CHAPTER XII

SECURUS JUDICAT . . .?

A Multi-purpose Adjective?

At the opening of a further chapter on the nature of 'moral' judgments, in this case of judgments collectively expressed, it may be helpful to remind ourselves with what a diversity of meanings we may use so familiar a word. A story may of course have a 'moral': and here we are dealing with a noun. We may speak too of a person's 'morals' (again a noun), meaning the standards reflected in his behaviour—in distinction from his 'moral code' (an adjective this time), meaning the standards to which he would subscribe as being in his view the 'right' ones. Of a person very badly behaved, we may, alternatively to speaking adversely of his morals, say simply that he hasn't any morals at all.

Not every story has a moral of any kind, and not every moral is a moral one! Here again we see the adjective, used as a synonym for 'edifying'; calculated, that is, to improve the character of one who takes the story, with its moral, to heart.

Sometimes we may equate 'moral' with 'ethical' ideas. But probably more often we differentiate, in one way or another, between them. We may for instance choose to use the latter term of those ideas which their holder would cherish no matter what others might say, the former of ideas asserted by society. The French, again, speak of *une personne morale*, meaning an entity endowed by law or custom with the imputed characteristics of a person of flesh and blood: the interesting thing to notice being that here there is no more admixture of ethical implications than there is in the description we may give of a possibility (e.g. in a horse race) as a 'moral' certainty. All that we in this case mean is that we would be prudent to proceed as if that were indeed quite certain which is in strictness not absolutely so. It is, we alter-

natively say, 'virtually' certain, the adverb 'virtually' having equally little ethical import.

The Moral Value of 'Moral' Weight

So far so good. As someone may sometime have said, We are *not* confused. Where our discussion begins to be tricky is where a touch of genuine doubt affects so to say the thinking of those who do not pause to think. Neat, we may find, are the abuses of ambiguity. We speak of a person's moral stature, and hence of his moral weight, the moral authority with which he speaks. We may speak of his as a moral influence, meaning a good one, although equally a man's moral influence might be bad—an *im*moral moral influence, we almost might say.

But if moral influence is, at least presumptively, wholesome, how about moral suasion and moral pressure? In other words, is it necessarily always morally right to yield to moral pressure, and morally wrong to resist it? For it is one thing to say: This, for the sake of a quiet life, we had better do; and quite another to say: This, for the sake of a quiet conscience . . . Even therefore when we do indeed give way to moral pressure, this may or may not be because we would feel it to be immoral or unethical to resist; our motive may be purely prudential. Compliance, as proverbially, with some people, honesty, may be preferred as being the 'best' policy—in which case there is nothing obviously very moral in the compliance.

Obvious meanwhile, indeed so obvious as hardly to deserve a mention, is the distinction between moral weight on the one hand and technical effectiveness on the other. In terms not of abstract justice but of constitutional doctrine, what Parliament says 'goes'. What Parliament enacts, that is, is technically decisive, and this irrespective of whether the voting be unanimous or by a majority of one. That something has been given the force of law tells us nothing as to its intrinsic moral rightness. If there is any presumption at all that Parliament's attitude is morally admirable this is because it may well have been affected by moral pressure from those whose motives, purposes and ideas are assumed to be moral. A large assumption, surely!

There is of course nothing to preclude, say, a newspaper, or a nobleman, or a nobody, from urging upon, say, the Irish

Parliament, the enacting of a certain law. If such urgings carried any weight at all in the matter that weight would be describable as moral. But what if similar urging had emanated say from the American State Department? In that case we might be inclined to call the pressure not merely moral but diplomatic. The weight of formal diplomatic pressure is a moral weight, and as such it may be important however slight its intrinsic moral value. Even supposing some eighty countries to have joined in the exercising of such pressure, that pressure would still in this same sense have been specifically diplomatic. It might of course in this case have been intrinsically more persuasive, not to say compulsive. But that is merely because the prudential ground for not ignoring it would have been stronger. But that, after all, is all.

Sed Victa Catoni?

A Parliament is a notional person to whom there is constitutionally, legally, and socially ascribed a standpoint of its own. On the notional level, Parliament has and exerts a will. What now of such a 'body' as the United Nations, or the General Assembly thereof? To these likewise there is, or is coming to be, ascribed the appropriate aptitude for thinking and for willing. And what the General Assembly has affirmed is no doubt widely accepted as reflecting what is conceived as being the standpoint of the United Nations. Not that the urging of the United Nations is quite in the same category as the concerted diplomatic pressure of a 'concert' of its member states. Enough that there equally here may be good prudential reasons for giving heed. Were those prudential reasons to become so cogent that states would be unlikely in practice to ignore them, we might speak of the United Nations as having acquired as it were the status of a 'moral' super-state. But even then it would remain debatable whether there need be anything morally wrong, as opposed to diplomatically rash, in rejecting the General Assembly's representations. Not, like an Act of Parliament, technically binding, they could, without formal impropriety, be treated as of little account. But their diplomatic weight might be 'virtually' irresistible, however morally ambiguous their content.

