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HOW TO SECURE THE PEACE IN A DISARMED WORLD

BY

Leo Szilard

This memorandum deals with the problem of how peace may be secured if there is general disarmament and if disarmament is virtually complete. We may assume that virtual complete disarmament would mean the elimination from the national arms of all atomic weapons, all other heavy mobile weapons such as heavy tanks, guns, etc., as well as the dissolution of all standing armies, navies, and air forces, etc.

In such a virtually disarmed world machine guns will presumably still be available in essentially unlimited quantities and might be freely transported legally or illegally across national boundaries. Thus armies equipped with machine guns could spring up, so to speak, overnight.

The security of the Soviet Union, the United States, and the Peoples' Republic of China would not be directly threatened by such improvised armies, for the forces maintained in these countries for purposes of internal security, even though they may not be equipped with anything heavier than machine guns and perhaps light tanks, could be bolstered by militia, and should be capable of repelling an attack by an improvised army equipped with machine guns.

These three nations would presumably also remain strong enough to extend military protection to their neighbors. But it would no longer be possible for America to extend military protection against Russia to nations located in the geographical proximity of Russia, or for Russia to extend similar protection to countries geographically located close to America, etc. Since today America is committed to the defense of

countries lying in the geographical proximity of Russia and China, she can accept general and complete disarmament only if she can extricate herself from her existing commitments. In order to make it possible for America to do this it might be necessary to devise political settlements which she can accept without loss of prestige and without doing serious damage to the vital interests of the other countries involved.

A Letter to the Editor placed into the Congressional Record by Senator Sherman Cooper on July 5, 1961, which deals with the Berlin issue and illustrates -- by way of example -- the possibility of a political settlement in Europe which would not involve the loss of prestige for any of the nations involved. The text of this letter (which I wrote about a year ago) is as follows:

(From the Bulletin of Atomic Scientists, May, 1960) The Berlin Crisis.

"Dear Sir: Whether in the so-called atomic stalemate America and Russia may succeed in avoiding the war which neither of them want, will depend on a number of factors which are involved. It seems certain, however, that the stability of the stalemate would be enhanced if the great powers were to reach an understanding on the necessity of freezing the map for an extended period of time. It might be somewhat difficult to freeze the map as it stands at present, because it includes a number of arbitrary arrangements which were meant to be temporary, and perhaps it would be easier to freeze the map after certain readjustments have been made.

"Those readjustments which may at present be negotiable are of necessity rather modest ones, but they might represent a first step in the right direction. Let us take the Berlin issue, for instance. Russia once proposed that there be established a loose federation between the West German state and the East German state. I suppose this would mean the setting up of a Federal Council with an equal number of delegates from West Germany

7-15-61

and East Germany. Presumably, the delegates from East Germany would represent the Government of the East German state, whereas the delegates from the West German state might either represent the Government of the West German state, or else they might be elected, by the Bundestag perhaps, or directly by the citizens of West Germany. Presumably, the ground rules of the Council would provide that it could take action only with the concurrence of 75 percent of the delegates. This rule would insure that action taken by the Council had the support of the majority of the delegates of both the West German state and the East German state.

"There are enough issues on which the interests of West Germany and East Germany coincide to keep such a Federal Council busy and effective for many years to come -- in spite of the severe restrictions imposed by the ground rules.

"We may assume that, if such a loose federation between the two German States were established, there would be no bar to the migration of Germans within the federation. In order to keep migration to West Germany within tolerable limits, the government of East Germany would have to eliminate those restrictions which have in the past caused their people to flee to West Germany. Even so, there would probably be some migration to West Germany, at least initially, because the standard of living there is higher. In the case of a major economic recession in West Germany, however, migration would probably be reversed.

