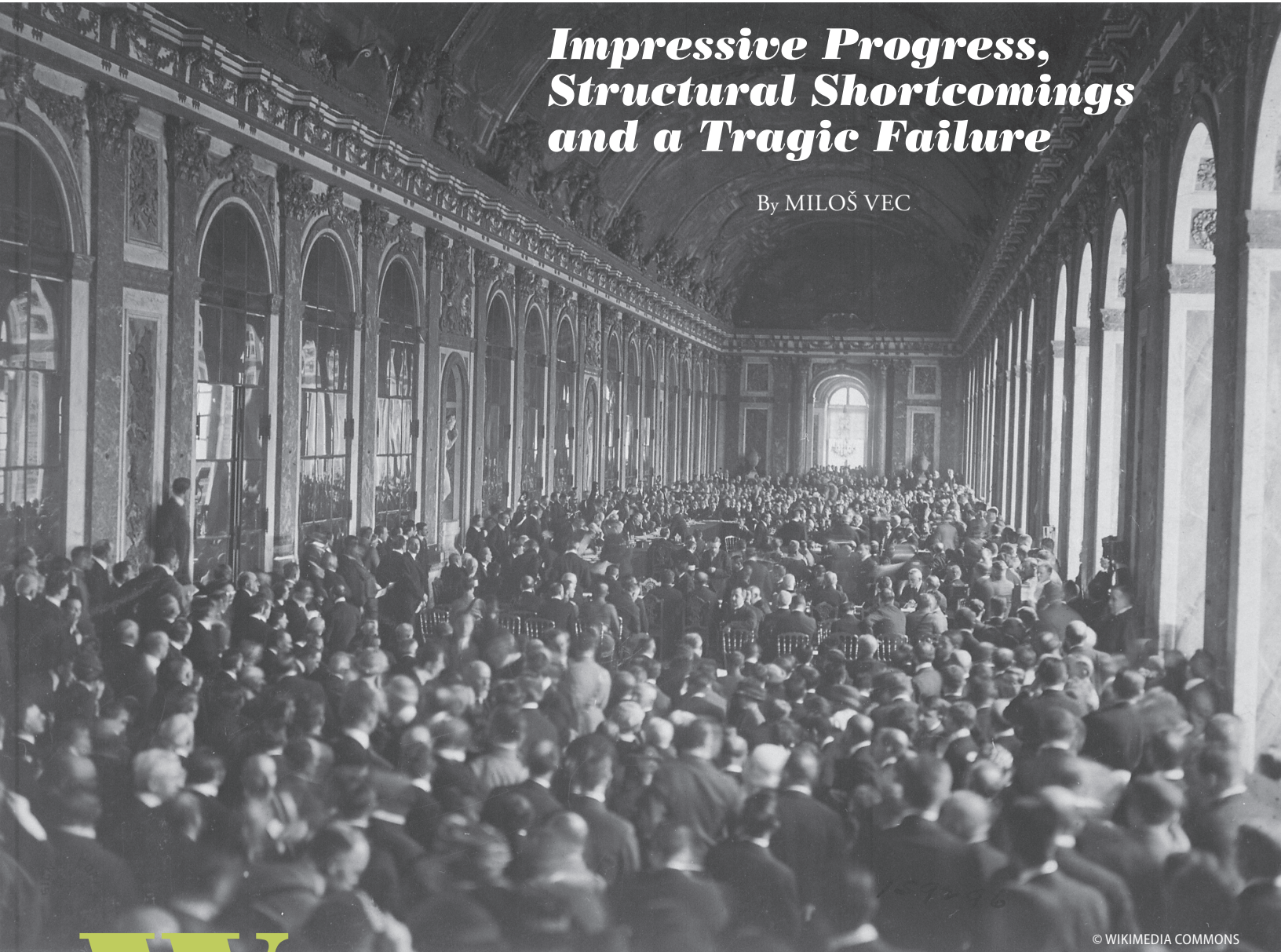# THE POWER OF PEACE

Diplomacy Between the Congress of Vienna and the Paris Treaties 1919:

Impressive Progress, Structural Shortcomings and a Tragic Failure

By MILOŠ VEC

Treaty of Versailles signing, 28 June 1919.

When teaching the history of international law, I usually ask my students at the end of the course to what extent they think the nineteenth century could be considered the epoch of the Hundred Years' Peace. Not surprisingly, I receive many critical comments and substantial objections to such a notion: how could a century of imperial rivalry and repression have been a peaceful era? Weren't there numerous armed conflicts and many interventions not only in Europe, but all over the world? The

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twentieth century has gained an even worse reputation for unprecedented violence, both on the European continent and on a global scale, but isn't there also something we can learn about diplomacy and international law from the period between the Congress of Vienna of 1814-1815 and the Paris Peace Conference of 1919?

