PART I

The concept of collective security

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Collective Security: a historical journey

Introduction

Central to any social organisation is the prevention of war or of violence, and the elimination of threats to its body politic. The quest for security has preoccupied moral, political and legal thinking and various mechanisms have been devised to deliver it. Collective Security (CS) – whereby the security of each member of a collectivity and that of the collectivity as a whole is guaranteed by common action, on the basis of prescribed rules and methods – is an appealing prospect.[1] Thus defined, Collective Security is not just an aim or a value, but also a mechanism for attaining these ends. This definition is of an ideal system of CS, but at this stage it will be appropriate to examine initiatives or projects that have been tried at different stages of the development of international society to provide for security, some of which relate more closely to CS as described above; whereas others, even if more distant, have influenced CS projects.

Pre-twentieth-century projects

In the ancient Greek world, its division into city-states – each representing an autonomous entity ready not only to project, but also to defend its power – frequently led to offensive or defensive wars. For this reason various inter-city–state political associations were formed to deal with

[1] As has been observed '[i]f the movement for international organisation in the twentieth century can be said to have a preoccupation, a dominant purpose, a supreme ideal, it is clear that the achievement of collective security answers that description' (Claude, *Swords into Plowshares*, 223). For a general discussion, see *ibid*., ch. 12 and Bourquin, *Collective Security*. For a rejection of collective security, see Coppola, 'Idea of Collective Security', according to whom 'a State should endeavour to establish, according to its own judgment and by its own means, its own *security*. It is absurd and impossible to establish by means of a universal text and a universal guaranty what is called "collective security". To persist in making this anti-historical and impossible 'collective security' the first condition of a genuine peace is to distort the historical intelligence of the nations' (*ibid*., 146–7).

the issue of war in the relations between them.[2] The Delphic Amphictyony was one of them; it was a religious association of ethnic groups with a common Council where all groups were represented, but with Athens and Thebes having a permanent vote. The members of the Amphictyony swore not to destroy any member city and to take revenge against any member who forfeited that oath. Alliances were another mechanism used by Greek city-states to provide for their security. The most (in)famous alliances were the Peloponnesian League formed by Sparta, one of the hegemonic powers in ancient Greece, and the Delian League formed by Athens, the other hegemonic power. Athens guaranteed the freedom of the members of the Delian League, commanded the common forces and enforced the rules of the League. The destruction of any disobedient city or the notorious 'Melian dialogue' – according to which the Athenians intimated to Melians who had just rejected their demand for submission that the rule of the strongest always prevails – is paradigmatic of hegemonic power.[3]

Alliances in the ancient Greek world were transient and interest driven; as a result, instead of guaranteeing peace, they frequently provoked wars. For more stable peace, a larger alliance was necessary, with a means of resolving disputes. The 'Thirty Years' Peace' created a balance of power between Athens and Sparta but was short-lived, dying with the outbreak of the Peloponnesian War.[4] The 'common peace' following that war provided a forum 'to protect communities and establish a process by which conflicts might be resolved without recourse to war'.[5] The next scheme was the Pan-Hellenic League under Philip II. With regard to these arrangements, Alonso observed that they were multilateral; established the principle of *polis* autonomy; and contracting parties were obligated to 'ward off with arms any assault against these agreements of peace and independence'.[6]

From this sketchy presentation, a number of points need underlining. First, some of the associations which Greek cities formed were outward-looking, in that they protected their members from external threats; whereas others were broader and inward-looking, in that they maintained peaceful order internally. Second, Greek cities entered such associations voluntarily: they maintained their independence and

[2] Boak, 'Greek Interstate Associations', 375.
[3] Thucydides, *History of the Peloponnesian War*, 217–56.
[4] Alonso, 'War, Peace', 221.
[5] Tritle, '"Laughing for Joy"', 181.
[6] Alonso, 'War, Peace', 221.

participated on equal terms in decision-making, although most of these associations revolved around a hegemonic power, endowed with special privileges as well as duties. Third, the aim of these associations was not to prohibit war, because war at that time was conceived as an instrument of statecraft as well as an instrument of punishment, or indeed an instrument for the meting out of justice. Their aim instead was to impose some limits on waging war among the members of the association and to punish recalcitrant members through collective war. Fourth, although war may have been inevitable, it was preceded by diplomatic overtures, mediation or attempts at arbitration. Fifth, according to Alonso, 'the concept of open war served concrete purposes and had a teleological explanation'.[7] Sixth and following from the above, war acquired a public character (*bellum publicum*) in the sense of being initiated by public authorities, waged against other public authorities and fought for public reasons.