"If we accept the thesis -- as I believe we should -- that, at some future time, such a federal council may be set up as a first step toward unifying Germany, then it would appear reasonable to propose that we resolve the current Berlin crisis along the following lines:

"Let East Germany shift its capital from East Berlin to Dresden, and West Germany shift its capital from Bonn to Munich. Let us then set up

East Berlin and West Berlin, each as a free city with a government of its own and, in addition, establish a council of Berlin, in which half of the delegates would represent East Berlin and the other half, West Berlin.

* "If such an arrangement were adopted, we would have made a constructive use of the current Berlin crisis, because the arrangement would enable us to find out how this type of federation would actually work, and Berlin might set the pattern for a subsequent federation of the East German State and the West German State.

"About 2 years ago, I spent several months in West Berlin. There was no telephone communication between East Berlin and West Berlin at that time. People could freely cross over from one half of the city to the other, but taxicabs could not cross the dividing line. There was good theater both in East Berlin and West Berlin, and people crossed the line in order to go to the theater. It was very difficult, however, to find out in West Berlin what was playing in the theaters of East Berlin, because the West Berlin papers did not carry this information and there were no posters on display. I imagine the situation in East Berlin was quite similar.

* "Once the two Berlins cease to be pawns in the cold war, Berlin could again become a great cultural center; its theaters and concert halls might once more attract visitors from all over the world, as they did for a short time between the two world wars. The council of the two free cities, even though they could take action only with the concurrence of 75 percent of the delegates, should be able to adopt a number of non-political measures which would enhance the welfare of the people of Berlin and would make both East Berlin and West Berlin a far more attractive place to live than they are today.

"If the current Berlin crisis were resolved along these lines, then when Germany is ultimately united, it might end up having Munich as its capital rather than Berlin. This might be just as well, however, for the thought of Berlin as capital of Germany is something of a nightmare to those who find it difficult to forget the past."

The University of Chicago
Chicago, Illinois

Leo Szilard

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Before dealing with the question to what extent and in what sense small countries located in the geographical proximity of America, Russia and China, might remain secure from military intervention on the part of their powerful neighbor, we shall first address ourselves to a series of other questions.

If the world were disarmed today down to machine guns, we would have a rather unstable situation in a number of disturbed areas of the world where political tensions are acute. Improvised armies equipped with machine guns could spring up, so to speak, overnight in such disturbed areas and if a nation were attacked by its neighbor it might appeal to America or Russia for help. In such circumstances America and Russia might be tempted to rearm and to intervene on opposite sides. Clearly it is necessary to devise means for securing the peace in disturbed areas of this sort.

Peace might be secured one way or another by maintaining an international armed force in every such disturbed region. It is well to keep in mind however, that the main purpose of disarmament is to abolish war; if this purpose is to be achieved then the armed forces maintained in the disturbed region must not be armies that would resort to war against an offending nation of the region but rather they need to be

7-15-61

police forces. A regional force must be organized in such a fashion that it should have both the power and the ability to arrest individuals in general, and officials of an offending national government in particular, and we may envisage that each such regional police force would be a standing professional force.

Assuming that the nations of the region are disarmed down to machine guns the regional police force need not be equipped with any weapons heavier than light tanks in order to be able to restrain the national police force from attempting to protect individuals from arrest by the regional police.

How should these regional forces be controlled? A centrally controlled world police force with the Secretary General of the United Nations as Commander-in-Chief, would not be acceptable to Russia in the circumstances which prevail today and it might not be acceptable to America in the circumstances which might prevail a few years hence. It might well be that as long as we think in terms of a single, centrally controlled, world police force, none of the control mechanisms that might be devised would prove to be acceptable to both America and Russia.

Perhaps instead of thinking of a centrally controlled police force we ought to think in terms of setting up a separate regional force for each disturbed region. Each such regional force could then be controlled by a different commission, composed of representatives of between five to seven nations, which are preferably not drawn from the region itself. Such regional police forces could operate under the auspices of the United Nations, in which case each region's commission would be appointed with the majority vote of the Security Council, including the concurring votes of the permanent members. Alternatively,

the regional police forces could operate under the auspices of an International Disarmament Administration that would be set up and the different slates of nations which make up the commission for the different regions would then be appointed by a majority of the High Council of the Disarmament Administration with the concurring votes of the permanent members. We may envisage that America, Russia and China would be permanent members of the High Council.

