SELECTED READINGS

War, Peace, and the Law of Nations

HUGO GROTIUS

Grotius is known for developing the idea of law among nations, an important element of the English School perspective on international society. The Grotian view of IR is one of the states constrained by mutually agreed-upon rules or laws to govern their interactions with one another in both war and peace. That international relations ought to be governed by law is a classic statement in normative political theory, yet Grotius recognizes the practical and mutually beneficial role that international law can play in interstate relations. Note how Grotius reviews and then refutes the "might makes right" argument, making the case for how the law of nations works to the advantage of the "great society of states." He also undertakes an examination of the role of law with regard to "just war."

The municipal law of Rome and of other states has been treated by many, who have undertaken to elucidate it by means of commentaries or to reduce it to a convenient digest. That body of law, however, which is concerned with the mutual relations among states or rulers of states, whether derived from nature, or established by divine ordinances, or having its origin in custom and tacit agreement, few have touched upon. Up to the present time no one has treated it in a comprehensive and systematic manner; yet the welfare of mankind demands that this task be accomplished.

Cicero justly characterized as of surpassing worth a knowledge of treaties of alliance, conventions, and understandings of peoples, kings and foreign nations—a knowledge, in short, of the whole law of war and peace. And to this knowledge Euripides gives the preference over an understanding of things divine and human, for he represents Theoclymenus as being thus addressed:

> For you, who know the fate of men and gods
> What is, what shall be, shameful world it be
> To know not what is just.

Such a work is all the more necessary because in our day, as in former times, there is no lack of men who view this branch of law with contempt as having no reality outside of an empty name. On the lips of men quite generally is the saying of Euphemus, which Thucydides quotes, that in the case of a king or imperial city nothing is unjust which is expedient. Of like implication is the statement that for those whom fortune favors might makes right, and that the administration of a state cannot be carried on without injustice.

Furthermore, the controversies which arise between peoples or kings generally have Mars as their arbiter. That war is irreconcilable with all law is a view held not alone by the ignorant populace; expressions are often let slip by well-informed and thoughtful men which lend countenance to such a view. Nothing is more common than the assertion of antagonism between law and arms. Thus Ennius says:

> Not on grounds of right is battle joined,
> But rather with the sword do men
> Seek to enforce their claims

Horace, too, describes the savage temper of Achilles in this wise:

> Laws, he declares, were not for him ordained;
> By dint of arms he claims all for himself.

Another poet depicts another military leader as commencing war with the words:

> Here peace and violated laws I leave behind.

Antigonus when advanced in years ridiculed a man who brought to him a treatise on justice when he was engaged in besieging cities that did not belong to him. Marius declared that the din of arms made it impossible for him to hear the voice of the laws. Even Pompey, whose expression of countenance was so mild dared to say: "When I am in arms, am I to think of laws?"

Among Christian writers a similar thought finds frequent expression. A single quotation from Tertullian may serve in place of many: "Deception, harshness, and injustice are the regular business of battles." They who so think will no doubt wish to confront us with this passage in Comedy:

> These things uncertain should you, by
> reason's aid,
> Try to make certain, no more would you gain
> Than if you tried by reason to go mad.

Since our discussion concerning law will have been undertaken in vain if there is no law, in order to open the way for a favorable reception of our work and at the same time to fortify it against attacks, this very serious error must be briefly refuted. In order that we may not be obliged to deal with a crowd of opponents, let us assign to them a pleader. And whom should we choose in preference to Carneades?[1] For he had attained to so perfect a mastery of the peculiar tenet of his Academy that he was able to devote the power of his eloquence to the service of falsehood not less readily than to that of truth.

Carneades, then, having undertaken to hold a brief against justice, in particular against that phase of justice with which we are concerned, was able to muster no argument stronger than this, that, for reasons of expediency, men imposed upon themselves laws, which vary according to customs, and among the same peoples often undergo changes as times change: moreover, that there is no law of nature, because all creatures, men as well as animals, are impelled by nature toward ends advantageous to themselves, that, consequently, there is no justice, or, if such there be, it is supreme folly, since one does violence to his own interests if he consults the advantage of others.

What the philosopher [Horace] here says, and the poet reaffirms in verse,

> And just from unjust Nature cannot know,

must not for one moment he admitted. Man is, to be sure, an animal, but an animal of a superior kind, much farther removed from all other animals than the different kinds of animals are from one another; evidence on this point may be found in the many traits peculiar to the human species. But among the traits characteristic of man is an impelling desire for society, that is, for the social life—not of any and every sort, but peaceful, and organized according to the measure of his intelligence, with those who are of his own kind; this social trend the Stoics called "sociableness." Stated as a universal truth, therefore, the assertion that every animal is impelled by nature to seek only its own good cannot be conceded. . . .

This maintenance of the social order, which we have roughly sketched, and which is consonant with human intelligence, is the source of law properly so called. To this sphere of law belong the abstaining from that which is another's, the restoration to another of anything of his which we may have, together with any gain which we may have received from it; the obligation to fulfill promises, the making good of a loss incurred through our fault, and the inflicting of penalties upon men according to their desserts.

From this signification of the word "law" there has flowed another and more extended meaning. Since over other animals man has the advantage of possessing not only a strong bent toward social life, of which we have spoken, but also a power of discrimination which enables him to decide what things are agreeable or harmful (as to both things present and things to come), and what can lead to either alternative, in such things it is meet for the nature of man, within the limitations of human intelligence, to follow the direction of a well-tempered judgment, being neither led astray by fear or the allurement of immediate pleasure, nor carried away by rash impulse. Whatever is clearly at variance with such judgment is understood to be contrary also to the law of nature, that is, to the nature of man. . . .

