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Book Reviews

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BOOK REVIEWS

VIETNAM AND INTERNATIONAL LAW: An analysis of the Legality of the U. S. Military Involvement by the Consultative Council of the Lawyers Committee On American Policy Towards Vietnam. O'Hare 1967.

The Lawyers Committee on American Policy Towards Vietnam was formed after the Department of State issued a defense of American Vietnamese policy in 1965. The Committee, at that time, reached the conclusion that:

...the actions of the United States in Vietnam contravened essential provisions of the United Nations Charter; violated the Geneva accords, which we pledged to observe; were not sanctioned by the treaty creating the Southeast Asia Treaty Organization; and violated our own Constitution.

In 1966 the Office of the Legal Adviser of the State Department issued a Memorandum refuting the Committee's report. Feeling that this new report was "highly vulnerable and incapable of justifying an undeclared war of even more fateful dimensions", the Lawyers Committee has now issued a fresh reply prepared by an eminent group of international law professors. This 'Consultative Council' is headed by Richard A. Falk of Princeton (who will be the guest of the International Law Society at Vanderbilt this spring) and includes Hans J. Morgenthau, the political scientist and author.

The current reply to the State Department charges that military intervention by the United States in Vietnam violates the Geneva Accords of 1954. While the United States has relied heavily on reports of the International Control Commission that North Vietnam was violating the Accord, the Government has ignored the same reports concerning its own illegal activities.

In the Committee's reply, American actions are criticized as violative of international law in that they represent an intervention in a foreign civil war. The report states that there is rightfully only one Vietnam since the present division between North and South is only a temporary line

which was to disappear in 1956. The Committee states that the South is neither a republic nor a country. For this reason, its call for help does not legally justify the United States presence there. The Committee terms the South Vietnamese administration a mere client of the United States.

The U.S. position that the SEATO agreement imposes an obligation to intervene is criticized because that treaty does not contemplate unilateral action. The Committee reminds the reader that the other signers of the Treaty have never formally authorized the United States to act in SEATO's name.

The report labels United States actions in Vietnam as unlawful "reprisals" and argues that even if the United States were lawfully participating in the collective self-defense of South Vietnam, certain of its military methods would nevertheless be unlawful.

Much of the report is based on alleged American violation of the United Nations Charter, specifically Article 33(1) which requires attempts at peaceful solutions before resorting to armed conflict. From the belief that the United States is violating this and other treaties signed in accord with Constitutional provisions, the authors conclude that the United States violates its own Constitution. Consequently, the report calls for immediate de-escalation and an implementation of methods permitted by the United Nations charter.

For lawyers and students interested in Vietnam, this book is invaluable. Structured as a legal brief, it is clear, concise and only 86 pages long (excluding appendices).

The principal practical criticism which can be aimed at the Committee concerns its perhaps too heavy reliance on the United Nations charter. Although the United States did commit itself, perhaps, to peaceful solutions by its efforts to establish the United Nations in the late forties, that organization's own record has shown the folly of expecting it to keep peace. But then, this argument takes us away from international law and back to Realpolitik. And the Committee's report prefers to speak in terms of law, not pragmatic politics.

R.T.D.

BEYOND VIETNAM: The United States and Asia. Edwin O. Reischauer 242 pages. Knopf (Paperback: Vintage \$1.65) 1967.

Thirteen years ago, Edwin O. Reischauer published, Wanted: An Asian Policy, a book dealing with American policy toward Asia. In it he pleaded for a new look at our Asian foreign program while specifically warning against involvement in what was then the Indochinese War. As Mr. Reischauer notes: "My book sank quietly into the sea of library volumes without raising a ripple...Storm warnings might be up in Vietnam, but we were not prepared to recognize them. We continued to drift toward new catastrophes." Mr. Reischauer's new book, Beyond Vietnam, is certainly not going to "sink quietly into the sea...". Due partly to the well-earned reputation of its author and its early critical acclaim, the work will certainly be read by concerned Americans. Whether it will affect the course of American policy any more than its predecessor is now the crucial question.

