
KANT AND THE ILLUSION OF COLLECTIVE SECURITY

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Kant and the Illusion of Collective security.

"It cannot be denied but that the natural state of men, before they entered into society, was a mere war, and that not simple but a war of all men against all men"

Hobbes, De Cive

Introduction.

Observing the destructive impact of the European civil wars, Thomas Hobbes concluded that men alone are incapable of preserving peace and order. He assumed that peace could only be established if a strong monopoly of violence were created in the hands of a single sovereign. In essence, the idea was simple: if men are aggressive by nature, no peace is possible without an ultimate authority capable of imposing or restoring order.

Hobbes' conclusion hardly has been challenged by other political philosophers. Even Locke, who proposed a moderate version of government to create domestic peace, agreed with Hobbes in two basic assumptions: first, no civil society can be built without a supreme authority, tribunals to render verdicts, and police authorized to enforce such verdicts; second, given the existence of sovereign states, the process of centralization of power cannot be reproduced in the international sphere. The states would never agree to relinquish their powers to an all-mighty, universal sovereign.

Along with the philosophical analysis, the historical evidence has been convincing: while domestic order and peace is possible, international war is inevitable. But even in the face of clearly justified pessimism about the possibility

of international peace, we cannot avoid returning to the question of what instruments, if any, can eradicate war as an instrument of policy among nations.

In the XVIII century Kant proposed the revolutionary idea that peace is possible even in the absence of an international authority. According to Kant, no universal Leviathan was necessary for that purpose; rather, a large federation of committed states could promote and maintain international peace. Appealing as it seems, Kant's project was never deemed feasible until the early years of this century.

Only the outbreak of the First World War and the notorious failure of the idea that peace can survive under a mere system of balance of power paved the way to the implementation of some reforms in the political relations among states. There is a deep analogy between Kant's ideals and the new systems created in this century under the concept of "collective security". The League of Nations and its heir, the United Nations, were both based on the assumption that some kind of international organization must be created if war is to be avoided or at least limited effectively.

Unlike Kant's project, however, the contemporary systems rely on the assumption that war can only be prevented if a coalition of states agrees to halt, by force if necessary, the aggression of any state. This solution poses a serious problem: how effective and desirable is the achievement of international peace by force?. As the end of the Cold War brought renewed hopes for the realization of the United Nations mechanisms of collective security the discussion of this problem is crucial in the present circumstances.

This study is an attempt to demonstrate that the contemporary concept of collective security not only made impossible the creation of a working security system, but also, and more importantly, stands in contradiction to the very ideal of international peace. I begin with the analysis of Kant's project of Perpetual Peace

and its comparison with the theory of collective security. Then I outline the main features of collective security organizations and their critiques. I will conclude by discussing the illusory hopes created by the idea that peace can be enforced. Resorting to some of Kant's insights and reflecting on the lessons of the Gulf War, I will argue that the enforcement of peace, no matter how drastic were the recent changes in the world order, remains a self-defeating goal.

Kant and the problem of peace.

After the conclusion of the Peace of Westphalia in 1648, the European sovereigns put an end to religious civil wars, confining the use of international force as a political affair between states. Each state was then recognized as an independent part of the nascent European order, endowed with a sovereign *jus ad bellum*, the right to make war, regardless of the moral grounds of that decision. In this respect, the new system, later called the "European balance of power", implied some progress with respect to the previous state of affairs. It eliminated the devastating impact of the Christian "just wars" that denied the enemy its right to legitimate existence. The establishment of European international law introduced the mutual recognition of the states as adversaries of a common order, in which war between nations, by virtue of their absolute sovereignty, was from the outset a *bellum justum*.¹

In the eighteenth century, however, it became apparent to many philosophers that this ready acceptance of war stood as a stumbling block to the cultural and economic development of Europe. Thinkers like Saint-Pierre, Rousseau, and Bentham attempted then to devise different schemes to realize what they called, rather enthusiastically, an "everlasting" or "perpetual" peace. In this vein, the most

¹See, Koselleck, Reinhart, Critique and Crisis. Enlightenment and the Pathogenesis of Modern Society (Cambridge: MIT Press, 1988), pp. 43-46. For a detailed juridical analysis of the evolution of the European international law, see Schmitt, Carl, Der Nomos der Erde im Volkerrecht des Jus Publicum Europaeum (Koln: Greven Verlag, 1950)

celebrated work of that time was, undoubtedly, Kant's pamphlet, "Perpetual Peace", published in Koenigsberg in late 1795.

Kant's work has been properly depicted as a subtle and balanced alternative to the optimistic perspective of Saint-Pierre and the pessimistic view of Rousseau about the problem of achieving international peace². The core of the alternatives surrounded the question of the feasibility of a federation of powers capable of enforcing peace, and the conditions necessary to create this federation. Abbe' Saint-Pierre in his *Project Pour Rendre La Paix Perpetuelle En Europe* (1713-1717) suggested that only a permanent and strong federation could maintain the rule of law among nations. Saint-Pierre had in mind a Grand Alliance of the Christian princes and kings of Europe through which they would renounce war, establish procedures of arbitration for the settlement of disputes and maintain a common police force. In particular, the European states, according to Saint-Pierre, should agree on four basic requirements:

1.) The creation of an executive body, the "Senate of Peace", composed of delegates of the 24 Christian states of Europe (art. I).

2.) Each state must provide the revenue necessary to support an international army (art. II).

3.) In case of a dispute between two states, the states in conflict must seek reconciliation through a mandatory mediation of the members of the Grand Alliance. In the event of failure, they must submit the controversy to the final arbitration of the Senate of Peace (art. III).

