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Author

Zasloff, Jonathan

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The one thing that really makes no sense about the resolution and the struggle to shape and then construe its wording is Morgan's comment. In the first place, as he himself surely knows, competing tendentious interpretations of official texts in a case like this one are moments in the ongoing struggle between elites to justify their behavior before various audiences and to enhance support by associating their respective positions with general principles of law and morality that enjoy widespread approval. More to the point, as Morgan himself concedes, Article 2(4) and the UN Charter taken as a whole enjoin not pacifism but a presumption in favor of restraint that circumstances can overcome. The Charter is as much or more an authorization to use all available means to defend territorial integrity and political independence (arguably even for latent states, i.e., a people under colonial or other alien domination) as it is a restraint on the use of force. The right to self-determination has evolved and become clarified in the course of both formal and informal inquiry into the question of who are the legitimate claimants to political independence.

Finally, in a world where, for all recorded history, armed force has been seen by politically organized groups as a possible means for liberation from rulers experienced as alien, only committed pacifists are likely to regard the association of liberation with armed force as hallucinatory. And they are a very, very small minority. Morgan defends his extraordinary position by implying that all characterizations of oppression and liberation are subjective, peculiar to each claimant and incapable of objective assessment. But for purposes of any decentralized legal order, the correlative of objective assessment is intersubjective consensus. Just like an intersubjective consensus that Iraq's occupation of Kuwait was an act of oppression or alien domination, so there is something approaching consensus that the Palestinians living in Gaza and the West Bank are a people oppressed. What is, to be sure, controversial is the range of means they may legitimately employ on behalf of their liberation.

So as I said at the outset, this book is uneven. One source of that unevenness, I believe, is the author's choice not to address in detail other ways

of viewing international law. No mention whatsoever is made for instance of the Yale School of Jurisprudence founded by the two theoretical giants, Harold Lasswell and Myres McDougal, or of the International Legal Process theorists led by the late Abe Chayes of Harvard, or of more contemporary thinkers like Thomas Franck of New York University. All of the major contributors to international legal theory since World War II have recognized the issues examined by Morgan through his particular optic. In coming explicitly to grips with one or more of them, Morgan would inevitably have clarified his positions and would have avoided appearing on occasion to imply that his insights are novel. Novelty is rather the hallmark of his approach—his, if you will, aesthetic. He does not plow new ground, but he does enable us to see it in a somewhat different light. It is perhaps analogous to what I imagine it would be like to have visited the Louvre in the early twentieth century accompanied by Picasso and listening to him discuss a familiar portrait by David. Thereafter I would no doubt have seen the painting in a more complex way. In short, this work is a fine contribution to the theoretical literature about international law written by a man of impressive erudition who possesses formidable analytical power and literary skill.

TOM J. FARER
Of the Board of Editors

DEAN'S LIST: POWER, INSTITUTIONS, AND ACHESONIAN DIPLOMACY

Dean Acheson: A Life in the Cold War. By Robert L. Beisner. Oxford, New York: Oxford University Press, 2006. Pp. xiv, 800. Index. \$45, £23.99; \$19.95, £10.99, paper.

Dean Acheson did not suffer fools gladly. Asked in 1952 for his opinion of Adlai Stevenson, Acheson replied, "Well, Adlai has a third-rate mind that he can't make up."¹ He dismissed accusations from conservative Republicans that he was

¹ DOUGLAS BRINKLEY, *DEAN ACHESON: THE COLD WAR YEARS, 1953–1971*, at 47 (1992).

soft on Communism as the “attack of the primitives.”² Acheson’s contempt turned on institutions as well as individuals. He noted with regard to the United Nations that in the “Arab proverb, the ass that went to Mecca remained an ass, and a policy has little added to it by its place of utterance” (p. 52). And he famously observed that “Great Britain has lost an empire and has not yet found a role” (p. 631).

Yet as Robert Beisner makes clear, Acheson’s trademark irascibility concealed a far more subtle and sensitive mind. To the extent that there is a popular memory of the man, Acheson remains the unreconstructed Cold Warrior. By detailing the seemingly endless ins and outs of Acheson’s diplomacy, however, Beisner reveals that Acheson spent most his time patiently (and at times, impatiently) prodding, cajoling, and enticing recalcitrant allies to adopt his vision of Cold War strategy.

At 656 pages without footnotes, *Acheson* is truly a tome, though it covers in detail only twelve years of the man’s life. Beisner does not describe how dry his subject’s martinis were (as other recent biographies have),³ but sometimes comes close.⁴ The prolixity can be justified. Previous biographical attempts were disappointing, so a comprehensive treatment is helpful. And Acheson’s personality provides the biographer with a constant flow of anecdotes and pungent quotations. But it obscures a basic question of interest to historians, political scientists, international lawyers, and even policy-makers: what does Acheson’s experience in the State Department tell us about the way that world politics works?

