



## World Peace Through Law: Rethinking an Old Theory

**James T. Ranney**

Adjunct Professor of Law, Widener Law School

### Abstract

*The author sets about re-thinking the old concept of “World Peace Through Law” (WPTL), meaning replacing the use of international force with the global rule of law. He traces the history of the WPTL concept back to the British legal philosopher Jeremy Bentham, whose 1789 ‘Plan for an Universal and Perpetual Peace’ proposed “a plan of general and permanent pacification for all Europe,” with troop reductions (especially in naval forces) and “a Common Court of Judicature” to resolve differences between nations. The author’s 21<sup>st</sup> century version of WPTL bears an uncanny resemblance to Bentham’s original proposal, calling for: 1) arms reductions (including abolition of nuclear weapons); 2) a four-stage comprehensive system of compulsory alternative dispute resolution (compulsory negotiation, mediation, arbitration, and adjudication); and 3) various enforcement mechanisms, including an international peace force.*

*The author argues that now is the time for adoption of what is a mainstream middle-of-the-road proposition (previously adopted by four past American presidents, including Theodore Roosevelt, William Howard Taft, Dwight David Eisenhower, and John F. Kennedy) that is neither “too little” (our current strategy of “collective insecurity”) nor “too much” (world government or world federalism). Instead, WPTL calls for only 1) arms reductions, not general and complete disarmament; 2) compulsory international alternative dispute resolution systems, not a global legislature; and 3) means of effective enforcement (including an international police force), not pacifism.*

*The whole concept of WPTL has been sadly neglected over the past half century. It is time to take a new look at the concept in this, the nuclear age.*

From time immemorial, humanity has yearned for peace, but gone to war. Now, with the advent of nuclear weapons, it seems to most thoughtful people that war, at least major war, is no longer an option. Thus, the question becomes how to avoid it. One possible answer is “world peace through law,” somehow substituting the rule of law for the use of force to resolve international conflict. Many versions of this basic idea, once quite popular but now nearly forgotten, have been advanced over the years. One of the earliest proponents of the concept was British legal philosopher Jeremy Bentham, who in his 1789 *Plan for an Universal and Perpetual Peace*, proposed “a plan of general and permanent pacification for all Europe,” with troop reductions, especially in naval forces, and “a Common Court of Judicature” to resolve differences between nations, albeit without coercive powers.<sup>1</sup> Undoubtedly,

the “strongest” version of “world peace through law” is that of the world federalists, whose basic argument is that there are only two ways to resolve true conflict (meaning conflict that cannot be mediated) at the international level: (1) by war (no longer a good idea, since it could entail the extinction of at least our species), and (2) by law. Therefore, they say, choose law. And by “law,” world federalists mean law that is the only kind worth having, enforceable law, enforceable upon individuals, i.e., “world law”, created by a global legislature and enforced by global courts and global police, unlike the inadequate currently-existing international “law” and the weak system of UN-based “collective insecurity” that we now have.<sup>2</sup>

This article proceeds on the assumption that while the above syllogistic argument does convey an important truth, there is another possibility, that the “law” in the “world peace through law” formula need not be that of a global legislature, that there are other ways of securing world peace through law, both in the short term and in the long run.

If one takes a long view of our history as a species and as a gradually maturing international society, it becomes apparent that we are already on our way, while scarcely realizing it, to “world peace through law” through the one-step-at-a-time brick-by-brick, law-by-law, norm-by-norm accretion of a body of mere “international law” which is gradually becoming a body of genuine “world law” right before our unsuspecting eyes. And this world-law-in-the-making has been happening even during the recent administration of a U.S. government more scornful of international law and international institutions than any in U.S. history.

What in the world am I talking about? Well, first, I am talking about a vast body of international law, built up primarily over the past several centuries.\* This is not to say that there were not significant developments in international law prior to this.<sup>3</sup> One can start by looking at a mere short-list of the highlights of international law and institutions over the years, to remind ourselves of the progress that has been made, despite the serious shortcomings that remain.

