor an easy one. It is a question that was raised at the time of U.S. military actions in the Cuban missile crisis, in the Dominican Republic, and in Vietnam; by the Soviet military actions in Hungary, Czechoslovakia, and Afghanistan and Soviet interference in Poland; by Soviet and Cuban interventions in Central America; by Israel’s raid on Entebbe, its invasion of Lebanon and its attack on Iraq’s nuclear reactor; by the Argentine-British conflict in the Falklands; by French military actions in Africa; and by Chinese and Vietnamese attacks upon their neighbors. It arises today in El Salvador and Nicaragua. And it will undoubtedly arise in unforeseen ways in the years ahead.

But let us begin with Grenada. When armed forces of the United States occupied Grenada on October 25, 1983, accompanied by forces from six English-speaking Caribbean countries, the avowed purpose was to protect American citizens, restore order and liberate the country from Soviet-Cuban domination.

The military action of the United States was triggered by the murder on October 19 of Prime Minister Maurice Bishop and other elected leaders by a militant communist faction led by Deputy Prime Minister Bernard Coard, an event accompanied by civil strife and the collapse of government authority. The United States declared that it acted in response to two requests for assistance: a formal request on October 23 from the Organization of Eastern Caribbean States (OECS), a regional grouping of seven Caribbean mini-states, and a confidential appeal from the Governor-General of Grenada as the sole remaining source of lawful government authority.

Speaking in the United Nations Security Council on October 27, U.S. Ambassador Jeane Kirkpatrick emphasized that Cuban and Soviet intervention in the internal affairs of Grenada was a major factor in the American decision. “Grenada’s internal affairs,” she said, “had fallen under the permanent intervention of one neighboring and one remote tyranny.” Ambassador Kirkpatrick added that the U.S. action was justified by a “unique combination of circumstances” that included “danger to innocent United
States nationals, the absence of a minimally responsible government in Grenada and the danger posed to the OECS by the relatively awesome military might that those responsible for the murder of the Bishop Government now had at their disposal."

"The United States response," she concluded, "was fully compatible with relevant international law and practice."

If this was the American justification for its action in Grenada, on what basis could the U.N. General Assembly find that the same action was a "flagrant violation of international law?" And why did so many leaders of public opinion in the industrialized democracies—quite a few in the United States itself—rush to the judgement expressed by the Times of London: "There is no getting around the fact that the United States and its Caribbean allies have committed an act of aggression against Grenada. They are in breach of international law and of the Charter of the U.N."

Clearly one explanation for these divergent judgments was lack of agreement on the facts. Were American citizens really in danger? Were the "invitations" by the Governor-General of Grenada and the OECS spontaneous—or made under pressure from the U.S.? Were those who overthrew the Bishop government really acting on behalf of the Soviet Union or Cuba to destroy the independence of the country? Did the Soviet-Cuban military build-up in Grenada constitute an imminent danger to the security of Grenada's tiny and defenseless neighbors? Was the purpose of the U.S.-led occupying forces exclusively to restore order and assure the free exercise of sovereignty by the people of Grenada—or was it to impose a government to the liking of the United States? Finally, would the occupying forces really leave once order was restored and the conditions for free elections assured?

It is not my purpose in this essay to resolve these factual issues. Authoritative judgements on them, in any event, are difficult to make now on the basis of publicly available evidence. I will only note in passing that if the trilateral countries failed to support the United States because they disbelieved the U.S. version of events, this in itself is a commentary on the state of trust and confidence between countries that are supposed to be allies and close friends. The trilateral countries were not prepared, to put it mildly, "to give the U.S. the benefit of the doubt."

It would be even more ominous for their future relations, however, if the trilateral countries were in fundamental disagreement over the principles to be applied in judging the legality and morality of the use of armed force by themselves or other nations. If that should be the case, it would place in doubt one of the premises of the trilateral concept—that there is, in fact, a real community of industrialized democracies capable of common action based on shared concepts not only of national interest, but of fundamental human values. 3

The rules of international law governing the use of force may be found in treaties and in international customary law, that is the rules nations follow in practice out of a sense of legal obligation. The most authoritative statements of the rules are to be found in the following provisions of the United Nations Charter:

All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. (Article 2(3)).

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations. (Article 2(4)).

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations... (Article 51).

Another source of applicable law is the Charter of the Organization of American States, which declares in Article 15: No state or group of states has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other state.

Although the OAS formulation set forth above does not appear in the U.N. Charter, the General Assembly has adopted the identical language in a resolution in 1970 purporting to be an authoritative interpretation of the U.N. Charter, the Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations.

The search for principles to govern the use of armed force does not end, however, with the recita-
tion of these broad propositions. International constitutions are not self-interpreting any more than national constitutions—nor are phrases like “armed attack,” “self-defense” or “intervention” any more self-explanatory than “cruel and unusual punishments,” “interstate commerce” or “due process of law.” The process of interpretation requires sophisticated human judgement, which means at a minimum that interpretation of any single provision must take into account other provisions of the same document, the purposes of the international instrument as a whole, the drafting history, subsequent state practice and the applicability of rules of customary international law, possibly co-existing with the international agreement. Moreover, careful judgement must be used in the application of broad constitutional provisions in a variety of unique instances, many of which could not have been foreseen when the international constitution was drafted. As Justice Oliver Wendell Holmes once put it: “General principles do not decide concrete cases.”

The simple truth is that international law on this subject is far from clear, as evidenced by the widespread disagreement between government decision-makers and respected scholars both within and between nations. As everyone knows, international law differs from domestic law in that there is no court of compulsory jurisdiction for its authoritative interpretation, nor is there a legislature to adjust the law to changing circumstances or a police force to secure universal enforcement. This does not necessarily mean that international law does not exist; there are mutual restraints and reciprocal concessions embodied in treaties and customary international law that nations choose to regard as legally binding out of perceived self-interest. Indeed, on a large number of subjects ranging from the Law of the Sea to diplomatic immunity, the rules of international law are observed by almost all nations almost all of the time. But clearly the interpretation of these rules in the decentralized international system is a more difficult matter than in the domestic legal order, particularly when we are dealing with an issue like the use of force which touches vital national interests. What we are really talking about is “word politics” between nations—a struggle to shape norms to govern national behavior in support of certain national interests and values.

The challenge to trilateral countries is one of creative and purposeful international law-making—among themselves as a kind of “law-bloc”—and with other members of the international community. This means, first of all, looking carefully at those various formulations governing the use of armed force that have some basis of support in contemporary international law and deciding which ones should be espoused or rejected in the interest of promoting the values the trilateral countries share—among which are certainly those of peace, justice, national self-determination, and human rights.

A second stage would be a concerted effort—now so notably lacking—to observe these formulations in their own behavior and to press for their wider recognition through bilateral and multilateral diplomacy. What these formulations might be, at least in barest outline, I shall suggest in a moment.

CHALLENGES TO A “RULE OF LAW” APPROACH

There are, however, a number of very fundamental objections to this “rule of law” approach. The starkest objection comes from those who believe, as the Wall Street Journal suggested in the aftermath of Grenada, that international law simply does not exist. A variant of this view would be that although international law exists in the majority of international situations, it does not exist, or does not apply, when armed force is used by nations in what they conceive to be their supreme national interests. No less a figure than Dean Acheson drew that conclusion at the time of the U.S. quarantine of Cuba in 1962:

I must conclude that the propriety of the Cuban quarantine is not a legal issue. The power, position and prestige of the United States had been challenged by another state; and law simply does not deal with such questions of ultimate power—power that comes close to the sources of sovereignty. The survival of states is not a matter of law.5

This statement has powerful appeal in an age when the Soviet Union and its allies have violated traditional international law principles with impunity—and when nations like Iran, Libya and Syria have raised terrorism to the level of state practice. But do we really want to take the view that there are no legal rules applicable to judge the
actions of the Soviet Union and its allies, or the smaller terrorist nations, which threaten the safety of free nations and the achievement of a decent world order? We would do well to remember the wise observation of one of Britain's greatest international lawyers, J.L. Brierley: "The ultimate explanation of the binding force of all law is that man, whether he is a single individual or whether he is associated with other men in a state, is constrained, so far as he is a reasonable being, to believe that order and not chaos is the governing principle of the world in which he has to live." 2

In the nuclear age, it is precisely in dangerous confrontations of power that some ground rules are needed to preserve "order" and avert "chaos." A conclusion that "no law" is applicable would generally serve the interests of the Soviet Union and other challengers to the peace of free nations; it would create even more uncertainty and instability than we already have. There is no nation that denies the existence of international law, and all feel constrained to find legal justifications for their behavior. It is surely better to have nations arguing over what international law is than to assert that no international law applies at all.

I spoke earlier of "international law and morality." International law often codifies national interest and convenience, as in the Law of the Sea. In the sensitive area of the use of armed force, it seeks to codify morality as well. But it is precisely here that we come to a second fundamental objection to the "rule of law" approach: May there not be exceptional situations where the law may be disregarded if necessary to achieve some greater good? In real life, we all recognize extreme situations where violating the law may be appropriate to achieve some valid purpose—e.g., going through a red light to take an injured person to the hospital for urgent medical treatment.

Moreover, where traditional international law fails to take account of new realities and cannot be changed through negotiation and diplomacy, there may be exceptional situations where "law-making" through new state practice requires some temporary "law-breaking." A successful example of this phenomenon was the Truman Proclamation of 1945 taking jurisdiction over the resources of the continental shelf, a unilateral action that "broke" the old law before the new legal principle was "made" by general acceptance. Nevertheless, if we are to accept violations of traditional rules in exceptional cases, we should carefully consider whether the consequences are beneficial not just for the acting country, but for the majority of mankind as a whole—and whether the value of the objective being served outweighs the damage that the unilateral change in the rules may do to the future conduct of international relations. I do not suggest that this legal-moral calculation is an easy one. But I do reject the notion that in international affairs the end always justifies the means, a proposition that is readily available to totalitarian powers, as well as to free nations.

There is yet another objection to the "rule of law" approach, from those who argue that the rules of international law, particularly those governing the use of armed force, are capable of almost any interpretation, and should simply be manipulated by nations in each case to achieve whatever foreign policy goal seems valid at the moment. But the U.N. Charter and other sources of international law cannot be treated as pieces of India rubber to be stretched one way and then another in light of the short-term political necessities of each situation. There has to be some continuity in our day-to-day interpretation. If we "bend" the principles to fit one case, we must be willing to live with the new configuration in the next. The Soviet Union cannot very well be denied the same freedom to resort to force which the United States claims through "liberal interpretations" of existing norms. As Justice Robert Jackson once put it in a domestic context:

A military order, however unconstitutional, is not apt to last longer than the military emergency... But once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, the Court for all time has validated the principle... The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need.

Yet another challenge to the "rule of law" approach comes from the believers in "spheres of influence." According to this view, the United States must be conceded the same freedom to defend its interests in Latin America as the Soviet Union claims in Eastern Europe. In other words, accept the Brezhnev doctrine of limited sovereignty
for Eastern Europe in return for a "reverse"
Brezhnev doctrine of limited sovereignty for Latin
America, with perhaps other such doctrines for
China, Vietnam, Britain, France, Japan and other
countries in areas of historic interest to them.

It scarcely needs emphasis that this approach
does violence to the principles of sovereign equality
and self-determination embodied in the United
Nations Charter and other treaties in force, and that
it would never be accepted by the small nations of
the world, least of all by those in the "spheres of
influence" that are principally at issue. Nor is such a
concept likely to appeal to the citizens of the United
States and other industrialized democracies, most of
whom profess a principled concern for freedom and
human rights in all parts of the world, from Poland
and Grenada to Tibet and Cambodia.

A similar challenge to the "rule of law" approach
might be described as a rough and ready theory of
"reciprocity." It is a principle well-recognized in the
common law—and perhaps more generally in all
legal systems—that when one party violates a mate-
rial provision in a contract, the other party is
relieved of its obligations under the same instru-
ment. It is argued by analogy that as long as the
Soviet Union and other totalitarian powers per-
sistently violate the norms laid down in the Charter
and other sources of international law, the United
States and other free nations must have the right to
do so when necessary to defend their interests. To
quote Dean Acheson again: "We must never forget
that between an opponent who is prepared to use
force to gain his end and one who is not prepared to
use force to defend his interests—the former is
usually the winner."

