

A History of Global Governance

It is the sense of Congress that it should be a fundamental objective of the foreign policy of the United States to support and strengthen the United Nations and to seek its development into a world federation open to all nations with definite and limited powers adequate to preserve peace and prevent aggression through the enactment, interpretation and enforcement of world law.

House Concurrent Resolution 64, 1949, with 111 co-sponsors

There are causes, but only a very few, for which it is worthwhile to fight; but whatever the cause, and however justifiable the war, war brings about such great evils that it is of immense importance to find ways short of war in which the things worth fighting for can be secured. I think it is worthwhile to fight to prevent England and America being conquered by the Nazis, but it would be far better if this end could be secured without war. For this, two things are necessary. First, the creation of an international government, possessing a monopoly of armed force, and guaranteeing freedom from aggression to every country; second, that wars (other than civil wars) are justified when, and only when, they are fought in defense of the international law established by the international authority. Wars will cease when, and only when, it becomes evident beyond reasonable doubt that in any war the aggressor will be defeated.

Bertrand Russell, "The Future of Pacifism"¹

By the end of the 20th century, if not well before, humankind had come to accept the need for and the importance of various national institutions to secure political stability and economic prosperity. With some differences to reflect individual country histories and circumstances, most people today accept the need for a legislative body to enact laws, an executive to implement them and to run the government, a judiciary endowed with power to interpret the law when needed, a

¹ Russell, Bertrand. 1943–1944. "The Future of Pacifism." *The American Scholar*, Vol. 13, No. 1, pp. 9–10.

central bank to issue the currency and regulate the financial markets and safeguard financial stability, a police force to guarantee the safety of citizens, and so on. It is widely acknowledged that when such institutions are weak or do not function effectively, a country will not develop smoothly. Depending on the particular institutional shortcomings identified, countries may remain stuck in a poverty trap, may face political upheavals, civil strife, violence, and crime. Indeed, much of the practice of good governance today is concerned with strengthening the institutional underpinnings of society and buttressing the rule of law (see Chapter 20).

The notion that humanity might evolve to a stage where we would broaden our mental horizons and expand our loyalties to a wider circle is not a recent phenomenon. From the time of Jesus to the industrial revolution, life for most people has been tough and brutishly short. Economic historians have estimated that average economic growth over this period was virtually nonexistent; this meant that for a typical individual, there was very little change during their lifetime in the objective material circumstances surrounding daily life. Most people lived under what today we would characterize as an incredibly austere poverty line and famines were frequent, long and lethal. Disease and pandemics of various kinds kept population in check or, as in the case of the Black Death, reduced the population of Europe and parts of Asia by upwards of a hundred million people. Because there was virtually nothing to distribute, rulers were not in a position to grant benefits to some groups (e.g., the army) without taking away from others. This led to the proliferation of authoritarian regimes which, to survive, generally ruled with a combination of an iron hand and, where necessary, terror. This is not to say that the industrial revolution eliminated the incidence of poverty and violence, but the economic growth that it brought about did expand the range of opportunities for many people, some of whom could now pursue other interests beyond mere survival. This was surely a factor, for instance, in the development of our scientific and technological capacity.

EARLY VISIONS

It should not surprise us that, against the background of a limited and difficult material environment and rough social conditions, characterized by episodic phases of political instability and violence, there would be occasional calls for exploring alternative political arrangements or organizing human affairs in a way that was conducive to some semblance of the rule of law at the international level. In 1311 Dante Alighieri wrote a political tract under the title of *De Monarchia*,² which was translated into English and published in 1949 as *On World Government*. This is an extraordinary document, putting forward the notion of the unity of humanity, the role of the human mind as the epitome of perfection, the desirability of liberty under

² Alighieri, Dante. 2008. *On World Government*, translation by Herbert W. Schneider, New York, Griffon House Publications.

the rule of law, and the need for a supranational power, to resolve disputes between city or state governments. Dante wrote: “it is evident that mankind, too, is most free and easy to carry on its work when it enjoys the quiet and tranquility of peace. To achieve this state of universal well-being a single world government is necessary.”³

In his paper “An Essay towards the Present and Future Peace of Europe” (1693), William Penn made the case for a federal European state to keep the peace. This state would govern relations between its members within a common legal framework, including a supranational parliament and respect for the sovereignty of members within their domestic territories.⁴ Again, Penn’s essay is an excellent example of the extent to which poverty and the prevalence of violence and war among states prompted leading thinkers to make proposals aimed at securing a more solid foundation for peace and prosperity. Twenty years later the French cleric Charles Castel de Saint-Pierre (1658–1743) in his “Plan for the Perpetual Peace in Europe” called for the creation of a European confederation. It was left to Jean-Jacques Rousseau, however, who was the recipient of Saint-Pierre’s collected papers upon his death, to popularize his ideas and to quote from his writings in his own essay *A Project of Perpetual Peace* (1761), and to highlight that Saint-Pierre had indeed been eloquent in his condemnation of existing political arrangements in Europe, which he characterized as being laden with “perpetual dissensions, brigandage, usurpations, rebellions, wars and murders,” which distracted peoples from more productive pursuits and had led him to call for the creation of *un gouvernement confédérative* where “all its members must be placed in such a mutual state of dependence that not one of them alone may be in a position to resist all of the others.” This may well be one of the earliest calls for the establishment of a system of collective security.

Without doubt one of the most important experiments in international cooperation based on the rule of law were the initiatives taken in America in the 18th century, beginning with the Declaration of Independence in 1776, the Articles of Confederation ratified by the 13 states in 1781 and the subsequent adoption of the US Constitution of 1787. The motivation of the framers of the new constitutional order that emerged in the United States and as reflected, for instance, in the *Federalist Papers* written by Alexander Hamilton, James Madison and John Jay, is very much in keeping with the concerns raised by Enlightenment thinkers in Europe around the same time. A loose confederation of states was not likely to provide a basis for meaningful cooperation across state borders and to ensure the peace.

What was necessary was a supranational form of governance that established a legal framework with binding rules on the citizenry. Hamilton had often said that “if men were angels, no government would be necessary,” that people must be brought

³ Dante, *On World Government*, pp. 6–7.

⁴ William Penn. 1910. *The Peace of Europe: The Fruits of Solitude and Other Writings*, New York, J.M. Dent and Sons.

under the “mild and salutary coercion” of the law, if they are to avoid the “destructive coercion of the sword.” What emerged out of the Constitutional Convention in Philadelphia was a system that sought to balance the interests of states with the need to have a strong central government that would operate under the rule of law and with clearly identified limitations on its powers, to guard against the dangers of authoritarianism and the infringement of individual civil liberties.

Benjamin Franklin, who had spent nine years in Paris as America’s first ambassador to the French Court wrote, soon after the Convention in 1787, the following to a friend back in France: “If the Constitution succeeds, I do not see why you might not in Europe carry the project of good Henry IV into execution, by forming a Federal Union and One Grand Republick of all its different States and Kingdoms by means of a like Convention, for we had many interests to reconcile.”⁵ Supporters of the idea of establishing a world federation have often pointed to the American experience as an example of the benefits of federalism under the rule of law. From an economic perspective, there is little doubt that creating an integrated single economic space, in time, provided many advantages to producers and consumers. The federal government was given powers to regulate interstate trade, to issue a single currency and regulate the financial system, to issue debt in an integrated market subject to the same rules, and to build a body of commercial law and other legislation that strengthened the cohesion of the internal market, protecting the US economy from the inefficiencies of varying and multiple local regulatory frameworks. By the early part of the 20th century the US was already emerging as the world’s largest and most dynamic economy, something that in turn was reflected in growing political power.

Henry Kissinger regards Immanuel Kant as the most accomplished philosopher of the Enlightenment period and makes a persuasive case that much of his greatness is a reflection of his political philosophy and the vision that he offered for peace in Europe.⁶

Humanity, Kant reasoned, was characterized by a distinctive “unsocial sociability,” the “tendency to come together in society, coupled however, with a continual resistance which constantly threatens to break this society up.” The problem of order, particularly international order, was “the most difficult and the last to be solved by the human race.” Men formed states to constrain their passions, but like individuals in the state of nature each state sought to preserve its absolute freedom, even at the cost of “a lawless state of savagery.” But the “devastations, upheaval and even complete inner exhaustion of their powers” arising from interstate clashes

⁵ Quoted in Joseph Preston Baratta. 2004. *The Politics of World Federation*, Vol. 1: *United Nations, UN Reform, Atomic Control*, Westport, CT, Praeger, p. 28. Baratta’s impressive, well-documented and highly readable two-volume *The Politics of World Federation* has been a vital source for this chapter.

⁶ Kissinger, Henry. 2014. *World Order*, New York, Penguin Press, p. 40.

would in time oblige men to contemplate an alternative. Humanity faced either the peace of “the vast graveyard of the human race or peace by reasoned design.”⁷

Kant’s proposal for this “peace by reasoned design” was a voluntary federation of nations relating to each other within a framework of respect for agreed rules of conduct, in which governments would act in the public interest in peaceful ways because the citizens would no longer wish to face the rigors and consequences of armed conflicts. Kant’s “league of peace” would be a departure from the then prevailing order based on unenforceable treaties and alliances, which had resulted in centuries of instability and warfare, to one based on the rule of law (see Chapter 10). In time the system would evolve into a peaceful world order and “a perfect civil union of mankind.”

Kant was under no illusions about the current state of human society in his time; he perfectly understood the tensions between conceptions of national sovereignty and the need to seek common ground with other states also intent on providing security and prosperity to their peoples. But rather than argue that these tensions would coexist forever, occasionally erupting into episodes of killing, savagery and destruction, he thought that humankind had the capacity to learn and to evolve into a more peaceful social order. Kant, unfortunately, was ahead of his time. It would take the nations of Europe another 160 years or so and upwards of 50 million dead before his vision of a united Europe would coalesce in the Treaty of Rome in 1957. It is difficult to take issue with Kissinger’s admiration for Kant. Against the background of hundreds of years of hostilities, violence, and conflict, one cannot fault Kant for arguing that there was a better way to establish a more sensible political order in Europe, even though, in retrospect, it does seem that Europeans opted for a century and a half of graveyards before finally agreeing to “lay the foundations of an ever-closer union among the peoples of Europe” and to “ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe (see Chapter 3).”⁸

THE LEAGUE OF NATIONS

There are important lessons to be learned from earlier failures and successes in attempts to create international institutions to bring peace to the world, as many of the same issues will face our own proposals set out in this book. It is therefore instructive to review the creation of the League of Nations in some detail.

