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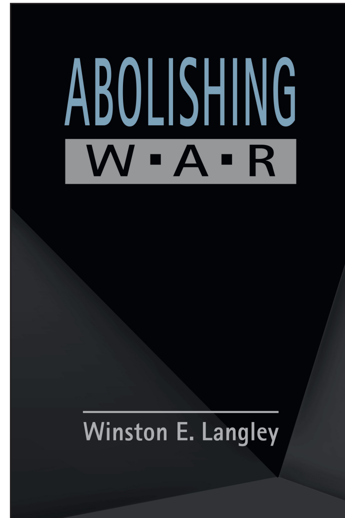
Abolishing War



Winston E. Langley

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1

The Lasting Peace We Seek

The search for a more effective international, global, or planetary governance system is one that the world has faced since the seventeenth century, with each successive century finding it more urgent and compelling. The 2022 Russian occupation of Ukraine and resulting Russia-Ukraine war is a sharp reminder of the consequences of our failure in this effort and an ominous forecast about the ugly outcomes that are likely to flow from the unfulfilled promise made in 1945 to save succeeding generations from the scourge of war—a promise that has now largely degenerated into handwringing and an unedifying blame game. Many of those who now blame Russia for its invasion of Ukraine were largely silent about or even participants in the US invasions of Afghanistan and Iraq, in 2001 and 2003, respectively. The blame game has also been shamefully present in the Hamas-Israeli war, which began in 2023.

Linked to this general failure are other weighty factors, particularly one that the world has consistently experienced since World War II despite the terms of the UN Charter: a mode of thinking and being that equates security with coercive force, especially military force. In international relations since 1945, this mode of thinking and being has sponsored a progressive move away from the goal of *common* security—a security for all supported by the United Nations—toward an illusory *partial* security sought through the pursuit of individual national interest. This way of thinking is buried in the remains of a discredited past referred to as the Westphalian system (WS), an international governance system that derives its name from the Peace of Westphalia, the series of treaties that ended in 1648 the devastating Thirty Years' War in Europe, which had killed more than eight million people.

Remnants of the WS—the sovereignty of states coupled with its offspring, the balance of power—have regained an ascendency that, if not quickly reversed, will lead to the continuation and expansion of a war culture: wars and more wars, local and general, grounded in suspicions, biases, cultivated hatreds, and, most importantly, an ethic of domination. Along with these unwelcomed basic results will be the extension and exacerbation of some regrettable and even unpardonable effects, such as continued social injustice and neglect of peoples; dismissal of the urgency to address vitally important planetary issues such as the destruction of the environment, proliferation of weapons of mass destruction, and worldwide spread of human rights abuses by the most influential and self-proclaimed protectors of human rights; an indifference toward global public health; and a routine disregard for violations of the norms of international law.

This renewed ascendency of the Westphalian mode has manifested in a number of ways, including (1) the ill-fated decision on the part of the US-led West not to take the opportunity at the end of the Cold War to reshape the international system through UN reforms that would have put into operation the idea of common security; (2) the triumphalism of the liberal democratic outlook based on the perception that the disintegration of the former USSR provided irrefutable evidence of the superiority of the liberal and democratic ideology—the values of which, allegedly, the world yearned for; and (3) the new rise in nationalism, linked to efforts by peoples to regain space for the flowering of some cultural pasts seen as having been repressed.

The United Nations, created to correct the deficits of the WS that led to World War II, embodies a spirit of governance that has been called the counter-Westphalian order (CWO). But, as will be discussed, the remnants of the WS have subverted their successor, rendering the CWO ineffective.

As the promise of the United Nations has gone unfulfilled, the world idles at the crossroads of hope and despair. Hope hinges on whether the ideas embodied in the UN Charter can still be realized if the international governance system is reformed, on whether humankind can reshape itself into a worldwide community composed of cosmopolitan selves who live in equality with dignity and respect for the planet. Yet despair persists on account of the remnants of the flawed past system of partial security that countervails the hope of uniting nations and peoples in support of full human security for all.

No one state or group of states has the capacity to deal successfully with the existing threats—from regional instability and violent conflict

to the proliferation of nuclear weapons, the transborder migration of peoples, and damage to the planetary life-supporting systems that provide our air, water, and sustenance. Humankind faces two alternatives: continue as we have since 1945 or abolish the principal feature of the WS's remnants: war.

The peoples of the world are waking up to the fact that there needs to be a new story going forward—a story about a new way of living and being, one that moves away from rights without duties, politics absent principle, commerce devoid of morality, wealth accumulation without social conscience, and power without legitimacy. We seek a world where equality is not a site for domination, freedom is not clustered with fear, and liberty is not purchased with the sowing of hatred and the blaming of others. Ours must be a story of collective and common responsibilities, one that perceives the distressing conditions we now confront not as inevitable but as solvable. Now is the time to abolish war and create a worldwide shift from the pervasive culture of war based in national security to a culture of peace based in human security, human dignity, and the sanctity of life on the planet.

But we cannot abolish war without a global governance structure that confers on every human the security that war has been mistakenly seen as capable of providing in the form of national defense. The recently acknowledged need, indicated by China and France, "to reinvent an international order of peace and stability" is not new.[1] This is what leaders of the world claimed to have done in 1648, with the Peace of Westphalia, and in 1815, in 1899/1907, in 1919–1920, and in 1945. Established elites, in these instances, used the public's yearning for peace and community to reinforce their respective positions and, thereby, extend the balance of power and all its destructive practices, including the sowing of poisonous distrust everywhere.

