

## The Essentials of a World Organization for the Maintenance of Peace

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WHEN Augustus, in the year 29 B.C., closed the gates of the Temple of Janus, he signified the establishment of an organization for the maintenance of peace throughout practically the whole of the western civilized world. China was as if in another planet. In that world, international war ceased to recur, because independent nations had ceased to be; they were provinces of the one all-embracing state. The general peace thus celebrated by the great Roman Emperor was brought about through conquest. It rested upon the concentration of legislative and executive power in the hands of one man. This was the substance, the form being somewhat different.

Violence, whether between individuals or masses, was restrained by a single central authority claiming legal monopoly of the exercise of force. If such an organization existed now, the disorders in Ireland, as well as the war being waged between Greeks and Turks, would be taken in hand by imperial action. One adversary or the other might be supported in Rome, being recognized as representing the Central Power, and receiving, if necessary, reinforcements from other parts of the Empire. Or, both might be considered as rebellious disturbers of the peace, to be suppressed by troops still loyal to the head of the organization. In either case, the issue between the contestants would be settled by the sole decree of the chief of state.

Thus, essentially, the *modus operandi* of the world organization would be quite similar to that employed by any sovereign state in the preservation of do-

mestic tranquillity, whether disturbed by a fisti-cuff between two individual drunks, or by bloody encounter between contending mobs, or by organized and violent sedition. The little alcoholic war and the big gun-powder battle must equally be checked by *centralized judgment backed by centralized force*. That is the universally demonstrated formula for the obtainment of order among individuals or groups.

I shall assume that the organization under discussion is not to concern itself with the maintenance of peace when menaced by "drunk-and-disorderlies," or by local mobs. Normally, also, such revolutionary attempts as those cited in Ireland, would not call for intervention by the contemplated organization. Its functions are to begin only when the adversaries are nations.

### LIMITING CONDITIONS

In comparing this peace organization with its great predecessor, the Roman Empire, we will assume the following limiting conditions:<sup>1</sup>

- (a) Its establishment is not to be due to the conquest of many groups by one, but to the free agreement of independent governments yielding only as much of their complete sovereignty as may be necessary for attaining the end in view.
- (b) This end shall be understood as the elimination of violence in the settlement of disputes between national groups.

<sup>1</sup> The statement of these conditions is by way of definition for purposes of my own discussion. Its conclusions may also be simplified by a statement of other conditions, often included as essentials in our problem, but which, in my opinion, should be excluded.



These non-essentials may be thus expressed:

- (a) The world organization should not be given legislative powers.
- (b) It need not have an executive independent of the body which shall decree settlements of dangerous disputes between states.

I shall not discuss these negative propositions further than to say that they follow, in my judgment, from a vigorous confinement of the proposed organization to the single purpose stated above. To realize that purpose, it seems to me we must meet the following conditions:

- (a) Consenting governments shall agree to the creation of a single body which may be called the International Tribunal of Decree and Enforcement.
- (b) There shall also be created an international armed force under control of the Tribunal.
- (c) Simultaneously with the establishment of these two organs, the member states shall lay aside national armaments, except those fixed by agreement, as may be required for insuring domestic tranquillity.
- (d) The powers conferred upon the Tribunal should be:
  - (1) To make and enforce decrees in settlement of all disputes between member states or between one of these and any non-member state, when such disputes are submitted to the Tribunal by one or both of the parties thereto.
  - (2) To repel any attack by any state against any member state.
  - (3) To intervene in the affairs of any member state disordered by violence, and to pacify such disorder by advice, decree or force; *provided, however, that*

no such intervention shall take place unless the Tribunal be requested thereto by one or more member states, other than the state directly interested, and that two-thirds of the members of the Tribunal shall consent to such intervention.

- (4) To establish, maintain and control such civil organization and such armed force on land and sea as the Tribunal may deem necessary for its constitutional purposes.
- (5) To determine annually the sums required for meeting the expenses of its civil and military forces.
- (6) To make and enforce, upon member states, demands for men and money according to an apportionment fixed in the constitution of the Tribunal.
- (7) To acquire, through purchase, gift or demand such lands, buildings, docks, anchorages and rights of way as may be considered by the Tribunal necessary for the efficient maintenance and operation of its civil and military establishment, provided, however, that no public or private property shall be taken without due compensation.
- (8) To exercise complete rights of sovereignty over lands thus acquired, provided that any continuous territory thus controlled shall not exceed in area limits fixed therefor in the constitution of the Tribunal.
- (9) To recognize, before any member state may do so, the sovereignty of any new state that may come into existence, and to fix, in accordance with the constitution of the Tri-

bunal, the number of representatives of such state in the Tribunal, and to receive such representatives upon the adhesion of the new state to the constitution of the Tribunal.