This was the next substantial initiative aimed at laying the groundwork for the kind of political vision earlier put forward by the likes of Saint-Pierre, Rousseau, and Kant. It came against the background of World War I and the efforts by President Woodrow Wilson to create a permanent international organization made up of the

⁷ Kissinger, *World Order*, p. 40.

⁸ Preamble to the Treaty of Rome, 1957.

leading powers of the day, with the specific aim of preventing war. He sought to abandon a tradition of isolationism in favor of a more robust engagement with the world and, in particular, war-torn Europe. The United States had emerged as a global economic power, very much tied through bonds of industry, commerce, and finance with the rest of the world. Wilson argued for what he saw as an established American commitment to democracy and an aversion to the traditional European system of alliances; its ability to project its values upon other nations would be hampered by a policy of isolation and a continued aversion to what the Founding Fathers had called “foreign entanglements.”

In a speech delivered to the US Senate on January 22, 1917, President Wilson said:

The present war must first be ended; but we owe it to candor to say that, so far as our participation in guarantees of future peace is concerned, it makes a great deal of difference in what way and upon what terms it is ended. The treaties and agreements which bring it to an end must embody terms which will create a peace that is worth guaranteeing and preserving, a peace that will win the approval of mankind, not merely a peace that will serve the several interests and immediate aims of the nations engaged. The question upon which the whole future peace and policy of the world depends is this: is the present war a struggle for a just and secure peace, or only for a new balance of power? If it be only a struggle for a new balance of power, who will guarantee, who can guarantee, the stable equilibrium of the new arrangement? Only a tranquil Europe can be a stable Europe. There must be, not a balance of power, but a community of power; not organised rivalries, but an organised, common peace.

Kissinger notes that Wilson’s concept of “community of power” would in time reemerge as the principle of “collective security.” He adds that “the League of Nations . . . would be founded on a moral principle, the universal opposition to military aggression as such, whatever its source, its target, or its proclaimed justification.”⁹ One cannot fail to be impressed with the streak of idealism that runs through Wilson’s countless interventions in support of the establishment of the League. One senses the heavy burden of responsibility weighing on him because of the United States’ participation in the war. In a speech in 1919 he noted: “My clients are the children; my clients are the next generation. They do not know what promises and bonds I undertook when I ordered the armies of the United States to the soil of France, but I know, and I intend to redeem my pledges to the children; they shall not be sent upon a similar errand.”

Because the United States had had a long aversion to these “foreign entanglements” (in his Farewell address President George Washington had said “it is our true policy to steer clear of permanent alliance with any portion of the foreign world” and

⁹ Kissinger, *World Order*, p. 262.

in his inaugural speech Thomas Jefferson had echoed similar concerns: “peace, commerce, and honest friendship with all nations – entangling alliances with none.”) President Wilson had moved cautiously, concerned not to awaken similar sentiments among the US political establishment. In a speech in New York City on September 27, 1918, he stated:

We still read Washington’s immortal warning against “entangling alliances” with full comprehension and an answering purpose. But only special and limited alliances entangle; and we recognize and accept the duty of a new day in which we are permitted to hope for a general alliance which will avoid entanglements and clear the air of the world for common understandings and the maintenance of common rights.¹⁰

In reviewing the key elements of this story one must mention the role played by the League to Enforce Peace, a civil society organization with 300,000 members, which counted as supporters some of the leading figures in the American peace movement as well as academia and the business community.¹¹ We have come to think of nongovernmental organization as being essentially a late 20th century phenomenon, and partly a response to the inability of governments to address fundamental problems of concern to citizens everywhere. In this respect, by tapping into a deep yearning for peace by multitudes of people appalled by the killing and savagery of the Great War (over a four-and-a-half month period from July to November of 1916 well over a million British, French, and German soldiers perished in the bloodiest and most senseless Battle of the Somme), the League to Enforce Peace played an instrumental role in creating the conditions for the emergence of the League of Nations.

The League to Enforce Peace put forth four proposals. First, that the United States should create a League of Nations in which nonpolitical questions of international law should be submitted to a judicial tribunal. Second, members of the League should “jointly use their military force to prevent any one of their number from going to war” before submitting the question to the tribunal. Third, political questions should be submitted to a council of conciliation before members took up arms and went to war. And, last, that efforts be made through international conferences to codify international law, tapping into the precedents set by the tribunal. As envisaged, the League of Nations would force countries to go through a process of negotiation and peaceful conflict resolution before implementing the decision to go to war.

¹⁰ Ambrosius, Lloyd E. 2002. “Wilson’s League of Nations: Collective Security and National Independence,” in *Wilsonianism: Woodrow Wilson and His Legacy in American Foreign Relations*, New York, Palgrave Macmillan, 51–64.

¹¹ The president of the League to Enforce Peace was former US President Taft, its chairman was Harvard University president Lawrence Lowell and President Wilson’s Secretary of War, Newton Baker, was also an active member.

The aims of the League to Enforce Peace were modest from the outset and some historians have argued that these modest goals were an important factor in defining the ultimate scope and reach of the League of Nations when it was created; in particular, the League's emphasis on arbitration and the pledge to defend the territorial integrity and political independence of its members, a theme to which we return below in this section. In contrast with the UN Charter, which was drafted under the leadership of the US State Department, the drafting of the Covenant of the League of Nations began in mid-1917 and was carried out by an ad hoc committee that included President Wilson's trusted advisor Edward M. House and the famous journalist Walter Lippman.¹² Whereas the UN Charter was drafted at a time when the outcome of World War II was clear and was the result of deliberate negotiations involving representatives from the Soviet Union, China, and Great Britain as well as the United States, the Covenant was the result of a much more hurried process, under huge pressure from momentous political events playing out in the world at large, such as the Bolshevik revolution.

The final stages of the negotiation on the Covenant took place during the Paris Peace conference in 1919 bringing World War I to an end. But the Covenant discussions, which lasted a grand total of 10 days in February of that year were peripheral, with the main drafting by now being done by a multinational group of 19 commissioners which, on the American side, included President Wilson and Colonel House. Meetings took place mostly in the evenings, after the arduous sessions of the peace conference. In his accounting of the proceedings, Joseph Baratta notes that at one point, "House produced a plan that Wilson later rather hastily modified by eliminating the court of justice, casting aside at a stroke the object of years of internationalists' efforts, and adding military sanctions, in addition to economic sanctions, against states that resorted to war in defiance of an arbitral award or League recommendation."¹³

There are several Covenant articles worth highlighting including. Article 5 states "Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting," effectively giving each member country veto power over any decisions of the Council, considerably weakening the League from its inception. Article 8 establishes a number of provisions for disarmament by stating that "members of the League recognise that the maintenance of peace requires the reduction of

¹² Lippman was one of the most eloquent advocates for strengthening the role of the United States in global affairs, far more ambitious than Wilson in his vision of a foreign policy that put the United States at the center of efforts to secure a lasting peace.

¹³ Baratta, *The Politics of World Federation*, Vol. 1, p. 39.

national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations” and calls for plans for arms reductions by states to be reviewed by the Council at least every ten years. This was an important admission of the connection between war and the activities of the military industrial complex and must be regarded as a key innovation in the concept of international order, which the Covenant tried to bring into being.

Article 10, apparently the most important in Wilson’s view and outlining a key new principle in international relations, states: “The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League,” an early attempt at formulating the elements of a system of collective security. President Wilson characterized Article 10 at a famous speech in Pueblo, Colorado, on September 25, 1919, as follows:

Yet Article 10 strikes at the taproot of war. Article 10 is a statement that the very things that have always been sought in imperialistic wars are henceforth forgone by every ambitious nation in the world . . . You will see that international law is revolutionized by putting morals into it. Article 10 says that no member of the league, and that includes all these nations that have done these things unjustly to China, shall impair the territorial integrity or the political independence of any other member of the league.

A number of the articles provided for peaceful settlement of disputes and arbitration and conciliation (e.g., Articles 12, 13, and 15). Wilson was an ardent believer in the notion that nations would not so easily go to war if they had an opportunity to consult and, in the presence of disinterested parties, outline the thrust of their grievances and dispassionately explore ways to resolve them in peaceful ways. At a speech in the University of Paris on December 21, 1918, he had said:

My conception of the League of Nations is just this, that it shall operate as the organized moral force of men throughout the world, and that whenever or wherever wrong and aggression are planned or contemplated, this searching light of conscience will be turned upon them and men everywhere will ask, “What are the purposes that you hold in your heart against the fortunes of the world?” Just a little exposure will settle questions. If the Central powers had dared to discuss the purposes of this war for a single fortnight, it never would have happened, and if, as should be, they were forced to discuss it for a year, war would have been inconceivable.

In this respect, the “cooling off” periods embedded in the Covenant – lasting in some case up to nine months before war could be declared – were intended to avoid a repetition of the events of 1914, when the nations of Europe mindlessly stumbled upon the bloodiest and most violent war ever undertaken, largely because of the

absence of mechanisms to consider the reasons for and the likely consequences of their actions.¹⁴⁺¹⁵

Nevertheless, the Covenant (Article 15) stated that failing arbitration/conciliation efforts the states reserved “to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice,” meaning states reserved for themselves the right to go to war to defend national interests. So, the League most definitely did not eliminate war as an instrument of national policy. It would not be until the Kellogg–Briand Pact of 1928 (also known as the General Treaty for Renunciation of War as an Instrument of National Policy) that a basis in international law would be established for the elimination of war between sovereign states (see Chapter 10). These provisions regrettably had little success in practice at the time, though the Pact was ultimately ratified by the vast majority of the nations of the world, including the major powers, and the provisions would find their way into the UN Charter in 1945.

