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J G STARKE, QC

AN INTRODUCTION TO THE SCIENCE OF PEACE (IRENOLOGY)

FOREWORD TO THE FIRST REPRINT

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FOREWORD TO THE FIRST REPRINT  
The Hon. Justice M.D. Kirby, CMG\*

By chance, I first opened this book whilst waiting in the corridor of an intensive care unit of a Sydney hospital. Past me rushed the trolleys of desperately ill fellow creatures, cylinders of oxygen, concerned, white coated physicians and their supporters. Everywhere I was surrounded by evidence of the new technology. Heart monitors chattered away. Every few minutes they sent out signals; sometimes sounding alarms. Decisions of life and death were in the air. And the thought occurred to me: how can lawyers ever rival the contribution to humanity which the healing sciences offer? How can lawyers ever rival the work done by those engaged in the health sciences for the alleviation of pain, the comfort of the dying and their relatives and the rescue from the brink of death of the critically ill? The sight of medical science at work is humbling. It is also somewhat depressing. For where can a lawyer make an equivalent contribution to the alleviation of pain, the prevention of suffering, the saving of lives?

The limitless scope for apathy

As a distraction to the mind, and for the purpose of writing these few words, I opened Professor Starke's book, to be

reprinted by Legal Books Pty Limited. It gave me heart, and some encouragement about the potential contribution of my own discipline. That this is a timely reprint, in the International Year of Peace, is obvious. That the book remains the only systematic, comprehensive work of its kind on the science of peace viewed as a special discipline renders the reprint particularly useful. Its collection of the list of major international peace plans from medieval to modern times makes fascinating reading. But, for me, in the circumstances in which I first read it, the book's message was most clear. Peace is not simply the absence of war. Absence of war is, however, a special concern of mankind today because of the destructive power of modern technology. Peace has many dimensions. The study of peace, its definition and achievement has a legal dimension. International law and the international order have a role to play in reinforcing, safe guarding and securing peace. The study of that contribution is a legitimate and scientific pursuit. If peace can be secured and preserved, and if the law and lawyers can contribute to that cause, it is not foolishly idealistic to see such lawyers as engaged upon the same humanitarian enterprise that provides the justification of the healing sciences.

The scope for apathy, resignation and cynicism is limitless. Yet, intelligent and trained persons (as lawyers usually are) have at once the privilege and responsibility to reflect upon the role of domestic and international law in contributing to peace. In the Philippics, 2,000 years ago, Cicero defined peace as "liberty in tranquility". Securing that sense of justice and security as will ensure tranquility at home and abroad is a legitimate study to which physicists, economists,

political scientists and also lawyers have a contribution to make. This book, based on lectures delivered by the author in 1967 examines the topic from the stand point of a lawyer and international official. It is sobering to reflect upon the relative lack of significant achievements since the book was first published. It is our misfortune that, in the passage of nearly twenty years since the text was written, so little has been achieved to secure international peace, although the dangers presented by the technology of war have in that time continued to escalate. These considerations alone make the decision to reprint this work an appropriate one. The addition by the author of an epilogue to update the text will provide the reader of the reprinted edition with such evidence of progress as deserves to be mentioned. The basic structure of the original text remains highly relevant. With the growing attention to peace as an issue, which the International Year of Peace is likely to encourage, the reprint with its epilogue will fill an important gap. It will perhaps encourage a larger work which can update and expand this introductory text in a way that the original book envisaged and no reprinted edition can achieve.

The reprint is appropriate because the book is unique. It has for many years been unavailable and it is the product of the pen of a distinguished Australian jurist whose remarkable experience includes service, as an official, both of the League of Nations and of the United Nations Organisation, during a total period of nearly 8 years. Professor Starke is the only living Australian who has served both of these international agencies, created in the ashes of the great wars of this century as a framework to secure international peace and to assure

international security. After winning the Rhodes scholarship for Western Australia and a first class honours BCL from Oxford University, he began his contribution to international law in the Graduate Institute of International Studies in Geneva. Later he became a member of the Secretariat of the League of Nations. He held that post until 1940. After civilian war service and an active life in the practice and teaching of the law in Australia, he furthered his reputation as a scholar in international law in many ways, including by appointments as a consultant to the International Court of Justice and by numerous visiting professorships in distinguished legal institutions in Europe. It was during one such appointment, as visiting professor in the University of Paris in 1967, that he put together the lectures which form this still relevant text. Of his numerous and varied contributions to domestic law, including as General Editor of the Australian Law Journal, I need say nothing. His Introduction to International Law, the 9th edition of which was published in 1984, remains a standard work used throughout Australia and beyond, respected for its accuracy, lucidity and up-to-dateness. Those same qualities can be found in this reprinted text, the lastmentioned provided by the epilogue designed to bring the 1967 essays up to the present time.

Recent initiatives relevant to peace

To do full justice to the many recent developments relevant to a scientific analysis of peace, especially local developments, would require not a reprint, but a further substantial volume. Many of these developments are sketched in the epilogue. They include<sup>1</sup>:-

\* The signature on 6 August, 1985 by Australia

and 13 other independent and self governing states of the Pacific of a Treaty for a South Pacific Nuclear Free Zone. This initiative followed the efforts of the working group set up by the 1984 South Pacific Forum to examine the substantive, legal and other issues involved in the concept.