Herein, then, is another source of law besides the source in nature, that is, the free will of God, to which beyond all cavil our reason tells us we must render obedience. But the law of nature of which we have spoken, comprising alike that which relates to

the social life of man and that which is so called in a larger sense, proceeding as it does from the essential traits implanted in man, can nevertheless rightly be attributed to God because of his having willed that such traits exist in us. In this sense, too, Chrysippus and the Stoics used to say that the origin of law should be sought in no other source than Jupiter himself; and from the name Jupiter the Latin word for law (*ius*) was probably derived. . . .

Again, since it is a rule of the law of nature to abide by pacts (for it was necessary that among men there be some method of obligating themselves one to another, and no other natural method can be imagined), out of this source the bodies of municipal law have arisen. For those who had associated themselves with some group, or had subjected themselves to a man or to men, had either expressly promised, or from the nature of the transaction must be understood impliedly to have promised, that they would conform to that which should have been determined, in the one case by the majority, in the other by those upon whom authority had been conferred.

What is said, therefore, in accordance with the view not only of Carneades but also of others, that

> Expediency is, as it were, the mother
> Of what is just and fair

is not true, if we wish to speak accurately. For the very nature of man, which even if we had no lack of anything would lead us into the mutual relations of society, is the mother of the law of nature. But the mother of municipal law is that obligation which arises from mutual consent; and since this obligation derives its force from the law of nature, nature may be considered, so to say, the great-grandmother of municipal law.

The law of nature nevertheless has the reinforcement of expediency; for the author of nature willed that as individuals we should be weak, and should lack many things needed in order to live properly, to the end that we might be the more constrained to cultivate the social life. But expediency afforded an opportunity also for municipal law, since that kind of association of which we have spoken, and subjection to authority, have their roots in expediency. From this it follows that those who prescribe laws for others in so doing are accustomed to have or ought to have some advantage in view.

But just as the laws of each state have in view the advantage of that state, so by mutual consent it has become possible that certain laws should originate as between all states, or a great many states; and it is apparent that the laws thus originating had in view the advantage, not of particular states, but of the great society of states. And this is what is called the law of nations, whenever we distinguish that term from the law of nature.

This division of law Carneades passed over altogether. For he divided all law into the law of nature and the law of particular countries. Nevertheless if undertaking to treat of the body of law which is maintained between states—for he added a statement in regard to war and things acquired by means of war—he would surely have been obliged to make mention of this law. . . .

But, not to repeat what I have said, that law is not founded on expediency alone, there is no state so powerful that it may not at some time need the help of others outside itself, either for purposes of trade, or even to ward off the forces of many foreign nations united against it. In consequence we see that even the most powerful peoples and sovereigns seek alliances, which are quite devoid of significance according to the point of view of those who confine law within the boundaries of states. Most true is the saying that all things are uncertain the moment men depart from law.

If no association of men can be maintained without law, as Aristotle showed . . . also that association which binds together the human race, or binds many nations together, has need of law; this was perceived by him who said that shameful deeds ought not to be committed even for the sake of one's country. Aristotle takes sharply to task those who, while unwilling to allow anyone to exercise authority over themselves except in accordance with law, yet are quite indifferent as to whether foreigners are treated according to law or not. . . .

Least of all should that be admitted which some people imagine, that in war all laws are in abeyance. On the contrary war ought not to be undertaken except for the enforcement of rights; when once undertaken, it should be carried on only within the bounds of law and good faith. Demosthenes well said that war is directed against those who cannot be held in check by judicial processes. For judgments are efficacious against those who feel that they are too weak to resist; against those who are equally strong, or think that they are, wars are undertaken. But in order that wars may be justified, they must be carried on with not less scrupulousness than judicial processes are wont to be.

Let the laws be silent, then, in the midst of arms, but only the laws of the state, those that the courts are concerned with, that are adapted only to a state of peace; not those other laws, which are of perpetual validity and suited to all times. It was exceedingly well said by Dio of Prusa, that between enemies written laws, that is, laws of particular states, are not in force, but that unwritten laws are in force, that is, those which nature prescribes, or the agreement of nations has established. This is set forth by that ancient formula of the Romans: "I think that those things ought to be sought by means of a war that is blameless and righteous."

The ancient Romans, as Varro noted, were slow in undertaking war, and permitted themselves no license in that matter, because they held the view that a war ought not to be waged except when free from reproach. Camillus said that wars should be carried on justly no less than bravely; Scipio Africanus, that the Roman people commenced and ended wars justly. In another passage you may read: "War has its laws no less than peace." Still another writer admires Fabricius as a great man who maintained his probity in war—a thing most difficult—and believed that even in relation to an enemy there is such a thing as wrongdoing.

The histories in many a passage reveal how great in war is the influence of the consciousness that one has justice on his side; they often attribute victory chiefly to this cause. Hence the proverbs that a soldier's strength is broken or increased by his cause; that he who has taken up arms unjustly rarely comes back in safety; that hope is the comrade of a good cause; and others of the same purport.

No one ought to be disturbed, furthermore, by the successful outcome of unjust enterprises. For it is enough that the fairness of the cause exerts a certain influence, even a strong influence upon actions, although the effect of that influence, as happens in human affairs, is often nullified by the interference of other causes. Even for winning friendships, of which for many reasons nations as well as individuals have need, a reputation for having undertaken war not rashly nor unjustly, and of having waged it in a manner above reproach, is exceedingly efficacious. No one readily allies himself with those in whom he believes that there is only a slight regard for law, for the right, and for good faith.