Suppose, for instance, an assembly dominated by totalitarian

states, whose resentment of the freedom of the British Press should find expression in a *voeu* to the effect that Britain should silence a certain paper. It will not be assumed that Britain would relish such a situation: but the question is whether she could with an easy public and official mind say about it just what she thought or treat it exactly as she felt it deserved to be treated. But were she, *per* almost *impossibile*, to defer to it, would anyone think to admire her behaviour as *morally* right? Happy the country so diplomatically strong that it never need compromise its conscience by deferring, against its moral convictions, to 'moral' pressure from abroad.

What Are Little Resolutions Made of?

The observer of international institutions should therefore ask himself whether there is even *prima facie* anything particularly moral in bowing to diplomatic pressure, and on the other hand whether sovereign states, by very virtue of their being sovereign, are necessarily in a position to withstand it. If in home affairs, for instance, a majority should allow itself to be guided by envy, hatred or malice towards a minority, this might well be an abuse of democratic authority but not a negation of it. And diplomatic authority could comparably be abused. Given the nature of the domestic political process, whether in general or in particular countries, the motives with which governments instruct their delegations on the stance they shall adopt on particular draft resolutions may have little to do with abstract morals. Even were one to take it that the feelings of the man on the Clapham omnibus must be consistently right, could one equally assume it of the aims of any given group of governments? The truth is that men of experience will know just what sort of weight to attach to particular resolutions even of the General Assembly of the United Nations.

The process of which fashionable opinion is a product is a social one. The one of which General Assembly opinion is the outcome is not. The two occur indeed on different planes. The United Nations process is not social; it is diplomatic. Expressions of communal opinion proper may be not unlike what a barometer does for the weather. But General Assembly pronouncements are not quite like that. Suppose there to

be an issue on which there did exist in the world a consensus of feeling: your individual journalist, politician or poet might be at least as safely relied upon to find the words for it as might the General Assembly. After all, the question at the United Nations is not simply: What does mankind as a whole feel about this matter? Indeed there is, *at* the United Nations, strictly no such question at all: it is rather that a question presents itself in the capitals of the several member states. In each of these places the problem is: What instructions shall our delegates receive with respect to their speaking and voting, as well as their off-stage interchanges, on what shall be imputed to the General Assembly as its opinion on a certain point?

Synthetics Unlimited

Each delegation will have its own particular instructions. Proceedings, perhaps of inordinate complexity, will occur. Though many may, as poets or publicists, have views on what humanity is feeling, no wording that any of these might favour need ever be voted on at all. What emerges is simply that formula which secures the votes of enough of the variously instructed delegations. This is not of course to say that the resultant will necessarily not accord with any such opinion as may be tending to prevail throughout the planet: only it may be rather in the nature of an accident whether it does so or not.

Indeed, even if planetary opinion were something readily ascertainable, it would not necessarily be always right. Nor is there likely very often to exist any kind of a planetary opinion. Even a poet may be hard put to it to know what 'the world' is thinking; and the chances are that this is partly because 'the world' as such is so little given to thinking, as a rule. Meanwhile the opinion of the General Assembly is, essentially, a synthetic achievement, whose importance, diplomatically, may admittedly be vast, but whose moral status is a different matter, particularly if it affects to have the *imprimatur* of the moral conscience of all good men and true. The business of 'voting-power politics' need not be stigmatised as sordid: it is enough to insist that its motivations are apt to be mixed. Its techniques and criteria are a study in themselves. And the interests which it may be thought to further

are perhaps best understood by those, its older practitioners, who have had time to observe the after effects of their own best-intentioned past moves in the game.

Pious Hope

Meanwhile it may be that the very presence of a mechanism popularly believed to mirror world opinion will help to inaugurate an era in which the world may more often have an opinion of its own. Before the General Assembly comes to voting on what is recognised to be a point of law, some at any rate of its members are wont to consult their lawyers. So, someday perhaps, before delivering, as it were, the verdict of Humanity, the General Assembly may itself think to seek the opinion of persons, whether laymen, philosophers, or poets, who should know their Humanity better than those whose minds are ever engrossed in the manoeuvrings of international chess! And even then it should still be open to a brave man to demonstrate his integrity by sticking to a judgment of his own.

