

The Problem of World Government

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The United States Undersecretary of State has recently observed that our intervention in the Dardanelles is due to the fact that the United States has an interest in all matters which might disturb the peace of nations.² If the country is thus to intervene promiscuously in all matters occurring anywhere, it is likely to have its fingers burned badly. It is a justification for the superstate theory consistent only with municipal law, which began with the assumption that individuals were subject to the control of international law, and was continued by the theory that independent states no longer exist. The discredited theory of the "just war" plays its part in this wishful thinking. All this of course is contrary to fact, but logically a superstate must intervene on behalf of every injured person, whatever his nationality, to redress wrongs which international law had heretofore left to the exclusive jurisdiction of his national state. There is an obvious contradiction, therefore, in leaving the diplomatic protection of the citizen abroad within the jurisdiction of his national state. Logically this should be the function of the superstate, whether a non-existent international community or one of the states arrogating to itself a temporary superiority. That this superiority is likely to be challenged and that it leads to alliances and combinations and imperialism is left unnoticed.

This is not to say that independent states have not common interests, which they have heretofore evidenced in their subservience to law and in their promotion of administrative unions, a function largely taken over now by the Social and Economic Council of the United Nations and its Commissions. This is worth while work and there is no intention of disparaging it. But when it comes to political centralization, a fundamental change in state life is inherent. The states show no evidence of a voluntary willingness to forego their sovereignty, so that we are left in some dilemma as to whether the new theory of subordination can prove effective. To speak of international law fitting the new theory is to try to fit a square peg into a round hole. This mechanical operation has usually been unsuccessful. Whether it can be more successful in political international life is problematical. The subject deserves more consideration than it has thus far received.

EDWIN BORCHARD

THE PROBLEM OF WORLD GOVERNMENT

The United Nations Charter came into force on October 24, 1945, less than four months after it was signed. Its inadequacies were not the result of any oversight but were deliberately written into the Charter in order that the Organization might be firmly grounded in the political environment in which it must operate.

In the period between the signing of the Charter and its coming into force atomic energy had been turned by man against man. The calculable

² *The New York Times*, Oct. 2, 1946, p. 14.

effects of the release of nuclear energy merged swiftly into the incalculable. Was the United Nations Organization already out of date before it came into existence? Would the desire for freedom from fear overcome the traditions of national freedom? Was world government the counterpart in human affairs of the atomic bomb in the realm of science?

Apparently many thought so. Atomic physicists, Supreme Court Justices, and radio commentators signed manifestoes for a world state, a world government, a limited world government, or perhaps a government of one-half a world. The logicians attempted to substitute logic for experience as a solvent for problems of politics. The practical problem of how to get from here to there—how to go about setting up a world government—apparently troubled few of those who regarded world government as a solution. It was natural that advocates of world government should object to discussing its probability—since it was so improbable that the United States and Soviet Russia would wreck the United Nations to please the perfectionists. It was natural that advocates of world government preferred discussing its desirability to its probability. The United Nations is a living reality, and, because it is a human institution, it is not without fault. World government has no existence except as a figment of the imagination and may easily be imagined as flawless by the untutored mind.

For those who face the problem at all the favored first step towards world government is usually termed “the abolition of sovereignty.” But sovereignty is not a fact; nor is it actual power; it is a legal theory, concerning the authority of the state in the field of law. If you could abolish the concept, power would remain. Man-power, natural resources, and industrial potentials would remain in Soviet Russia or the United States even if the legal concept of “sovereignty” could be “renounced” or “transferred.”

Even if next year a world state could be set up and endowed by its Charter with supreme executive, legislative, judicial, and administrative powers the gap between its legal authority and social and political realities would be so enormous as to condemn it in advance to futility. Social life is regulated not only by law and institutions of government, but by differing usages, traditions, moral and religious conceptions, and political and economic ideologies.¹ The creation of any world state is more likely to be the result of an evolutionary development. In any particular stage of development law must have roots in these social and political realities or be reduced to the fatuity of a Kellogg Pact. In the present stage the very defects of the United Nations are evidence that it accords with basic realities; but evolution towards the next stage is already noticeable. The decision of the Security Council to retain jurisdiction over the Soviet-Iranian con-

¹ See Dietrich Schindler, *Contribution à l'étude des facteurs sociologiques et psychologiques du droit international*, in *Recueil des Cours de l'Académie de Droit International de la Haye*, Vol. 46 (1933), p. 237.

troversty even though both states asked for the dismissal of the case is an important example of the way in which an international organization can, by evolutionary process, increase its authority at the expense of its members. The gathering pressure against the veto privilege will serve to test whether the atomic bomb has or has not advanced political possibilities beyond existing legal techniques. Further stages might include an increase in the number of non-sovereign Members of the United Nations, a gradually advanced legislative process, dispensing with ratifications, the enactment by special majority of rules of law binding on Members, even the enactment of laws directly binding upon individuals in delimited fields. By a process of evolution, during which the gap between law and social reality is never allowed to become too great, an international organization can gradually acquire authority and power never delegated to it. Thus the last stage—the creation of a world state—although a revolution in legal theory, might come to seem but a relatively slight change in practice.

This dream, it should be noted, is anathema to the advocates of world state or world government. The first immediate step, writes Thomas K. Finletter² is to set up “a rule of law.” Later on he changes his timetable by stating that law cannot exist without government; but let us quote him: “. . . We must avoid being taken in by the idea of working into the rule of law by gradual steps. Gradualism is just another way of avoiding the issue. . . . The fallacy of the gradualist notion lies . . . in its failure to recognize that the first step must necessarily be the final one; that no nation can give up its nationalist defences before . . .” it has security. Now if this statement means anything at all, it seems to say that there is, indeed, no hope for a world state.