This is not an idle inquiry. Structural realist international relations theory, the discipline’s dominant paradigm, greets the early Cold War period with something of a yawn. In 1945, only

two great powers were left standing in Europe: they thus divided it between them, creating a reasonably stable balance-of-power that lasted until one of them collapsed, requiring the formation of a new states system. Individuals, on this accounting, are simply carried along by the forces of history. Structural realism also rejects the relevance of domestic institutions: it makes no difference whether nations are democracies or dictatorships, liberal or totalitarian. Ideas, ideologies, and discourse do not enter the equation: they are merely rhetorical superstructure, so much sea foam that masks deeper currents. Such a view aims at the heart of the international lawyer’s enterprise, for it holds that international law is, at best, mere rhetoric and, at worst, a way to dupe statesmen into a false sense of security.

But niggling questions remain in the face of structural realist parsimony. First, twenty years earlier, after World War I, the United States, faced with a similar situation, had refused to follow the realist script and had retreated into a bizarre, naive “independent” internationalism that undermined the global balance and paved the way for World War II.⁵ It will not do to say that this anomaly simply represented a lag in a great power responding to systemic incentives: why would this power sometimes respond, and other times not?

It was far from clear at the end of World War II that western Europe would side with the United States. Realist theory predicts that states will balance, not bandwagon. The Soviet Union enjoyed conventional military superiority to the United States, but on every other measure of power, Washington dwarfed Moscow. Its navy and air force were dominant. It had an atomic monopoly, at least until 1949. Its technological supremacy was uncontested. The Soviet Union would have collapsed during the war without U.S. economic aid, and the American economy generated more than half of the world’s GDP. Why, then, did western Europe side with the world’s greatest superpower? It may be too much to think that it would have become part of the Soviet bloc, but

² DEAN ACHESON, *PRESENT AT THE CREATION: MY YEARS IN THE STATE DEPARTMENT* 534 (1969).

³ See KAI BIRD & MARTIN J. SHERWIN, *AMERICAN PROMETHEUS: THE TRIUMPH AND TRAGEDY OF J. ROBERT OPPENHEIMER* (2005).

⁴ For example (p. 623): “Offered a glass of white wine before a late-afternoon lecture at the Brookings Institution, he demanded a dry martini. ‘The Brookings people,’ Arthur Schlesinger, Jr., records, ‘politely said that spirits were not available. ‘No martini,’ said Acheson, ‘no lecture.’ (He got the martini.)”

⁵ I have considered this period elsewhere. See Jonathan Zasloff, *Law and the Shaping of American Foreign Policy: The Twenty Years’ Crisis*, 77 SO. CAL. L. REV. 583–682 (2004).

neutralism, as advocated by such as Charles de Gaulle, was a plausible strategic option.

The answer came from many things. Most important were America's commitment to democracy and its ability to construct a series of international institutions and legal arrangements that turned the Europeans into America's partners, not its vassals. The answer also lay partially in those most unscientific variables: leadership and diplomacy. No one exemplified these assets more than Dean Acheson, as Beisner makes clear. And while sometimes drowning his subject in detail, Beisner shows Acheson to have possessed a combination of traits critical to successful statecraft. What the author might also have noted is that these qualities were the hallmark of the best American lawyers.

First, Acheson could sense others' interests. Beisner accurately notes that Oliver Wendell Holmes was Acheson's intellectual hero: "Acheson must have quoted Holmes in three-quarters of his speeches, essays, and appearances before Congress" (p. 100). The justice, whom Acheson met while clerking for Louis Brandeis from 1919 to 1921, bequeathed the younger man a healthy dose of pragmatism and skepticism about supposedly universal interests and values. "As Holmes said, 'Deep seated principles cannot be argued about. You cannot argue a man into liking a glass of beer.'" This meant that people and nations will disagree: just because Americans thought something did not imply that everyone else did. We must not, Acheson warned, confuse "our own opinions with the will of God" (p. 455)—an admonition that would have been helpful a half-century later.

But Beisner also incisively notes that "[u]ntil old age changed him, pragmatism rarely degenerated into cynicism" (p. 101). In this respect, Acheson was not like Holmes—who *was* cynical—but Brandeis, his other great influence. Acheson could understand that (1) others would think differently, so the United States could not impose its will on the world, while also understanding that (2) some differences, such as those between democracy and Communism, were so profound as to require the former to vigorously resist the latter.