The conditions above set forth I have elsewhere amplified to about that degree of particularity of expression which is found in modern compacts of federation such as the American and German examples. They represent, I believe, the minimum of concentrated power to be granted to an international organization for the maintenance of that relative (not perfect) peace between national groups, which is guaranteed by sovereign states to the individuals and groups composing them.

The references to member and non-member states imply an organization of less dimensions than the official title of our subject seems to indicate. I have taken this liberty because, in fact, a structure dominating war in the world may be made without the coöperation of a majority, in numbers, of existing sovereign states. It would not even be necessary to have every powerful government in the combination in order to produce a force substantially impregnable against the outsiders. The very interesting details of this branch of the subject have been elsewhere studied. Their presentation would pass beyond the limits of this article.

#### COMPOSITION OF THE TRIBUNAL

The same remark applies to a study of the composition of the Tribunal itself. Moreover, it can not be said that any particular arrangement in this respect is an *essential* of a workable organization. I have outlined a plan based upon representation in proportion to population, with different ratios for self-governing as compared with non-self-governing people. The scheme

requires that small states shall be formed into several groups in order to approximate one population unit. China is taken on an exceptional basis. I am aware that the smaller sovereignties are very sensitive in respect to inequality of representation with larger states, and that our Senate presents an embarrassing precedent in favor of equality. But I do not believe that Costa Rica and Great Britain can be, or should be, given equal power in any international body having real influence over great world questions, and I do believe that every small nation would have much to gain and nothing (more than others) to fear in the proposed organization.

#### NEED FOR AN EXECUTIVE

It is to be remembered that no one proposes the creation of a nation, as was the case in the formation of the American Union. Only a restraint of violence among nations is contemplated. This involves, indeed, the settlements of international disputes by enforced decrees; and in making such decrees, a certain element of indirect legislative power may be said to inhere. However we have not to deal with the vast *direct* legislative power which our forefathers determined to confer upon our central government. Hence the danger of oppression is enormously minimized. An organization that can not *initiate* any law, but which functions only (a) when one or both parties to a serious dispute voluntarily submit to it their differences, or, (b) when they are about to come to blows, or, (c) when they are threatened by exterior danger, is not a serious menace to liberty or rather to that degree of liberty which is consistent with the enjoyment of peace and with the observance of contracts. A partial surrender of that savage sovereignty which belonged only to Robinson

Crusoe, is, of course, necessary if we wish to live in ordered society with our fellow men.

To advert to the possibility of the abuse of power by any forceful human organization is perhaps too trite to claim more than mention in any study of governmental forms. Particular individuals or groups may be unwilling to run the risk of such abuse. Then these remain outside of peace-compelling organizations, until the advantage of these becomes more obvious, or until some compulsive force brings them in.

The remedies for the evils inherent in all forms of government are as well known as the evils themselves, being appeal, protest, menace and, finally, if all else fails, revolution. History abundantly proves that the spirit of resistance, once thoroughly aroused, will infect the very soldiery upon which tyranny reposes.

Many students of our general topic will urge that, if a judge be set up in Israel, a great code should first be established, governing all the relations proposed to be submitted to the Tribunal, whose task then would be merely that of interpretation. If this view be taken, our whole matter may as well be referred to the Greek Kalends. Nations have lived until now in savage independence, so far as form goes. In fact, they live under the restraint of fear, on the one hand, and, on the other, of a dim consciousness that group-coöperation pays better than group fighting. The first influence constrains them to the maintenance of armaments; the second to the partial observance of contracts. War supervenes (a) when fear becomes acute; or (b) when rivalries can not be compromised; or (c) when national vision of national interest obscures the interpretation, or overrides the plain terms, of contracts.

A centralized force will remove fear of international violence, in the same man-

ner and to the same degree that fear of individual violence is removed, within the state, by its control of organized force. Centralized judgment will interpret international contracts, and will compromise international rivalries. But pride, ambition, covetousness, folly—these will not cease to haunt the councils of nations. They will be cloaked, consciously and unconsciously, in multifarious garb, marked always, "made in justice"; "made in righteousness," and the like. They will urge nations to acts not covered by contract or by the existing shreds of international law.