Fully convinced, by the considerations which I have advanced, that there is a common law among nations, which is valid alike for war and in war,

I have had many and weighty reasons for undertaking to write upon this subject. Throughout the Christian world I observed a lack of restraint in relation to war, such as even barbarous races should be ashamed of; I observed that men rush to arms for slight causes, or no cause at all, and that when arms have once been taken up there is no longer any respect for law, divine or human; it is as if, in accordance with a general decree, frenzy had openly been let loose for the committing of all crimes.

Confronted with such utter ruthlessness, many men who are the very furthest from being bad man, have come to the point of forbidding all use of arms to the Christian, whose rule of conduct above everything else comprises the duty of loving all men. To this opinion sometimes John Ferus and my fellow countryman Erasmus seem to incline, men who have the utmost devotion to peace in both Church and State; but their purpose, as I take it, is, when things have gone in one direction, to force them in the opposite direction, as we are accustomed to do, that they may come back to a true middle ground. But the very effort of pressing too hard in the opposite direction is often so far from being helpful that it does harm, because in such arguments the detection of what is extreme is easy, and results in weakening the influence of other statements which are well within the bounds of truth. For both extremes therefore a remedy must be found, that men may not believe either that nothing is allowable, or that everything is.

At the same time through devotion to study in private life I have wished—as the only course now open to me, undeservedly forced out from my native land, which had been graced by so many of my labors—to contribute somewhat to the philosophy of the law, which previously, in public service, I practiced with the utmost degree of probity of which I was capable. Many heretofore have purposed to give to this subject a well-ordered presentation; no one has succeeded. And in fact such a result cannot be accomplished unless—a point which until now has not been sufficiently kept in view—those elements which come from positive law are properly separated from those which arise from nature. For the principles of the law of nature, since they are always the same, can easily be brought into a systematic form; but the elements of positive law, since they often undergo change and are different in different places, are outside the domain of systematic treatment, just as other notions of particular things are. . . .

In order to prove the existence of this law of nature, I have, furthermore, availed myself to the testimony of philosophers, historians, poets; finally also of orators. Not that confidence is to be reposed in them without discrimination, for they were accustomed to serve the interests of their sect, their subject, or their cause. But when many at different times and in different places affirm the same thing as certain, that ought to be referred to a universal cause; and this cause, in the lines of inquiry which we are following, must be either a correct conclusion drawn from the principles of nature, or common consent. The former points to the law of nature, the latter to the law of nations.

The distinction between these kinds of law is not to be drawn from the testimonies themselves (for writers everywhere confuse the terms law of nature and law of nations), but from the character of the matter. For whatever cannot be deduced from certain principles by a sure process of reasoning, and yet is clearly observed everywhere, must have its origin in the free will of man.

These two kinds of law, therefore, I have always particularly sought to distinguish from each other and from municipal law. . . .

In my work as a whole I have, above all else, aimed at three things: to make the reasons for my conclusions as evident as possible; to set forth in a definite order the matters which needed to be treated; and to distinguish clearly between things which seemed to be the same and were not.

I have refrained from discussing topics which belong to another subject, such as those that teach what may be advantageous in practice. For such topics have their own special field, that of politics, which Aristotle rightly treats by itself, without introducing extraneous matter into it. Bodin, on the contrary, mixed up politics with the body of law with which we are concerned. In some places nevertheless I have made mention of that which is expedient, but only in passing, and in order to distinguish it more clearly from what is lawful.

If anyone thinks that I have had in view any controversies of our own times, either those that have arisen or those which can be foreseen as likely to arise, he will do me an injustice. With all truthfulness I aver that, just as mathematicians treat their figures as abstracted from bodies, so in treating law I have withdrawn my mind from every particular fact. . . .

I beg and adjure all those into whose hands this work shall come, that they assume toward me the same liberty which I have assumed in passing upon the opinions and writings of others. They who shall find me in error will not be more quick to advise me than I to avail myself of their advice.

And now if anything has here been said by me inconsistent with piety, with good morals, with Holy Writ, with the concord of the Christian Church, or with any aspect of truth, let it be as if unsaid.

Note

1. 214(?)–129 B.C., Greek skeptic philosopher and founder of the New or Third Academy in Athens.

Freedom of the Seas

HUGO GROTIUS

In this brief passage from his book The Law of War and Peace *(1608), Grotius observes the growth of trade and other forms of commerce—a very early phase of what we now call globalization. Because Grotius sees trade and commerce as essential to life, he argues that the law must allow such activities not only within a particular country, but also beyond its borders. International trade should be free of restraints, much as it also is supposed to be within a state and its society.*

Most importantly for our purposes here, we see a glimmer in Grotius of what present-day members of the English School characterize as the "society" one finds beyond the boundary of a state: "If it be thought that the small society which we call a state cannot exist without the application of these principles

(and certainly it cannot), why will not those same principles be necessary to uphold the social structure of the whole human race and to maintain the harmony thereof?" He mentions in a quote from the Roman poet Virgil "common water" and "common air"—what some present-day writers refer to as the international or global commons.

To the Rulers and to the Free and Independent Nations of Christendom

Now, as there are some things which every man enjoys in common with all other men, and as there are other things which are distinctly his and belong to no one else, just so has nature willed that some of the things which she has created for the use of mankind remain common to all, and that others through the industry and labor of each man become his own. Laws moreover were given to cover both cases so that all men might use common property without prejudice to any one else, and in respect to other things so that each man being content with what he himself owns might refrain from laying his hands on the property of others. . . .

