

## PEACE AS A HUMAN RIGHT\*

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Thank you for the honor you have bestowed on me tonight. No compliment could have more meaning for me than the award of a medal for services to the cause of ethics in public life—a medal graced by the name of Earl Warren, and conferred by a pioneering and distinguished university in the tradition of Judaism. It has been said that praise does no harm if you don't inhale. I promise not to inhale. But I treasure this precious gift, and shall always do so.

I was brought up and have lived most of my life in New England, spending many years at Yale, a university founded by Congregational ministers to cherish learning and preserve the faith of the fathers. Despite their limited number, the Congregationalists and other Puritans have been critically important in shaping American civilization. That impact also is manifest in a unique bond between Judaism and the culture of the United States, a linkage quite different from the relationship between Judaism and the culture of other Christian countries where Jews live, except perhaps for Scotland. Both Jews and the Yankee Puritans are nurtured on the Bible, worship without benefit of Bishops and live in the yoke of a compact with the Almighty. Both are stiff-necked people, extreme individualists in the mold of the prophet Jeremiah, who thought it was perfectly proper for a free man to challenge the Lord to explain wherefore the wicked flourish. And above all, both the Yankees and Jews are people of the law, who understand the centrality of law in the life of civilized societies, and are forever trying to regulate their lives with covenants, compacts, constitutions and rules.

It is, therefore, hardly remarkable that the United States has always been a leader among the nations in pursuing the ideal of the rule of law, not only in our domestic governance, but also in the governance of the society of nations. Many questions which are pragmatic issues of politics in other democracies are issues of law for Americans. Our written constitutions, coupled with the practice of judicial review, have become steadily more insistent pressures, helping to bring the law in fact,

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the law at the end of the policeman's stick, up to the standard of the law on the books, and to bring the law on the books up to the standard of our changing aspirations. The Fourteenth Amendment<sup>1</sup> was treated with malign neglect for fifty years or more. But it was a profound and pervasive influence on the law even when it was not enforced—a call to our conscience that could not be ignored forever. Now, in the name of the Fourteenth Amendment and the Bill of Rights<sup>2</sup> as a whole, the Courts and Congress are reordering our society through a peaceful revolution we all know is right.

The flowering of the Bill of Rights during the last generation is simply the most dramatic instance of a process of law-making which is touching every part of our public life, both at home and abroad. The government of the United States from its earliest days has played an active and productive part in seeking to bring international society under the rule of law. The infant republic had an influence entirely disproportionate to its population and military power in encouraging the reform and development of international law and its fulfillment through arbitration, adjudication, treaties and the good offices of diplomacy. Grotius and Vattel had no followers more devoted than John Marshall, Joseph Story and the early American Secretaries of State.<sup>3</sup> Moreover, the American influence was of critical importance to the establishment of the International Court of Justice and its predecessors at the Hague, the League of Nations and the United Nations.<sup>4</sup>

I wish tonight to concentrate on the international dimension of the rule of law, that is, on international law as a component of our foreign policy. My argument is simple but radical in its implication for the small, turbulent and contracting nuclear world in which we have no

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1. U.S. CONST. amend. XIV.

2. *Id.* amends. I-X.

3. See, e.g., THE MISCELLANEOUS WRITINGS OF JOSEPH STORY (W.W. Story ed. 1972), where Grotius and Vattel are mentioned as authorities on the law of nations. See also *Worcester v. Georgia*, 31 U.S. (6 Pet. 515) 214, 243 (1832), where Chief Justice Marshall cited Vattel as authority for the proposition that dependent allies "do not thereby cease to be sovereign and independent states, so long as self-government and sovereign and independent authority are left in the administration of the state." For questions concerning the origin and nature of law and society, Thomas Jefferson is known to have referred to works of Grotius, *Le Droit de la Guerre et de la Paix*, and Vattel, *Droit de Gens* and *Questions de Droit Naturel*. C. SANFORD, THOMAS JEFFERSON AND HIS LIBRARY, 126-27 (1977).