Edwin Oldfather Reischauer is as much at home in Asia as he is in America. Born in Tokyo in 1910, he lived in Japan until he was 17. After attending Oberlin and Harvard, he taught in various Asian universities and married a member of a prominent Japanese family. He became an extremely popular and influential Ambassador to Japan after being appointed by President Kennedy in 1961 and resigned last year to return to Harvard where he teaches Japanese history and political science,

Mr. Reischauer has not written a moralistic tome on Vietnam of the type so often seen in the last few years. Instead, Beyond Vietnam is a clear, realistic and thoroughly blunt analysis of our failure in Asia, together with concrete proposals for change. While most of the book is devoted to charting a new 'total policy' for Asia, he realizes that the immediate dilemma of Vietnam cannot be ignored.

What Reischauer has to say about Vietnam, however, is not of comfort to either 'hawks' or 'doves'. He feels that the slow, painful policies of the present administration together with a "slow simmering down" of the War is our best remaining alternative. While clearly disapproving of the policies that got us into Vietnam, blaming "unsound analogies" and "bureaucratic drift", he sees a necessary role for the United States in Asia, a role which we can never play if

ignominiously forced to renege on our original and often repeated promises to South Vietnam.

Reischauer opposes withdrawal and feels that a military, economic and political squeeze on the Vietcong is necessary to force them into at least a temporary truce or negotiations. The costly pacification campaign must be pursued, he believes, to convince the Vietnamese that their best hopes are with Saigon. He sees this unappealing process as our only possible course and considers it unrealistic to hope that escalation can in some manner end the conflict. While acknowledging that there is no hope of talks with the Vietcong before the 1968 elections in this country, he suggests the announcement of "realistic and generous terms of settlement" which might bear fruit after the elections. His strategy otherwise seems not much different from that of Secretary of Defense MacNamara.

Reischauer is not primarily concerned with agonizing over the mistakes which have made such a bleak policy necessary in his eyes, but with pointing out that future Vietnams are around the corner unless we change our current stance in Asia.

The author believes that our system of bilateral defense treaties with poor Asian countries produces only hostility towards us and that SEATO is virtually worthless. Our aid programs are faulty and our foreign policy generally antiquated. Understandably, Japan plays a major role in promoting the "stability" that Reischauer feels is necessary in Asia. As the only Oriental country with a fully developed industrial economy, Japan demonstrates to the rest of Asia that Red-Guard regimentation is not a necessary prerequisite to affluency. The early return of Okinawa to Japan, a dropping of trade barriers and a new respect for Japan's importance and independence are advocated as best serving America's interests in the long run.

As Japan embodies our major hopes for Asia, China epitomizes our greatest fears. Yet, Reischauer argues that most of these fears are poorly founded. Although he does not discount the possibility of conflict over Vietnam, he reminds us that China is very weak, that she cannot approach the power of Japan in the foreseeable future and that she needs contact

with the world far more than she needs isolation. Nationalism is the greatest force in Asia, not Communism, and the Chinese find themselves faced with increasing racial animosity from other Asians. Reischauer believes that "time is on our side"; all we need to do is be patient.

The author suggests that America leave the fighting of revolutions and even the suppression of subversion to the Asians. Regardless of the forms the new governments take, they will invariably be highly nationalist and not tied to any international "conspiracy". Thus it follows that a Vietnam - or Indochina-led by Ho Chi Minh probably would have been in our best interests. Now our object must be to preserve "stability" by force of arms in cases of Korea-like invasion, if necessary, so that Asian countries can develop as they wish.

Reischauer's main concern is American national interest. His proposals to effectuate consistent policies are concrete and exciting. He suggests, for example, that the U. S. dispense its aid through intermediary financial experts hired by recipient nations who would set up specific projects. These plans would then be approved and financed by American aid. Thus, the real goal of economic advancement might be achieved without the onus of American control. Mr. Reischauer's other suggestions are too numerous to list. It is sufficient to say that they prove him to be a clear-headed man with a rational plan for the future--a plan which, if followed, just might keep us out of more Vietnams.

W.G.C.

