

Morality, Law, and the New World Order

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In accepting the Democratic presidential nomination in July of last year, candidate Jimmy Carter said that when the United States was founded its commitment to certain moral and philosophical principles "created a basis for a unique role for America: that of a pioneer in shaping more decent and just relations among peoples and among societies." He sketched the task facing us: "Nothing less than a sustained architectural effort to shape an international framework of peace, within which *our own ideals* gradually tend to become a global reality" (emphasis added). In his inaugural address of January 20 President Carter elaborated upon the concept: "We will not behave in foreign places so as to violate our rules and standards here at home, for we know that this trust which our nation earns is essential to our strength." He remarked that a new spirit now dominated the world: "People more numerous and more politically aware are craving and now demanding their place in the sun—not just for the benefit of their physical condition, but for basic human rights."

A vision of the United States as the world's moral leader was conventional before the two world wars. But those wars destroyed the old order of things, without bringing a new order into being. In the recent past a few empires embraced most of the world; but with the demise of the imperial system there are now, as candidate Carter remarked, some 150 sovereign states. The process of political fragmentation continues, as can be seen in Africa and Canada, and there is no ideological concord. If the United States fought World War I "to make the world safe for democracy," it manifestly failed to achieve its goal. World War II did not enable us to achieve the exalted aims set forth in the Atlantic Charter of 1941, and the numerous campaigns mounted by the United States against the forces of revolution in the cold war era of 1947-72 fell far short of bringing about the desired political stability. In addition, disruptive *economic* forces are now operating between the rich and poor countries and within the capitalist bloc, compounding the difficulties of political coordination even among

states Washington counts as belonging to "the free world." The world is more variegated and more complex than in the nineteenth century.

In the Nixon-Ford-Kissinger era of détente the U.S. Government talked extensively of "interdependence," "peaceful coexistence," and "cooperation." In a typical expression of the official position, the State Department, in an "Overview" issued in January, 1976, asserted that "The U.S. Government sees its central task today as once again [as in the postwar period] helping the world to shape a new structure of stability, justice, and international cooperation." And as regards cooperation: "We, as all nations, must not only come to grips with the fact of our interdependence; the fundamental challenge is to translate the knowledge of our common destiny into a commitment to common action—to inspire developed and developing nations alike to perceive and pursue their national interests by contributing to the global interest."

While political, and moral, intents have been given expression, there has been little real progress in the structuring of human society since the formation of the United Nations in 1945; even the prime task—the shaping of "the international framework of peace" postulated by candidate Carter—is still to be accomplished. The broad design proposes the absolute rejection of war and of warlike procedures for the resolution of international disputes and aims at introducing new elements of order into the world economic system.

The difficulty derives not in voicing general aspirations but in working out specifics for the consolidation of peace and the functioning of a new order. In a world of equal sovereignties—that is, with *none* acknowledged as supreme authority—the creation of new global structures must come by the gradual development of mutual understanding, the negotiation of formal international agreements governing actions in the political and economic fields, and the welding of such commitments into a system of law and organization accorded general acceptance. In sum, implementation of the principle of "interdependence" demands the establishment of narrower limits for the operation of national sovereignties—such curbing of the operations of national unilateralism as may be, at the least, adequate for the service of the overriding purpose of human survival.

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There would thus be brought into being a new, integrated internationalism incorporating vital elements of law and order *as agreed upon by the international community*. And that internationalism would govern political, economic, and military interstate relations.

The dream is there, but it has to be related to the turbulent world in which we live. International fears and tensions, considerations of national profit or loss, inevitably enter the equation. A certain order of priorities must necessarily be set up, with due regard for what is feasible. One matter given high priority in contemporary public treatment of the new administration's foreign policy is "human rights"—patently to be defined as comprising individual *political* rights as embraced in candidate Carter's borrowed language, "that all people are created equal and endowed with inalienable rights to life, liberty and the pursuit of happiness. And that the power of government is derived from the consent of the governed."

The United States, with a truly Confucian conviction in the universal applicability of its own political doctrine, has tended historically to assume that other nations would in due course naturally adopt our practices as regards civil liberties. In today's diversified world, however, it is charged on the basis of quite practical considerations to refrain from extensive propagation of its creed. The hard fact is that human rights as defined by the American Constitution do not rank high on the scale of values fixed by individual governments of the many sovereignties ruling this globe.