There is not one of you who does not openly proclaim that every man is entitled to manage and dispose of his own property; there is not one of you who does not insist that all citizens have equal and indiscriminate right to use rivers and public places; not one of you who does not defend with all his might the freedom of travel and of trade.

If it be thought that the small society which we call a state cannot exist without the application of these principles (and certainly it cannot), why will not those same principles be necessary to uphold the social structure of the whole human race and to maintain the harmony thereof? If any one rebels against these principles of law and order you are justly indignant, and you even decree punishments in proportion to the magnitude of the offense, for no other reason than that a government cannot be tranquil where trespasses of that sort are allowed. If king act unjustly and violently against king, and nation against nation, such action involves a disturbance of the peace of that universal state, and constitutes a trespass against the supreme Ruler, does it not? . . .

The law by which our case must be decided is not difficult to find, seeing that it is the same among all nations; and it is easy to understand, seeing that it is

innate in every individual and implanted in his mind. Moreover the law to which we appeal is one such as no king ought to deny to his subjects, and one no Christian ought to refuse to a non-Christian. For it is a law derived from nature, the common mother of us all, whose bounty falls on all, and whose sway extends over those who rule nations, and which is held most sacred by those who are most scrupulously just. . . .

My intention is to demonstrate briefly and clearly that the Dutch—that is to say, the subjects of the United Netherlands—have the right to sail to the East Indies, as they are now doing, and to engage in trade with the people there. I shall base my argument on the following most specific and unimpeachable axiom of the Law of Nations, called a primary rule or first principle, the spirit of which is self-evident and immutable, to wit: Every nation is free to travel to every other nation, and to trade with it.

God Himself says this speaking through the voice of nature; and inasmuch as it is not His will to have Nature supply every place with all the necessaries of life, He ordains that some nations excel in one art and others in another. Why is this His will, except it be that He wished human friendships to be engendered by mutual needs and resources, lest individuals deeming themselves entirely sufficient unto themselves should for that very reason be rendered unsociable? . . .

Do not the ocean, navigable in every direction with which God has encompassed all the earth, and the regular and the occasional winds which blow now from one quarter and now from another, offer sufficient proof that Nature has given to all peoples a right of access to all other peoples? Seneca thinks this is Nature's greatest service, that by the wind she united the widely scattered peoples, and yet did so distribute all her products over the earth that commercial intercourse was a necessity to mankind. Therefore this right belongs equally to all nations. Indeed the most famous jurists extend its application so far as to deny that any state or any ruler can

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debar foreigners from having access to their subjects and trading with them. Hence is derived that law of hospitality which is of the highest sanctity; hence the complaint of the poet Virgil:

"*What men, what monsters, what inhuman race,*
What laws, what barbarous customs of the place,
Shut up a desert shore to drowning men,
And drive us to the cruel seas again."

And:

"*To beg what you without your want may*
spare—
The common water, and the common air."

We know that certain wars have arisen over this very matter. . . . Victoria holds that the Spaniards could have shown just reasons for making war upon the Aztecs and the Indians in America, more plausible reasons certainly than were alleged, if they really were prevented from traveling or sojourning among those peoples, and were denied the right to share in those things which by the Law of Nations or by Custom are common to all, and finally if they were debarred from trade.

We read of a similar case in the history of Moses, which we find mentioned also in the writings of Augustine, where the Israelites justly smote with the edge of the sword the Amorites because they had denied the Israelites an innocent passage through their territory, a right which according to the Law of Human Society ought in all justice to have been allowed. . . . Again, as we read in Tacitus, the Germans accused the Romans of 'preventing all intercourse between them and of closing up to them the rivers and roads, and almost the very air of heaven'. When in days gone by the Christians made crusades against the Saracens, no other pretext was so welcome or so plausible as that they were denied by the infidels free access to the Holy Land. It follows therefore that the Portuguese, even if they had been sovereigns in those parts to which the Dutch make voyages, would nevertheless be doing them an injury if they should forbid them access to those places and from trading there.

Is it not then an incalculably greater injury for nations which desire reciprocal commercial relations to be debarred therefrom by the acts of those who are sovereigns neither of the nations interested, nor of the element over which their connecting high road runs? . . .

Inventing International Society

TIM DUNNE

The author provides an important institutional history of the English School that emerged beginning in the 1950s, but that drew on a centuries-long tradition in classical, scholarly thought informed by history, philosophy, and law. Although the English School came into being in part as a reaction to claims to scientific preeminence on the other side of the Atlantic—seen by some in the United Kingdom as hegemonic, it would be wrong to portray the English School only in this light. Indeed, the international-societal focus in the English School has found for IR a rule-oriented or rationalist middle path between the material, power-oriented realists and the ideationally oriented claims of many liberals. Dunne takes the position that the English School has more in common with constructivism than with the positivist-oriented neorealist and neoliberal approaches to IR.

Perhaps the time is ripe for the enunciation of new concepts of universal political organisation which would show how Wales, the United Kingdom and the European Community could each have some world political status while none laid claim to exclusive sovereignty.