In settling disputes requiring an excursion beyond the boundaries of the written word, the Tribunal must make determinations inspired by the *common wisdom and the common interest of the time*. Such determinations have recently been attempted by four men;—but they acted after rivers of blood and fire had flowed over Europe. They acted while the passions of men were still aflame. They made decrees, not concerning one dispute, but concerning a hundred festering questions. Circumstances required that they should work in extraordinary haste.

The decrees of war must ever be made in the same fashion. No code can guide its awards. Nothing can prevent it from registering the dictates of hate and revenge, except such modicum of prudence and sympathy as may be found in the breasts of a handful of over-worked men. Shall we then prefer that international disputes continue to be thus settled, because no supposedly complete code pretends to delimit all the so-called rights and duties of nations?

We should still be living in caves, with cave pitted against cave, if the organization of peace-keeping mechanisms for family, tribe, province and nation, had been kept waiting for a

code. After all, what happens when we finally get a code? We invent "equity" to prevent the letter from killing the spirit. And "interpretation" finds a way to express the common wisdom and the common interest of the time. Even the pronouncements of the last few weeks remind us that our own supreme Tribunal can thus respond, for good or for evil, to the spirit of the time. In effect, we must have both the written word and the *Zeit Geist*. For the International Tribunal, the former will appear in three bodies: First, its own constitution fresh from the hands of its makers; second, dissertations setting forth recognized usage among nations; third, international treaties, sometimes covering specific cases, sometimes setting a general rule of action. Such agreements between nations can be indefinitely extended, gradually creating a fairly precise international law.

A word as to putting a sword into the hands of the Tribunal, while taking away from member states the weapons they now sharpen for war. I am of course aware that this proposition is radical. I do not suppose the world is ready for it. That is not the question put before us. If, in fact, the creation of an armed force as a sanction for the decrees of any international tribunal is an *essential* element in the maintenance of peace, then our discussion logically requires the statement of that fact, whether the world is prepared to adopt the measure, or not.

The establishment of a centralized force, and the dis-establishment of competitive forces within a given territory has everywhere and always been the means of bringing the groups inhabiting that territory into peaceful relations. No other way has been found to give effect to centralized judgment. Often enough we hear that our Supreme Court functions successfully

without the support of an armed force. This is a mistake. Such support is available through the President, who must "take care that the laws be faithfully executed." For this purpose he uses military force when necessary. If he fails in his duty with respect to that which has been decreed as "the law" by the Supreme Court then the great mechanism of which he and the Court are parts, has broken down. I have not indicated as an *essential* to the organization under discussion that an executive, separate from, but functionally connected with the Tribunal, should be created. Assuming that the mechanism *as a whole* provides a force-sanction, centrally controlled, argument on the detail of the mechanism may be omitted. No change of detail could reasonably appeal to those who object, *in toto*, to a centralized force as such. These objectors will prefer, I presume, to rely upon public opinion. However, public opinion is rarely united, save on one point, that force is required to suppress resistance to public authority by recalcitrant minorities.

#### PRESENT LEAGUE OF NATIONS

Again, we go to the Greek Kalends with our project if we wait for the halcyon time when all men will obey the law without compulsion. That compulsion will not be available if it is to come from great groups, independently armed. That is the fallacious assumption entering into the complicated structure of the existing League of Nations. Unfortunately, this League has been described, by some of its most distinguished advocates, as an organization which would end all wars. Analysis of its intricate provisions soon disclosed the fact that only a paternal feeling for their child could have made the creators of the pact so optimistic concerning its qualities. It gave to several bodies a show of over-lapping

authority which might prove embarrassing but which could not reasonably be expected to control gun fire. Only a clear and unequivocal establishment of a Justice-of-the-Peace and his constable would have made a true rainbow of promise out of the many hued vision which was flung from Paris before the eyes of mankind.

Then followed much acrimonious discussion about a hundred confusing details. All manner of fault was found, yet scarce a critic on this side of the Atlantic dwelt upon the greatest defect in the pact, considered as a world organization for the maintenance of peace. Had the essentials of such an organization been discovered in the League constitution, it would have been rejected not only by the United States Senate, but by many of the bodies which accepted, for various reasons, the awkward compromise plan presented to them.