4. See generally S.M. FINGER, YOUR MAN AT THE U.N. (1980); D.F. FLEMING, THE UNITED STATES AND THE WORLD COURT (revised ed. 1968); H. FOLEY, WOODROW WILSON'S CASE FOR THE LEAGUE OF NATIONS (1923); F. MORLEY, THE SOCIETY OF NATIONS (1932); W.A. SCOTT & S.B. WITHEY, THE UNITED STATES AND THE UNITED NATIONS: THE PUBLIC VIEW (1958); THE UNITED STATES AND THE UNITED NATIONS (F.B. Gross ed. 1964); A. ZIMMERN, THE LEAGUE OF NATIONS AND THE RULE OF LAW: 1918-1935 (1945).

choice but to live. It is that not only the deepest national interests of the United States but our nature as a people, a society and a civilization require us to base our foreign policy firmly and unequivocally upon international law, especially on the law of peace. We should regard peace not as an historical accident, or the casual gift of princes, but as a human right defined by law; we should accept the fact that peace is indivisible, as a Soviet Foreign Minister used to say during the nineteen-thirties;<sup>5</sup> and we should make it the first task of our diplomacy and security policy to help fulfill the world-wide system of peace we have inherited.

Few realize that in the Arms Control and Disarmament Act of 1961,<sup>6</sup> proposed and passed on a bipartisan basis, Congress declared that it is "an ultimate goal of the United States" to subordinate the international use of force to the rule of law, and that the ultimate duty of the Arms Control and Disarmament Agency is to provide an impulse to this end in the development of our foreign policy.<sup>7</sup> As Congress recognized in the statute, the quest for arms control treaties is meaningless except as part of a larger quest to bring international society under the control of a universal and effective system of international law. What the statute embodies is the judgment that on this contracting and interdependent planet, where modern science offers mankind both infinite promise and infinitely hideous danger, the course of the law is the most prudent and most promising foundation for the security of the United States. It is a cliché to say that the achievement of international peace is the supreme challenge of our time, but it is a cliché which must become a call to arms. The task has terror and immediacy that give it volcanic implications. It frames and pervades every other issue with which we deal, and this will remain the case for the indefinite future.

What do we mean by the word "peace" and the phrase "system of peace"? International peace, like domestic tranquillity, is a condition achieved not by force alone, but by law and by the state of opinion which sustains law. Peace denotes much more than the absence of violence. There is no violence in the streets of a city governed by a dictator. The states which constitute the society of nations differ widely in history, culture and ideology. But they share or profess to share a code of values which reflect the nature of states and the necessities of their

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5. Maxim Litvinov was Soviet Foreign Minister under Joseph Stalin. See, e.g., Litvinov's reaffirmance of "the principles of collective security and the indivisibility of peace" in the context of his condemnation of the Italian invasion of Ethiopia in 1935-36. 19 LEAGUE OF NATIONS O.J. 341 (1938).

6. Arms Control and Disarmament Act of 1961, 22 U.S.C. §§ 2551-2590 (1979).

7. *Id.* § 2551.

cooperation within the state system. That code reflects as well the contemporary aspirations of humanity both for peace and for economic, social and political progress achieved in peace. The fullest statement of the code of values for the society of nations is the Charter of the United Nations<sup>8</sup>—often honored in the breach, as we know, but as important to the future of international society as the Fourteenth Amendment has been for us at home. The rules of a legal system can be effective legal norms even when they are not perfectly enforced. But they cease to be norms, and become no more than utopian dreams, if society loses its capacity to fulfill them, or abandons the task of trying to do so.

It is common in the United States and in England to confuse two quite different aspects of our foreign policy—our interest in peace, on the one hand, and our special interest in helping the democratic nations which share our culture and our values, on the other. We did not help Stalin against Hitler during the Second World War because we thought Stalin had become a democrat, nor are we helping the Peoples' Republic of China today because we are under any illusions about the human quality of its regime. Our policies with respect to world public order have nothing to do with the degree of decency of the regimes we are aiding. We helped the Soviet Union a generation ago, and we are helping China now, because we share with those nations an equal interest in opposing aggression and hegemony, and achieving and maintaining a balance of power in the world—a distribution of power which could prevent a predatory nation from achieving dominion.

