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Does Order Exist in World Politics?

We have now made it clear what is meant in this study by order in world politics. The question we must now ask is: does it exist?

Order in world politics may one day take the form of the maintenance of elementary goals of social life in a single world society or great society of all mankind. How far the system of states is giving place to such a society, and whether or not it is desirable that it should, are questions that will be considered later in this study. It could not be seriously argued, however, that the society of all mankind is already a going concern. In the present phase we are still accustomed to thinking of order in world politics as consisting of domestic order, or order within states, and international order, or order among them.

No one would deny that there exists within some states a high degree of domestic or municipal order. It is, however, often argued that international order does not exist, except as an aspiration, and that the history of international relations consists simply of disorder or strife. To many people the idea of international order suggests not anything that has occurred in the past, but simply a possible or desirable future state of international relations, about which we might speculate or which we might work to bring about. To those who take this view a study of international order suggests simply a design for a future world, in the tradition of Sully, Cruce, St Pierre and other irenists or peace theorists.

This present study takes as its starting-point the proposition that, on the contrary, order is part of the historical record of international relations; and in particular, that modern states have formed, and continue to form, not only a system of states but also an

international society. To establish this proposition I shall begin by showing first that there has always been present, throughout the history of the modern states system, an idea of international society, proclaimed by philosophers and publicists, and present in the rhetoric of the leaders of states. Second, I shall seek to show that this idea is reflected, at least in part, in international reality; that the idea of international society has important roots in actual international practice. Third, I shall set out the limitations of the idea of international society as a guide to the actual practice of states, the precarious and imperfect nature of the order to which it gives rise.

The Idea of International Society

Throughout the history of the modern states system there have been three competing traditions of thought: the Hobbesian or realist tradition, which views international politics as a state of war; the Kantian or universalist tradition, which sees at work in international politics a potential community of mankind; and the Grotian or internationalist tradition, which views international politics as taking place within an international society.¹ Here I shall state what is essential to the Grotian or internationalist idea of international society, and what divides it from the Hobbesian or realist tradition on the one hand, and from the Kantian or universalist tradition on the other. Each of these traditional patterns of thought embodies a description of the nature of international politics and a set of prescriptions about international conduct.

The Hobbesian tradition describes international relations as a state of war of all against all, an arena of struggle in which each state is pitted against every other. International relations, on the Hobbesian view, represent pure conflict between states and resemble a game that is wholly distributive or zero-sum: the interests of each state exclude the interests of any other. The particular international activity that, on the Hobbesian view, is most typical of international activity as a whole, or best provides the clue to it, is war itself. Thus peace, on the Hobbesian view, is a period of recuperation from the last war and preparation for the next.

The Hobbesian prescription for international conduct is that the state is free to pursue its goals in relation to other states without moral or legal restrictions of any kind. Ideas of morality and law, on this view, are valid only in the context of a society, but international life is beyond the bounds of any society. If any moral or legal goals are to be pursued in international politics, these can only be the moral or legal goals of the state itself. Either it is held (as by Machiavelli) that the state conducts foreign policy in a kind of moral and legal vacuum, or it is held (as by Hegel and his successors) that moral behaviour for the state in foreign policy lies in its own self-assertion. The only rules or principles which, for those in the Hobbesian tradition, may be said to limit or circumscribe the behaviour of states in their relations with one another are rules of prudence or expediency. Thus agreements may be kept if it is expedient to keep them, but may be broken if it is not.

The Kantian or universalist tradition, at the other extreme, takes the essential nature of international politics to lie not in conflict among states, as on the Hobbesian view, but in the trans-national social bonds that link the individual human beings who are the subjects or citizens of states. The dominant theme of international relations, on the Kantian view, is only apparently the relationship among states, and is really the relationship among all men in the community of mankind – which exists potentially, even if it does not exist actually, and which when it comes into being will sweep the system of states into limbo.²

Within the community of all mankind, on the universalist view, the interests of all men are one and the same; international politics, considered from this perspective, is not a purely distributive or zero-sum game, as the Hobbesians maintain, but a purely cooperative or non-zero-sum game. Conflicts of interest exist among the ruling cliques of states, but this is only at the superficial or transient level of the existing system of states; properly understood, the interests of all peoples are the same. The particular international activity which, on the Kantian view, most typifies international activity as a whole is the horizontal conflict of ideology that cuts across the boundaries of states and divides human society into two camps – the trustees of the immanent community of mankind and those who stand in its way, those who are of the true faith and the heretics, the liberators and the oppressed.