International law clearly permits the United
States to refuse to perform its commitments in a
bilateral agreement with the Soviet Union if the
Soviet Union has breached a material provision of
that same agreement. It may also permit the United
States to take broader measures against the Soviet
Union—measures that might otherwise be consid-
ered illegal—in response to Soviet violations of
international law directed against the United States.
But it is quite another thing to claim that the United
States should be released from its obligations to
innocent third countries because the Soviet Union
is disobeying the rules.

The concept that we must be free to "fight fire
with fire" has undoubted political appeal and cer-
tainly would make it easier for the industrialized
democracies to defend their security interests in
particular situations. But if the trilateral countries
accept the Soviet standard of international behavior
as their own, do they then forfeit any claim before
the rest of the world to stand on a higher plane of
morality? Do they abandon all legal restraints on
the use of force or only some, and do they cast aside
the restraints on forcible intervention everywhere or
only in countries where the rules have already been
violated by their adversaries? A "tit-for-tat" rejec-
tion of legal restraints on the use of force—"you
invaded Afghanistan so we can invade anyone we
like"—will encounter violent opposition from al-
most everyone but the superpowers and will quickly
bring the standard of international behavior down
to the lowest common denominator. As I shall
suggest in a moment, most of the benefits of the
"reciprocity" approach can be achieved with less
cost to the trilateral countries by a judicious use of
the concept of "self-defense" consistently with re-
spect for international law.

In this catalogue of challenges to a "rule of law"
approach there is one, however, that merits more
sympathetic consideration. This is the view that
reads as interdependent and correlative the provi-
sions of the U.N. charter restraining the use of
force by member states and the provisions of the
Charter placing on the United Nations the duty to
establish international peace and justice. With the
frustration of the Charter system for collective
security and the peaceful settlement of disputes, it
is argued, the member states must recover their pre-
existing freedom of action to protect their interests
by means of individual or collective self-help. As
Professor Arthur Goodhart of Oxford put it during
the Suez crisis of 1956: "The renunciation of the use
of force in Article 2(4) is not of an absolute
character, but is dependent on the proper enforce-
ment of international order by the United Nations."
If a different view were accepted, he argued, U.N.
members would be obliged to stand idly by in the
face of the most extreme violations of their rights
and "membership in the United Nations would be a
source of danger and of weakness to the law-abiding
nations." 9

This "frustration of Charter purposes" concept,
however, still leaves us with some of the same
problems that we found with the other challenges to a “rule of law” approach. If Article 2(4) of the Charter is set aside, what norms are then applicable? To abandon all restraints in the Charter because of the U.N.’s weakness would serve neither peace nor justice, nor would it advance the cause of rebuilding the U.N.’s collective processes. At the same time, there is merit in the view that the Charter restraints on the use of force must be interpreted differently in today’s world than they would have been in the world envisaged at San Francisco. How this might be done is the question to which we now turn.

ELEMENTS OF A “RULE OF LAW” APPROACH

If it is in the interest of the industrialized democracies, subject to the qualifications noted above, to follow a “rule of law” approach to the use of armed force, what should be the applicable legal principles? Volumes of learned scholarship have been written on this enormously difficult and complex subject. What follows is a brief review of five concepts of varying degrees of persuasiveness from which the trilateral countries will need to fashion a common approach:

Self-defense: The United Nations Charter codifies “the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations.” There is general agreement in the international community that this gives a nation the right to use force when its territory or its armed forces are attacked or when an attack is made on the territory or armed forces of another nation to which it is bound in a collective self-defense arrangement like NATO.

There are some specific questions about the self-defense concept, however, that are more difficult to resolve. For example: Can the concept of self-defense be stretched to legitimize a use of force in anticipation of an “armed attack?” In the Cuban missile crisis, the United States deliberately declined to use “anticipatory self-defense” as a justification for the quarantine of Cuba, and with good reason. If the deployment of Soviet missiles in Cuba could provide a legal basis for a blockade of Cuba in 1962, could not the Soviet Union use
"anticipatory self-defense" to justify forcible action to stop the deployment of the Pershing and cruise missiles in Europe in 1984? It would be a dangerous doctrine, particularly in an age of nuclear weapons, to say that the mere deployment and readying of weapons justified the preemptive use of force by others. Yet international law before the U.N. Charter did recognize the right of anticipatory self-defense when the "necessity of that self-defense is instant, overwhelming, and leaving no choice of means, and no moment for deliberation." It is doubtful that the U.N. Charter was intended to deny a nation the right to defend itself against an armed attack that was already underway. Where to draw the line between permissible response to an imminent attack and impermissible response against the readying of weapons will not always be easy, but the principle seems clear enough and finds support in existing practice. Israel, for example, received no support in the United Nations for its preemptive strike against Iraq's nuclear reactor in 1981, but it received widespread support (and no U.N. condemnation) when it began hostilities in 1967 after President Nasser blockaded the Gulf of Aqaba.

Another question concerns self-defense in the face of "indirect aggression." In today's world, an "armed attack" can occur not only through the marching of troops or the launching of weapons across borders, but by the forcible seizure of power within one country by persons acting as agents of another country with the aim of destroying the first country's independence. This would suggest that "collective self-defense" should also embrace military action to defend the freedom and independence of a country that is being subjected to a previous indirect aggression by others. Putting it another way, "counter-intervention" in response to a prior illegal intervention should not be regarded as illegal provided it has as its motive and actual consequence the preservation of the freedom and independence of the people on whose behalf the "counter-intervention" is carried out. John Stuart Mill was an advocate of this principle as far back as 1848 in an eloquent passage that has particular application today:

*The doctrine of non-intervention, to be a legitimate principle of morality, must be accepted by all governments.*

*The despots must consent to be bound by it as well as the free states. Unless they do, the profession of it by free countries comes but to this miserable issue: that the wrong side may help the wrong but the right must not help the right. Intervention to enforce non-intervention is always rightful, always moral, if not always prudent.*

Since the first Hague conference in 1899, the international community has sought to develop rules of warfare to limit the destructiveness of conflicts and particularly the damage to innocent civilians. When armed force is used in self-defense or under any other legal theory, therefore, there is not only the question of *when* force may be used, but also how it is used. One principle of continued vitality is that of "military necessity"—that is, a use of force in self-defense or on some other basis should be limited so far as possible to military objectives. No doubt this is a difficult principle to apply in the nuclear age; yet in its humane purpose it is a principle that merits support from the community of nations.

**Protection of Nationals:** The United States and other trilateral countries have long asserted a right to use force on the territory of another nation to protect their nationals from an imminent threat of injury where the territorial sovereign was unable or unwilling to protect them. The U.S.-Belgian rescue effort in the Congo in 1964, Israel's raid on Entebbe, and the initial phase of the American landings in the Dominican Republic in 1965 and in Grenada all relied on this principle. To avoid abuse of the concept, it is generally conceded that the measures taken must be strictly confined to the purpose of protection—thus there would be no justification in occupying a country after endangered citizens had been removed. Most developing countries still challenge this legal concept, even when so strictly limited. Yet it seems evident that the industrialized democracies should continue to support it in an age where terrorist acts and the collapse of civil authority are all too frequent occurrences.

**Military Assistance Upon Request:** Traditional international law has recognized the right of one country to give military assistance to another at the latter's request, including the deployment of armed forces on its territory. It is still a widely held view that it is legal to assist the established government in a civil
war situation, but not the insurgent group, at least not until the insurgents have become sufficiently established that other countries may appropriately grant them belligerent status. But this whole question of assistance upon request and intervention in civil wars is one of the most controversial areas of international law, with the Soviet Union, Cuba, and many developing countries challenging the traditional customary law rule and insisting on a right to support "wars of national liberation" against established governments. Here is an area where the U.N. Charter is silent and the practice of states offers no clear guide for judgement, for the evident reason that no clear consensus exists within the international community.

It seems clear that the trilateral countries have a common interest in supporting the traditional international law rule prohibiting outside military support on behalf of revolutionary movements seeking to overthrow existing governments. They also have a common interest in affirming the right to provide military support to established governments defending themselves against a foreign-supported revolution. A closer question for the trilateral countries is whether, in the absence of any foreign intervention whatsoever, they should continue to assert a right to assist established governments to put down indigenous revolutionary movements. One problem with this traditional doctrine is that it provides ready justification for the use of armed force by the United States and other trilateral countries in support of any government, no matter how dictatorial or unpopular, to help it suppress popular forces seeking political and social reform. Moreover, it may help the Soviet Union to justify its uses of force to achieve the permanent incorporation into the Soviet orbit of any country which has once been taken over by a Soviet-supported communist coup. Soviet troops went into Hungary and Afghanistan, after all, in response to "requests" by pro-Soviet leaders falsely purporting to speak for the legitimate government of the country. Had they gone into Poland, they could probably have produced a request from General Jaruzelski.

On the other hand, military assistance upon request aimed merely at the restoration of law and order and not at the suppression of an indigenous revolutionary movement would seem to offer less problems as a legal concept for the trilateral countries and others. Here again, it will not always be easy to draw the line.

Regional Action: Article 52 of the United Nations Charter permits regional organizations to deal with "such matters relating to the maintenance of international peace and security as are appropriate for regional action," provided that their activities "are consistent with the Purposes and Principles of the United Nations." Article 53 further provides that no "enforcement action" shall be taken by regional organizations without the authorization of the Security Council.

The United States has sought to justify as a legitimate use of regional peace-keeping the OAS-authorized quarantine of Cuba in 1962 and the OAS-authorized peace force which occupied the Dominican Republic in 1965 after the collapse of order in that country. It has also sought to justify the occupation of Grenada as a valid regional peace-keeping effort by the Organization of Eastern Caribbean States. In the Dominican and Grenada cases, the United States argued that no "enforcement action" requiring Security Council approval was involved, since force was not being exercised against the will of a state, but only to maintain order after the collapse of government authority. In the Cuban quarantine, the U.S. argued that there was no "enforcement action" because the members of the OAS acted pursuant to a recommendation rather than a mandatory decision—a questionable theory to say the least, since certainly there was "enforcement" of the blockade against the ships of the Soviet Union and other countries.

It is not clear that the concept of regional peace-keeping adds to the uses of force that would otherwise be legally available to individual countries. Article 52 requires that actions by regional agencies must be consistent with United Nations principles. One of those principles is the prohibition in Article 2(4) of the use of force against the "territorial integrity or political independence of any state." Uses of force that would be illegal if undertaken by a single nation are not validated therefore simply because they are undertaken by several states pursuant to recommendations by regional agencies. In the Grenada and Dominican Republic cases, reliance on the concept of regional action would require a demonstration that the "territorial integ-
rity" or "political independence" of those nations was not violated. In short, the prohibition in Article
2(4) could be given a limited interpretation. But in
that event, action by the United States alone would
have been just as lawful (though less politically
attractive) as action by the regional group.

"Humanitarian" or "Democratic" Intervention: Some
scholars now argue that international law permits
one or more countries to use force in the territory of
another to put an end to human rights abuses or
vindicate the rights of the people to democratic
institutions. Indeed, Ambassador Kirpatrick has
used this argument to justify U.S. military support
for the "Contras" seeking to overthrow the Sand-
inista regime in Nicaragua.10 The concept of
"humanitarian" or "democratic" intervention is un-
deniably attractive when the world is faced with
extreme situations such as Hitler's campaign of
genocide against six million Jews or Idi Amin's
wanton slaughter of his own countrymen. It is,
however, a principle that finds little support in
treaty law or the customary rules that derive from
consistent state practice. It is also vulnerable to an
obvious practical objection. Two thirds of the mem-
bers of the international community are less than
fully functioning democracies and at least one third
engage in gross and persistent human rights viola-
tions. A legal principle that would authorize
unilateral or collective intervention against such a
large number of countries would be an invitation to
an unrestrained world civil war—too threatening to
international peace and stability to command broad
support within the international community or by
the trilateral countries themselves.