There is no way of ignoring our obligation in this respect. America cannot be secure as an island of peace, isolated behind its oceans and its nuclear weapons in the world as it is. We were unable to escape what President Washington called "the general convulsions"<sup>9</sup> of world politics even in the days before 1914, when we were protected by the Concert of Europe<sup>10</sup> and the British fleet. We certainly cannot expect

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8. See U.N. CHARTER preamble and art. 1 (general statement of purpose to maintain international peace, to safeguard human rights and to promote "the economic and social advancement of all peoples"); *id.* art. 55 (more particularized statement of purpose, which identifies social and economic goals such as "higher standards of living, full employment," health care, "international cultural and educational cooperation" and preservation of human rights).

9. See, e.g., *The Farewell Address*, in WRITINGS OF GEORGE WASHINGTON (L.B. Evans ed. 1908) (repeated warnings against "the mischiefs of foreign intrigue," "the insidious wiles of foreign influence," and the "duty" of the United States to maintain "a neutral conduct" *vis à vis* the European conflicts at the end of the 18th century). *Id.* at 554-59.

10. See E. LIPSON, *EUROPE IN THE 19TH AND 20TH CENTURIES* 211-21 (1963). The Concert of Europe was formed to prevent the recurrence of wars and revolutions which had once engulfed the continent of Europe. "[The Concert] provided a basis for common

to do so now, when Britain and France are no longer the arbiters of world power, and only the United States can lead in the task of achieving and maintaining the balance of power. But the first panicky response of many Americans to the nuclear nightmare is to try to escape down the rabbit hole of history. The powerful memory of our isolationist past is gaining in strength. Its appeal is that of a treacherous mirage; we must put it aside as an illusion. There is not the slightest reason to doubt the capacity of the American people and their government to protect our interests in world politics by peaceful means—by deterrence and alliance diplomacy—and not by war. But success in such an effort will require of us the unblinking realism, energy and faith which have characterized American diplomacy at its most creative moments.

Secretary of State Acheson once said that it was characteristic of the impatient and restless American temperament to think of problems as headaches, transitory pains which could be made to go away if we took two aspirins.<sup>11</sup> The problem of peace, he commented, is not like that at all. It is like the pain of making a living, and would never go away.<sup>12</sup>

Today, we are all conscious of the unthinkable and unspeakable dangers of nuclear war, and are resolved to do everything within our power to prevent it. Many of us turn with pathetic hope to the possibility of arms control agreements with the Soviet Union as a magic and aseptic way to achieve peace—a political equivalent of the aspirin tablets about which Acheson spoke. No belief could be more harmful to our national health. Arms control agreements can be useful tools of our foreign and security policies, and they are well worth pursuing. They are not, however, a substitute for having foreign and security policies. Further, if they are not conceived, negotiated and carried out as integral parts of a policy of collective security designed to establish peace, they can do great and perhaps irreparable damage to our national security. Disarmament and collective security are twin policies. Disarmament is inconceivable as a practical matter unless the Western nations, necessarily led by the United States, succeed in restoring political stability based on general respect for the rules of the United Nations

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action on the part of the Great Powers, who were to hold periodical conferences in order to deal with various questions submitted for their consideration." *Id.* at 218. The attempt to establish a Confederated Europe failed in 1823 after lasting for a period of eight years. *Id.*

11. See generally D. ACHESON, *A CITIZEN LOOKS AT CONGRESS* (1974); D. ACHESON, *MORNING AND NOON* (1965).

12. *Id.*

Charter which purport to govern the international use of armed force.<sup>13</sup>

The focus of what was just stated must be noted carefully. The supreme problem of our time is the problem of achieving peace in the nuclear age—not arms control, or ending the arms race, or even the prevention of nuclear war, but peace itself. The issue was framed that way because the so-called arms race, nuclear and non-nuclear alike, is not the cause but the symptom of the breakdown of world public order which has become so palpable in recent years. The welfare of the United States will hardly be advanced if the nations succeed in outlawing nuclear war only to license conventional force aggression, or aggression through terrorism, subversion and the international movement of guerrillas and armed bands. The state system is crumbling towards anarchy, as the Secretary General of the United Nations has rightly warned.<sup>14</sup> In every part of the globe, states feel themselves to be in mortal peril. Under these circumstances, states do not disarm. They arm. It is not an accident that the manufacture of arms is the leading growth industry in the world today.