### MILESTONES IN INTERNATIONAL LAW

Hugo Grotius’ <i>On the Law of War and Peace</i> (attempts to describe what he insists on calling “a common law of nations,” albeit one that he freely admits is often not observed in the breach)	1625
Peace of Westphalia (modern system of sovereign European states; early attempt at international arbitration)	1648
Final Act of Congress of Vienna (principles for cooperative use of rivers etc.)	1815
Paris Declaration on Maritime Law (regulating maritime warfare)	1856
International Red Cross	1864
International Telecommunications Union	1865
<i>Alabama Claims</i> Arbitration (successful conclusion of U.S. claim against UK for permitting construction of warships for Confederacy during the Civil War)	1872
Universal Postal Union	1875

\* Jeremy Bentham was the first to coin the term “international law.” M.W. Janis, “Jeremy Bentham and the Fashioning of ‘International Law,’” *American Journal of International Law*, 78, no. 2 (1984): 405-418.

Int'l Bureau of Weights & Measures & Int'l Meteorological Org.	1878
Int'l Copyright Union	1886
First Hague Convention (against poison gas, dum dum bullets; treatment of war prisoners)	1899
Permanent Court of Arbitration	1900
Second Hague Convention (outlaws war to collect debt; accepts "principle" of compulsory arbitration, but without operative machinery)	1907
International Labor Organization	1919
International Civil Aviation Organization	1919
League of Nations [but not the U.S.]	1920
World Court [later, Int'l Court of Justice (1945)]	1921
Kellogg-Briand Pact (normative principle outlawing war, but no enforcement mechanism)	1928
Geneva Conventions on Prisoners of War	1929
Bank for International Settlements	1930
UNESCO	1942
World Bank	1944
IMF	1944
United Nations	1945
FAO (food & agriculture)	1945
Nuremberg War Crimes Trials begin	1945
UNICEF	1946
GATT (General Agreement on Tariffs & Trade)	1947
Universal Declaration of Human Rights	1948
World Health Organization	1948
Geneva Conventions on War Crimes	1949
European Coal & Steel Community	1951
European Convention for Protection of Human Rights	1953
European Economic Community (EEC, Treaty of Rome)	1957
IAEA (Int'l Atomic Energy Agency)	1957
Antarctic Treaty	1959
OECD (Organization for Economic Cooperation & Development)	1961
McCloy-Zorin Agreement (draft plan for nuclear disarmament)	1961
Limited Test Ban Treaty	1963
World Food Program	1963
UNCTAD (integrating developing countries into world economy)	1964
UNDP (development)	1965

Outer Space Treaty	1967
Treaty of Tlatelolco (first of several nuclear free zone treaties)	1967
Nuclear Non-Proliferation Treaty	1968
Vienna Convention on the Law of Treaties	1969
Seabed Arms Control Treaty	1971
Biological Weapons Convention	1972
ABM Treaty [U.S. withdrew in 2001]	1972
SALT I Interim Agreement	1972
UNEP (environment)	1972
Threshold Test Ban Treaty	1974
Int'l Covenant on Economic, Social & Cultural Rights [but not U.S.]	1977
Convention on Elimination of Discrimination Against Women [id.]	1979
Law of the Sea Convention [id; entered into force, 1994]	1982
Montreal Protocol (regarding ozone layer)	1987
Intermediate-Range Nuclear Forces Treaty	1987
Convention on the Rights of the Child [only U.S. & Somalia have not ratified the convention]	1989
UN Framework Convention on Climate Change	1992
Chemical Weapons Convention	1993
Int'l Criminal Tribunal for the Former Yugoslavia	1993
WTO (more court-like sanctions than GATT)	1994
Comprehensive Test Ban Treaty [not approved by U.S. Senate]	1996
Ottawa Landmines Treaty [but not U.S.; entered into force, 1999]	1997
Kyoto Protocol [but not U.S.; entered into force, 2005]	1997
Int'l Criminal Court [but not U.S.; entered into force, 2002]	1998
UN General Assembly "Responsibility to Protect" Resolutions	2006
Convention on Cluster Munitions [but not U.S.; entered into force, 2010]	2008

What the above partial list makes clear is that, starting from the smallest measures, up through the sweeping changes of the post-WWII years, a growing body of global law of considerable depth and breadth has gradually been accumulated.<sup>†, 4</sup> And while current international law and institutions are weak and ineffective (especially in the area of global security), they have grown stronger, despite the desperate opposition and scorn of the real-politikers.<sup>†, 5</sup> To take one example in the area of international trade, initially, the GATT (1947) operated only upon a consensus decision-making basis. Now, however, as of 1994 the new WTO has precisely the reverse rule: sanctions are now automatic upon a finding by the WTO

\* While disavowing any "teleological view," Judith L. Goldstein, Miles Kahler, Robert O. Keohane, & Anne-Marie Slaughter find that "[i]n many issue-areas, the world is witnessing a move to law."