Second, Acheson could demonstrate how other nations' interests and America's dovetailed. British Ambassador Oliver Franks observed that Acheson's "mind has a lucid, penetrating and compelling intellectual quality which can sweep all before it" and thus that Acheson himself was "the greatest persuader, I think, that has ever been" (p. 98). For example, he successfully appealed to the French desire for continental leadership to get Paris to include West Germany in integrated supranational European institutions—even though "[h]is ultimate embrace of integration was mostly about wanting to solidify France's place in the anti-Moscow alliance" (p. 163). Despite all of his troubles with Congress, Acheson's persuasive powers made him a masterful player of the "two-level game" between domestic and international interests.⁶ It was Acheson's advocacy in 1947, when he was undersecretary of state, that brought skeptical GOP senators over to supporting the Truman Doctrine. His loyalty and intelligence secured Truman's unconditional backing when his secretary of state ran into a buzzsaw on Capitol Hill. Inside the administration, Acheson ensured that he, not the Defense Department or the Joint Chiefs of Staff, remained in control of policy.

This persuasive ability, too, came from Brandeis and the other lawyers whom Acheson had closely observed. It enabled Acheson to garner the kinds of international agreements that had sometimes appeared impossible. Acheson observed that many of the best diplomats could devise "imaginative and practical ways" for dealing with "unprecedented situations" because many of them were transactional lawyers. "Practical statesmanship," he argued, was found in lawyers such as Dwight Morrow and Louis Brandeis, who

[b]efore starting on a complicated and difficult negotiation, . . . would spend as much time and thought on learning about and understanding the other parties' business and problems as those of their own client. Their aim was to know more about the other fellow's business than he did, since both were persuaded that half of the controversies arose

⁶ The phrase, of course, is from Robert D. Putnam, *Diplomacy and Domestic Politics: The Logic of Two-Level Games*, 42 INT'L ORG. 427 (1988).

because of the faulty understanding by businessmen, including their own clients, of their own interests.⁷

Acheson hardly meant that the Cold War derived from Soviet-U.S. misunderstandings: he was too realistic for that. But misunderstandings between the United States and its European allies did cause problems—and Achesonian diplomacy made certain that they did not disrupt the fundamental structure and progress of the Western alliance.

Third, his thought was quite flexible. He recognized that abstract ideas had to conform to the practical realities on the ground. Holmes struck again: “General propositions do not decide concrete cases,” the Great Dissenter had famously warned,⁸ and Acheson took the warning to heart. Acheson never hesitated to shift tactics in mid-stream when new developments occurred or unforeseen political realities so dictated. Flexibility did not mean, however, abandonment of broader strategy. For example, Acheson was distinctly unenthusiastic about Chiang Kai-shek’s regime on Taiwan, and (belying his left-wing critics) remained interested in opening up diplomatic channels to the Chinese Communists on the mainland. But events revealed that Mao was, if anything, more hostile to America than Stalin, and eager to throw hundreds of thousands of Chinese troops at U.S. forces in Korea. Acheson then authorized naval patrols in the Strait of Formosa but firmly rejected right-wing calls to “unleash” Chiang and bring Taiwanese troops to Korea. He thus maintained a balance of power in east Asia while not escalating the Korean War.

All well and good. But did it really matter? After all, surveying the geopolitical landscape in hindsight, it seems clear enough why the United States eventually triumphed in the Cold War. America’s economic and technological advantage was profound, and the Marshall Plan got the United States on the offensive in Europe, putting Moscow in a defensive crouch. The massive buildup of

conventional U.S. forces in 1950–51 was expensive but hardly strained the U.S. economy as similar buildups had done to the Soviets. And at the end of the day, liberal democracy was a far more persuasive ideological force than Marxist totalitarianism.

But a non-omniscient look in 1949, the year Acheson took over the State Department, would have revealed significant obstacles. Militarily, as noted above, Soviet forces could overwhelm anything that the West had to counter it. Economically, the Marshall Plan, which Acheson played a key role in developing during his tenure as under-secretary of state in 1945–47, held out potential for the resuscitation of European economies. But that took one into the somewhat distant future. In the meantime, several Continental countries looked ready to become Communist, not from direct Soviet military action, but rather from their own populations. As the year 1949 progressed, things only got worse, as Communists took over China, and the Soviet Union vaporized America’s atomic monopoly. The year 1950 brought disaster, as the North Korean surprise attack in June nearly pushed American forces off the Korean peninsula, and the UN counterattack in October was wiped out by Chinese entry into the war. By year’s end, the United States was mired in a bloodbath far away from its core interests.