The League, as conceived in the Covenant, had very weak enforcement mechanisms for violation of its articles and thus was not an effective mechanism to restrain some of its signatories from violating some of its key provisions, as happened with the Japanese invasion of Manchuria, Hitler’s occupation of the Rhineland and Mussolini’s incursions into Ethiopia. Unhappy with League resolutions, countries could simply opt to withdraw, as per Germany, Italy, Argentina, Brazil, and Chile, among several others.

Opposition to the League within the US Senate was, broadly, of two types. Senator William Borah had problems with the enforcement mechanisms embedded within the Covenant. In the absence of successful arbitration or conciliation, war would be inevitable and members would be called upon to adopt aggressive

¹⁴ Wilson came back to this point often. In his speech in Pueblo, Colorado he asked: “Is the League an absolute guaranty against war?” No; I do not know any absolute guaranty against the errors of human judgment or the violence of human passion, but I tell you this: With a cooling space of nine months for human passion, not much of it will keep hot. I had a couple of friends who were in the habit of losing their tempers, and when they lost their tempers they were in the habit of using very unparliamentary language. Some of their friends induced them to make a promise that they never swear inside the town limits. When the impulse next came upon them, they took a streetcar to go out of town to swear, and by the time they got out of town they did not want to swear. They came back convinced that they were just what they were, a couple of unspeakable fools, and the habit of getting angry and of swearing suffered great inroads upon it by that experience. Now, illustrating the great by the small, that is true of the passions of nations. It is true of the passions of men however you combine them. Give them space to cool off. I ask you this: If this is not an absolute insurance against war, do you want no insurance at all? Do you want nothing? Do you want not only no probability that war will not recur, but the probability that it will recur? The arrangements of justice do not stand of themselves, my fellow citizens. The arrangements of this treaty are just, but they need the support of the combined power of the great nations of the world.” <https://umvod.wordpress.com/wilson-the-pueblo-speech-speech-text/>

¹⁵ See Clark, Christopher. 2012. *The Sleepwalkers: How Europe Went to War in 1914*, New York, HarperCollins.

measures against the offending party(ies), involving possible boycotts, blockades, and the like. For him the application of the principle of collective security would translate quickly into war, not peace, thereby negating the very purpose of the League. Additionally, it would undermine the United States' image as a peaceful, democratic nation firmly committed to liberty for all. He also thought that, in practice, the burden of actions under Article 10 would overwhelmingly fall on the United States, Great Britain, France, and Japan, its four more powerful members, something that would inevitably put the United States in the role of world policeman or, worse, dictator, damaging the "soul of democracy." While these objections were not without merit, his proposed solutions were perhaps somewhat impractical. He was of the view that a combination of world public opinion and voluntary compliance by countries with respect to the rulings of the League's Council would suffice.

Senator Henry Cabot Lodge, the majority leader and chairman of the Committee on Foreign Relations had a far more fundamental set of objections. He proposed 14 reservations to the Covenant, many of which could be characterized as "killer" in nature, essentially intended to strengthen US power within the League or exempt it from many of its obligations. The US would have no obligations under Article 10, such as the ability to command troops and ships without Congressional approval; it would reserve for itself the right to take sides in a future conflict between China and Japan, thereby rendering Council decisions in that event largely redundant; it would accept no monetary obligations to the League, meaning that the cost of running the League would have to be borne by other countries; it would make no meaningful commitments on disarmament under Article 8, reserving for itself the right for a military build-up in the event of threats to its security; it would accept no obligations to join other organizations created as a result of League initiatives, among others. Senator Lodge was willing to endorse the Covenant and accept US membership in the League subject to his 14 reservations; President Wilson took an uncompromising stance, unwilling to accept conditions which, in his view, would render the League weaker than it already was. Regrettably, the drafting and ratification of the Covenant turned quickly into a partisan political issue within the US, made worse by President Wilson suffering a massive stroke in October 1919. Weakened physically and in poor health, he was not able to take the leadership role that would have been necessary to ensure victory on the Senate floor. On March 19, 1920, the Covenant was voted down by a margin of seven votes.

One fascinating question that has been discussed and debated in the decades following the demise of the League and the onset of World War II is the counterfactual: would history have taken a difference course if the United States had been a member of the League? To take one of several potential examples, when the League in 1935 was considering sanctions against Italy for its actions in Ethiopia, one question that came up during Council deliberations was: Would the United States, one of the world's largest economies, honor such sanctions or would it otherwise

seek to gain commercial advantage by undermining them? Would the presence of the United States in the League have prompted an early application of the Covenant's Article 19, in principle allowing revisions to the Treaty of Versailles which, it is commonly acknowledged, imposed onerous terms on Germany? Such revisions might have gone some way to allay German grievances which fueled the rise of Hitler and his revanchist aspirations.

We are of the view that it is unreasonable to claim that the League failed *because* the United States was not a party to it, rather than from its own structural weaknesses, such as the need for unanimity in its decisions through the power of the veto, or the absence of effective enforcement mechanisms for its decisions, to take two examples. The United States was very much part of the creation of the United Nations and adopted the UN Charter *without reservations*. Its participation, however, as noted earlier, has not prevented decades of war, civil strife, human rights violations, large-scale killing and pillaging, and the emergence of a host of other problems that threaten global security and prosperity. This is partly because, as we will argue later, many of the flaws embedded in the League's Covenant were transplanted to the UN Charter. A more likely interpretation is that the League, on the whole, failed because of the destructive power of lingering nationalism and militarism, deeply embedded in the national consciousness of its member countries; something that the League was too weak to reverse or cure on its own.¹⁶ Indeed, it would take yet another global conflagration and countless deaths, destruction, and economic collapse before the European members of the League sobered up and saw fit to create the European Union, as a more effective antidote to centuries of misguided nationalism – humankind's primary “infantile disease,” to paraphrase Albert Einstein.

The League's weaknesses notwithstanding, it did manage to generate considerable support and enthusiasm in various quarters. In Great Britain, membership in the League of Nations Union, yet another civil society organization created to promote the ideals of the League, reached 407,000 by 1931. Some of its leading members organized a Peace Ballot in 1934–1935 in which 11 million people voted for Great Britain to remain in the League and another 7 million people voted in support of the proposal that aggression should be confronted by international military force. These are extraordinary numbers, only a few percentage points lower, as a proportion of the population, of the share of people who voted during the Brexit referendum in June 2016; they reflect broad-based support for the vision of world order offered by its founders and partly embedded in the League's Covenant.

¹⁶ A related question is whether the League was doomed to fail also because of colonialism and its related contradictions. The few League successes tended to involve conflicts between sovereign nations, where the parties had generally equal status before the Council, in a way that, for instance, Italy and Ethiopia did not.

A smaller but impressively influential organization established in Great Britain in 1932 was the New Commonwealth Society (NCS), with Winston Churchill as president. It had its own journal, many of its members were prolific writers and disseminators of internationalist ideals of cooperation. According to Baratta, the NCS urged the establishment within the League of a world equity tribunal “to settle political disputes beyond the capacity of the World Court and establishment of an international police force to enforce decisions of the League or equity tribunal.”¹⁷ Its proposals for the creation of an international police force found their way into Chapter VII of the UN Charter, whose Article 43.1 states: “All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.”

The significance of the League – its ultimate failure aside – may well lie in the fact that it was a first attempt to pool national sovereignties together to deal with the problem of armed conflicts and aggression. It was a distinctive milestone, a tenuous first step in a long process intended to strengthen and improve the effectiveness of mechanisms of international cooperation.¹⁸

A FEDERAL UNION OF DEMOCRATIC STATES

The 1930s were a difficult period. The early part of the decade witnessed the full global ramifications of the Great Depression, including job losses without parallel in recent economic history. The rise of protectionism and economic nationalism exacerbated international tensions and, against the background of a struggling League, highlighted the weaknesses of existing arrangements to ensure peace and economic stability. Japanese aggression, the rise of German militarism under Hitler and the country’s multiple territorial claims on other parts of Europe, the ineffectiveness of the League to deal with Mussolini’s abuses in Ethiopia, all contributed to create a climate of pessimism in some circles but also led to a range of initiatives intended to deal in some way with these crises. Just as the League to Enforce Peace had played a central role in the United States in promoting the creation of the League of Nations, a similar civil society organization bearing the name of Federal

¹⁷ Baratta, *The Politics of World Federation*, Vol. 1, p. 75.

¹⁸ The absence of the United States notwithstanding, the League did have a few successes, particularly during the first decade following its creation. Three examples often cited are (1) a 1920 League arbitration of a dispute between Poland and Czechoslovakia over the coal-rich area of Teschen, which resulted in a stop to the fighting following a League decision for both countries to share the territory; (2) a Greek invasion of Bulgaria in 1925 which led to an appeal by Bulgaria to the League and a League request to Greece to withdraw its troops, which it accepted; (3) a territorial dispute between Finland and Sweden in 1921 over the Aaland Islands, with the League siding with Finland’s claim and Swedish acceptance of the ruling.

Union was created in Great Britain in 1938 with the express purpose of promoting a federation of democratic states. Federal Union advocated a multistage process, to be initially focused on the unification of Europe, and followed by an Atlantic union that would include the United States and Canada and to evolve, in due course, into a world federal union.

One is impressed not only by the scope of its ambitions but also by the high caliber of the intellectuals and politicians it was able to attract as strong supporters, including Arnold Toynbee, Lionel Curtis, William Beveridge, Lionel Robbins, Clement Attlee (who would succeed Winston Churchill as Prime Minister in 1945) and Ernest Bevin, a future foreign minister. The organization grew quickly after Hitler's invasion of Poland in 1939 and played an instrumental role in Winston Churchill's offer to France to form a union with Great Britain in June 1940 (see below). According to Baratta, Federal Union's main argument was that:

to secure the peace, humanity had to move beyond a league of sovereign states to a federation of states and peoples based on common *citizenship*, for the league principle was a proven failure; moreover, such a federation could not rely on mere sentiment against war but had to *organize power* superior to that of national states that so far had been established in history.¹⁹

WINSTON CHURCHILL'S PROPOSAL TO FRANCE TO CREATE AN ANGLO-FRENCH UNION

One of the more fascinating (and little known) episodes during the early part of World War II was the offer made by Winston Churchill to the French government to create an Anglo-French union. With the strong possibility of a German invasion of France on the horizon, French Prime Minister Paul Reynaud came to London to discuss avenues of collaboration to reinvigorate the war effort. A Supreme War Council had been set up in September of 1939 bringing together the top echelons of the British and French governments to coordinate and collaborate on various facets of the conduct of the war.