ON TRIAL: THE SOVIET STATE VERSUS "ABRAM TERTZ" AND "NIKOLAI ARZHAK", Translated, edited, and with an introduction by Max Hayward, 183 pages with index, Harper and Row (paperback), \$.95.

To western eyes the role of the Soviet artist and writer during the last half century has been one of strict conformity to dictated ideological precepts. Consequently Soviet writers and artists, with few exceptions, have been relatively unknown in the West. While the example of recent writers like Pasternak, Yevtushenko, and Voznesensky prove that non-ideological writing is alive in Russia, the histories of these men also illustrate the remaining obstacles to freedom of literary expression. Max Hayward's On Trial prints the official record of the trial of two other Russian writers, Yuri Daniel and Andrei Sinyavsky, and tells of the events that led to their conviction for "slander" in 1966.

Mr. Hayward believes that the trial of these two writers is unprecedented in Soviet history, because

it was the first time...that writers had been put on trial for what they had written. Many Soviet writers (had) been imprisoned, banished, executed or driven into silence, but never before after a trial in which the principal evidence against them was their literary work.

Daniel's and Sinyavsky's "crime" was writing and publishing abroad works which they believed could not be published inside the Soviet Union. Publishing under the pseudonyms of "Abram Tertz" and "Nikolai Arzhak", the two authors embarrassed Soviet officials with their ostensibly critical satires of life in contemporary Soviet Russia.

The two men knew of the danger of publishing such works. Soviet literature and culture has been dominated from the inception of the Communist government by the principle of functionalism and a marked intolerance of criticism and deviation. Under Stalin the concept of functionalism reached its peak and in its literary form became dogmatized in the school of thought called "socialist realism". While the school drew its methodology from the classic Russian writers, Chekhov, Turgenyev, Tolstoy and Dostoyevsky, it found its purpose in the promulgation and praise of the philosophy of the Russian Revolution, the course of the Communist movement,

and the vigor and the strivings of the Russian peoples. As a doctrine it was applied to all forms and aspects of literature, even to the extent of designating acceptable verse forms. Administration of these doctrinaire requirements was up to the Union of Soviet Writers and sometimes more effective enforcement was accomplished by means of the formal and informal purges of the Stalinist era. As a consequence, literary development in a country which probably worships great writing more than any other, ground to a standstill. Only one important writer, Mikhail Sholokhov (And Quiet Flows the Don), was produced.

In 1956 the Destalinization of Russian culture did not bring the expected relief to those writers who desired a greater freedom of expression. Yet the demands of the younger writers and the sudden acclaim of Boris Pasternak showed new forces emerging in Russia. The previous censorship policy was subjected not only to internal criticism from "underground" liberal factions but also a close scrutiny by the foreign admirers of Russian literature. The governmental censure of Pasternak angered and alarmed many who clamored for an explanation which was not forthcoming. But great hopes for a liberalization of censorship remained until 2 years ago when they were dealt what appeared to be a fatal blow when Sinyavsky and Daniel were arrested and charged with slander of the Soviet regime and the Soviet people. The works in question had an admittedly critical tenor, but in an analysis of passages used by the prosecution as evidence of the writers' slander and subversive intent, Mr. Hayward concludes that there is very little which could even be construed as anti-Soviet. He feels that the two young authors were convicted more because of the interpretations placed on their works by overzealous Western critics than by their own words. Indeed there is an indication in the transcript of the authors' testimony that the interpretation given by the Western press was as much a surprise to them as it was an embarrassment to the Soviet authorities.

Sinyavsky and Daniel maintained in their testimony that they intended no slander and at most sought to offer constructive or positive criticism of what they saw amiss in Russian culture and society. Often what an author may write as a literary device or invention is not what he seeks to convey in the totality of the work: there is a difference between literal and figurative language. The prosecution of the trial was certainly marked by an inability to deal with figurative language, the court consistently interpreting passages used as evidence out of context and in a strictly literal way.

It may be said that Sinyavsky and Daniel were convicted because of a too liberal use of imagistic devices, which were too unconventional by "socialist realist" standards. A "socialist realist" does not portray Lenin as baying at the moon in any context, nor does he link Marxian philosophy with a developing human foetus. And he certainly does not publish such statements in the West. Sinyavsky observed in his final plea, "I feel deeply that juridical standards cannot be applied to literature.... You lawyers are concerned with terms which, the more narrowly defined they are, the more precise they are. By contrast, in the case of a literary image, the more precise it is, the broader it is."