Those core interests were not holding up well. Politically, the western Europeans seemed hopelessly unable to fix things. As 1949 dawned, no alliance structure had emerged. Even after NATO’s formation in the spring, it remained a paper tiger, with no military command structure or (more importantly) troops. The heart of the matter lay in German rearmament. The Germans refused to participate unless they could develop their own, independent military force, and any NATO without German manpower would fail to come close to a real deterrent. But accepting Bonn as an equal partner was anathema to the French, whose participation in NATO was also crucial, and who had seen their territory overrun three times in seventy-five years by their eastern neighbor. The British also had qualms. The overriding question remained, in the words in Lord Ismay, how to

⁷ DEAN ACHESON, *Lawyers in the Republic*, in FRAGMENTS OF MY FLEECE 127–28 (1971) (essay originally published in *Esquire*, July 1961).

⁸ See *Lochner v. New York*, 198 U.S. 45, 76 (Holmes, J., dissenting).

"keep[] the Americans in, the Russians out, and the Germans down."

Acheson's response was patient diplomacy in a seemingly endless series of meetings and parleys. His remained firm in his overall conception, but flexible on means. Nowhere was this attitude more apparent than in the case of west European defense. Acheson was absolutely committed to enhancing NATO's military deterrent capability, and he realized that this objective would require a resuscitation of German military strength. But unlike the Joint Chiefs of Staff, who insisted on a "single package" wherein American force would enter the European alliance only together with German troops, Acheson eventually accepted French arguments that America had to move first, to persuade Europe of its bedrock desire to lead, and to provide the initial military strength. Then—and only then—would European allies be persuaded that Germany could be safely reintegrated. Finally, at the 1952 Lisbon Conference, the NATO allies agreed on force goals, defense expenditures, and levels of U.S. military assistance, as well as NATO's institutional structure and the appointment of Britain's Lord Ismay as the first secretary general.

Acheson's actions were far less sure in Asia, which took up far more of his time than he would ever have anticipated. Beisner effectively demolishes the right-wing calumny that Acheson's National Press Club speech of January 1950—in which he placed Korea outside the American "defensive perimeter"—signaled Stalin that the Soviet Union could invade South Korea without fear of American reprisal. But the author pulls no punches in condemning Acheson and other U.S. policymakers for failing to rein in Douglas MacArthur after the general had routed North Korean forces and crossed the 38th parallel. This failure served as a pretext for Chinese Communist intervention and turned Korea into a deadly quagmire.

The problem was that Acheson never actually had any real strategic conception in Asia. His diplomatic model was NATO, and Japan was the only Asian nation that could be seen as fitting into a parallel Asian model. Not surprisingly, Acheson performed best there. As with Germany, Acheson

knew that the United States could not indefinitely occupy a foreign country against its will and that attempting to do so in Japan would only strengthen forces of the Japanese left (which would tilt toward Moscow) and right (which would be neutralist and certainly hostile to American interests). Beating back fierce opposition from the Joint Chiefs of Staff, he insisted on an early end to the occupation (and on mild terms). As he had with Konrad Adenauer in Germany, Acheson found a capable politician with a strong centrist constituency: Prime Minister Yoshida Shigeru, with whom he negotiated handing over domestic sovereignty to Japan while keeping the country firmly in the Western orbit through a defense pact and operational rights for U.S. forces on the islands.

Other Asian allies, however, were in short supply. There was always Chiang, but Acheson knew the Generalissimo's severe flaws all too well to ever rely on him. The Truman administration arranged for bases in the Philippines, but Manila hardly served as a bulwark of democratic stability; in any event, the Philippines was not a significant enough power to form the basis of a credible alliance system. The rest of Asia simply did not have stable governments that could support strong alliances: Acheson's successor, John Foster Dulles, found this out when he tried to replicate NATO with such organizations as the Baghdad Pact and wound up generating a series of strategic disasters.

Since Acheson could not see beyond the structure of traditional alliances, he was also hardly sure-footed when it came to the developing nations. His record on North-South issues is better than one might initially expect from a Cold Warrior. Most importantly, he ferociously resisted overthrowing Iranian Prime Minister Mohammed Mossadegh, an option that could have saved the United States countless headaches decades hence. Just as interesting, and usually overlooked, was his opposition to the overthrow of Jacobo Arbenz Guzman's nationalist regime in Guatemala. Even Truman had signed off on the idea, code-named "Operation Fortune." Acheson stood up to his chief and scotched the plan. Beisner suggests that Acheson frowned on Fortune because he feared taking risks outside an area of U.S. vital

interest. This makes sense. He also contends that "this international lawyer did not approve of flouting [the UN] charter or other tenets of international law, and [Fortune] was blatantly illegal." Perhaps. But most crucially, Acheson recognized the difference between domestic nationalism and international Communism. In 1951, he told his War College audience that America must respond creatively to the "emerging nationalism" of Asia and the Middle East and persuade these "awakening" peoples to join the civilization and values "under which we live" (p. 388).