What is the application of the five concepts
outlined above to the Grenada situation? If the facts
as given by the United States government are
accepted, the principle that force may be used to
protect endangered citizens clearly justifies the ini-
tial Grenada landings. The continued occupation of
Grenada once that purpose had been accomplished
can be justified on the basis of the invitation by the
Governor-General to put an end to foreign interven-
tion and/or maintain domestic order, assuming the
constitution of Grenada provides him with the
necessary authority to issue such an invitation.

For the reasons given earlier, the concepts of
"regional action" and "humanitarian" or "demo-
cratic" intervention are not good legal arguments for
the Grenada action. But "collective self-defense" is a
concept that can apply to Grenada. This is not the
"anticipatory self-defense" of Grenada's neighbors,
which would stretch the concept too far since no
attack upon them was imminent. Rather it would be
the murder of Bishop and the seizure of power by persons allegedly acting as agents of the Soviet Union or Cuba for the purpose of subordinating Grenada's sovereignty to one or both of those countries that could be regarded as a "use of force" against the political independence of Grenada, justifying a collective self-defense action by the United States and Grenada's neighbors. To put it another way, and assuming once again that the facts presented by the United States are accepted, the Soviet Union and Cuba "intervened" illegally in Grenada to suppress freedom; the United States lawfully "counter-intervened" with Grenada's neighbors to restore freedom. The use of force observed the requirement of military necessity since a genuine effort was made to avoid harm to innocent civilians.

This brief exposition of applicable legal theories, simplified in the extreme for the purpose of brevity, may well raise more questions than it resolves. Some will challenge the validity of my necessarily abbreviated formulations and subjective judgements. Fair enough. The basic purpose of this essay is not to suggest that the answers to these questions are clear, but rather that the trilateral countries should accord high priority in thinking about them at senior levels of government in an effort to develop a trilateral consensus.

The Soviet Union and its allies in the developing world are actively promoting legal doctrines to serve their interests in international fora like the United Nations, in their bilateral diplomacy and in their unilateral official pronouncements. Their purpose is obvious—to prohibit all "imperialist interventions" by the trilateral countries while legitimizing all Soviet-sponsored uses of armed force in support of "wars of national liberation." If the trilateral countries wish to shape a world order conducive to the promotion of peace and freedom, they will need in their turn to develop a more unified and purposeful approach on these questions than they have thus far.

A trilateral report on the international law of armed force, written by scholars from Western Europe, North America and Japan, on the basis of broad consultation with governmental and private authorities throughout the world could be a useful first step toward achieving some consensus on an issue of central importance to the industrialized democracies and all other free nations.

3. The issue raised is when the use of force is legal and moral, not when it serves the national interest. The two issues should be clearly distinguished: There may be cases where the use of armed force by one or more of the trilateral countries would find a clear basis in law and morality but would be politically inexpedient. Conversely, a use of force may be politically expedient but neither legal nor moral.
4. The phrase is that of Professor Thomas Franck of New York University.
10. Daniel Webster's famous communication to the British government in the Caroline case, August 6, 1842, cited in J.J. Moore, Digest of International Law 412 (1906).
12. In the interest of brevity, there has been no discussion of a sixth possible justification for the use of armed force—reprisal by one nation against the illegal action of another. As a practical matter, this justification is not usually invoked in the major uses of armed force with which we have been concerned here. There is much disagreement, in any event, on whether and under what conditions armed reprisals are permitted under the U.N. Charter.
Justice Revived

In praise or in condemnation, as the case may be, to think “intervention” is irresistibly to conjure up images of military expeditions or economic maneuvers. However, there exist many other forms of intervention—the agronomist’s, the rescue worker’s, the teacher’s or the journalist’s, whose actions may knowingly flout local customs, indigenous legislations and international practices. Interventions are a problem: They are carriers of transgressions that are not always violent, and yet violate the accepted views in the states and inter-state apparatus.

Since we cannot think without images, let us for a moment substitute the particular case of armed or financial aggressions with the example of another kind of landing, that of white coats and stethoscopes in desolate places or regions in turmoil. How can we call for some necessary interventions without turning them into crusades? This was the problem posed fifteen years ago by a few French physicians. They went as volunteers to Biafra, then in the throes of genocide. Breaking the Hippocratic Oath—cure and shut up—as well as the tradition of silence heretofore upheld by the Red Cross, they admonished the media, states and world organizations. Since then, under the labels of “physicians of the world” or “médecins sans frontières,” they continue to surface in all corners of the earth, in cases of natural or political disasters. Their watchword is “cure and inform;” their instruments are the scalpel, the microscope and the TV screen. Both healers and witnesses, they bring relief and call for help. The French ship, and later the German one, to save the boat people from drowning—it was them again.

These “physicians of the world,” like Amnesty International, are they not becoming the “freelancers” of a new type of intervention, special to this electronic fin de siècle? They reveal that crime and silence are too perfectly blended now that modern torturers perform their ablations of communication with rigorous, robotic omnipotence. The blood soaks in silence; the quietude of the happy, the martyr of the humiliated and the force of the despots last for ever when every citizen of the globe ignores his next of kin and far of kin. The doctors go on practicing without visas or authorization in El Salvador, in Afghanistan, they set up makeshift hospitals for the bombed and massacred of Lebanon, Palestinians, Druzes, or Christians in turn. They practice medicine “illegally,” their investigations and their testimonies are branded as espionage by the powers that be, no Law protects them. Some were jailed under the specious pretext of drug trafficking (in Turkey), another one was tried and forced into a television confession (Dr. Augoyard, in Kabul). In the end, police vice bowing to the virtue of the rescuing outlaws, the accused were quite rapidly released. At the point where the means of mass communication and an ethic of urgency meet, aren’t we perceiving the sparks of a new law, of a new right?

Then, alerted via television, public opinion begins to sense that some non-interventions are wrong. The nauseating images of Sabra and Shatila traveled around the world. The Israeli commission of inquiry has condemned the passivity of an army witnessing, at ease, the massacre of civilians. Let us be precise: In the absence of these images—and therefore of world outrage—the fault would have been identical: a failure to assist persons in immediate and deadly danger. And had the Israeli army been stationed further away, within telephone range instead of binocular range, it would still be unforgivable; to bring relief, it is enough to be informed and able to help.

Let us broaden our scope. There are other bloodbaths which civilized indifference turns into oceanic tides. Sabra and Shatila, on the scale of a country, become Cambodia (1975-79) or Biafra (1968): The

slaughter goes on for months, for years; enlightened nations lack no information, the great and the super powers have the means to interrupt, yet nobody moves. When Pontius Pilate presides over the dealings of nations, we must show crimes of non-intervention for what they are.

The right and duty to intervene? The idea may trouble the jurist. The Codes are often lagging behind emergencies; from Armenians to Jews to Gypsies, it took a few genocides before “crimes against humanity” were given their own rubric.

The principle of non-intervention enjoys such a good reputation that the U.N. rarely fails to evoke it for the purpose of restoring touching unanimities. After all, is not the respect of borders the very foundation of the law? The homage that is paid to national sovereignties is a compulsory prologue to any profession of international faith. Interference in affairs said to be “foreign” is quickly perceived as an offense, nay, as a capital crime, the indelible and infamous mark of hegemony or imperialism. Will it not soon strike us as strange that a civilized power should set up a “Foreign Office”? Indeed, the latter’s duty (officium) seems to boil down to not intervening in the “foreignness” of foreign powers. Taking over after 25 years of meditation in opposition, the French Left decided solemnly that the Ministry of “Foreign Affairs” had to be renamed; its new Ministry of “External Relations” notwithstanding, France still intervenes, militarily or not, for better or for worse, sometimes at cross purposes, in any case frequently: Nicaragua, Chad, Lebanon.

Is the principle of non-intervention really a principle? In other words, can the “absolute” obligation in all circumstances to respect recognized boundaries initiate and govern (such are the functions of a principle) the behavior of a given power in today’s world? And why all the posturing if nobody respects this allegedly supreme principle? Invalidated in practice yet reaffirmed in speech after speech, the rhetoric of non-intervention becomes the soul of a soulless world, the obsession of some kind of universal fraternization devoid of substance or conviction, the religion of a united nations’ organization seeking to unify what is unorganized and to organize what will never be unifiable. “I shall not intervene,” swears the international civil servant who, apparently unaware of the paradox, is in effect saving the branch on which he sits and, at best, sentencing himself to unemployment. “We will not intervene,” repeat the intellectuals committed to non-commitment. While wars rage and the planet goes to pot, the ideology of all-purpose laissez faire serves its opium to the blissful.

The requirement of non-interference is thought to be beyond dispute—if borders are no longer valid, what comes next? But indisputable propositions—like a drunkard’s oath or Popper’s “unfalsifiable” truths—lend themselves to endless controversies precisely inasmuch as they cannot withstand contradiction. “I have, always, anywhere, and by any means, the right to intervene” is untenable under law. “You never have the right to transgress recognized limits” offers a more legitimate demarcation. Unless, that is, all this talk of “always” and “never” won’t do and the decision to intervene or not appears to depend on other, more imperative emergencies or demands. What if intervention or non-intervention were not a matter of principle but, rather, of opportuneness? Perhaps non-intervention is neither a principle nor an end in itself: Justified in the name of its regulating principles (e.g., the freedom of nations) or set aside in the name of other equally noble principles (e.g., assistance to peoples threatened by genocide), in the end non-intervention is without principles—indeed, it often appears preferable for the very reasons that sometimes make it intolerable.

The rule of non-interference plays generously to our prejudices. “Laisser faire,” translates the free-trader, who has been announcing for two centuries the end of interventionist militarisms. The revolutionaries, starting with Napoleon III’s beloved Carbonari, swear by the “principle of nationalities” and wager that the insurgents of all countries will fraternize as the states were never able to before. The democrats invoke the right of peoples to be masters of their destiny while they justify, on the sly, the right of states to be masters of their people. Every man in his niche, and God for all?

Recent history and decolonization reinforce the temptation to abstain. The flourishing metropolises,
suddenly withdrawn, adorn their isolationism with the laurels of “liberalism,” pacifism, and well-understood selfishness while all around history endures, more than ever “full of sound and fury.” Few are those who consider it a duty to interrupt the bloodbaths to the extent possible. An unfortunate intervention gives rise to the “Vietnam syndrome,” but the kind of inaction which allows a population to be massacred for three years elicits no remorse, no “Cambodia syndrome.”

For new countries to achieve relative political independence is inevitable in the twentieth century, but there is no Providence behind this necessity; one more seat at the U.N. does not mean one more guarantee of peace. No pre-ordained harmony promises the cohabitation of egotisms and the coexistence of nations. If we count no less than 130 wars, civil not included, and thirty million dead since 1945, it would seem the world is turning out to be more Shakespearean than was dreamed by the prophets of a humanity reconciled with itself once European colonialism had disappeared.

Of all the good reasons not to intervene, one is clearly wrong: We should avoid swearing that the mere paralysis of this or that power will suffice to ensure merry intercourse and commerce among peoples magically freed from the fear of slaughter at the hands of their neighbors or their own government. The developed countries’ control over five continents was countered on serious grounds, which were justified by ethics and realism, and which should have kept third-worldly ideologues from ill-advised promises. The end of the colonial era did not usher in the time of peoples’ peace when “violence, like Achilles’ spear, can heal the wounds it has inflicted” (Sartre). Why should the once oppressed renounce the pleasures of colonizing in their turn? Why wouldn’t three newly emancipated continents tend to become, like yesterday’s Europe, Balkanized? Having won its war of independence, the former colony has not only conquered the rights but also the vices of the old metropolis; in turn, its new masters stick pacifist and brotherly labels on sordid hostilities. The Boers, symbols of 1900 anti-colonialism, invent Apartheid, and the Vietnamese Communists, hardly done with defeating the Americans, colonize and subjugate Laos, then Cambodia. Decolonization has not halted the gang-wars which dramatize our present: It has democratized them. In the end, we may find it convenient to lie low, yet we need not pretend to turn this sometimes prudent abstention into a matter of iron-clad principle.