The A-septic Formulation

Now it need not be asked of the social scientist that he accept socially the role and the risks of a 'Daniel', by daring to pronounce himself unfashionably on moral issues. If he does so, it will be in his quality not as a scientist but as a citizen. Nor need he be asked no longer to glory in his prejudices, or to cease believing in their rightness. But what can, and indeed must, be asked of him, if it is a social scientist that he wants to call himself, is that he make it his concern, independently of his prejudices and of the fashion in his social milieu, to detach his mind, where appropriate, from all except the struggle to see squarely, for his own illumination, those issues which should in the objective nature of a situation present themselves to the ideally disinterested inquirer. It is not a matter of his avoiding taking sides: but rather of his viewing a question *as if* he had not cause to do so. It is a matter too of recognising in his private heart where, if he happened to be a Daniel, he might now be having to stand. Should he find even this too difficult an effort, let him try at least to see why. And let him confess that his failure to do it is part of a wider failure to see the situation as it is.

There's Sanctity in Numbers?

This advice particularly applies to his assessing of the status of a United Nations resolution. He may know what he feels about the matter at issue. He may also have noticed what it is the fashion to be saying about it. But what he may not find so easy is to situate the question in the setting in which it can be realistically faced. Man's ideas of right and wrong apparently began by being applied, if they did not indeed originate, in his experience of an environment where along with others like himself he was subject to social control. At the primary, human level, society is a reality, and society's standpoint, the communal standpoint, as we have been calling it, is a factor to be taken as given. If ostensibly for the voicing of society's standpoint there is a special social mechanism, this will no doubt be judged by whether that is what it seems to do. Newspapers for example may be seen as rivals for recognition as speakers for the communal point of view.

But at the global level and on the world-wide scale there is as yet no such society. Seldom would it be possible with any plausibility for a newspaper to project, so to say, its own opinion as expressive of a standpoint at once communal and universal too. Seldom is there on a global scale any such opinion as it would be Daniel-like for an individual to gainsay. But even were it otherwise, the question would present itself, no less here than in a strictly domestic setting, whether the prevalent opinion, merely *qua* prevalent, was necessarily to be rated above the independent judgment of a Daniel. Is fashion merely fashion if local, but morally mandatory if flourishing on a wide enough scale?

There is at any rate a clear enough distinction between asking: What do I see? and: What do I do about it? When, in a moment of exaltation, Stephen Decatur cried 'My country, right or wrong', that is not all that he is said to have said. He was engaged at the time in proposing a toast to the land of his allegiance. He did not even say he would support his country when her course was wrong. He said indeed, 'May she ever be right' and thereby admitted by implication that she might sometimes not be. He thus was denying neither the existence of international morality, nor its authority for his country.

To the question: Were my country wrong, what would I do about it? he does not appear to have addressed his mind.

It is indeed almost trivial to observe that, though might be allowed to triumph, as if tantamount to right, this does not entitle us to defer to it as right. The distinction persists in truth even if blurred in prudent practice. Might, in its courtly uniform as diplomatic influence, may secure the passage of a resolution in New York. This merely of itself can hardly render the resolution right.

Or Figs of Thistles?

Let then the student of international institutions at least perceive that it is the diplomatic rather than the intrinsic moral authority of the United Nations that should engage his interest, and that, even if pressure of a diplomatic or quasi-diplomatic nature had got to be referred to as 'moral', this could not mean that there need necessarily be anything other than moral in resisting it. Let him confront squarely the following general issue. Given that the state is an organisation for safeguarding the interests of a segment, but only of a segment, of humanity, is it wrong for those in whose hands is the responsibility for the affairs of a state to accept those interests as the criterion of what they are to agree to and to do? And if his answer be No, not wrong, then how much moral weight will he personally attach to demands made upon such persons, contrary to those interests as they well may see them, by others who have not their necessity to be looking at such issues from that particular point of view? Does anyone with his social eyes open really expect it of a trade union that in times of industrial trouble it will put its country's interests first? No one calls upon a Church to behave like a secular organisation. Can then the state, conversely, be expected to behave like a Church? Is there any logically sustainable reason why the feelings of humanity should be taken as the test of political rightness in the conduct of the affairs of a state? And does a particular suggestion become intrinsically any more morally imperative if instead of being made to one country by another country or by a number of others it is made to one country in the form of a resolution passed by a two-thirds majority vote of the United Nations? What one government shall say to

another and what it shall instruct its delegates to vote for are equally matters of policy, the ethical aspects of which are neither more nor less primary than they are in the determining of any other line. There are after all more ingredients in the making of policy than are found in the writings even of the dons.