4.) In case one of the powers in disagreement refuses to consent to the decision of the Alliance or the Senate, an international army must be used to force the compliance of the reluctant power (art. IV).

² Friederich, Carl, *Inevitable Peace* (Cambridge: Harvard University Press, 1948), pp. 157-187

Saint-Pierre's project was indeed an attempt to create a sort of European government, independent and superior to the individual states. In order to make the system work, each state would renounce the right to manage individually its international disputes and even abandon the maintenance of national armies.

As the reader may guess, the main problem with this project was how to persuade the ambitious princes that they would be better off after the establishment of a sovereign federation. Saint-Pierre's response was rather naive. He assumed that the princes would agree to create the system once they became aware of "the immense advantages which a perfectly certain peace would bring to them and to their Royal Houses"³. To be sure, no prince took seriously Saint-Pierre's recommendations.

Rousseau, who prepared an extract and summary of Saint-Pierre's project, deemed the work as an excellent theoretical approach to peace, but too unrealistic to be put into practice. No less than Saint-Pierre, Rousseau deemed war a major evil and the main obstacle to the progress of political and social reforms in Europe. He also thought that a strong federation of European states was the only solution that would put an end to international war. Rousseau's opinion, in contrast to that of Saint-Pierre, was that war was simply too profitable for kings and princes to abandon so easily. Kings, he said, "are concerned with two objects alone: to extend their rule abroad or to make it more absolute at home"⁴.

In sum, even if the idea of a federation committed to the maintenance of peace seemed to Rousseau the best alternative for eliminating war from the international system, he saw no real possibility that the different European states would submit to federal rule. He thus abandoned the problem as unsolvable.

³ A Project for Perpetual Peace (New York: Garland, 1974), p. 16

⁴ Judgement on Perpetual Peace (New York: Garland, 1974), pp. 102-103

When Kant undertook the task of writing a political essay on the problem of peace, he kept in mind not only the ideals of Saint-Pierre, but also Rousseau's sober warning. In contrast to those thinkers, Kant went beyond the mere analysis of what instruments are necessary for attaining international peace. He examined that problem from the broader perspective of a particular philosophy of history.

Along with Hobbes, Kant accepted the pessimistic assumption that "the state of peace among men living side by side is **not** the natural state; the natural state is one of war"⁵. From this perspective, the state of peace can only be an artificial and conscious creation of men. This reasoning, in Kant's view, is valid for domestic peace as well as for international peace. The fact that international peace does not exist in reality, Kant argued, is not an argument for denying that in the long run it could be established. International peace is a necessary option dictated by the same moral imperative that led men to associate in a political community in order to overcome the unbearable state of civil war.

In outlining a plan for perpetual peace, Kant distinguished preliminary or necessary conditions from definitive or sufficient ones. Among the first set of requirements, Kant proposed that an international order could be created only if (1) the different states freely adjure their right to make war or interfere with the internal

affairs of each other (arts. I and V); (2) an effective and progressive dismantling of national armies is established (art. III); and (3) if the states renounce the right to wage punitive wars against other sovereign states (art. VI).

The preliminary articles of peace clearly indicate Kant's absolute rejection of any kind of war of aggression. In this respect, his departure from the Christian doctrine of the "just" war deserves special attention. The requirement of a *justa*

⁵ Perpetual Peace, Sec. II, par. 348, in Kant, Immanuel, *On History*, edited and with an introduction of Lewis White Beck (New York: Bobbs-Merrill, 1963), p. 92

causa , a just cause to give moral justification to the use of force, was for Kant particularly dangerous when applied to offensive wars. Like other philosophers of his time, Kant agreed that peace cannot be attained until statesmen abandon the idea that there are "just" wars which entitle the "justified" party to wage a punitive war against a wrongdoer⁶ . In those cases, violence may reach so extreme a point that an enduring peace-settlement would become almost impossible. The religious wars of the XVI and XVII century proved only too well to European minds that "appeals to moral conscience would not only fail to help put an end to conflict, but would rather, despite all the participants acting in good faith, perpetuate and exacerbate it"⁷

As an alternative to the doctrine of the just war , Kant refused to accept the idea, predominant in his time, that by making legal all kind of wars an improvement could be made to the progress of peace⁸. In this respect, his contention was directed against Emerich de Vattel, the classic representative of the eighteenth-century international law. According to Vattel, war being an inescapable fact of political life, and in the absence of an international authority, each state remains invested with a sovereign *jus ad bellum*.. In this context, the best international law can do is to provide a specific set of rules to moderate and limit the use of force among nations. War, for Vattel, must be transformed into a 'guerre en forme', a war conducted "indépendamment de la justice de la cause"⁹. In this kind of war, he argued, the states, by virtue of their mutual recognition as

⁶ "...Between states no punitive war (*bellum punitivum*) is conceivable because there is no relation between them of master and servant", *Ibid.* par. 347, p. 90

⁷ Koselleck, Reinhart, *Critique and Crisis...*, p. 46. An excellent summary of the arguments against the doctrine of the just war is provided by Norberto Bobbio in *Il Problema della Guerra e le Vie della Pace*, II ed. (Bologna: Il Mulino, 1984). Also, for different perspectives about the problem of the moral justification of war, see *Just War Theory*, edited by Jean Bethke Elshtain (New York: New York University Press, 1992)

⁸ Gallie, W.B., *Philosophers of Peace and War* (Cambridge: Cambridge University Press, 1978), p. 19

⁹ *Le Droit de Gens; ou Les Principes de la Loi Naturelle Appliqués à la Conduite et aux Affaires des Nations et des Souverains* (Washington: Carnegie Institution of Washington, 1916), III, 4, par. 68

sovereign entities in a common political order, would agree to observe certain limits in the conduction and termination of hostilities.