Nevertheless, non-intervention stubbornly poses as supreme value. During four centuries, the West conquered the earth, claiming to be the bearer of a world order whose existence, though diversely appreciated, was never in doubt. The messenger of the Christian gospel or of civilization’s Enlightenment, Europe had every right since it was Right itself, since it was the Law. Yesterday, a certain highly Eurocentric idea of Man and Mankind legitimized any adventure; today, a no less certain idea of the world’s order excuses immoral inaction. The conquering Europe believed in the justness of its wars, the West of “the haves” believes in the justness of its peace — and in both cases, unthought goes the planetary chaos with its spreading injustice which we foster now by our senseless actions, now by our insensitive passivity.

It all seems as if we were still living in the religiously centered universe of Aquinas. Just wars and interventions deemed unjust cast their silhouettes against the apparently unsurpassable horizon of a quasi-theological cosmic order. We restore that order: Let’s win our war! We save it: Let’s perpetuate our peace! And thus we fancy ourselves as citizens in spirit of a “global village” where conflicts are no more than unfortunate misunderstandings, while over the battlefield rises, immaculate and indisputable, an Idea of Mankind. All attempts to justify absolutely, as a matter of principle, the interventionist or the non-interventionist are derived from this idea. I postulate the existence of a supreme Common Good, and my conclusion is: I massacre you—or I let you be massacred — for your own good, which is mine.

Let us assume that no theological sun is throwing its even light on the scuffle. Let us grant that “Mankind” or “Humanity” is an empty concept (empty for having been overfilled, everyone knowing so well what the term means to him that he understands nothing of what it means to the next man). Through some kind of Copernican—or to be more exact, Shakespearean—revolution, let us avoid imagining that mankind revolves around the
idea we make of it. Suddenly, we find ourselves with "no exit" from our global gangland. No cosmos is any longer organizing, behind the scenes, the correlation between admittedly pure intentions and inevitably impure operations.

The American episcopate's argument against nuclear deterrence applies more broadly than the bishops are willing to grant. The Thomist requirements of discrimination and proportionality, conditions for the justness of a violent act, presuppose the possibility of a just adequate of Christian, therefore heavenly, intentions and mundane, therefore bloody, means. We need to assume a prior order which regulates this adequate: Outside of a world created by God, revealed by His word and compelling to all creatures, a just war in Saint Thomas' sense, whether nuclear or not, becomes unthinkable. To be consistent, it would have been necessary to denounce all armed interventions: Numbers are not the point; for a spiritual being, one soul is worth the sum of all souls, and to ensure the happiness of mankind by the sacrifice of a single innocent seems—from Abraham to Dostoevsky—paradoxical and highly scandalous. The murder of one child amounts to a miniature Hiroshima.

The enormity of the nuclear danger most likely made the bishops understand that they could no longer bank on a world order imposing its certainties and its discipline to all adversaries. But they did not realize that, once the reference to the Christian cosmos is dropped, no armed operation can satisfy the criteria of proportionality and discrimination. Either we accept to take the risk, inherent to all conflicts, of killing innocent civilians, and thereby proclaim God's ways impenetrable and vain those who pretend to see them without belief; in this case, the nuclear risk is not unthinkable: Unfathomable, it becomes in turn akin to an act of faith. Or we must put God and his creation between brackets and gauge the morality of merely human men: Retail assassination doesn't seem less immoral than wholesale massacre, and any deadly intervention loses all justification. So does, conversely, the kind of passivity that refuses to stop the torturer or the assassin: As we know, the idealist's hands are pure, only he has no hands. Assistance and non-assistance to persons in danger cannot be judged Christianly by Christians who no longer fancy themselves in the midst of a Christian world. More generally speaking, moral consciences, as they weigh acts, must accept not to presuppose that disunited nations are governed by some providential ethic, conveniently fantasized into a destiny, which heals the wounds, does away with the damages and reconciles the fighters without their knowing.

How then are we to act if we do not assume that nations are good? How to let them act as they please if we do not hope that a cosmic harmony will reduce their actions' mischieffulness? In theory, we are left with but one way out: Not to measure justice by justice, not even injustice by justice, but to compare injustices among themselves, select the least unjust and posit it, a lesser evil, as relatively good. Intervention and non-intervention in the disorders of this world, for one who tries to remain "atheistic in politics" (Stendhal), are not grounded upon a common idea of Good and Beauty, but upon a sufficiently broad experience of evils. While the types of bliss and paradise vary according to the chimera each of us chooses to straddle, the plague, starvation, slavery, torture, concentration camps exist as such and motivate operations aimed at combating and preventing them. We have little use for the views of a doctor on the subject of perfect health; what is important is his knowledge of diseases. A tank is a tank, a massacre, a massacre; if the term "human" invariably lends itself to confusions and sounds hollow, inhumanity, on the other hand, is a familiar enough experience to be communicable.

Humanity is thus understood negatively. In truth, the rights of man are rights to escape, not to perdure—they seek to prevent, not to edify; they prohibit, but do not promise; they are conceived against, not for something. In their Declaration of the Rights of Man, the members of the 1793 Paris Convention emphasized that the need to set forth these rights is "predicated upon either the presence or the recent memory of despotism." Elementary anti-despotic liberties operate as a deterrent in barricading the doors of hell, not positively in opening up the doors of paradise.
A patriotic idea of the 19th century, the un-touchability accorded boundaries has evolved into a statist prejudice. Perhaps borders are only relatively inviolable, as held by classical European law; to be sure, it recommended “not to meddle in other peoples’ wars,” but this prudent precept was qualified by an exception: “Can one go to war on behalf of the subjects of another Prince to free them from his oppression? This is permissible only in cases where tyranny has escalated to such a level that the subjects themselves can legitimately take up arms to shake off the yoke of the tyrant who oppresses them” (Pufendorf, The Laws of Nature and People). Let us apply this rule: It is wrong for the Soviet Union to intervene in Afghanistan, not because it is “intervening,” but because it replaces there a dictatorship which it once helped set up with some other puppet tyranny. On the other hand, it would be right for the democracies to intervene by supplying the Afghan rebels with the weapons they ask for.

Have we lost all feeling for freedom? Are we incapable of sensing whether a given tyranny “has escalated to such a level that the subjects can legitimately” revolt? When it has reached the genocide mark, does a dictatorship deserve any longer the solicitude of non-interference? On the greater part of the earth, the balance of deterrence shelters totalitarian empires from armed aggression. Must they in addition be spared the free circulation of ideas and information? Must we help rightist and leftist dictatorships keep their subjects in darkness and lies? In case of earthquakes or massacres of innocents, extreme urgency has every right. Fear of intervention and communication allows graveyards to proliferate around us, ever closer to us.

Translated from the French by François Sauzey
Altaf Gauhar, a former senior official in Pakistan’s Civil Service, is Secretary-General of the London-based Third World Foundation, and Editor-in-Chief of Both South magazine and the Third World Quarterly. Following are his answers to questions put to him by Triadologue in March, 1984.

Most of current international law dates back to simpler times. From your perspective, what is left of its relevance and “teeth,” in practice, in today’s nuclear world with its superpowers and over 150 nation-states?

What is international law? Essentially it represents a legal framework established through consensus among nations to protect the weak and to restrain the strong. The times when this consensus was evolved were not “simpler” as you suggest. They were as complex as ever and the issues which confronted the framers of international law were grave issues of war and peace. The mere fact that the number of independent nations has increased or highly destructive weapons have become available to the strong does not make the consensus on which international laws and conventions were based simplistic or unnecessary. Those laws and conventions were intended to regulate the conduct of states and we need those laws more than before because some nations have acquired weapons which can lead to the annihilation of mankind.

The United Nations, its charter and rules of operation: How do you assess its role and efficiency in resolving conflicts, and what would you do to improve them?

I find the United Nations becoming less and less effective. Its most powerful organ, the Security Council, is a muscle-bound giant. In recent years the United Nations has not been able to intervene in a purposeful manner in any crisis. I have talked to both the present Secretary-General and his predecessor and they said that the United Nations can function only if member states allow it to function. Neither of them explained why the willingness of member states to support the organization had disappeared. Here, perhaps, your earlier reference to the large number of independent states has more relevance. One hundred fifty nations speak with 150 voices and that makes it difficult to work out coherent policies. The U.S. seems particularly disenchanted with the United Nations and its agencies. A recent study for the Congress has shown that, apart from Israel, few nations vote with the United States. Most European nations did not vote more than 53 percent of the time with the U.S. last year. The figure for Asia and Africa is around 20 percent. Working on these figures, the U.S. Administration has come to the conclusion that the United Nations is not an organization which serves U.S. interests. No one considered the possibility that, if most nations were not voting with the United States, perhaps the United States should re-examine its own position and policies. Recently the United States gave notice to withdraw from Unesco on totally erroneous grounds. All the expert advice that the State Department received showed that Unesco was serving a useful purpose in certain fields.
and that it would be wrong for the United States to withdraw from the organization. Yet, the notice was given because there was a feeling in the Administration that Unesco was not submitting to U.S. instructions and directions. Nearly every U.N. agency has been similarly rendered ineffective, if not inoperative.

How do you judge the U.S. intervention in Grenada? What larger implications for the Third World?

I can only judge the U.S. intervention in Grenada in terms of international law. President Reagan himself described it initially as an “invasion.” It was an act of aggression committed in violation of the U.N. Charter and international law. Evidence has since become available to show that the decision to invade Grenada was taken before any request for intervention was received from any authority in Grenada. Grenada has sent shock-waves throughout Central America and Latin America. I was recently at a conference in Cartagena, Colombia, where I met a number of Latin American scholars and statesmen; without exception they expressed their dismay at U.S. conduct in Grenada. For a superpower to clobber a tiny nation of 100,000 people is not great achievement. Almost at the same time, the American peacekeeping force was getting more and more enmeshed in Lebanon’s domestic problems. The “peacekeeping” mission ended with the battleship New Jersey lobbing 16-inch shells on Lebanese soil. That was a loud expression of impotence.

Could you describe the consequence of the Soviet intervention in Afghanistan for Pakistan itself and for the region at large? Do you think we should really draw parallels between Afghanistan and Grenada, as some have done? If so, which?

Soviet action in Afghanistan was an act of aggression and a blatant violation of international law. Grenada and Afghanistan do not cancel each other out—they make two acts of aggression. The presence of Soviet troops in Afghanistan has given the military regime in Pakistan a justification to perpetuate itself and to pursue autocratic and repressive policies.

Judging from these and other recent cases of armed intervention, what kind of guidelines and criteria do you think the “West” should follow in considering, approving or condemning external intervention?

The West does not have to be told what guidelines to follow. Those guidelines were spelled out by the West itself in a whole range of international laws and conventions. The West should know that there is a tremendous amount of sympathy for Western values throughout the Third World. There is an enormous respect for U.S. institutions, for its Constitution, its judiciary and its press. Differences arise only when people in the Third World find that democratic institutions and free market practices result in their impoverishment and exploitation. It is the growing gap between the rich and the poor which is at the root of the present world crisis. A recent American study has shown how this gap has been increasing. At the time of the industrial revolution the richest country in the world was less than twice as well off as the poorest country. Until the middle of the 18th century the average standard of living in Europe was somewhat lower than in the rest of the world, due to the high level achieved by China, and Europe reached parity only toward the end of the century. By the 1830s, the developed countries had started moving ahead of the present Third World. The gap in the average living standards then began to broaden: It expanded by a factor of 2 in the 1870s, 3 in 1900, 5 in 1950 and 7 in 1970. Today the real GNP per capita in the most highly industrialized countries was 30 times that of the least developed countries. If this rate of increase (7 in 1970 and 30 in 1980) continues, the gap will be increasing by a factor of 600 before the end of the century, when one out of every four persons will be condemned to varying degrees of starvation.

