

# John H. Herz: realism and the fragility of the international order

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**Abstract.** John H. Herz is a significant, but comparatively neglected, figure in the development of International Relations (IR) as a discipline. Although he contributed to the emergence of realism as the dominant approach to international relations in the United States, his thought is characterised by an insight into the fragility of the international order and the state which stands in marked contrast to the emphasis upon durability and persistence evident in recent surveys of a self-avowed American realism.

There has been a welcome increase in the discrimination with which the development of ideas about international order and disorder have been treated. We now have long-range surveys of political theories of international relations, accounts of the prewar origins of American ideas about the international order, and accounts of the vicissitudes of international law.<sup>1</sup> The neat but deceptive narratives of the clash of paradigms has come under sustained criticism.<sup>2</sup> There has been increased interest in the non-Anglo-Saxon sources of IR theory, though this is still comparatively undeveloped, save for the case of Hans Morgenthau and Carl Schmitt.<sup>3</sup> One figure who has escaped much attention is John Herz, though like Morgenthau he was an exile from Germany who played a significant role in the development of IR theory in the postwar United States. His model of the security dilemma is regularly cited in

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<sup>1</sup> David Boucher, *Political Theories of International Relations* (Oxford: Oxford University Press, 1998); Torbjorn L. Knutsen, *A History of International Relations Theory* (Manchester: Manchester University Press, 1997); Brian C. Schmidt, *The Political Discourse of Anarchy: A Disciplinary History of International Relations* (Albany, NY: State University of New York Press, 1998); Martti Koskeniemi, *The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870–1960* (Cambridge: Cambridge University Press, 2002).

<sup>2</sup> Following Peter Wilson, 'The Myth of the "First Great Debate"', *Review of International Studies*, 24 (1998), pp. 1–15, see Brian C. Schmidt, 'Anarchy, World Politics and the Birth of a Discipline: American International Relations, Pluralist Theory and the Myth of Interwar Idealism', *International Relations*, 16 (2002), pp. 9–31; Lucian M. Ashworth, 'Did the Realist-Idealist Great Debate Really Happen? A Revisionist History of International Relations', *International Relations*, 16 (2002), pp. 33–51.

<sup>3</sup> Christoph Frei, *Hans J. Morgenthau: Eine Intellektuelle Biographie* (Bern: Paul Haupt, 1993); Jan Willem Honnig, 'Totalitarianism and Realism: Hans Morgenthau's German Years', in Benjamin Frankel (ed.), *Roots of Realism* (London: Frank Cass, 1996), pp. 283–313; Hans-Karl Pichler, 'The Godfathers of "Truth": Max Weber and Carl Schmitt in Morgenthau's Theory of Power Politics', *Review of International Studies*, 24: (1998), pp. 185–200; William E. Scheuerman, *Carl Schmitt: The End of Law* (Lanham, MD: Rowman & Littlefield, 1999). For a complaint about the wider neglect of continental European IR theory, see Knud Erik Jorgensen, 'Continental IR Theory: The Best Kept Secret', *European Journal of International Relations*, 6 (2000), pp. 9–42.

textbooks and his work is still invoked as an archetypal and pioneering expression of classical realism.<sup>4</sup>

Revisiting a significant but comparatively neglected figure in the development of IR theory is worthwhile in its own right, especially since the full range of his work is less well known than *International Politics in the Atomic Age* and *Political Realism and Political Idealism*. Indeed Herz's first book was a pioneering assessment of Nazi international law, written under the pseudonym of Eduard Bristler in order to protect his family in Germany.<sup>5</sup> There is, however, a much more important reason for reconsidering Herz. In a recent Forum in the *Review of International Studies* Richard Little has compared modern American realist doctrines, the English School and the classical realism of Hans Morgenthau, arguing for strong similarities between the latter two, including a much greater sense of the fragility of the structure of the international order taken to lie at the heart of the realist vision.<sup>6</sup> Others have taken a less charitable view of Morgenthau, seeing him, along with George F. Kennan, as strikingly indifferent to the epochal significance of the Holocaust and have seen this as a major failure to live up to the realist claim to be responding to the unprecedented and violent phenomena of international life.<sup>7</sup> Behind both sets of arguments lies a common sense that at least certain kinds of realism too readily presume as unproblematic what stands in need of explanation, even when faced with dramatic challenges to our understanding of the order and norms of international life.

Any discussion of realism as a theory is bound to be faced with the problem that there are now so many different 'realisms'. Alongside the arguably predominant contrast between 'offensive' and 'defensive' realism, there are self-professed 'neo-classical' realists, 'contingent' realists, 'specific' realists and 'generalist' realists.<sup>8</sup> The sheer diversity of realism and the adaptations that have been made to realism have led some to question how much of this work still counts as realism, while others have entered a plea to 'add up what we all have in common', and some have stressed the virtues of debate within particular paradigms.<sup>9</sup> It will clearly not be possible here to indicate Herz's position with respect to all of these 'realisms'. It is possible and necessary to indicate how Herz's ideas relate to the contrasting assumptions and

<sup>4</sup> See Robert O. Keohane's reference to 'Classical realism, as epitomized by the work of John Herz . . .', 'Theory of World Politics', in Robert O. Keohane (ed.), *Neorealism and its Critics* (New York: Columbia University Press, 1986), p. 199.

<sup>5</sup> Eduard Bristler [John H. Herz], *Die Völkerrechtlehre des Nationalsozialismus* (Zürich: Europa-Verlag, 1938).

<sup>6</sup> Richard Little, 'The English School vs. American Realism: A Meeting of Minds or Divided by a Common Language?', *Review of International Studies*, 29 (2003), pp. 443–60.

<sup>7</sup> See John Williams and Anthony F. Lang, Jr. (eds.), *Hannah Arendt and International Relations: Reading Across the Lines* (forthcoming).

<sup>8</sup> The enumeration is taken from Glenn H. Snyder, 'Mearsheimer's World-Offensive Realism and the Struggle for Security', *International Security*, 27 (2002), pp. 149–50. John H. Mearsheimer is of course the standard bearer of offensive realism. His book *The Tragedy of Great Power Politics* (New York: Norton, 2001) is the subject of Snyder's article. For another substantial review see Brian C. Schmidt, 'Realism as Tragedy', *Review of International Studies*, 30 (2004), pp. 427–41. The standard reference point for defensive realism is Kenneth N. Waltz, *Theory of International Politics* (New York: McGraw-Hill, 1979). For an attempt to draw a balance, see Jeffrey W. Taliaferro, 'Seeking Security under Anarchy', *International Security*, 25 (2000/01), pp. 128–61.

<sup>9</sup> Jeffrey W. Legro and Andrew Moravcsik, 'Is Anybody Still a Realist?', *International Security*, 24 (1999), pp. 5–55; Snyder, 'Mearsheimer's World', p. 173; Taliaferro, 'Seeking Security under Anarchy', pp. 130–1.

policy strategies of defensive and offensive realism. Differences within the realist camp do matter and matter a great deal. As will be shown below, however, it is an awareness of the fragility of the international order and the challenges to it that ultimately marks out Herz's brand of realism. As has been said of E.H. Carr, Herz was someone 'who asked how that order had come about, how it had changed over time, and ultimately how it might be transcended', but his optimism about the latter possibility was never more than guarded, kept in check by the persistence of the security dilemma for which he became famous.<sup>10</sup>

It is no accident that he chose as the title of his autobiography *Vom Überleben* (Of Survival).<sup>11</sup> There is, of course, a simple biographical logic to that choice. As a German Jew born in 1908 his own personal survival had been under threat. Yet it also reflects other factors. Herz's intellectual concerns were shaped by the short twentieth century in which survival for individuals, states and the species was constantly threatened. Furthermore, although Herz made his name as an advocate of realism within American political science, the European origins of his ideas continued to affect the way he understood key concepts and his underlying approach to the international order. There was a resonance of a clash of cultures in a review of the state of the discipline in the early 1970s. There Herz expressed his reservations about quantitative approaches to international politics and recalled a seminar in the 1930s attended by Quincy Wright 'where his chiefly European students, although greatly impressed by his data, were flabbergasted by the unsophisticated use of historical and cultural variables'.<sup>12</sup> Nor need the difference assume such stark form. As Richard Little has pointed out there is a certain kind of realism, prominent in American IR, that assumes 'that anarchy is a robust structure that does not need to be explained'.<sup>13</sup> Here, Herz's position is not straightforward. Herz had contributed to the formation of key elements of this kind of realism, notably through the idea of the 'security dilemma', but, towards the end of his career, came to believe that 'we "realists"' had overlooked the contingency of the balance of power.<sup>14</sup> Moreover, as will be shown below, his realism of the 1940s and 1950s was marked by a sense of nostalgia for a balance of power now rendered obsolete by bipolarity and, more importantly, by the atomic age. It is striking here that although Herz asserted the compatibility of his approach with that of Waltz, the two theorists came to radically different judgements about the virtues of the bipolar world. Whereas Waltz saw enhanced predictability, Herz saw enhanced uncertainty.<sup>15</sup> When Herz came to believe that 'we "realists"' had been wrong it was in underestimating the precarious-

<sup>10</sup> Michael Cox, 'Introduction', in E.H. Carr, *The Twenty Years' Crisis* (Houndmills, Basingstoke: Palgrave, 2001), p. 1.