Kant denounced this belief as a delusion: a peaceful and lawful international order can only start if nations agree to renounce to any kind of war of aggression. The only wars he accepts as legal are defensive wars by voluntary national militias¹⁰. This is coherent with the idea that war, though it must be abandoned in principle, would not be immediately eradicated from international relations. After the long process of perpetual peace becomes reality, war has to be maintained as a legitimate defense.

In combination with the necessary conditions for perpetual peace, Kant proposed the "definitive" articles of peace, his most important contribution to the philosophy of international law. Three definitive articles are exposed in the second section : first, the need for a republican constitution for all states; second, the constitution of a Union of Nations; and third, the building of a cosmopolitan law, in which each individual will become a citizen of the world. Despite the importance of the third condition, I will limit my analysis to the first and second conditions, the most directly related to the essential problems of collective security¹¹.

By "Republic", Kant meant in general a non-despotic form of government in which the executive power is separated from the legislative and where the sovereign rules according to the law consented by the people. A republican constitution, in turn, is a juridical form of state based on three principles: (1) Freedom of all members of society as men; (2) dependence of all upon a single common legislation as subjects, and (3) equality of all as citizens¹². Kant relied

¹⁰ In the third of the preliminary articles, after proposing the abolishment of standing armies, Kant acknowledges that "the periodic and voluntary military exercises of citizens who thereby secure themselves and their country against foreign aggression are entirely different", *Perpetual Peace*, par. 345, p. 87

¹¹ For an analysis of individual rights and the notion of cosmopolitan law in Kant's concept of peace, see Bobbio, Norberto, "Kant e la Rivoluzione Francese", in *L'Età dei Diritti* (Torino: Einaudi, 1992) pp. 143-155

¹² *Perpetual Peace*, 350, p. 94

heavily upon the idea that European wars were mainly motivated by the greed of governments and statesmen rather than of peoples. From this perspective, the assumption is that “ if the consent of the citizens is required in order to decide that war should be declared [...] nothing is more natural than that they would be very cautious in commencing such a poor game, decreeing for themselves all the calamities of war”¹³.

This idea could be taken as naive. More than once, history has shown that peoples can be as bellicose as their leaders, if not more so. The relation between the republican principle and peace, however, is not mechanical. What Kant has in mind is a political order in which through the public scrutiny of the acts of government the people would become increasingly aware of the real motives of war and the sacrifices they would face if the nation were engaged in hostilities. In this sense, the existence of a republican constitution is not per se a guarantee of peace; it is only a form of government that makes **less likely** the initiation of offensive wars with the sole purpose of advancing the political ambitions of the rulers.

The establishment of a federal system, the core of Kant's proposal, is the most controversial aspect of his project. For Kant, states, like individuals, must abandon the state of nature if they want to create a peaceful coexistence. The new order should be then based on a compact in which the states agree to end all wars by engaging in a League of Peace (*foedum pacificum*). This league or union of nations, however, does not involve the creation of a single authority, as in a civil constitution¹⁴. As Norberto Bobbio puts it, what Kant proposed was not a *pactum*

¹³ Ibid. 351, pp. 94-95. In the *Metaphysics of Morals* Kant takes the stance that the state has no right to lead a human being (which in a republic is also a citizen) into war without his consent. “A citizen, he says, must always be regarded as a co-legislative member of the state (that is not merely as a means but at the same time as an end in itself), and as such he must give his free consent through his representatives, not only to the waging of war in general, but also to any particular declaration of war”. See Kant, Immanuel, *The Metaphysical Elements of Justice*, ed. translated and with an introduction by John Ladd (New York: Bobbs-Merrill, 1965) Part I, II, 3, par.346, p. 118

¹⁴ *Perpetual Peace*, II, par. 345, p. 98; *Metaphysics of Morals*, II, 2, 54, par. 344

subiectionis, in which the states would submit their rights to a common power, but a simple *pactum societatis*, a pact of collaboration among states¹⁵. In other words, the efficacy of the pact of peace does not hinge on the existence of a coercive power above the single states. For this reason, the alliance could be properly described as a confederation of free and independent states, rather than a federal state¹⁶.

At the same time, Kant also rejected the idea of a league with executive bodies entitled to enforce peace by means of coercion against aggressor states. "This league", says Kant, "does not tend to any dominion over the power of the state but only to the maintenance and security of the freedom of the state itself and of other states in the league with it, without there being any need for them to submit to civil laws and their compulsion, as men in state of nature must submit"¹⁷

What Kant foresaw with perspicacity is that if the federation becomes so strong as to enforce peace against aggressor states, it would become in fact a super-state, inevitably overriding the rights of its members. Such a strong rejection of the idea of enforcement of peace had, for Kant, three major reasons.

First, he was reluctant to propose an effective enforcement of peace through a world state or a federal union, because he feared that such a system might lead to the establishment of a despotic peace. For Kant, even the temporary preservation of the state of war (i.e, the existence of independent states), "is rationally preferable to the amalgamation of states under one superior power, as this would be in one universal monarchy"¹⁸

¹⁵ Introduction to Perpetual Peace, in Kant, Immanuel, *Per la Pace Perpetua* (Roma: Editori Reuniti, 1992) p. XVI

¹⁶ The idea of a state of nations, says Kant, "would be contradictory since the state implies the relation of a superior (legislating) to an inferior (obeying), i.e, the people, and many nations in one state would then constitute only one nation". *Perpetual Peace*, II, par. 354, p. 98

¹⁷ *Ibid.*, II, par. 356, p. 100

¹⁸ *Ibid.*, II, par. 367, p. 113

Second, since the idea of enforcement of peace assumes the obvious fact that force can only be deterred by force, it provides an excuse for future wars. This possibility would contradict the preliminary articles of peace in the sense that no reservation for future wars should be included in Kant's treaty of mutual non-aggression. In final analysis, he rejects the justification of a "war to end war".