He had little idea, however, of how precisely to accomplish that goal. And his lack of interest in Asia prevented him from seeing the fundamental flaws in American strategy there. Nowhere was this more the case than in Indochina, where he realized that France was doomed, though he seemed to accept that maintaining French control there was vital. Interestingly enough, keeping the French in Indochina undermined his European strategy because it prevented Paris from having enough ground troops in Europe to balance the Germans (and thus feel more comfortable with German rearmament.). The reasons for U.S. policy kept shifting: the West needed to "win" in Indochina because it was vital for the Japanese economy, or because of the domino theory, or because the United States must support its allies. Maybe Acheson would have rethought things had the Korean War not intervened; after June 25, 1950, that sort of rethinking, along with a change in U.S. policy, was impossible because of such ephemera as "credibility" and "leadership."

The case of U.S.-Indian relations, usually not highlighted by diplomatic historians, serves as another example of a failure of strategic conception: unable to fit the relationship with New Delhi into a Cold War paradigm, Acheson let the subcontinent essentially fester during a critical period. He was sympathetic to the world's largest democracy (despite personal difficulties with Jawaharlal Nehru) and supported economic aid, but failed to focus on the region and offered excuses instead of grappling with issues. Like most U.S. policymakers, he favored military assistance to pro-American Pakistan on the grounds of "strategic advantage" and "Middle East defense," without seriously con-

sidering what that meant or why it helped American interests.⁹ Since Nehru's commitment to nonalignment meant that India could never be anything more than neutral, better relations with it was not a priority, and since Pakistan's commitment to arm itself against its larger neighbor enabled it to fit into an alliance framework, no matter how vague, it came out ahead.¹⁰ Acheson's conception of Cold War diplomacy essentially centered on situations of military strength, so the political benefits of strong relations with India did not register.

Acheson was hardly the only U.S. policymaker to share in this blame; he was the symptom, not the cause. But it was a bad disease. The end result, consummated during the Eisenhower administration, was the U.S.-Pakistani defense pact, which did little for the United States except alienate a major Third World democratic player, give the Soviets a wedge into the region, and foster an arms race that eventually created a nuclear subcontinent.

If Acheson's ignorance in Asia and the Third World weighs down his brilliance on Europe, his record recovers from an unlikely source: the development of international institutions, a path to which he remained devoted despite his acerbic characterization of the United Nations. Commonly understood as a "realist," at least in the classical sense,¹¹ Acheson saw power as a necessary, but not

⁹ See, e.g., ROBERT J. MCMAHON, *THE COLD WAR ON THE PERIPHERY: THE UNITED STATES, INDIA, AND PAKISTAN* 144 (1994) (noting Acheson's agreement in the general American consensus concerning Pakistan's role in Middle East "defense").

¹⁰ In fairness, as Robert McMahon makes clear, the lion's share of the fault in the Truman administration's south Asia policy belonged not to Acheson, but to Assistant Secretary of State George McGhee, whose wisdom on Iran was matched by his obtuseness on Pakistan.

¹¹ In international relations theory parlance, "classical realism" refers to the tradition of *realpolitik* in statecraft and diplomacy. For good histories, see generally MICHAEL JOSEPH SMITH, *REALIST THOUGHT FROM WEBER TO KISSINGER* (1983), and JONATHAN HASLAM, *NO VIRTUE LIKE NECESSITY: REALIST THOUGHT IN INTERNATIONAL RELATIONS SINCE MACHIAVELLI* (2002). "Neorealism," or "structural realism," refers to the theory that relies upon system-level factors to explain international outcomes, and sees relative power as the central determinant of those outcomes. Modern scholars disagree as to the relationship between these two intellectual trends (classical versus

sufficient, determinant for understanding world politics. Achesonian realism strove not to erase international law, but to make it relevant through stable power balances.

Institutions mattered. As assistant secretary of state for economic affairs during the Roosevelt administration, Acheson played a leading role in the creation of the World Bank and served as the point person for the administration in Congress in approving the International Monetary Fund. John Maynard Keynes, the head of the British delegation at Bretton Woods, knew as much. The Cambridge economist generally detested lawyers, but not there. "Too often," Keynes noted at the conference's final dinner, "lawyers are men who turn poetry into prose, and prose into jargon. Not so our lawyers here at Bretton Woods. On the contrary, they have turned our jargon into prose and our prose into poetry." Quite a compliment from anyone, but particularly from as graceful a stylist as Keynes.