When one thinks of international society, two visions come to mind: the vision of the jungle, on the one hand, with the nations in a Hobbesian state of nature where clubs are trumps; and a vision of harmony and cooperation, on the other, with the relationships among the nations governed by the rules of international law. In fact, neither vision fully corresponds to reality, which encompasses both. Modern history can be written as a counterpoint of these themes, that is, as a persistent and sustained effort to impose the rule of law on the diverse and unruly habits of the nations, especially with regard to the international use of force.

The modern state system emerged from the moral and intellectual climate of the Enlightenment, and from the experience with war of the last two centuries. Its dominant idea is that the strongest states have a special responsibility for keeping the peace by preventing, confining and limiting the practice of international war. The Congress of Vienna and the diplomacy of the Victorian age proved to be both creative and important in shaping the state system and establishing its basic rules.<sup>15</sup>

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13. See U.N. CHARTER art. 2, para. 4. "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." *Id.*

14. See *infra* note 26 and accompanying text.

15. See C. WEBSTER, *THE CONGRESS OF VIENNA* (1965); M. ASHLEY, *HISTORY OF EUROPE 1648-1815* (1973). Due to the threat of political and social turmoil left in the wake of the Napoleonic wars, the statesmen of Europe sought to prevent a renewal of war through the Congress of Vienna in 1814-15. The main purpose of the Congress was to

The Vienna system, however, failed tragically in 1914. The men who met at Versailles in 1919 tried to recreate it through the League of Nations, but their effort lacked conviction and power, and the system collapsed within a few years. After the Second World War, the yearning of humanity for peace expressed itself again, this time in San Francisco through the conference which adopted the United Nations Charter.<sup>16</sup> In 1945, Western opinion was convinced that if only the great powers had enforced the rules of the League Covenant against aggression in Manchuria, Ethiopia, Spain and the Rhineland, the Second World War would never have taken place.<sup>17</sup> Article 2(4) of the United Nations Charter<sup>18</sup> categorically condemns the international use of force against the territorial integrity or political independence of a state, except where justified by the inherent right of individual or collective self-defense.<sup>19</sup> Enforcement of these rules is the chief function of the Security Council, which, on paper at least, has far more authority than any institution of the League.<sup>20</sup> Its nominal power recalls that which Palmerston, Disraeli and Bismarck exercised in fact during some of the diplomatic Congresses of the nineteenth century: the power to guide, direct, limit, cajole, conciliate and, if necessary, to command and dis-

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ensure peace by creating a balance of power among the nations of Europe. *Id.* See also E. HINSLEY, *POWER AND THE PURSUIT OF PEACE* (1968); H. NICOLSON, *THE CONGRESS OF VIENNA* (1970).

16. The goal of the United Nations, as stated in the purpose clause of the Charter, is in part:

1. To maintain international peace and security and to that end: to take effective collective measures for the prevention and removal of threats to the peace . . . 2. To develop friendly relations among nations . . . 3. To achieve international cooperation in solving international problems . . . 4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

U.N. CHARTER art. 1, paras. 1-4.