Third, the possibility of resorting to wars of common defense against an aggressor may lead to the restoration of the doctrine of the "just" war. This problem is not explicitly developed by Kant, but follows his arguments against the use of "punitive" wars in the new order. Kant's project precludes such wars waged not only by a single state but also by a coalition of states.

At this point, the skeptical question is inevitable: what, if anything, guarantees peace in Kant's project?

The strength of the alliance lies in its capacity to extend among a greater number of states, the instruments of peaceful settlement of disputes, the principles of cosmopolitan law and, essentially, the commitment to non-aggression. Only by free and non-coercive consensus, when mankind becomes aware of the benefits of the rational imperative of peace and respect for the law, does Kant think his federation will become universal and effective. In other words, there are no "teeth" in Kant's alliance for the contention of war. The guarantee of peace rest on his moral doctrine, and more precisely, in his philosophy of history.

Peace is for Kant a moral duty which, as such, cannot be imposed. As an imperative of our practical reason, the achievement of a peaceful coexistence is what Kant calls a 'regulative idea'; i.e, a rational end that men must adopt as a maxim of behavior with independence of its possibility of realization¹⁹²⁰There is a

¹⁹slightest theoretical probability that it is feasible, as long as its impossibility cannot be demonstrated either". *Metaphysics of Morals*, II, 3, 62, par. 354

²⁰ See "Idea for a Universal History from a Cosmopolitan Point of View", and "An Old Question Raised Again: Is the Human Race Constantly Progressing?", in Kant, Immanuel, *On History*, op. cit., pp. 11-26 and 137-154

“hidden purpose” in nature, says Kant, “to produce harmony among men, against their will and indeed through their discord”²¹. To put it in simple terms, what Kant had in mind was that only through the gradual abhorrence of war, would mankind realize the necessity of an everlasting peace. This process is long and uncertain, but in any case, must not be imposed.

Two centuries after Kant, mankind became less optimistic about the final development of history. His philosophy, however, remains crucial to understand the moral and political dilemma posed by war: is there any effective and desirable way of achieving peace?. If there is not, perhaps it would be useful to come back to Kant.

The concept of collective security

On grounds of philosophy and political theory a long list of projects of peace, more or less based upon the idea of a federation or a confederation of powers, were proposed throughout the nineteenth century. A common trait binds all the plans of peace suggested from the XVIII century onward: none of them was ever implemented. Only in rare exceptions did politicians and statesmen seriously consider those projects. The inescapable reality of international politics was deemed to be a balance of powers in which each state was invested with an equal right to resort to war. In this context, any idea of an international organization for the maintenance of peace was regarded as impossible and utopian.

At the beginning of this century, the outbreak of the First World War, the emergence of nationalism, and the crisis of the capitalist systems, created a very different perspective about the problem of war. Philosophers and statesmen alike became aware that some reforms were necessary in the international system. As

²¹ Perpetual Peace, II, par. 361, p. 106

usually happens in a deep crisis, strong pessimism was mixed with renewed optimism. "After 1914", Carr said, "men's minds naturally fumbled their way back, in search of a new utopia" ²² .

The "new utopia", in Carr's terms, was the intent toward the end of the war of 1914, to bring back and put into effect in the international context, some of the ideas about peace offered by the philosophers of the eighteenth and nineteenth centuries. The champion of this effort was, undoubtedly, the American president, Woodrow Wilson.

Wilson proposed that some method of international cooperation was needed to maintain international peace and prevent future wars. "Mere agreements", said Wilson, "may not make peace secure; it will be absolutely necessary that force be created as a guarantor of the permanence of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected that no nation, no probable combination of nations could face or withstand " ²³.

In other words, the new model for peace must be "not a balance of power, but a community of power; not organized rivalries, but an organized common peace"²⁴ . collective security, as opposed to balance of power, became the catch phrase for the new order.

Wilson's concept of collective security was poorly developed on theoretical grounds. Most of the energies were directed towards its implementation in the would-be League of Nations. Perhaps the most simple and all-encompassing definition of collective security was that given by Sir Alfred Zimmern as "the safety of all by all"²⁵. This system implied a deep reform of the legal system on which

²² Carr, Edward H., *The Twenty Years Crisis, 1919-1939* (New York: Harper & Row, 1964), p. 26

²³ Wilson, Woodrow, "A League of Peace", in *The Puritan Ethics in the United States Foreign Policy* (New York: Van Nostrand, 1966) p. 183

²⁴ *Ibid.*

²⁵ Cited by Ross, John F. L., *Neutrality and International Sanctions* (New York: Praeger, 1989) p. 12

balance of power was based. On the one hand, only defensive wars (individual or collective) were admitted as legitimate wars under a collective security agreement. It meant that the states must abnegate the *jus ad bellum*, or right to war, they enjoyed in the classic European international law. On the other, the creation of an international organization became essential to determine the mechanisms of collaboration of the states in the prevention of wars, or, eventually, the suppression of aggression²⁶.