Hedley Bull.[1]

All histories of ideas are open to contestation. Methodologically, the temptation is to re-write the text, re-interpret the idea, according to current scholarly conventions or prevailing political ideologies. Whilst recognising the twin dangers of presentism and imposing undue coherence upon a particular group of thinkers, the book has shown that there exists a family resemblance linking the work of key thinkers, in British International Relations from E. H. Carr to R. J. Vincent. In a loosely Wittgensteinian sense, a family resemblance denotes the presence of networks of similarities 'overlapping and criss-crossing.'[2] The first part of the conclusion retraces these similarities and in so doing serves as a précis of the 'story' of the English School.

In contemporary academic International Relations, those who belong to the tradition are participating in a much wider-ranging conversation than many of their predecessors. As the paragraphs below suggest, certain elements of the British Committee agenda have fallen by the wayside: few academics who identify with the English School today are interested in the processes of diplomacy or the parallels between Newtonian science and the eighteenth century balance of power. In their place, we find a growing interest in normative questions relating to culture, community and identity. The latter stages of the conclusion consider the relevance of English School thinking to these themes. Although the assessment made below is a broadly favourable one, this is not meant to imply a blanket endorsement of the School. As I have tried to show at a number of points in the text, there are plenty of skeletons in the cupboard; none more chilling than Carr's blindness to Stalin's reign of terror, or more obfuscating than the intrusion of Augustinian dogma into Butterfield's thinking.

In the course of making an assessment of the contribution of the English School, I am aware that the terms of reference of the book are shifting from one where the author tries to be a critical observer, to one where the author becomes an 'advocate' (or what Quentin Skinner once colourfully described as the difference between a 'recording angel' and a 'hanging judge'). By way of a background justification for the advocacy below, I will be deploying what I take to be Andrew Linklater's approach to the history of ideas, which rejects the search for authenticity in favour of seeking out the normative potentiality of a theorist or text. The question, for Linklater, is not whether one interpretation is more faithful than another, but rather, what can we make of it?

I

The development of the English School begins with the work of Carr for the principal reason that he exerted an immense influence over writers like Wight, Butterfield, Bull and Vincent. Carr was the provocateur, whose critique of the degeneration of liberalism into complacent and self-interested statism was regarded as the point of departure for other writers. Apart from broadly agreeing with Carr's view of the breakdown of the inter-war period, Carr's critique of the assumption that there is a latent harmony of international interests enabled post-war theorists to study International Relations from the basis that international society was not a given but had to be created. The conscious attempt by Butterfield and Wight to bring together a group of scholars to engage in a collective enquiry into the morality of states is what marked the English School off from other traditional realist thought of the time.

The need to speak moderation to power was what motivated Butterfield to establish the British Committee as a vehicle for understanding and explaining international relations. The family resemblances shared by Wight and Butterfield, which could be dimly perceived in the 1940s, became institutionalised in the meetings of the Committee. As Michael Howard recalled, it was Martin Wight who provided the intellectual leadership in the first phase of the Committee's proceedings. He prompted his colleagues to ask fundamental questions about the practices of states and the values of civilisations. Wight's own thinking on International Relations had shifted considerably by the late 1950s. It is in his 'international theory' lectures that the evolution in Wight's thinking between the original *Power Politics* and his British Committee work can be discerned. In the lectures, Wight convincingly argued that neither realism nor idealism was able to capture the experience of state practice; instead, he invented a third position, rationalism, which he compiled from the writings and speeches of lawyers, politicians and the handful of philosophers who concerned themselves with interstate relations. Apart from Hedley Bull, it is difficult to know how far other members of the Committee positively endorsed Wight's approach or whether they were powerless to resist,

lacking Wight's range and depth in the history of ideas. Nevertheless, there was unanimity in the Committee as to the need to resist the current wave of scientism sweeping all before it in American International Relations.

Whilst it was Wight's approach to 'international theory' which informed the Committee's understanding of the task at hand, it was Hedley Bull who, more than anyone else, brought to the fore the ontological questions about the depth and breadth of international society. The most significant of the early British Committee meetings examining the nature of international society was in October 1961, when Martin Wight presented 'Western Values in International Relations' and Hedley Bull presented 'Society and Anarchy in International Relations'. Herbert Butterfield's painstaking minutes record the consensus which had emerged in the early meetings around the idea that sovereign states constituted a society: 'Wight and Bull in their respective papers were agreed in holding that there is an international society; and no one, in the course of the discussion, questioned this view.'[3] The discussion which followed the papers by Wight and Bull raised a number of fundamental questions about international society. Was a common culture a necessary condition for the element of society to flourish? Or could a rule-governed society be maintained despite the cultural diversity of its participants? Did a society of states require leadership by enlightened great powers acting in accordance with the balance of power? Is a society of states preferable to other kinds of world order, such as empire or hegemony? Recognising that there could not be purely theoretical answers to these questions, from 1964 onwards the British Committee's deliberations shifted from grand theory to a comparative history of earlier states-systems, how they were formed, and the means by which they are sustained or transformed. In these discussions Wight took the lead, excavating new avenues for investigation which others took up in the post-Wightean years of the Committee and after.

