

The Natural Law Tradition and the Theory of International Relations. By E. B. F. Midgley. (New York: Barnes & Noble, 1975. Pp. 588. \$30.00.)

The study of the morality of international interactions has nowhere to go but up. We are beginning to realize that almost exactly the same time that Hans Morgenthau was proclaiming the new science of realism in international relations, the atomic bomb was heralding a quite different era when that same "realism," grounded in a Hobbesian perception of the need for national "security," was going to become progressively more uninteresting. Even in the United States Department of State normative policy is increasingly talked about in terms not of whether a foreign government is "friendly" to us militarily but whether it will promote internal freedom and liberty. (Of course, we're still just scratching the verbal surface; the most that is now done is talk against those regimes that are denying liberty to political prisoners or racial groups.) Perhaps in years to come we will even perceive that no military allies, in Morgenthau's sense, are needed to defend an over-nuclear-stockpiled United States, but rather our long-term quality of life in a shrinking world will depend on whether there are other lands beyond our borders that respect basic human values. Nevertheless, at the same time that ordinary military confrontations are becoming uninteresting in terms of national security, guidelines are needed in the event of a nuclear-war confrontation. Since such an event has never occurred—if it does occur the early days or hours will be fraught with uncertainty as to retaliation, escalation, and the like—the guidelines of morality even in that tense and potentially world-suicidal situation may become prominently important. Thus, the normative aspect of the study of international relations will probably assume increasing significance both for shaping the sort of peaceful world we want our children to live in, and for sorting out our contingency thinking in the event that some nation ignites what might quickly become a suicidal thermonuclear war. E. B. F. Midgley's impressive tome on natural law theory in the context of international relations may be a signpost of a new look at ancient wisdom. It's a hard-to-digest book and straddles an ambiguous fence between being an historical textbook and an essay for a natural-law perspective in nuclear-war strategy. As a textbook, I found it to be exceptionally valuable. The author knows natural law theory from the perspective of a Catholic education (the book even has an

Imprimatur, which might render it slightly suspect; however, the author wears his cross on his sleeve, which at least tells us his bias). Not only has Midgley wrestled with and digested the likes of St. Thomas, Suarez, Grotius, Pufendorf, Wolff, Vattel, and some moderns like Delos and De Solages, in what appears to be his reading of their texts in their original languages, but he also had read the leading commentaries on these writers (exception: a certain ignoring of Rousseau on Pufendorf), and his references are extremely good. The scope of the author's learning is not easy to come by, and many future readers will be indebted to him for writing it all down in clear prose.

The worth of this book makes me somewhat reluctant to criticize what I believe are important shortcomings, but perhaps the only way to build upon normative theory is to make these criticisms clear to those who may be quite unfamiliar with the scholarly tradition Midgley addresses. My major criticism is Midgley's unsophistication about law in general and international law in particular. The author's background includes service in the British Civil Service, Administrative Class, as well as a strong grounding in philosophy. He credits Clive Parry with reading a draft of chapter 9 (relating to current international law); this is the only background I could discern with respect to international law in the author's training. The lack of familiarity with international law shows throughout his discussion of natural law scholars who wrote primarily about international law. However, this is not as significant an indictment as it might appear at first glance, because Midgley is more concerned with a moral approach to problems of international politics than with the subject of "international law" as viewed by writers as disparate as Pufendorf and Wolff. Yet, there is a strong positivist sense of what "law" means in Midgley's writings—a not untypical perspective coming from England, the home of positivism (Bentham, Austin, Hart). The result is a certain misunderstanding of what the great natural-law theorists meant by "law," a misunderstanding common to those who view law positivistically which is impractical for me to delineate in this short space (though I have written on the subject elsewhere). Curiously, most *lawyers*, when they read the classic international law theorists, go much farther astray in their inability to appreciate the natural-law component than Midgley does in misinterpreting the international-law component.