The importance of General Assembly resolutions lies less, however, in their intrinsic moral credentials than in their extrinsic moral weight. Basically inequitable as their evaluations may be, it may even yet cease to be diplomatically worth the candle to call their propriety in question. In that event they could become, as an instrument for the influencing of state behaviour, hardly less effective than the pressure of a major sovereign state.

Why not Worth the Candle?

'All my life,' writes de Gaulle, 'I have created for myself (je me suis fait . . .) a certain idea of La France.' He might it is true have said the same of La Grande Bretagne or Les États Unis. But we know that it is in his idea of La France that there must be sought the mainspring of his career. We all have our 'certain' ideas of our own and of other countries. The state of the ideas, and of the image, of politically conscious and active people throughout the world in regard to any particular country is at any particular moment as much a historical fact as is the state of that country's finances. 'Who steals my purse steals trash. . . . But he who filches from me my good name steals that which . . . makes me poor indeed.' Irrational as it may be, there seems reason to suppose that what happens when the General Assembly discusses French affairs has its impact upon the ideas and the image which people generally may have of La France. And he who filches from her her good name. . . .

Should individuals generally come to hold a poor opinion of France, this prevalent poor opinion might presently have as its offspring a world *communal* opinion, whose birth would make France poorer still.

The Myth in the Making

What is technically important is important in virtue of the significance assigned to it by relevant rules of interpretation.

What is morally important is such in virtue of the weight accorded to it by the public. It so happens that people may now be coming to attach a certain importance to what occurs in the General Assembly. For the observer, what happens there will thus come to have importance both as an index of the trend of official policy in the several countries on a particular matter, and also as a factor to be reckoned with for the influence it may have upon the state of public feeling in regard thereto.

When 'Ernie', the winner-picking machine, produces a certain combination of figures, the technical effect may be to render wealthy some Premium Bond holder previously poor. It is a technical effect, but unmistakable and beyond debate. The same machine producing in other conditions the same combination of figures might have no technical consequences at all, leaving everyone neither richer nor poorer than before. Resolutions of the General Assembly have comparably no legal effect. The legal position of all concerned remains unaffected either way. And a single vote cast differently might technically have made the difference between adoption and non-adoption of the text. It is tempting, but insufficient, to say that in the circumstances that very little difference could make very little difference. For why then the excitement with which men await the results of such a vote?

Though there be no such thing as world opinion, or even United Nations opinion, both these factors may by many a given individual be conceived of as if given. Existent notionally only, they may be conceived of as if actually there. And if a particular numerical outcome of a particular process is by a particular individual understood as reflective of a world opinion which he conceives of as existent, it may have some effect upon his actually existent personal opinion as an individual.

When a vote is taken, the connoisseur will appreciate that the import of the event for the undiscerning and its import for him may not be the same, and that its import for the undiscerning is itself an element relevant for his evaluating, as a connoisseur, of its import for him. Though its technical significance be nil and he know that it is nil, nevertheless, if the undiscerning believe, or purport to believe, that it is great, then its moral

significance, even for the connoisseur, ceases to be nil. This even if notoriously the passage of the resolution was due simply to the abstention from voting, or the absence, on grounds unrelated to the merits of the matter, of some who, if participating, would assuredly have voted No.

As a calculating machine emits answers which may be treated, and even thought of, as if resulting from an actual calculation, so do United Nations procedures produce formulations which may come to be conceived of as if the results of a judging, a judging by the organisation, itself a reflection of a judging conceived of as a judging by the world. What matters here is not how things perceivably are, but in what way they come to be conceived of. This requires that the world come, by the world, to be conceived of as having a mind, a standpoint, and a scale of values to which issues may be referred.

Why then is it already considered to make so great a difference whether France's policy in say Algeria is, at the United Nations, condemned, or condoned, be it only by a majority of one? Is it not because already there is coming to be accepted officially, and by many even official people assimilated as part of their conception of social reality, the image of the General Assembly as voicing the judgment of all the world, even though in so arbitrarily artificial a way? Not only is there an official awareness of how the voting figures may be used in the propaganda war. It is rather that the mystique of communal opinion and communal judgment might seem to be seeping into official thinking on this theme. On the potential historic importance of such a development there is perhaps no need to dwell.