ACCOMPLISHMENTS AND EXPECTATIONS OF WORLD ORGANIZATION

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NATURE OF THE WORLD COMMUNITY

Every community and particularly the world community has many parts, each of which, in our dynamic age, is continuously changing. Attempts to define these parts, to describe the processes of change, to measure rates of change, and to analyze the influence of changes upon the relationships of the parts and upon the life of the community as a whole are likely to appear dogmatic and unreal. Communities, like all living things, resist mechanical division and abstract definition. Life implies both cooperation and opposition among parts of the living thing and involves processes the functioning of which gives unity to the whole. But these parts and processes cannot be identified and separated by sharp definitions. The geographic areas, temporal oscillations, and functional processes of communities are in continual flux. Permanent boundaries are possible only when life has ceased.

Nevertheless, both politicians and social scientists persist in assigning major social and political ills to "disharmonies," "maladjustments," or "lags" implying that different parts or processes of a community can be examined independently and their changes compared with one another. We are painfully aware that the policies of different nations conflict. We can easily perceive that the different regions and areas of the world are unequally developed technologically and politically. Culture in some areas appears to be centuries behind that in others. Taking the world as a whole, it has been suggested that natural science has outstripped political science, that a twentieth century technology is beyond the capacities of Neanderthal human nature to manage, that political nationalism is out of harmony with economic interde-

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1. Simmel, The Sociology of Conflict (1904) 9 Am. J. Soc. 490; Park and Burgess, Introduction to the Science of Sociology (2d ed. 1924) 582; Ogburn and Nimkoff, Sociology (1940) 344 et seq.; Wright, A Study of War (1942) 957.
2. Id. at 1015 et seq.
3. Ogburn, Social Change (1922); Wright, op. cit. supra note 1, at 1284.
pendence, that political myths are maladjusted to economic realities, that reactionary ideologies are in conflict with revolutionary utopias.

Among the many possible analyses of the processes which maintain a community as a whole, that which distinguishes its technology, its science, its opinion, and its organization seems well adapted for studying world politics. Sociologists characterize a community by the abundance of communication among its members (which in large communities usually varies with its progress in technology), by the degree of similarity of its members (which in the traits important for civilization varies with its progress in and diffusion of knowledge), by the degree of harmony among its members (which usually varies with the homogeneity of its public opinion), and by the capacity of the community to act as a unit (which is likely to vary with the degree of centralization of its organization).

Within the world community there are very considerable local differences. The processes of technology, of science, of opinion and of organization are changing at different rates and even in different directions. Furthermore, the rates and directions of change differ in different areas. Tensions because of such lags and disharmonies have been worldwide, tending to world war. They have also been international, tending to international war, and intranational, tending to civil war.

With this order of thought, the definition of these processes of the world community and the measurement of the rate and direction of their changes, generally and locally, may provide a basis for predicting the future of world politics and also for controlling it.

TRENDS OF TECHNOLOGY AND OF OPINION

Difficulty arises, however, because certain of these processes appear to exhibit little continuity or trend in their changes, but vary spasmodically and unpredictably. This is less true of technology and science than of opinion and organization. Men have always been inventing and utilizing devices for communicating, for transporting persons and things, and for transforming natural resources to human purposes. They have also been employing methods and ideas for discovering regularities, for predicting the future and for controlling nature. In these processes of technology and science nations, civilizations, and even the human race as a whole have advanced progressively and

5. STALEY, WORLD ECONOMY IN TRANSITION (1939) 51 et seq.
7. MANNHEIM, IDEOLOGY AND UTOPIA (1936); WRIGHT, op. cit. supra note 1, at 355, 1032.
8. WRIGHT, op. cit. supra note 1, at 975 et seq.
9. Id. at 1240 et seq.
cumulatively, and at an accelerating rate. One generation has built on the shoulders of its predecessors. There have been setbacks in this progress in local areas following the death of nations and civilizations. Technology and science retrogressed in Europe in the dark ages and in China in the age of warring states, but in general man has moved steadily forward in his capacity to eliminate space, to utilize his natural environment, to recall his social past, and to understand natural phenomena.  

Opinions and organizations, however, have exhibited much less continuity. There is today a wide diversity of religious beliefs, moral codes, political philosophies and economic theories. History discloses little continuity in the acceptance and interpretation of such standards. While cumulative development of social ideals can be traced in the opinions of large groups over long periods, as for example the ideals of humanity, liberty, tolerance and reasonableness since the Renaissance, history as a whole records the rise, decline and recurrence of social ideas and institutions. Ideas of social equality have been succeeded by ideas of social inequality, ideas of liberty by ideas of obedience, the idea of a universal god by the idea of many national gods, ideas of rationalism by ideas of irrationalism, ideas of humanism by ideas of self-interested expediency, ideas of free economic enterprise by ideas of centralized economic organization, ideas of a world community under law by ideas of ceaseless struggle between nations and groups. Social experiments have seldom been so conclusive that apparent failures will not be tried again under new conditions or that apparent successes will not be abandoned when conditions change. Such changes have usually been accompanied by considerable social violence.