I believe that not very much would be gained were the great powers merely to agree to set up regional forces in all disturbed ^{areas} ~~regions~~ with a different commission in charge of each regional force. Rather, it would be necessary for the powers to enter into negotiations with each other at an early date, in order to discover as soon as possible whether they would be able to ^{nominate select} ~~nominate~~ different slates of nations for the different ^{regional} ~~regional~~ commissions ^{which without seriously risking} ~~that would not be likely to run into a veto when they~~ if the slates came up for approval before the Security Council or the High Council of the Disarmament Administration.

As a first step, America and Russia might explore, in informal discussions, whether they could ^{select} ~~draft~~ slates for all the disturbed regions of the world and agree that neither of them would veto these particular slates. Obviously, there is room for quid pro quo in a negotiation of this sort. Even if Russia did not particularly like a slate favored by the United States for the region of Central America, she might agree not to veto that slate, provided America would not veto a slate which Russia favors, say ^{the} ~~a~~ slate for the region of the Middle East.

That ^{some of} these regions may become a sphere of influence for one or the other of the great powers cannot be excluded with absolute certainty, but ^{this} ~~the~~ danger ~~that such regions would become spheres of influence~~ could

prudent selection

be minimized by the ~~choices~~ of the slates of nations for the various regions. Thus, for instance, if the slate for the region of Central America were to consist of Canada, Australia, Uruguay, Denmark and Austria, this would not mean that Central America would be within America's sphere of influence but it would mean that Central America would not be within the sphere of influence of the Soviet Union.

The commissions in charge of the various regions would be undoubtedly pledged to refrain from intervening in the internal affairs of any nation of the region but the possibility that they might do so could not be excluded with certainty. If the regional force in the course of fulfilling their proper and legitimate functions were impelled, for instance, to arrest the leading members of the government of an offending nation, then, depending on circumstances, the regional commission might be forced to take over the government of that nation for a shorter or longer period of time. I do not believe that it would be possible to devise a workable, foolproof legal or political system which could entirely exclude an abuse of power on the part of the commission of the region under ^{any} such circumstances. But it may be possible to devise various means through which such an abuse of power could be discouraged.

Thus for instance, a regional court of justice may sit in permanence in each region where a regional police force operates and habeas corpus proceedings might then be instituted on behalf of any individual before such a court. The fact that such a court could not itself enforce its rulings would set a limit to the protection that it may be able to extend to the citizens of the nations located in the region.

We may envisage at this point that the operations of the regional police forces would be financed through dues paid by all nations who participate in the disarmament agreement to each commission in charge

of the region. We may further envisage that there would be provided financial inducements for an individual citizen of such a nation to pay his dues directly to one or the other of the regional commissions rather than indirectly through paying a special tax to his own government. ^{and that} The nations and the individual citizens involved ^{would} ~~shall~~, within certain limits, be free to shift their dues from one regional commission to another.

Each regional commission ^{could} ~~should~~ under such a system receive a financial contribution towards the operating cost of the regional force in an amount that would lie between 80 percent and 120 percent of that cost. If a given regional commission and the corresponding regional police force operates to the satisfaction of the governments of most nations as well as their citizens, it should be able to count on receiving 120 percent of the operating expenses, i.e., the commission should be able to count on making a profit in the amount of 20 percent of the operating expenses.

In contrast to this, if the governments of many nations or their citizens ^{were to} ~~should~~ hold that the commission of a given region abuses the power with which it is invested they might divert their dues to other regions to the extent that the dues received by the commission of such a region ^{would} ~~may~~ fall to 80 percent of the operating expenses of the regional force. Thus if many people ^{were to} hold that the commission in charge of a given region abuses the power with which it is invested, that commission would suffer a financial loss.