II

It would be easy to draw conservative conclusions from this particular episode in the discipline's past. Although a case [has been] made in Chapter 1 for disengaging the English School from its cultural base, a sociological study of the British Committee would no doubt interpret it as an old boys club, imbued with élitist values in a quintessentially English institution, which was sheltered from the prevailing currents of cultural and technological change. This study has suggested we might want to draw a different kind of conclusion. The argument which will be outlined in the final pages of the book is that, during the British Committee era, the English School found themselves on the 'right' side of the key debates of their time. And crucially, even judged by today's standards, their approach to International Relations remains an important voice in the post-positivist dialogue which has, in the last decade, proven to be more resilient than other mainstream theoretical approaches.[4]

One of the reasons for its resilience is due to the distance the English School maintained from policy driven agendas. Even during the *Expansion* project, the most 'applied' phase in the series of meetings which spanned over two decades, the leaders of the group were keenly aware that their comparative advantage was in taking a broad brush to the canvass of colonialism and decolonisation. However, it would be wrong to believe that the principal members of the Committee turned their backs on global politics all together. Butterfield's writings on the Cold War, for example, reveal a deep unease about the crusading 'moralism' advocated by the likes of John Foster Dulles in the 1950s; similarly, Bull was highly critical of the 'belligerence' which accompanied the return of moralism in American foreign policy in the 1980s.[5] In the spirit of 'rationalism', Butterfield, Wight and Bull believed that the Soviet Union had the right to be treated with the same respect as any other great power; failure in the West to advocate co-existence with communism was the cause of insecurity rather than a policy of maintaining security.[6]

Related to the English School's unease about the ideological diplomacy pursued by the U.S. were their misgivings about the replacement of the balance of power with a 'balance of terror'. For Butterfield and Wight in particular, nuclear weapons overturned centuries of accumulated wisdom about the just ends and means of the use of force. Wight detected that weapons of mass destruction had re-activated an interest in doctrines saturated with rationalism such as limited war, although the arms race posed a dialectical dilemma for rationalism: can one side hold on to these principles unless it is confident that its adversary shares them?[7] Alongside

these Grotian influences on their thinking about the Cold War, there was an overlay of religious themes (evident in Butterfield's thinking in particular) about how good and evil was a matter for the contest between the city of man and the city of God, not East versus West.

Hedley Bull's approach to nuclear weapons was free from these other-worldly thoughts. In this sense, Bull was more rationalist than Butterfield and Wight on the question of the regulation of the use of force during the Cold War. His pioneering work on arms control in the late 1950s and early 1960s emphasised a middle way between the strategists gunning for superiority and the disarmers who, unwittingly, were jeopardising security. In place of these realist and revolutionist approaches, Bull advocated a policy of limited arms control agreements on the condition that these enhanced national and international security. Throughout Bull's writings on strategic studies, the term 'balance' recurs, as it had done in Butterfield's thinking on structures of governance within the state and in the society of states.

The wind of change sweeping through the international system in the post-war period, as the last phase of decolonisation gathered apace, was never central to the early work of the English School. During the 1960s for example, only Adam Watson wrote a number of papers about the experiences of 'new' states, but these were mostly restricted to discussions about the management of the transition to independence. We should not infer from this any sympathy on their part for the age of empire. From the scattered comments of various members of the English School, it was clear that they opposed colonial control over the non-European world. In a letter to the *New Statesman*, Martin Wight protested against Britain's acquiescence in the annexation of Sarawak by Indonesia, calling the episode the 'most repugnant form of imperialism'[8] This anti-colonial sentiment received more consideration in his essay on 'Western Values' which suggested that intervention was legitimate in order to maintain 'civilised standards', a position which his head of Department at the LSE, Charles Manning, rejected for fear that this would bring white South African rule to an end. On the question of self-government for former colonial territories, as on so many others, Bull aligned himself with Wight. Towards the end of his life. Bull regarded South Africa as the only case where there was a

consensus throughout the world on the injustice of a state founded on the principle of white supremacism.

III

The judgements of Wight, Butterfield, and Bull on some of the central questions of their day do not seem out of step when measured against a liberal or social democratic standard. In the closing paragraphs below, I will make the related but more important claim that the English School finds itself on the 'right' side of the main cleavages in the discipline today: first, it operates with a constructivist meta-theory; second, its understanding of theory is normative all the way down; and third, the agenda which has preoccupied the English School from the late 1950s onwards remains relevant to the theory and practice of international relations as the discipline approaches the start of its ninth decade.

In his famous address to the International *Studies Association in 1988*, Robert Keohane noted that the principal rupture in the field was between 'rationalists' and 'reflectivists'. What is striking about this distinction, and the equally influential distinction by Martin Hollis and Steve Smith between 'explaining' and 'understanding', is that the English School was excluded from both.[9] According to Keohane, the rationalist dimension—the mainstream of International Relations—represented a merger between neorealism and neoliberalism. What holds them together is principally their common interest in the need to 'explain behavioural regularities.'[10] Although Wight believed there were patterns in the history of ideas, these were of a historicist kind. It was this realisation which prompted Keohane to dismiss Wight's work for his neglect of the scientific or behavioural search for laws of action.[11]

A good example of a specific debate in which the English School finds itself in opposition to the 'rationalists' is in terms of its critique of neoliberal understandings of co-operation. In terms of international institutions, there are differences not only in terms of what exactly the institutions are but also the part the institutions play in international society. For English School theorists, institutions are practices embedded in the fabric of international society. As we have seen with Wight and Bull, the institutions of international society have a longer history than the

proliferating regimes of the late twentieth century; moreover, English School scholars equate institutions with practices such as sovereignty, balance of power, international law, the diplomatic dialogue, and war. In order to understand the institution of sovereignty, for example, an English School approach would advocate a historical sociology of the term and the meanings given to it by state leaders at particular historical junctures. Such an investigation is not amenable to the 'neo-neo' requirement of framing testable hypotheses across like cases.