† Cf. Percy E. Corbett, *The Growth of World Law*, at 50 (1971) (the international law system "leaves off precisely at the point where law is most necessary, namely where the urge to unrestrained action is strongest").

tribunal in the absence of a consensus blocking them.<sup>6</sup> Similarly, the Law of the Sea Treaty (1982) replaces conflicting power-based claims with a comprehensive rule-based framework to regulate all ocean space (70% of the globe), its uses and resources, from navigation rights to definition of territorial waters and related boundaries to fishing limits and other ocean resources regulation, all enforced via compulsory dispute settlement procedures.<sup>7</sup> Although the Law of the Sea Convention was the result of a number of UN-sponsored conferences, the UN has no direct role in its operation, so that it is free of the P-5 veto in the Security Council. This aspect of the Convention is particularly interesting. This “Law of the Sea approach”—a functionalist approach keyed to a particular problem and neatly avoiding the constraints of the P-5 veto—could be utilized in other problem areas.<sup>8</sup> These two examples of “stronger” international law are emblematic of the kinds of evolutionary changes that have taken place and will only continue to occur over time. And gradually, as the edifice of international law becomes more and more impressive and gains greater acceptance, philosophical debates as to the nature of international law as “law” will become increasingly moot, as we move ever closer to eventually creating a comprehensive system of international courts empowered to provide the rule of law at the global level.\*

This ongoing process, which is gradually turning weak “international law” into enforceable “world law,” is very much like the growth of the early common law. In twelfth and thirteenth-century Britain, the common law crimes and torts and other civil claims grew up one by one, gradually converting a hodgepodge of primitive local and feudal folk laws reliant upon self-help remedies (the blood feud and its composition) into a systematic legal structure of pleas of the crown and causes of action enforceable in the central royal courts.<sup>†, 9</sup> Similarly, various legal institutions, such as trial by jury and an independent parliament, only gradually came into existence, after much hard work and acts of individual courage and even occasional battles, transforming what were arms of royal power and control into democratic individual-freedom-enhancing legal institutions.<sup>‡, 10</sup> A similar evolutionary process is plainly at work in the field of international law.

It is true, of course, that many of the more recent advances (e.g., the ICC and the Law of the Sea Treaty) have not yet been ratified by the United States.<sup>§, 11</sup> This, despite the fact that many in the U.S., such as Ambassador Elliot Richardson, chief U.S. negotiator at the Law of the Sea Conference, and Bill Pace, Convenor of the NGO Coalition for an International Criminal Court, played a key role in their creation. But this will change. America will eventually come to its senses and recover its historic courage, reject the craven politics of fear, and rejoin the world community. America may also come to realize that the cost of being World Cop is something it can no longer afford, with its current financial difficulties likely hastening this realization.

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\* Trial of German Major War Criminals (Goering et al), International Military Tribunal (Nuremberg), Judgment and Sentence (Sept. 30 & Oct. 1, 1946) (Cmd 6964, HMSO, London), at 40: “The law of war is to be found not only in treaties, but in the customs and practices of States which gradually obtained universal recognition, and from general principles of justice applied by jurists...” Also cf. Hans Kelsen, *Law and Peace in International Relations: The Oliver Wendell Holmes Lectures, 1940-1941*, at 145, 149-51 (1942) (arguing that the natural evolution of law is from courts to legislatures).

† Wayne R. LaFave & Austin W. Scott, Jr., *Criminal Law*, at 619 n.3 (1972) (common law crime of larceny by bailee finally recognized in 1473).