According to these lines, three conditions are essential for the new system. First, the states must renounce the possibility of resorting to coercive actions in absence of international authorization. Except in the case of aggression, in which self-defense must be admitted, states must submit their conflicts to the peaceful methods of settlement of disputes provided by the international organization. The use of coercive instruments, in turn, can be only approved by the international authority.

Second, and in clear opposition to the idea of balance of power, the idea of collective security demands from the states no alliances with or against other powers. Collective security is a system which requires the defense of all against **any** aggressor. The "abstractness" of the enemy, as Claude says, "is a leading characteristic of collective security"²⁷

The third condition is structural. Under a collective security system, it is crucial to define the mechanisms by which a multinational coalition can be implemented in case of aggression. The rationale of this requirement is the formation of a coalition force as a real threat for any aggressor. It implies, in turn, that there is some international executive body capable of commanding support from the states, eventually organizing the leadership of an international force.

²⁶ Claude, Inis, *Swords into Plow Shares* (New York: Random House, 1971) p. 160

²⁷ *Ibid.*, p. 257

Wilson's version of collective security shares some traits with the Kantian project: the commitment of the states to the maintenance of peace on behalf of the global community, the creation of an international law above domestic law and the national interests of the states, and the preservation of sovereign states in an international organization which resembles more a confederation than a federal state. Both ideas also shared the assumption that there is a strong link between peace and the existence of governments based on popular consent. Wilson, like Kant, believed that world peace could only be established through an alliance of democratically-governed nations.

Nonetheless, an important difference separates the two projects. Unlike Kant's project, but perhaps similar to Saint-Pierre's ideal, the concept of collective security assumes that no peace is possible if the union of states does not envisage an effective system of collaboration for the enforcement of peace in case of aggression. In this respect, the Wilsonian project addresses the problem that Kant left unsolved: the effective prevention of wars of aggression up to the uncertain moment in which the states freely abandon the instrument of war as a way to resolve political conflicts. This remedy, as we will see, also created new problems.

The League of Nations and the United Nations as collective security systems.

The idea that a balance of powers is a "natural" system for preserving peace among nations contains at least a partial truth. In theory, given a plurality of states, a system of balance of powers can work with nothing else than armies and diplomacy, the perennial instruments of foreign policy. In contrast, a collective security system must be created. It requires an international organization capable of organizing cooperation among the states for the maintenance of peace.

The effort to establish such a system was first made after World War I with the creation of the League of Nations. As an international organization, the League was neither a super-state nor a simple alliance among the victorious powers of the

war. It was, instead, an "instrument of co-operation", open to any state, under an organizational model similar to a confederation of states²⁸.

Even imperfectly, the covenant of the league provided some of the instruments for the implementation of a collective security system. According to this idea, one essential obligation was "to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League" (art. 10). In this sense, if not overtly stated, the new legal order assumed the prohibition of aggression and the obligation of assistance to the victims of aggression²⁹. But the prohibition of war was not absolute. According to article 12, in case of conflict the states should submit the matter (depending on its nature) to arbitration, judicial settlement, or to inquiry by the Council. But if after three months no solution was achieved, a literal interpretation of the article allowed for the possibility of resorting to war.

The commitment to international peace beyond the national interest of the states was established by declaring that "any war or threat of war, whether immediately affecting any of the members of the League or not, is hereby declared a matter of concern to the whole League" (art. 11).

The League was thought of as an international instrument open to any nation regardless of the nature and ideology of its political regimes. It is widely accepted, however, that some restrictions were intended, under Wilson's ideas, to refuse the admission of authoritarian and non-democratic regimes. The reference in article I that any fully "self-governing" state may become a member of the League was interpreted in that sense by many commentators, even though in practice it was understood as a requirement of sovereignty, not of democracy³⁰.

²⁸ Zimmern, Alfred, *The League of Nations and the Rule of Law, 1918-1935* (London: Macmillan, 1939) p. 289

²⁹ Claude, Inis, Jr., *Power and International Relations* (New York: Random House, 1962) p.262

³⁰ Walters, F. P., *A History of the League of Nations* (Oxford: Oxford University Press, 1967) p. 44

The core of the system created by the covenant was article 16. According to this norm, if any state ("whether member of the League or not") were to resort to war in violation of the sections of peaceful settlement of disputes (arts. 12, 13, and 15), its actions should be regarded ipso facto as an "act of war" against all the members of the League. The collective sanctions in this hypothesis could go from economic blockade to effective military actions decided upon by the Council of the League (par. I and II). No provision was made to determine how the states would collaborate to make effective these sanctions.

The gap between this system and Wilson's concept of collective security emerged in relation to the problem of the enforcement of collective security measures. In contrast to Wilson's ideal, the League had no "teeth" to enforce peace: there was no positive obligation of the states to participate in military sanctions. Two reasons may explain this omission: first, the uncertainty about what technical requirements were necessary to enforce the obligation; second, and more important, the reservations among the states concerning the desirability of that task³¹The political leaders who created the League of Nations were perfectly aware that an effective mechanism of collective security would imply a dramatic change of the inter-state system in which they were involved.

If the main purpose of the League of Nations was thought to be the prevention of another international war, the new system was a complete failure. The Japanese and Italian aggressions of the thirties were neither prevented nor resolved by the League. In this respect, the outbreak of World War II was just the "official" announcement of the demise of the League. Nonetheless, the assumption that international peace can only be achieved through a system of collective security was never abandoned.

³¹ Claude, Inis, *Power and International Relations*, p. 153

After World War II, the major powers finally reached a consensus to re-create an international organization for the maintenance of peace. This time, however, their approach was more pragmatic than in the era of the League of Nations.