Similar machinery had been established for joint economic planning under the leadership of Jean Monnet as a result of which trade agreements were signed in early 1940 and an Anglo-French Industrial Council was formed to strengthen economic cooperation between both countries. Monnet saw these early efforts at economic and security cooperation between Great Britain and France as an opportunity to leverage greater cooperation on a Europe-wide basis. He was not alone in these efforts; he was joined by his deputy Rene Pleven (then working at the French embassy in London and who would later on become a French Prime Minister) and Sir Arthur Salter on the British side, both of whom felt that closer links between

¹⁹ Baratta, *The Politics of World Federation*, Vol. 1, p. 75 (emphasis in original).

Great Britain and France would be an antidote to German militarism. Other officials on both sides saw these efforts aimed at fortifying Anglo-French links as extremely important from a strategic perspective; they would boost French morale at a time of mortal danger associated with Germany's early military successes, they could discourage Nazi designs on France, given the combined size of Anglo-French forces and economic power, and might also crystallize ideas for a new Europe and offer an alternative to several countries standing on the fence, at times lured by the power and ideologies of the Third Reich.

Reynaud and several of his ministers met in London as members of the Supreme War Council on March 28, 1940, and both governments issued a joint declaration pledging never to seek a separate armistice with the Germans²⁰ and their support for "an international order which will ensure the liberty of peoples, respect for law and the maintenance of peace in Europe."²¹ The next several weeks witnessed the German invasion of the Netherlands and Belgium, the collapse of the Chamberlain government in Great Britain and the installation of Winston Churchill as the new prime minister heading a national coalition government, the evacuation of British (and some French and Belgian) troops from Dunkirk and Italy's declaration of war on France and Britain. A meeting of Churchill's War Cabinet on June 15 considered and approved a proposal drafted by Jean Monnet and others²² to create a union of the United Kingdom and France. The Declaration of Union stated in part:

The two Governments declare that France and Great Britain shall no longer be two nations, but one Franco-British Union. The Constitution of the Union will provide for joint organs of defence, foreign, financial and economic policies. Every citizen of France will enjoy immediately citizenship of Great Britain, every British subject will become a citizen of France...During the war there shall be a single War Cabinet, and all the forces of Britain and France, whether on land, sea or in the air, will be placed under its direction.²³

De Gaulle (who was in London at the time) and Pleven read the French translation of the Declaration to Prime Minister Reynaud over the telephone who, in his memoirs would later say that "this sensational turn of events could only fill me

²⁰ The Declaration stated in part: "The Government of the French Republic and His Majesty's Government in the United Kingdom and Northern Ireland mutually undertake that during the present war they will neither negotiate nor conclude an armistice or treaty of peace except by mutual agreement."

²¹ Shlaim, Avi. 1974. "Prelude to Downfall: The British Offer of Union to France, June 1940." *Journal of Contemporary History*, Vol. 9, No. 3, p. 32.

²² Baratta, *The Politics of World Federation*, Vol. 1, p. 86, indicates that this group included Arthur Salter, Desmond Morton, Churchill's personal assistant, Rene Pleven, and Sir Robert Vansittart. It is also evident that their work drew from an earlier document prepared by Arnold Toynbee in February of 1940 titled: "Act for the Perpetual Association between the United Kingdom and France."

²³ The full text of The Declaration of Union is provided in Shlaim, "Prelude to Downfall," p. 50.

with joy since it was to give me a new argument for keeping France in the alliance.”²⁴ In his own account of the war, Churchill admits that he was under no illusions about the difficulties of implementing the Union, but that he was encouraged by the enthusiasm of those around him (including of those on the French side who were representing Prime Minister Reynaud) and that “in this crisis we must not let ourselves be accused of lack of imagination.”²⁵ Paul Reynaud took the Declaration to his Conseil Supérieur but found himself in a minority. His Deputy Premier Camille Chautemps thought that the proposed union would turn France into a British province. Several members of the Council expected a British defeat within weeks and agreed with Marshall Petain who stated that the Union would, in practice, mean “fusion with a corpse.” At least one member (Jean Ybarnegaray) thought that it would be better to be a Nazi province. Shlaim refers to statements made by de Gaulle and Charles Roux, the Secretary General of the French Foreign Ministry, which suggest “acute Anglophobe feelings” in the upper echelons of the French political establishment “in the wake of his country’s military defeat.”²⁶ By now, in any case, the focus of those around Reynaud was how to secure favorable terms in an armistice with Germany, something that was achieved several days later, signed by Hitler at Compiègne, in exactly the same railroad car used for the signing of Germany’s surrender in 1918.

Historians are divided on the significance of the Declaration. Some have argued that the motivation for the Declaration was largely tactical;²⁷ it was a last-minute attempt to prop-up France’s flagging determination to keep the fight and win the war rather than to quickly abdicate to Germany’s military might. Shlaim persuasively argues that efforts to strengthen Anglo-French economic and security links at the outset of the war were genuine and enjoyed strong support on both sides but were initially seen in a medium-term context; part of a broader effort to redefine and deepen economic and political cooperation in Europe, using an Anglo-French Axis as the basis. They were not initially intended to result in a proposal envisaging “reciprocal rights of citizenship, a customs union, a single currency and the joint financing of post-war reconstruction, as well as a single War Cabinet and a unified supreme command.”²⁸ Whereas Churchill had stated in no uncertain terms that Britain would never surrender and had galvanized public opinion in his country to support the war effort, Marshall Petain had made it clear to Churchill that turning Paris into rubble would not affect the ultimate outcome: French defeat at the hands of the superior German armies.²⁹

²⁴ Shlaim, “Prelude to Downfall,” p. 51

²⁵ *Ibid.*, p. 49.

²⁶ *Ibid.*, p. 57.

²⁷ *Ibid.*

²⁸ *Ibid.*, p. 48.

²⁹ *Ibid.*, p. 48.

Others, however, have taken a broader view, arguing that the Declaration was the main inspiration, after the war, for French initiatives to create the European Coal and Steel Community in 1951 and the more ambitious European Community in 1957, under the leadership of Jean Monnet (see Chapter 3). Churchill's private secretary Sir John Colville made it clear that although everyone understood the great difficulties to overcome to make the Union possible, there was also a view that "we had before us the bridge to a new world, the first elements of European or even World Federation."³⁰ The Declaration was significant in other ways as well. The consequences of French refusal were immediate and catastrophic. Prime Minister Reynaud, who only a few months before had committed his country not to sign a separate armistice with Germany resigned and Marshall Petain was installed at the head of a new government. Churchill's concerns that the French navy would be captured by the Nazis and used against Britain and others in the war effort led him to order its destruction which in turn led Petain to sever diplomatic relations with Great Britain, abolish the Constitution and set up an authoritarian regime with fascist overtones and at times keen to collaborate with the German occupiers.

Petaín did not have a happy ending. He was tried for treason and sentenced to death in 1945; his sentence was commuted to life imprisonment. Paul Reynaud was arrested by the Petaín administration, surrendered to German forces and was imprisoned until the end of the war but had a distinguished political career thereafter. In 1951 he wrote:

I have continued to think that a Franco-British Union, as Churchill proposed it, could have served as the basis for the unification of all Europe. And I became more and more convinced, during my years of enforced reflection, that after the Allied victory, it would be necessary, in order to win the peace, to take up again the offer Churchill made to win the war.³¹

One can speculate as to what might have happened if Prime Minister Reynaud had, in fact, persuaded his Council to endorse the Declaration which, beyond the immediate objectives of creating a brand-new federal structure with common policies across the entire spectrum of government, was fundamentally intended to ensure France's presence in the alliance against Nazi Germany. One can surmise that France would have initially borne the brunt of German aggression and witnessed, as was feared, considerable destruction and fatalities and perhaps, in any case, ultimate military defeat. On the other hand, it is not clear what might have been the consequences for the prosecution of the war of stiff French military resistance and, one assumes in keeping with the contents of the Declaration, a much stronger level of British support and commitment to the survival of France, now a part of a Franco-British Union. Monnet admitted that "the whole business

³⁰ Baratta, *The Politics of World Federation*, Vol. 1, p. 91.

³¹ Reynaud, Paul. 1951. *Unite or Perish: A Dynamic Program for a United Europe*, New York, Simon and Schuster, p. 6.

ended in failure, but think what it would have meant if the political offer of union had succeeded. There would have been no way of going back on it. The course of the war, the course of the world might have been different. We should have had the true beginnings of a Union of Europe.”³² Richard von Coudenhove-Kalergi made a persuasive case that the exiled governments of Poland, Czechoslovakia, Belgium, the Netherlands, Luxembourg and Norway “would certainly have acceded to an Anglo-French Union.”³³

How might the United States have reacted in the face of the destruction of France? Perhaps those members of the Council who did not support the Union were also aware that building up the institutions of a new federal structure in the middle of a war against a powerful aggressor, was a close to hopeless cause, difficult in any case under peacetime conditions but nearly impossible under the threat of German bombs and artillery. More important, whereas by 1940, as noted above, there was broad-based support in Great Britain for federal causes and other internationalist initiatives – such as the 1934–1935 Peace Ballot – there were very few comparable experiences in France, where the notion of “common citizenship” might have appeared quaintly premature to most members of the public and the ruling elite. Federalist initiatives cannot flourish in a political vacuum; if citizens are to be asked to accept a vision of shared government and shared institutions, they need to be persuaded of the benefits and that these will outweigh the costs.