‡ Ranney, *Heritage* (also “Milestones in Legal History” chart appendix at 3-5 nn. 28, 31 & 39) (jury develops from royal inquest of local knights of the shire into independent criminal trial jury by 1220; subsequent development of right to freedom of deliberation in *Bushel’s Case* in 1670; parliament grows out of body mainly “judicial” in nature or merely advisory to king into independent legislature ca. 1258).

§ There is an excellent argument that these and similar treaties should have been adopted via the congressional-executive agreement process rather than via the treaty clause. The former method is more democratic than the latter since it involves both houses, the two-thirds requirement being based upon now-discredited concerns of the slaveholding states.

As difficult as it is to predict the future, if one were forced to make reasonable projections from the current trajectory of world-law-in-the-making to likely future world law and legal institutions, one can project the following general list (aside from the treaties already in existence but not yet signed by the United States):

*“Imagine what it might mean to the world, and in particular, to the peace issue, if just one right — the right to full gender equity — were granted.”*

- 1) Global Economic Regulations: This appears to be the next big thing on the horizon, if only because the latest financial crisis has pointed out to many businessmen and policymakers that something aside from the occasional chat amongst the G-20 is called for in vast areas of global economic (and environmental) regulation.\*<sup>12</sup> No opinion is ventured here as to how such important changes might be accomplished, except to note that a “Law of the Sea problem-by-problem approach” is one of many that could be utilized.<sup>13</sup>
- 2) Human Rights Enforcement: There is a sense, of course, in which world peace and justice would follow automatically from the enforcement of global human rights.† Nevertheless, it is perhaps worth separating this area out for special attention. Without attempting an exhaustive review of the full set of human rights or how they might best be implemented, just imagine what it might mean to the world, and in particular, to the peace issue, if just one right—the right to full gender equity—were granted. It is not idle speculation to suggest that this one measure could by itself go a long way toward bringing about world peace.<sup>14</sup>
- 3) Global Rule of Law: We need to complete the task, only just begun, of creating comprehensive global legal structures that substitute the rule of law for the rule of force at the international level. This will require, at a bare minimum, not only an expanded International Criminal Court and an International Court of Justice with compulsory jurisdiction, but also some kind of international equity tribunal to resolve controversies of any nature whatsoever.‡ Mikhail Gorbachev in 1987 proposed expansion of the ICJ’s compulsory jurisdiction, discussions taking place for several years amongst the P-5.<sup>15</sup> Compulsory adjudication in the ICJ would be preceded by compulsory negotiation, compulsory mediation, and compulsory arbitration, thus establishing a four-stage comprehensive system of global alternative dispute resolution.§
- 4) Arms Reductions and a United Nations Peace Force: Proposals for some kind of an international police force have been around for quite some time, having in fact been endorsed by at least four former U.S. presidents (Theodore Roosevelt, William Howard Taft, Dwight David Eisenhower, and John F. Kennedy).<sup>16</sup> But the Cold War and other dif-

\*Global corporations “have the ability to ‘venue shop’ and play countries against one another to win better legal, regulatory, or tax treatment” [e.g., Halliburton moving corporate headquarters from Houston to Dubai] such that “on transnational issues there is a [regulatory] void”. Approximately, 56 tax/regulatory/secretary havens involving 2 million companies and \$12 trillion in assets result in annual tax loss estimated at \$255 billion; GAO report shows that by now 60% of large U.S. corporations pay no taxes; havens also hide risky debt instruments, facilitate corruption, and cause the deaths of over 250,000 children a year due to illegal capital flight and lost tax revenue.

† It could be argued that the logic of the “world peace through law” formula would dictate an immediate International Human Rights Court. But as Justice Holmes famously said, “the life of the law has not been logic.” More importantly, the way in which I use the “world peace through law” syllogism does not contemplate “litigating” our way to peace or human rights, at least not until there is a greater global consensus on fundamental values.

‡ With expanded coverage of crimes such as possession of nuclear weapons or components.