It might be well to investigate some of the assumptions which seem to make a world state so desirable to its advocates. Where did they ever pick up the notion that a world state would rest on democracy? If the population of the world is two billion, simple arithmetic and an elementary knowledge of government are sufficient to show that over one and one-half billion people either do not live in states or territories with a democratic form of government or are governed by regimes militantly opposed to political democracy. Many less than 500,000,000 people, or less than one-fourth of the world's population, live under a democratic form of government, let alone the many republics here included which are democracies only in name. Even if we assume that all men in their hearts are democratic, we must not overlook the traditions and political realities under which they have grown to adulthood, or the ignorance, illiteracy, inertia, or active ideological hostility to majority rule. Moreover a world legislature based upon popular representation—assuming that we could establish it—would find itself without any community of values and standards, the

² “Timetable for World Government,” in *The Atlantic Monthly*, Vol. 177, No. 3 (March, 1946), pp. 53-60.

indispensable minimum for viable government. The alternative would be the exercise of arbitrary world power by the few. "Because of the vastness of the territory over which it ruled," writes Gerhart Niemeyer, "a world government would become . . . less dependent on consent, . . . more standardized, and therefore culturally more oppressive, than any other government." Against a government so divided that it is unable to govern, or against governmental absolutism, force is an alternative which cannot be ruled out by law.

This leads to further assumptions underlying the plea for a world state. One writer seems to assume that as soon as political units lose their sovereignty wars must automatically cease between them as a mechanical consequence of their being merged into a larger unit. This assumption overlooks civil war. We shall have gained nothing by changing the name of war to civil war. Others favor passing a law against war and placing "the collective might of the world community" or "preponderant military power" behind its enforcement. Unfortunately collective might or preponderant military power must have a geographical location, and this collective might appears, on examination, to be Russian or American or the might of other national groups. True, the assumption of the world government dreamer is that there will be no Russian state, but it is clear that the Russian nation will remain and the people of Russia will think like Russians and believe what Russians believe; they may even act like Russians. What this suggests is that there may be such a thing as politics—even in a world state. Politics is a struggle for power; and where men hold deeply entrenched views on nationalism, politics, and economics, the assumedly automatic application of the collective might of the world community turns out to be a matter of power politics—as it is today. Nor is the issue avoided by the assumption that since world law would apply directly to individuals organized national resistance to political, economic or social legislation, applicable *urbi et orbi*, would become unlikely or impossible. In fine, any belief that by setting up a world state, making its laws directly applicable to individuals, passing laws to solve problems which have baffled the efforts of men since the beginning of time, and devising automatic sanctions for their enforcement, any such belief rests upon the greatest assumption of all, namely, that human nature and the world upon which the world state emerges will already have changed so as to ease the tasks of world government.

This line of reasoning is considered irrelevant and even unfair by those who advocate not a world state but "a limited world government." However, their "limited world government" appears indistinguishable from a world state. Thus, Thomas Finletter, after advocating "a limited world government," or "a government narrowly limited to the essential powers . . . necessary to stop war," proceeds to refer to it as "a super-state . . . of narrowly limited powers." The confusion here exhibited is more than

verbal. The question is one of jurisprudence as well as of politics. It is not the *quantum* of powers exercised by a governmental entity which determines its juristic character, but its competence to define the limits of its own authority. If Mr. Finletter's "limited world government" is competent to set the limits of its own authority and is, as he says, "superior to the national states," it is more than a world "government"—it is a world state even though it delegates to its central world government only the powers "necessary to stop war" and leaves other powers elsewhere. The juridical alternative to a "world state" is not a "world government" but an "international government," whose authority is conferred and delimited by treaty. This alternative is rejected with scorn by Mr. Finletter, who suggests that if Russia declines our offer of "a limited world government . . . we should form the supra-national government with those nations who are willing to join it." This is only another way of urging Two Worlds instead of One—a fatality to which we are so close that it should not be encouraged.

In politics there are no automatic or permanent solutions. The grave problems which divide Soviet Russia from the nations of the western world cannot be solved by changing the words in a written document. The United Nations' Charter already provides adequate procedures. With unconquerable persistence we can develop the scarcely tapped resources of the Charter and extend its metes and bounds. The present alternative to the United Nations is not world government but chaos.

HERBERT W. BRIGGS

THE PROBLEM OF MORAL DISARMAMENT

A decade ago it was a common criticism of the Covenant of the League of Nations that it had made provision for military disarmament but no provision for economic disarmament. Hostile critics of the League pointed to the collective security provisions of the League as insuring the maintenance of the *status quo*, found that the world was divided into the "haves" and the "have-nots," and pronounced the doom of the League unless its members were prepared to make the League an instrument of justice as well as a means of preventing aggression. Friendly critics, while not denying the disturbing factor of the unequal distribution of resources among the leading nations, insisted that the proper solution was not to attempt to establish new political frontiers but to lower the economic barriers between states, to remove the obstacles to the free flow of trade, to open up the channels of commerce, to promote economic disarmament side by side with political disarmament. Only a few critics saw clearly the importance of a third factor, that of moral disarmament; and none were able, under the circumstances, to formulate it in terms of a rule of law.

It remained for the development of the Nazi Government in Germany to bring home to the international community the danger latent in the com-