In this short essay, my attempt will be to articulate a conception of a world order premised on nonviolent geopolitics, as well as to consider some obstacles to its realization. By focusing on the interplay of ‘law’ and ‘geopolitics’ the intention is to consider the role played both by normative traditions of law and morality and the ‘geopolitical’ orientation that continue to guide dominant political actors on the global stage. Such an approach challenges the major premise of realism that security, leadership, stability, and influence in the 21st century continue to rest primarily on military power, or what is sometimes described as ‘hard power’ capabilities. From such a perspective international law plays a marginal role, useful for challenging the behaviour of adversaries, but not to be relied upon in calculating the national interest of one’s own country. As such, the principal contribution of international law, aside from its utility in facilitating cooperation in situations where national interests converge, is to provide rhetoric that rationalizes controversial foreign policy initiatives undertaken by one’s own country and to demonize comparable behaviour by an enemy state. This discursive role is not to be minimized, but neither should it be confused with exerting norms of restraint in a consistent and fair manner.

1 In a long and distinguished career Said Mahmoudi, honored by this article and a scholar/diplomat who combines a practical appreciation of real world conditions with a humanistic sensibility, has consistently worked toward the enhancement of the security capabilities of a statist system of world order. His focus has been on the contributions of international law to the stabilization of relations and the embodiment of the ethical potential of organized society, while not losing sight of persisting patterns of behavior that reflect the continuing dominance of sovereign territorial states. Some of the ideas in sections II and III of the article have been adapted from such earlier writing as Richard Falk, ‘Renouncing Wars of Choice: Toward a Geopolitics of Nonviolence’ in David Ray Griffin and others, The American Empire and the Commonwealth of God: A Political, Economic, Religious Statement (John Know Press 2006) 69–85 and Richard Falk, ‘Nonviolent Geopolitics’ in Jorgen Johansen and John Y Jones (eds), Experiments with Peace (Pambazuka Press 2010), 33–40 also reprinted in Richard Falk, (Re) Imagining Humane Global Governance (Routledge 2014).

In this chapter my intention is to do three things:

• to show the degree to which the victors in World War II crafted via the UN Charter essentially a world order, which if behaviourally implemented, would have marginalized war, and encoded by indirection a system of non-violent geopolitics; in other words, the constitutional and institutional foundations already exist, but in a dormant form;

• to provide a critique of the realist paradigm that never relinquished its hold over the imagination of dominant political elites, and an approach has not acknowledged the obsolescence and dangers associated with the war system;

• and, finally, to consider some trends in international life that make it rational to work toward the embodiment of nonviolent geopolitics in practice and belief, as well as in the formalities of international law.

I

The UN Charter and a Legalistic Approach to Nonviolent Geopolitics

In the immediate aftermath of World War II, particularly in light of the horrendous atomic bombings of Japanese cities, even those of realist disposition were deeply worried by what it might portend for the future, and without much reflection agreed to a constitutional framing of world politics that contained most of the elements of nonviolent geopolitics. In one respect, this was a continuation of a trend that started after World War I with the establishment of the League of Nations, reflecting a half-hearted endorsement of the Woodrow Wilson sentiment that such a conflagration amounted to ‘a war to end all wars’. Yet the European colonial governments humoured Wilson, and continued to believe that the war system was viable and integral to maintaining Western hegemony, and the League of Nations proved to be irrelevant in avoiding the onset of World War II. But World War II was different because it offered the political leaders both a grim warning of what a future war among major states would likely entail and it seemed to be entrusting the future to a coalition of victorious powers that had cooperated against the menace posed by Fascism, and in the view of the American leader Franklin Roosevelt, could just as well cooperate to maintain the peace. Beyond this, the memories of the Great Depression and the realization that the punitive peace imposed on Germany in the Versailles Treaty had encouraged the rise of Hitler, gave the global leadership in the world at that time an incentive to facilitate cooperation in trade and investment, and to see the importance of restoring the