§ Spelled out in detail in forthcoming book by the author.

ferences amongst countries have prevented anything like it from coming into existence. With the imminent move to abolition of nuclear weapons,<sup>17</sup> accompanied by reductions in conventional weapons and their restructuring toward “defensive-only” postures (such as fixed anti-tank emplacements, which can be used only defensively),<sup>18</sup> we will be on our way to an infinitely safer world. If we can combine that with increasing reliance upon an international peace force, we can look forward to an eventual situation where a UN Peace Force (UNPF) is considered to be the only legitimate means of confronting international violence or threats of violence. As to how this might be effectuated, a UNPF could be instituted via a “Law of the Sea” approach, avoiding the veto problem in the UN Security Council, and without the need to create a global government. The tough issue would be when and how a UNPF could be committed. Not much thought has gone into that issue, and it is admittedly a difficult one. Nevertheless, just as the Law of the Sea Convention was negotiated over time, in that specific context, so too some kind of operational mechanism (left vague on purpose) controlling the UNPF could be negotiated over time, whether some kind of weighted-voting or qualified-majority or other device altogether.

While it is true that a UNPF could turn out to be less than perfect, and it might not be, at least initially, precisely the kind of institution that the peace community would thoroughly approve, in the real world there is little that is perfect and there are disadvantages to almost everything.\* Further, the fact that a UNPF might at some point be co-opted as a good idea by neo-conservatives ought not be off-putting, for unless a few ideas of the peace movement are adopted by “the opposition,” they will never go anywhere.<sup>19</sup>

Gradually, then, as we gain greater experience with already-existing UN peace forces, increasing their capacity and competence, with concomitant decreases in individual-country militaries, we will arrive at a point where the normal expectation will be that a UNPF is the only proper means of dealing with international conflict. Simultaneously, the universal expectation and eventual well-settled norm will become that such conflict should be subjected to a comprehensive array of international legal dispute resolution mechanisms. When that happens, we will have arrived at a place where we have in fact substituted the rule of law for the use of force to resolve international conflict. If and when that day comes, we will have realized humanity’s long-time dream of world peace through law, regardless of whether legal scholars would call it true “world law”.

Although the above proposal does place considerable emphasis upon the role of global law and legal institutions in securing peace, there is no suggestion that the law by itself will somehow miraculously transform the world.

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*“Obviously, more than mere “legal change” is required. It will take fundamental social and political change. Law, after all, is merely public sentiment crystallized.”*

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\*One can foresee the objection that a UNPF might look too much like an overgrown NATO. Cf. Christoph Marischka, “How Ban Ki-moon subjugated the UN to NATO,” *Informationsstelle Militarisierung* (June 1, 2009) ([www.imi-online.de/2009.php3?id+1925](http://www.imi-online.de/2009.php3?id+1925)) (largely unnoticed document of 23 September 2008 signaling cooperation between UN and NATO objected to by Transnational Foundation for Peace & Future Research). This is not the place for an extended discussion of what a good UNPF would look like (although obviously it would need to be able to respond timely to diverse challenges in appropriately diverse ways, with fully-equipped well-trained crème de la crème officers and troops with access to adequate logistics, intelligence and communications, operating under well-organized and well-coordinated command and control and a clear mandate). Also, the emphasis upon a UN peace “force” ought not imply a too-ready resort to force. Rather, this must be a “peace and reconciliation” force that makes full use of conflict resolution and other non-violent approaches (e.g., something like the existing Non-Violent Peace force should be either a part of a UNPF or available to it).

Obviously, more than mere “legal change” is required. It will take fundamental social and political change. It will take increased understanding amongst countries, facilitated by vastly increased exchange programs, twinned-universities, worldwide internet and interfaith exchanges, a sharing of the most precious children’s literature of all cultures, and an infinite variety of similar measures. Law, after all, is merely public sentiment crystallized.

There are those who would argue, in fact, that all we really need for a peaceful and just future world is the classic idea of a gradual but steady decline in militarism and military spending worldwide, as part of a generalized increase in understanding amongst countries. For just as we would no longer think of going to war with Canada and just as Great Britain and France would no longer think of going to war, so too we and Russia and others may arrive at a similar point of mutual understanding in our joint destinies.\*<sup>20</sup> And this new outlook would be accompanied by the de facto resort to readily available legal dispute resolution systems. Thus, there might not be that much need for a UNPF or at least not a large one.