My second major criticism is one that Midgley probably won't like at all, and if he is

the only one who ever actually reads this review (I often wonder whether a review is just a private letter to the author of a book), I apologize now and ask him to note that I don't take back my earlier comment that this is an exceptionally valuable book. The fact is, in my opinion, that Midgley entirely fails to prove his thesis—if his book is more than a textbook. That is, his final chapter on nuclear preparation does not follow logically from all that went before; not merely does it fail to follow, it is merely an addendum. The final chapter itself fails on two internal counts. First, it is not sufficiently sensitive to the subtlety of the academic and State Department game of talking about nuclear deterrence theory. This "game" played by the likes of Kahn, Kissinger, Schlesinger, and Schelling consists of a combination of objective theorizing and real-world nuclear-deterrence communication to the "other side." Midgley seems lost in sorting out the differences that necessarily result. For example, talk of a countervalue strategy seems grossly immoral to Midgley, when perhaps it was brought up by the particular writer for the deterrence value conveyable to the other side in discussing the bombing of cities (or even the dialectical value in the internal argumentation between academicians and Pentagonians). Secondly, Midgley has not related his earlier discussions of the "just war" and all its variations to any plausible scenarios in nuclear deterrence theory; he seems quite unfamiliar with these scenarios and war games.

However, we the readers do not have to buy Midgley's concluding chapter nor hire him to direct the next war. All we ought to do is read his earlier historical-analytical chapters with a view toward working out our own relevances to scenarios that make sense to us. Hence, in this ultimate sense, Midgley's book is more a textbook than an essay. But as a text on the difficult subject of the moral approach to international relations examined in a vast scholarship through the ages on "natural law," the text is worthy of study and repeated reference.

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The Functional Theory of Politics. By David Mitrany. (New York: St. Martin's Press, 1975. Pp. xxv + 294. \$18.95.)

David Mitrany's theory of functionalism has exerted a remarkably persistent impact on western thinking about international politics

and organization since the publication of *A Working Peace System* in 1943. In that essay and in his other writings, Mitrany rejected both classical conceptions of "power politics" and federalist visions to articulate the notion of a "working peace system" in which specific areas of human activity, important to welfare, would be organized internationally and managed by experts. He argued for a "sharing of sovereignty" rather than for its surrender: on particular issues, governments would "pool their sovereign authority insofar as the good performance of the task demands it" (p. 129). This political decision having been made, experts would take charge, organizing activities and delivering services for the common good. Eventually, as Ernst B. Haas has summarized it, "an ever-widening mesh of task-oriented welfare agencies would come to pre-empt the work now done by some governments, leading eventually to the creation of a universal welfare orientation" (Ernst B. Haas, *Beyond the Nation-State* [Stanford, Calif.: Stanford University Press, 1975], p. 11). Formal sovereignty would not be altered, at least not immediately, but the content of sovereignty would be changed by partial transfers of authority to functional organs.

The volume under review contains essays and excerpts from Mitrany's writings over a period of more than 40 years. It includes his essay on "The Progress of International Government" (1932) and the introduction to the Fourth Edition of *A Working Peace System* (1946), in addition to a number of extracts from shorter and lesser-known essays. Most important to the reader familiar with Mitrany's work, however, are two essays apparently published for the first time in this volume. One, "The Making of the Functional Theory: A Memoir," is autobiographical; the other, "Retrospect and Prospect," assesses the continued relevance of functionalism, in Mitrany's view, and criticizes "scientific" analysts of international relations and theorists of regional integration for allegedly using "the tools of science to cover arbitrary inventions."

Functionalism was a major contribution to the understanding of world politics, since it was the first major non-Marxist theory of the twentieth century to look beyond the nation-state to analyze coalitions other than classic inter-state ones: for instance, of bureaucracies with similar functionally defined tasks. It provided the intellectual basis for "neo-functional-ist" theories of political integration, developed by Haas and others, as well as the early functionalist ideology of specialized agencies of the United Nations. Indirectly, at least, it