<sup>11</sup> John H. Herz, *Vom Überleben. Wie ein Weltbild entstand. Autobiographie* (Düsseldorf: Droste, 1984). See the brief observation by Alexander B. Murphy: 'Prior to the last few years the only notable figure in American security studies who raised serious questions about the state was John Herz'. 'The Sovereign State as Political-Territorial Ideal', in Thomas J. Biersteker and Cynthia Weber (eds.), *State Sovereignty as Social Construct* (Cambridge: Cambridge University Press, 1996), p. 118.

<sup>12</sup> John H. Herz, 'Relevancies and Irrelevancies in the Study of International Relations', *Polity*, 4 (1971), p. 33.

<sup>13</sup> Little, 'The English School vs. American Realism', p. 458.

<sup>14</sup> Herz, *Vom Überleben*, p. 251.

<sup>15</sup> Kenneth N. Waltz, *Theory of International Politics* (New York: McGraw-Hill, 1979), pp. 168–70. References to Herz's judgement are given below.

ness and violence of a previous age not the present one.<sup>16</sup> Yet Herz did share with Waltz the idea the states sought security. Mearsheimer's assertion that the doctrine of offensive realism can be read out of Herz's view of the security dilemma systematically misrepresents Herz's view of the security dilemma and the policy recommendations he drew from it.<sup>17</sup>

That sense of precariousness was also evident in Herz's estimation of the normative dimension of the international order. From the perspective of the early 1980s Herz aligned his realism with that of Morgenthau and Kennan against the "legalism" and "moralism", wishful thinking which, in the 1920s and 1930s, and especially in the United States, had passed for study of international relations'.<sup>18</sup> This would seem to align him also with that form of 'American realism' that contends that 'norms are at best marginal in relations among states'.<sup>19</sup> Again this would be a partial, and ultimately misleading judgement. Herz, a self-avowed relativist, had been a pupil of Kelsen and, for all his subsequent criticism of the theory of pure law, retained an interest in the normative dimension of the international order. It was, however, a fragile order, contingent upon the behaviour of states, threatened by global trends, but nevertheless of importance. Herz, like Morgenthau, cannot be seen as a straightforward antecedent of contemporary American realism. His stress on the fragility and uncertainty of the international order fits ill with the assumptions about the durability and predictability of the international order evident in much of contemporary American realism. Insofar as the latter lays claim to Herz as part of a long-standing and deep-rooted realist tradition, it may be missing Herz's most perceptive insights.

## **From Köln to Geneva and America**

### *Hans Kelsen and the pure theory of law*

It was Kelsen's apparent solution to the problem of ethical relativism that first attracted Herz. In his autobiography Herz recalled that Kelsen seemed to offer a way out from the confusion of competing justifications of the state. He provided a way of dealing with the law and the state as a 'personified legal order' which brought 'clarity to the age-old problem of the relationship between law and ethics'.<sup>20</sup> Yet,

<sup>16</sup> John H. Herz, 'Power Politics or Ideology? The Nazi Experience', in G. Schwab (ed.), *Ideology and Foreign Policy* (New York: Cyrco, 1978), pp. 28–30. For an incisive assessment of the violence of the nineteenth century see Philip K. Lawrence, 'Enlightenment, Modernity and War', *History of the Human Sciences*, 12 (1999), pp. 3–25.

<sup>17</sup> See Mearsheimer's claim that 'The implication of Herz's analysis is clear: the best way for states to survive in anarchy is to take advantage of other states and gain power at their expense. The best defense is a good offense.' *Tragedy of Great Power Politics*, p. 36. That Mearsheimer misrepresents Herz is recognised by Snyder, 'Mearsheimer's World', p. 156. I return to this point below.

<sup>18</sup> John H. Herz, 'Political Realism Revisited', *International Studies Quarterly*, 25 (1981), p. 183.

<sup>19</sup> Michael C. Dresch, 'It is Kind to be Cruel: The Humanity of American Realism', *Review of International Studies*, 29 (2003), p. 417.

<sup>20</sup> Herz, *Vom Überleben*, p. 96.

from the outset Herz maintained a certain independence from Kelsen. Amongst the factors that may have contributed to that autonomy was Herz's choice of dissertation topic, namely the question of the identity of the state in cases of revolution and territorial change. From the outset it was the fragility of the legal order that interested him.<sup>21</sup>

In further essays in the 1930s Herz continued to question Kelsen's theory and to try to break down some of the sharp distinctions drawn within the pure theory of law. Thus, he turned to the ontology of Nicolai Hartmann in an attempt to work out how one ought to understand what he called the 'lesser ideality' of law, that is how, on the one hand, its normative character sets it apart from empirical reality and, on the other, the fact that legal norms do not have the same kind of validity as mathematical or logical truths. According to Herz the answer lay in recognising that while the legal norm claimed objective validity, like a work of art it has to be created at some specific point, and can lose its validity just as the aesthetic values embodied in the work of art can disappear with the material substratum through which alone they can exist.<sup>22</sup> What matters here is less the validity of Herz's argument than what it tells us about his underlying attitude towards law. He did not want to reduce law to an expression of 'legal consciousness', let alone emotions of revenge and the like. He did want to insist on the objective validity of legal norms but at the same time to give expression to the fragility of their 'lesser ideality'.

The extent, and distinctive nature, of Herz's incipient realism was also evident in his consideration of who or what the subjects of international law are. The debate was enlivened by the arguments of Georges Scelle according to whom only individuals could be the subjects of law and for whom, hence, the distinction between national and international law was pointless. Kelsen, although he shared Scelle's antipathy to any kind of anthropomorphism, disagreed. Herz accepted neither position, though he was closer to Kelsen insofar as he believed that it still made sense to talk of states as subjects of international law. The issue was why, given that he did not agree with Kelsen's claim that international law could not directly assign rights and obligations to individuals and did agree with both Scelle and Kelsen that law ultimately regulated the behaviour of individuals and nothing else. Herz conceded that the claim that international law depended on the will of states had a 'partial sociological justification' insofar as both the creation of and adherence to international law was a matter of the acts and behaviours of the agencies of specific states. But to argue from this that states could be bound only by their will went too far. There were simply too many cases where international law had been imposed by small groups of powerful states. What then justified the personification involved in talking about states in general as subjects of international law? Herz's answer lay in a shift of perspective, focusing on the issue of liability. If one turned to 'who is affected by the coercive consequences, a personification of the totality of men forming the "state" is appropriate in the light of the fact that these coercive consequences can affect, according to the circumstances, all or any of them without consideration of individual

<sup>21</sup> Hans Herz [John H. Herz], 'Beiträge zum Problem der Identität des Staates', *Zeitschrift für öffentliches Recht*, 15 (1935), p. 265.

<sup>22</sup> Hans Herz [John H. Herz], 'Das Recht im Stufenbau der Seinsschichten', *Internationale Zeitschrift für Theorie des Rechts*, 9:4 (1935), p. 291. See also the summary in Herz, *Vom Überleben*, pp. 101–3.

behaviour or indeed fault'.<sup>23</sup> So long as international law did not fully determine individual responsibility – bearing in mind here that the effectiveness of law was a key characteristic of it – we would have to talk about states as subjects of international law.<sup>24</sup> Consideration of power exposed both the fragility of the supposed equality of states and the vulnerability of those who would suffer the consequences of coercion exercised in the name of the state.