Though powerful interests worldwide benefit from the perpetuation of particular human conditions and oppose changes that promise to serve the greater good, it is possible to defeat the remnants of the WS, with its disposition of domination and force, once and for all. To overcome the global culture of violence and war and to substitute in its stead a culture of care and peace, this book contends that a reformed UN Charter provides for the replacement of national security with human security—a security that holds the best promise for the future political, socioeconomic, and moral well-being of humans and our common home, the Earth. A number of legal and political, moral, and economic reforms of the United Nations will reawaken the spirit of the CWO that slumbers in the text of the UN Charter. Only through collaborative work

as a worldwide community under a common governance structure such as a reformed United Nations can we face down the existential challenges we confront as a species.

The militarization of life to support what is mistakenly seen as national security is nothing more than the use of "nationalist pathology" to justify sacrificing the common good—our species' security—for partial security and national advantage. All such sacrificing is a corruption of being, individual and species, manifest in World Wars I and II and all wars since. The abolition of war, along with the broad reformation of the United Nations to improve global governance and ensure human security and the security of the natural world, is a task we must undertake as a species. Responding to this call with a nonviolent people's movement is consistent with restoring and upholding the dignity of human beings and of all life. It is also consistent with the formation of a self we can each ethically approve of, because our lives will bear witness to the truth that all humans are sisters and brothers.

The security human beings seek—the abolition of war—requires that the traditional social contract between people and their governments be changed so that *society* is replaced with *community* and a worldwide government structure expressive of the spirit of community. We must also come to recognize who we, as human beings, truly can be. A worldwide outcry for the abolition of force in dealing with human conflict will help human beings gain this realization, as we will see, and lend a special legitimacy to the new global governance system.

By seeking unity in peace, we no longer need fit ourselves individually or collectively into the inhumane culture of war. A nonviolent peace movement can push for convening a world general conference to recreate our world federal organization, unconstrained by selfish privileges conferred to any member. No one should be complicit in leaving the public spirit of the world we now inhabit to our children and succeeding generations.

* * *

This book elaborates on two broad concepts: the Westphalian system and the counter-Westphalian order in the form of the United Nations. The Westphalian system explains international public life from 1648 to 1945, but it has had lingering institutional and ideological impact on the ways international relations have been conducted since 1945. Indeed, its ideological features are the central cause of the balance of power ascendency and the despair resulting from its consequences. Part of the focus

of this book is to unwrap the WS and show its rather dire effects on international relations so that we can understand this system and how it must be dismantled.

The counter-Westphalian order arose as a replacement for the WS. This book examines the promise of the CWO, the struggle the effort at that replacement has entailed, and the steps that must now be taken, including a popular, worldwide nonviolent peace movement, to ensure not only the reversal of the advance of the WS but also the victory of the CWO.

To explicate the rootedness of the disastrous WS mode of thinking and being, this work examines and points to the inadequacies of the social contract on which the society of states and the emphasis on individual and collective (national) rights are grounded. Often, the social contract excludes groups such as Indigenous peoples, women, and many ethnic, linguistic, religious, and other minorities. It allows for abusing the environment and neglecting or devaluing responsibility. Further, this book goes on to contend that while the text of the UN Charter provides for two forms of human associations—*society* and *community*—it expresses a bias in favor of a kind of human association that is based on our global consciousness as one people, a consciousness that is organized around rights and responsibilities and that has the potential to be constituted as a single, caring, federal community.

Reinforcing the claim this book makes in favor of community are some existential crises human beings face, including threats to the planetary life-providing and -supporting system, the proliferation of weapons of mass destruction, and the displacement and transborder migration of people, none of which can be successfully dealt with unless the Earth is in fact viewed as our common home, not as a site for balance of power claims and false, partial security.

To win, embody, and express the allegiance and loyalty of the peoples of the world, any global governance order must enjoy a certain type of legitimacy that acknowledges past governance mistakes and moves forward toward worldwide community with renewed vigor. As such, we must examine what type of human self would sustain such a caring community and the form a popular movement resisting the WS would assume.

Abolition of War: Evolution of the Idea

Human beings have yearned for peace and security through the ages and have pushed for various advancements toward peace, but to little avail. Militarism and an insidious culture of war have overtaken societies,

strengthening in the past century despite attempts to install a system of international governance that can bring stability and peace. Efforts to abolish war have been stymied by this culture of war, which is deeply embedded in the psychosocial traditions of societies around the world. The advent of nuclear weapons toward the end of World War II and the inhumanity of that war prodded people to think more carefully and profoundly about abolishing war.

But the idea is not new. One may say that the peace movements during the latter part of the nineteenth century largely sought the abolition of war. From 1815 to 1914, with the increased tensions between the nations of Europe and a corresponding increase in arms buildup, a popular movement for disarmament involving individuals and groups coalesced. Among the latter were political parties, church alliances, jurists, interparliamentary groups, and a number of congresses.

With respect to political parties, during this time, political democracy expanded within and across national borders, and political parties that were more clearly linked to what has often been called "the masses"—socialist, social democratic, liberal, progressive, and radical parties—began to gain traction in their aggregate position that military spending had budgetary implications for the poor and the broader development of societies. Some parties, such as the Marxist (social democratic) parties, portrayed wars in terms of social class: war was organized killing by the upper classes to preserve and extend their socioeconomic control of societies at the expense of workers. Churches, on the other hand, although accepting the fundamental assumptions of the temporal state, sought to advocate the ideals of peace. Annexed to the pursuit of peace was the quest for improvements in the condition of the poor.

Jurists, on the other hand, largely sought to limit—not remove—the incidence of war through a focus on the legal resolution of disputes between and among states within the context of the supreme power called sovereignty. This they sought to do by way of recommendations for third-party intervention in the process and structure of international dispute resolution. The central idea was that a disinterested third party, one not directly linked to a dispute, could offer an impartial path to a resolution of differences and avoid war, rather than having states bullying and beating each other up and calling the results victory or defeat. The specific third-party mode of intervention sought was arbitration, a judicial process that would be supplementary to the reigning principles of international law, as largely outlined in 1625 by the Dutch jurist Hugo Grotius in his work *The Law of War and Peace.*[2] It would provide a means by which sovereignty could be preserved by having each party to

a dispute select half the number of jurors to hear a case and a third party, chosen by both, selected to break a tie, if there was one. The decision from an arbitral body would be binding on the parties to the dispute.

