

Spring 1956

UN: The First Ten Years, By Clark M. Eichelberger

Lester B. Orfield

Indiana University School of Law

Follow this and additional works at: <https://www.repository.law.indiana.edu/ilj>



Part of the [International Law Commons](#)

Recommended Citation

Orfield, Lester B. (1956) "UN: The First Ten Years, By Clark M. Eichelberger," *Indiana Law Journal*: Vol. 31 : Iss. 3 , Article 10.

Available at: <https://www.repository.law.indiana.edu/ilj/vol31/iss3/10>

This Book Review is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in *Indiana Law Journal* by an authorized editor of Digital Repository @ Maurer Law. For more information, please contact rvaughan@indiana.edu.



JEROME HALL LAW LIBRARY

INDIANA UNIVERSITY
Maurer School of Law
Bloomington

UN: THE FIRST TEN YEARS. By Clark M. Eichelberger.* New York: Harper & Brothers, 1955. Pp. xii, 108. \$1.75.

James T. Shotwell characterizes *UN: The First Ten Years* as a study "of the most challenging political institution of our time, or, for that matter of any time."¹ The book is not intended to be a detailed history of the United Nations. The author instead has aimed "to present in a few bold strokes a picture of the development of the United Nations against the background of the major crises with which it has had to deal."² He wishes his readers to "see the United Nations as an evolving international society in which the American people and their government must play a very important part."³ In the opinion of the reviewer there can be no doubt that the author has succeeded in his aim. Eichelberger's book is a good antidote to such books as *The U. N. Record: Ten Fateful Years for America* by Chesly Manly. In Manly's opinion the United Nations has failed to attain its purpose, has no moral authority because

4. Dorr, *Philosophy of the Sherman Law*, Proceedings of the Annual Meeting of the Section of Anti-trust Law, American Bar Association, Philadelphia, 1955, at page 14.

† Professor of Law, University of Cincinnati.

*The author of this book has been concerned with problems of international organization for over thirty years. From 1922 to 1928 he was a lecturer of international affairs. He served as Midwest Director of the League of Nations Association from 1929 until 1934 when he became National Director of the group. After the formation of the United Nations he occupied a similar position with the American Association for the United Nations. He was a consultant with the State Department in 1942 and 1943, and a consultant to the American delegation at San Francisco when the Charter of the United Nations was formulated.

1. P. xi.
2. P. ix.
3. P. ix.

it has no integrity, and the United States should withdraw from it as fast as possible.

The author demonstrates that the United Nations has enjoyed a considerable degree of success despite the fact that the past decade has been "one of the most revolutionary decades in history." Four developments have failed to destroy the United Nations: the breakup of the five-power system, the coming of the atomic age, the liquidation of the colonial system, and the revolt against misery of the underprivileged. Without the "unifying moral force of the United Nations" the world might not have been able to survive these developments. The author repeatedly emphasizes that the organization has stood "as the symbol of moral unity," and that this is its greatest single contribution. It is the first obligation of any government and of any statesman "continuously to contribute to this sense of world unity for which the United Nations provides both the framework of principles and the machinery of action."⁴

The "purpose of the United Nations," Mr. Eichelberger points out, "is the maintenance of peace."⁵ The Charter accomplished this aim by the development of a dynamic international society, by the settlement of disputes, by the promotion of disarmament, and by the provision of means for arresting aggression. Since modern problems are increasingly world-wide, the author regards as fallacious the old-fashioned, secret, bilateral diplomacy. The Security Council has successfully used the process of mediation with respect to Indonesia, Israel, and Kashmir. It reached its highest point when it passed two resolutions authorizing resistance to aggression in Korea.

The spread of the cold war has greatly reduced the influence of the Security Council. It has also been weakened by the exercise of the Soviet veto and by the Western Nations tendency to think of most problems in terms of the containment of communism. This decline of the Security Council and the emergence of the General Assembly "is unquestionably the most significant constitutional development which has taken place in the United Nations."⁶ Mr. Eichelberger suggests several procedures which would strengthen the peacemaking role of the General Assembly. Its First Committee should remain in continuous session, and *ad hoc* committees should be set up to deal with particular disputes between sessions. Moreover, it would be useful that a commission be formed by the United Nations to study how its procedures may be developed in the light of increasing responsibilities. During the past two years the

4. P. 6.

5. P. 8.

6. P. 15.

peacemaking process has tended to become stalemated. But the author concludes that neither secret diplomacy nor Geneva-type conferences outside of the United Nations will reduce world tensions.