There is indeed some movement in that sector: provisions incorporated in the United Nations Charter and the Helsinki agreement of August, 1975, cloak certain human rights with standing in international law. Insofar as the United States might propose to press for the implementation of existing international agreements with respect to human rights, it is on sound moral and legal ground; but even there such good works would normally be undertaken most effectively in concert with other signatories of the same agreements rather than unilaterally. The circumstance that the U.S. is reputedly experiencing difficulty in commanding NATO countries' support for its human rights position at the Belgrade preparatory conference on the Helsinki accords is symptomatic of a fault in the American strategy: It is not solidly coordinated even with the policies of our closest allies.

To carry conviction Washington would have to be consistent and support human rights universally. But this points up an inherent vulnerability of the American policy: In the Third World of developing nations the United States is frequently discovered to be lined up in support of right-wing dictatorships—in the interest, it says, of "stability." In countries like South Korea, South Africa, and Brazil popular expressions of the urge to enjoy human rights as defined by America are taken by the ruling regimes as threats to their authority, and they customarily respond with repressive measures. Is the United States, in such cases, going to support "the Right of the People," as set forth in the Declaration of Independence, "to alter or abolish" the government

they view as oppressive? Put bluntly, will it commend revolution against undemocratic "friendly" governments?

That *would* be a radical innovation! But recent history indicates how unlikely it is that such a policy would be adopted by Washington. As Secretary of State Kissinger put it at a press conference held at NATO headquarters in Brussels on December 10, 1977: "the relationship between morality and foreign policy is not a simple one." That is especially true in cases where one's allies adhere to moral standards different from one's own.

In his inaugural address President Carter took a big step in the direction of providing for a structure of peace by pledging perseverance in efforts to limit armaments, and by announcing that "We will move this year a step toward our ultimate goal—the elimination of all nuclear weapons from this earth." Peace is a universally acknowledged desideratum, and Washington would find it readily feasible to mobilize support for peace proposals that carry conviction. But there's the rub.

The two "superpowers," the United States and the Soviet Union, unquestionably bear major responsibility for the maintenance of peace. The Carter administration early proclaimed its intent to move forward with the strategic arms limitation talks, SALT II. Secretary of State Cyrus R. Vance's visit to Moscow at the end of March with the widely publicized aim of furthering that policy failed—in the circumstances, predictably. President Carter's authorization in July of production of the cruise missile and of the neutron warhead widened the negotiating gap. Those who strive for a first-strike capability would render that gap unbridgeable. The ideal of universal nuclear disarmament would appear to be fixed firmly in the realm of the unattainable for so long as "national security" remains a fetish with the individual nuclear powers—and preeminently the U.S., the USSR, and China—for so long, that is, as suspicion has not been replaced by trust and détente has not been followed by understanding. The better day is clearly not yet in sight.

Nor is there immediate promise of achieving substantial reduction of conventional armaments. The Pentagon sounds current alarms to the effect that the Soviets are overtaking us in terms of military readiness, or may even have surpassed us, and argues that we must step up, not cut down, on expenditures for both nuclear and conventional weaponry. The urge for parity alone would suffice to cause the USSR to continue the buildup of its military power. China, by report, aches to modernize its own armed forces. Iran arms itself, and so do other Third World countries—if less lavishly. Overall, NATO and the Warsaw Pact powers maintain themselves in a constant state of readiness. And world armament expenditures run at the rate of some \$280 billion a year—with the U.S. military budget making up fully one-third of that total.

Related directly to the issue of disarmament is the extensive traffic in arms carried on by some of the leading industrial powers, including, notably, the United States, the USSR, and France. Again the U.S. is in the lead: Its arms sales, which have run at the rate of \$10 billion a year for the past three years, account for 46 per cent of the total (Soviet sales account for 30 per

cent). Washington has to date justified *its* arms traffic as (1) designed to contribute to the self-defense capabilities of "friendly" nations; (2) benefitting our balance of international payments; and (3) keeping the American arms industry humming so that it can (a) employ a large labor force, and (b) supply arms to the U.S. Government at lower cost than would otherwise be the case.