Two other groups, in particular, had significant influence on the push for disarmament: the Interparliamentary Union, which formally came into being in 1889, and a series of congresses, each convening annually to coordinate activities. Founders of the IPU were concerned citizens who felt that realizing and preserving peace would require more interinstitutional interactions between and among lawmaking bodies, whether those bodies were called assemblies, congresses, councils, parliaments, and so forth, and those direct interactions would need to be used to engage in mutual learning about matters taking place outside their respective borders.[3]

Another important feature of this period was the development of international peace congresses, the first of which met in London in 1843, under the name of the Universal Peace Congress (UPC). Because of the Crimean War (1853–1856) and the Franco-Prussian War (1870–1871), a number of its meetings were suspended, but they were resumed in 1889, with a focus on arbitration, limiting the manufacture and sale of arms, and placing national limitations on arms. After 1889, the UPC advocated for an international court of arbitration.

At the individual level, a number of persons—some rather prominent, such as Leo Tolstoy and Immanuel Kant—contributed to strong popular sentiments in favor of wider, continuing interactions between and among peoples and the creation of certain foundations on which peace might be permanently built. No one at the cultural level did more than a woman pacifist, Baroness Bertha von Suttner, whose literary effort on behalf of peace, *Lay Down Your Arms*, enjoys a defensible claim to be the greatest peace novel of all times.[4] The greatness of the work, in my mind, lies not so much in its popularity (it has been translated into almost every language) or its uncompromising stance against war or even its influence, which reaches us today. It is what the work overcame: sexism, the walls of militarism, and religious excuses. It is also the *community* the work sought to build among human beings.[5] As importantly, the work captures the practice of "self-cleansing," ascribing to the enemy qualities of "lust of conquest, love of fighting, hatred, cruelty, guile" and never attributing them to one's own country, which is always unselfish and noble.[6]

She faithfully attended the UPC until her death in 1914. Her friendship with and influence on Alfred Nobel is well known and found its impact in the fifth of the categories for prizes he recognized in his will

upon his death in 1896: "the man or woman who shall have worked most effectively for the fraternalization [friendship] of mankind, the diminution of armies, and the promotion of the Peace Congress."[7] In 1905, she became the first woman to win the Nobel Peace Prize.

If abolition is to succeed as a sentiment and moral commitment, its implementation will take a formidable effort, because it can become an affirmative reality in people's lives only if other steps are taken: institutions are created, before or concurrently, to ensure sustainable human security. This means many things, but among them are some suggestions taken from a speech given by a senator at the Philadelphia Forum in 1924. He contended that the abolition of war could take place only if (1) international affairs were brought under "the reign of law"—international law properly codified; (2) if "the establishment of an independent judicial tribunal with *jurisdiction* and *power*" [emphasis added] to "decide and determine all controversies involving" the interpretations of international law and treaties were put in place; and (3) if international law would "declare war a crime and no longer recognize war in any way or at any time as a legitimate instrument for the settlement of international dispute."[8] In other words, abolition must be based on or accompanied by certain institutions. Woodrow Wilson, in his 1918 Fourteen Points, proposed not only reduction in national armaments to the lowest point consistent with domestic safety (police force) but creation of a general global government to ensure the security of every country.

After World War I, the Kellogg-Briand Pact of 1928 outlawed war as an instrument of national policy and introduced the idea of crime against peace, for which a number of persons known to have started World War II were tried and convicted at the Nuremberg Trials. As important is the fact that on June 26, 1945—*before* the United States dropped the bomb on Hiroshima on August 6, 1945—the Charter of the United Nations was signed, and its preamble speaks in terms of the abolition of war, the reaffirmation of faith in human rights grounded in human dignity, the creation of conditions under which justice and respect for international law *can* be realized and maintained, and the promotion of social progress in larger freedom.

More Recent Movements Toward the Abolition of War

We should not suppose, therefore, that some of the most careful and profound thinking had not gone into the idea of abolition before the

nineteenth century. Merze Tate's excellent *The Disarmament Illusion* removes any such supposition.[9] The atomic bomb, however, accentuated the urgency to address the eradication of war from the human experience. And so, we find persons from Albert Einstein to Mahatma Gandhi championing the idea, with H. G. Wells and Douglas MacArthur equally supportive. Across post-Hiroshima Europe, one finds intellectuals, represented by Swiss cultural critic Denis de Rougemont, Cambridge University philosopher Bertrand Russell, and German philosopher Karl Jaspers, seeking not only abolition but unification of European nations or the world at large. In other words, they saw the presence of a transnational or a supranational body, regionally or globally, as an essential part of the idea of the abolition of war.[10] They also saw the need for a radical transformation especially in the protection of human rights, in the areas of people's thinking, and in one's personality. That transformation would seek to substitute for the local (national) sense of duties responsibilities that are both local and global—a cosmic or planetary consciousness.[11]

Within the United States, *God and the H-Bomb*, a work edited by Donald Keys, who served as a special assistant to Secretary-General U Thant in the 1960s and as a general supporter of disarmament, offers readers a range of views from historians, sociologists, theologians, magazine editors, and scholars to organizations such as the International Missionary Council, the National Council of Churches, and the Central Conference of American Rabbis, and even Pope Pius XII. The consensus among them was that the coming of the bomb had so challenged the ethical landscape that the main attributes of war used to approve or condemn a conflict on the basis of whether it was just or unjust—for example, the principles of discrimination that separated noncombatants from combatants and the proportionality of arms used to the wrong done—were no longer operationally possible in the nuclear age.[12]

At the same time, some of the leading scientists who were implicated in the creation of the bomb, Hans A. Bethe and Robert Oppenheimer, for example, became ethically concerned. Bethe, for instance, became an important figure in the campaign that led to the Test Ban Treaty of 1963, an agreement that bans nuclear weapons testing in the atmosphere, in outer space, and underwater, and Oppenheimer expended considerable effort explaining the moral responsibility of scientists and the role of science in social life.[13] Einstein, again and again, supported abolition, with an intermediate step of having the bomb transferred to a world government. His position was that as "long as there are sovereign nations possessing great power, war is inevitable."[14] In other words,

nuclear weapons do not change the likelihood of war, contrary to the claims of deterrence theories that have dominated public discourse on these weapons and their desirability in considerations of national security; they are simply more destructive.