The League of Nations Covenant was precise on disarmament, but the Charter of the United Nations is precise on collective security. Because the League of Nations failed while relying on purely technical means and ignoring the prerequisite of a political agreement which would furnish security against aggression, the framers of the Charter placed collective security first. Disarmament and collective security, however, are interrelated and must be approached simultaneously. The United Nations has one disarmament commission which deals with both conventional weapons and weapons for mass destruction. The author feels that this is correct as the two types of weapons cannot be dealt with separately. The problem of disarmament is essentially political; political agreement or agreements must clear the way. Before such agreements are feasible the Soviet Union must be brought to realize the danger of atomic destruction, and the United States must persuade the neutral bloc that this country wishes peace without dominating any people against their will.

Although United Nations resistance to aggression in Korea is "history's most nearly complete example of collective security,"⁷ there were notable weaknesses. There was an unevenness in the determination of governments to fulfill their Charter obligations; the United Nations had no forces at its command to weld into an international army; there was no general staff available; at the moment of victory there was confusion as to the time and method of negotiation whereas the United Nations should have been attempting negotiations for peaceful settlement even during the fighting. With respect to the future a number of important suggestions are offered by the author. The Collective Security Measures Committee should be strengthened and placed on a full-time basis. The members of the United Nations should immediately designate forces for use by the United Nations, and provisions for joint financing of contingents from countries unable to pay and train them should be worked out. A new military staff committee should be provided for, the feasibility of a United Nations Legion should be studied, and strategic bases should be brought within a world-wide system of collective security.

The most delicate of all present problems facing the United Nations is: What questions are "essentially within the domestic jurisdiction of any state" and hence outside the scope of the Charter? Possibly the author overemphasizes the rights of the colonies to independence. A strong

argument may be made that it would be the better part of valor for the United Nations to approach these issues with greater caution. The exit of French Foreign Minister Pinay on October 1, 1955, may be ominous of disruption of the United Nations. The author concedes that there "is need for a degree of self-control on the part of recently liberated peoples."

The final chapter entitled "Attitude of Members" raises the question whether the United Nations is to be the foundation of foreign policy or an instrument of policy. The language of the Charter shows that a "dynamic international society was contemplated," not merely an instrument of diplomatic choice. If it were the latter, it would tend to become an instrument of governments rather than of peoples. While the Charter recognizes diplomacy and regionalism, the "presumption" is that nations will concert their efforts through the United Nations. The members of the United Nations must treat it "as the beginning of a growing international society." Few, if any, nations are fulfilling their obligations to the fullest degree. The nations are "half in and half out of the United Nations." France failed in bringing Indo-China to the United Nations; Soviet Russia has been the most obstructive nation; India bears a heavy responsibility for failure to hold the United Nations plebiscite in Kashmir; Indonesia fails through wishing to annex Western New Guinea instead of advocating trusteeship for this area. The author pays high tribute to the role of the United States: "The United States has been in a position to do more for the United Nations than any great power, and has done so. Anyone who looks at the positive side of the ledger can be very proud of America's role."⁸ This country has contributed a site in New York City for the capitol of the United Nations. At a time when it was the sole possessor of the atomic bomb, it offered to scrap its atomic programs in return for adequate inspection and control. It took the initiative in resisting aggression in Korea. President Truman's Point Four program inspired expansion of the United Nations program for technical assistance. President Eisenhower presented his Atoms for Peace Program. The author states the desired position of the United States to be as follows: "It must be strong, but its strength must be exercised in cooperation with and in the service of mankind"⁹ and concludes that in "the long run, the success of the United Nations is dependent upon the force of public opinion."¹⁰

LESTER B. ORFIELD†

8. Pp. 102-03.

9. P. 107.

10. P. 108.

† Professor of Law, Indiana University.