REVOLUTIONARY TRANSITIONS

This apparent unpredictability of changes in opinions and organizations may be a consequence of their dependence both upon ancient traditions and upon contemporary conditions of science and technology. Continual adaptation of social opinions and organizations is necessary if man is to take advantage of new inventions and discoveries. Institutions and organizations, however, depend so much on custom and habit for their smooth functioning that such adaptation causes social disorder. Furthermore, men acquire an emotional attachment to traditional beliefs and institutions. There is, consequently, a tendency for opinions and organizations, ill-adapted to the present condi-

10. SARTON, INTRODUCTION TO THE HISTORY OF SCIENCE (1927) Introductory Chapter.
11. WRIGHT, op. cit. supra note 1, at 169 et seq.
12. 1 TOYNBEE, A STUDY OF HISTORY (1st ed. 1934).
tions of science and technology, to persist until their obsolescence becomes so obvious to many that change takes place with revolutionary violence. In his *Study of History*, Arnold J. Toynbee has illustrated this process in the transition from one civilization to another usually with dark ages between, and in the transition in the structure of each civilization from a heroic age of pioneering conflict, to the troubulous times of a progressively less stable balance of power, followed by a period of a universal state, and then that of a universal church which may contain the germs of a new civilization as the old civilization declines and falls.\(^\text{14}\)

To avoid the violence of transitions, which has sometimes caused retrogression for several centuries in the progress even of science and technology, the lag of opinions and organizations behind science and technology should be narrowed. Such a narrowing is not likely to prove practicable, however, unless men show a greater willingness than they have in the past to abandon traditional opinions which cannot be realized under existing conditions, and to modify historic institutions and organizations based upon such obsolete opinions. Furthermore, continuous adaptation of opinions and organizations to contemporary material conditions necessarily destroys their adaptation to the customs of human society and the habits of individual human minds. A compromise is consequently necessary which can be effected only by a continuing effort of education and information. In the present dynamic age when the steam engine, the telegraph, the radio, the airplane and nuclear fission have followed each other in rapid succession, education cannot be effective in promoting this adaptation if it seeks to demonstrate eternal truth or historic tradition. Instead it must develop a sense of responsibility in every individual to think things through in the light of the present and the probable future.\(^\text{15}\)

The accomplishments and failures of past efforts at world organization should, therefore, be judged by their success (1) in meeting the political and economic problems arising from the impact of new discoveries and inventions on customary modes of thought and (2) in changing those modes of thought to modes of thought better adapted to contemporary conditions.

Organizations and institutions have often attempted to effect such adaptations not by changing traditions but by changing conditions to the more primitive situation in which the traditions arose. While an adaptation might be effected in this way, and in fact has been in "dark ages", it may be assumed that that form of adaptation is not desired by many people in the contemporary world and would not be practicable in the long run. The clock of science and invention cannot be

\(^{14}\) *Wright, op. cit. supra* note 1, at 103–119, 678.

\(^{15}\) *Id.* at 1456.
permanently turned back. Eventually opinions and organizations must be adapted to advances in science and technology although there are usually many choices in the form of that adaptation.

THE ORGANIZATION OF MODERN CIVILIZATION

Modern civilization, which began in Europe with the discovery of new continents and the rediscovery of ancient civilizations at the time of the Renaissance, has experienced several periods characterized by distinctive types of organization and opinion. It began with a continuation of the religious tradition of medieval Christendom, tinctured by notions of objective science and cultural relativity and politically disorganized by the struggles of national monarchies equipped with firearms in war, the printing press in peace, and Machiavellian policies, at all times. After the Reformation and the Thirty Years' War, the concept of balance of power among sovereign territorial states guided the policy of princes and became the political organization of Europe.

The American and French revolutions and the recognition of Latin American, Asiatic and African states made the state system worldwide and reduced the influence of the European and Christian tradition in the opinion which sustained that system. These revolutions developed the ideas of individual liberty and equality which had been latent in the ideas of the Renaissance and the Reformation. They also had an important influence in developing ideas of nationalism and internationalism.

The concept of a concert of the great powers was practiced after the Napoleonic wars as a means for preserving the balance of power. After the nationalistic wars of the mid-nineteenth century, international administration of technical services, the codification of international law, and the international arbitration of disputes of a legal character gave a certain reality to internationalism so long as the balance of power remained comparatively stable under the influence of British sea power and finance. At the same time the idea of self-determination of nationalities, the protection of national minorities, and the emancipation of dependencies gave a renewed vigor to the concept of nationalism as it had been expounded by Mazzini.