The feeling of helplessness that was then developing among citizens invited people to resume more overt challenges to governments to obtain peace. In the more recent past, amid the existential threat of nuclear weapons, people united to initiate three developments toward international stability and harmony: the “Freeze Movement” of the 1980s, an important 1996 advisory opinion from the International Court of Justice (ICJ), and a 2017 treaty on nuclear weapons.

In the case of the Freeze Movement, a worldwide grassroots effort (although dominant in the United States and Europe) sought to halt, or “freeze,” the testing, building, and deployment of nuclear weapons. In 1982, for example, over a million people gathered in New York to demonstrate, and the movement became the largest organized peace activist effort in US history. Linked to this activism was also a 1983 pastoral letter from American bishops, titled “The Challenge of Peace: God’s Promise and Our Response,” which partly challenged the then ongoing debate respecting whether Washington should continue its deterrence policy of mutual assured destruction or prepare itself to fight and win a nuclear war, referred to as nuclear utilization thinking or theory. The pastoral did not endorse either position but did indicate that to the extent mutual assured destruction was morally tolerable, it must be as an interim measure only, and efforts should be made to “freeze” all nuclear weapons, to strengthen the United Nations, and to engage in negotiations toward disarmament.[15]

As regards its 1996 opinion, the ICJ was responding to a question posed by the UN General Assembly (UNGA) concerning whether the threat or use of nuclear weapons was contrary to the norms of international law applicable in armed conflicts. The ICJ recognized the general illegality of the threat or use of nuclear weapons, especially in view of humanitarian law “protecting civilians and combatants from indiscriminate and unnecessary effects of warfare.”[16] Further, it opined that states have “the *obligation* [emphasis added] to eliminate nuclear weapons through good faith negotiations.”[17]

In 1998, the UNGA recommended that an international conference be convened to consider the adoption of the Rome Statute, a treaty establishing the International Criminal Court (ICC). The statute was adopted by a vote of 120 for, 21 abstentions, and 7 against; those voting against were China, Iraq, Israel, Libya, Qatar, the United States,

and Yemen. The same spirit that had animated the creation of the United Nations and the Nuremberg and Tokyo trials,[18] and which also found expression in the adoption of the 1948 genocide convention, played a role in the raised expectations from the adoption of the Rome Statute. That spirit defined four categories of conduct of international concern: acting with *intent* to destroy, in whole or in part, a national, racial, ethnic, or religious group; war crimes; crimes against humanity; and crimes against peace (aggression). But there was no criminal court before which any of those courses of conduct could be brought for adjudication.

The Rome Statute does more: it focuses on the accountability of individual human beings, not just abstract states, for *personal* responsibility for crimes; and that responsibility may be direct or imputed, the latter in the case of military officers, for instance, who allow certain violations of international law to take place under their command. Of utmost importance is the fact that the Rome Statute brings to the level of legal norms, or enforceable legal standards, moral sentiments that have been universally shared: that crimes against humanity, crimes against peace, genocide, and war crimes are wrong and have no place in interstate or international relations. Despite its mandate, however, the ICC did not possess the power to prosecute these crimes except in instances when states were unable or unwilling to do so; the ICC could only investigate.

The third initiative people pushed for was, in 2017, the Treaty on the Prohibition of Nuclear Weapons (TPNW). This treaty came into being as a result of a series of actions in the UNGA beginning in 1961.[19] The Conference on Disarmament, a body linked to the UN Secretariat, was authorized to commence negotiations to reach an agreement prohibiting the threat or use of nuclear weapons "under any circumstances." On July 7, 2017, 120 countries adopted the TPNW, the first international treaty banning nuclear weapons. While important, the 1996 advisory opinion of the ICJ was and is not law; it constitutes only normative advice. Now, with the coming into being of the TPNW, the Court has a treaty from which to rule.

It is the case that, despite opposition to the treaty by nuclear weapons states, the leadership of Austria, Brazil, Mexico, New Zealand, and South Africa was commendably rewarded in advancing the treaty with 122 affirmative votes. This affirmation is far more representative of worldwide political and moral sentiments that are only awaiting mobilization by peace movements, nongovernmental organizations, and individuals.

In a very important sense, it is politically troubling and morally embarrassing that it took seventy-two years after Hiroshima and Nagasaki for the international system to arrive at this unconditional prohibition against the use or threat of the use of nuclear weapons. This embarrassment, however, is partly explained by the militarism and culture of war that have overtaken societies.[20]

One can therefore reasonably ask: Why did the peace movement of the nineteenth century and more recent popular efforts for peace and disarmament not have more impact in the shaping of international governance? On what is this culture of war based? The answers lie in many factors, as we will see, but we will examine the inadequacy of the social contract, the psychic memory of war, and the lingering attitudes toward war that prevent peace.

Inadequacy of the Social Contract

Many principles, norms, and political and legal structures have shaped the world in which we as humans live. No structure, however, has had as profound an impact on governance arrangements (and the human psyche) as the "social contract" and its theoretical claims.