Perhaps most impressive of all was that Acheson, as undersecretary, pushed strongly for the international control of atomic weapons, proposing the development of an international authority that would control all sources of fissionable material. Later, as secretary of state, he consulted closely on weapons policy with J. Robert Oppenheimer, the principal force behind the Acheson-Lilienthal Report, even as hawks planned to discredit Oppenheimer and strip his security clearance.¹²

How could someone so oriented toward power politics support such institutions? One plausible explanation is that Acheson's "institutionalist" phase came early, before postwar Soviet behavior had persuaded him that Moscow only understood force. But this suggestion overstates the matter. The World Bank and the IMF did not depend upon Soviet acquiescence. Nor did Acheson's early and vigorous endorsement of the Schuman Plan, which proposed to link continental economies and served as the seed of the European Union. And this commitment lasted until the end

of his life, even during a period when he became sour and, at times, reactionary: "Acheson has lost a State Department and has not yet found a role" (p. 639), British Prime Minister Harold Wilson acidly, but accurately, observed. Acheson's famous 1965 address to the American Society of International Law, entitled "The Arrogance of International Lawyers," was actually a defense of international law traditionally conceived—that is, as a system of arrangements between states that does not intrude upon nations' domestic arrangements. Institutions, he realized, did not simply reflect the balance of power: they helped to change it—given the right circumstances and the proper combination of coercion and diplomacy.

Acheson's record thus profoundly illuminates the development of international relations theory (and thus international law) by showing the interdependence and symbiosis of theories. Structural realists argue that because the international system is essentially Hobbesian, international institutions are ephemeral at best. Institutionalists counter that international institutions can facilitate cooperation by reducing the costs of agreements and by iterating prisoner's dilemmas.¹³ Constructivists contend that the very interaction between states both constructs and alters states' self-conceptions, and thus that it is inapposite to speak of state interests apart from their discursive practices. And liberals insist that domestically driven interests and values drive foreign policy in any event.

The record of European-American postwar diplomacy shows, however, that theories are more accurately seen as complementary. Without a strong security structure, Britain, France, and Germany might never have cooperated either in

structural realism). See *NEOREALISM AND ITS CRITICS* (Robert O. Keohane ed., 1986) (especially chapters 4 and 5 by Kenneth Waltz).

¹² See BIRD & SHERWIN, *supra* note 3.

¹³ The classic statement is found in ROBERT O. KEOHANE, *The Demand for International Regimes, in INTERNATIONAL INSTITUTIONS AND STATE POWER* 101 (1989). The notion is that by expanding negotiating opportunities, international institutions help transform transnational negotiations from a one-shot prisoner's dilemma, in which each nation's dominant strategy is to always defect, to an "iterated" one, in which a nation can punish defections by its partners, providing incentives for the partner to cooperate and thus to develop mutually beneficial outcomes.

NATO or in the European Union. Postwar diplomats did not invent the concept of European integration: French foreign minister Jacques Seydoux proposed similar ideas in the 1920s.¹⁴ But his ideas went nowhere because in the interwar strategic context, Germany could not be simultaneously resuscitated and contained. American strategic commitments to the European continent changed that because it gave the French and the British the kind of security that they needed in order to accept a resurgent Germany—quite close to the sort of power-based explanation that structural realists would favor.

But a purely power-based explanation could not explain why western Europe joined the United States instead of allying against it or remaining neutral. Answering this question demands first and foremost a liberal explanation based upon regime type. Before western Europe could ally with the United States, its leaders had to know that such an alliance would not end up destroying their sovereignty. America's substantive democratic commitments provided just such an assurance, creating an "empire by invitation." American military power enabled the Europeans to focus on developing critical transnational institutions such as the European Union and the European Court of Justice; put another way, they could privilege absolute gains over relative ones because their strategic concerns were largely met, and they could feel confident that their security concerns would be met and not threatened because of U.S. domestic ideology.