The charter of the United Nations provided an absolute prohibition against the states resorting to war as an instrument for resolving international conflicts. International disputes must be settled by peaceful means and no member of the UN can resort to the threat or the use of force against any state (art. 2, par. 3 and 4). Like the Covenant, the Charter has provisions for disarmament, peaceful change (art. 11, par. 1 and 2) and peaceful settlement of disputes (Chapter VI).

The right of self-defense in case of aggression was also recognized but in more cautious terms than the Covenant. According to article 51, the "inherent" right of individual or collective self-defense can be always used in case of armed attack but the measures taken must be immediately reported to the Security Council. This body, in turn, has the authority to decide what measures are necessary to maintain international peace and security.

The Security Council of the UN is the key organ of collective security. In contrast to the Council of the League, its functions are more specific. Only the Security Council has the authority to determine "the existence of any threat to peace, breach of peace, or act of aggression" (art. 39). In the same vein, the Security Council has the power to decide and order the members of the UN to engage in non-military sanctions and also to put into action the military forces supposedly placed at its permanent disposal by the members of the organization (arts. 39-50).

The UN, however, does not fulfill the requirements of the contemporary ideal of collective security. For one thing, the UN charter, no less than the Covenant of the League, does not provide the mechanisms through which the states must supply military contingents in case the Security Council decides to put into effect coercive

measures against an aggressor. For another, since the Security Council needs the unanimous consent of the great powers (US, UK, USSR, China, France) to reach a decision, it becomes in fact impossible to take collective security measures in case of aggression perpetrated by any of them.

The history of the UN clearly demonstrates that the organization was hardly able to implement the new system. The early outbreak of the cold war between the US and the Soviet Union was a major (though not the only) factor for the impotence of the UN in its function as a collective security system.

The economic and political competition between both powers was automatically reflected in the Security Council. It made unreal the possibility of reaching a consensus in case of aggression, not to mention the impotence of the system if the aggression was committed by the U.S. or the U.S.S.R. The emergence of opposing defensive alliances (NATO and Warsaw Pact) outside the UN framework sealed the failure of the system.

In its whole history, only in two occasions did the UN become close to a working collective security system: in 1950, during the invasion of South Korea by North Korea, and, more recently, during the war in the Persian Gulf.

In the first case, the use of an international force was merely "authorized" but not "decided" by the UN. The main impulse to form a coalition was provided by the United States whose influence by then in the UN made it possible to temporarily override the veto of the USSR in the Security Council³².

The case of the Gulf War is a special one. This war emerged in a completely new international context in which the failure of the communist system had put an end to the East-West conflict. Since the Soviet Union did not oppose the armed intervention against Iraq's aggression, the role of the UN was more active and

³² See Roberts and Kingsbury, "The UN's Roles in a Divided World", in *United Nations, Divided Role* (New York: Clarendon, 1990)

genuine than in the case of the Korean war. It is only a partial truth that the key element to forming an international coalition, as Henry Kissinger stated, was the American leadership and not the UN by itself³³.

The main powers reached a striking consensus about the legitimacy of the war. If not a perfect resemblance to the collective security ideal, the Gulf War gave the image of how this system might work in reality. I will reconsider this problem later by evaluating the prospect of an effective system of collective security.

The critique of collective security

The harshest attack against the theory of collective security came from those thinkers enlisted in the philosophical school that since Machiavelli has been called "political realism".

For the realist, the failure of the League of Nations and the UN cannot be explained simply in terms of the imperfection of the systems implemented or because a bipolar international context is unfavorable to render possible collective security measures. According to the realist, international politics is the arena of power politics *par excellence*. In contrast to domestic politics, the international order of power has always been, in the realist view, anarchical and oligarchical: the first, because of the absence of a monopoly of legitimate violence, the latter, because, without civil society, rights depend largely on might³⁴.

No matter what efforts were made to mitigate the absence of a common authority, in the realist perspective, the state will always remain *legibus-solutus*, free from the law, to decide the use of force and resort to war as a means of international policy.

³³ Kissinger, Henry, "A False Dream", in *The Gulf War Reader* (New York: Random House, 1991) p. 462

³⁴ "The Anarchical Order of Power", in *Conditions of World Order*, edited by Stanley Hoffman (Boston: Houghton Mifflin, 1968) p. 47

In the anarchical order of power, what matters is the national interest. For realism, general principles, ideologies or ethical motivations cannot explain the actions of the states. As Hans Morgenthau plainly stated, "realism imposes the judgment that statesmen think and act in terms of interest defined as power"³⁵. Terms like "global interest" or "international community" are therefore only rational constructions without any reference in the real world.

As long as the nation-state persists as the basic unit of international relations, realism assumes that a system of balance of power is the only possible and desirable alternative for keeping peace in the world. International peace, says Aron, "could be safeguarded only, and always temporarily, by the balance of rival powers or the victory of the strongest and the establishment of an empire"³⁶.

Ultimately, realism denies not only the feasibility of collective security, but also its legal foundations. In this view, the condemnation of wars of aggression is perceived as a moral standard disconnected from reality. Since there are not clear-cut concepts to determine what is an act of aggression, it would be unfair (also unreal) to condemn only the state that took the "initiative"³⁷. Even if not always overtly stated, the realist paradigm often assumes that a firm truth was contained in the old "jus publicum europaeum" for which all wars were equally legal. The most clear representative of this position was the German jurist Carl Schmitt. He proposed, following the philosophical trend initiated by Emerich de Vattel, that since war is an ever-present possibility in a context of equally sovereign states, all wars must be legal. International law, he argued, must devote all efforts to the moderation, not the eradication, of war³⁸.