The differences between the American and British approaches can also be discerned in terms of their understanding of how co-operation emerges. For neoliberals and (some) neorealists, the specific institutional arrangements (or regimes) emerge as a response to the co-ordination problem where unrestrained individualism leads to sub-optimal outcomes for the players in question. Therefore, the task for neoliberals is to show how compliance with the rules is maintained by the requisite proportion of incentives and sanctions. In short, the crucial contention of the neoliberal model is that co-operation can be understood *without* recourse to common beliefs or shared values.[12] But as Andrew Hurrell has noted, a core assumption of Hedley Bull's is the way in which international co-operation is rooted in the sense of being bound by inter-subjectively created rules.[13]

The discussions within the British Committee on methodology highlighted their opposition to key tenets of positivism. International relations were not amenable to the search for behavioural laws of action, and there was no such thing as value-free enquiry in the social world. In place of positivism, the English School argued for an interpretive understanding of international relations; one which revealed the contingency (and tragedy) of human decision-making, the often irreconcilable meanings that different actors give to the same event, and the way in which cultural values shape diplomatic and political practice. A sense of collective identity and legitimacy in European international society crucially shaped the foreign policy of the great powers towards the Ottoman 'other'. In our own century, the end of the Cold War was brought about in part because the 'enemy,' reinvented itself, and in so doing, shifted the boundaries of Europe eastwards and prompted western European states to re-calculate their interests.

Having suggested reasons why the English School is incompatible with the rationalists, the next move is to consider the location of the School on the 'reflectivist' (or 'constructivist') side of the divide. The number of post-positivist positions is far greater than Keohane alluded to in his category of 'reflectivist'. Most writers now take it to include feminism (in most of its variants), critical theory, post-structuralism, and constructivism. It in this last category that the English School should be situated, although with one crucial qualification. Before outlining the reasons why the English School is constructivist,[14] it is worth re-capping the key elements of constructivism as laid down by Alexander Wendt. He defines the project according to three claims: 'first, states are the principal units of analysis for international political theory; second, the key structures in the state system are inter-subjective rather than material; and third, state identities and interests are an important part of these social structures, rather than given exogenously to the system by human nature or domestic politics.[15]

It should be apparent that there is an affinity between the theoretical core of the English School and these primary colours of constructivism. Writers like Wight, Bull and Vincent, clearly take the state as the central actor (even if the great society of humankind is ultimately the key normative referent). Moreover, the identity of states, given by the term sovereignty, has no meaning outside of the ideas and practices of the society of states where the rules of membership and succession are located. For the English School, sovereignty and nonintervention are constitutive of the society of states, in other words, it is sustained by the reproduction of these practices.

There is also common ground in conjunction with Wendt's second claim in that, for the English School, the notion of a society of states is founded precisely on a belief in the power of inter-subjective structures such as common rules, values and institutions. Here we see how the English School treats practices like war and the balance of power as *ideas*, unlike consistent realists who predominantly regard them as material structures. Moreover, for their effective operation, the 'positive' institutions of international society, such as diplomacy and law, require a highly developed form of what Wight called 'an international social consciousness'. This was in evidence during long periods of European international society, where the needs of the society 'became imprinted on the minds of practising

diplomats'.[16] Bull's fear was that the cement which held European international society together might crack under the weight of decolonisation. What is interesting about Bull's thinking on relations between the west and the post-colonial world is the way in which, consistent with the third claim of constructivism, the newly independent states saw it in their interests to play the game of international society. In other words, the act of acquiring a sovereign identity generated common interests in maintaining the diplomatic dialogue and respecting the rights and duties of other states (despite the memory of what they regarded as their own rights as 'peoples' being trampled upon by the colonial powers).

In addition to the consensus on the institutions which sustain international society, there has been some progress in delivering justice in terms of humanitarian principles of universal rights and racial equality. Bull always doubted whether the current structure of sovereign states could deliver both order and justice; he felt the Third World was unlikely to endorse the *status quo* indefinitely, and any attempts to institutionalise just change would (in the absence of consensus) undermine the basis of international order. Bull's thinking on order and justice, which was taken up by Vincent in the late 1980s, makes a significant contribution to constructivist thinking. Not only do these two authors show how norms are generated, and what effect they have on the actors who interpret (and contest) them, the purpose of the English School's theoretical investigations is avowedly normative. Whilst the prevailing North American strand of constructivism has only described norms, the point for Vincent was to change them.

A further question which has attracted the attention of North American constructivists, and which the English School has had a significant impact upon, relates to the impact of globalisation on regional, cultural and local identities. As one influential text put it, 'culture and identity' are making a 'return' to International Relations. But the work of the British Committee, from Wight's paper on 'Western Values' to Bull and Watson's collection, *The Expansion of International Society*, suggests that for the English School, questions of culture and identity never went away. What was driving their interest in culture was the question whether the framework of rules set by states to regulate their practices could cope with cultural diversity. This acceptance of cultural heterogeneity and the attempt to regulate

diversity is an aspect of English School thinking which appeals to communitarians. Writers like Terry Nardin in the U.S. endorse the 'egg box' view of international society, in which the purpose of the rules and institutions is to 'separate and cushion' a plurality of states. This is a useful metaphor because it draws our attention to the fragility of political communities, who join together to form a 'practical association' in order to facilitate co-operation whilst preserving their difference. This should not be confused, so the argument runs, with an association which engages in universalist practices such as setting (and policing) civilised standards of conduct.