Such institutional development began, in turn, to transform Europeans' perceptions of their interests, demonstrating the value of constructivist and institutionalist theories. De Gaulle, who had denounced the Lisbon program as a "sellout" (p. 595) and dismissed the European Defense Community as a "*mélange apatride*" that endangered French security, put closer Franco-German ties at the heart of his foreign policy.¹⁵ The British

Labour Party early on viewed the European Economic Community as a plot to undermine socialism, but discussions with such as Jacques Delors persuaded them that the European Union could serve as a counterweight to Thatcherism; Labour is now clearly more pro-European than the Conservatives.¹⁶

In other words, a careful examination of U.S.-European relations not only shows all four major paradigms at work, but also reveals their co-dependence. Such complex interaction should hardly be surprising. After all, "[n]one of the metatheories of the last century have been able to deliver the knockout blow that some have once thought possible. No one trying understand international relations can ignore power, *or* law, *or* the state, *or* civil society, *or* norms, *or* language."¹⁷

So then, how do we assess the man's diplomacy at the end of the day? Maybe by thinking about the man himself. Acheson's most notorious failing was that he was all too aware of his great qualities, particularly his intelligence, wit, and eloquence. The journalist Elmer Davis observed that it was not his "fault that he looks like, and indeed is, a Superior Person," but it was "very annoying" to congressmen.¹⁸ James Reston of the *New York*

comity had finally become the Franco-German norm" (p. 604).

¹⁶ One could read these developments as both constructivist and institutionalist. The institutional mechanisms of the European Union facilitated greater cooperation among member states but also changed their self-perceptions.

¹⁷ Richard H. Steinberg & Jonathan M. Zasloff, *Power and International Law*, 100 AJIL 64, 86 (2006).

¹⁸ A 1949 profile summed up Acheson's appearance by reference to the secretary's most outstanding physical feature:

In the morning light, his big reddish-gray mustache is an object of remarkable distinction. It has a personality of its own, and people who have happened by and seen Acheson emerge in the morning have often experienced the disquieting illusion that two entities are on their way to work, the Secretary and the Secretary's mustache. 'Honestly,' a neighbor who goes to work at about the same time said recently, 'some mornings the mustache appears to be a step or two ahead of the Secretary; other mornings it appears to be a step or two behind.'

Philip Hamburger, *Mr. Secretary—I*, NEW YORKER, Nov. 12, 1949, at 41, 41.

¹⁴ See MARC TRACHTENBERG, REPARATION IN WORLD POLITICS: FRANCE AND EUROPEAN ECONOMIC DIPLOMACY, 1916–1923, at 155–191 (1980).

¹⁵ Beisner's comment on this matter is well taken: "That [de Gaulle] used the alliance to challenge U.S. supremacy in Europe does not gainsay that peace and

Times described Acheson as “smarter than most of his colleagues in the Truman cabinet, but not smart enough to hide it” (p. 96).

As Beisner persuasively writes, such an attitude lay at the heart of Acheson’s trouble in the Alger Hiss case; had Acheson explained his defense of Hiss by simply saying that he was a friend and that he felt the need to defend him, then it might have passed. Instead, the son of the Episcopal bishop from Connecticut pompously referred reporters—and McCarthyites—to the Sermon on the Mount. That was waving a red flag in front of a bull, and the bull charged.

But focusing on Acheson’s arrogance can go overboard, and Beisner wisely does not do so. Even the most self-effacing secretary of state could hardly have fended off the hysterical and demagogical nature of the Republican Party in the late 1940s and early 1950s. Joseph McCarthy was the worst of the bunch, but he was not alone. Richard Nixon castigated Acheson’s “cowardly college of Communist containment.” Every other senator was terrified to confront McCarthy himself.¹⁹

Instead, one might argue that Acheson’s personality was actually his greatest legacy. By being so complete, Beisner’s book sometimes loses the forest for the trees, and that might puzzle the reader new to Cold War history. After all, for the most part, when he left Foggy Bottom, Acheson could point to few great actual accomplishments as secretary of state. The French government collapsed in the wake of Lisbon, leaving the program stillborn until more than two years after he left office; West Germany was not yet a fully sovereign member of NATO; the United States remained mired in Korea; Europe had not recovered; America and the Soviet Union were locked in a horrid arms race; McCarthyism remained rampant; and an isolationist-leaning Congress was attempting to seize control over foreign affairs with the Bricker Amendment.

But in another way, this was all really beside the point. Before Acheson, it was uncertain whether the United States was committed to a robust international role and to the defense of Europe; after

Acheson, it was simply taken for granted, even though he had suffered more personal and political abuse than any secretary of state before or since. Beisner recognizes this transformation, although it is sometimes lost in the sheer weight of the book.

[A]llied foreign ministers would trust and rely on Acheson, who came to symbolize for them Washington’s commitment to defend Europe. He embodied the U.S. willingness to link its interests to those of its European allies. They drew courage from his aplomb and intellectual verve. They knew he spoke for Truman and that he would defend strong transatlantic ties to Congress and the American people. The western European nations joined Acheson’s long list of satisfied clients, impressed by his candor and freedom from personal or national pride. (P. 144)

When Acheson became secretary of state, the main contours of Truman administration policy were already formed, in large part because of Acheson himself. Between 1949 and 1953, he made them contours of *American* policy. He did so through the institutionalization of practices. After Acheson, it simply was no longer odd to see America’s chief diplomat concluding binding agreements with European allies, or facing down obnoxious Communist delegates, or combating equally obnoxious right-wing senators.