The tradition of viewing war as a means of pursuing public purposes – defined either in the narrow sense of the particular state or in the broader sense of the larger society – as well as an instrument or condition that should be regulated and, if possible, averted through individual or collective efforts continued, and informed political projects that developed in subsequent eras. One can trace in such projects their correlation with evolving political thinking.

This becomes evident with the 'just war' theory developed following the Christianisation of the Roman Empire. St Augustine, one of its early advocates, wrote that it is 'with the desire for peace that wars are waged'[8] and just wars are waged against wrongdoers to bring them into the fold of peace because it is 'the wrong-doing of the opposing party which compels the wise man to wage just wars'.[9] The main thrust of the 'just war' theory was to prescribe the conditions under which war is to be waged in a context where peace was the prevailing religious dogma. As articulated by St Thomas Aquinas, the just war theory included three principles: (a) right authority; (b) just cause; and (c) right intention.[10] The significance of the just war theory lies in the fact that, first, it detached the appreciation of events that can potentially trigger war from the injured party and conferred such power to a central and superior authority; and, second, it prescribed the causes that can justify recourse to war, and in doing so it also limited the opportunities for

[7] *Ibid.*, 219. [8] Dods, *Works of Aurelius Augustine*, para. 12. [9] *Ibid.*, para. 7.
[10] Aquinas, *Summa Theologica*, II-I, 12, I; Finnis, 'Ethics of War and Peace', 15.

resorting to war. These aspects of the just war theory can be traced in subsequent streams of political organisation, and they inform CS projects (as will be seen in subsequent parts of this book).

However, the just war theory can only operate in a context of political, moral or legal unity. The collapse of the Holy Roman Empire following the religious wars, which led to the poly-fragmentation of Europe with the emergence of separate and independent states, made any universal and integrated organisation unfeasible, since these states acknowledged no superior authority. Furthermore, it made any belief in universal truths derived from religion redundant. Instead, theorists revisited Aristotle's natural law theory to promulgate universal laws from *recta ratio*.[11] Grotius's theory on international law, and more specifically his postulates on war and peace, combined the new positivist and state-centred perspective of international organisation with universal laws emanating from human reason. Theoretically and legally Grotius operated on two levels: on the level of contractual societies with their volitional laws, and on the level of an enveloping universal society of mankind (*civitas maxima*) with its universal laws deriving from human reason. Grotius was thus able to build on the Christian just war tradition in an era of rationality. He set out the just causes for going to war, but discovered these causes in human reason meeting divine reason. He also adopted a teleological approach to war as a means of achieving peace, as modern projects often do.[12]

Grotius conceded the possibility of non-injured states waging punishing wars against states that have committed grievous violations of the law of nature, or of the law of nations,[13] because 'Kings, besides the charge of their particular Dominions, have the Care of human society in general'.[14] For Grotius, these are universal wrongs because they are qualified as wrongs by human and divine reason concurrently, and as such anyone can avenge them; not only the injured party.[15] The reasonableness of this postulate is also supported by prudential considerations in that such wars will be more limited and more impartial than if they were to be prosecuted by the injured party. That having been said, waging war against another state violates the other postulate of his era, that of the

[11] Tsagourias, *Jurisprudence*, 12–14. [12] Grotius, *De jure belli*, Book I, ch. I, para. I.
[13] *Ibid*., Book II, ch. XX, para. XL (1)–(4). [14] *Ibid*., ch. XX, para. XLIV (1).
[15] *Ibid*., para. XLIII (3). For Oppenheim, 'if a State in time of peace or war violates those principles of the Law of Nations which are universally recognised, other States have a right to intervene and to make the delinquent submit to the respective principles. It is intervention by right' (*International Law*, para. 135).

sovereign equality of states. Grotius solves this dilemma by saying that a state that commits such crimes is inferior to any other state. This stream of his theory has been interpreted as a precursor to collective security.[16] This is correct to the extent that it identifies common and universally recognised precepts for whose protection any state can act. However, the systemic connotations that state action for the benefit of universal precepts gives rise to is not connected by Grotius to any central authority but is squarely placed within state reason, albeit one that is assessed against universal standards.[17] In this regard Grotius's scheme diverges from collective security schemes of the UN mould where centralisation and institutionalisation are paramount, but resembles that of the League of Nations (LoN) which, as will be seen later, is based on decentralised decision-making and action.