As to our own country, it has gone, in the Wilson-Bryan cooling-off treaties, as far as "public opinion" and constitutional limitations will now permit. Those treaties seem to be almost forgotten. If extended to a few other important nations not now signatories with us, or generalized into one treaty with many signatures, these agreements will furnish the world with one of the best means for trying to diminish the number of possible wars. Such an organization would not, in my view, "maintain peace." It would not justify disarmament or limitation of armaments by agreement any more than any other compromise plan; that is to say, it would not at all justify such measures but it would possess one very great virtue, conspicuously lacking in the existing League. The written instrument (or instruments) creating it, would be short, simple, clear. When its inevitable failure to "maintain peace" should occur, the reason of that

failure would not be in doubt. Its lack of one essential element for that purpose would be obvious. The necessary correction would be equally obvious—if the world really wanted international peace, and were willing to pay the price therefor.

#### A CENTRALIZED JUDGMENT SEAT

One or all of three probable events must occur, I think, before the nations will agree to the simple but radical device of establishing a centralized judgment seat, and a centralized force as sanction for its decrees. These events are: First; the trial and failure of international agreements for the *limitation of armaments*, while yet looking to independently controlled competitive arms as the last argument to be used in upholding national views of national interests. The never-sleeping inventor will bring such agreements to naught, after making of them unbearable sources of fearful suspicion.

Secondly, a number of powerful governments may pass into the control of labor, or socialist, parties. These, while playing havoc, perhaps, with some important relationships within the state, are less likely, than are conservatives, to be powerfully moved by memories of national growth which give beauty to extreme national pride, and give it strength also, for wise and for unwise usage. Long-continued preachment of the solidarity of interest among workmen the world over, would easily lead them, if they had power, to an acceptance of the idea that international disputes should be submitted, in an effective manner, to international judgment.

Thirdly, the coasts of two great nations may have to be ravaged, their women and children be driven from burning homes, before these mighty groups are willing to let judgment be passed upon their desires. They are

peace-loving, powerful and proud. They are proud of their strength, proud of the sincere conviction that their strength will never be displayed save in a "just" cause. Being but indifferent analysts, they naïvely believe that "justice" stands forth, seen in like proportions by all observers. Being eager and red-blooded, meditation has not revealed to them the fact that "just" men have cut each others' throats for a thousand and for ten thousand years, devotedly dying for conflicting ideals of "justice." Enwrapped in a serene consciousness of rectitude, they are sure that no impartial tribunal would put into its decrees as much of "righteousness" as would be applied by themselves in unilateral determination of their disputes with others. Does it not then become a *duty* to fight for one's own views of one's own interests, when one knows that he holds to an impeccable standard of right?

But the stern teaching of life has shown that men, as individuals, or when grouped into families, tribes and states, must, if they would have peace, be governed by judgments, rather than by multiform "justice." Until two giants among nations—the British and the American people,—are willing to see the same lesson applied among sovereignties, mankind must wait for a world organization capable of maintaining peace. Meanwhile, the old rule must guide us—keep your powder dry, and keep the magazine under your own control. A harsh conclusion, but I am profoundly convinced that there is none other save that, or the complete non-resistance rule of those who founded the City of Philadelphia, where now we gather under the guaranty of a considerable police-force, backed by an excellent state militia, and by the armies and navies of the United States. An irony of fate, which we, its poor puppets, should not fail to note.

## The Essentials in the League of Nations to a World Organization

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THERE has been a good deal of the futile discussion concerning the advisability of our entering a League which contains Article X. As I interpret the late political expressions in this country, in spite of the fact that I advocated Article X on every occasion that presented itself, that has become an academic inquiry, because this country has pronounced, if it has pronounced anything, in opposition to Article X. Now, Article X became a feature because we were led to suppose that the European nations wished to have Article X inserted in the League. Personally, I believe that we were mis-

informed on that subject and that Article X was initiated by Mr. Wilson and was pressed by him for adoption. Unfortunately, in my judgment, that action on his part resulted in the defeat of the movement for the entry of the United States into the League, and now we have a situation presented where we are to consider whether we shall go into the League or whether we shall form an association, from either of which the idea embodied in Article X is to be eliminated.

I believe that the United States may be of enormous use in this emergency by becoming a party to some kind of