

merely confirming his impression that I am a dreamer may I respectfully invite consideration to some positive aspects of the UN action.

The primary significance of the definition, which admittedly is vague and unenforceable, is that it symbolizes and encourages a determination and a direction which is persistent and irreversible. No matter how slow or erratic the progress may be there is an unmistakable and an unrelenting striving for a peaceful society in which aggression is controlled through collective action of the international community. The definition demonstrates that even career diplomats, who were bound to consider above all else the interests of their own homeland, were unable to disregard the more pervasive universal demand for change. As the old order gives way to the new, the machinery of accommodation is bound to contain imperfections. That is hardly cause for unbridled denunciation or despair.

Over 25 years ago the United Nations declared that it would not resume work on a Code of Offenses Against the Peace and Security of Mankind or an International Criminal Court until aggression was defined. That obstacle has been removed and the attainment of a goal which Prof. Stone shares has become more feasible.<sup>2</sup>

Surely the learned professor, for whom I have the highest regard, does not wish to be considered either a scoffer or a cynic but only a realist. What he views as my "optimism which verges sometimes on wishfulness"<sup>3</sup> is merely a reflection of my determination that, no matter how tortuous may be the road, realism should never be so barbed as to discourage us, or those who come after us, from striving for the fulfillment of "scholarly dreams."<sup>4</sup>

BENJAMIN B. FERENCZ

TO THE EDITOR-IN-CHIEF

January 24, 1977

In his otherwise excellent analysis of recent events in the Western Sahara,<sup>1</sup> Thomas Franck disapprovingly asserts that the U.S. support for the Moroccan-Mauritanian position of historic title "can only be understood as an act of political expediency." Approvingly, he adds that "[a]mong African states . . . a considerable number voted on principle rather than politics"<sup>2</sup> when they supported self-determination for the territory's indigenous population.

It should be clear, however, that the principle these African states supported was politics and political expediency. As Professor Franck himself points out, "African states have insisted that each colony, in the final stage of decolonization, must exercise its 'right' of self-determination within the confines of established boundaries."<sup>3</sup> To advocate otherwise, of course, would be to sanction and even invite the political dismemberment of virtually every independent African state.

MICHAEL GUNTER  
*Tennessee Technological University*

<sup>2</sup> See STONE & WETZEL (eds.), *TOWARD A FEASIBLE INTERNATIONAL CRIMINAL COURT* (1970); reviewed in 66 AJIL 214 (1972).

<sup>3</sup> *Supra* note 1, at 242. See also 70 AJIL 850.

<sup>4</sup> See *supra* note 1, at 241.

<sup>1</sup> *The Stealing of the Sahara*, 70 AJIL 694-721 (1976).

<sup>2</sup> *Id.* 718.

<sup>3</sup> *Id.* 698.