In addition to war to remedy public wrongs, there are also other just causes for going to war on account of others. One such just cause for going to war against another state is to relieve the latter's citizens from the oppression of their sovereign, if the injustice is visible and something which cannot be approved of by any 'good man living'.[18] Grotius also recognised the right of a state to assist another state in its defence if a relevant alliance exists, unless the war that the other state pursues is unjust.[19] Another cause to wage war is for the protection of friends, even in the absence of any conventional obligation, if friendship requires that aid should be given, provided that this does not cause more trouble for the assisting state.[20] The most extensive reason for going to war for others, according to Grotius, is 'that Relation that all mankind stand in to each other';[21] but there is no obligation because the self-preservation of the state may be more important.[22]

All in all, Grotius's postulates are deontological, emanating from human-cum-divine reason; but also ontological, being inspired from state practice. Moreover, they are often coated with large doses of prudence. Two points perhaps need to be stressed: first, that the *bellum*

[16] van Vollenhoven, 'Grotius and Geneva'; van Vollenhoven, 'Grotius and the Study of Law', 1; Kooijmans, 'How to Handle the Grotian Heritage', 81; Bull *et al.*, *Hugo Grotius and International Relations*, in particular 'Introduction', 38–42.

[17] Donelan, 'Grotius and the Image of War': 'a Grotian state does not seek in its foreign policies to determine international issues for the common good because that is the purpose of its existence, but rather because it sees grounds for doing so in its own interests' (241).

[18] Grotius, *De jure belli*, Book. II, ch. XXV, para. VIII (2). [19] *Ibid.*, para. IV.

[20] *Ibid.*, para. V. [21] *Ibid.*, para. VI. [22] *Ibid.*, para. VII (I).

publicum tradition is reaffirmed; and, second, that religious and natural law postulates, without being totally discarded, gave way to legal postulates.[23] For Grotius, public wars are made by those having sovereign power for certain causes and are accompanied by formalities. Such public wars are also lawful wars.[24]

Vattel's international law theory operates similarly in the intersection of the 'necessary' and the 'voluntary' law of nations.[25] The latter is the law that emerges from the will of sovereign and equal states, whereas the former comprises ethical postulates. Thus in its relations with other states, a state has a right to security which, from being a moral right, becomes a legal right and precludes interference in domestic affairs,[26] unless 'tyranny becoming insupportable obliges the nation to rise in their defence – every foreign power has a right to succour an oppressed people who implore their assistance'.[27] Also, whereas states are bound to contribute to the happiness and perfection of all other states, their duty to their own happiness circumscribes that duty.[28] When it comes to war, for Vattel, it is a function of public authorities. As he said, the right to war 'can belong only to the body of the nation, or to the sovereign, her representative'.[29] He then set forth the just causes for going to war,[30] recognising as just causes self-defence and the vindication of rights.[31] Vattel also envisaged collective action in certain circumstances. One such instance is when a state is ready to use force 'on any prospect of advantage' whereby 'all nations have the right to join in a confederacy for the purpose of punishing and even exterminating those savage nations'.[32] The same holds true when a nation does injustice to another nation, in which case other nations can join the injured party and thus 'form a coalition of strength, in order to humble that ambitious potentate'.[33] The aggrandisement of a certain nation does not of itself justify war by other nations[34] unless there is the will to injure them. If such 'will to injure' is not obvious it can be based on probabilities in proportion to the prospective danger.[35] Yet for Vattel, there can be other

[23] Elbe, 'Evolution of the Concept of the Just War', 670.
[24] Grotius, *De jure belli*, Book I, ch. III and in particular para. IV.
[25] Vattel, *Le Droit des gens*, 'Preliminaries', paras. 1–28; Onuf, '*Civitas Maxima*: Wolff, Vattel and the Fate of Republicanism', 280.
[26] Vattel, *Le Droit des gens*, Book II, ch. IV. [27] *Ibid*., para. 56
[28] *Ibid*., 'Preliminaries', paras. 13–14. [29] *Ibid*., Book III, ch. I, para. 4.
[30] *Ibid*., ch. III. [31] *Ibid*., paras. 26–8. [32] *Ibid*., para. 34. [33] *Ibid*., para. 45, 49.
[34] *Ibid*., paras. 42–3.
[35] 'their right to obviate a danger is in a compound ratio of the degree of probability, and the greatness of the evil threatened' (*ibid*., para. 44).