There is a final irony in the story of the Declaration of Union. After the war, France was very much a leader in the effort to secure a lasting basis for peace and prosperity through the creation of supranational institutions. The transformation of the European Community into the European Union in the 1990s would have been impossible without the strong partnership of Chancellor Kohl and President Mitterrand. To this day, France remains largely committed to a vision of a stronger Europe and an ever-closer union as called for in the Treaty of Rome. Marine Le Pen’s alternative vision for France within Europe – closed borders, protectionism, a rejection of ethnic and cultural diversity – was roundly defeated during the 2017 elections. It is Great Britain, a late entrant into the European Community in 1973, that remains much more conflicted about the vision implicit in a united Europe, as made abundantly clear during the past three years by the Brexit saga, not to say tragicomedy.

EARLY THINKING ON THE UNITED NATIONS

With the League in profound disrepair by the time Germany invaded Poland and with the entry of the United States into the war following the Japanese attacks on Pearl Harbor in December of 1941, efforts were set in motion for the creation of a

³² Quoted in Shlaim, “Prelude to Downfall,” p. 61.

³³ Shlaim, “Prelude to Downfall,” p. 61.

new organization that might provide a more secure basis for peace and prosperity. The organization that emerged from these efforts at the San Francisco conference in 1945 was the United Nations, but the work program leading to this outcome had begun several years before and was the result of long and delicate negotiations.

Within three weeks of the United States entering the war, President Roosevelt set up an Advisory Committee on Post-War Foreign Policy under the direction of then Secretary of State Cordell Hull and Undersecretary Sumner Welles. The aim of the Committee and, in particular, its Permanent International Organization subcommittee, was to work on the design of an organization that would secure global peace and security while avoiding some of the weaknesses associated with the League of Nations. On January 1, 1942, the United States, Great Britain, the Soviet Union, and China plus 22 nations then involved in the war effort against the Axis powers set up an alliance in which members pledged to fight until victory, not to make a separate peace with the enemy, and to work for the establishment of a broad-based and effective system of international security as outlined in the August 14, 1941, Atlantic Charter. The name adopted for this alliance was the United Nations, suggested by President Roosevelt himself.³⁴ By 1945 it included 51 nation states as members. The establishment of the Committee – made up of senior State Department Officials, some leading academics and several civil society representatives – was no small act of imagination. In early 1942 the war effort was not going well for the United States and its allies; Japan had made major territorial gains in Asia and Germany had largely brought Europe, other than Great Britain, under its control and was intent on conquering Russia as well.

One of the Committee members has left an invaluable record of the proceedings from which it is possible to glean the evolving nature of the debate and thinking about the sort of organization that was to be created.³⁵ It is noteworthy that up to October 1943 much of the focus centered on the future establishment of some type of international entity founded on federalist principles, not unlike in conception to the model adopted by the United States during its Constitutional Convention in 1787. This would have implied the creation of a legislative body with substantial powers to enact laws that would be binding on member states. Because this legislature – even under a fairly narrow vision of the areas in which it would have

³⁴ This initiative is now referred to as the Declaration by United Nations; it was drafted at the White House on December 29, 1941, by President Roosevelt, Prime Minister Churchill, and aide Harry Hopkins. Short and to the point, it states: (1) Each Government pledges itself to employ its full resources, military or economic, against those members of the Tripartite Pact and its adherents with which such government is at war. (2) Each Government pledges itself to cooperate with the Governments signatory hereto and not to make a separate armistice or peace with the enemies. The foregoing declaration may be adhered to by other nations which are, or which may be, rendering material assistance and contributions in the struggle for victory over Hitlerism.

³⁵ According to Baratta, *The Politics of World Federation*, Vol. 1, p. 96, it was Harley A. Notter, author of Permanent International Organization Minutes 1, US National Archives.

jurisdiction – might be tempted to assume a broader mandate, there were discussions on a draft Bill of Rights to guarantee basic freedoms and protections for citizens, such as those identified by President Roosevelt in his 1941 State of the Union address, including freedom of speech and worship. Roosevelt pointed out that two other freedoms – from want and fear – implied the establishment of arrangements that would “secure to every nation a healthy peacetime life for its inhabitants – everywhere in the world” and also meant “a world-wide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor – anywhere in the world.” These concepts found their way into the final version of the UN Charter, which, in the case of freedom from want contains what is perhaps the first explicit commitment on the part of the international community to promote economic and social development.^{36,37}

These broader, more ambitious visions for future international cooperation were confronted with a strong dose of reality in October 1943 at a conference in Moscow to discuss the vision of global order then being embedded in the draft UN Charter. The Soviet authorities were more concerned with the war effort. In particular, they were keen to obtain Allied support for the opening in 1944 of a second front, which might divert German military resources away from Russian territory. In reviewing the content of the discussions at this point one cannot avoid getting the sense that the Russians would not object to some form of collective security mechanism, provided it was based on great power (meaning the United States, Great Britain, the Soviet Union, and China) unanimity through the exercise of the veto. As long as the United Nations was founded on the principle of the sovereign prerogatives of certain privileged members (e.g. including the USSR) and was, thus, rendered into a largely harmless organization, the Soviets would not object.³⁸ For their part, within the Committee, there were growing concerns about avoiding the fate of the League

³⁶ Article 55a states: “the United Nations shall promote: a) higher standards of living, full employment, and conditions of economic and social progress and development.”

³⁷ In his address President Roosevelt concluded that these four freedoms were “no vision of a distant millennium. It is a definite basis for a kind of world attainable in our own time and generation. That kind of world is the very antithesis of the so-called new order of tyranny which the dictators seek to create with the crash of a bomb,” www.facinghistory.org/universal-declaration-human-rights/four-freedoms-speech.

³⁸ The Declaration of the Four Nations on General Security, dated October 30, states: “the governments of the United States of America, United Kingdom, the Soviet Union, and Nationalist China, in accordance with the declaration by the United Nations of January, 1942, and subsequent declarations, to continue hostilities against those Axis powers with which they respectively are at war until such powers have laid down their arms on the basis of unconditional surrender. They also recognize the necessity of establishing at the earliest practicable date a general international organization (the United Nations), based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security,” <http://avalon.law.yale.edu/wwii/moscow.asp>.

and ensuring that the UN Charter would ultimately secure Senate approval. Undersecretary Welles, a strong advocate of a more federalist vision for the United Nations, had left the State Department shortly before the Moscow conference and there was a shift in the focus of the discussion away from what might be *desirable* to what might be *politically feasible*, particularly in light of the presence of powerful strains of isolationist sentiments within the US Congress. In this respect, it is of some interest to highlight the content of Senate Resolution 192 dated October 14, 1943 – sponsored by Senator Thomas Connally of Texas – in which, by a vote of 85 to 5 “the Senate recognize the necessity of there being established at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states.”

Beyond these purely domestic political considerations, it is also clear that, against the background of an ongoing military conflict of global proportions, there would be scarce resources and time to promote, on a global scale, a vision of world order that might receive the endorsement of large segments of the public, to ensure an adequate degree of democratic legitimacy for the new body being created. Instead, to prevent creating an organization that would have the same flaws of the League of Nations, an effort was made to embed within the UN Charter clauses that would allow for the strengthening of mechanisms of international cooperation in the future, as circumstances evolved.

The UN Charter would give the veto power to the four great powers only, not to every member as had been the case with the League. The Charter would ultimately introduce strong language on the promotion of human rights, in a way that the League had not done. Once it was clear that the idea of a world legislature with binding powers on member states was premature, the proposal for attaching a Bill of Rights to the UN Charter was abandoned. Since the draft Bill of Rights had included the possibility of the right of petition by private citizens to the International Court of Justice, there was, apparently, some concern among the US authorities about what the implications of this might be against the background of widespread discrimination against African Americans and members of other minorities. The US civil rights movement would, after all, still be several years in the future.³⁹

³⁹ It is generally agreed that the Dumbarton Oaks Proposals drawn up by the superpowers were a given, to be amended only by a substantial majority, and there was scant reference to human rights in the original draft proposals. According to UN specialist Ruth Russell (1958), the United States briefly considered including an international bill of rights, but, among other things, it could not find an acceptable way to enforce it in the international legal order and abandoned the idea. At the San Francisco conference, they suggested that the General Assembly study and recommend measures for promoting human rights, but the British and Soviet delegates balked at that proposal, the latter convinced that human rights and basic freedoms were not germane to the task of international security. Nevertheless, a range of delegations from other states in San Francisco suggested that the promotion of human rights should indeed be a tool to maintain international peace and security. Panama stated that the failure to resolve the pernicious economic, social and political consequences of World War I was a principal cause of the continued conflicts plaguing humanity to that date. Venezuela expressed the view that

The abandonment of the Bill of Rights notwithstanding, the final version of the Charter adopted in San Francisco did contain a number of provisions on human rights that were not insubstantial in their scope and character (see Chapter 11). The Preamble reaffirms “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.” Article 55c endorses: “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.” And Article 56 pledges all members “to take joint and separate action in co-operation with the Organisation for the achievement of the purposes set forth in Article 55.” These undertakings would result in the adoption, in 1966, of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which significantly strengthened the legal underpinnings of the Charter’s commitments to the defense of human rights.

A COMPROMISED UNITED NATIONS

Two other issues that were present in the deliberations around the design and scope of the United Nations concerned the voting mechanisms and the distribution of power within the organization. Some experts – most notably Grenville Clark – had argued for a system of weighted voting, with voting power linked to some objective criteria, such as population size, trade flows, levels of defense spending, and the like, to accommodate the huge disparities in the size and economic heft of the membership. This was not accepted and as is well known, in the end the General Assembly was established on the basis of the principle of one-country-one-vote. Weighted voting, however, was adopted at the Bretton Woods institutions – the International Monetary Fund and the International Bank for Reconstruction and Development – the two organizations that were created at the United Nations Monetary and Financial Conference held in July 1944 in Bretton Woods, New Hampshire.

since the principal object of the new World Organization would be to prevent rather than cure, addressing economic, social, cultural, educational, and health problems was paramount. Although other states suggested that the protection of individual human rights should be dealt with independently of issues of peace and security, with some expressing fears about “imposing” human rights and freedoms in individual countries or leading to expectations of the UN beyond what it could successfully accomplish, it was the Latin American nations that championed their inclusion in the Charter. Ultimately, the US delegation – urged on by the range of NGOs invited to the meeting – persuaded the British, Soviet and Chinese delegations to go along with the amendments that would include human rights promotion among the “purposes” of the UN and provide for a “Commission” to promote human rights under the Economic and Social Council (see Chapter 11).