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*“It will take what it always takes — courageous and determined action by individuals in the face of strong opposition — to fight for our vision of a world without war.”*

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Of course, all these things inevitably play together. Progress on one front will facilitate progress on other fronts. Progress on human rights and economic development will facilitate the kinds of normative changes needed for significant arms reductions and a greater willingness to rely upon global legal institutions. Arms reductions will permit greater economic and human development and a blossoming of humanity’s creative capacity for good. Deeper arms reductions will likely depend upon progress on building alternative security systems and stronger international legal structures. Even though we will face the inevitable setbacks, when one takes the long view of human history, the trajectory we are on is apparent.

This does not mean, of course, that it will happen by itself. Rather, it will take what it always takes—courageous and determined action by individuals in the face of strong opposition—to fight for our vision of a world without war. There are many paths to peace, things that we can do, collectively and individually, to secure a safe and sustainable world. But after many millennia of human development, we now face a profoundly fundamental choice: between what we have been doing for ages—bleeding the private and public sectors white with exorbitant military spending while hoping to escape the time-honored tradition in which individual empires rise and fall—and a whole new paradigm of global security, a world without war and with social justice, bottomed upon the global rule of law.

*Author Contact Information*

*Email: [jamestranney@comcast.net](mailto:jamestranney@comcast.net)*

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\*As hard as it is right now to envision reconciliation with our current worst enemies, I believe that we will eventually see precisely that, especially as there is a decline in what may appropriately be called toxic religiosity, on all sides. This will be the culmination, worldwide, of the Age of Reason. Cf. Thomas Paine, *The Age of Reason: Being an Investigation of True and Fabulous Theology* (1794). Cf. also [www.strategicforesight.com](http://www.strategicforesight.com) (working for an “inclusive world”).