- \* The developments in United States Soviet relations, including the meeting of President Reagan and General Secretary Gorbachev in Geneva on 21 November, 1985. But also including the resumed bilateral talks in Geneva and the developments concerning arms control and disarmament negotiations in Europe such as the Vienna Talks on Mutual and Balanced Force Reductions and the Conference on Disarmament and Security Building Measures in Europe being held in Stockholm.
- \* The United States Strategic Defense Initiative and the equivalent Soviet ballistic missile defence research program, with their inter-related scientific and political ramifications, which command close expert and lay attention for their relevance to the defences to peace.
- \* The designation of a senior Australian official as Ambassador for Disarmament in 1984 has been followed by his election to chair the Conference on Disarmament in Geneva in 1986.

Earlier he had been elected Chairman of the ad hoc committee on Radiological Weapons and President of the 1984 Pledging Conference for the World Disarmament Campaign, doubtless in recognition of the symbolic importance of appointing an ambassador with specific responsibilities to help add a sense of urgency to the languid international efforts towards disarmament.

\* The five yearly review conference of the Nuclear Non Proliferation Treaty which took place at the close of 1985.

The Australian Government has also established a National Consultative Committee on Peace and Disarmament. It has funded the establishment of a Peace Research Centre within the Australian National University. This Centre has already established links with overseas bodies having a similar mandate. Scholars have been brought to Australia and a major research program has been initiated, designed to provide scholarly analysis of the issues relevant to peace, disarmament and arms control.<sup>2</sup>

Adding to the sense of urgency

The political debates within Australia reflect, in microcosm, the controversies which exist throughout the world concerning the definition of peace and the specification of the means best designed to achieve it. As between the Government and Opposition parties in Australia there are heightened differences of view or emphasis about the United States Strategic Defense Initiative, the testing of United States MX missiles near

Australia, the relative responsibilities of the so called Super Powers for the tardy progress in arms control, the desirability of a Comprehensive Test Ban Treaty, the utility of regional Nuclear Free Zones and the trustworthiness of ideological opponents, when they advance new proposals for peace and disarmament.<sup>3</sup>

On the other hand, all political parties in Australia now recognise two considerations which foster fresh attention to the science of peace. The first is the unprecedented peril presented to mankind by the nature and quantity of the available weapons of mass destruction. This point is brought home vividly in a well known illustration prepared from figures supplied by the Stockholm International Peace Research Institute. If a single dot in the centre of a page represents all the fire power used in World War II (3 megatons), it would require a page full of dots to represent the 18,000 megatons of destructive force available in existing nuclear weapons, equivalent to 6,000 times the fire power expended in World War II. A small proportion of these alone would present sufficient fire power to destroy all of the large and medium sized cities of the entire world. The Australian Government has commissioned the CSIRO to investigate the possibility of southern hemisphere survival during the nuclear winter which would follow such a holocaust. But it seems unlikely that humanity and civilisation could survive. These self evident and well known dangers, with the peril they present from nuclear proliferation, possible small power irresponsibility or simple accident add, day by day, to the urgency of effective international peace initiatives. They also add a high priority to the scientific study of peace and disarmament, to which this



book makes a contribution.

The second consideration which is operating upon the political parties in Australia and like countries derives from the first. There is a sizeable, and probably growing, political movement, crossing traditional economic, social and political divisions, which manifests at the ballot box, its concern about the achievement of peace in the present dangerous international situation. This consideration, relevant to every political party in Australia, has a special significance in pluralistic democracies where single issue political parties or movements can sometimes achieve great bargaining power. The growing realisation of the dangers of the present world predicament adds to their power. It therefore adds to the urgency of the achievement of an international peace that goes beyond the mere absence of war. It adds new and urgent impetus to the study of peace as a discipline.

#### The survival of mankind

The International Year of Peace was proclaimed on 24 October, 1985 by the General Assembly of the United Nations to mark the 40th anniversary of the world organisation. The resolution of the General Assembly specified that the Year of Peace "is not only a celebration or commemoration but an opportunity to reflect and act creatively in fulfilling the aims of the United Nations". Because of the high importance and urgency of the problem it tackles, I regard this reprinted book as a creative contribution to the objectives of the International Year of Peace. A growing demand for rigorous and scholarly material for peace education will ensure that it has many readers. The publishers are to be commended for their initiative

in reprinting it. No topic in the law is more important. At stake is nothing less than the survival of mankind.

\*President of the Court of Appeal, Supreme Court, Sydney.  
Commissioner of the International Commission of Jurists. Views expressed are personal views.

1. Cf Australia, Department of Foreign Affairs, Annual Report, 1984-85, AGPS, Canberra, 1985, 24-25.
2. A. Mack, Report on the Peace Research Centre in Australia, Department of Foreign Affairs, IYP Secretariat, Peace News, No. 4 (October, 1985).
3. G. Sheridan, "Richard Butler & the Politics of Peace", the Weekend Australian, 25-26 January, 1986, 20.