



The Price of International Justice

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tailed and useful account of the Cultural Revolution at Tsinghua University, China's famous institute of science and engineering. While Hinton offers little insight into the political and ideological origins of the Cultural Revolution, the reader familiar with China's latest mass movement can discern for himself the relationship between the campus activity and that in the rest of China.

Rather Hinton sees as his objectives: (1) the exposure of the "old, revisionist education" in China and (2) by way of lengthy interviews with students, faculty, administrators, and Workers Propaganda Teams, the story of how "right" and "left" political lines developed in the mass movement, in particular how an "ultra-left" line emerged, dominated the field for a time, and then was defeated. He is more successful accomplishing his second aim as his treatment of educational reforms in China is sketchy and superficial.

Hinton tells us how in June of 1966 a Work Team sent by Liu Shao-ch'i attempted to curb the student rebellion at Tsinghua that was sparked by the big character poster written by Nieh Yuan-tzu of Peking University. Despite the efforts of the Work Team, including Liu Shao-ch'i's wife, the radical student leader Kuai Ta-fu was able to mobilize the students. At this time Kuai's opposition to the Work Team was considered "positive and progressive" and he became a hero to the left not only at Tsinghua but throughout the country. Because Liu Shao-ch'i's prestige was committed at Tsinghua, it became a focal point for the struggle.

August, according to Hinton, was the beginning of a very confused period, with the rebellious students dividing into two groups: the left 8-8s and the loyal 8-9s. He notes that many students joined neither side, that the bulk of the college population of 40,000 tended to be drawn in during the high tide of the movement, and that only a few hundred participated in the violent phase. By spring of 1967 the lines were again divided by the issue of how to treat the old cadres: Kuai Ta-fu and his hard-core Ching kangshan rebels rejected the old cadres, while the old 8-9s were prepared to rehabilitate them. Kuai's group became known as the Regiment, while the opposition was now called the 4s. As Hinton points out, this factional split at Tsinghua was by no means unique; in general in the course of the two-line struggle in China, the movement tended to split into an unprincipled rivalry for power between factional leaders.

In the summer of 1967 Tsinghua students took part in the mass demonstrations in Peking. Hinton tells us how the Wuhan incident, which saw local military leaders challenging the center, triggered a campaign to "pull out a handful from the PLA," with students pitting themselves against the Army. Factionalism on the campus became

characterized by increasing violence which continued to escalate throughout the second half of 1967, breaking into open warfare in April 1968. Hinton vividly describes this warfare on the campus, its strategy and tactics, the indiscriminate killing of students, and the abortive attempts at negotiation. The fighting was only ended with the intervention of the workers on July 26, 1968. After the suppression of violence at Tsinghua the Workers Propaganda Team attempted to persuade the students to form a big alliance of workers, cadres and PLA personnel. It took a year of intensive political work to convince the factional leaders to come together. Meanwhile, the Propaganda Team stayed on at Tsinghua to supervise the transformation of education. A new Party Committee was set up in January 1970. Interestingly, as Hinton points out, many of the old cadres who had been earlier "set aside" were given leadership posts in the Party Committee. As for Kuai, he was the target of mass meetings and while an "honest rebel" in 1966, he was accused of having moved in the course of the struggle from ultra-left to counterrevolutionary.

Hinton's sections on educational reform at Tsinghua are not particularly useful. The color and vividness that characterize his chapters on the growing factionalism and warfare are missing in his treatment of more mundane subjects. While Hinton gives a detailed picture of factionalism on the campus, he makes little effort to relate developments there to those in the remainder of the country. Where some attempt is made to do so, as in the case of the Wuhan incident and the struggle with the PLA, the result is still inadequate. Nor does Hinton attempt to evaluate the role of the Cultural Revolution at Tsinghua in the overall context of the period. What did the years of contention accomplish at the University? What type of educational reform emerged at the University? In sum, the major weakness of the book is Hinton's failure to make any attempt at analysis. Nevertheless, this lack of analytical insight does not mar the value of the book taken as pure description.

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The Price of International Justice. By Philip C. Jessup. (New York: Columbia University Press, 1971. Pp. 82. \$5.95.)