But the justification cannot stand if it is demonstrable that, far from being restrained within some benign design of bolstering allies' "defense" capabilities against antagonists of the United States, the rich assortment of American weaponry in foreign hands may (1) be used against other "friends" of the United States; (2) be employed for the suppression of popular revolt against oppressive rule; or (3) so burden the owner country's economy that social conditions there are worsened rather than improved by our merchandising. History testifies that American arms fell, in quantity, into the "wrong" hands in China and Vietnam.

Speaking as vice-presidential candidate in August of last year, Walter F. Mondale pointed up a related reason for care in this realm: American arms sales tend to aggravate tensions in potentially explosive regions. He referred to the situation in the Middle East—and the citation is pertinent. Since the United States has liberally supplied both Israel and Arab states with arms in recent years, it requires no stretch of the imagination to foresee that, in the event of a new Middle East war, the two opposing sides would probably be found using American arms against each other. It could then hardly be argued that our provision of arms had served either the cause of international peace or the national interest.

There is a quite extraordinary complication confronting the Carter administration as it undertakes to find solutions to pressing politico-military problems in its foreign affairs: cold war habits. In the postwar period the United States made liberal use of direct military intervention to achieve its foreign policy aims, in Asia notably (with the Vietnam case outstanding), but also extensively in Latin America—in Cuba, Santo Domingo, and Guatemala. The aim was always to enforce *our* political will, in defiance of the very democratic principles we profess.

And then there were the covert activities. The agencies devoted to American "national security" in the cold war era—the National Security Council (NSC) and the Central Intelligence Agency (CIA)—consistently did their tactical thinking in military or "paramilitary" terms, and single-mindedly concentrated their attention on outwitting and overcoming "enemies," whether by legal or illegal means. Communist states were viewed as antagonists, but so were revolutionary movements, for were they not also radical? American covert agents in the foreign field have employed a rich assortment of secrecy, stealth, and "dirty tricks" ranging from attempted assassination to the subversion of governments, just as if we were at war. And if it was cold war, hot war was contemplated as the action of final resort.

The CIA, charged with implementation of the covert action program, won unusual notoriety for the U.S. A report issued on April 26, 1976, by the Senate Select

Committee on Intelligence Activities recorded that *since 1961* the CIA had conducted "some 900 major or sensitive action projects plus several thousand smaller projects." The committee found substantial reason, both legal and practical, to criticize past CIA covert operations, and gave a summary assessment: "Presidents and Administrations have made excessive, and at times self-defeating, use of covert action....The cumulative effect of covert actions has been increasingly costly to America's interests and reputation."

The Select Committee indeed made various recommendations with regard to the stricter regulation of the CIA, and in his confirmation hearing Secretary of State Vance held that there should be only the most restricted use of American covert activities abroad—and then only in "the most extraordinary circumstances." But legislative reform of the agency remains to be accomplished. And the American record of hostile covert activities, undertaken in foreign fields in categorical violation of various pledges by the U.S. Government not to interfere in the internal affairs of other states, has created concrete disadvantages for the nation. The Chinese version of the golden rule has it: "Do not do to others what you would not have done to yourself." If we propose to employ "paramilitary" means to overthrow governments of different political persuasion from our own, what legal sanction can we effectively evoke against similar actions by others in cases that might not fit our book—even where such actions, by hypothesis, might be directed against *us*?

Finally, there is what must be regarded as the most complicated and dangerous foreign policy issue of all: the creation of a new world economic order. The Atlantic Charter, jointly proclaimed so long ago by President Franklin D. Roosevelt and Prime Minister Winston Churchill as representing "certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world," set forth in Point Five their desire "to bring about the fullest collaboration between all nations in the economic field, with the object of securing for all improved labour standards, economic advancement, and social security."

That noble aim, among others, went unfulfilled; and, as Jimmy Carter observed in his July 15 acceptance speech, people everywhere have become "increasingly impatient with the global inequities." In truth there is now a swelling demand by the poor developing countries of the world for the creation of a new world economic order that would minister to their growing distress. This is essentially a translation of "human rights" into the economic sphere, and it bears a special significance for the United States. For this country is at once the richest and most powerful of the world's economies, and the most lavish and wasteful consumer of the world's natural resources. Can it be called "moral" for the United States to consume the lion's share of the world's wealth—as with energy supplies—while much of the rest of the world stands in want?