Not unrelated to this, one concern with the establishment of a Security Council in which the five major powers (France was included as a permanent member of the Council in 1945) had veto power was the perception of the creation of an imperialistic organization in which the permanent members of the Council would, de facto, be running the world (see Chapter 7). To start with, the veto itself was perceived by many as undermining the democratic legitimacy of the organization; it was seen as a practice that could not be defended on the basis of any principle of just governance. Nonpermanent members of the Security Council accepted to be bound by the limitations of a two-thirds majority whereas the permanent members accepted no such constraints. More important – and with huge practical and political implications – some argued that a system was being created in which the organization would not be able to deal with problems and/or conflicts *between* the major powers or between a major power and a smaller country. Since, it was to be expected, many if not most major security problems in the future were likely to involve directly or indirectly one of the major powers (given their strategic importance, their economic size, their large geographic footprint in the case of the Soviet Union, China, the United States and, of course, the British Commonwealth) the United Nations, as conceived, would be largely useless to do what it was set out to do, namely,

“To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.” (Article 1.1)

The kinds of collective security interventions envisaged in Article 42 would inevitably be hamstrung by challenges of collective action and the national interests of those with permanent seats on the Security Council, as opposed to following an order based on international law and an impartial, principled approach to international intervention.

E.B. White, one of the most prolific contributors to *The New Yorker* magazine at the time, gave voice to these concerns thus:

Sir Alexander Cadogan, head of the British group at the conference (Dumbarton Oaks), said that “the nations of the world should maintain, according to their capacities, sufficient forces available for joint action when necessary to prevent breaches of the peace.” A good point. A good point but an old story. The peace of the world was breached when Fascism began to spread its crimes against society in the nineteen-twenties, but although there was at that time among the nations of the world plenty of force available to prevent the breach, there was no tendency toward joint action. Nor will there be any tendency toward joint action as long as the world is run on the principle of national sovereignty, by a system of agreements between

sovereign nations. There will never be any tendency toward joint action until it is too late. Therefore, the problem is not how to make force available for joint action but how to make world government available so that action won't have to be joint.⁴⁰

These concerns were more than amply justified by the experience in the decades that followed the adoption of the UN Charter and the creation of the United Nations. In particular, the tens of millions of fatalities associated to more than 200 armed conflicts, with the predictable consequences for delayed economic and social development. As noted earlier, the Korean war in 1950 and Iraq's invasion of Kuwait in 1990 remain the sole examples of interventions supported by the collective security mechanisms put in place when the organization was created.

It is of some historical significance that during the deliberations in San Francisco (April to June 1945) leading to the adoption of the Charter, the Chinese representative, Dr. T.V. Soong, the foreign minister, stated on April 26: "We must not hesitate to delegate a part of our sovereignty to the new International Organization in the interests of collective security."⁴¹ Several days later, on May 1, he made available to the press a statement in which he expressed his government's willingness to give up the unilateral veto in the Security Council provided the other veto-wielding countries did the same. He was not alone. Colombia joined Poland, Mexico, and eight other Latin American nations in expressing opposition to the veto. As a concession to Australia, which voiced similar concerns, the final version of the Charter included Article 109 allowing for the possibility that "a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council." Such a conference has never been held.

A BROADER VISION FOR THE UNITED NATIONS

The above notwithstanding, there were strong strains of thought within the United States establishment arguing for a broader vision of world order that would go beyond an entrenched and regressive principle of national sovereignty called for by the Soviet Union and the likes of Senator Connally. Representative William Fulbright, for instance, had given a speech in New York in September of 1943 in which he hinted that rigid sovereignty may be largely illusory:

The oft-repeated objection to any system of collective security, that we must never sacrifice our sovereignty, is, in my opinion, a very red herring. If sovereignty means anything, and resides anywhere, it means control over our own affairs and resides in the people . . . They may delegate all, or any part of the power to manage their

⁴⁰ White, E.B. 1946. *The Wild Flag*, Boston, Houghton Mifflin, p. 26, published in *The New Yorker*, September 9, 1944.

⁴¹ Quoted in China Institute of International Affairs, 1959. *China and the United Nations*, New York, Manhattan Publishing Group, p. 23; see also pp. 64, 139.

affairs to any agency they please. So far they have delegated part to their city government, part to the county, part to the State, and part to the Federal Government. Certainly it cannot be denied that twice within twenty-five years we have been forced, against our will, into wars which have seriously threatened our free existence. To this extent, the supreme control over our affairs, over our destiny, is at present imperfect. Therefore, if we can remedy this defect, by a delegation of limited power to an agency designed to prevent war, to establish law and order, in which we participate fully and equally with others, how can this be called a sacrifice, a giving up of anything?⁴²

Grenville Clark, deeply disappointed with the outlines of what was being put together by the major powers during the Dumbarton Oaks conference, which he viewed as no more than an attempt to revive the League of Nations, and not particularly concerned about finding himself in a minority, proposed a set of general principles that should guide the establishment of any organization that would have the maintenance of peace and security as its principal mandate.⁴³ He argued that “to be *effective* in the maintenance of peace the ‘general international organization’ must have some *definite* and *substantial* powers to make decisions binding upon the member countries in matters of war and peace” (emphasis in the original). He thought that if member countries could not agree “upon well-defined powers of an effective nature that they are willing to yield, and upon the terms in respect of representation upon which these powers are to be granted, it seems clear that no world authority really adequate to maintain peace, will arise in our time.”⁴⁴

In respect of these powers Clark thought that a unicameral World Congress should be granted narrowly limited jurisdiction on matters pertaining to the maintenance of peace and that these powers should be supplemented by the creation of a court with the “authority to make ‘final and binding’ adjudication of *all* unsettled disputes between member countries” (italics in the original). On all other issues concerning internal political, economic, and social aspects of governance, powers would be retained by individual member states. He proposed majority voting within this world legislature to guard against the “fatal defect” of the veto which the League had granted to its members. To ensure fairness, Clark put forward a detailed proposal for a system of weighted voting that, while giving effective control in the chamber to the four major powers (on account of their population and overall geopolitical importance),⁴⁵ it would still give a voice to all countries who wished to

⁴² Quoted in Baratta, *The Politics of World Federation*, Vol. 1, p. 106.

⁴³ Clark, Grenville. 1944. “A New World Order: The American Lawyer’s Role,” *Indiana Law Journal*, July, pp. 289–300.

⁴⁴ Clark, “A New World Order,” p. 292.

⁴⁵ The reason why in 1944 a population-weighted distribution of voting power would give effective control of the chamber to the four largest powers, was linked to the fact that the population of the British Commonwealth and Empire was 557 million and included not only the United Kingdom, but also India, Australia, New Zealand, Canada, and other territories, while the population of China at that time was 457 million. The addition of the United States and the

join; membership would be open to all since it was important for “the whole world to share fully and fairly in the maintenance of world order.”⁴⁶ Clark added a sense of urgency to his proposals, aware of the unique opportunity provided by the war and the desire of the public to create a stable foundation for a permanent peace.

Clark followed this up with a full-page article in the October 15, 1944, edition of the *New York Times*, making a number of important additional points.⁴⁷ He observed that the proposed one-nation-one-vote principle then being discussed for the General Assembly was a not very carefully disguised attempt to make the Assembly wholly subordinate to the Security Council, to turn in fact the Assembly into a powerless body and to exclude it deliberately from discussions about war and aggression. Since the UN would be founded on the principle of “sovereign equality,” giving each member in the Assembly an equal vote would satisfy the principle but would then end up sidelining the General Assembly, since it would not be acceptable for “Panama and Luxembourg (to) have an equal vote with the United States and the Soviet Union.” Furthermore, the granting of the veto would mean that “any of the Big Five may, by its sole fiat, paralyze the whole world organization.” The combination of a powerless Assembly and a Security Council hampered by the veto would “be a weak reed to support the peace of the world.” He then proposed to give the Assembly adequate but narrowly defined powers to “matters directly and plainly concerned with the forestalling or suppression of aggression.” The Security Council “would function under delegated powers from the Assembly and purely as its agent.” Clark expressed concern that the drafting of the UN Charter might fall victim to the otherwise understandable “human tendency for the American participants to defend their handiwork” and argued that other countries should be allowed to join in in the deliberations leading to the final draft. Thinking about the future conference where the draft would be agreed and voted on he said that the big powers should take time to weigh in on all proposals and that country representatives to such a gathering should draw from a wider pool of talent, and not be limited to professional diplomats and military men. No doubt thinking about the Senate vote that, a quarter century earlier, had doomed United States participation in the League of Nations, he argued that the time had come for the United States to consider moving to a system where ratification of treaties would be determined by a majority vote in the US Congress. He regarded the requirement of a two-thirds majority in the Senate as “an anachronism which is not only unfair to ourselves but capable also of vast damage to the whole world.” In his view, the treaty provision of

Soviet Union resulted in a total that was in excess of half of the world’s population at that time, which was around 2.3 billion.

⁴⁶ Clark, “A New World Order,” p. 298.

⁴⁷ This extraordinary document was published as a Letter to the Editor, occupying most of an entire page, under the heading: “Dumbarton Oaks Plans Held in Need of Modification. Viewed as Repeating Essential Errors of League of Nations and Offering No Assurance of International Security – Some Remedies Suggested.” *The New York Times*, October 15, 1944.

the US Constitution “has already done deadly work in trimming down what might have come out of Dumbarton Oaks.”