The League of Nations sought to give harmony and form to these diverse tendencies. Accepting the basic structure of national territorial states, it sought to encourage peaceful change in the direction of national self-determination, emancipation of colonies and freedom of trade, and to adjust controversies by arbitration, conciliation or consultation within the theory of international law which recognized the sovereign independence of states. The League of Nations, therefore, depended primarily on the influence of reason and persuasion. An element of power, however, existed in the predominance of the concert
of great powers with permanent representation in the Council and in
the anticipation that the United States and Great Britain, who to-
gether controlled most of the world's sea power and available finance,
would be able to exercise a leadership and to bring effective pressures
of an economic character to support the resolutions of the League's
Council and Assembly. In form, Article 16 of the Covenant recognized
the equality of states and left it to each state to appreciate its obliga-
tions to engage in sanctions against a state which resorted to war in
violation of its covenants, but it was anticipated that the reality of
Anglo-American solidarity in the use of sea power and finance would
give practical effect to these provisions.

The abstention of the United States from the League and the grow-
ing importance of the Soviet Union, not an original member of the
League, eliminated this expectation, and the League was in practice
reduced to an instrument for formulating opinion and facilitating per-
suasion. World politics reverted to power politics but without the
capacity of Great Britain alone to maintain the balance which had
preserved stability during the nineteenth century.

Nevertheless, the successes of the League in applying the techniques
of pacific settlement in many cases, in developing international ad-
ministrative services in many fields, and in educating peoples to the
need of even more effective international organization laid the founda-
tion for new effort and during the 1920's created a considerable hope
that a long period of peace might be expected. The economic collapse
and the rise of aggressive governments during the 1930's shattered this
hope, but the experience with the League and with World War II
eliminated policies of isolationism even in the United States and the
Soviet Union. The need of international cooperation both for security
and for prosperity was recognized in nearly all countries.

In the meantime, however, the material conditions of the world had
changed through the development of inventions and practices which
had the effect of increasing international communication and transport,
governmentalizing economies, concentrating military, political and
economic power, and augmenting the vulnerability of all peoples to
the destruction of war. The form of international organization which
might have been adapted to conditions of 1920 was not adequate to
meet conditions of 1945. It may even be doubted whether the organiza-
tion of the United Nations, which took form before Hiroshima, is
adequate to the conditions of the atomic age.

TRANSITIONS IN THE FORM OF WORLD ORGANIZATION

Although history is continuous and some form of organization al-
ways regulates the relations of peoples in contact with one another,
forms of organization may undergo relatively rapid transition at cer-
tain periods usually characterized by war and violence. Such transition may be accelerated and become turbulent because of an inherent contradiction between the mode of organizing security and prosperity which has existed and that which new conditions require.

As an illustration, systems of states regulated by an equilibrium of power can hardly move gradually into a system of states regulated by law because the functioning of the two systems calls upon states to behave in manners which are mutually contradictory. Stability through power politics can only result if each state maintains its own defenses comparably with that of its neighbors, maintains the freedom and the capacity of its government to act rapidly and decisively, and promptly joins in temporary alliance or common action to decrease the relative power of a state which is becoming so powerful as to threaten its neighbors. Power must be the dominant criterion. If other considerations enter into the policy of any state of importance in the balance, the stability of the entire system will be impaired.

On the other hand, stability through law can only result if each member of the community limits its defensive measures to those which the law permits, subordinates its policy to the general law, and utilizes the procedures of the general law for determining, protecting and modifying its rights. Law must be the dominant criterion. If other considerations predominate in the policy of states or groups of states, too large to be controlled by the agencies of law enforcement for the community as a whole, the stability of the entire system will be imperilled.

**INTERNATIONAL JUSTICE AND PREVENTIVE WAR**

It is clearly impossible for states to be guided predominantly at the same time by precepts both of power and of law. The difficulty was recognized by the early writers on international law in discussing the justice of war to preserve the balance of power. Beginning with the Spanish Dominican Francis of Victoria in the sixteenth century, the classical writers recognized that war was not justified except against a state that violated the law. Yet a state might dangerously increase in power without violating the law. Alberico Gentili at the Court of Queen Elizabeth, thoroughly versed in Italian balance of power politics and quoting with approval the opinion of Lorenzo de Medici "that the balance of powers should be maintained among the princes of Italy," denied as a jurist "that it is just to resort to a war of this kind as soon as anyone becomes too powerful" because a prince may "have his power increased by succession and election." "Will you assail him in

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16. *Id.* at 757, 1493.

war," writes Gentili, "because his power may possibly be dangerous to you? Some other reason must be added for justice's sake." 13

Hugo Grotius in the midst of the Thirty Years' War elaborated the same point.

"We have said above that fear with respect to a neighboring power is not a sufficient cause. For in order that a self-defense may be lawful it must be necessary; and it is not necessary unless we are certain, not only regarding the power of our neighbor, but also regarding his intention; the degree of certainty required is that which is accepted in morals.