The author of these three lectures, which were given at Columbia University in 1970, is an amazing figure in international law and diplomacy. He served for nine years as the American judge on the International Court of Justice at The Hague. He has been a professor of international law at Columbia. He has been this government's

representative to both the Security Council and the General Assembly of the United Nations. He has served as an attorney for several nations in their various international lawsuits. He has written several books and numerous articles and was responsible for the idea of "transnational law" as law that extends across national boundaries even though it might not technically fit into the rubric "international law."

The book under review reads briskly. But in this transcript of Judge Jessup's lectures very little of the author comes through. The author spends most of his time summarizing the researches of others. His choice of cases seems haphazard, reflecting some of the cases he has been familiar with professionally over the years but without the imprint of his own participation. The basic theme is that international society has to take care of little disputes so that they do not grow into big disputes. Unfortunately, he says, the world only notices the disasters; it gives little credit to the people who keep small disputes small.

Do little disputes invariably grow into big ones if left unattended? Or, what percentage of them do? Or, what type? There are some small disputes that resemble in many particulars other past small disputes that grew into big ones. If we detail the resemblances enough, we might be able to judge that the successful management of the small disputes should be praised.

Judge Jessup's lack of methodology makes it hard to figure out whether the small disputes he selected—a fight between Cambodia and Thailand over who owned a border temple (resolved in the International Court of Justice), a boundary dispute between Nicaragua and Honduras, U.S. claims against England after the Civil War regarding the outfitting in British ports of Confederate vessels, etc.—would ever have grown into full-scale wars, or, if they had, wars among which powers? Perhaps in the days when wars were fought at the drop of a hat, a border dispute between two medieval powers would also have led to war. But these days, who knows? Maybe some small territorial disputes are inherently incapable of becoming a war because both nations, in advance of any public dispute, know that the matter is not worth a war. Factor and regression analysis of hundreds of small disputes that either grew into big ones or stayed small is the minimum we might expect before we could cope with the question of the price of international peace and justice. Judge Jessup has only given us a half-dozen cases and has not asked the same questions of each one.

But perhaps his cases illuminate recurrent issues in international law, viewing international law itself as a way of keeping the international peace. Alas, real-estate disputes are probably the

least generalizable class of any cases in international law. They typically turn on maps and the authenticity of maps, questions which are necessarily different depending upon the real estate in question. It is very hard to draw any conclusions from such cases.

Hence Judge Jessup's book fails to live up to the promise of its title and, one might add, the reputation of its author. Judge Jessup's talents perhaps do not lie in the systematic analysis of small cases and the search for recurrent factors. In selecting such a topic for his lectures, the author spent his time on an area of theory that was not productive for the reader. In my opinion he might have tried the opposite extreme. Instead of searching for regularities among cases, Judge Jessup might have searched his own thought processes with respect to any one or more international negotiations in which he was involved. His own experience is a very valuable resource. The more he can tell us about himself and his own goals and negotiation procedures, the more we will learn about international peace and justice from the standpoint of a major actor in that area. I hope that Judge Jessup will favor us with lectures or a book along these lines someday.

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Conflict of International Obligations and State Interests. By Jung-Gun Kim and John M. Howell. (The Hague, Netherlands: Martinus Nijhoff, 1972. Pp. 135. 21 guilders.)

In this book Professors Kim and Howell attempt to examine the conflict between the international obligations of states and their national interests. An assumption on which the book is based is that, since the end of World War II, international organizations have claimed more and more activities, issues, and problems as their legitimate concerns, as states have correspondingly sought to circumvent these obligations. The bulk of the book is concerned with identifying these major modes of circumvention and illustrating them through case studies.

The authors state in the preface that a major purpose of their work is to provide a systematic framework for the study of the "... prolonged disregard of international obligations during a time in which international organizations are increasing in numbers and functions" (Preface, unnumbered page). In their effort to fulfill this goal the authors identify three categories of circumvention: avoidance, noncompliance, and defiance. After three essentially introductory chapters, the remainder of the book illustrates each of these categories.