Taking stock at the end of the 1930s Herz noted the fiction that international law as a unified system of norms was, to be sure, a necessary working hypothesis for a judge but for a theorist it too readily became an ideology. The inherent fragility of international law was evident in the paradox that the norms of international law depended on the existence of certain kinds of persons, that is states, but that these persons in turn were dependent for their existence upon 'relations of power which prepare for their end at any moment and thereby pull the ground from under the rules applying to them'.<sup>25</sup> He was sceptical about Kelsen's attempt to construe war as a sanction, and thus as means of enforcement of the law, suggesting instead that it is more appropriate to see war as a means of changing law than enforcing it. Yet there were limits to his scepticism. Historically he thought that the level of fidelity to treaties was quite remarkable. Moreover, to resort to a flat denial of international law was little more than subservience to the fetishism of the concept of sovereignty.<sup>26</sup> His conclusion, in 1939, was understandably pessimistic. Speculating on the possibility that as in the development of national politics one powerful unit might be able to assert its hegemony over the others, he warned that such a 'new society' would be no less free of relationships of domination and that some would prefer the anarchic world of today, but 'We who are contemporaries of the decline of the society of states amidst the clash of power and doctrines understand how Hobbes, from the experience of civil war, was ready to hand over all the power of an earthly god to the Leviathan'.<sup>27</sup>

### *National socialist legal theory*

Looking back, Herz noted that Kelsen's theory hardly seemed appropriate to the Hitler state and the Holocaust. It seemed rather to fall victim to the same suspicion that it rightly raised against natural law doctrines, namely that of being an ideology. 'It no longer functioned in extreme situations, to which Carl Schmitt's theory of the state of the exception fitted better . . .'.<sup>28</sup> Herz, however, was not an adherent of Schmitt's decisionism. In his pioneering study of Nazi international law he argued that while Schmitt appeared to be a very sharp thinker, focused on specific situations,

<sup>23</sup> Hans Herz [John H. Herz], 'Einige Bemerkungen zur Grundlegung des Völkerrechts', *Internationale Zeitschrift für Theorie des Rechts*, 13 (1939), pp. 293–4. The argument is elaborated at greater length in Hans Herz [John H. Herz], 'La sujet de droit en droit international public', *Revue internationale de la théorie du droit*, 10 (1936), pp. 100–111.

<sup>24</sup> *Ibid.*, p. 109.

<sup>25</sup> Herz, 'Einige Bemerkungen zur Grundlegung des Völkerrechts', p. 283.

<sup>26</sup> *Ibid.* pp. 286, 291, 288.

<sup>27</sup> *Ibid.*, p. 300.

<sup>28</sup> Herz, *Vom Überleben*, p. 100.



'Everything remains floating in uncertainty and vagueness because on the one hand Schmitt does not want to see race and nationality as the determining factors, but on the other hand does not dare to make other factors the decisive criteria'.<sup>29</sup> Turning to a wider consideration of Nazi international law, Herz noted the striking contrast between the social Darwinism of Hitler's *Mein Kampf* and of Nazi ideology on the one hand and the peace speeches of Hitler as Chancellor after 1933 on the other. Herz also noted that there was a change of tone after the 1936 Party Conference towards a stronger emphasis on the need for the homogeneity of the states of the international community, the exclusion of the Soviet Union from this community, a marked increase in aggressiveness along with the assertion of a right to intervene in the affairs of other states. This second stage was essentially that of national consolidation of a Greater Germany which ended with the transition to a third stage, of open imperialist expansion in March 1939.<sup>30</sup> Herz did not follow through developments into this third stage, though he noted Carl Schmitt's attempt to adapt to it.<sup>31</sup> He did suggest that it would see the emergence of a more consistent doctrine and one that fitted in more fully with Nazi ideology as a whole.<sup>32</sup> Herz's assessment of these doctrines is evidence of his realist scepticism about the autonomy of international law but also of its importance. The 'lesser ideality' of international law could be used to expose the cynical manipulation of law by power and the attempt to enlist the normative force of law in the interests of power.

## War years

### *Expropriation and international organisation*

Alfons Söllner has rightly stressed that Herz's study of the Nazi system was one factor that kept him from adopting a version of the methodological or ontological primacy of foreign policy as advocated by Hans Morgenthau.<sup>33</sup> Herz himself described his interests as stretching across international politics, comparative politics and political theory. Something of this was evident in two essays published in the

<sup>29</sup> Herz, *Die Völkerrechtlehre des Nationalsozialismus*, p. 120. As late as 1992 Herz still thought it worthwhile to ask 'Which war situation, which enemy is Schmitt aiming at?' 'Looking at Carl Schmitt from the Vantage Point of the 1990s', *Interpretation*, 19 (1992), p. 308. For divergent answers to this question, see John P. McCormick, *Carl Schmitt's Critique of Liberalism* (Cambridge: Cambridge University Press, 1997), pp. 16, 93, 145; and Peter M.R. Stirk, 'Carl Schmitt's Enemy and the Rhetoric of Anti-Interventionism', *The European Legacy*, 8 (2003), pp. 21–36.

<sup>30</sup> Herz, *Die Völkerrechtlehre des Nationalsozialismus*, pp. 42–3, 134–8, 172–3; John H. Herz, 'The National Socialist Doctrine of International Law and the Problems of International Organization', *Political Science Quarterly*, 54 (1939), p. 536.

<sup>31</sup> In addition to the works already cited, see also Eduard Bristler [John H. Herz], 'La doctrine national-socialiste du droit des gens', *Revue internationale de la théorie du droit*, 12 (1938), pp. 116–31, and the wider ranging article, John H. Herz and Joseph Florian, 'Bolshevist and National Socialist Doctrines of International Law', *Social Research*, 1 (1940), pp. 1–31.

<sup>32</sup> On the obstacles to this development see Peter Stirk, 'Carl Schmitt's *Völkerrechtliche Grossraumordnung*', in *History of Political Thought*, 20 (1999), pp. 357–74.

<sup>33</sup> Alfons Söllner, 'Vom Völkerrecht zur Science of International Relations', in I. Srubar (ed.), *Exil, Wissenschaft, Identität* (Frankfurt am Main: Suhrkamp, 1988), p. 171.

early 1940s on the phenomenon of expropriation. Both are also marked by a strong sense of the fragility of the international order. Although Herz retrospectively described the analysis in one of them as 'positivistic-Kelsenian' in style, both set out the two conflicting approaches to the question of the expropriation of foreign property: the standard of equal treatment with nationals of the expropriating state and the standard of civilisation that claimed compensation even when such compensation was not granted to nationals.<sup>34</sup> Finding no consensus whatsoever on the relative merits of the two principles, Herz looked to a 'practical compromise' as the best one might hope for.<sup>35</sup> Equally striking is the broader concern about international trends. Given the date of publication his statement that 'the very existence of what used to be called positive international law (a legal order which was based on equality, or at least an equilibrium of states) is now in the balance' is hardly surprising.<sup>36</sup> Yet while some comments were clearly related to the war with Germany others seem to be driven by a concern about broader trends. Thus it was the general insistence upon 'absolute "sovereignty" in dealing with rights of foreigners . . . which leads to complete state autarchy. . . . By trying to do away with one of the few remaining international procedural institutions, that of diplomatic intervention on behalf of citizens abroad . . . this attitude effectively weakens the only basis on which international economic relations in a money society can be erected, the basis of legal security.'<sup>37</sup>

Such sentiments were also evident in 'Power Politics and World Organization' which opened with a quotation from Guglielmo Ferrero: 'Power is the supreme manifestation of the fear that man has created for himself by his efforts to liberate himself. It is perhaps the most profound and obscure secret of history.'<sup>38</sup> Herz later described how Ferrero, who had taken part in discussions at Kelsen's home in Geneva in the 1930s, was one of the cornerstones of his idea of the security dilemma. The basic insight was already there in Geneva, but Herz could not foresee the bipolarity of the postwar world let alone the impact of the atomic bomb.<sup>39</sup> In 'Power Politics and World Organization' he illustrated how this operated through the balance of power, arguing that its two functions, namely preservation of the plurality of states and the ability of those states to develop autonomous political cultures, had been undermined by the competition which was supposed to generate the balance of power. Thus, in the first place 'the growing interdependence of the nations of the world led to the contrary of what "internationalists" had hoped its result would be; instead of making for peace and world order, it brought a struggle of powers to dominate the world in order to be secure from the world'.<sup>40</sup> In the second place, the nature of the competition had now reached such a pitch that the distinction between peace and war, on which the autonomous development of states had depended, was no longer tenable. This would be true, he predicted, even if there

<sup>34</sup> John H. Herz, 'Expropriation of Foreign Property', *American Journal of International Law*, 35: 2 (1941), pp. 243–62 and 'Expropriation of Alien Property', *Social Research*, 2 (1941), pp. 63–78.

<sup>35</sup> Herz, 'Expropriation of Foreign Property', p. 262; 'Expropriation of Alien Property', pp. 77–8.

<sup>36</sup> Herz, 'Expropriation of Foreign Property', p. 262.

<sup>37</sup> Herz, 'Expropriation of Alien Property', pp. 72–3.

<sup>38</sup> John H. Herz, 'Power Politics and World Organization', *The American Political Science Review*, 36 (1942), p. 1039.

<sup>39</sup> Herz, *Vom Überleben*, pp. 109–10.