Under the system described above the financial loss would be limited to 20 percent of the operating costs of the regional police and it would not be possible to cut off completely the financial support of the regional police force even if a substantial majority of nations and their citizens were to disapprove of the conduct of the ^{that} regional ~~police~~ force.

X ~~commission~~, provided it ^{more} is possible to ^{select} draw up another slate of nations
 X which could command ^a the majority vote in the High Council with the con-
 X curring votes of the permanent members. Accordingly, if a commission for
 X a region ^{more do} abuses its power it ^{would} may or ^{would} may not be ^{possible} practicable to replace it,
 X depending on whether the permanent members ^{more to} act in concert to this end or ^{were to} disagree with each other.

X The system of control of the regional police forces ^{outlined} envisaged above is
 aimed at securing peace with justice, but it takes into account that peace
 with justice may not be obtainable in every case and that we may have to
 X choose between peace and justice. The system ~~of control of the regional~~
 X ~~forces~~ outlined above favors peace over justice, in cases where these two
 requirements cannot be reconciled.

X Faced with such a choice, ^P prior to Second World War, it would have
 X been possible to ^{argue when faced with such a choice} make a strong case in favor of justice rather than peace. ^{But}

X Faced with such a choice these days, a strong argument ^{can} could be made in
 X favor of the opposite. ^{choice} These days ~~these two requirements might be re-~~
 X ~~conciled in some cases only at the cost of leaving everybody dead. What~~
 X ~~is the use of having both peace and justice prevail if life does not prevail?~~ ^{can of course always}

X As far as the disturbed areas of the world are concerned, agreement
 X among the powers on the ^{selection} composition of the commissions which control
 the various regional police forces would in a sense be tantamount to a
 political settlement among the powers.

X This method of securing the peace would, however, not be practicable
 X in an area like Europe because it would not be practicable ^{there} to maintain in
 X ~~Europe~~ a regional police force strong enough to restrain the national
 police of say Germany or France from protecting individuals against being
 arrested by the regional police.

7-15-61

It is probably true that ~~the only thing that can~~ ^{in order to} secure the peace in an area like Europe, ^{it} would be ~~political settlements~~ ^{necessary to have} that would ~~assure~~ ^{leave} that no nation in Europe ~~would be~~ strongly motivated by its vital national interests to resort to force. If there is an adequate political settlement in Europe, even though it might not satisfy fully all major national aspirations, the nations in Europe might be restrained from resorting to force because they would greatly benefit from disarmament and they would know that if there were a resort to force, this ~~might~~ ^{would} put an end to disarmament.

The problem posed by the nations of Europe is posed even more sharply by the United States, Soviet Union, and the Peoples' Republic of China. ~~The Soviet Union or America could not be coerced by means of economic sanctions, and neither could China unless the Soviet Union were to go along with such sanctions.~~

At the end of the last war the great powers were faced with the task of setting up some machinery that would secure the peace. It was generally believed that it would be impossible to devise any ~~acceptable~~ machinery that would be capable of securing the peace even if one of the great powers refused to cooperate to this end. Therefore, those who drafted the Charter of the United Nations set themselves the limited objective to set up machinery which would be capable of protecting the smaller nations only as long as the great powers ~~were to~~ cooperate to this end. In order to preclude a head-on collision between the United Nations and ~~one~~ of the great powers, the great powers were given permanent seats on the Security Council, carrying the right to veto.

Attempts to use the machinery of the United Nations for purposes other than for which it was intended, have weakened this organization, but nevertheless it is probably true even today, that given great power

cooperation, it could effectively restrain the smaller nations from resorting to force against each other.

X *it is my conviction that* *skill*
~~One might argue~~ if the world were disarmed it would be possible to set up machinery for protecting the smaller nations against each other.