As a number of theorists have pointed out, there is a point at which the neat distinction between 'practical' and 'purposive' associations breaks down.[17] The society of states since 1945 has engaged in an ever-widening normative agenda which has as its goal some notion of a 'good' which is shared by all states and peoples. In their more solidarist moments, English School theorists put this idea of a world common good at the centre of their enquiries. The idea that the international society tradition can offer critical openings into theorising a universal moral order, has provoked contradictory responses from the International Relations community. For critical theorists like Ken Booth,[18] the society of states cannot be an 'agent' of emancipation, since it is the normative structure of international society which is the permissive cause of human wrongs in the first place. On this reading, the society of states 'is never to be loved, and seldom to be trusted.[19] Nick Wheeler has taken up this challenge, arguing convincingly that the English School is not complacent about the state. The fact that too many states were acting like 'gangsters', resorting to political violence and repression of their own people, rather than 'guardians' as pluralism implied, was the reason why Vincent sought to modify the 'morality of states' model. Pushing international society theory in a cosmopolitan direction, Vincent thought there should be clear limits to what practices of 'diversity' were permitted. In a solidarist world order, the idea of what it means to be a sovereign state would change; membership of international society would become conditional upon satisfying minimum standards of civilised conduct.

Other critical theorists have found the English School more congenial. Andrew Linklater's project of deepening and widening the sense of community

in global politics is one which he shares with solidarists. Like many other cosmopolitan thinkers, Linklater is agnostic about the particular institutional form that the community takes, privileging instead the historical and praxeological dynamic of moral inclusion and exclusion. In this critical constellation, individuals, bureaucracies, states, international institutions, NGOs and so on, all have the potential to act in inclusive ways. Not only do states have the potential to act as 'local agents of a world common good', they have considerably more agency than most other actors in world politics. Clearly the question of the contribution that states can make to the transformation of community is one which invites a critical international society approach, combining the insights of Bull's thoughts on alternative forms of community, Carr's understanding of the 'scourges' of economic and social exclusion, Wight's interest in constitutionalism, and Vincent's attempt to modify the principles of international legitimacy in accordance with cosmopolitan values.

The last decade has shown that the ideas and agenda of the English School remain pertinent; in some respects, their search for an understanding of how the institutions of international society can manage the tension between 'the ethic of difference' and the search for 'consensus' on normative issues[20] has never been more urgent. The next stage of the English School needs to build on this normative agenda without losing sight of the traditional pluralist contention that theory should build from the floor up rather than the ceiling down.

Notes

1. Hedley Bull, *The Anarchical Society* (London: Macmillan, 1977), 267.

2. Ludwig Wittgenstein, *Philosophical Investigations*, G.E.M. Anscombe and R. Rhees (Oxford: Blackwell, 1953), 66–67.

3. "The Meaning of "International Society"", British Committee discussion (October 1961), 5–8.

4. Chris Brown, *Understanding International Relations* (London: Macmillan, 1997), 54.

5. See his 'The Classical Approach to Arms Control Twenty Three Years After', in Robert O'Neill and David N. Schwartz (eds), *Hedley Bull on Arms Control* (London: Macmillan, 1987), 126.

6. Carr had quite different reasons for being critical of the West's policy towards the Soviet Union; as far as he was concerned, communism offered the possibility of overcoming the scourges of war and unemployment which had been a feature of late capitalism. Hysteria in the West was not only illfounded (resting on the assumption that 'our' form of governance was democratic and 'their' political system was tyrannical), it was likely to harm the prospects for the Soviet Union to build a new society.

7. Martin Wight, *International Theory: The Three Traditions* (Leicester: Leicester University Press, 1991), 231.

8. I am grateful to Roger Epp for drawing this to my attention. See Epp, 'Martin Wight: International Relations as Realm of Persuasion', in Francis A. Beer and Robert Hariman (eds), *Post-Realism: The Rhetorical Turn in International Relations* (East Lansing: Michigan State University, 1996), 129–131.

9. Hollis and Smith thought that the hegemony of 'explanatory' approaches in International Relations was such that they turned to philosophy to furnish examples for the category of 'understanding'. Martin Hollis and Steve Smith, *Explaining and Understanding International Relations* (Oxford: Clarendon, 1990), see especially Ch.4.

10. Robert Keohane, *International Institutions and State Power* (Boulder, Col.: Westview, 1989), 8. Note that Keohane's use of 'rationalism' is in sharp contrast to Wight's reading of a rationalist tradition in European thinking on international relations. Compare Keohane with Andrew Linklater, 'Rationalism' in Scott Burchill, Andrew Linklater et al., *Theories of International Relations* (London: Macmillan, 1996).

11. Robert Keohane, review of Wight, *International Theory* in *American Political Science Review* 86 (1992), 1112.

12. Keohane expresses this point clearly: 'International Cooperation does not necessarily depend on altruism, idealism, personal honour, common purposes, internalised norms, or a shared belief in a set of values embedded in a culture. At various times and places any of these features of human motivation may indeed play an important role in processes of international cooperation; but cooperation can be understood without reference to any of them.' Keohane, *International Institutions*, 159.

13. Note that this view of the English School and the 'neo-neo's' as opposed to each other has been challenged by Buzan 'From International System to International Society: Structural Realism and Regime Theory meet the English School', *International Organization* 47 (1993), 350. For an interesting meta-theoretical objection to the 'rationalist' / 'reflectivist' synthesis, see Hollis and Smith, *Explaining and Understanding*.

14. This argument is expounded upon in more depth in Timothy Dunne, 'The Social Construction of International Society', *European Journal of International Relations* 1 (1995).

15. Alexander Wendt, 'Collective Identity Formation and the International State'. *American Political Science Review* 88 (1994), 385.