Clark would come back to the general principles outlined in “A New World Order” in *World Peace through World Law* in the late 1950s; he (and his co-author Louis Sohn) would focus instead on reforming the UN Charter that came out of the San Francisco conference. By the time Clark made some of these arguments in mid-1944, the consensus – at least among those participating in the Dumbarton Oaks conference that worked on the UN Charter during the period of August 21–October 9, 1944 – had moved on to a far more restrained vision of what would likely secure sufficient support from members. Those assembled at Dumbarton Oaks were simply not ready to contemplate the creation of an organization with binding enforcement powers over its member states, in which nationals would in some way become citizens of a larger global polity, in which a legislature would presumably have the authority to tax and promulgate other binding legislation, and in which an international security or police force would provide a measure of collective security. Cord Meyer, who was an important member of the US delegation to the San Francisco conference claims that the delegates at the conference had fairly narrow margins of freedom, not only because of the need to ensure US Senate ratification but also because the broad outlines of the United Nations had been agreed by Churchill, Roosevelt and Stalin during their meeting in Yalta in February of that year, where the post-war order was discussed and broadly agreed upon.⁴⁸

While Clark may not have had official opinion behind him there were many others in the federalist movements who shared his concern that an essentially revived League based on the principle of sovereign equality and with a veto that would make the organization largely impotent to deal with crises, was all that we would have to show after the devastation of the war. The *New Yorker's* E.B. White put it very well when he wrote:

The name of the new peace organization is to be the United Nations. It is a misnomer and will mislead the people. The name of the organization should be the League of Free and Independent Nations Pledged to Enforce Peace, or the Fifty Sovereign Nations of the World Solemnly Sworn to Prevent Each Other from Committing Aggression. These titles are clumsy, candid, and damning. They are exact, however. The phrase ‘United Nations’ is inexact, because it implies union, and there is no union suggested or contemplated in the world of Dumbarton Oaks. The nations of the world league will be united only as fifty marbles in a dish are united. Put your toe on the dish and the marbles will scatter, each to its own corner.⁴⁹

⁴⁸ Meyer, Cord. 1945. “A Serviceman Looks at the Peace,” *The Atlantic Monthly* Vol. 176, No. 3, September, pp. 43–48.

⁴⁹ White, E.B., *The Wild Flag*, p. 26, published in *The New Yorker*, October 21, 1944.

Cord Meyer's account in *The Atlantic Monthly* of what emerged from the San Francisco conference is of particular interest not only because of his role as a member of the US delegation but also because, as a wounded veteran of the war effort, perhaps more than most delegates, he was fully aware of the war's most immediate consequences. "It is the men in the front line who must kill and then discover on the still-warm body letters and pictures much like those they own themselves, the disturbing proof of a mutual humanity." Meyer thought that the fundamental problem in San Francisco was the unwillingness of the major powers to move to a world in which they might have to give up any of the attributes of sovereign power, in particular the freedom "from any interference by others in its internal affairs and equally free in its external affairs to make any decisions that it wishes."⁵⁰

Given the large number of sovereign players, the growing degree of international interdependence and the increased destructive power of available weapons, such a system was not only unstable but would be characterized by chaos and anarchy. Peace, security, and prosperity within the United States were guaranteed by a law-based system in which powers of the states were circumscribed in some areas and subordinated to those of the federal government in others, and where there was an unshakable and legally based commitment to resolve conflicts in a peaceful way. At the international level, under the system created in San Francisco:

any disagreement is a potential source of armed conflict, and each nation must rely, for the protection of its interests, on the amount of armed force it is able and willing to bring to bear in a given situation. We should frankly recognize this lawless condition as anarchy, where brute force is the price of survival. As long as it continues to exist, war is not only possible but inevitable The cycle of increasingly destructive wars in which we are caught is the direct and inevitable result of the attempt to prolong the political system of absolute national independence under changing conditions that make it increasingly unworkable.⁵¹

Meyer was particularly harsh in his characterization of the veto power seized by the major powers for themselves. Among the consequences of the veto he noted that: (1) "a major power can violate every principle and purpose set forth in the Charter and yet remain a member of the Organization by the lawful use of the veto power expressly granted to it";⁵² (2) amendments to the Charter required ratification by the five veto-wielding powers, a feature that gave them the power to permanently prevent any change or reform whatsoever; (3) if one of the Big Five was not a party to a dispute, it could "prevent even the investigation of the case by the Security Council." The veto power would also have consequences for the application of the provisions included in the Charter allowing the use of force in certain

⁵⁰ Meyer, *The Atlantic Monthly*, p. 44.

⁵¹ Meyer, *The Atlantic Monthly*, pp. 44–45.

⁵² Meyer, *The Atlantic Monthly*, p. 45.

circumstances. He cautioned against the “popular misconception” that the weaknesses embedded in the League of Nations Covenant in this area had somehow been addressed in the UN Charter. This was not the case. All that the Charter envisaged was an agreement by members to voluntarily make available to the Security Council a portion of their military forces when the Council saw fit to take military action. But the veto granted to the five major powers meant in practice that they would be exempt from such actions being taken against them or against any smaller state that they wished to protect.

He thought that such a system, exempting the major powers in its most fundamental provisions from the application of force in the interests of international peace and security, could not be characterized as being law-based in any meaningful sense of the word. Instead, it bordered “on hypocrisy or self-delusion” since the use of violence could be justified as police action only in a system in which the same rules applied to all participants in an even-handed way. He also noted the sharp limitations imposed on the International Court of Justice whose jurisdiction would be limited to “the interpretation of treaties, to fact-finding, and to the determination of reparations” but only in cases where both parties to the dispute agreed to give the court the ability to do so. Furthermore, the Charter made no provisions nor established a mechanism “through which the restless inhabitants of the colonial areas can find their way to political freedom.”⁵³ Absent such machinery, the likely outcome would be bloody conflicts, a prediction fully borne out by events over the next several decades. In summary “the International Organization is, at present, as incapable of dealing with the probable causes of another war as a fire extinguisher is of quenching a forest fire.”⁵⁴

Meyer was sympathetic with the views voiced by New Zealand Prime Minister Fraser during the San Francisco conference who, speaking on behalf of smaller nations “upset the monotonous ritual of empty oratory and petty disagreement into which the Conference often subsided” by referring to the Charter as “a series of platitudes – and petrified platitudes at that.”⁵⁵ Touching upon the same points raised by Clark the previous year on the watering down of the Charter to ensure US Senate approval, Meyer wrote that:

the final price paid for Senate approval is an Organization that the United States can join and still retain intact every attribute of independence. The record of the hearings in the Senate Foreign Relations Committee are a tragi-comic commentary on what was achieved at San Francisco. To allay the fears of even the most unregenerate isolationist, every impotent inadequacy of the Charter was stressed as a positive assurance that in ratifying it we were committing ourselves to nothing.⁵⁶

⁵³ Meyer, *The Atlantic Monthly*, p. 46.

⁵⁴ Meyer, *The Atlantic Monthly*, p. 47.

⁵⁵ Meyer, *The Atlantic Monthly*, p. 46.

⁵⁶ Meyer, *The Atlantic Monthly*, p. 47.

We have dwelt at length on the views of Clark and Meyer because they were both extremely well-connected observers of the process and the thinking that went into the design of the current UN Charter and associated UN institutions, and also because they were inordinately prescient in the identification of the consequences for international peace and security resulting from the weaknesses and flaws that were embedded in the organization, as the price for its creation.

Kissinger makes the argument that the transition from a world of alliances and balance of power practices to one of collective security was never expected to be an easy one. Part of the problem stems from the fact that alliances are concrete undertakings; countries make commitments in respect of particular interests which can be fulfilled. Collective security, on the other hand, “is a legal construct addressed to no specific contingency. It defines no particular obligations except joint action of some kind when the rules of peaceful international order are violated. In practice action must be negotiated from case to case.”⁵⁷ He notes that in the post-UN Charter world there are only two cases of “successful” interventions based on the principle of collective security but that in both cases the UN endorsed intervention only after the United States had made it clear that in the absence of such endorsement it would act unilaterally; the United Nations thus merely ratified a decision already made unilaterally by the United States.⁵⁸ Such intervention was more an attempt at ex post control by the UN of the American intervention rather than the result of internal deliberations within the UN reflecting a moral commitment to the ideals of the UN Charter and the principles of justice embedded therein.

We do not share Kissinger’s pessimism. The UN was and remains limited in its ability to take a leadership role in meaningfully addressing, for instance, Saddam Hussein’s invasion of Kuwait in 1990 because it does not have an enforcement mechanism to give operational meaning to whatever moral outrage it may feel in the presence of grave violations of the Charter. With an International Peace Force at its disposal, the implementation of the principle of collective security would not be such an insurmountable undertaking. One cannot analyze such a principle in isolation of the circumstances in which the principle is being implemented or,

⁵⁷ Kissinger, *World Order*, p. 264.

⁵⁸ UN Security Council Resolution 83 adopted on June 27, 1950, found that North Korea’s invasion of the Republic of Korea was a violation of the peace and demanded the withdrawal of North Korean forces and recommended that: “members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area.” UN Security Council Resolution 678 was adopted on November 29, 1990, giving Iraq a January 15, 1991, deadline to withdraw its troops from Kuwait. The Security Council also gave the green light to states to use “all necessary means” to force Iraq out of Kuwait after the deadline. This Resolution provided the legal authorization for the Gulf War which followed, when Iraq failed to withdraw its troops by the deadline.

more to the point, not being implemented. We will come back to the issue of an International Peace Force in Chapter 8.

THE DRAFT OF A WORLD CONSTITUTION AND THE DUBLIN
CONFERENCE

It is worthwhile to describe a fascinating initiative undertaken by the Committee to Frame a World Constitution, a group of (mainly) University of Chicago intellectuals who, dissatisfied with the UN Charter and against the background of the destruction in Hiroshima and Nagasaki, began meeting from November 1945 to July 1947 to discuss what a Federal Republic of the World might look like, whether following a global conflagration or in the absence of one. Its Preamble is a definite improvement over the UN Charter's. It says:

The people of the earth having agreed that the advancement of man in spiritual excellence and physical welfare is the common goal of mankind; that universal peace is the prerequisite for the pursuit of that goal; that justice in turn is the prerequisite of peace, and peace and justice stand or fall together; that iniquity and war inseparably spring from the competitive anarchy of the national states; that therefore the age of nations must end, and the era of humanity begin; the governments of the nations have decided to order their separate sovereignties in one government of justice, to which they surrender their arms; and to establish, as they do establish, this Constitution as the Covenant and fundamental law of the Federal Republic of the World.