"Wherefore we can in nowise approve the view of those who declare that it is a just cause of war when a neighbor who is restrained by no agreement builds a fortress on his own soil, or some other fortification which may some day cause us harm. Against the fears which arise from such actions we must resort to counterfortifications on our own land and other similar remedies, but not to force of arms." 19

Samuel Pufendorf 20 and Christian Wolff 21 similarly distinguished the expediency from the justice of wars. Emmerich Vattel, writing realistically in the midst of the Seven Years' War, emphasized the importance of maintaining the balance of power, but adds:

"...Since war is only permissible in order to redress an injury received, or to protect ourselves from an injury with which we are threatened, it is a sacred rule of the Law of Nations that the aggrandizement of a State cannot alone and of itself give anyone the right to take up arms to resist it.

"Supposing, then, that no injury has been received from that State, we must have reason to think ourselves threatened with one before we may lawfully take up arms. Now, power alone does not constitute a threat of injury; the will to injure must accompany the power. It is unfortunate for the human race that the will to oppress can almost always be believed to exist where there is found the power to do so with impunity. But the two are not necessarily inseparable; and the only right which results from the fact that they ordinarily or frequently go together is that first appearances may be taken as a sufficient proof. As soon as a State has given evidence of injustice, greed, pride, ambition, or a desire of domineering over its neighbors, it becomes an object of suspicion which they must guard against." 22

18. GENTILI, DE JURE BELLi (Carnegie ed., Rolfe's transl. 1933) 66.
20. PUFENDORF, DE JURE NATURAE ET GENTIUM (1688) c. 6, § 5.
21. WOLFF, JUS GENTIUM METHODO SCIENTIFICA PERTRACTATUM (1749) c. 6, §§ 617, 646-52.
Vattel then speaks at length of the duty of the state to take precautions proportionate to the risk and to take advantage of even the "smallest wrong" by an over-powerful state to make demands, but if the "powerful state is both just and prudent in its conduct and gives no ground for complaint", force cannot be used against it though counter-alliance may be appropriate. Such a balancing of power by diplomacy, Vattel considers both legitimate and prudent. If this fails and the balance of power becomes disturbed,

"The safest plan . . . is either to weaken one who upsets the balance of power, as soon as a favorable opportunity can be found when we can do so with justice, or, by the use of all upright means, to prevent him from attaining so formidable a degree of power. To this end all Nations should be on their guard above all not to allow him to increase his power by force of arms, and this they are always justified in doing." 23

If the disturbance of the balance is due to the construction of fortresses or increase of armament by a state, attack upon that state is not justifiable unless there is evidence of intended perfidy. The only remedy is defensive military preparation and alliances, policies likely to lead to armament races which are both expensive and dangerous to the peace. 24 Vattel's difficulty in reconciling the expediency of preventive wars to maintain the balance of power with the injustice of wars undertaken merely for that purpose is clear, and his extended advice by no means solved the difficulty.

Nineteenth century writers generally followed Vattel's lead, although they somewhat changed his terminology. They recognized the political expediency of maintaining the balance of power while insisting that armed intervention merely for that purpose is not legally permissible. 25 To summarize, international lawyers have agreed that if states consistently follow the precepts of the balance of power, they will weaken law as an instrument of security. If, however, they follow law in all circumstances, the balance of power is likely to become so disturbed that the security of all will be imperilled, assuming that the community lacks effective processes of law enforcement. Consequently, the sanctions of law must become adequate all at once if law is to be substituted for the balance of power.

"If they are not adequate, subjects of the law will not abandon the right of self-help, or if they do abandon it will become victims of their own confidence in an inadequate system as did

23. Id. § 49, at 251-2.
24. Id. § 50, at 252-3.
25. See 1 OPPENHEIM, INTERNATIONAL LAW (5th ed. 1935) § 136; WILSON, INTERNATIONAL LAW (5d ed. 1939) 64.
Ethiopia and Czechoslovakia [in the 1930's]. If the force of a State is adequate to defend its own right, it will also be sufficient in some cases to defy the law. Consequently an unorganized balance of power system contains no guaranty against lawlessness. As a result of these circumstances, the establishment of a system of international sanctions, assuring that the power behind law is greater than the power of any law-breaker or any probable combination of law-breakers, cannot take place gradually. Unless such sanctions are made sufficiently powerful all at once, they may be worse than useless."

**The Organization of Security and of Prosperity**

Probably the same dilemma exists between an economic system regulated by free market processes and an economic system regulated by central planning. The first fails to assure prosperity if government operation and regulation of industry become so great that basic price adjustments cannot be made through the market. Central planning, however, cannot assure prosperity if so large a sphere of economic activity is left to free enterprise that a comprehensive plan cannot be administered. A government cannot plan more than a small fraction of the national economy and maintain a free enterprise system at the same time.

The suggestion, however, that there is an incompatibility between the balance of power and world law as bases of security, and also an incompatibility between free enterprise and government planning as the basis of prosperity, should not be understood to imply that there is any incompatibility between world law and free enterprise. In fact the reverse may be true. There may be an incompatibility between world law and highly governmentalized economies. Law functions best when the natural and artificial persons who are its subjects are relatively weak in comparison with the community as a whole.