³⁵ Politics Among Nations (New York: Knopf, 1960) p. 5

³⁶ "The Anarchical Order of Power", p. 30

³⁷ See Aron, Raymond, Peace and War Among Nations (New York: Doubleday, 1966) p.159

³⁸ See Der Nomos der Erde im Volkerrecht des Jus Publicum Europaeum, op. cit., chap. IV, in which he discusses in extent the criminalization of wars of aggression intended by contemporary international law. For a better understanding of the relation between war, politics and legal order in Carl Schmitt, see, The

In this vein, Julien Freund, an eminent disciple of Carl Schmitt, goes beyond the actual impossibility of establishing a collective security system, trying to imagine the prospect of a world in which it would be possible to enforce peace collectively. According to Freund, if the main powers of the world could reach a consensus about the maintenance of peace, the most probable would be, not the prevention of wars but the illegitimacy of any war not justified in terms of the values accepted by the holders of the international order³⁹. In other words, collective security could be implemented but it does not mean that war would be eradicated or a just peace established. Far from this, the creation of an international police, may lead to "the most absolute universal dictatorship"⁴⁰.

For Freund, as for Schmitt, war lies more in the nature of politics than in the conditions of a multi-state system. Even if the nation-state were eliminated, war will remain unless a strong and universal dictatorship were constituted to impose peace by force. For this reason, the ideal of an international army for the maintenance of peace, no less than a world state, could be a despotic reality in which politics would become a matter of police.

From the other extreme of the theory, say, the 'idealist' camp, collective security has been criticized as a poor attempt to attain the desirable goal of a world state. Interestingly enough, the partisans of a world federalism start from the same theoretical point that the realists do: peace and order can only be established through the creation of a centralized monopoly of legitimate violence. The only

Concept of the Political. Introduction, translation and notes by George Schwab, with comments on Schmitt's essay by Leo Strauss (New Jersey: Rutgers University Press, 1976)

³⁹ L'Essence du Politique (Paris: Sirey, 1965) pp. 493, 499

⁴⁰ Freund, Julien, Le Nouvel Age (Paris: Marcel Riviere, 1970) p. 202 : "Cette thèse implique (the creation of an international force) encore d'autres conséquences le risque de donner au chef de la police internationale pour autant qu'il sera le détenteur unique de la puissance thermonucléaire, la possibilité de faire une politique intérieure mondiale à sa guise [...] et en fin de compte d'exercer la dictature mondiale le plus totale".

difference is that the federalist, in contrast to the realist, thinks that the project is not only possible but also desirable.

The federalist relies on the analogy of the federal model of state as a solution to be reproduced in the international context. To the crucial problem of how such a model of world state could be implemented, the federalists have given little more than vague responses. The most common proposal among federalists is that the officials of the world state should be, somehow, appointed by the peoples and not by the governments⁴¹. In this paradigm, the creation of a direct and universal democracy should be the legitimate goal of the international order.

The establishment of a common police force, judges, and even an international legislature constitutes an essential feature of a possible world federalism. The repressive apparatus of the state, the federalist assumes, is what keeps the order within a political community. Therefore, a similar system should be implemented in the international context if war is to be avoided. But beyond the idea that those powers should be exercised separately from the particular governments and above them, no practical solution has been submitted about how it is possible to transform so dramatically a system of inter-state relations. Taking for granted that a world state is a highly desirable goal, the federalists have also assumed that its creation is a possible task.

The "hobbessian trap"

Realism and idealism are often presented as the most opposite of theories of international politics. Both, however, are products of the same philosophy. Realists and federalists alike have fallen in what I would call the "hobbessian trap", namely, the belief that a monopoly of violence is the necessary condition for peace and order

⁴¹ Claude, Inis, *Swords into Plows Shares*, op. cit., p. 416

within a given community. Since the basic argument of both theories is the actual difference between domestic order and international anarchy, we may start looking at how peace could be established and preserved in internal politics.

The centralization of power and the use of legitimate violence in the hands of a single authority has been a major trait in the process of nation-state building. Only through the monopoly of violence and the gradual creation of national armies and police forces, could the modern state establish order eradicating civil wars waged by private armies. In this respect, observing the civil wars of the XVII century, Hobbes was absolutely right: no sword in the hands of a Leviathan, no peace.

However, even if the existence of a superior and unchallenged force is essential for imposing peace once political order has been broken, it does not give a satisfactory answer to the problem of how violence is prevented and law preserved during normal times. The effective threat of the use of force is only a partial explanation. Individuals obey law mainly to the extent to which the legal order reflects the values accepted by the community to which they belong. In periods of deep reforms in the foundations of a legal order, the gap between the actual behavior of the individuals and the values of the new system certainly tends to increase and governments are prone to use more often the threat of force in order to obtain compliance. Yet, the fate of any legal order, no matter how conservative or revolutionary it may be, depends in the long run on its capacity to be freely accepted by the people.

Consensus about the legitimacy of the legal order and not only the possibility of enforcing the law by means of coercion explains the maintenance of peace within a given community. As recent and past historical examples demonstrate, even the strongest dictatorships were doomed to collapse when they failed to keep strong popular support.

In my opinion, the conditions of international order share a deep analogy with those of domestic order. The main function of international law is to reflect the common values and principles accepted by the international community in a certain historical period. Sometimes, these principles require time to be fully implemented. The proscription of war as a means of international policy, the pacific settlement of disputes, even the commitment to an international organization for the improvement of the world order, cannot be put into effect until the states and their leaders accept freely the mutual benefits of the maintenance of peace.