Without Acheson, then, the world would have still had the Cold War. Without Acheson, U.S.-Soviet tensions would have dominated world politics, as structural realist theory suggests. But without Acheson, there might not have been a coherent Western alliance that was unified around democratic principles and strong institutions, able to act in concert (although hardly unanimously), and capable of establishing not only a military, but political and ideological, counterweight to Soviet power. One might even go so far as to say that without Acheson, we would have had the beginning of the Cold War but not the end of it, because the Soviet Union would not have faced such strong, enduring, and committed deterrence. He accomplished his diplomatic goals not only because of his insistence on a preponderance of power, but also because of his commitment to rely on more than simply that power.

¹⁹ See ROBERT CARO, 3 *THE YEARS OF LYNDON JOHNSON: MASTER OF THE SENATE* 542–47 (2002).

It was no weakness, Acheson understood, to comprehend the values, interests, and perspectives of those who were not lucky enough to be American. He knew that American power rested fundamentally on military and economic might, but also comprised the “ability to evoke support from others—an ability quite as important as the capacity to compel” (p. 389). Put another way, Acheson knew that against Communism, his business was ensuring deterrence and strength, and within the free world it was “the art of relating states to each other by agreement rather than by exercise of force, by the representation of the ground of action which reconciles particular aspirations with a general consensus.”²⁰ Nowadays, that is called “soft power.” Then, it was called “diplomacy.” By either name, it is a good idea.

JONATHAN ZASLOFF
UCLA School of Law

BOOK REVIEWS

Striking First: Preemption and Prevention in International Conflict. By Michael W. Doyle. Princeton, Oxford: Princeton University Press, 2008. Pp. xxiv, 175. Index. \$24.95.

The generally understood *jus ad bellum* on the anticipatory use of force was in a state of disrepair even before the horrors of 9/11, a nonstate invasion of unprecedented proportions of the U.S. civilian homeland. The horrors of 9/11 immediately engendered a severe challenge for senior U.S. government decision makers,¹ whose paramount public duty is to protect and preserve the lives of their citizens certainly as much as it is to respect and enforce the governing standards of applicable international law. This latter charge results in confusion and even cynicism when those legal imperatives are in disrepair. Furthermore, the most effective means of enforcement of the *jus ad bellum*

has proven time and again to be the court of public opinion, rather than (a) an often deferential Congress, which is understandably loath to become front and center for fear of retribution at the ballot box; (b) a veto-threatened UN Security Council, whose course of conduct over the years is embellished more with omission than commission when justifiable uses of force are at stake; or (c) a demonstrably erratic and partisan International Court of Justice, whose record on use-of-force questions in the *Nicaragua* and *Oil Platforms* cases² led to intense criticism, if not derision, in the halls of government in Washington.

If this vision of the state of affairs in which we find ourselves with respect to preemptive and preventive military action approaches accuracy, then we, who profess to be committed supporters of international law, should not shunt aside the tough reality faced by our U.S. government decision makers. We must not forget that their constitutional duty is to defend a nation for which the mutually assured deterrence regime of the Cold War era is dead and gone.

This context is essential in addressing a recent, well-considered book on the preemptive and preventive use of force. Michael Doyle, the Harold Brown Professor of International Affairs, Law, and Political Science at Columbia University, has courageously chosen to accept the challenge of constructing a national and international scheme that will bring to the *jus ad bellum* the ideal of the law and the reality of the world into enhanced juxtaposition. He seeks to dissipate the currently unacceptable level of uncertainty surrounding the governing tenets of anticipatory military action. In *Striking First: Preemption and Prevention in International Conflict*, Doyle crafts what he regards as an improved framework for the formulation of the proper response to incipient threats, be they the more recent risk of acts of terror by nonstate participants or the more traditional perceived omniscience of imminent attack by another nation-state.

² Military and Paramilitary Activities in and Against Nicaragua (Nicar. v. U.S.), 1986 ICJ REP. 14 (June 27); Oil Platforms (Iran v. U.S.), 2003 ICJ REP. 161 (Nov. 6).

²⁰ HENRY A. KISSINGER, A WORLD RESTORED: METTERNICH, CASTLEREAGH AND THE PROBLEMS OF PEACE 1812–1822, at 322 (1957).

¹ [Editor's note: The author of this book review was Legal Adviser to the U.S. Department of State during the Reagan administration.]