The difficulty of the situation lies in the fact that governments, even if they realize the incompatibilities between different systems of security and of prosperity are not entirely free to choose the system which they, and the public opinion under which they function, desire. Conditions of technology and science may be such that even with the fullest support of opinion and the most suitable organization a policy, perhaps feasible under other conditions, cannot be made to work. What is practicable depends on both conditions and opinions. But conditions genuinely imposed by technological and scientific advance are so difficult to alter that opinions must be adjusted to them.

27. Wright, *op. cit. supra* note 1, at 1169-72.
28. Whether technological changes have rendered obsolete the opinion which has sustained free enterprise economy is highly controversial. See Hayek, *The Road to Serfdom* (1944) 43 et seq.
There is, it is true, always a considerable range of choice among policies either of security or of prosperity, and in general this range probably widens as science and technology advance, but at the same time science and technology establish conditions difficult to alter which impose important limits upon the range of choice. Europe could not be a world in itself after Columbus. The horse and buggy age was gone after Henry Ford. The Wright brothers greatly reduced the influence of sea power in the history of the future. Since Hiroshima, no city can feel secure during war. A security system which relies heavily upon geographical distance and geographical barriers is today obsolete.

EVALUATION OF RECENT SYSTEMS OF WORLD ORGANIZATION

With these considerations in mind, attention may be given to the three systems of world organization which have been attempted since the Napoleonic wars: (1) balance of power under the Concert of Europe conducted by the British Empire, (2) balance of power under the League of Nations, and (3) balance of power under the United Nations. The first of these systems appears to have worked the best. It kept comparative peace for the century between the battles of Waterloo and the Marne, whereas the League of Nations kept the peace for less than twenty years, and opinion seems divided whether the United Nations can keep it even that long.

This comparison, however, does not mean that the British system was best in an absolute sense, only that it was best relative to the conditions which it faced. It failed in 1914 and was not completely successful during the twenty years of nationalistic wars in Europe, the Americas and Asia from 1850 to 1870. This system rested on a widespread opinion which acquiesced in the dominance of British sea power and finance, in the British theory of economic and civil liberties, in the functioning of the great power concert in Europe, and in the principles of international law supporting territorial sovereignty, localizing wars, and regulating intergovernmental relations not directly related to national security. The adequacy of this system was destroyed by the diminution of the influence of Britain’s sea power consequent upon the invention of the submarine and the airplane and the rise of American, Japanese and German sea power; by the diminution of the influence of


30. The worst wars of the century were the Taiping Rebellion in China (1850–64), the Lopez war of Paraguay (1865–70), and the American Civil War (1861–5). The Crimean (1854–5), Italian (1859), Austro-Prussian (1866) and Franco-Prussian (1870–1) wars occurred in Europe during the same period but were much less costly in life and property. Id. at 365.
British liberalism consequent upon the rise of rival centers of finance and industry, the diffusion of socialistic theories, the increasing political influence of labor, and the increasing control of economies by governments and international cartels; by the serious disturbance to the equilibrium in Europe consequent upon the development of German military and industrial power, the weakening of the independent position of the Hapsburg monarchy faced by dissident nationalities, the corruption of Czarism in Russia, the static condition of the French population, the rise of non-European great powers and the increasing influence of democracy on the conduct of foreign policy; and by the agitation for self-determination in Eastern Europe, in Asia, and in the colonies consequent upon the diffusion of European military and industrial techniques and European ideas of liberty, equality and nationality. Under these conditions Britain in the twentieth century was unable to maintain the equilibrium of Europe and of the world as she had during the nineteenth century. 31

The Nineteenth Century Pax Brittanica was more successful in dealing peacefully with international problems as they arose than in educating opinion to the need for change. It was in large measure an automatic and static system which lacked processes for peacefully adapting itself to the new conditions of the twentieth century.

The League of Nations, established after a World War had emphasized the need for change in world organization, was intended by its founders to carry on the nineteenth-century system by adding American sea power to British, committing the United States to economic liberalism and international cooperation, restoring European equilibrium by German and eventually general disarmament, extending and co-ordinating international cooperation in non-political matters, and drawing the teeth of nationalism by accepting its main theses: self-determination of nationalities, gradual liberation of colonies, and international protection of minorities. 32 While the main assumptions of international law were accepted, the League, particularly after it was buttressed by the Pact of Paris, in principle eliminated the legitimacy of aggressive war and of neutrality. 33 The League was

31. Wright, op. cit. supra note 1, at 298-300, 758-66.
32. Rappard, The Quest for Peace Since the World War (1940) 474 et seq.
an effort gradually to supersede the balance of power by effective international law, utilizing the experience of the international unions and the Hague conferences. It might have effected the transition sufficiently rapidly to be successful if the United States had accepted it. Without American support the system of security in the inter-war period was less a League of Nations system than a balance of power system without the balancing activity of predominant British sea power.34