The patience of the poor is not inexhaustible, nor is their capacity to suffer limitless. They are not destined to remain a frozen mass: The glacier is beginning to melt and the icebergs are set on an invisible but inevitable collision course.
Grenada in Two Movements

Mario Vargas Llosa

I

Upon learning of the intervention by the United States in Grenada in the latter part of last year, this was my first reaction:

Is a powerful country endowed with the right to intervene in the affairs of a small country when these affairs do not proceed as it feels they should? If it is, then the Soviet intervention in Afghanistan and the Vietnamese occupation of Cambodia can be justified. If it is not, then the invasion of Grenada by the United States must be condemned with the same severity and for the same reasons as the actions of those other countries.

Aside from the fact that it constitutes a violation of international law, the Charter of the United Nations and the statutes of the Organization of American States, the intervention in Grenada will have ominous political consequences for the cause of democracy in Latin America. It provides new fuel for the anti-U.S. propaganda that confronts the Reagan government, determined as it is to revive the old Washington diplomacy toward our countries: that of the cannon and the club. In the United Nations Security Council, France voted in favor of the resolution condemning Washington, and the British government, although it abstained in the voting, has made it known that it disapproved of the intervention when it was consulted on the subject by the White House. In the rest of the Western countries, the reaction oscillates between open dissent and uncomfortable silence.

These differences could not have surfaced at a worse moment. The event took place on the eve of the deployment of the new U.S. nuclear missiles in the NATO countries. The pacifist movement's campaign against these nuclear weapons has assumed great momentum in Western Europe and will be reinforced now with a theme that has been its battle cry all along: Couldn't the United States activate these missiles without taking into consideration the opinions of their host countries? There have been voices raised in the British Parliament of late, and not just those of Laborites, concluding that if the United States could act as it did in Grenada, ignoring Britain's unfavorable opinion, why couldn't something similar happen tomorrow with the nuclear weapons installed on English territory? Thus the invasion of Grenada inadvertently strengthens the pacifist movement in Western Europe, a movement which, though feigning neutrality, is in reality directed exclusively against the United States.

Therefore, both in terms of ethics and practical politics, the Marines' invasion of Grenada appears unjustifiable. What then inspired the Reagan government to go through with it? What benefits did it hope to reap? It is worth an investigation, since Washington clearly didn't dispatch its troops to that tiny territory—barely 133 square miles—without careful evaluation of the political and diplomatic price of the venture. And since it went ahead nonetheless, it was because, from the Administration's point of view, the end results justified it.

Was it concern for the lives of the thousand American residents in Grenada, nearly all of them medical students at the University of St. Georges, that was the primary reason for the invasion? Of course not. The bloody disorders that preceded the invasion claimed no victims among the foreigners and there were no indications that their security was threatened. Nor is the other reason put forth by Reagan very convincing: to reestablish the rule of law and order on the island. How many times have the countries of Latin America succumbed to lawlessness and disorder without eliciting such diligent solicitude from Washington?

In truth, the decisive factor in sending the Marines was the White House's fear that, after the assassination of Prime Minister Maurice Bishop and his primary lieutenants by the military clique of
General Hudson Austin, Grenada would turn, irrevocably, into a puppet state of the Soviet Union. The U.S. military intervention was, in fact, a last-ditch attempt to correct a very grave mistake committed by the State Department in analyzing what took place on the island and basing its policy on that erroneous interpretation.

The twelve Caribbean islands that seceded from Great Britain and that form part of the Commonwealth have shown, with few exceptions, a firm democratic vocation. The worst exception was Grenada. Its first government, though born of elections, turned out to be so despotic and corrupt that Grenadians welcomed with relief the ousting of Sir Eric Gairy in 1977. The ringleader of the coup, Maurice Bishop, led a Marxist party that answered to the poetic name “New Jewel,” and promised, upon taking power, that he would hold elections. But his promise was soon forgotten. Young, charismatic and capable, Bishop turned out to be a popular leader with his 100,000 compatriots, and his “social” dictatorship—one party, a controlled press, a number of government opponents sent to jail or exile—could count on reliable support.

Relations with the Soviet Union and Cuba developed rapidly and Grenada enjoyed the considerable collaboration of both countries on public works such as the construction of highways and the formation of cooperatives. It also received a military assistance that alarmed Washington. When 800 Cuban workers began to construct, on the outskirts of St. Georges, an airport with the capacity to handle bombers and MIG jet-fighters, President Reagan himself stated in a press conference that Grenada had become a satellite of Cuba and the USSR, and that the island was being converted into a Soviet base which would constitute a threat to the United States.

Was this true? Later accounts indicate that the reality was much more complex. Maurice Bishop and an important group of his supporters wanted at that time to avoid a break with Washington, and even wanted to find a way to distance themselves from their Cuban and Soviet allies, whose friendship was becoming embarrassing as well as risky. The inability of the U.S. State Department to realize that there was an internal struggle going on on the island is even more deplorable than if it had recognized it and acted accordingly, possibly avoiding altogether the subsequent tragedy in Grenada, from political crimes to the setback for democracy that the invasion represented.

When Maurice Bishop traveled to Washington last spring and requested an interview with the President, or at least the Secretary of State, he came up against a stone wall: He could only meet with subordinate government functionaries. The Department of State evidently believed that the attempt by the Grenadians to seek reconciliation and a modus vivendi with the United States was merely a propaganda ploy. In reality, it was a bold effort—just short of desperate—to pull Grenada from the bog by means of a compromise with the United States. It is lamentable that Washington did not take advantage of an opportunity that might have been used to disassociate Grenada diplomatically from an excessive Cuban-Soviet influence, which according to all indications was what Bishop and the moderates of his party were looking for. This episode demonstrated, on the one hand, a tremendous lack of information in the State Department about what happened in Grenada and, on the other, that the United States precipitated the fall of Bishop, its potential interlocutor, because of the hostile and contemptuous treatment which it inflicted upon him. Recalcitrant extremists were able to assume control of power, arresting Bishop and accusing him of weakness and treason.

One gets the impression that Washington fully understood the situation—that is to say, the lost opportunity—only after the massacre in which the “hardliners” of Austin and Coard liquidated the “softliners” of the New Jewel party. The latter’s disappearance caused, by all accounts, panic in the White House. The Marines’ intervention shows that the U.S. government deduced that the massacre would serve to consummate the Cuban-Soviet control of Grenada. This is, perhaps, the most serious thing that can be said of the developments on that Caribbean island: In addition to being illegal and immoral, this intervention is one where the Pentagon made Grenadians pay for errors that the State Department committed in its reading of the events.

II

What happens now in Grenada, four months after the U.S. intervention? According to all re-
ports, the majority of the 110,000 Grenadians approve of the intervention and feel “liberated” by the forces that overthrew the regime of Bernard Coard and General Hudson Austin. Apparently, despite the great popularity and charisma of Maurice Bishop, the Grenadians began to tire of the ideological crescendo and the atmosphere of radicalization and belligerence in which the island was submerged during the last months of the government of the New Jewel movement. The coup against Bishop, his assassination and the October 19 massacre were “the drops that overflowed the glass” and finalized the break between the Grenadians and the clique in power.

A good number of the intervening troops have left the island and those that remain appear to coexist peacefully with the natives. The Richmond Hill prison has been opened and all political prisoners of the former regime are free; the “revolutionaries” that have replaced them in their cells are, though there are no exact figures, substantially fewer. Political exiles have returned, among them the man overthrown by Bishop, Sir Eric Gairy, infamous as the one who governed Grenada for more than 20 years with a hand that was as corrupt as it was brutal. Freedom of political parties and diversity of the press have been reestablished and slowly but surely steps are being taken to revive institutional life and organize elections. International aid, which was so scarce for Bishop, has been accorded generously to the island now that no traces of Cuban presence remain. One recent communication speaks of $30 million offered to Grenada as “economic and military aid from the United States in exchange for the establishment of the private sector as a motor of development.” Without being overly optimistic, one can predict that within a few years, if all goes well, Grenada could have a fairly democratic regime and even relative prosperity, not unlike what happened in the Dominican Republic after it was invaded in 1965.

Should we conclude from this that the military intervention was justified, inasmuch as it fulfilled the desires of a majority of Grenadians and contributed to the establishment of a more civilized system than the island had before? If we respond affirmatively, we are saying that violation of the sovereignty of a weak state by a powerful one should not be judged as a question of principle, but rather as a historical fact that can only be understood, and therefore justified or rejected, as a function of its results and within the context of the battle between the communist and democratic worlds to incorporate the countries in the Third World into their respective spheres of influence.

The question is extremely delicate because within it cross and diverge considerations that belong in distinct orbits: moral, legal, ideological and practical. On the abstract and generic plane of ethics and law, it is easy to conclude that violation of sovereignty is never justified in any case or for any reason. This is a universal principle set down in international treaties and in the Charter of the United Nations. But in practice, we see that this principle has only relative import in military matters; notable exceptions notwithstanding, the great powers are continually abusing it—as in the case of the USSR, which exercises a rigorous ideological, economic, political and military control over others, or in the case of the United States, which maintains certain terms of commercial and economic hegemony that are the equivalent of virtual servitude for many Latin American countries. (For example, the adoption of a simple administrative resolution restricting imports of textile products in the United States provoked in the last year a chain-reaction of bankruptcies in the Peruvian textile industry that seriously added to the country’s economic crisis and unemployment.)

The reality today is this: Absolute sovereignty, as defined by ethics and law, is an exclusive privilege of those great powers, namely the United States and the USSR, that are able to exercise it and defend it. For the rest, it is a matter of relative privilege, entirely subordinated to the level of economic and military development, that is to say, to the degree of external economic dependence. It is clear that Great Britain and France enjoy greater sovereignty than Cuba or El Salvador, but it is also obvious that, considering the extent of their development, those countries have an autonomy and independence in the management of their destinies more limited than that of the two superpowers.

Nevertheless, this way of describing the problem is misleading since it seems to establish a symmetry, an equality, that does not exist. The way in which the sovereignty of a vassal country of the USSR is reduced is much more profound and irreversible
than that of a country economically dependent on the United States. The latter dependence is more flexible, subject to variables; it concedes a margin of initiative and includes the possibility of divorce. In the former, there is nothing of the kind—indeed, it is more appropriate to speak of subjection than influence. In spite of the Salvadoran government's total dependence on the United States for its survival, it still is allowed by Washington some liberties that would be unthinkable in relations between, say,
Poland and Moscow.

Thus if one wants to speak of sovereignty in concrete terms, one must accept that this notion cannot be separated in the world of our times from the ideological confrontation between totalitarianism and the free world. It is when this confrontation comes into the picture that the superpowers are led, at times directly (like the United States in Grenada and the USSR in Hungary, Czechoslovakia and Afghanistan) and at times indirectly (like the dispatch of Cuban forces to Angola and Ethiopia to prop up the pro-Soviet regimes of both countries) to take the decisive step of armed intervention, an extreme and brazen violation of the relative sovereignty of a weak country.

It is at the level of confrontation, when a superpower is about to suffer a setback or the status quo is about to be altered dramatically, that a superpower is moved to take that decisive step. The United States' intervention in Grenada, like that in the Dominican Republic in 1965, was intended to prevent its adversary from taking over a pawn in a zone important to its interests, not necessarily to restore to the Grenadians the liberty that the dictatorship of Coard and Hudson Austin had wrested from them; that turned out to be an added advantage. The proof of this is that the United States has never dreamed of intervening in Haiti, where the inhabitants are victims of a despotism and corruption worse than those which prevailed in Grenada under the New Jewel movement: The situation in Haiti does not affect the global geopolitical interests of Washington.

This is what is intolerable for those of us who do not believe that a moral or ideological equivalence exists between the two rival systems. It seems to us that the democratic system creates more just relations, or at least less unjust or abusive relations, between the superpower and the countries within its sphere of influence. In the democratic world, there is still an understanding (which must prevail if democracy is to continue there) of the semantic difference between "influence" and "servitude." Influence is freely accepted and can be rejected and periodically revised and regulated; that is to say, it can be reduced. Servitude is imposed; it denies all forms of revision, is impervious to dialogue and leaves no other alternative to the victim country than blind submission or suicidal rebellion.