The notion of the nineteenth century as an epoch of a Hundred Years' Peace in Europe was formulated and promoted by several authors and intellectuals. The most prominent among them were the well-known United States diplomat Henry Kissinger and Hungarian-American economic historian Karl Polanyi. Discussing the issue in class has great educational benefits, as students ultimately question the idea of peace itself. Is "peace" simply the absence of violence between States? To what extent is peace a value in itself and must one at times forfeit something in return for peace? How far do we go in the name of peace? Can our peace mean war for others? In other words, though there are many claims for peace, it remains a contested concept.

When Europe ended the Napoleonic Wars and tried to establish a new order, some options were clearly excluded in the name of peace, as the term was understood by the Great Powers at that time. The Congress of Vienna, therefore, had some distinct ideas about the political order that the Great Powers wanted to establish. It was based upon the threat of intervention, which ensured the enforcement of the consented principles of monarchical legitimacy (not of constitutionalism) and the relative equality among the powers. Liberal and democratic publishers of that era mistrusted the concepts of diplomacy and international law, considering them as instruments of repression. Looking back to the years following the Congress of Vienna, and analysing the Final Act of the Viennese Ministerial Conferences (1820), authors of the late-nineteenth century were not inclined to praise the Congress of Vienna. Rather, only some of its achievements were valuated: interdiction of the slave trade, the principle of free navigation on international rivers, the regulation of diplomatic ranks and ceremonial, which, in many respects, remains the basis for diplomatic encounters today. Therefore, many important objectives remained omitted in Congress historiography, while a number of the provisions, such as those that would have seemed marginal for the protagonists of the "Pentarchy", were later referred to and commemorated.

This predominant critical perspective on diplomacy and international law that prevailed in the years following the Congress of Vienna has since changed, however. In recent decades, historians such as Geneva-based Matthias Schulz have emphasized the larger spectre of its achievements. Furthermore, a 2014 conference at Harvard

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University recognized it as a part of a long story of pacification and cooperation. These fresh views underlined the positive aspects of diplomatic mechanisms implemented between 1815 and the mid-nineteenth century. Without denying widespread repression of democratic movements, as well as military interventions and interference with the internal affairs of other States, Schulz and other scholars claim that diplomatic mechanisms established by the Congress were innovative. They included the directorial system that served as a "security council" *avant la lettre* helping to stabilize a continent that feared the return of major military conflicts. The memory of the Thirty Years' War may have faded, but in 1815 the trauma of war in Europe waged by a power with hegemonic ambitions was fresh, which contributed to the establishment of a political order, with new instruments and mechanisms for negotiation.

Among these was the rise of multilateral (rather than bilateral) diplomacy, in the form of frequent, nearly permanent meetings of the leading powers and their representatives at congresses and conferences. Within such a political structure, some principles of international law were interpreted very broadly: although the sovereigns were independent, they were not equal and some had more leverage than others. It was a so-called Pentarchy that claimed to have the power to decide how conflicts and violations of States' interests should be managed. Most precariously, the fundamental principles of that political order (such as the claim of intervention) were not codified as international law, but only informally agreed upon as political guidelines among the protagonists. Thus, informal agreement was a characteristic and a warrantor of this particular notion of peace. Such lack of formality and transparency hindered the progress of the type of political actions that one would wish for in an ideal world. It also served as an instrument for a political system that seemed particularly unsympathetic of the populace, after the people's armies had defeated Napoleon. Why shouldn't there be any room for self-determination and sovereignty of the people?

The so-called Concert of Europe succeeded in managing certain conflicts for decades, but ultimately failed to prevent the Russian-Ottoman confrontation that led to the Crimean War. No equivalent new order emerged to fill the political vacuum among the main protagonists. However, the idea of new forms of international cooperation was gaining momentum. Some international lawyers were referring to a new principle of legal systems which they called the "international community". They claimed that nations were not isolated entities, and that sovereignty was not the highest value in a community of States. To the contrary, countries would be able to achieve more benefits when helping and supporting each other. States should cooperate with one another and that cooperation should be within a framework of international law. The fields in which they could cooperate included the economy, communications, culture, technology and public health. While in the past the concept of a community of nations was promoted largely in theory, the nineteenth century witnessed a practical extension of inter-power and inter-State cooperation. Technical innovations, such as the telegraph, significantly changed the work of the diplomats. These cooperations were often formally concluded as multipartite conventions, with diplomats contributing their share to this development. The result was "the treaty-making revolution of the nineteenth century", as Edward Keene, an Oxford international relations scholar, has recently stated.

Towards the end of the nineteenth century, this intensified cooperation led to some institutionalization.