The actual impossibility of implementing those principles should not be an argument either to renounce the effort or to desperately try to change reality. The realists propose the former solution, the world federalists the latter. Both rely on force as a necessary condition for keeping peace in the international context: the realists, abandoning the threat of coercion in the hands of each state, the federalists proposing the creation of a super-state to centralize the use of violence.

Between the maintenance of a balance of power system and the creation of world state, the contemporary concept of collective security stands in an uncertain point. It clearly denies the use of war as an instrument of international policy, but it does not offer a better solution than the gradual evolution towards an international military force in hands of an executive international body. Realists and federalists are probably right in their critique of collective security: there is a contradiction between the maintenance of a multi-state system and the requirement of an international authority capable of imposing collective security measures by force.

Kant understood the core of this problem and went beyond the alternatives, already existent in his time, between realism and idealism. Against realism, he repudiated the concession that states have a right to go to war. The existence of war is not an argument to make it legitimate. On the other hand, Kant also renounced

the idealist proposal of a federal union capable of enforcing international peace as impossible, and moreover, undesirable. It could lead to universal despotism and a renewal of punitive wars. The theory of collective security should go back to Kant and get free of the "hobbesian trap". The enforcement of peace could be an instrument to win a war against a single state, but it does not imply the prevention of future wars nor the possibility of a more fair and lasting peace.

Excerpt from the article "*Kant and the Illusion of Collective Security*", selected to be published in volume 45, n°2, Journal of International Affairs, as the 10 th. annual Andrew Wellington Cordier Essay.

Conclusions: Kant in the post-Cold War order

It is almost a truism to say that the so-called international “order” is in fact based on an anarchic multi-state system. States still rely on their might to deter aggression, and there is little common ground of shared values among nations. On the other hand, we face the frustrating reality of an international law which lacks effective instruments of enforcement.

Given these conditions, the possibility of a peaceful international order, faces the paradox "to avoid the Charybdis of subservience to state ambitions and the Scylla of excessive pretensions of restraint⁴². There are, I fear, no immediate solutions to this problem.

Up to the moment at which the states freely accept that it is in their own interest to preserve peace and renounce the use of violence in international policy, no international order can be established. The implementation of an effective collective security system, no less than the creation of a world state, is only an illusory approach to the problem of war. Even if peace could be enforced by a coalition of "peace-loving" states or by a single international authority, it would not imply that war could be prevented or a fair peace preserved. It is the consensus about a legal order, not the threat of coercion, that explains the maintenance of peace.

If a state decides to use force against other nations, of course, there is no other means but a similar violent response to stop aggression. For this reason, defensive wars, waged by a single state or an alliance, though limited and subjected to legal control, cannot be outlawed, at least in the foreseeable future. A different problem is what happens when an act of aggression or violations of international law jeopardizes the world order.

⁴² Hoffman, Stanley, "International Law and the Control of Force", in *The Relevance of International Law* (Cambridge: Schenkman, 1968) p. 44

The dissolution of the communist bloc and the seeming triumph of the liberal democratic idea put an end to the East-West conflict that for most of this century impeded a consensus about the legitimacy of the international order. Not all the nations of the world, however, are ready to agree with that order. Border disputes, ethnic and religious conflicts, still remain as a source of war in many areas of the international system. In this context, the implementation of a collective security system—the illusion that universal peace can be now enforced—can only imply the risk of justifying punitive wars against the maverick aggressors of the world. This is the lesson we should learn from the war in the Persian Gulf

The Gulf war offered the image of how a system of collective security would work in reality. And the prospect, I believe, is not promising. This war obtained the legal and moral legitimacy to also justify the use of every means of destruction against the wrongdoer. For reasons beyond the scope of this study, the war in the Persian Gulf did not reach the extreme of absolute destruction. But this possibility was clearly part of its logic. As the implementation of an effective collective security system became more real after the end of the Cold War, the problem of the desirability of such a system should be seriously meditated.

From a different perspective, the existing conditions of the world order offer a unique chance to attain, in the long run, a non-coercive international peace. The United Nations has the potential to adapt its structures and activities for that purpose. The first step is to reformulate the concept of collective security. It could be maintained, but only in the broad sense of an international confederation of states that renounce war and commit themselves to the maintenance of world peace. In order to extend consensus about the international system, the United Nations must improve the mechanisms of peaceful settlements of disputes, universal disarmament, devise strategies of preventive diplomacy, and, essentially,

create new methods to make possible a peaceful change of the status quo in case of conflict.

An excessive stress on the use of coercion is clearly inappropriate to resolve the emerging ethnic and religious conflicts in the world. In these cases, the key activity of a post-Cold War United Nations must be to extend and strengthen the use of peaceful forces. The conflicts affecting countries like Yugoslavia and Somalia present opportunities to work in this direction.

The UN should also rely on the existing instruments for the protection of human rights, and devise new mechanisms to promote economic development in the peripheral areas of the world. These activities, in turn, could not only increase the legitimacy of the international order but also help consolidate democracy. This is in the best interest of the international community because, as Kant foresaw, the diffusion of governments based on popular consent make less likely the occurrence of war.

My conclusions may seem frustrating for some strong militants of the new world order. We must remember that deep deception is often caused by high expectations. Mankind has no other option than to rely on Kant's hopeful insight: if peace, as it seems, is a rational and moral imperative of human nature, it cannot be meaningless. If the proper steps are taken, then perhaps some day, our desire for peace may become reality.

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