The protest against the U.S. intervention in Grenada should not be made, if one is a realist, in the name of a general and abstract norm of sovereignty that does not exist for any country other than the superpowers, but rather in the name of the democratic ethic and ideology that the U.S. system represents. If the relations that this system establishes with kindred countries or those within its sphere of influence are similar to those that rule the totalitarian world, not only will the notion of sovereignty be violated, but also the notions of liberty, justice and democracy for all those states that are not on equal terms with the superpowers.

Does it follow that, in the name of the ethics and practices that distinguish it from the totalitarian world, the United States ought to stand idly by with its arms crossed when a small country of the Third World is the victim of intervention, either explicit or camouflaged, from a totalitarian world bent on extending its dominion? Certainly not. That is the only case in which intervention by the democratic world—or better, counter-intervention—is justified: to prevent an act of aggression that violates the will of a country's citizens by turning it from a nation with limited sovereignty in the free world to a vassal state in the socialist camp. For all the conditions to be fulfilled, totalitarian aggression should be flagrant and tangible, as in Afghanistan. Was it the case in Grenada? It was not. In Grenada, one could speak of a growing Cuban and Soviet influence, but not of an overwhelming aggression.

The difference between the democratic and totalitarian worlds is that the greater margin of sovereignty that the former concedes to small countries allows them not only to be right, but also to be wrong, and gives them the responsibility of correcting their political mistakes themselves. It would be the obligation of the democratic world, if the case arose, to free Grenada from Cuba and the USSR. But to free it from the "bullies" Coard and Austin was not up to the United States, but to the Grenadians themselves. Therefore, contrary to what the majority of Grenadians seem to feel, I continue to believe that the United States' intervention was a mistake.

Lima, February 1984

Translated from the Spanish by Karen Polk
Sovereignty = Intervention?

Few thinkers have so intimately explored and lived the dilemmas of sovereignty in modern times as the late Hannah Arendt. Even fewer have more fully spanned the European and American traditions than the young German philosopher and friend of Martin Heidegger and Karl Jaspers, who became—once world war and one Holocaust later—the American author of the famed The Origins of Totalitarianism, On Revolution and Eichmann in Jerusalem.

In the spirit of the old Dialogues which she cherished, we reproduce below the only slightly edited transcript of a conversation arranged by Trialogue between two of Arendt's former associates: Jerome Kohn is Director of Liberal Studies in the Graduate Faculty of Political and Social Science at New York's New School for Social Research; he worked for Hannah Arendt from 1970 to 1975, and on the text of her posthumously published The Life of the Mind. Melvyn Hill is a practicing psychologist and psychoanalyst in New York and Associate Professor of Social Sciences at Toronto’s York University; born in South Africa, he completed a doctorate under Hannah Arendt at the University of Chicago and edited a “Festschrift” in her memory. Hannah Arendt: The Recovery of the Public World.

Hill: Let's begin with a Chinese proverb that Hannah Arendt was very fond of: “It is a curse to live in interesting times.” Do you think it can cast any light on our attempt to talk about the international situation, and the problem of sovereignty and intervention?

Kohn: It seems to me that the principal meaning of that proverb for her was that interesting times make it all the more difficult to think. The extraordinary thing about Hannah Arendt is that she was so given to thought, despite the catastrophic political experience she endured. As she said, she could very well live without doing anything, but she could not live without trying to understand whatever happened. She also often remarked that if she had any insight into the public realm it was because she viewed it as an outsider, from the private realm; she was a very private person. She was able, for whatever reasons, as she put it in The Human Condition, “to think what we are doing.” But because of the interesting nature of our times, it is difficult to find that space in which to think.

Hill: She was not involved in politics at an international level, so her ideas really do not have the credibility of, say, a professional politician, somebody who has moved in and out of international agencies or governments. Unlike a Kissinger or a Brzezinski, for example, Hannah Arendt was not interested in power for herself.

Kohn: That would have been an ironic notion to her!

Hill: She was a sort of spectator of events rather than an actor in events.

Kohn: Indeed she was. It's a curious thing that happened to her. As she said, “Somebody struck me over the head with a hammer,” referring to her experiences in Germany in the early '30s. She had to consider politics; she probably would not have otherwise, except for the oppressing events of her time.

Hill: If you define your role as a thinker, by analogy with the spectator—in her case, she was referring to the spectator at the Greek theater, which is where the word “theorist” comes from—that in some sense much of your character and quality as a spectator has to be defined by the spectacle you observe. And I think in Hannah Arendt's case, especially in terms of international politics, the spectacle that most preoccupied her was the events leading up to and immediately following the first World War. Would you agree with that?

Kohn: The first World War period, what led to it, and its aftermath, certainly play a crucial role in The Origins of Totalitarianism.

Hill: What was the reason for that, do you think?

Kohn: I think probably it spilled out for her—for everyone—the end of all that she meant by “tradition”: The mental continuity of Western history. The roots of this ending of the tradition certainly precede the first World War, but it became a fact, to anyone who wanted to look at facts realistically, with the first World War.

Hill: And this end of tradition applies to, among other things, the phenomenon of sovereignty.

Kohn: Yes. We can see tradition breaking down in terms of sovereignty. The traditional concept of sovereignty derived, I think, from a concept of power based on the salvation promised by the Christian religion. This Republica Christi was a transcendent Christian power.

Hill: It seems to me that the concept of Christian kingship is very different from what obtained in the period of absolute monarchies.

Kohn: Yes. Christian kingship came to an end with
the Middle Ages.

Hill: Here we have to acknowledge the influence of the
Reformation in, above all, limiting the authority of the
Catholic Church to intervene in the affairs of state,
particularly in Northern Europe. The first move away
from Christian kingship—sovereignty within the Chris-
tian republic—was the move towards sovereigns who still
ruled within the Divine Right, but without acknowledg-
ing any superior intervention by the Church.

Kohn: Yes. This is perhaps most explicitly stated,
theoretically, by Hobbes. *The Leviathan* is that power to
which no power on earth can be compared, and that is
the temporal power of the state.

Hill: It’s curious, isn’t it, that Hobbes came to his
concept of the “leviathan” as a result of a civil war in
England which was really a religious war. In fact, Europe
in this period experienced 100 years of war largely having
to do with questions of religion and the interpretation of
the true faith. I suppose one could say that, once religion
itself became a matter of dispute, it no longer sufficed to
determine sovereignty. What Hobbes is after, in a sense,
is an alternative way of establishing an absolute rule or
sovereignty in government.

Kohn: One could say that the authority of the Church
itself became factionalized, and thus needed to be sup-
planted by a new integral power.

Hill: And this was the power of an absolute monarch,
in Hobbes’ sense.

Kohn: Yes. The doctrine of *The Divine Right of
Kings* is first and foremost a political doctrine replacing
the authority of the Church.

Hill: The King himself assumes the Divine Right and
the Church can no longer intervene between the King
and, essentially, God.

Kohn: It’s a long and complex history, of course, but
that is its drift.

Hill: How would Hannah Arendt take us from there to
the modern concept of sovereignty, which is essentially
invested in the nation and the nation-state, rather than a
monarch of some kind?

Kohn: I suppose the crucial event in this regard is the
French Revolution.

Hill: I agree in part. In Arendt’s *On Revolution*, she
made a distinction between the French and American
revolutions that has an important bearing on the question
of sovereignty. In her view of the French Revolution, the
sovereignty once invested in absolute monarchy was
transferred to the nation; Arendt talks about the French
being the nation *par excellence*—they were the first people
to really come into themselves as a sovereign nation. As
the American in this conversation, maybe you should
comment on her view of the American Revolution.

Kohn: In *On Revolution*, Arendt writes: “The great,
and in the long run, perhaps the greatest American
innovation in politics, as such, was the consistent aboli-
tion of sovereignty within the body politic of the
Republic, the insight that in the realm of human affairs
sovereignty and tyranny are the same.” What, exactly,
does that mean? Just turning the power structure upside
down, as happened in the French Revolution, does not
create freedom for the citizens. The Americans estab-
lished a republic in which the citizenry is free under the
laws.

Hill: Clearly this is connected with another observa-
tion of Arendt’s that the French Revolution failed to
constitute liberty — that the revolutionaries postponed
the project of establishing a constitution, a fundamental
law that would protect the political freedom of the
French citizens to participate in political action, and, in
fact, to become their own law-makers.

Kohn: The distinction here is that the power of the
nation, in the French case, still commanded and was not
commanded, (in the traditional sense), even though the
revolution inverted the power structure. Whereas the
American body politic was established under law from
the start. The term sovereignty is not used in our
Constitution. And there was no terror connected with
our revolution.

Hill: Exactly. In America, the fundamental law of the
Constitution comes first. Nobody can be sovereign in the
name of the people. And nobody in the United States
(and certainly not the President) is above the law. Now, I
think we have to pause here for a moment because as we
go on from the end of the 18th century into the 19th
century, Arendt indicates that the model for politics in
Europe, both on the national and international levels, was
really the French Revolution and that this continues
through to the 20th century. I think you, as an American,
would be sympathetic to her insight.

Kohn: There is also an interesting concomitant notion
in Arendt’s work—that the non-sovereignty of the Ameri-
can republic means that, like the Roman Republic, it can
incorporate more and more peoples into it and become
more and more powerful. That is actually what hap-
pened. That is Arendt’s analysis of the rise to power of
this country in political terms...

Hill: ...that the power really did come from the people
—from increasing numbers of people being brought into
the Republic.

Kohn: Into the Federation.

Hill: What do you mean by “federation”?

Kohn: The confederation of states that make up this
country is, strictly speaking, a leaguing together (Latin:
*com-foedus*). That, I think, is the remarkable, the unique
structure of this country. It is not a national, sovereign
entity. It is a confederation, a leaguing together under
law. At least it was in its beginnings.

Hill: In the case of France, which provided the model for European development, the nation is sovereign and the state is there to represent and to embody the sovereignty of the nation. This sovereignty is, in the first instance, absolute authority over the territory and absolute authority to act in the name of the nation with regard to other states.

Kohn: With regard to that, interestingly, Arendt writes that there can be no solution to international problems so long as “national independence, namely freedom from foreign rule, and the sovereignty of the state, namely the claim to unchecked and unlimited power in foreign affairs, are identified.”

Hill: It seems to me there is a link-up here between these two central developments in European politics: On the one hand, the modern development of the nation-state as the ideal for all European peoples; and, on the other hand, the extension of this principle of sovereignty to include an unfettered intervention in the affairs of other states.

Kohn: Yes, because there is no law over that capability of intervening. As Hobbes said, “without swords, covenants are but words.” In sovereignty, there is no room for treaties that are not enforceable by violence.

Hill: Thus for Arendt it seems that there were really two problems in modern European development—this comes through very clearly in Part II of her *Origins of Totalitarianism*: On the one hand, every people in Europe came to believe that it had the right to be a nation in the full dignity of the word, that is to say, to have its own sovereign state; second, those already existing nation-states came to believe that they had the right to intervene without limit in international affairs. That, of course, gave rise to the phenomenon of European imperialism...

Kohn: …Which started, curiously enough, with Napoleon directly on the heels of the French Revolution itself. The result of its revolution was for France to become an empire!

Hill: I think Arendt was particularly concerned by precisely the connection between the emergence of the nation-state ideal in European politics and the emergence of European imperialism.

Kohn: The connection is intimate. The French nation, the nation *par excellence*, expanded; that was its glory, the *gloire* of France. And it seems, as far as Arendt is concerned, that other nations emulated this model of the nation-state.

Hill: You mean that sovereignty and the nation-state are not simply matters of the nation governing itself or the people having its own institutions of government, but slide over into being sovereign over others—into determining the affairs and intervening in the affairs of other peoples as well, or at least of other states.

Kohn: Yes, especially as the great commercial interests came to play a more and more important role. The economic expansion had a dynamic to it in which foreign peoples were subjected to the European nations. This is the theme of the whole middle book of *The Origins of Totalitarianism*—that part called “Imperialism.”

Hill: The way I would put it is that, after the tremendous cost to the various European states of the Napoleonic adventure, European imperialism was motivated not so much by the glory of dominating Europe, but rather, as you were saying, by the interests of an expanded economy: An empire in which various economic activities could be guaranteed success. Thus, in a sense, what we have in the 19th century is European national imperialism turning outward, toward the rest of the world. And I think Arendt's point was that only with the first World War does the question of empire come back to haunt Europe itself.