more 'gentle' means of checking a state that is increasing its power. One such means is a 'confederacy of the less powerful sovereigns, who, by this coalition of strength, become able to hold the balance against that potentate whose power excites their alarms'.[36] The above describes in modern parlance a balance-of-power arrangement. For Vattel, Europe provided a classical example of the balance-of-power system because it is a kind of republic linked together with the ties of common interest from which arose 'the famous scheme of the political balance, or the equilibrium of power; by which it is understood such a disposition of things, as that no one potentate be able absolutely to predominate, and prescribe laws to the others'.[37] An issue that perplexed Vattel and is relevant to CS is that of neutrality; more specifically, whether neutral states can participate in a just war.[38] For Vattel, it is up to each nation to decide whether to support a just cause. If the justice of the cause is evident, it can provide assistance, provided that it is to its advantage to participate. If the justice of the cause is dubious, then Vattel advises abstention.[39]

From the preceding overview, two patterns can be identified in the process of international organisation aiming at providing interstate security. One is legal and concerns the formulation of rules on permissible or impermissible wars, whereas the other is political and concerns models or experiments of political organisation to attain security. Each stream informs the other but the input of the legal stream varies in correlation to the development of international law as an institution of the international society.

Regarding political projects for security, we should mention as precursors to more modern projects the 'Grand Design' by the Duc de Sully, which is reminiscent in some respects of the ancient Greek Amphictyonies. This was a project for the federation of Europe, its aim being the elimination of war and the pacific settlement of disputes.[40] A General Council was to be established commanding its own forces, supplied by each state in proportion to its abilities; it would then enforce its decisions on recalcitrant members and protect its members from outside aggression. It would also supervise states internally. Another project was that presented by Abbé de Saint-Pierre during the Peace of Utrecht (1713), which was one of the treaties that terminated the religious wars in Europe and gave rise to the modern system of international

[36] *Ibid.*, para. 46. [37] *Ibid.*, para. 47. [38] Politis, *La neutralité et la paix*.
[39] Vattel, *Le Droit des gens*, Book III, ch. VII, para. 106.
[40] Davies, *Problem of the Twentieth Century*, 72–6.

law based on state sovereignty. It envisaged a Union of European states with a central organ, the Senate, which had mandatory powers to enforce its decisions and maintain the territorial and political status quo. Members of the Union were not permitted to wage war against other members, but only against those that the Council declared enemies of the 'European Society', whereas grievances against other members were to be submitted to the Council for pacific settlement. Any state that waged war suddenly, or before a declaration by the Council, or did not comply with or execute a decision of the Council, was to be declared an enemy upon whom war was made by all members of the Union under the authority of the Senate, commanded by a jointly appointed Generalissimo.[41]

Kant's project of Perpetual Peace needs to be mentioned here.[42] For Kant, because security among nations is not a natural condition, states should join in a federation where every state's right will be guaranteed. This will be a peace federation, which, in contrast to a treaty of peace, has the aim of terminating all wars. This federation is different from a world republic, in fact it is its negative opposite; the reason being that states do not accept any supreme authority, and there is no authority to exert compulsion to that end, as it is the case in the relations between individuals and states. Such a federation will be realised gradually when states join the central core of founding states that have formed the federation. However it will be nothing more than the sum of individual agreements; no legal obligation exists to form or maintain such a federation but its existence is commanded by reason.

None of the aforementioned grand schemes materialised because as Frederic the Great commented with much irony about Saint-Pierre's project, 'the thing is most practicable, for its success all that is lacking is the consent of Europe and a few similar trifles'.[43] In the meantime states continued to form alliances in order to manage individual or common security concerns and in order to improve their security predicaments. Such alliances were often defensive, in that each member pledged to come to the defence of any other member that had been attacked by an external power; or it took the form of a non-aggression pact, where member states pledged not to resort to war against each other.

[41] *Ibid*., 78–89.
[42] Kant, 'Second Definite Article on Perpetual Peace: The Law of Nations shall be founded on a Federation of Free States', '*On Perpetual Peace*' (1795), 271–3.
[43] Davies, *Problem of the Twentieth Century*, 79.