Today the situation is radically different from that of 1920. The power of Britain and the importance of sea power itself are greatly reduced. War equipped with air power, rockets, and atom bombs is far more destructive than ever before. Power is more concentrated, and the hands in which it primarily resides—the United States and the Soviet Union—are less similar in their economic organization and social outlook than were the two greatest powers of the earlier period, the United States and Great Britain. Faith in liberalism has declined in the face of the immediate success of Soviet totalitarianism. Thus the tensions of the world, politically between nationalism and internationalism and economically between free economy and governmentalized economy, are tremendously augmented. Technology and science have made tremendous advances. Opinions and organizations are less adapted to these advances than they were after World War I.35

Reviewing the situation in the light of human history as a whole, it appears that conditions are present which have in the past led to the termination of systems of power equilibrium. The number of great powers has been reduced, the relative superiority of these powers over the lesser powers has increased, war techniques have become more destructive, the contacts of states have become closer, and economy has become less free. In past civilizations such conditions have frequently led to conquest of the entire area of the civilization by one state. The equilibrium of power has sometimes been superseded by the universal state.36

THE UNITED NATIONS

With these considerations in mind, it is not to be anticipated that the system which worked in the nineteenth century under British

34. CARR, THE TWENTY YEARS' CRISIS, 1919–1939 (1939) 39, 277, 298; RAPPARD, op. cit. supra note 32, at 486 et seq.; BENES, COULBORN and FEILER, INTERNATIONAL SECURITY (1939); WRIGHT, op. cit. supra note 1, at 1055 et seq.
35. MORGENTHAU (Ed.), PEACE, SECURITY AND THE UNITED NATIONS (1946); ARNOLD, OPPENHEIMER, LIPPMAN, UREY et al., ONE WORLD OR NONE (1946).
36. The transitions from the Period of Warring States to the First Emperor in China (221 B.C.) and from the Hellenistic Period to the Roman Empire (31 B.C.) illustrate the development of this condition. See 1 TOYNBEE, A STUDY OF HISTORY (1st ed. 1934); WRIGHT, op. cit. supra note 1, at 117, 463, 575 et seq., 760–66.
hegemony or the system which might have worked in the 1920's through the League of Nations will work today. Will the United Nations be more adequate? Its Charter relies upon a balance of power among the "super-powers" permanently represented in the Security Council, upon the capacity and will of those powers to preserve the peace among the lesser states so long as they maintain their solidarity, upon the development of economic and social cooperation through autonomous organizations coordinated by the General Assembly and the Economic and Social Council, upon processes of gradual self-determination of colonies through the Trusteeship Council, and upon the development of methods for protecting human rights and fundamental freedoms. The United Nations, therefore, combines aspects of several different systems of political organization. It may be considered a world empire governed by the great powers as a unit. It may be considered a balance of power among the great powers. It may be considered a world federation organized in the General Assembly and the Economic and Social Council. Finally, it may be considered an ethical system depending upon the self restraint of states in respecting the principles of sovereign equality, territorial integrity, political independence, non-intervention in domestic matters, abstention from aggression, and pacific settlement set forth in the first chapter of the Charter.

The Charter has been criticized as attempting to combine incompatible systems of power and of law. Probably the Achilles heel of the United Nations is its dependence upon the maintenance of a stable balance of power among the permanent members of the Security Council. That equilibrium, primarily between the United States, Britain and Russia with the first two frequently acting together, has not shown signs of stability up to date. In principle it is difficult to see how an equilibrium between only two centers of power can be stable. In general, the stability of a political equilibrium increases with the number of relatively equal states contributing to that equilibrium. In such a situation, the possibility of small weights being moved to one or the other side of the balance makes for stability. If the world is divided into two great power combinations, no such equilibrating device exists and the moment one or both of the combinations considers war inevitable or probable, that one against which time appears to be running is likely to begin hostilities.37

The world is not yet committed to a two power structure. Britain and France maintain independent positions. China may develop sufficient unity to engage in power politics. Some of the lesser states have successfully resisted absorption in the sphere of any super-power. The conditions, however, are far less favorable to a stable equilibrium

37. WRIGHT, op. cit. supra note 1, at 382, 755, 763.
than they were in the nineteenth century or even in the inter-war period.\(^3^8\)

In this situation statesmen have been temporizing, attempting to reach agreements on one point after another without marked success. It does not seem likely that such measures will create confidence and security unless in the long run they tend to develop organizations and opinions better adapted to the conditions of science and technology in the modern world. These conditions appear to be such that a balance of military power cannot be stable and will become progressively less stable as the techniques of nuclear fission spread to all of the great powers.