## Notes

1. Jeremy Bentham, *Plan for an Universal and Perpetual Peace* (London : Sweet and Maxwell, 1927), 12-27.
2. Joseph P. Baratta, *The Politics of World Federation* (Westport: Praeger, 2004) (excellent history of movement, tracing origins of idea back to at least Dante [ca. 1311], Henry IV of France [1610], William Penn [1693], Abbe de Saint-Pierre [1713], Rousseau [1761], Kant [1795], and early British and American federalists, through huge popular successes post-WWII to its near extinction in the McCarthy Era; appendix has annotated bibliography of 77 books); Christopher Hamer, *A Global Parliament: Principles Of World Federalism* (Oyster Bay: Oyster Bay Books, 1998); and Grenville Clark & Louis Sohn, *World Peace through World Law* (Cambridge: Harvard University Press, 1966). Also cf. Louis Lusky, "Four Problems in Lawmaking for Peace," *Political Science Quarterly* 80, no. 3 (1965): 341-356; and Inis Claude, *Swords into Plowshares: the Problems and Progress of International Organization* (New York: Random House, 1971).
3. Harold J. Berman, "The Law of International Commercial Transactions (Lex Mercatoria)," *Harvard International Law Review* 19, no. 1 (1978): 274-277 (tracing origins of law merchant from Sea Law of Rhodes, ca. 300 B.C.). But with the evolution of the modern nation-state in the early 1600s, see Sheri Berman, "From the Sun King to Karzai: Lessons for State Building in Afghanistan," *Foreign Affairs* 89, no.2 (Mar/Apr 2010): 2-9, we see the growth of international law.
4. Mary Ellen O'Connell, *The Power and Purpose of International Law: Insights From the Theory & Practice of Enforcement* (New York: Oxford University Press, 2008). Also compare Judith L. Goldstein, Miles Kahler, Robert O. Keohane, & Anne-Marie Slaughter, *Legalization and World Politics* (Cambridge: MIT Press, 2001). Philip Allott, "The Emerging Universal Legal System," *International Law Forum* 3, no.1 (2001): 12-17. See also Martii Koskenniemi, *The Gentle Civilizer: The Rise and Fall of International Law 1870-1960* (New York: Cambridge University Press, 2002). Julius Stone, *Of Law and Nations: Between Power Politics and Human Hopes* (N.Y: W.S. Hein, 1974) and Eric Posner, *The Perils of Global Legalism* (Chicago: University of Chicago Press, 2009).
5. Compare Nicole Deller, Arjun Makhijani & John Burroughs, eds., *Rule of Power or Rule of Law? An Assessment of U.S. Policies and Actions Regarding Security-Related Treaties* (New York: Apex Press, 2003); Oona Hathaway, "Why We Need International Law: Undoing the Bush Administration's Damage," *The Nation*, November 19, 2007 (remarkable internal documents show deep aversion to international law); and Thomas M. Franck, "The Power of Legitimacy and the Legitimacy of Power: International Law in an Age of Power Disequilibrium," *American Journal of International Law* 100, no. 1 (2006): 88-106. Robert J. Delahunty and John C. Yoo, "Peace Through Law? The Failure of a Noble Experiment," *Michigan Law Review* 106 (2008): 923-939. Cf. also Corbett, supra, at 51 (those scornful of stumbling attempts to create world law "display a lack of perspective no less real than that of the hurried idealists whose visions they deprecate.").
6. Richard H. Steinberg, "Judicial Lawmaking at the WTO: Discursive, Constitutional, and Political Constraints," *American Journal of International Law* 98, no. 2 (2004): 247-275 and Bernhard Zangl, "Judicialization Matters! A Comparison of Dispute Settlement Under GATT and the WTO," *International Studies Quarterly* 52 (2008): 825-854.
7. Louis B. Sohn, Kristen G. Juras, John E. Noyes & Erik Franckx, *Law of the Sea in a Nutshell* (Minnesota: West, 2010) and [www.un.org/Depts/los](http://www.un.org/Depts/los).
8. Center for War/Peace Studies, "What Elliot Richardson Thinks," *Global Report* no. 4 (1978). Elliot Richardson is interviewed by Richard Hudson, and states: "To me the Law of the Sea Conference offers the hope of a major contribution in the building of a global order. It may well be the single most important potential to build it."
9. Harold Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge: Harvard University Press, 1983) and James T. Ranney, *Heritage of Our Freedoms: Milestones in Legal History* 16 (1987): 19-20 (slideshow transcript and coursebook) (on file with author).
10. Theodore F. Plucknett, *A Concise History of the Common Law* (Boston: Little, Brown, 1956), 118-134 and Henry G. Richardson & George O. Sayles, *The English Parliament in the Middle Ages* (Philadelphia: University of Pennsylvania Press, 1981).
11. Oona Hathaway, "Treaties' End: the Past, Present, and Future of International Lawmaking in the United States," *Yale Law Journal* 117, no.8 (2008): 1236-1372.
12. Joseph E. Stiglitz, "A Real Cure for the Global Economic Crackup," *The Nation*, July 13, 2009; David Kennedy, "The Mystery of Global Governance," in Jeffrey L. Dunoff & Joel P. Trachtman, *Ruling the World? Constitutionalism, International Law, and Global Governance* (Cambridge: Cambridge University Press, 2009); David Rothkopf, *Power, Inc.: The Epic Rivalry Between Big Business and Government—and the Reckoning That Lies Ahead* (New York: Farrar, Straus and Giroux, 2012); Ronen Palan, Richard Murphy & Christian Chavagneux, *Tax Havens: How Globalization Really Works* (Ithaca: Cornell University Press, 2010); James Gustave Speth & Peter M. Haas, *Global Environmental Governance* (Washington: Island Press, 2006); and Pierre de Senarclens & Ali Kazancigil, *Regulating Globalization: Critical Approaches to Global Governance* (New York: United Nations University Press, 2007).
13. For a good example of the problem-by-problem type of analysis required, see Jeffrey Dunoff, "Institutional Misfits: The GATT, the ICJ & Trade-Environment Disputes," *Michigan Journal of International Law* 15, no. 1042 (1994): 2-83.
14. See Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen* (Philadelphia : University of Pennsylvania Press, 2010); Anatoly I. Adamishin & Richard Schifter, *Human Rights, Perestroika, and the End of the Cold War* (Washington, D.C.: United States Institute of Peace Press, 2009); William Burke-White, "Human Rights and National Security: The Strategic Correlation," *Harvard Human Rights Journal* 17 (2004): 249-280; and Hilary Mantel, "The War Against Women," *New York Review of Books* April 30, 2009.