A section on declaration of duties and rights states that:

it shall be the right of everyone everywhere to claim and maintain for himself and his fellowmen: release from the bondage of poverty and from the servitude and exploitation of labor, with rewards and security according to merit and needs;⁵⁹ freedom of peaceful assembly and of association, in any creed or party or craft, within the pluralistic unity and purpose of the World Republic; protection of individuals and groups against subjugation and tyrannical rule, racial or national, doctrinal or cultural, with safeguards for the self-determination of minorities and dissenters.

Perhaps the most interesting part of the World Constitution is the identification of powers that are attributed to this new world government. As will be remembered, Clark and Sohn's own revisions to the UN Charter were intended to strike a balance between the need to have appropriate powers, to ensure that the UN would be able to actually deliver peace and security on the one hand, and the need to retain

⁵⁹ It is interesting to speculate whether one implication of this right would be the right to a universal basic income, that would pull every global citizen above a suitably defined world poverty line (see Chapter 14).

responsibilities at the national level in those areas where it made sense to preserve a large measure of national control, to safeguard diversity and local preferences, on the other. The framers of the World Constitution endeavored to achieve the same middle ground sought by Clark and Sohn though, in the end, the granting of powers given to the world government is definitely more ambitious. In particular, jurisdiction is mainly extended to: the maintenance of peace and the enactment and promulgation of laws to that effect binding upon member states and individuals; the judgment and settlement of international disputes and the prohibition of interstate violence; the supervision and final adjudication on border disputes between member states or on the creation of new states; the administration of territories not yet ready for political independence; the organization and management of the federal armed forces; arms control, including the establishment of limitations on national armies; the establishment of whatever agencies may be necessary to promote economic and human development; the collecting of taxes and the preparation of a federal budget; the creation of a world central bank to issue money and regulate the financial sector;⁶⁰ the regulation of international trade; and the supervision and formulation of the legal basis for the movement of peoples across international borders.

The work of the Committee is significant not because it was taken up for debate at the higher echelons of government in the United States and other among major powers – it was not. By the end of the San Francisco conference, President Roosevelt, Winston Churchill, Joseph Stalin and many of their allies were largely satisfied with what had been brought into being, namely a weak-by-design organization that would not threaten in any significant way the unfettered sovereignty of its founding members. It was significant partly because of the intellectual heft and credibility of many of the Committee's members, but mainly because the hundreds of hours of open debate and consultation that took place over a period of 20 months forced these distinguished gentlemen to grapple with the whole range of issues and principles that underpin the creation of new mechanisms of global governance.⁶¹

The Committee was part of a much larger group of intellectuals mainly in the United States and Europe, who felt strongly that with the arrival of nuclear weapons, the context for warfare had changed in fundamental ways. In his contribution to the first appeal of the Emergency Committee of the Atomic Scientists, Albert Einstein

⁶⁰ Article 43 of the 47-article Constitution calls for the adoption of a universal auxiliary language, a federal currency and a universal system of measures.

⁶¹ The Committee included Robert M. Hutchens, the Chancellor of the University of Chicago and Chairman of the Board of Editors of the *Encyclopedia Britannica*; Mortimer J. Adler, Professor of the Philosophy of Law and Associate Editor of the *Great Books of the Western World*; Stringfellow Barr, former President of St. John's College; Wilber G. Katz, Dean of the Law School, University of Chicago; Robert Redfield, Professor and Chairman of the Department of Anthropology, University of Chicago; G.A. Borgese, Professor of Humanities, University of Chicago, and others.

spoke for many when he said: “the unleashed power of the atom has changed everything save our modes of thinking, and thus we drift toward unparalleled catastrophe.” In an editorial titled “Modern Man is Obsolete” in the *Saturday Review of Literature*, Norman Cousins, the editor, had lamented that “on August 6, 1945 a parachute containing a small object floated to earth over Japan [and] marked the violent death of one stage in man’s history and the beginning of another” with humanity discovering the means for its destruction but not the means for its preservation and survival. Cousins was part of the 48 luminaries who participated in the Dublin conference organized by Grenville Clark in October 1945 “to explore how best to remedy the weaknesses of the United Nations Organization and to seek agreement upon and to formulate definite amendments to the Charter or other proposals to remedy these weaknesses.”⁶² Indeed, it is not unfair to say that the Dublin conference, which preceded the work of the Committee, was the main inspiration for the latter’s work.

In her excellent biography of Grenville Clark, Nancy Peterson Hill notes that the Dublin conference was hosted by Clark and US Supreme Court Justice Owen Roberts and attracted a constellation of leading educators, attorneys, journalists and business leaders including Stringfellow Barr, Norman Cousins, Alan Cranston (a future US Senator from California), Cord Meyer (who had been present at the San Francisco conference as part of the US delegation and was later to be the first president of the United World Federalists), Kingsman Brewster (a future president of Yale University), and Clarence Streit (author of *Union Now – A Proposal for a Federal Union of the Leading Democracies*, an international best-seller published on the eve of World War II).⁶³

Over a period of five days this eminent group met at the Dublin Inn in New Hampshire and consulted on how best to respond to the perceived inadequacies of the United Nations. An early point of contention at the conference was whether to advocate for, as had been done so compellingly by Clarence Streit, a union of the world’s 15 leading democracies that would develop joint institutions and policies based on a common citizenship, and thus create a huge economic and military power, far exceeding that of the Axis powers, or to advocate a world order that would be all-inclusive and bring in the Soviet Union and other nondemocratic regimes. Clark was on the inclusive camp and, not without difficulty, he spearheaded the majority in this direction. The Declaration issued by the conference is of great historical interest, not only because it would find echo two years later in the work of the Committee that offered the draft World Constitution, but also because it would

⁶² Quoted by Baratta, *The Politics of World Federation*, Vol. 1, from the invitation issued by Clark to the participants, p. 146.

⁶³ Peterson Hill, Nancy. 2014. *A Very Private Public Citizen – The Life of Grenville Clark*, Columbia, University of Missouri Press, MO.

establish an intellectual framework for the proposals made by Clark and Sohn in 1958 in *World Peace through World Law*.⁶⁴

In its eight resolutions the Declaration of the 1945 Dublin Conference states:

1. That the implications of the atomic bomb are appalling; that upon the basis of evidence before this conference there is no presently known adequate defense against the bomb and that there is no time to lose in creating effective international institutions to prevent war by exclusive control of the bomb and other major weapons.
2. That the United Nations Charter, despite the hopes millions of people placed in it, is inadequate and behind the times as a means to promote peace and world order.
3. That in place of the present United Nations organization there must be substituted a World Federal Government with limited but definite and adequate powers to prevent war, including power to control the atomic bomb and other major weapons and to maintain world inspection and police force.
4. That a principal instrument of the World Federal Government must be a World Legislative Assembly, whose members shall be chosen on the principle of weighted representation, taking account of natural and industrial resources and other relevant factors as well as population.
5. That the World Federal Government should be responsible to the World Legislative Assembly.
6. That the Legislative Assembly should be empowered to enact laws within the scope of the limited powers conferred upon the World Federal Government, to establish adequate tribunals and to provide means to enforce the judgments of such tribunals.
7. That in order to make certain the constitutional capacity of the United States to join such a World Federal Government steps should be taken promptly to obtain a Constitutional Amendment definitely permitting such action.
8. That the American people should urge their government to promote the formation of the World Federal Government, after consultation with the

⁶⁴ Upon receiving the Grenville Clark Prize in 1981, George Kennan, America's foremost diplomat and historian, had this to say about *World Peace through World Law*: "To many of us, these ideas [of *World Peace through World Law* for a program of universal disarmament and for a system of world law to replace the chaotic and dangerous institution of unlimited national sovereignty] looked, at the time (1958), impractical, if not naïve. Today... the logic of them is more compelling. It is still too early, I fear, for their realization on a universal basis; but efforts to achieve the limitation of sovereignty in favor of a system of international law on a regional basis are another thing; and when men begin to come seriously to grips with this possibility, it is to the carefully thought out and profoundly humane ideas of Grenville Clark and Louis Sohn that they will turn for inspiration and guidance" (quoted in Baratta, *The Politics of World Federation*, Vol. 1, p. 24).

other members of the United Nations, either by proposing drastic amendments of the present United Nations Charter or by calling a new world Constitutional Convention.

As with the work of the Committee two years later, the Dublin Declaration had no major immediate effect on public opinion, with many seeing it as an act of disloyalty against the background of the recent founding of the United Nations. Others were either turned off or intimidated by its call for the creation of a world government, with the associated images of an Orwellian superstate controlling every aspect of planetary life, choosing to ignore the Declaration's clear statement that laws would be enacted within the scope of the limited powers conferred upon the government. The Declaration is significant because it was prescient in its anticipation of the problems which an ineffective United Nations would bring about over the ensuing decades. With the onset of the Cold War the world entered into an arms race and nuclear weapons continue to threaten humankind's future, except that we now have over 9,000 nuclear warheads in the hands of nine nuclear powers (and many others with aspirations to join the club), with enough destructive power to make the world uninhabitable. The United Nations was singularly ineffective in ensuring peace and security for its members and a vast range of other global problems emerged due to the absence of mechanisms for meaningful international cooperation. Were Clark alive today (two minutes before midnight, in the view of the Bulletin of the Atomic Scientists' Doomsday Clock) and were he to summon to Dublin some of the world's leading thinkers to explore solutions to our current global challenges, he might well wish to get started where he and his colleagues left off on October 16, 1945, the day the Declaration was issued.

So, the Committee to Frame a World Constitution's deliberations were part of a much larger effort taking place in various locations and led by various people, across both sides of the Atlantic. What was exceptional about it was its systematic character and the huge time commitment made to the project by its members. This is what was done in Philadelphia from May to September in 1787 during the Constitutional Convention that gave birth to the United States of America and one can imagine a similar future gathering aimed at confronting the growing recognition that our present order is lamentably defective and will need to be reformed to address our widening governance gap.