<sup>40</sup> Herz, 'Power Politics and World Organization', p. 1041.



were a successful conclusion to the present war. Here Herz seems to have been influenced by Carl Schmitt's prophesy of a division of the world between competing *Grossräume*, even under the assumption of the defeat of the Third Reich. It would be, he wrote, 'a world of "total suspicion", worse than at any time before'.<sup>41</sup>

Surveying the possible alternatives to this scenario Herz found only the idea of collective security, as an adaptation of the balance of power, to be of any plausibility. Interestingly, he turned to the 1930s which most saw as the archetypal failure of collective security to illustrate the possibilities and the problems. It had not been the supposed difficulty in determining the aggressor that was the problem, nor the supposed advantage to an aggressor involved in a *Blitzkrieg*. Moreover, he insisted that the sanctions against Italy in the 1930s could in fact have brought about the desired result. The prime difficulty was rather the failure to grasp that apparently distant conflicts and dangers were in fact closer than one thought.<sup>42</sup> He expressed some hope that the present war might have brought some enlightenment in this regard:

While it took the average Englishman from World War times to 1940 to comprehend that the airplane had changes his country's strategic, and therewith political, position, actual bombardment, coupled with the threat of immediate invasion caused him to learn in a few days what he had failed to learn in twenty years. Similarly, Pearl Harbour and what may ensue will have opened the eyes of many an American who failed to realize earlier that sanctions against a Japan still at the boundary of China proper might have been preferable to a 'war of survival'.<sup>43</sup>

But none of this was certain. Relapse into parochial isolation was still possible. Moreover, there were yet further obstacles. A system of collective security would work only if it were truly global and violations were infrequent. Were this not the case 'the result would be merely the formation of another system of antagonistic *blocs* and alliances'.<sup>44</sup>

### *Political Realism and Political Idealism*

Although *Political Realism and Political Idealism* was published in 1951, Herz recalled that the ideas in it were formulated in the late 1930s and early 1940s and the book itself was largely finished before 1945.<sup>45</sup> There are some traces of at least the early postwar years, including speculation, dated 1946, on the emerging Cold War divide, and the atomic bomb cast its shadow over Herz's conclusion.<sup>46</sup> Even before the bomb, Herz's ideas had taken an apocalyptic tone as in 'Power Politics and World Organization' where he suggested that 'the "victor over Nature" may turn out

<sup>41</sup> Ibid. p. 1042. On p. 1043 Herz referred to Haushofer, but given his long interest in Schmitt it is difficult not to suppose he also had Schmitt in mind.

<sup>42</sup> Ibid., pp. 1048–50.

<sup>43</sup> Ibid., p. 1049.

<sup>44</sup> Ibid., p. 1047.

<sup>45</sup> Herz, *Vom Überleben*, pp. 59–60, 166.

<sup>46</sup> John H. Herz, *Political Realism and Political Idealism* (Chicago, IL: University of Chicago Press, 1951), pp. 238, 251, 271.

to have been but another among Nature's abortive attempts to create a species capable of survival'.<sup>47</sup> *Political Realism and Political Idealism* was an attempt to work out a third way between this dark vision and the unwarranted optimism which stood in such stark contrast to it. Herz began by outlining what he called the psychological bases of the two types of thought indicated by his title. This was, at best, partially successful since one of the psychological types was rooted in a social condition and not an 'anthropological' or 'biological' one.<sup>48</sup> The fear for one's own survival arose from uncertainty about the other's intentions rather than any presumption about universal desires for domination or aggression. Indeed Herz repeatedly referred to this point to distinguish the basis of his 'realism' from that of Morgenthau's realism.<sup>49</sup> The second psychological basis of human behaviour was pity or compassion.<sup>50</sup> The conflict between the two issued in a sense of guilt which could in turn be suppressed, acted on, albeit only at the expense of self-abnegation or withdrawal from the world, or could intermittently intervene in patterns of behaviour marked by concern for survival. The range of behaviour already indicates the rather limited explanatory power of this psychological basis. But even the more robust socially-based security dilemma allowed for a striking range of evaluations. This was evident when Herz turned to the definition of political realism:

For 'Political Realism', in our sense, characterizes that type of political thought which in one form or another, sometimes not fully and at other times in an exaggerated manner, recognizes and takes into consideration the implications for political life of those security and power factors which...are inherent in human society. Even if such thought does not stop at pure analysis and description, but either glorifies the phenomena as ideal or tries to find 'rational' solutions of the problems produced by them, it is expressive of realism in our sense so long as it recognizes the obstacles which the basic phenomena observed put in the way of any 'rational' solution.<sup>51</sup>

Herz initially presented political idealism, by contrast, as simply that type of thought which did not recognise such limits. Later on, however, he specified that he meant, for example, that type of thought that, even if it recognised that history had been driven by the considerations outlined by political realism, presumed that other considerations could become the basis of human behaviour.<sup>52</sup> Later on still, Herz specified that political idealism included those 'rationalistic' philosophies that presumed that reason was already operative "'in" the facts' and whose idealism consisted in a denial of the 'irrationality' of the world.<sup>53</sup>

These two types of political idealism had rather different implications. The first type is best represented by Herz's account of the French revolutionaries or the Russian Bolsheviks. In the case of the former, idealism meant a war of liberation, construed as a final war which allowed for no neutrality. It was a war that, confronted with the frustrating reality of occupation and resistance, tipped over into

<sup>47</sup> Herz, 'Power Politics and World Organization', p. 1042.

<sup>48</sup> Herz, *Political Realism and Political Idealism*, p. 3. As Herz explained, he was trying to formulate a psychological typology, p. 2.

<sup>49</sup> See for example, Herz, *Vom Überleben*, p. 160.

<sup>50</sup> Herz, *Political Realism and Political Idealism*, pp. 6–7.

<sup>51</sup> *Ibid.* p. 18.

<sup>52</sup> *Ibid.*, pp. 34–5.

<sup>53</sup> *Ibid.* p. 128.

a nationalistic *Realpolitik*.<sup>54</sup> The historical function of political idealism of this type 'has been to criticize, attack and destroy rather than to be the foundation of new structure'.<sup>55</sup> Political idealism of the second type was rather different, though Herz did not make this explicitly clear. Here his criticism of Kelsen can serve as an example: 'This tendency to rationalize is illustrated by Kelsen's attempt to interpret wars so that in each case force is represented as illegal violence on the one side and self-defense or retribution on the other'.<sup>56</sup> The error here lies less in the utopian attempt to realise the unrealisable and more in a denial of the 'irrationality' of international life.

It is clear that Herz could not understand himself as a realist without qualification, for realism as he defined it was compatible with a veneration of power that he never indulged in. Moreover, Herz's realism was pervaded by a sense of the contingency and irrationality of the international world that is difficult to reconcile with the presumption that states are rational actors, which is so commonly held to be a defining element of realism as a doctrine, whether by offensive realism, defensive realism or many of their critics. Nor is his realism easy to reconcile with the assumption that the international system is like a market that will guarantee rational behaviour if only by punishing those who disobey its dictates.<sup>57</sup> Herz deployed the market analogy sparingly and only in order to help explain the predominance of considerations of power, not as any kind of guarantee that reason would prevail.<sup>58</sup> Herz's position was that of a realist insofar as he believed in the persistence of the security dilemma, to which one should add a sense of contingency or irrationality which set limits to the realm of law. To that extent the fragility of the legal order evident in his early writings still formed part of his world view. Herz defined his own position as that of a 'realist liberalism' that entailed an explicit value choice. It was indicative of the European origins of his approach that he saw the major challenge to this value choice less in the problem of ethical relativism than in the tradition of *Kulturkritik* that established a negative correlation between liberalism and cultural value.<sup>59</sup> It was a realism that was still compatible with a vision of collective security, understood as a modified balance of power. Despite his criticism of Kelsen's legalism it was a system of collective security in which legal provisions played a crucial role: 'The basic elements of the system thus are: (a) recognition of a state's legal right to existence, and (b) definition of what constitutes an infringement of this right (that is, the legal definition of aggression)'.<sup>60</sup> As in his earlier observations, however, the crucial factor was whether or not states could recognise the general interest in such a system and whether they had the political will to act on that recognition. Yet the prospects were not promising. The concentration of political power both domestically and internationally, and the reach of that power, had grown

<sup>54</sup> Ibid., pp. 78–85.

<sup>55</sup> Ibid., p. 36.

<sup>56</sup> Ibid., p. 99.

<sup>57</sup> That 'great powers are rational actors' is one of Mearsheimer's 'Bedrock Assumptions', *Tragedy of Great Power Politics*, p. 31. It would be easy but hardly necessary to multiply the examples. The market analogy is central to Waltz. See *Theory of International Politics*, pp. 88–93.

<sup>58</sup> Herz, 'Power Politics and World Organization', p. 1040.

<sup>59</sup> Ibid., pp. 147–53.