17. See E. LIPPSON, *supra* note 10, at 334-42, where the author discussed the failure of the League of Nations to take effective action in response to the Japanese annexation of Manchuria and the Italian annexation of Abyssinia. This inaction was due to the fact that "the Great Powers bordering on the Pacific (the United States and Russia) were not members of the League, and without their effective cooperation the prerequisites for collective action were absent." *Id.*

18. See *supra* note 13.

19. See also U.N. CHARTER art. 51. "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security." *Id.*

20. U.N. CHARTER art. 24, para. 1. "In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibilities for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

pose of controversies which threatened the peace.<sup>21</sup>

It would have been difficult to fulfill the hopes of the Charter even if the great powers had remained together after 1945. The old state system has, after all, tenacious habits of aggressive warfare, and the end of West European imperialism has given those habits new opportunities. The great powers did not remain together after 1945, however, and moments of consensus among them have been rare. Between the late nineteen-forties and the nineteen-seventies, the Western nations helped to enforce the minimal rules of world public order quite effectively in their effort to contain Soviet expansion, but it has been obvious for the last ten years that the Charter of the United Nations is going the way of the Covenant of the League of Nations as an influence on the state system.

The root of the matter is that the Soviet Union has never accepted Article 2(4) of the Charter as applicable to it. From the beginning of the Charter era, the Soviet Union has claimed for itself—and only for itself—the privilege of using force against the territorial integrity or political independence of states which are not governed by socialist regimes, and indeed of using force even against socialist states if they are under the control of socialist heretics, revisionists or schismatics, or if they show dangerous signs of backsliding to democracy.

This feature of the political landscape since 1945 is so familiar to us that we take it to be the order of nature, and assume that it has somehow been legitimized. The special privilege of the Soviet Union to commit aggression at will cannot be legitimized under the Charter of the United Nations. These practices violate the most fundamental rule of the Charter system: the integrity of states.<sup>22</sup>

When pressed, Soviet diplomats or scholars say that for the Motherland of Socialism to obey Article 2(4) would be to give up its nature as a society and a state. To this, the only answer an American can give is that the Soviet Union can preach the gospel of communism ad nauseam, but that in the nature of the state system, it cannot be allowed to propagate its faith with a sword.

The Soviet program of expansion, sedulously pursued since 1945, has gone too far. It threatens the most fundamental security interest of all other states—the interest in the world balance of power—and has, therefore, touched nerves of great sensitivity in countries as diverse as

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21. See 11 LORD ACTON, *THE CAMBRIDGE MODERN HISTORY* (1969); R. BLAKE, *DISRAELI* 629-54 (1967). (for a discussion on the Congress of Berlin).

22. See *supra* note 13. The most recent example of Soviet aggression was the invasion by Soviet armed forces of Afghanistan on December 12, 1979. See *N.Y. Times*, Mar. 23, 1982, at A1, col. 4. See also Rostow, *Law and the Use of Force by States: The Brezhnev Doctrine*, 7 *YALE J. WORLD PUB. ORD.* 209 (1981).



China, Japan, Egypt, the NATO countries and the small nations of Southeast Asia.

The United States, its allies in NATO Europe, Japan and other Western countries have soberly and reluctantly begun to restore the military balance between the Soviet Union and the West. In the United States, President Reagan has led a bipartisan coalition which supports larger defense budgets. This giant step, indispensable as it is, is only half the job. President Reagan has not yet put forward a coherent vision of Western foreign policy—a vision to which our people and those of our allies and other friendly nations could rally. We have not seriously begun to recover from the shock of the Vietnam experience in defining the ends and means of our foreign policy. Is it the policy of the United States in a nuclear world to defend only “Fortress America”? Influential defeatist voices tell us that the state of nuclear balance requires us to accept such a posture and the political impotence it implies. This would be a fatal mistake. Should our policy be to defend only the NATO allies, as others recommend? Perhaps we might defend the NATO allies and Japan or our interests in the Middle East, or other areas which become critical to the balance of power in the context of Soviet campaigns of expansion? Or can the national security interests of the United States be defended only by pressing for a policy of general compliance with the rules of the United Nations Charter against aggression and organizing regional coalitions to achieve it? Until these questions are clearly and firmly answered, by deeds and not only by words, there will be no general consensus in the West on either what our armed forces are for, or on when and how they should be used. Consequently, the influence of our armed forces in deterring aggression will be uncertain.