Found in every society, the social contract is a compact between the governors and the governed and among individual members that specifies the rights and duties of each. It offers a variety of reasons for the formation of a society and the benefits that will accrue to members. A social contract justifies why individuals and groups should comply with or endorse the norms, principles, rules, and policies of a given society.[21] Without this compliance and endorsement, societies and their respective governance arrangements generally face what is called a crisis of legitimacy, which is often followed by rebellion and sometimes revolution that requires fundamental reforms of existing structures or their wholesale destruction and replacement.

But the social contract theory on which modern societies are grounded is no longer capable of sustaining national or global societies. It must be replaced, and its successor covenant must be identified and expanded if humans are to survive.

The term *contract* in common parlance is used to designate a binding agreement between two or more persons or parties, whether it is verbal or written, ratified or unratified by the parties. And these parties are *expected* to perform or omit the stipulated acts to which they are deemed to be obligated. The terms *agreement*, *covenant*, *compact*, and

promise—generally used in the same sense as *treaty*, *constitution*, *charter*, and *convention*—have meanings for ordinary people, as they do for social elites. These meanings, in turn, have their operating impact, whether they are expressed or implied.

The term *contract*, therefore, is used to emphasize different things: the fact of an agreement, sometimes the nature of an agreement (a constitution, for example, has a different status from a legislative act), the written instrument that contains the terms of a contract, the parties to a contract, and, perhaps most important, the obligations arising from the agreement.

Let us now turn to the word *social* in *social contract*. The qualifier *social* is used to distinguish the nature of this contract: it is an agreement dealing with people acting in their social, or public, capacity and seeking returns to society as a whole as well as to the individuals constituting it. Social, therefore, speaks to an agreement among persons to form a society in which they will individually and collectively live. It is out of this contract, one forming society, that arise moral and political obligations on the part of the parties to the contract.

As mentioned, all societies have had this social contract in place, although its content and principles have varied.[22] The West, which has dominated international public life since the seventeenth century, has had its views of the social contract—from Plato in *Crito* to John Rawls in *A Theory of Justice*—as a continuing discourse. It played the dominant role in convening the conferences to effect the drafting of the Charter of the United Nations and its subsequent interpretations.[23]

In *Crito*, Socrates has been tried, convicted, and sentenced to death for allegedly corrupting the youth. He rejects the plea of his supporters that he escape and go into exile. His rejection is accompanied by reasons that are economic, ethical, historical, legal, moral, and sociological in nature. As if he were a spokesperson for Athenian society and its government, Socrates indicates that his birth and all that he has become stem from the society that produced him. Its laws made it possible for his father and mother to marry, thus providing him with the advantages that legitimate birth bestows; those laws required his father to support him, thus providing him with material and other benefits; his education, formal and informal, was the harvest of a set of relationships defining of the city-state, Athens. As he grew up, becoming self-aware and cognizant of the merits and demerits of citizenship, he could have elected to leave Athenian society. Instead, he chose to remain and enjoy the bounties the society conferred. In so staying, he had, in fact, made a decision to accept the social contract that had originally formed the society.

In other words, one need not have been among those who made the original social contract to be a party to it and ratify its terms long after their establishment. One becomes an adherent by deciding to accept the terms that were formulated by others. Members of society, who enjoy certain benefits of that society, should also accept the obligations associated with membership. One of those obligations is to comply with the terms of the law, including punishment prescribed based on the conduct of members.

Outside the Western tradition, one finds a like regard and respect for societies and the original contract, imagined or otherwise, inviting support for society. In China, as an example, we find the social contract in an all-encompassing phrase or concept, "all under heaven," and the traditions historically embedded in it. From that embeddedness, an extended, intergenerational set of expectations has developed over millennia. People encouraged or nurtured by society consented to, or at least endorsed, a millennia-old original contract. Since the ruler or group of leaders is part of the original contract, as is each member of the society, a reciprocal system of obligations ensues in Chinese culture.[24]

The focus in the West (Edmund Burke, Thomas Hobbes, John Locke, Montesquieu, and Jean-Jacques Rousseau, for example) has been to search for some sense of fairness and, with it, social and political stability over many, many generations for society. The principles resulting from this emphasis express an underlying rules-grounded structure.[25]

Over time, the social contract outlook has proven to be constitutionally, functionally, and temporally inadequate. At the constitutive level, for instance, it has failed to deal with women's relationship with men and, in many respects, has endorsed men's domination of women worldwide.[26] The expansion of power distribution among men is often confused with distribution among women. Within the marriage contract itself (a subcategory of the social contract), where men and women are ostensible equals and individual autonomy is respected, spousal rape is permitted. The damaging mental and spiritual condition of women after such a rape, and rape in general, has been virtually overlooked. The practice has been handed down from previous generations.

The theory has also been constitutively deficient in dealing with Indigenous peoples, with the natural world, with the full humanity of certain minorities, with those of nonbinary gender orientation, with people who have disabilities, and with those who are very poor. As well, its assumption of actual or potential self-sufficiency on the part

of nation-states has disallowed it from dealing effectively with the demands of interdependence.

The social contract has offered much over time in the traditions of assigning priority to the individual and to individual rights; however, it has proven almost wholly inadequate to deal with contemporary global threats such as climate change; nuclear weapons and their proliferation; worldwide public health challenges; broad demographic changes and the transborder movement of peoples; the yearning for human sharing and for peace; and, above all, the reality of the fundamental interdependence of things, including people who have varyingly not been seen as part of the original contract. In the UN Charter, “we the peoples” sought to create a special contract, undergirded by human rights.

The Psychic Memory of War

The “psychic memory” of peoples has been shaped by human history—especially in Europe—and operates over time almost subconsciously, much like the social contract. That memory, forged from past wars and understood in terms of what has been presented as having been at stake, is part of it. Certainly, states whose very existence has been the product of the violence we call war will not forget this past. It will remain part of the inherited psychology. If the experience of birth is consistently repeated in a common environment, that repetition reinforces, if not confirms warmaking as an acceptable custom or pattern of behavior.