<sup>60</sup> Ibid., p. 222.

considerably. This meant that it was no longer 'possible for those who are persecuted or discriminated against, whom certain developments have rendered "superfluous", or who have become weary of society or a way of life, to escape into the "unknown" parts of the world, either the unknown within the area of their society . . . or, above all, into foreign lands. . . .'<sup>61</sup> Herz held out little hope for a more democratic international order, that was contradicted by the structure of the United Nations. More likely was the emergence of a bipolar world characterised by ideological division and new weapons of destruction.<sup>62</sup> In this context the idea of collective security could degenerate into 'mere ideology and subterfuge in order to provide *bloc*-building with a semblance of legality.'<sup>63</sup>

## The Cold War world

### *Germany and denazification*

Herz had watched denazification from relatively close quarters, and had been involved in the interrogation of the Nazi Minister of the Interior, Frick. The 'Fiasco of Denazification in Germany' as he put it in a 1948 article, was striking both in terms what he saw as a misguided denazification policy and in terms of German failure to confront the recent past. In this he shared the views of his colleagues in the Office of Strategic Services, most notably Otto Kirchheimer.<sup>64</sup> There was a tone of bitterness, to put it mildly, in an observation in a footnote: '[as] if German assumption of responsibility for meting out retribution for crimes committed by Germans would not have meant a more impressive assumption of sovereignty than all the clamouring for "occupation statutes" and similar Allied concessions!'<sup>65</sup> Herz drew two other broad conclusions from the Third Reich. One was that the level of compliance with the regime, even in relation to its criminality, raised broader questions about the extent to which populations in non-totalitarian societies were likely to protest against the deployment of nuclear weapons.<sup>66</sup> The second again drew a connection between the prospect of nuclear war and the Third Reich:

The latter atrocity [the Holocaust] appeared so utterly depraved because it denied to the victim that which international 'morality' still considered then a minimum condition for the

<sup>61</sup> Ibid, p. 234.

<sup>62</sup> Ibid. pp. 235–9.

<sup>63</sup> John H. Herz, 'Idealist Internationalism and the Security Dilemma', *World Politics*, 2:2 (1950), p. 180.

<sup>64</sup> See the discussion in Rainer Erd (ed.), *Reform und Resignation. Gespräche über Franz L. Neumann* (Frankfurt: Suhrkamp, 1985), pp. 153–71.

<sup>65</sup> John H. Herz, 'The Fiasco of Denazification', *Political Science Quarterly*, 63:4 (1948), p. 593. Herz, could have, but unfortunately did not, link this point with his earlier comments on collective responsibility. On his assessment of developments in Germany, see also 'German Administration under the Nazi Regime', *American Political Science Review*, 40 (1946), pp. 682–702. Söllner wrote of Herz's *The Government of Germany* (New York: Harcourt, 1968): 'That this book was not translated into German is a conclusive indicator for the failure of the so-called coming to terms with the past: it pointed unsparingly to the continuities between National Socialism and the Federal Republic'. Vom Völkerrecht zur Science of International Relations', p. 179.

<sup>66</sup> John H. Herz, 'Review of *German Catholics and Hitler's War: A Study in Social Control*', in *Political Science Quarterly*, 77:3 (1962), pp. 415–17.

justification of killing: a minimum chance to survive in the armed forces or at home, through defensive or protective actions. Exactly this, however, is denied the victims of the bombs, that is, all of us, as it was denied the victims of Hitler's death camps. And thus our traditional standards and attitudes can no longer measure up to man's present potentialities.<sup>67</sup>

### *International Politics in the Atomic Age*

*International Politics in the Atomic Age* and the associated articles were motivated by a sense of the 'newness' and 'indeterminateness' of the new age brought about by the historically contingent association of bipolarity and the emergence of nuclear weapons.<sup>68</sup> In order to make clear the significance of the change Herz set out his understanding of the basis of the modern state system. Typically, he began with a paradox, that is the characterisation of the system as in some sense a community or society and its characterisation as anarchic. He promptly argued that both characteristics were rooted in the existence of state's 'impenetrability', 'impermeability, or 'territoriality'. In a clear reformulation of his ideas of the 1930s he specified that this 'territoriality' formed the "existential" basis for the jurisdiction claimed by the sovereign state. Territoriality was guaranteed by the 'hard shell' that provided the 'impenetrability'.<sup>69</sup> The insight into this development he ascribed to Leibniz, according to whom the defensibility of a state, and hence a minimum territorial size, were the basic condition for the existence of sovereignty.<sup>70</sup> The sovereign was he who 'had the power to constrain *his* subjects while not being so constrainable by superior power. Thus the decisive criterion of sovereignty was the actual, that is, in the final resort, the military, control of territory, the pacification of one's "estates" by one's own military power.'<sup>71</sup> It was consistent with this that international law, apart that is from treaty based law, had dealt with the 'delimitation of countries' jurisdictions'.<sup>72</sup> Although Herz cited Morgenthau in support, it was, as he later indicated, Kelsen who stood behind this emphasis upon jurisdiction.<sup>73</sup>

Territoriality defined the '*structure*' of the modern state system but the '*system*' was dependent upon other factors, most notably and obviously the balance of power. That in turn was not a merely mechanical process but was shaped by a sense of community, at least for the states of Europe.<sup>74</sup> There is no need to consider this as an alien element in Herz's realism in the way that Robert Jervis is obliged to concede that the 'basis and forms of cooperation after the Napoleonic Wars may have rested on conceptions of common interests and shared responsibilities that are alien to

<sup>67</sup> John H. Herz, *International Politics in the Atomic Age* (New York: Columbia University Press, 1959), pp. 301–2.

<sup>68</sup> *Ibid.*, pp. 30–6.

<sup>69</sup> *Ibid.*, p. 50.

<sup>70</sup> *Ibid.*, p. 53.

<sup>71</sup> *Ibid.*, p. 55.

<sup>72</sup> *Ibid.*, p. 59.

<sup>73</sup> Thus, Herz held that it 'is one of Kelsen's great merits to have emphasized this by incorporating a theory of "spheres of validity" into his system of international law'. John H. Herz, 'The Pure Theory of Law Revisited: Hans Kelsen's Doctrine of International Law in the Nuclear Age', in S. Engel and R.A. Mettall (eds.), *Law, State and International Order* (Knoxville, TN: University of Tennessee Press, 1964), p. 109. Hence Alan James misunderstands Herz's point in his 'The Practice of Sovereign Statehood in Contemporary International Society', *Political Studies*, 47 (1999), p. 457.

<sup>74</sup> Herz, *International Politics in the Atomic Age*, pp. 64–7.

realism. . . .<sup>75</sup> There is no need to do so because the basis of Herz's realism is the recognition of a social condition, the security dilemma, and not a certain conception of agency which excludes such conceptions on principle.

As usual in Herz's work the limits and precariousness of the international order were not far away. Beyond the 'amity lines' the restraint practised in Europe was abandoned.<sup>76</sup> Within Europe, first the principle of legitimacy and then that of self-determination contributed to the 'remarkable stability of the statehood of nations during this period'.<sup>77</sup> As in *Political Realism and Political Idealism* Herz interpreted collective security as a modification of the balance of power intended to defend the principle of territoriality. Hence the League of Nations, true to this structural principle, had taken into account the defensibility of states seeking membership. Significantly the new United Nations did not.<sup>78</sup> That was indicative of a general trend. Collective security had been an option before the Second World War but it had not been grasped. The idea of indivisibility of peace underlying collective security was now grasped but collective security was no longer an option. It had been undermined by bipolarity, the associated ideological division and the destructiveness of nuclear power.<sup>79</sup>

Bipolarity had its own principle of territoriality. 'Bipolar territoriality' was symbolised by the bases or garrisons which the two superpowers established on the territory of their allies or satellites.<sup>80</sup> It was an inherently more 'precarious' and 'rigid' balance because no others could significantly affect it. The balance, such as it was, was 'predetermined'. The old concepts had to be adapted to make sense of this new phenomenon but the concept of territoriality still made sense in the context of bipolarity alone. But this was not true of the impact of nuclear weapons. Although economic blockade, ideological penetration and air warfare had all heralded the cracking of the 'hard shell', nuclear weapons simply by-passed it. Herz's conclusion was that 'Today, with impermeability gone, insecurity is all pervading'.<sup>81</sup> It was notable, however, that the chronology of the transition was qualified in the next sentence: 'Even in the absence of actual hostilities, therefore, "peace" in the classical sense can no longer be said to prevail; rather we live in that continual uncertainty that lies between "war" and "peace" and that already existed in the period between the two world wars'.<sup>82</sup> This helps to explain why the themes of suspicion and uncertainty predate the atomic age that Herz then used to focus those sentiments. The idea of inhabiting a precarious no-man's land between war and peace had occurred to others too, including Carl Schmitt, though he used it for radically different purposes.<sup>83</sup> It is, as Herz has emphasised recently, all too relevant today.<sup>84</sup>

<sup>75</sup> Robert Jervis, 'Realism in the Study of World Politics', *International Organization*, 52 (1998), p. 987.