Kohn: There is a chicken that came home to roost. The empires, representing the national sovereignty of the European states, grew, of course, outside of Europe itself. But Germany came into this game rather late in the day, when there was not much left of the world to carve up; it was Germany's desire for a place in the sun that was a major element in the first World War. In other words, the issue of sovereignty itself came home to roost when that spatial expansion proved not to be infinite; then the nations actually fought themselves on their home ground.

Hill: You mentioned that imperialism, as a development out of the concept of national sovereignty, was a major factor in the first World War. It strikes me that another factor identified by Arendt was the collapse of the two great non-national European empires—namely the Austro-Hungarian empire and imperial Russia. Here what we find is exactly the opposite process: These empires, which had held together a variety of peoples under the umbrella of a particular monarchy or dynasty, collapsed, giving rise to a number of nationalisms.

Kohn: And at the end of the first World War, the Treaty of Versailles set up a series of nation-states in Central and Eastern Europe that nevertheless contained minority peoples who claimed the right to nationhood and statehood. It would seem that these national claims were somehow to be kept in balance through a league. Since we said earlier that the meaning of confederation is “league,” why did the league of European nations fail?

Hill: I suppose the basic reason is one that we are familiar with once again today in the case of the United Nations. A league is essentially a treaty that people, or nations or states sign; it remains in effect only to the extent that the treaty is binding on their actions. But there is a certain logical contradiction between the notion
of sovereignty on the one hand, and the notion of a treaty on the other.

Kohn: Indeed, that is the old problem—one that arose at the very beginning and that Hobbes is so explicit about. Either you have a power that is *summa potestas*, unrestrained by law, or you have a confederation under law. There seems to be no alternative, and that is why Arendt insists that, as long as the concept of sovereignty is operative, international politics can only be decided by war, which is thought of as, in the famous phrase, "politics continued by other means." And that is the problem of intervention. In other words, it seems to me that, for Hannah Arendt, sovereignty and intervention in the affairs of another state go very well together.

Kohn: In another context, in *The Human Condition*, Arendt speaks about the impossibility of the notion of a sovereign individual. Just as it's impossible for an individual to be sovereign because this world is not inhabited by man but by men, there is a plurality of nations in the world and the notion of sovereignty and of sovereign states will always clash. She writes: "If it were true that sovereignty and freedom are the same, then indeed no man could be free because sovereignty—the ideal of uncompromising self-sufficiency and mastership—is contradictory to the very condition of plurality. No man can be sovereign because not one man, but men, inhabit the earth."

Hill: And so, we could also say that no nation can be sovereign because not one nation, but many states inhabit the earth. This brings out the point of departure for Arendt's political thinking: In politics we are tied to others, and therefore a political realm, a realm of freedom, requires the protection of human plurality, of that right to come together in order to act, in order to create the power to influence events. And this freedom is not only a freedom from tyranny, that is from those that would like to prevent men from acting or becoming powerful, but also a freedom from violence in the sense that action is only possible in so far as we can speak to each other freely. Whereas if some of us are carrying guns and others are carrying knives, then clearly the words that we speak to each other do not carry the weight of meaning. The only thing that has any meaning in the circumstance is what you do with your gun or what I do with my knife.

Kohn: Exactly. I would only add that the notion of sovereignty must not be associated with any international organization either. There was nothing, Arendt thought, that even approached the potential tyranny of a world government founded on the principle of sovereignty. If an international organization were to be empowered by nations giving up a measure of their own sovereignty, it does not follow that it would need assume that sovereignty for itself. Such an organization—powerful but not sovereign—could be established as a council system, as Arendt has suggested. But that is another matter.

Hill: If we take this back to our earlier theme—the importance of the first World War for Hannah Arendt's understanding of international politics—it seems to me that what she found at the end of the first World War, among other things, was that Germany had lost its claim to empire, the former German territories essentially having been divided up among the victors of the war. (One of these, for example, Namibia in southwest Africa, is still in dispute in this respect.) Secondly, she found that many of the small peoples of Central and Eastern Europe had made their claims to a nation-state. Some of them had won—the Poles, for example, who were once again given their own state, or the Czechs who were given their state—and others had to satisfy themselves with minority status in what was nevertheless considered to be a nation-state. One could think here, for example, of the Germans living in Czechoslovakia, of the Germans or the Jews living in Poland and making up close to 50% of the population, in what was nevertheless considered to be the Polish national state. Thus what the first World War produced in this respect was the felt injustice of the "minority" peoples of Europe, as they were called, that is, all those people who were cut out of the nation-state deal at the Treaty of Versailles. Thirdly, of course, what we had at the end of the first World War was a temporary suspension of the imperial rivalry of the successful nation-states. It was a kind of stand-off because essentially the victors were satisfied with the spoils of the war.

Kohn: In this respect, it is interesting to consider the period between the two wars and the rise of Hitler in Germany. Germany had been deprived of its empire. Whatever else Hitler was, he wanted to establish a new empire, a thousand-year Reich, and he was going to do that in Europe. He used the pretext of the minority peoples, of the Germans, that is, in different countries—in Poland, in Czechoslovakia—to invade them and to "unite" the German people. He was about to treat the whole of Europe, so to speak, as the empires had treated the peoples of Africa and Asia in the past.

Hill: In this respect, there couldn't have been a more extreme difference between, say, Hitler at the end of this period of European history, and Napoleon at the beginning: After all, if one thinks of Napoleon as an early imperialist in the context of Europe, his ambition was, among other things, to introduce the Code Napoleon—what he considered to be one of the great political advances of the French Revolution—to the rest of Europe, and to democratize Europe by introducing
French law and practices throughout the continent. His French empire would follow the example of the Imperium Romanum, that is, Europe would be subject to French law as it once was to Roman law. Whereas in the case of Hitler, what we have is the mere assertion of what he took to be German national sovereignty, that is, the right of a master race to rule and the will of a master race in and of itself. There was absolutely no consideration in the Nazi policy for any higher principle than sovereignty itself. And so we see here the concept of sovereignty reduced really to its lowest level—ruling for the sake of ruling, nothing more, nothing less.

Kohn: That seems to me a very fair account of Hitler. The fact is that Hitler, of course, was defeated in the second World War. Now, the evolution of the concept of sovereignty that we've been tracing, very broadly to be sure, from the divine right of kings to the French Revolution, through its gradual disintegration in the first World War and its total disintegration in the second World War—what was left of it after the second World War?

Hill: I think what we find after the second World War is, ironically, a repeat of what happened after the first World War in Europe. That is to say, international politics after the second World War looks very much like European politics after the first World War. We have the unresolved rivalry between the two great powers after the second World War, namely the Soviet Union and the United States...

Kohn: ...because after the second World War, all the European empires were dismantled, so to speak...

Hill: Exactly. In fact, if we look closely at the record, the United States government took a fairly active role in opposing a revival of European imperialism after the second World War...

Kohn: ...Having seen its results...

Hill: ...having seen its results and indeed, to a certain extent, having had to pay a considerable price for helping to bring those two wars to a conclusion. Nevertheless, we find after the second World War the two superpowers engaged in a rivalry which in some sense can be traced to their ideological differences and in some other sense, no doubt, to the old-fashioned ideas of either economic advantage or sheer determination to assert their sovereign will.

Kohn: It seems to me you are suggesting, that this country, in its present role, its post World War II role, in world politics, is a sovereign state, as it was not in the eyes of its founders.

Hill: Well, it seems to me that that is Arendt's conclusion. I think you are, as an American, probably more sensitive to the essays that she wrote in the '60s and '70s in her Crisis in the Republic. In fact, in her last political essay, which she wrote on the occasion of the Bicentennial of the United States, the theme of her criticism of this country is that the United States has turned into an imperial power on the model of the European states. Isn't it the case?

Kohn: I think so. In that Bicentennial speech, which was written and delivered in the year she died, she gave a trenchant criticism of this country and its policies in the world. It seems that the very heart of her criticism is that we were no longer "thinking what we were doing." The times had become "too interesting." In the eyes of the leaders of this country, we were faced with an adversary, we had "spheres of influence" and a policy of deterrence—and I don't mean nuclear deterrence, although that is an aspect of it—but deterrence in general of another power, the Soviet power, from encroaching all over the world. Whether this is right or not is another question, but we see ourselves in an adversary position. In our policies, the world seems to be divided in two: the Soviets and what we call the free world.

Hill: I think what you are talking about is what the late Senator Fulbright captured when he said that the United States had turned itself into the "policeman of the world." It seems to me a highly questionable principle of action, for the simple reason that one state is hardly in a position to police the actions of other states; it is an extreme view of the doctrine of sovereignty.

Kohn: The word police has the same root as politics and means the keeping of the laws. To police internationally without international law seems simply another way of speaking about sovereign intervention.

Hill: We were comparing the situation at the end of the second World War throughout the world with the situation at the end of the first World War in Europe, and this superpower rivalry resembles the imperial rivalry that was revived by Germany after the first World War. The other comparable aspect is precisely the concept of national sovereignty and national self-determination, since the field in which the superpowers play is a field of peoples supposedly liberated from the hegemonies of the European empires, each seeking a nation-state of their own as a guarantee of their freedom to be who they are. And once more, as in the case of Europe in 1918, it is virtually impossible to accommodate all these national ambitions. As a result, in so many parts of the world what we find is regional and local conflicts between peoples who claim national sovereignty and the states that were defined in the process of dismantling the European empires.

Kohn: Yes. It's as if a great potentiality were set loose in the world. The three great arenas for this today, it seems, are Asia, Africa, and Latin America—the so-
called Third World—plus, of course, the Middle East. The situation—and I think this is in keeping with the way Arendt thought about politics—is that these peoples are seeking their own national states, in the context of two superpowers which are ideologically opposed to one another. Therefore, the question of intervention becomes critical. On the one hand, we support self-determination. On the other hand, we seem to oppose self-determination when that particular self-determination, be it in Africa, Asia, Latin America, the Middle East or wherever, seems to be in the sway of a belief we are opposed to ideologically.

Hill: I think this causes, and gives the impression of, considerable confusion in American foreign policy: At one level, there is still an on-going commitment to the idea of a constitutional democracy in this country and to the constitution of liberty, as Hannah Arendt described it in *On Revolution*; on the other hand, it seems to me that Americans have been caught up with the essentially European idea of the nation-state and of national dignity achieved through a sovereign state. Thirdly, I think Americans have been caught up in the sheer realpolitik of being an imperial factor in the world (that is, of asserting the will of the American state.)

Kohn: Do you mean, then, that because of these factors, which are in tension with one another, we don’t really have a coherent foreign policy?

Hill: Exactly. Looking at international affairs today, there seems to be far less confusion about what the Soviet Union, for example, is up to when it intervenes, say, in Afghanistan, than what the United States is up to when it intervenes in Lebanon, or as in the past in Vietnam, or, I would even venture, today in Central America. The actual goal of American foreign policy, certainly in so far as this country intervenes in the affairs of other states, is not clear. It is not clearly the assertion of a sovereign dominating other countries or other states, as in the case of the European empires; it is not clearly an attempt to spread a particular kind of political order, for example, liberal democracy. Nor is it clearly the assertion of some other set of values.

Kohn: It’s very hard for a people like the Americans, dedicated in principle to the equal freedom of all peoples, to know how to act in the world. This, it seems to me, is
the burden of Arendt’s critique of Vietnam. What that showed was that this country did not have the power to win or really wage a full scale war. That lack of power was a function of the dissension of the American people. Altogether, it is perhaps the most sorry moment in our history to date. One can thank God we did not have the consent of the American people to act as we might have, as we would have had to act to win that war. It raises a question, in terms of realpolitik, that American policymakers have to face: Is this nation going to police the world, or is it going to remain true to the principles of its foundation?