An argument about human nature and that nature’s immunity to change offers often unspoken reference to the psychic memory, and the armaments stemming from that memory provide “rational” predictions concerning what one should expect in international relations. The entire, ever-present ritual focus on nonintervention and sovereignty came from the fights between secular and papal leaders in premodern Europe. To be remembered (or not forgotten), however, are three influences on the psychic memory that had origins outside Europe: the nature of perceived Muslim threat, the character of a like threat from the Mongols, and the then ongoing disposition to control and appropriate all of what we now call the Global South.

Muslims were seen, between the eleventh and seventeenth centuries, as a malignant and lethal threat to Christian civilization in Europe. As Edward Said has persuasively informed us, Islam helped Europe define itself through that fear and the conflict resulting from it.[27]

It must be noted here that Islam and its followers, Muslims, have never seen the nation-state as the primary unit of international life. Rather, they have viewed it as but a unit within or outside the broader community of believers, the *ummah*.

The Mongols gained a sense of larger identity under the leadership of Genghis Khan (1162–1227), who united tribal groups out of Mongolia. He then proceeded to create the world's largest trading area and empire—from China, India, and Persia to Turkey and Russia—by the thirteenth century; he might have moved fully into Poland, as planned, and then Europe, had he not died. His influence in China, India, and central Asia, including Afghanistan and elsewhere, became a constant reminder of the fear the Mongols evoked in Europe, which did not then have the quality of arms to match theirs.[28]

Very much as important were the later wars involving what is today called the Global South. This area, which constitutes the largest physical region of the globe, with the largest population and blessed with immense cultural and material resources, was the object of brutal assaults, accompanied by wholesale dispossession. Because these expressions of violence were not taking place between and among Europeans, they were not seen or labeled as wars. Using the term *war* would have recognized the peoples of the Global South and Indigenous peoples within Australia, Canada, New Zealand, and the United States as equals, a notion the Westphalian system of governance never accepted.[29] This nonacceptance helped to justify Europeans' oppressive domination and the "scientific" racism (based on studies by craniologists, criminologists, evolutionists, phrenologists, and taxonomists) used to reinforce it. Indeed, the peoples of the Global South were not simply unequal; they were uncivilized, and a collective identity was being constructed for them. Thus, even in the midst of the most liberal and radical discourses on matters of war and peace, on arms limitation and arbitration, a distinction along the outlines of this imputed collective identity had to be maintained.

The remembrance of these barbarians against whom wars were being fought constituted part of the psychic memory that ran counter to the sought success of the antiwar and disarmament movement. Of course, the economic opportunities the wars against the Global South offered were a consideration also. This culture of war grew out of the idea that unlimited force could be used in violent conflicts over the wealth, power, and influence to be gained through victory. By tracing this culture back to its roots, we can discover the counterproductive attitudes and actions that must be eradicated in order to abolish war.

Flawed Thinking Preventing the Abolition of War

We now turn to the major impetuses that are here being advanced for the abolition of war. One has but to follow the history of human interactions through the primary political and legal unit of international public life, the nation-state, from 1648 to the present. What one finds is a pattern of unrestrained human slaughter, the capacity to inflict pain, destruction, and death expressed in ever-increasing reach and lethality. We call it *nationalist pathology*, partly understood by the drafters of the UN Charter when they called for the abolition of war. As mentioned, the Charter was approved before its members came to know about the lethality of nuclear weapons—greater than anything they could have imagined and thus making the abolition of war all the more urgent.

At the dawn of the nuclear weapons age, one began to deal not only with the unimagined destruction of human life but also a similar extinction of our life-sustaining environment. The annihilating capacity of nuclear weapons remained outside the realm of human ethical thinking.[30] The threatened catastrophic consequences of nuclear weapons use invited reflections on the threat the bomb posed for the most vulnerable within societies, its implications for economic development, the irrelevance of national borders in the face of the nationalist pathology, and the utter poverty of reason to offer protection against design problems, accidents, miscalculation, or madness. We call this justifying reason for abolishing war *reason's insufficiency*. The civilizational bias in favor of reason was no longer justified. Human life and the life of the planet were now bound up with a launch code.[31]

The third justification for the abolition of war is what we might call the *greater evil syndrome*. Here there is a focus on ridding the world of the perceived greatest evil—the weapons with the greatest destructiveness—but preserving others for national defense. This, in practical terms, means the preservation of what are called *conventional weapons* to fight wars but ridding society of the unconventional weapons, especially nuclear and perhaps some chemical and biological weapons. It is not always possible to separate conventional from nonconventional weapons, especially in an age of dual-use technology. But assuming that we can do so, every human being who knows anything about war is aware that it invariably escalates beyond intent. So a conventional war by a country that possesses nuclear weapons or the knowledge to make them will always find that escalation to nuclear weapons will take place, especially if this will forestall defeat and humiliation. A state ridding itself of nuclear weapons and finding itself

threatened will be tempted to find new weapons systems even more lethal than the ones we currently have; psychologically, it will feel justified in doing so, attributing its new vulnerability to the foolish act of getting rid of its nuclear weapons. Abolishing nuclear weapons *only* is therefore a folly. The problem we have is war, not just nuclear war.

The next justification for abolishing war is the notion of *continuing breach*. The concept and practice of the balance of power (discussed later) with or without nuclear war has been grounded in a doctrine called *deterrence*—the instilling or evoking of alarm and fear in an enemy or potential enemy by way of a communicated military-economic-technical capacity that it may be destroyed under certain contingencies. Central to the evocation of fear must be the enemy's belief that the holder of the dreaded capacity is willing to use it. In other words, the communicator of the feared capacity must be credible; if a situation arises that demands the use of the capacity and it is not used, the credibility dies, and with it, deterrence. Threat to use, therefore, must be accompanied with the will to use. The reader can see how this balance of power thinking sets up a dynamic that is by nature unstable and supportive of a continuing breach of the UN Charter's norm against the threat of the use of force, if not war itself.