X *what*
~~But that~~ machinery could be established that would protect a small nation against an adjacent big power.

assuming *2* *that there is no such machinery in operation*
Accepting for the moment ~~this argument~~ ~~this argument~~ for the sake of our discussion, one may then ask in what sense would the countries

lying in the geographical proximity of the Soviet Union, China or the United States be secure from a military intervention on the part of

their big neighbors? The answer is that these countries would be secure

in the sense that in a disarmed world China, Russia or the United States ~~would~~ *might* not be impelled *to intervene* by any considerations of security *in their affairs* to intervene.

Knowing that they cannot look for military protection to any geographically

distant nation, it is likely that the countries ~~which are~~ *located* adjacent to ~~any one~~ *any one*

of these three giants would readjust their behavior and would try and *lessen*

~~minimize~~ the incentives for a military intervention on the part of their

powerful neighbor. Clearly, Finland is in no danger of a military inter-

vention from Russia today, nor is Mexico in danger of a military inter-

vention *from* by the United States, but this is so only because Finland and

Mexico refrain from any actions that ~~would~~ *might* provoke such a military inter-

vention.

I personally believe that in a disarmed world it might be possible to secure the peace, as far as the great powers are concerned, on the basis of a system of incentives even in the absence of any substantial fear of sanctions on the part of the great powers.

Because disarmament, once it is established, would prove to be of

very great benefit to the great powers, they might be restrained from resorting to force, for fear that this would bring disarmament to an end.

Would this be enough of a restraint or would it be necessary to go further? And how much further would it be possible to go?

In discussing the securing of peace in a disarmed world one hears frequently the demand that there shall be set up an International Security Force of sufficient military power to overcome any nation or group of nations which attempts to use military force against any other nation.

I believe the time has come to grab this bull by the horns and look it in the eyes:

It is my contention that it would be physically, economically, and politically impossible to create and maintain a force that would have such military power except if that force were equipped with atomic bombs. It is further my contention that if such a force were to be equipped with atomic bombs there would be no politically acceptable solution to the issue of how that force should be controlled.

Is there, then, any way in which nations like America, Russia or China could be restrained in a disarmed world from resorting to force?

It is my contention that if ^{these} ~~the~~ great powers were willing to be restrained it would be possible to set up a system that would exert a measure of restraint that might be sufficient in a conflict in which a minor or perhaps even a substantial national interest is involved.

~~It is my contention that even if~~
But even if America, Russia and China were willing to go very far in this direction they would still find it impossible to devise a practicable system of military or economic sanctions that would effectively restrain ^{any one of} them in a conflict involving a very major national interest or the very existence of the nation.

Accepting this limitation, we may now examine what kind of restraints

might be possible, assuming that America, China and Russia would be willing to institutionalize such restraints.

After the Second World War an abortive attempt was made to define " crimes against peace " and to hold individuals ^{German and Japanese} who committed such crimes responsible for their actions. A system in which only individuals can be brought to justice whose nation is defeated in war would hardly exert much restraining influence, for no nation starts a war if it considers it likely to lose that war.

But let us suppose now, for the sake of argument, that the nations, including America, Russia and China, were to set up a World Court by treaty and were to define by treaty a set of laws applicable to individuals ^{and} broad enough to cover the advocating of ^a ~~an illegal~~ war or invasion, ^{violating} ~~in violation of~~ the United Nations Charter, or the provisions of the disarmament agreement. To what extent, and in what sense could such a legal system exercise restraint, ^{on American citizens} ~~say on the United States if she were,~~ for instance, tempted to improvise an army equipped with machine guns, and to invade Mexico, in order to unseat a legally elected ~~and constituted~~ Communist government?

Presumably the possibility of such an invasion would be publicly ^X debated in the American newspapers, with some editorial writers in favor of such an action and others opposed to it. Presumably the issue would also be debated in the high councils of the United States Government, with occasional leaks to the press, disclosing the stand that the Secretary of State and various advisors to the President were taking ~~of~~ the issue. Could the World Court step in at this point and summon into its presence some of the individuals involved where they would stand accused of a Crime against Peace?