<sup>76</sup> *ibid.*, pp. 66–7. Herz took this theme from Carl Schmitt, *Der Nomos der Erde* (Köln: Greven, 1950).

<sup>77</sup> Herz, *International Politics in the Atomic Age*, p. 73.

<sup>78</sup> *Ibid.*, p. 78.

<sup>79</sup> *Ibid.*, pp. 93–5.

<sup>80</sup> *Ibid.*, p. 119.

<sup>81</sup> *Ibid.*, p. 273.

<sup>82</sup> *Ibid.*

<sup>83</sup> See Schmitt's 1925 article, 'Der Staus Quo und der Friede', in Carl Schmitt, *Positionen und Begriffe im Kampf mit Weimar-Genf-Versailles* (Hamburg: Hanseatische Verlagsanstalt, 1940), p. 45.

<sup>84</sup> John H. Herz, 'The Security Dilemma in International Relations: Background and Present Problems', *International Relations*, 17 (2003), p. 415.



At this point it is worth making two general points about the security dilemma and the epochal nature of the changes that Herz believed he was witnessing that bring out the distinctiveness of his realism compared with some modern variants. As noted above, Mearsheimer claims that offensive realism can be derived from Herz's conception of the security dilemma. Yet this is true only if one strips the dilemma out of the security dilemma. As Snyder, and earlier Glaser, have argued this is exactly what Mearsheimer does.<sup>85</sup> Snyder puts this well: 'Mearsheimer does allow that states do not know each other's intentions for sure, but he also says that they "are likely to recognize their own motives at play in the actions of other states" . . . If all are revisionist and believe (correctly) that others are too, it is hard to see any "dilemma"'.<sup>86</sup> It is indeed, and the same underlying presumption of rationality is evident in Mearsheimer's attempt to deflect Glaser's criticism, in part by mobilising and misinterpreting Herz. According to Mearsheimer given Glaser's interpretation of the security dilemma 'hardly any security competition should ensue among rational states, because it would be fruitless, maybe even counterproductive'.<sup>87</sup> In the case of the atomic age Herz had considered this 'logic', namely that security could only be guaranteed by eliminating the competitor at the price of suicide. Herz wrote that the only means of attaining the end of security 'precludes the end', only to promptly add 'Logical preclusion, of course, offers no guarantee against actual resort to all-out war in disregard of rationality'.<sup>88</sup>

Second, Herz interpreted the advent of atomic weapons as something that had a decisive impact upon the structural principle of the international order, namely 'territoriality'.<sup>89</sup> It is true that bipolarity and nuclear weapons have been widely accepted as momentous transitions in the international order. Indeed Jervis invokes recognition of their significance as evidence of realism's ability to respond to 'the possibilities for "epochal" change'.<sup>90</sup> Herz's realism did precisely that but it is not clear that the same can be said of some other exponents of realism. Thus Mearsheimer claims that 'During the Cold War . . . the level of fear between the superpowers probably would have been substantially greater if nuclear weapons had not been invented'.<sup>91</sup> A common evaluation can be found in Jervis's seminal article on the security dilemma. There he wrote of the introduction of nuclear weapons: 'the result is the equivalent of the primacy of defence'.<sup>92</sup> Lynn-Jones more cautiously summarises the majority opinion amongst offence-defence theorists to the effect that the 'nuclear revolution has significantly shifted the offense-defense balance toward defense'.<sup>93</sup> Nuclear weapons here are significant, even revolutionary, but they are not seen, as they were by Herz, as something that fundamentally challenged the structural principles of the international order. It is this difference that marks out Herz's kind of realism.

<sup>85</sup> Snyder, 'Mearsheimer's World', p. 155, Charles L. Glaser, 'Realists as Optimists', *International Security*, 19 (1994/95), p. 71; and 'The Security Dilemma Revisited', *World Politics*, 50 (1997), pp. 194–5.

<sup>86</sup> Snyder, 'Mearsheimer's World', p. 155.

<sup>87</sup> Mearsheimer, *Tragedy of Great Power Politics*, p. 417.

<sup>88</sup> Herz, *International Politics in the Atomic Age*, p. 243.

<sup>89</sup> *Ibid.*, pp. 7–8, 17–23.

<sup>90</sup> Jervis, 'Realism in the Study of World Politics', p. 984.

<sup>91</sup> Mearsheimer, *Tragedy of Great Power Politics*, p. 44. Later on he is concerned to show how nuclear weapons did not eliminate security competition, *ibid.*, pp. 130–3.

<sup>92</sup> Robert Jervis, 'Cooperation Under the Security Dilemma', *World Politics*, 30 (1978), p. 198.

<sup>93</sup> Sean M. Lynn-Jones, 'Offense-Defense Theory and its Critics', *Security Studies*, 4 (1995), p. 667.

**The nation-state, reason and interests***The fate of the nation-state*

This readiness to reconsider the basic principles of the international order, based on an underlying sense of the precariousness and fragility of that order, was evident in Herz's comments on the fate of the nation-state more generally. In *International Politics in the Atomic Age*, however, he wrote that there was no consensus on what counted as statehood at all. The two *blocs* adopted different criteria for recognising 'states'. Not even control of territory was sufficient, or necessary, according to the competing ideological visions. Similarly 'with the evanescence of clear-cut international units and unambiguous frontiers the possibility of applying criteria of "violation of territorial integrity" has vanished too'.<sup>94</sup> Writing at the end of the 1950s he noted that the potential flashpoints, Korea, Berlin, Indo-China, all involved contested boundaries and states. Then and later Herz's recommendation was that each side should respect the *de facto* demarcation line, disregard the absence of any prospect of agreement on the legal status of these entities but recognise that each side was committed by its value system to retaining control of its 'states'.<sup>95</sup> The broader issue of the fate of the territorial state remained, however, a recurrent concern. In 'The Territorial State Revisited', published in 1968, Herz looked back on his essay on the 'Rise and Demise of the Territorial State' which he said had been somewhat rash. He pointed to a variety of factors suggesting a 'new territoriality', including the declining significance of bases with the development of ICBMs.<sup>96</sup> Yet his conclusion suggests that the new territoriality was far from assured: 'the pessimistic conclusion that it is almost too late for the development of "new territoriality" seems realistically, to impose itself' and the alternative to this new territoriality was not supranationalism but 'genuine, raw chaos'.<sup>97</sup> That suggestion of raw chaos was evident in his comments on the proliferation of states which he described as 'often synthetic and nonviable units'.<sup>98</sup> The 'paradox' of the discrepancy between their legal equality with the large, established states and the actual distribution of power had reached 'fantastic proportions'.<sup>99</sup> A decade later Herz was no more optimistic. In many of the new, self-determining nations, the 'self' at stake was problematic at best.<sup>100</sup> Their plight was aggravated by the population explosion that led to another 'paradox', namely that while rural populations had been largely self-sufficient, the

<sup>94</sup> Herz, *International Politics in the Atomic Age*, p. 268.

<sup>95</sup> *Ibid.*, pp. 244–99. It was consistent with this that Herz later welcomed Brandt's Ostpolitik and disagreed with Morgenthau's fears of a new Rapallo. For Herz the appropriate analogy was an 'Eastern Locarno'. John H. Herz, 'Detente and Appeasement from a Political Scientist's Vantage-Point', in Henry Friedlander and George Schwab (eds.), *Detente in Historical Perspective* (New York: Cyrco, 1975), pp. 36–7. See also John H. Herz, 'Korea and Germany as Divided Nations', *Asian Survey*, 15:11 (1975), pp. 957–90.

<sup>96</sup> John H. Herz, 'The Territorial State Revisited', *Polity*, 1 (1968), pp. 12–13, 18.

<sup>97</sup> *Ibid.*, p. 33.

<sup>98</sup> John H. Herz, 'The Impact of the Technological Scientific Process on the International System', in A.A. Said (ed.), *Theory of International Relations: The Crisis of Relevance* (Englewood Cliffs, NJ: Prentice Hall, 1968), p. 117.