The inner logic of things suggests that the Third World's conceptualization of the American president's

"more decent and just relations among peoples and among societies" will probably place the chief emphasis on *economic* human rights. The United States is by its nature destined to be the prime target for certain demands that, in essence, will call for economic sacrifice by the rich for the greater benefit of the poorer nations of the world. It is going to be difficult enough to bring the American economic order into egalitarian cooperation with fellow capitalist nations for common purposes; it is going to be harder by far for the U.S. to curb the profit motive and organize itself for something in the nature of a sharing of wealth in service to economic human rights. As the U.S., among the "rich" countries, ponders the inescapable problem, there will always be present the haunting moral question: What might have been done to alleviate the miseries of the poorer nations of the earth by diversion of only a fraction of the \$4.5 trillion expended by the world on arms between 1945 and 1975?

Speaking at the U.N. Conference on Trade and Development in Nairobi on May 6 of last year, Secretary of State Kissinger began by observing that "the future of peace and progress may be determined by the necessities imposed by our economic interdependence," and he perceived an "urgent need for cooperative solutions to the new global problems of the world economy." If in the circumstances Kissinger naturally dealt chiefly with economic issues, he nevertheless also took due note of the relevance of political issues—"of how nations deal with each other and of how we can construct an international order that promotes peace"—and of the issues of justice and

morality. The address left a clear picture of a government in Washington that wholeheartedly favored peace among nations within a framework of established order.

It was a long time ago that the Christian world began to formulate rules of conduct to govern relations between "civilized" states; and the U.S. from its beginnings has considered itself among the *most* civilized. The Hague Peace Conferences of 1898 and 1907 were devoted to the codification of an international law of warfare to govern *all* states and to making provision for the pacific settlement of international disputes. Other treaties have followed, including notably the United Nations Charter and four Geneva conventions of 1949 elaborating the rules of warfare. Some basic codes governing international relations are in effect, and a loose framework of international organization exists. Those are beginnings; but they are far from enough to govern the world in this perilous era.

The political and economic problems that currently confront mankind are formidable and complex; reconstruction of the world order can be achieved only by an extensive codification of international law and enhancement of the authority of international organizations. A high order of statesmanship will be patently required for the working out of new measures for the attainment of the proclaimed objectives of peaceful coexistence and international cooperation. The United States is charged by the elementary logic of the present world situation with pursuing in good faith, assiduously and generously, its professed national purpose of contributing toward the construction of a viable internationalism. That way lies international morality.

Response I

The Same Old Illusions

Paul Ramsey

It is a mistake to identify Jimmy Carter with Thomas Jefferson. It would also be a mistake to suppose that Edmund Clubb's "That way lies international morality" is a signpost pointing toward an adequate public philosophy for world order in our time.

Instead, we have the same old illusions, the same escalation of political expectations, the same reach beyond grasp that Browning used to justify heaven. A chief question to be raised is why the modern liberal mentality continues to *condemn* candidate Carter to saying "our own ideals [will] gradually tend to become a global reality" when he spoke of the "sustained architectural effort to shape an international framework." Better the serene confidence of our Founding Fathers in "natural rights" that will silently impel other nations

"in due course naturally [to] adopt our practices as regards civil liberties" (which Clubb calls our "truly Confucian conviction in the universal applicability" of our own political doctrine) than "voicing [these] general aspirations" from which, he believes, no "difficulty derives." I, for one, hope that President Carter knows the Gospel affords him no hiding place, that telling the big truth often enough may not rally belief, and that institutional "good works" are not to be counted on to mend a broken world.

Clubb, of course, makes many a courtly bow in the direction of the "turbulent world in which we live," the "hard fact" that human rights do not rank high on the agenda of most nations. Indeed, his article reads like a search for a feasible foreign policy. But those feasibilities are already magnified by the "dream," by the "noble aim."

So with 150 sovereign states already in existence and