The Court would be in no position to arrest Americans who may be summoned to appear in Court and who may refuse to appear, as long as ~~these~~ ^{such} individuals would enjoy the protection of the American police (or other American security forces) and in a crisis, when American may seriously contemplate invading Mexico, such protection would be likely to be forthcoming.

It is my contention that the only way to make the Court effective in such a contingency is to empower the Court to impose the death penalty for failure to appear in Court, when summoned. As we shall presently see, such a death penalty imposed by the ~~World~~ Court might not be meaningless even if there were considerable doubt whether it could ever be executed.

In the Middle Ages when the Catholic Church had no power to execute a death sentence, it still could and did pronounce death sentences by outlawing certain individuals. Anyone could kill such an outlaw and be absolved by the Church.

X The World Court passing the death sentence on ~~an~~ ^{the} American citizens ^S
X in general, or ~~an~~ ^{the} officials of the American government in particular, for
X non-appearance in Court, might not be in a position to execute the sentence
but it would remove the moral inhibition that normally protects their lives. Further, the Court could deputize any and all American citizens to ^{by and} execute the sentence.

An American citizen killing the condemned man could not be legally tried for murder in any American court inasmuch as ^{the} a treaty setting up the World Court would be the law of the land. This does not mean that an American citizen executing the judgement of the World Court would be likely to escape alive; he might be lynched by a mob, or be killed by the police "while attempting to escape".

In addition to "relying" on American citizens thus deputized, the World Court could employ perhaps 500 to 1000 marshals. These "international marshals" could be drawn from all nations. It would be the duty of the marshals to try to execute the death ~~penalties~~ ^{sentences} imposed by the Court. Because they might have to risk their lives in an attempt to do so it would be necessary to assure their families a very high financial compensation in case they come to harm, in the course of performing their duties. Accordingly the marshalls would have to reside with their families outside of their country of origin.

America could, ^{and permanently onward,} provide bodyguards for those Americans who are under death sentence of the Court and it is difficult to predict how often, if ever, such a death sentence by the World Court could be carried out. But Americans tempted to commit a Crime against Peace might be restrained by the fear that if they are summoned before the World Court, refuse to appear and are condemned to death, then from thereon, they would have to be accompanied by a bodyguard, no matter where they may go.

It need be no serious handicap for a government official to be accompanied by a bodyguard if he goes to attend a meeting of the National Security Council. But officials are human beings and a bodyguard would be a serious encumbrance in their private life even while holding office. It would be an even worse encumbrance when they cease to hold office.

In these circumstances the restraints which such ^{a World Court} ~~a legal system~~ would exert might be quite powerful, even if heads of states and prime ministers were exempt from judgements passed by the World Court -- as perhaps they should be.

If ^a ~~the~~ head of the state or ^a ~~the~~ prime minister could be condemned

to death by the World Court, for not appearing in Court, and were subsequently killed, this would perhaps unduly weaken the prevailing strong moral inhibitions against political assassinations. In the absence of such a moral inhibition, England and France could have arranged to eliminate Nasser without having to resort to an armed attack against Egypt, and the C.I.A. could have arranged for the elimination of Castro without having to mount an invasion of Cuba by Cuban exiles.

Thus,
A case could be made for exempting ~~the~~ heads of state and ~~the~~ prime ministers from any death sentences that may be passed by the World Court on two grounds: On the ground that moral inhibition against political assassination of heads of state or prime ministers must not be weakened, and on the ground that America, Russia and China would be more likely to enter into a treaty setting up a World Court, and adequately defining Crimes against Peace, if ~~the~~ heads of state and ~~the~~ prime ministers were exempt from the jurisdiction of such a Court.

It is my contention that the possibilities of restraining America, China or Russia in a disarmed world are severely limited and the legal system here described might very well represent the practicable limit to which these powers might ~~be willing to go.~~ *considerately*

The End.