<sup>99</sup> *Ibid.*

<sup>100</sup> John H. Herz, 'Legitimacy: Can We Retrieve It?', *Comparative Politics*, 10:3 (1978), p. 321.

population explosion and urbanisation made them dependent on the state. In the West this welfare function had served to legitimise the state but 'most Third World countries omit this legitimizing phase, leaping from premodern stages to the polarization of impoverished and super-rich elites'.<sup>101</sup>

Herz had become a self-avowed realist, content to emphasise that his position was compatible with that of Kenneth Waltz.<sup>102</sup> He took the 'basic units' of international politics to be states. Yet he did not presume that the existence or nature of these units was unproblematic. Even his earlier work was concerned with problems of state succession, with states as the subjects and creators of international law in a system which threatened them with extinction. He had seen the sovereign equality of states used as a screen behind which lay the unlimited ambition of Nazi Germany. His model of the territorial state was written from the perspective of the demise of the territorial state. His later work dealt with divided states and non-viable states and held out the prospect of 'genuine raw chaos'. The basic insights behind all this lay in the Europe of the 1930s.

### *Rationality in an uncertain world*

In *International Politics in the Atomic Age* Herz gave priority to 'structures' and 'system' over motives and actions of statesmen.<sup>103</sup> That was consistent with the way his realism was based on a social condition. Yet, as indicated above, the problems of acting rationally in an irrational world also formed part of his conception of realism. Those problems were exacerbated both by the logic of nuclear deterrence and by broader processes of social 'acceleration'.<sup>104</sup> Both came together in the novelty of a 'world politics' characterised by a '*universality of information and discourse, universalization of concern, and ubiquitousness of power and weapons*'.<sup>105</sup> Yet statesmen responded to this, as in the case of the debate about a multilateral force in NATO in the 1960s, with a greater centralisation of control in the interest of being able to react with speed. In reality, however, even this offered little sense of certainty. The logic of deterrence had become dependent upon a 'complicated process of mutual mind reading'.<sup>106</sup> Herz was sceptical about radical attempts to escape from this problem. Adherents of mutual deterrence and unilateral disarmament were both 'in a sense eighteenth century optimists: the former because they put all stock in rational behaviour, the latter because they must make everything dependent on "fair play"'.<sup>107</sup> Herz showed little more enthusiasm for the

<sup>101</sup> Ibid., p. 330

<sup>102</sup> 'Comment', pp. 239–40.

<sup>103</sup> Herz, *International Politics in the Atomic Age*, pp. 7–8.

<sup>104</sup> Herz based this on the ideas of Alfred Weber and Henry Adams. John H. Herz, 'The Impact of the Technological Scientific Process on the International System', pp. 107–8. For recent discussion of the phenomenon see Hartmut Rosa, 'Social Acceleration: Ethical and Political Consequences of a Desynchronized High-Speed Society', *Constellations*, 10:1 (2003), pp. 3–33.

<sup>105</sup> Herz, 'The Impact of the Technological Scientific Process on the International System', p. 109.

<sup>106</sup> John H. Herz, 'International Politics and the Nuclear Dilemma', in John H. Herz, *The Nation-State and the Crisis of World Politics* (New York: David McKay, 1976), p. 135. This was first published in 1962.

<sup>107</sup> Ibid., p. 138.

efforts of his academic colleagues to discern order and predictability in the world by recourse to statistical analyses of, for example, whether 'aggressors' were more or less likely to 'win' wars in one period rather than another. Failure to take into account the historical and cultural dimensions meant that they were simply meaningless.<sup>108</sup>

The same sensitivity to historical and cultural context made Herz suspicious of the resort to analogies with the appeasement of the 1930s and especially the invocation of the image of Munich. Herz, who prided himself on his study of Nazi theories of international law, had no sympathy with Chamberlain and company. However, he saw the rhetoric of appeasement, deployed on all sides in the Cold War, as counterproductive, pushing leaders on both sides to portray any compromise as a victory in order to escape the accusation from domestic critics or others of having succumbed to a policy of appeasement. In the 1960s, in the wake of the Cuban missile crisis, Herz was concerned not only to illustrate the vicious circle this led to but also the sheer inapplicability of the analogy: 'Preventive war, which in the 1930s might actually have prevented the subsequent worldwide war, today would be truly suicidal.'<sup>109</sup>

The importance of perception and image were taken up more broadly by Herz in a significant modification of his position in the 1950s.<sup>110</sup> Here not only the importance of analogies like Munich and appeasement were invoked, but also the significance of metaphor, symbols and the maintenance of image. This was now applied quite widely to basic perceptions of the nature of international politics. In Herz's words, 'To the critical mind, the world of international relations, with its systems and actors, its groupings and conflicts, results from the perceptual and conceptual structures that we, observers or actors, bestow on the world'.<sup>111</sup> He was willing to apply this to his earlier account of the balance of power. Whether this had in fact existed now appeared contingent. What appeared to be a balance of power, say to English statesmen, appeared to others as a struggle for hegemony in which any balance of power was a transient interlude. Similar considerations applied to the concept of power itself and the idea of interests of states. All were filtered through the perceptual and conceptual bestowal of meaning. Yet Herz had not taken flight into pure conceptual relativism. At some point the greater or lesser discrepancy between perceived world and reality would be exposed, even if only by the experience of war.<sup>112</sup>

That Herz had taken this 'subjective' turn is perhaps not altogether surprising. From the beginning he had known that the legal order at least was constructed out of fictive elements but he had looked for the material substratum underlying them. That was true of the greatest fiction of them all, the state. Now, however, he was

<sup>108</sup> Herz, 'Relevancies and Irrelevancies in the Study of International Relations', p. 33.

<sup>109</sup> John H. Herz, 'The Relevancy and Irrelevancy of Appeasement' in Herz, *The Nation-State and the Crisis of World Politics*, p. 162. See also 'Detente and Appeasement from a Political Scientist's Vantage-Point'.

<sup>110</sup> John H. Herz, 'Weltbild und Bewusstwerdung-vernachlässigte Faktoren beim Studium der internationalen Beziehungen', *Aus Politik und Zeitgeschichte*, 11 (1980), pp. 3–12. Elements of it appeared in 'Political Realism Revisited', *International Studies Quarterly*, 25:2 (1981), pp. 182–97.

<sup>111</sup> *Ibid.*, p. 185.

<sup>112</sup> *Ibid.*, 186. Herz, 'Weltbild und Bewusstwerdung', p. 11. In the case of Hitler growing 'cognitive dissonance' was 'resolved in favour of ingrained doctrine'. Herz, 'Power Politics or Ideology?', p. 28.

beginning to redress the balance. Whichever trajectory is right, the search for the material substratum or the moment of perceptual and conceptual construction, Herz's move first, and predominantly, in one direction and then in another suggests an unwillingness to take either as unproblematic. Herz's insight into the fictive nature of the state and the transient, fragile and intersubjective international order stands in stark contrast to the assumption of contemporary realism that the state and the international order are durable and persistent. It is notably in this context that Herz himself suggested that the incompatibility of such views with the dominant 'scientific' pretensions of the discipline in America at the time lay behind the rejection of an English language version of the article in which they were most forcefully expressed.<sup>113</sup> These views also place him in proximity to constructivism. There are of course limits to such analogies and much depends on the variety of constructivism at stake. The point is simply that there is no principled barrier between Herz's kind of realism and constructivism.<sup>114</sup>

### *Universal interests*

Another striking contrast between the kind of realism defended by self-professed American realists in the *Review of International Studies* and Herz lies in the way that from the end of the 1930s Herz had invoked some conception of a common interest in peace which was, or should have been, of evident concern regardless of the apparent distance from the threat. In *International Politics in the Atomic Age* he had reformulated that as a universal interest in survival. Much later, when Richard Ashley ascribed a defence of moral principles to him, Herz objected that he had 'pleaded for substituting enlightened, long-range interest for the immediate parochial one. In other words universalism, as I conceive it, is based on universal *interests*, such as global survival interests, not on unselfish moral principle.'<sup>115</sup> His preference for the language of interests need not be taken as evidence of moral indifference or insensitivity. The choice of phrase in many essays and books and the attempt to formulate some psychological type on the basis of a sentiment of pity or compassion suggest the contrary. But moral constraint had not fared well when confronted with the pursuit of the national interest. Moreover, in the 1970s he concluded that 'We have underestimated society's (all societies') capacity for aggression, greed, cowardice, and human incapacity to be impressed, morally or even for reasons of mere survival, by the excesses of totalitarian regimes.'<sup>116</sup> That was an especially bleak observation even for Herz but it symbolised part of the problem.

The other part of the problem was Herz's own self-professed value relativism which had attracted him to Kelsen back in the 1930s. Where there was a clear threat to the survival of the species, however, there seemed to be an alternative way

<sup>113</sup> Herz, 'Political Realism Revisited', p. 185.

<sup>114</sup> I am grateful to an anonymous reviewer for this point. There is a helpful summary of the diversity of constructivism in Christian Reus-Smit, 'Imagining Society: Constructivism and the English School', *British Journal of Politics and International Relations*, 4 (2002), pp. 491–6.

<sup>115</sup> Herz, 'Comment', p. 238.