15. Richard B. Bilder, "Judicial Procedures Relating to the Use of Force," in Lori Fisler Damrosch & David J. Scheffer, *Law and Force in the New International Order* (Boulder: Westview Press, 1991) and *Peace With Justice: Selected Addresses by Dwight David Eisenhower* (New York, Columbia University Press, 1961) (Eisenhower favors compulsory jurisdiction for ICJ).
16. See [www.nobelprize.org/nobel\\_prizes/peace/laureates/1906/roosevelt-lecture.html](http://www.nobelprize.org/nobel_prizes/peace/laureates/1906/roosevelt-lecture.html) (Theodore Roosevelt's 1910 Nobel Peace Prize lecture urges creation of world court with enforcement powers via "some form of international police power"); David Kennedy, "The Move to Institutions," *Cardozo Law Review* 8, no.5 (1987): 841-979; (prior to WWI, many prominent American jurists, statesmen, and industrialists, such as William Howard Taft, favored various forms of "world peace through law"); and Allan McKnight & Keith Suter, *The Forgotten Treaties: A Practical Plan for World Disarmament* (Melbourne: Law Council of Australia, 1983). (1961: McCloy-Zorin Statement of Agreed Principles for Disarmament Negotiations, initiated by Eisenhower and Kennedy, called for "general and complete disarmament," with "procedures for peaceful settlement of disputes" and "an international police force"). See also Lincoln P. Bloomfield, ed., *International Military Forces: The Question of Peacekeeping in an Armed and Disarming World* (Boston: Little, Brown, 1964); Elise Boulding & Randall Forsberg, *Abolishing War: Dialogue With Peace Scholars* (Cambridge: Boston Research Center for the 21st Century, 1998); and James T. Ranney, "Beyond Minimal Deterrence—An Approach to Nuclear Disarmament," *Journal of World Peace* 4 (1987):18-20.
17. Tad Daley, *Apocalypse Never: Forging the Path to a Nuclear Weapon-Free World* (New Brunswick: Rutgers University Press, 2010); "Press Launch – Abolishing Nuclear Weapons," *The International Institute for Strategic Studies* [www.iiss.org/events-calendar/2008-events-archive/September-2008/press-launch-abolishing-nuclear-weapons](http://www.iiss.org/events-calendar/2008-events-archive/September-2008/press-launch-abolishing-nuclear-weapons); and Lawrence S. Wittner, *Confronting the Bomb: A Short History of the World Nuclear Disarmament Movement* (Stanford: Stanford University Press, 2009).
18. See Jonathan Schell, *The Abolition* (New York: Knopf, 1984); Harold Feiveson, Richard Ullman & Frank Von Hippel, "Reducing U.S. and Soviet Arsenals," *Bulletin of the Atomic Scientists* 41, no.7 (1985): 144; Robert Johansen, *Toward an Alternative Security System* (New York: World Policy Institute, 1983); and Mark Sommer, *Beyond the Bomb: Living Without Nuclear Weapons*, at 52-55 (Massachusetts: Expro Press, 1985).
19. Cf. Nina M. Serafino, "The Global Peace Operations Initiative: Background and Issues for Congress" (Washington, D.C.: Congressional Information Service, Library of Congress, 2009) (even the Bush Administration favored multilateral peace-keeping and stabilization forces).
20. Pankaj Mishra, "The Misunderstood Muslims," *New York Review of Books* November 17, 2005 (reviewing books arguing that religious and gender rights reform is already under way in most of the Muslim world); Karen Armstrong, *The Battle for God: Fundamentalism in Judaism, Christianity, and Islam* (London: HarperCollins, 2000) (the author in 2008 called for creation of an interfaith Charter of Compassion devoted to shared moral priorities to foster greater global understanding); Irshad Manji, *The Trouble With Islam Today: A Muslim's Call for Reform in Her Faith* (New York: St. Martin's Press, 2008) (arguing for a return to the original Muslim emphasis upon critical thinking); and Zachary Karabell, *Peace Be Unto You: The Story of Muslim, Christian, and Jewish Coexistence* (New York: Knopf, 2008). Cf. also "The online ummah," *The Economist* August 18, 2012 (internet is opening up Islam, allowing the younger generation to "distance themselves from older, traditional practices").