**Federation or Empire**

It may be that the price of stability will be a rapid transition to a system which can give security through adequately enforced world law. That is the contention of the numerous organizations urging world federation.\(^3^9\) Perhaps the same thought is in the minds of those who suggest that a preventive war may become necessary.\(^4^0\) The federalists, however, seem not to realize sufficiently the barriers which the present state of opinion and of organization in the world offers to their proposal.\(^4^1\) The advocates of preventive war have not sufficiently realized that security by that means implies universal conquest and assumption of the burdens of world empire by the victor.\(^4^2\) Furthermore, it does not seem likely that the United States, at least, could find support in its own public opinion for initiating a war which international law and numerous political pronouncements of the United Nations would brand as aggression and would consider sufficient grounds for criminally indicting the responsible officials of the aggressor government.

In spite of these obstacles it may be that the only alternatives actually before the world are a form of world federation or of world empire. It does not seem likely that a stable balance of power can be

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38. Wm. T. R. Fox writes, however, “Since the centers of greatest power are more widely separated than heretofore, the new military situation makes it enormously difficult for one super-power to defeat another. Wars between the powers of first rank will necessarily be protracted, far-flung, and indecisive. All ought therefore to be anxious to avoid such a conflict. . . . Relatively small variations in military power will not jeopardize the military security of any of the super-powers. The possibility of settling disputes by compromise or by reference to the merits of the dispute ought correspondingly to be enlarged.” Fox, *The Super-Powers* (1944) 22, 23. This was written before Hiroshima, and since that event Dr. Fox [The Absolute Weapon (Brodie, ed., 1946) 178, 196–7] seems to have less faith in an equilibrium dependent on retaliation than some of his colleagues (id. at 16, 76, 134).


41. Wright, *op. cit.* supra note 1, at 982–6.

42. Id. at 117, 963, 969.
restored. It is even less likely that there will be such a firm and universal acceptance of ethical or legal norms that force will be controlled by self-restraint. In democratic countries the choice of federation, emphasizing consent, as opposed to empire, emphasizing coercion, is logical and obvious. Critics of the present state of world organization in democratic countries are likely to evaluate a system of world politics as bad if it depends on "power politics" or is directed by "pressure groups" and to evaluate a system as good if it rests upon "law" and is guided by "world public opinion." President Wilson summarized the aims of the United States on July 4, 1918 as "The reign of law, based upon the consent of the governed and sustained by the organized opinion of mankind." That summed up, he thought, the objectives of the Fourteen Points and of his other war speeches. It may also be said to sum up the Atlantic Charter and the other United Nations declarations of World War II. That opinion, however, is by no means realized in the United Nations Charter. Perhaps the "federalists" are right in believing that a world organization which realized the Wilsonian opinion would be better adapted to the material conditions of the world than is the organization which exists.

However that may be, power politics is today the basis of the world's political organization and the number of states which can actively participate in that game is small. The world is moving toward two great centers of power, the United States and the Soviet Union, each bringing the lesser states in its neighborhood under its protection and producing points of insoluble disagreement where those great regions meet in China, in Germany, in the Balkans, and in the Middle East.

Pressure groups of universal character such as the Communist party, the Catholic church, the great business cartels and combinations exercise a certain influence. In fact, the International Labor Organization is constitutionally constructed to develop such pressure groups in the economic field representing respectively capital and labor. The influence of such pressure groups, however, in view of the present control of armaments by states is likely for a considerable period to be small in comparison with the influence of the great states. Pressure groups are more likely to be agencies of the principal actors in power politics than checks upon them, although the influence of supra-national pressure groups wielding great blocks of opinion within the states themselves cannot be entirely discounted.

International law, as interpreted in the nineteenth century, emphasized the territorial state as the exclusive subject of that law, and emphasized the sovereignty of such states including the rights to make war, to remain neutral, to refuse to settle disputes by judicial procedures, and to veto the application of international legislation to itself. It assumed the success of power politics in maintaining a stable equilibrium. It could not give security through law. International
law must be reinterpreted in the spirit of its great founders of the
sixteenth and seventeenth centuries, if it is to provide security for the
members of the world community under present conditions. It must
outlaw aggressive war, require pacific settlement, eliminate the liberum
veto on international legislation and sanctions, and recognize the
individual as subject to liabilities and entitled to rights under its rules.
The latter is particularly important if the world community is to ac-
cept the democratic theory that the state is for man, not man for the
state, under material conditions which make the entire world a com-
paratively small neighborhood.43

Such a reinterpretation implies, however, a world opinion prepared
to subordinate the nation to the world in the fields regulated by inter-
national law and to support a world organization able to enforce that
opinion. Such a world public opinion is today a hope rather than a
reality. The only publics that have effective opinions are national
publics and, to a limited extent, certain supra-national pressure groups.
The problem of world organization is the problem of creating an
opinion, permeating the public of every important nation, prepared to
subordinate immediate national interests to world law.