The final reason war must be abolished is the *peace generating war* thesis. The contention here is that so-called peace settlements have been the sources of future wars.[32] Peace settlements have rarely settled anything. Among victors, the returns from what is considered victory are never measured in terms of losers' perceived sacrifices. Neither are victims or losers satisfied, but that dissatisfaction largely percolates "under the surface." One should see losers and even victors in a long-term psychological manner: while victors, especially confident in the justness of their cause and interests, have historically been infected with euphoria after a victory, losers, equally confident in the justness of their cause, are usually burdened with unassuaged sorrow, pain, and bitterness and seek opportunities for relief. Even in my own country, the United States, the bitterness of the Civil War persists; the recent wars in Afghanistan, the Balkans, and Iraq, between Bangladesh and Pakistan or the United States and Vietnam, seep through the psychological veins of generations, long after military operations cease. France and Germany, once ruled by a common emperor—Charlemagne or Karl der Große, respectively—fought bitterly for centuries until they took steps to begin forging a common governance structure after World War II.

Shakespeare, in *Henry V*, speaks of the common memories to be created in victory. His King Henry V seeks to inspire the most belittled

and despairing with a special identity, "we few, we happy few," who, willing to give their lives in the face of the odds against them, not singly but as a "band of brothers" in the pursuit of glory, honor, and manfulness, will have their deeds freshly, repeatedly remembered until the "ending of the world"; others, in the commemoration of these deeds, will have their manhood rendered cheap by comparison. Nowhere does Shakespeare look at the memory and special identity reaped by the defeated, the lowliness, obscurity, dishonor, shame, humiliation, and bitterness that are inherited by generations that seek reprieve and repair, often in revenge and the mistaken quest for the "manhood" and "honor." After all, war as now fought is really a form of high-class bullying (sovereign states are the aristocrats of human groupings), with no third-party assessment of its justification, if justification can even be had. Besides, both defeated and victorious live with the expectation of future conflict and, thus, must go about preparing for it, thereby inviting others to likewise prepare in a never-ending culture of war.

* * *

These forms of pathological thinking are the offspring of the flawed structure of international relations called the Westphalian system that existed from 1648 to 1945. For centuries, the main concepts that derive from the WS—namely, the nation-state system, the sovereignty of the state, the balance of power among states, and the ceaseless search for national security—ostensibly to keep peace among "civilized" nations, instead wreaked havoc in the world and continually undermine human security with endless wars, oppression, and economic hardship.

After World War II, a governance structure called the counter-Westphalian order arose as a replacement for the WO in the form of the United Nations. The UN Charter seeks to promote peace based on the sanctity of life and human dignity. It offers humankind the promise to "never again" allow a return to the WO and its dangerous practices. The UN human rights regime, which advances the main spirit of the CWO, has nevertheless had to battle with certain "remnants" of the WO—the five forms of flawed thinking perpetuating war disguised in different forms—that persist in societies around the world. Many significant events in international relations that followed the formation of the United Nations have progressively undermined the CWO, pushing it to virtual collapse today. That is where our investigation moves next.

Notes

1. Roger Cohen, “French Diplomacy Undercuts American Efforts to Rein in China,” *New York Times*, April 9, 2023, A6.

2. Hugo Grotius, *The Rights of War and Peace,* 3 vols. Edited with an introduction by Richard Tuck (Indianapolis: Liberty Fund, Inc., 2005)

3. Merze Tate, *The Disarmament Illusion: The Movement for Limitation of Arms to 1907* (Macmillan Co., 1942), chaps. 3-6.

4. Ibid., p. 53.

5. Bertha von Suttner, *Lay Down Your Arms*, trans. T. Holmes (Murrell’s Inlet, SC: Pantianos Classics, 1914).

6. Von Suttner, *Lay Down Your Arms*, 20–21.

7. Tate, *The Disarmament Illusion*, 55.

8. See William E. Borah, “Outlawing of War,” December 17, 1924. One may also get a sense of Borah’s position to “outlaw war” from his debates with the then–Secretary of State Robert Lansing: www.teachingamericanhistory.or/document/the outlawry-of-war-a-debate-between-robert-lansing-and-william-e-borah-2/. In the year of his speech, he had become chairman of the US Senate Foreign Relations Committee.

9. See Tate, *Disarmament Illusion*.

10. Tom A. Hudgens, *Let’s Abolish War* (Denver, CO: BILR Corporation, 1986).

11. One should examine the preamble of the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, European Treaty Series no. 5. One will find here how much the prospect of European unity is likened to the universality of human rights. See also Mats Andren, “Atomic War or World Peace Order? Karl Jaspers, Denis de Rougemont, Bertrand Russell,” *Global Intellectual History History*, October 12, 2020.

12. Donald Keys, ed., *God and the H-Bomb*, with a forward by Steve Allen (New York: Mcfadden-Bartell Corporation, 1962).

13. Silvan S. Schweber, *In the Shadow of the Bomb: Oppenheimer, Bethe, and the Moral Responsibility of the Scientist* (Princeton, NJ: Princeton University Press, 2000).

14. Albert Einstein, *Out of My Later Years* (New York: Philosophical Library, 1956), 196.

15. See Zachary Carter, “The Challenge of Peace: God’s Promise and Our Response,” United States Conference of Catholic Bishops, May 3, 1983.

16. See John Burroughs and International Association of Lawyers Against Nuclear Arms (IALANA), *The Legality of Threat or Use of Nuclear Weapons: A Guide to the Historic Opinion of the International Court of Justice* (Piscataway, NJ: Transaction Publishers, 1998), 23. The IALANA, founded in Sweden in 1988, has been a most forceful advocate for the abolition of nuclear war. Along with the WHO, it began the process that led to the UNGA’s taking up of the issue. This book offers a rather impressive background into the work of the association.