These pressing questions constitute the next great task of American leadership, and define the context of the arms control negotiations. The Charter rules against the international use of force cannot survive much longer as effective legal norms unless they are respected equally by both sides. Unless the Soviet Union decides in the near future to abide by those rules, they will cease to control the behavior of the United States and its allies. This is not an outcome the West desires. We know that enforcement of the Charter rules is in the equal interest of every state. They are neutral principles—rules against international aggressive war—not rules in defense of capitalism or socialism, or rules which favor the status quo and prevent revolution. We know as well that conventional war may escalate to the nuclear level, given the stress and passion which are normal to the phenomenon of war, and that the same irrational forces could easily transform limited into unlimited nuclear war.

In short, the nightmare of nuclear war should persuade all the nations, including the Soviet Union, that peace really is indivisible, and that the nominal rules of international law against aggressive war should be reciprocally respected and generally enforced. This is the only way to exorcise the specter of nuclear war. It is comforting that the recent statement on nuclear war by the American Catholic bishops,<sup>23</sup> objectionable as it is at a number of points, fully embraces this fundamental truth.

Is there a chance that the nations will adopt this course, as they recoil from the visible nightmare of anarchy and nuclear war? It must be conceded at once that there is no sign as yet that the Soviet Union has taken this fateful step, despite Mr. Andropov's repeated assurances of his desire for better relations with the United States.<sup>24</sup> In the Caribbean, the Middle East, Afghanistan and above all, in Poland, Soviet policy remains expansionist, despite a number of setbacks, and continues to use armed force as an instrument of national policy.

Moreover, the Soviet emplacement of troops and missiles in Syria, and the radical intensification of its campaign in the Caribbean, are ominous signs, which raise extremely unpleasant questions about Soviet policy under Andropov. Is Mr. Andropov preparing yet another general war against Israel, an invasion of Iran from Afghanistan and from the Soviet Union, or both? We should all realize that the anti-aircraft missiles the Soviet Union has installed in Syria can reach our fleet in the Eastern Mediterranean, some of our bases in Turkey, and the American planes, including the AWACS surveillance planes, which operate in that tortured region.

Nor is there any progress in the nuclear arms negotiations in Geneva. In those talks, the Soviet Union is still tenaciously defending its capacity for nuclear blackmail. It is clinging to its lead of at least three to one in the most destructive and destabilizing class of nuclear weapons, the ground based ballistic missiles. It is denouncing and rejecting the defensive principle of Soviet-American nuclear parity which is the basis of the American negotiating position. By insisting that British

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23. See N.Y. Times, May 4, 1983, § I, at 1, col. 5. See also J. CASTELLI, *THE BISHOPS AND THE BOMB* (1983). In a 238-9 vote, the Roman Catholic Bishops of America ratified the third draft of the pastoral letter, which denounces nuclear war and calls upon Catholics to help rid the world of nuclear weapons. For excerpts of the letter see N.Y. Times, May 5, 1983, § II, at 16, col. 1.

24. Yuri Andropov has stressed the need for a return to detente and improved relations with the United States as necessary to the prevention of war. See, e.g., N.Y. Times, Nov. 23, 1982, at A1, col. 3; *id.*, Dec. 22, 1982, at A14, col. 1; *id.*, Dec. 31, 1982, at A3, col. 1. According to Mr. Andropov, "one of the main avenues leading to a real scaling down of the threat of nuclear war is that of reaching a Soviet-American agreement on limitation and reduction of strategic nuclear armaments." *Id.*, Dec. 22, 1982, at A14, col. 1.

and French nuclear forces be counted with the American weapons in measuring equality, the Soviets are asking us to concede that they have a right to an arsenal equal to the sum of all other nuclear forces on earth. This is not a claim for equality, but for dominion.

If in the end we yield to that argument, we shall find that our nuclear guaranties have lost all credibility, our troops and fleets will be brought home from overseas bases, and we shall lose the capacity to carry out a foreign policy at all.