<sup>116</sup> Herz, 'Power Politics or Ideology?', pp. 31–2.

forward: 'when certain values become so overwhelmingly important that their nonrecognition appears "absurd" to practically everybody, they can be considered as "certain"'.<sup>117</sup> For Herz this was true of the threat posed by atomic weapons but also of the growth of the global population, ecological damage and prospective exhaustion of finite resources.<sup>118</sup> The difficulty was that any salvation could come only through the mediation of nation-states.

## Conclusion

When Richard Little explored the diverse development of modern American realism and the English School from a common background in classical realism he omitted to make one point, perhaps because he considered it too obvious though other reasons may have been at work. The point is well-known: it is the irony that a self-consciously American understanding of realism originated in the ideas of European scholars, especially central-European scholars, one of whom was John Herz. Stressing the European heritage may not sit comfortably with the contrast between American realism and the English School, though that is a point that cannot be taken up here.

More significant here is the point that Little does make very forcefully, namely that the classical heritage, as exemplified by Morgenthau, was narrowed as it was developed and refined. Herz played a smaller, but important role in that process. He did not write a textbook of the status of *Politics Among Nations* and by his own account the diversity of his interests, in comparative government as well as international relations theory, limited his impact in the latter. Nevertheless, he did contribute to the formation of a realist approach, he was a pioneering figure in terms of identifying the 'security dilemma' and his *International Politics in the Atomic Age* was an influential study that earned him the epithet 'hard shell-Herz'.<sup>119</sup>

It was indicative of the underlying tension between Herz and the developing academic culture of his adopted homeland that he opened the Preface to *International Politics in the Atomic Age* with the assertion that '[t]his is an old-fashioned kind of book'.<sup>120</sup> The feeling of not being in step clearly had nothing to do with the culture clash experienced by the newly arrived. By the time he wrote the Preface he had been in America just over twenty years, had an established academic position and had come to understand himself as an 'emigrant' not an 'exile'.<sup>121</sup>

What was at issue here was the development of an approach to IR theory to which Herz, the self-avowed realist, contributed but which took on a form that was ultimately inconsistent with Herz's world view. That can be seen by contrasting Herz's approach with Little's contenders in the *Review of International Studies*. As

<sup>117</sup> John H. Herz, 'Technology, Ethics and International Relations', in Herz, *The Nation-State and the Crisis of World Politics*, p. 297. This was first published in 1976.

<sup>118</sup> Herz, 'Weltbild und Bewusstwerdung', pp. 14–17.

<sup>119</sup> Herz, *Vom Überleben*, p. 169.

<sup>120</sup> Herz, *International Politics in the Atomic Age*, p. 5. See also Herz's account in *Vom Überleben*, pp. 168–9.

<sup>121</sup> *Ibid.*, p. 142.



Little noted there is some divergence in the self-understanding of avowed American realists.<sup>122</sup> There are however key assertions with which Herz's work is clearly compatible: that 'Realism is designed to understand relations and interactions between states';<sup>123</sup> that realists share a 'pessimism about the salience of norms in international relations';<sup>124</sup> that realism 'focuses on power and security drives as primary causal forces in global politics'.<sup>125</sup> Yet there is also a set of common underlying assumptions that begin to indicate the difference between Herz and these realists: that, as Little puts it, 'anarchy is a robust structure that does not need to be explained';<sup>126</sup> that an 'age-old pattern . . . reinforces the profound explanatory strength of a power-driven approach to world politics';<sup>127</sup> that transitions as apparently significant as the end of the Cold War do not call into question the concepts and explanatory force of American realism;<sup>128</sup> that while realists 'often have an ethical agenda . . . their ethical agenda is not derived from their theory of international politics'.<sup>129</sup>

What is evident in the latter set of statements is a sense of the persistence and durability of the international world and the theory that explains it. Theory is, of course, not seen as static. The fundamental concepts remain the same but refinement is possible and greater analytical rigour and explanatory power are held out as the virtues of American realism. It is here that the gap between Herz and this kind of realism really opens up. It can be illustrated by the almost casual way in which Copeland invokes Hitler's 'takeovers of Austria and the Sudetenland' as 'but one example' of the way in which states 'cheat' by manipulating international norms.<sup>130</sup> As explained above, Herz wrote at length on National Socialist international law, and exposed its manipulation of such norms, but not as 'but one example' of anything. What Herz was warning was that this state was utterly different and, later, that the Munich analogy was dangerous in a changed world. That leads on to a broader point made in the 'Introduction' to *International Politics in the Atomic Age*:

It will be the main thesis of this study that some of the factors which underlay the 'modern state system' . . . and which determined rather stably its structure and relationships have now, in our century and even within the lifetime of many of us, undergone such fundamental changes that the structure of international relations is different, or in the process of becoming different, and can no longer be interpreted exclusively in traditional terms.<sup>131</sup>

<sup>122</sup> Little, 'The English School vs. American Realism', p. 443.

<sup>123</sup> Charles L. Glaser, 'Structural Realism in a More Complex World', *Review of International Studies*, 29 (2003), p. 407.

<sup>124</sup> Michael C. Dresch, 'It is Kind to be Cruel: The Humanity of American Realism', *Review of International Studies*, 29 (2003), p. 419.

<sup>125</sup> Dale C. Copeland, 'A Realist Critique of the English School', *Review of International Studies*, 29: (2003), p. 427.

<sup>126</sup> *Ibid.*, p. 458.

<sup>127</sup> Copeland, 'A Realist Critique of the English School', p. 437.

<sup>128</sup> Glaser, 'Structural Realism in a More Complex World', p. 403.

<sup>129</sup> Dresch, 'It is Kind to be Cruel', p. 419. This was seen by Max Horkheimer as characteristic of 'traditional theory' or positivism. See 'Traditional and Critical Theory', in Max Horkheimer, *Critical Theory* (New York: Seabury, 1972), pp. 209–10, 229. See also Steve Smith, 'The Discipline of International Relations: Still an American Science?', *British Journal of Politics and International Relations*, 2:3 (2000), p. 383.

<sup>130</sup> Copeland, 'A Realist Critique of the English School', p. 435.

<sup>131</sup> Herz, *International Politics in the Atomic Age*, p. 11.

Herz was motivated by a sense of the fragility of the international order and by the challenge this posed to the basic concepts of IR theory. That sentiment was already evident before Herz became a self-avowed 'realist'. It can be explained in part simply by the turbulence of the short twentieth century but of course not all who lived through part at least of that century drew the same conclusions that Herz did. However, a sense of the dramatic challenge to the international order, its basic units and principles, was a common European response, even amongst those, like Carl Schmitt, whom Herz clearly opposed.<sup>132</sup>

Herz's scepticism about the application of game theories, simulation and computers as well, more broadly, of quantitative techniques, is quite consistent with this sense of the fragility, dynamism and unpredictability of the international order. Indeed, it is arguable that the enhanced predictability promised by American realism ultimately strips the dilemma out of the security dilemma. Herz took the dilemma seriously but this did not reduce him to a passive fatalism. He even differed from this kind of American realism in developing an ethical stance that was derived from his understanding of international politics. This point should not be pushed too far. He cannot be retrospectively claimed for the English School. Herz was a realist. He can be counted amongst those described by Jonathon Haslam as 'sensitive and penetrating, in some cases utopian, minds that over-reacted to dramatic, unheralded and therefore unexpected outbursts of violence and their consequences'.<sup>133</sup> This serves as a better description of Herz than it does of the kind of American realism recently advanced in the *Review of International Studies*. Herz is worth re-reading because of his role in the formation of American realism but also because of the tension that emerged between that realism and Herz's kind of realism.<sup>134</sup> He is also worth re-reading by those who believe that they are confronted by 'dramatic, unheralded and therefore unexpected outbursts of violence and their consequences', even if they do not see themselves as utopians and have no wish to over-react.

<sup>132</sup> See, for example, two of Schmitt's longer works: *Völkerrechtliche Grossraumordnung* (Berlin: Deutscher Rechtsverlag, 1941) and *Der Nomos der Erde*.

<sup>133</sup> Jonathon Haslam, *No Virtue Like Necessity: Realist Thought in International Relations since Machiavelli* (New Haven, CT: Yale University Press, 2002), p. 252.

<sup>134</sup> Thus avoiding the misleading elision made by Koskeniemi, *The Gentle Civilizer of Nations*, p. 467. *Contra* Koskeniemi, Herz did not espouse a Hobbesian anthropology. He identified his own position as closer to Burke than Hobbes or Locke: *International Politics in the Atomic Age*, p. 234. Jack Donnelly draws a distinction between the 'strong realism' of Morgenthau and Waltz and the 'hedged realism' of Herz and Carr, *Realism and International Relations* (Cambridge: Cambridge University Press, 2000), pp. 12–13.