17. Burroughs and IALANA, *The Legality of Threat or Use of Nuclear Weapons*.

18. See the spirit as captured, in part, by Telford Taylor, *The Anatomy of the Nuremberg Trials: A Personal Memoir* (New York: Knopf, 1992). Taylor was the chief prosecutor at Nuremberg.

19. See the text of the resolutions in *The World Court Project on Nuclear Weapons and International Law* (North Hampton, MA: Aletheia Press, 1993). This was a joint project of IALANA, the International Peace Bureau, and the International Physicians for the Prevention of Nuclear War, with a legal memorandum by Nicolas Grief and a foreword by Peter Weiss and Saul Mendlowitz.

20. See, in addition to Andrew Bacevich, *The New American Militarism: How Americans Are Seduced by War* (Oxford: Oxford University Press, 2013, the work of James Bamford, *Body of Secrets: Anatomy of the Ultra-secret National Security Agency, from the Cold War Through the Dawn of a New Century* (New York: Doubleday, 2001); Rosa Brooks, *How Everything Became War and the Military Became Everything* (New York: Simon & Schuster, 2016); Dana Priest and William M. Arkin, *Top Secret America: The Rise of the New American Security State* (Boston: Little, Brown and Company, 2012). An earlier work by Dana Priest, *The Mission: Waging War and Keeping Peace with America's Military* (New York: W. W. Norton, 2004), is worth looking at also, especially if one wants to look at developments at the beginning of this century and later. Sharon Weinberger, *The Imagineers of War: The Untold Story of DARPA, the Pentagon Agency That Changed the World* (New York: Alfred A. Knopf, 2017), offers another layer of militarism.

21. See Theodore W. De Bary, ed., *Basic Writings of Mo Tzu, Hsun Tzu, and Han Fei Tzu*, trans. Burton Watson (New York: Columbia University Press, 1964). See also the section titled "The Cycle of Society" in Sri Aurobindo, *The Human Cycle: The Ideal of Human Unity, War and Self-Determination* (Pondicherry: Sri Aurobindo Ashram Press, 1970). In large measure, Confucianism's "role ethics" is based on the social contract. See Roger T. Ames, *Human Becomings: Theorizing Persons for Confucian Role Ethics* (Albany: SUNY Press, 2021).

22. See, e.g., De Bary, *Basic Writings*. He deals with the idea of a "golden age" but focuses on obligations under implied contracts. One finds an interesting emphasis on broad implied contracts in "The Negative Confession" in the *Egyptian Book of the Dead*, as interpreted by Will Durant in *Our Oriental Heritage*. Story of Civilization Series (New York: Simon & Schuster, 1954), 203–204.

23. See Inis Claude Jr., *Swords into Plowshares: The Problems and Progress of International Organization* (New York: Random House, 1964). See also Claude's somewhat revised position, later, in *The Changing United Nations* (New York: Random House, 1967). Here we find a somewhat expansive discourse on the United Nations, with changed views as the Global South began to have a stronger voice.

24. See De Bary, *Basic Writings*, 39–43; Irene Bloom, "Fundamental Institutions and Consensus Statements: Mencius Confucianism and Human Rights," in *Confucianism and Human Rights*, ed. William Theodore de Bary and Tu Weiming (New York: Columbia University Press, 1998), 101–102. See also Michael Schuman, *Confucius and the World He Created* (New York: Basic Books, 2015). This latter work is helpful for a general sense of how Chinese society works. A more scholarly view can be gleaned from the work of Ames, *Human Becomings*. It should be observed here that while in Western theorizing rulers are part of the original contract (Locke, Montesquieu, Rousseau, and for example), Thomas Hobbes, in his work *Leviathan*, notably excluded the ruler.

25. See David P. Gauthier, *Morals by Agreement* (Oxford: Oxford University Press, 1986). This is really an attempt to give greater moral appearance to Hobbs's thinking. A comparison with John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), will reveal this fact.

26. When the socialist revolution took place in Russia in 1917, a promise made, as part of the equality that would emerge from the elimination of social class and the state itself, was equality for women. Some progress was made, but male domination continued in a number of areas in social and political life. Today's continuation of that revolution in China and Cuba has not removed that domination.

27. Edward W. Said, *Culture and Imperialism* (New York: Vintage Press, 1994).

28. Jack Weatherford, *Genghis Khan and the Making of the Modern World* (New York: Broadway Books, 2004).

29. See Frantz Fanon, *The Wretched of the Earth* (New York: Grove Press, 2005), as well as John Grenier, *The First Way of War: American War Making on the Frontier, 1607–1814* (Cambridge: Cambridge University Press, 2008); Sven Lindquist, *Exterminate All the Brutes* (New York: New Press, 1996); Howard Winant, *The World Is a Ghetto: Race and Democracy Since World War II* (New York: Basic Books, 2001). The last-mentioned book goes back to colonial times in its references.

30. See Keys, *God and the H-Bomb*; see also Marshall Cohen, Thomas Nagel, and Thomas Scanlon, eds., *War and Moral Responsibility: A Philosophy and Public Affairs Reader* (Princeton, NJ: Princeton University Press, 1974).

31. See text of 2017 Nobel Lecture, https://www.nobelpriz.org/prizes/peace/2017/ceremony-speech/e. More important, see, "Setsuku Thurlow: Nobel Prize Acceptance Speech." https://www.wagingpeace.org/setsuku-thurlow-nobel-peace-prize-acceptance-speech/.

32. See David Fromkin, *A Peace to End All Peace* (New York: Henry Holt and Company, 1989). Here Fromkin is dealing with the dissolution of the centuries-old Ottoman Empire after World War I and the consequences. The reader should be reminded that even before the beginning of the war, plans and agreements had been made concerning this division. We are not dealing with any specific war, however, but war in general.