Mr. Hayward has written an interesting and lucid account of the circumstances and events of the trial of Sinyavsky and Daniel. He has treated the two young authors with an impartiality which was lacking at their trial and in the critiques of their Western critics. He portrays them not as defiant rebels, but as writers seeking a freedom of expression in the West; a freedom which was denied them in the East. The transcript of the trial is certainly a strong reaffirmation of power of Soviet censorship and the continuing lack of literary freedom as we know it in Russia. But hope for the future remains. The censorship system remains under fire and it, like other Stalinist concepts, will surely one day change from the situation described by Pasternak:

Only the influential yes-men know
Whom critics are to propagate
With praise, or criticize
and liquidate.

J. J. R., III

CHINA AFTER MAO. by A. Doak Barnett. With selected documents. 287 pages Princeton, N. J.: Princeton University Press 1967.

Mainland China is approaching the end of its second decade under Communist rule. Under the leadership of Mao's Communist government, life has been infused into a stagnant economy and the social structure of one of the world's most ancient societies has been completely revamped. Today, China is taking its first steps toward becoming a nuclear power. Unfortunately, analysis of the political and social forces operating in China is difficult. The Western news media have not been especially helpful, partly because the Red press prints only what it wants the world to read (recognizing, by the same token, that the Western press casts its own interpretations on these releases) and partly because most Westerners are unfamiliar with the personalities of the Communist ruling elite. Chinese political figures simply do not travel in Western circles.

Recently, a number of events have indicated that China is entering a transitional period. Among these are the recent violent insurgence of the Red Guard, the sudden disappearance of Mao from public view, and the literal worship of Mao's Thoughts. What conclusion can be drawn from these collective events and where is China going?

Mr. Barnett has assumed the formidable task of answering these questions in only 117 pages of text. Despite this brevity, his undertaking has been most successful. Because of the length of the book, Mr. Barnett's analysis of the economic, political, and social forces must necessarily be general,

The book's focus is not on the latest headlines but rather on the forces and trends which help explain them. The author begins by analyzing some of the basic unsolved problems and dilemmas that face the Chinese Communist leaders. He considers Mao's prescriptions for carrying out the revolution, both at home and abroad. Finally he discusses possible future changes in Chinese Communist leadership and the consequences this may have for China's policies.

Mr. Barnett gives an intriguing account of the economic and social problems which faced the new Communist government in 1949 and of the way in which Mao overcame these problems

by mobilizing the agricultural economy and initiating the growth of Chinese industry. Mao's revolutionary ardor gave the "People's revolution" an impetus which has resulted in the amazing growth of China's resources. The author has portrayed this most effectively in his very readable and lucid style. He ties together the various aspects of Mao's endeavors — the push to increase agricultural output, the training of scientific experts, and the rise of the Communes — which energized the "Great Leap Forward". The "Great Leap", of course, came to a halt due to a severe inflation and agricultural collapse in 1960. All of this is now history, but Mr. Barnett does not treat it as irrelevant. He constantly relates these previous events to China's present power struggle.

The only apparent shortcoming of the book is at the same time one of its major assets — that is, the author has done such an excellent job in providing a concise discussion of these forces affecting China and arousing the reader's interest that one only wishes it were somewhat longer and more detailed. The treatment, as has been pointed out, is very general. For example, Mr. Barnett speaks of the difficulties China has encountered in trying to square Mao's "hard-line" Socialistic ideas on industrial management with the realities of effective operation. An illustration of particular policy clashes would have been enlightening. A more detailed discussion of the particular disagreements among members of the Central Committee — Communist China's highest political rulers — would have been an aid in understanding the issues involved in the present power struggle and its potential effect on China's internal and foreign policies.

The book is certainly well worth reading. It serves as an excellent starting point for those interested in an explanation of the recent turbulence in Red China and for those concerned about China's future role in the community of nations.

A.W.R.