Nonetheless, I am an optimist on these matters, not because I believe that the Soviet Union is likely soon to see a blinding light on the road to Damascus, but because I am inclined to believe that man's instinct for self-preservation will in the end save mankind from suicide. The imperatives for survival in the nuclear age require the Western nations to adapt and modernize the foreign policy we have pursued since the time of Truman and Eisenhower and to restore its effectiveness. It is the only possible foreign policy for the United States and its allies, given the geopolitical realities. The same imperatives decree the end of the Soviet Union's sour adventures in imperialism, and its acceptance, finally, of the rules of world public order which purport to govern every other nation. The other nations of the world have discovered that imperialism and militarism are expensive, ineffective and without moral justification. There is no obvious reason why the Soviet Union should remain forever blind to this truth.

Nearly a century ago, Alfred Nobel, the inventor of dynamite, thought that dynamite was so destructive that it would force mankind to accept peace.<sup>25</sup> His prediction turned out to be wrong. Can we expect the horror of the nuclear weapon to fulfill Nobel's dream? If we are reasonable, and lucky, I believe we can. We have no alternative but to try.

The centerpiece of that effort should be a campaign to carry out the recommendation of the Secretary General of the United Nations to which I referred a few moments ago. In his report last year, Ambassador Perez de Cuellar warned that the state system is slipping into a state of anarchy, and called for a recommittal of the nations to the principles of the Charter, especially those governing the international use of force.<sup>26</sup> The Secretary General's appeal followed proposals made

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25. See M. EVLANOFF, NOBEL-PRIZE DONOR 111-17 (1943).

26. See N.Y. Times, Sept. 8, 1982 at A1, col. 4. In his first annual report, Secretary General Perez de Cuellar spoke out against the anarchy he believed would destroy the United Nations. *Id.* He stated,

We are perilously near to a new international anarchy. I believe we are at present embarked on an exceedingly dangerous course, one symptom of which is the crisis in the multinational approach to international affairs and the concomitant

by a representative of the United States at the United Nations, reiterated in President Reagan's speech to the General Assembly of July, 1982.<sup>27</sup>

I began this speech by saying that the central task of world politics, and therefore the central task of United States foreign policy, is to establish peace and that nuclear arms agreements and other arms control and disarmament proposals are simply aspects of the broader problem. Such agreements can be helpful only if they are compatible with the necessities of peace. The appeal of the Secretary General of the United Nations will be just another ritual exercise in handwringing and rhetoric unless it is backed by a major political effort in which the United States should play an active and constructive part. To have any chance of achieving that purpose, after the turbulence and uncertainty of the last decade, the goals of American foreign policy should be reformulated as a fresh, realistic and coherent whole, firmly based on principle, and directed only to the achievement of peace. Fears and doubts have plagued American foreign policy since the tragedy of Vietnam. They cannot be dispelled by a series of fragmented actions never effectively explained. An uncertain trumpet elicits an uncertain response.

As Lord Carrington recently said in a major speech, there is no reason for the West to retreat in fear and trembling.<sup>28</sup> The West has problems, of course, but they are altogether soluble. Our societies are stronger than ever—far stronger than those of the Soviet Union and its satellites. Only our fears and sense of guilt can stand in the way of a major effort to carry out the policy of peacemaking the Secretary General of the United Nations recommended last year. No lesser goal can offer humanity much hope of avoiding the nightmare of general war in a nuclear environment.

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erosion of the authority and status of world and regional intergovernmental institutions.

*Id.*

27. See Address by E.V. Rostow before the First Committee of the General Assembly (Oct. 21, 1981), reprinted in DEP'T ST. BULL., Dec. 1981, at 68. For synopses of comments made by member states at the Second Special Session of the General Assembly Devoted to Disarmament, held on June 7–July 10, 1982, see U.N. CENTRE FOR DISARMAMENT, 5 DISARMAMENT, U.N. Sales No. E.83.IX.1 (Nov. 1982).

28. See N.Y. Times, Apr. 24, 1983, § I, at 9, col. 1. Lord Carrington, former Foreign Secretary of Great Britain who resigned after Argentina invaded the Falkland Islands, spoke at the Alistair Buchanan Memorial Lecture at Kings College, London on the problems faced by the Western countries today. *Id.*