Hill: I think, in Arendt’s terms, America is a republic rather than a nation; there are too many different peoples here to call America a nation. America is a republic, a federal state—and I think that the American republic is powerful in Arendt’s terms in so far as it enjoys support and maintains treaties with other states. But, in so far as the American republic attempts to assert its sovereign will through violence, that is to say, through dominating other peoples or other states by violent means, we are not dealing any more with the question of power but simply with the question of domination. And domination always depends on violence—it depends on the maintenance of a violent threat, and it is always subject to termination by violent means...

Kohn: ...And violence, in Arendt’s political theory, is really the opposite of power, isn’t it?

Hill: Absolutely...

Kohn: ...And to understand that distinction, as she puts it in the extreme case, violence is one against many, whereas power is the opposite. Power is the action of many against one.

Hill: In terms of intervention, one can make a distinction: In one kind of intervention you essentially speak to your ally or speak to a state with whom you share certain treaties and certain reciprocal obligations in order to persuade them to adopt a certain point of view and a certain policy. The other kind of intervention is essentially violent, whether the violence is enacted or whether it is there in the form of a threat or some symbolic presence. This kind of intervention is typically imperial.
Kohn: If the United Nations were to be more effective than it has been in the world, wouldn't it require the member nations giving up some aspect of their sovereignty? More explicitly and more particularly, were the United Nations to function as the world's peace-keeping, conflict-resolving agency, would that not require for the member nations to give more sovereignty than they are willing to? Is there a contradiction between the integrity of a state and the renunciation of the absolute notion of sovereignty?

Hill: It seems to me that if the United Nations is to set principles or laws that all states are expected to comply with, there has to be a resignation of sovereignty in its absolute sense...

Kohn: ...That absolute sense being that it does not consent to law as far as its relations with other states are concerned...

Hill: ...But also in so far as the state's relation to its own citizens is concerned. For example, we all know that the United Nations has adopted many, many motions condemning South Africa, threatening it, demanding that it consent to certain principles and laws. These motions have little influence over South Africa because so many of the states that vote for them, session after session and year after year, are themselves in profound violation of those very principles. To try to establish the laws and principles of political conduct internationally, first you have to observe them yourself — otherwise, you're in no position to demand that other states observe them. This is the old problem of the League of Nations...

Kohn: ...And it is the present problem of the United Nations.

Hill: The reason, it seems to me, is that the United Nations has become a kind of marketplace where the superpowers and various groups of nations, more or less successfully, negotiate deals of influence and good-will knows what else. And everybody knows this.

Kohn: To make laws, according to Hannah Arendt, requires the exercise of the faculty of judgement, which depends on impartiality. The discourse at the United Nations, however, is marked by partiality on a global scale.

Hill: If the United Nations fails to establish the principles of political conduct expected within and between states, then we have to wonder how it is that, although the situation today resembles what it was in Europe after the first World War, we do not find ourselves in the midst of a third world war? And many analysts, as you know, think the time is ripe, and the increasing international anxiety would bear witness to the widespread expectation that, if things go on as they do, world war is likely.

Kohn: Clearly nuclear weapons are the deterrent.

Hill: Exactly. Think for instance of the speech that Margaret Thatcher made when she addressed the United Nations recently in defense of nuclear weapons on the grounds that there was no other effective peace-keeper in the world. The deterrent power of nuclear weaponry since the second World War has, in fact, kept the major countries of this world at peace. I don't think one can dismiss her point of view—she is probably right. Not that this is a happy situation...

Kohn: ...Not a happy situation indeed. If this has kept global peace, that is to say, prevented a third world war, it has done so at an incredible cost—a cost of world alienation and widespread fear of what that third world war would mean. Is there any other way, suggested in Arendt's work, that the peoples of this world could live in peace?

Hill: I think there are at least two elements. First, Arendt was very, very fond of Nietzsche's idea that the only way to have peace in the world is for those who are truly powerful to lay down their arms. This was an echo of Isaiah in the Bible...

Kohn: ...Beating the swords into plowshares.

Hill: Yes. You can't really have war if those who are capable of it essentially disarm.

Kohn: Isn't this age-old idea in our tradition terribly unrealistic? How could this ever come to pass in the world itself?

Hill: This is where I think we get back to the starting point of our conversation: The alternative to violence, warfare and the arms race is not simply the sense of security that comes from carrying your gun or carrying your knife, but really being prepared to give your consent to law. This was, according to Arendt, the great achievement of the American people in the founding of this republic. And one would expect, as she notes quite explicitly, that the same thing could apply internationally: If states were prepared to give their consent to laws, that would indeed limit their sovereignty and the unconstrained violence it provokes.

Kohn: Nietzsche said that his "strong man" would rather perish than hate or fear. And twice rather perish than be hated or feared...

Hill: ...An entirely different concept of strength than what you find in Thucydides, who said: "The strong do what they will and the weak suffer what they must." It's Thucydides talking about Athens as a corrupt imperial power, imposing its sovereign will on the Aegean.

Kohn: And doing it openly, knowing what it was doing. That's why it is important.

Hill: Yes.

Kohn: The Greek city-states to which Arendt looked for the meaning of politics nevertheless could not solve the simplest "international" problems, that is, the problems of one polis with another. And that glorious age was very short-lived, as we know. Arendt cites Herodotus—
the defender of Greek equality—as saying that he wanted “neither to rule nor to be ruled.” If you take that phrase in conjunction with Nietzsche's sentence that you would rather perish than hate or fear and twice rather perish than be hated or feared, it appears that not being ruled was good, to be sure, but not to rule was even better. It's like when Arendt quotes Plato to the effect that it's better to suffer wrong than to do it. That is not taken by Arendt, as it has been taken by tradition, as a precursor of Christian ethics, but rather as a condition of thinking. You can't think if you are a master or a slave, that is, if you are either feared or afraid. The fear today is almost the opposite of the fear that Hobbes had in mind when he stated the theory of absolute sovereignty. That is to say, nuclear weapons will never make us rulers, but they may well destroy us and the world.

Hill: Indeed, as long as we realize that nuclear weapons cannot be used because the damage to the world of using them is so great, there is a certain kind of negative security in the world—a security based on the limitations to a sovereign exercise of “super-powers.” I think this creates a kind of negative condition for other possibilities along the lines Arendt indicated: Sovereignty itself is bound to come into a certain disrepute as a result. It is going to be seen as a far less useful concept and indeed as a far less useful line of conduct.

Kohn: You mean in terms of realpolitik?

Hill: Absolutely. Providing, of course, that we have leaders in the superpowers and indeed in the second-rank powers in this world which are prepared to face the music. And not only to face it themselves, but also to share their recognition with the peoples of the world. Anything less at this point is a matter of self-delusion. For it is self-delusion to try to keep alive the hope that some form of nuclear warfare is still in the rational self-interest of the U.S.

Kohn: Couldn’t it be said that with nuclear arms the whole notion of power has radically altered? Arendt, it seems to me, speaks to this when she talks about the disintegration of the power of the United States in Vietnam. We actually lacked the power to use the ultimate means of violence we had at our disposal, thank God. But because we didn’t use it, another meaning of power is suggested. And that would be the power that was accepted by the Founding Fathers of this Republic: not the principle of summa potestas, but rather exactly the opposite, the power of a political body, founded under law. In the 18th century, this was an internal matter; today, it seems, it is an international matter.

Hill: I would agree. What could the United States have done with nuclear weapons in Vietnam? Essentially, annihilate the Vietnamese people. One still hears the argument that, if the United States had been prepared to use nuclear weapons, it would have got its way in Vietnam. Here we are, “getting one’s way,” being a sovereign that can enforce its will on other countries and other states. But what nuclear weapons show is that sovereignty, pressed to that extreme, amounts to a self-contradiction. You simply annihilate the very subjects you intend to rule. There is the essential contradiction. But when you consider nuclear war not in the context of Vietnam—where the Vietnamese had no possibility of like response—but in the context of rivalry with other superpowers, it’s not simply a matter of annihilating the other subjects you might dominate, but also of inviting your own annihilation. The contradiction here, frankly, makes nuclear war unthinkable as an instrument of national sovereignty. This is where I think we’re beginning to come to terms with the limits to both the phenomenon and the concept of sovereignty. And this is where I think there may, in fact, be an opening for some other development — namely, the development of the concept of law as something that can bind people in their interstate or international relations. I think that, if this comes about, then we’ll move to modify the relationship between the idea of a republic and the idea of a nation.

Kohn: What is the likelihood of this happening? Does it require something like a moral revolution? What are the conditions for the realization of the consent to law among nations?

Hill: I wouldn’t say a moral revolution, I really do not believe that politics is about morality. I think Hannah Arendt has been quite articulate in making that distinction.

Kohn: Because morality deals with the individual and not with the plurality of people and peoples.

Hill: Right. I think what we’re dealing with here is the recognition of a reality with which, as human beings, we are all faced. Either you come to terms with the fact of the unthinkable of nuclear war or otherwise you continue to pursue an illusory sovereignty. That is the crunch we’re faced with in this country and throughout the world. Everybody knows that nuclear power may serve as a deterrent, but it cannot serve to enforce your sovereign will, as it once did in the case of Japan.

Kohn: Exactly. What if this country were to unilaterally disarm? This flies in the face of the theory of deterrence, yet it is precisely what Nietzsche was talking about. And it can only be done from a position of strength.

Hill: From a purely pragmatic point of view, the situation seems to be ripe for bilateral disarmament, for a bilateral disarming process.

Kohn: As the new Soviet leadership is no longer saddled with Andropov’s failure to prevent the deployment of American missiles in Europe, there is perhaps some hope (providing one were strong enough to recognize the facts) for an agreement that no state would have
any interest in disregarding...

**Hill:** ...One hopes, but it seems to me that, if we are talking about a certain sobriety in these matters on the part of the Soviet Union, one would expect at least an equivalent sobriety on the part of the leadership in the United States.

**Kohn:** As opposed to calling the Soviet Union an “evil empire,” for instance...

**Hill:** ...Clearly. I think that the European partners of the United States—and Canada, as we see for example in Prime Minister Trudeau’s peace mission—have felt a distinct lack of that kind of sobriety on the part of the present Administration. There seems to be a thorough-going reluctance in this country to come to terms with the limitations of political possibilities that ensue from the nature of nuclear weapons. The reason for this reluctance has to do with the fact that, if anything, nuclear weapons set limits to the possibility of national sovereignty.

**Kohn:** Agreed. In closing, I would like to quote from the last public remarks that Hannah Arendt made in 1975, in her Bicentennial Address. Speaking of Vietnam and Watergate, and myriad other degradations, as she saw them, of the principles on which this republic was founded, she said, “While we now slowly emerge from under the rubble of events of the last few years, let us not forget these years of aberration lest we become wholly unworthy of the glorious beginnings two hundred years ago. When the facts come home to us, let us try at least to make them welcome. Let us try not to escape into utopias, images, or theories or sheer follies for it was the greatness of this republic to give due account, for the sake of freedom, to the best in men and to the worst.”

**Hill:** I would add that I think it is significant that in the previous American administration, there was an attempt to establish American foreign policy on the basis of the principle of human rights. That is to say, whether in its dealings with allied governments, or in its dealings with governments in the opposite camp, the American administration had a consistent stand related to fundamental principles of politics as they are practiced and respected in this country. There was of course a price to be paid for that, and there were a lot of people in this country who were not happy paying it. Those are the people who, in the old-fashioned term, one would have to consider the imperial factor in American politics. But short of moving the foreign policy of this country onto the level of principle, which is perhaps antecedent to the development of some kind of international agreement on principle and therefore of international law, it seems to me that our foreign policy is bound to lurch from one crisis to another, where the issue is always whether or not America “gets its way.” That, it seems to me, is a policy that has not in any way come to terms with the fate of European imperialism in this century, nor with the very present implications of nuclear weapons in this century...

**Kohn:** ...If only we can find the space to think them.
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p. 8 Susana Torre, Plan Diagrams showing growth and changes in Ellis Island between 1812 and the present. The last image is a proposal for future development of the island as an urban park and museum. Susana Torre is an architect practicing in New York City, the Director of the Architecture Program at Barnard College and Associate Professor of Architecture at Columbia University Graduate School of Architecture and Planning.