Following the precursor of such institutions, the Central Commission for the Navigation of the Rhine (1815), which goes back to the Congress of Vienna, other international foundations were created. Among them are well-known institutions such as the International Telegraph Union (1865) and the Universal Postal Union (1874). Their permanent bureaux were often situated in smaller countries, and their constitutions included limited law-making capacities, possibilities of jurisdiction, and in some cases even mechanisms for adjudication between conflicting parties. Of course, this kind of international cooperation was limited to areas which were perceived as "non-political", thus not interfering with the sovereignty of States. Administrative, scholarly, and technocratic experts replaced the classic diplomat in the preparation of these treaties. At the same time however, these cooperations slowly intensified and became present in other regulatory fields, and gained autonomy within the single nation States. Many observers were enthusiastic about this and proclaiming the rise of "world unions", "world treaties" and even foreseeing the beginning of "world government". Thus, the late-nineteenth century was not only an era of nationalism, empires, colonialism and state competition, but also a time of international cooperation and negotiations of long-lasting multilateral treaties.

It would be a dramatic shortcoming, however, to focus only upon States and their representatives as actors in this process. The idea of internationalism was likewise promoted by private individuals and groups. The nineteenth century witnessed a dramatic increase in congresses and conferences, but only a small fraction of the issues discussed were political. Most meetings were devoted to a wide range of issues that affected civil society, science, technology and research, humanitarian issues and other topics. Thus the rise of non-governmental internationalism was one of the most exciting developments in the second half of the nineteenth century. Some of the topics had strong connections with the so-called high polity. These were concerns arising from the observation of shortcomings in international relations. The high diplomacy, carried out by noble elites, was not always regarded as trustworthy. In 1868, the English international lawyer Mountague Bernard noted that the diplomacy of modern Europe in the earlier stages "...had the reputation of being false, crafty, meddlesome, unscrupulous in the choice of means, frivolous and punctilious to an extravagant degree." Thus it is not surprising that one of the best-known movements that focused on international relations, while promoting an ideal of international coexistence and conflict resolution has been the peace movement. Critical towards the notions of "peace", which politicians and diplomats (mal)practiced, these groups

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organized meetings globally, formulated resolutions and attempted to influence policymaking.

One of the utmost concerns of peace advocates was the reform of international law, therefore they met with international lawyers, and together they strived for a codification of international law that would make this normative order an effective and compulsory instrument of peace and conflict resolution. Among their demands for new instruments were the establishment of an international court for arbitration and the ban of the use of force in conflicts. To some extent this also was the programme of diplomats, although it was distant from their moral and political thinking. In a world where State honour was an intimate concept, and sovereign States had the right to go to war under conditions they defined autonomously and in the absence of (legal) control of any superior institution, the call for renunciation of force and the principle of non-aggression did not play a central role on the agendas of most global actors of the late-nineteenth century.

To the contrary, the major powers frequently demonstrated their will and ambitions to increase their territory.

European and North American powers promoted the *terra nullius* doctrine as a justification for conquest in Africa. They concluded treaties with States acknowledging them as sovereign—and occasionally denying this status soon thereafter in the case of conflict that was profitable for Europeans. International law and diplomacy served in this political constellation, under the pennant of political, economic and racial imperialism, not only as an instrument for values we still find agreeable, but also for imperialism, racism and genocide. The so-called civilizing mission was one of the most abysmal justifications for a European policy that used international law and diplomacy as tools for repression and violation of fundamental human rights and principles.

Europe succeeded in mediating its internal disputes in a more or less peaceful way for some decades. Some conflicts were externalized, some wars were prevented, while many unpleasant things happened far from the homelands and therefore never seemed very dramatic. The so-called European law of nations had spread as a normative order all over the world, its legal doctrines and practices known as diplomacy were translated, transferred and adopted by diplomats, jurists and other professions, particularly in Latin America and Asia. Through this process of universalization it became a global law while retaining its Eurocentrism since double standards remained beneath the surface.

In the prosperous years surrounding the turn of the century, economic entanglements, moral enterprises (such as the fight against slave trafficking and pornography) seemed to be strong and irreversible signs of internationalism that raised hopes for a peaceful future. The conferences at The Hague in 1899 and 1907 appeared to be a promising start. As we all know, that was a dramatic illusion. The mood for war was stronger than these transnational structures. The diplomatic instruments failed in the July Crisis of 1914, or were even used to escalate the confrontation. If there really had been a Hundred Years' Peace in Europe, it certainly ended dramatically. Teaching the history of international law means illustrating with historical examples how conflict resolution tools can fail in the case of disinterested or even mischievous conflict managers. The power of peace was subsumed by imperial rivalry. One hundred years after the Conference of Vienna, the diplomatic mechanisms of the Congress system, which initially were established to maintain political stability, appeared to be no more than the expression of a droughty security culture. In August 1914, there seemed to be a unique chance to aspire to a much more glorious "peace through victory". One hundred years after the Congress of Vienna, the frivolity of such a notion is more startling than ever. **unc**