THE PROBLEM FOR STATESMEN

The world is at a cross road. Conditions will no longer permit a
stable balance of power. Opinion will not yet permit a stable world
federation. The drift may be, as it has been in similar situations in past
civilizations, toward a new world war which might eventuate either in
a world empire or in such complete destruction that technology and
science would decline in a new dark age. The only rational solution
appears to be temporizing adjustment of security problems through
skilful diplomacy which carefully distinguishes the essence of national
opinions which cannot be safely compromised from lesser issues where
accommodation is possible, while within the United Nations and its
subsidiary organizations federalism is built as rapidly as possible.44
The United Nations represents the limit to which present world
opinion will go in the direction of world federation. It must not be
sacrificed because it is not perfect. Rather it must be the foundation
on which to build as evolving opinion permits.

The Charter itself directs the United Nations to reach down to the
individual through the protection of individual human rights and co-
operation in promoting universal human interests. The Nuernberg

43. Wright, International Law and the World Order in The Foundations of A More
Stable World Order (Laves, ed., 1941) 107 et seq. Wright, op. cit. supra note 1, at 907-
16, 935–52.

44. Dulles, Thoughts on Soviet Foreign Policy and What to Do About It (1946) 20 LIFE
No. 22 at 112; id., No. 23 at 118.
trial suggests the further possibility of promoting world federalism by establishing the responsibility before an international tribunal of individuals for crimes against the law of nations. The Department of State's report on the international control of atomic energy and the statement of the American representative on the United Nations Atomic Energy Commission suggest direct administration of one universal interest through an authority functioning within the territory of all states.

Through the development of such practices, the United Nations might assume a more federal character than it now has. Furthermore such practices might develop a world opinion aware of the necessity of giving the United Nations a degree of authority and power able to develop law to meet the needs of the contemporary world and to create a sense of security among all peoples, nations, states and governments under that law.

These proposals recognize the inconsistency between the measures necessary to maintain equilibrium among the great powers within the United Nations in order to gain time, and the measures necessary to develop a world opinion which will permit the United Nations to become a government able to develop and maintain world law. It is idle to talk of a world state without a world state of mind. It is idle to talk of security through law when there is no world state. It is idle to urge governments to abandon primary reliance upon their own power when world law cannot give them security. It is unlikely that the use of national power in preventive war would create conditions favorable to the development of a world state of mind. Conquest is more likely to lead to empire dependent upon force than to federation dependent upon consent.45

The statesmen of the world are faced by the dilemma that they cannot organize a stable balance of power and they cannot rely on law for security. The people do not want to submit their national sovereignties either to world empire or to world federation. The dilemma is one which is difficult to solve by abstract logic and will have to await the logic of history. Conditions and opinions are out of harmony. It belongs to statesmen to utilize the opinions that exist in order to create what stability they can under existing conditions while they strive to educate opinion to broader horizons. They must judge from moment to moment how far they can go in balancing power without stultifying the law of the United Nations, how far they can go in subordinating national opinion to that law without risking war. In that task a day-by-day analysis of the state of opinion in each of the super-powers and in the world as a whole might be an important guide. It is unlikely that

45. Wright, op. cit. supra note 1, at 117, 963, 969. But see Alexander, Our Age of Unreason (1942) 331.
without quantitative measurements of opinion statesmen can keep the ship of world peace in the narrow course between the rocks of national opinions buttressed by the sovereignty of states and the whirlpool of a still inchoate world opinion not yet aware of itself in a world which rapidly shrinks as technology and science advance.

**Tasks for the United Nations**

The General Assembly and the Security Council may by their resolutions give some evidence of the state of opinion, but more precise evidence is needed. The direction, intensity, homogeneity and continuity of the opinions of each important public toward other nations and toward the United Nations and its policies can be measured and such measurement might well be undertaken by the Secretariat. For this purpose it would be necessary to collect systematic samplings of opinions expressed in the press, in questionnaires and in elections at frequent intervals. If the opinions of the important publics were known in all their dimensions, the agencies of the United Nations might circulate information to conform those opinions more closely to world conditions. This, however, would only be possible if United Nations debates, resolutions and documents were assured free and immediate access by radio and press to every important public. If iron curtains continue to isolate opinion in any great area of the world, statesmen will lack the only guide which could keep them from steering into disaster, and such opinions may depart further and further from the conditions of the world.

The United Nations may, as already suggested, bring itself into direct contact with the people of the world by international cooperation in matters of common interest such as health, communication, commerce, education and standards of living; by promoting universal respect for fundamental human rights and individual responsibility for fundamental human duties; by administering directly vital human interests like atomic energy; and by disseminating abundant information concerning its policies and problems. By such activities the United Nations may in time transform itself into a federal order. In the meantime it must carry on programs of opinion measurement and analysis among all the major publics of the world for the guidance of diplomacy, both within and outside the Security Council. With such information, statesmen may be able to maintain an unstable and hazardous balance of power until the peoples of the world by becoming accustomed to the functioning of the United Nations are prepared to support improvements in its structure and powers.