The Kantian or universalist view of international morality is that, in contrast to the Hobbesian conception, there are moral imperatives in the field of international relations limiting the action of states, but that these imperatives enjoin not coexistence and cooperation among states but rather the overthrow of the system of states and its replacement by a cosmopolitan society. The community of mankind, on the Kantian view, is not only the central reality in international politics, in the sense that the forces able to bring it into being are present; it is also the end or object of the highest moral endeavour. The rules that sustain coexistence and social intercourse among states should be ignored if the imperatives of this higher morality require it. Good faith with heretics has no meaning, except in terms of tactical convenience; between the elect and the damned, the liberators and the oppressed, the question of mutual acceptance of rights to sovereignty or independence does not arise.

What has been called the Grotian or internationalist tradition stands between the realist tradition and the universalist tradition. The Grotian tradition describes international politics in terms of a society of states or international society.³ As against the Hobbesian tradition, the Grotians contend that states are not engaged in simple struggle, like gladiators in an arena, but are limited in their conflicts with one another by common rules and institutions. But as against the Kantian or universalist perspective the Grotians accept the Hobbesian premise that sovereigns or states are the principal reality in international politics; the immediate members of international society are states rather than individual human beings. International politics, in the Grotian understanding, expresses neither complete conflict of interest between states nor complete identity of interest; it resembles a game that is partly distributive but also partly productive. The particular international activity which, on the Grotian view, best typifies international activity as a whole is neither war between states, nor horizontal conflict cutting across the boundaries of states, but trade – or, more generally, economic and social intercourse between one country and another.

The Grotian prescription for international conduct is that all states, in their dealings with one another, are bound by the rules and institutions of the society they form. As against the view of the Hobbesians, states in the Grotian view are bound not only by rules of prudence or expediency but also by imperatives of morality and law. But, as against the view of the universalists, what these

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imperatives enjoin is not the overthrow of the system of states and its replacement by a universal community of mankind, but rather acceptance of the requirements of coexistence and co-operation in a society of states.

Each of these traditions embodies a great variety of doctrines about international politics, among which there exists only a loose connection. In different periods each pattern of thought appears in a different idiom and in relation to different issues and preoccupations. This is not the place to explore further the connections and distinctions within each tradition. Here we have only to take account of the fact that the Grotian idea of international society has always been present in thought about the states system, and to indicate in broad terms the metamorphoses which, in the last three to four centuries, it has undergone.

Christian International Society

In the fifteenth, sixteenth and seventeenth centuries, when the universal political organisation of Western Christendom was still in process of disintegration, and modern states in process of articulation, the three patterns of thought purporting to describe the new international politics, and to prescribe conduct within it, first took shape. On the one hand, thinkers like Machiavelli, Bacon and Hobbes saw the emerging states as confronting one another in the social and moral vacuum left by the receding *respublica Christiana*. On the other hand Papal and Imperialist writers fought a rearguard action on behalf of the ideas of the universal authority of Pope and Emperor. As against these alternatives there was asserted by a third group of thinkers, relying upon the tradition of natural law, the possibility that the princes now making themselves supreme over local rivals and independent of outside authorities were nevertheless bound by common interests and rules. As Gierke puts it:

The mediaeval idea of a world-monarchy was an idea foreign to the thinkers of the School of Natural Law. They left to the publicists of the Holy Roman Empire the task of continually re-invoking, on reams of paper, the unsubstantiated ghost of the old *imperium mundi*, but they made the indestructible germ of that

dying system of thought yield the new and fruitful idea of *international society*. . . . On the one hand, a tendency continually reappeared to harden international society into a world-State, and to arm it with the authority of a Super-State organised on Republican lines: on the other, the stricter advocates of the theory of sovereignty rejected *in toto* any idea of a natural community uniting all States together. But the doctrine which held the field, and determined the future of international law, was a doctrine which steadily clung to the view that there was a natural law connection between all nations, and that this connection, while it did not issue in any authority exercised by the Whole over its parts, at any rate involved a system of mutual social rights and duties.⁴

The international society conceived by the natural-law thinkers of this period (Victoria, Suarez, Gentili, Grotius, Pufendorf) had the following as its most central characteristics. First, the values which they held to underly the society were Christian. It is true that the prominence accorded by all these thinkers to the idea of a natural law, spelling out the rights and duties of all men everywhere, carried the implication that social bonds existed between Christians and others, as Victoria insisted when he adumbrated the universal laws of hospitality by which Spaniards and Indians were bound in the Americas. It is true that Grotius, by insisting that natural law was the principal source of the law of nations, and that this law would remain valid even if God did not exist, implied that international society might ultimately dispense with its Christian foundations. It is true that the search for principles on which Catholic and Protestant states might find a basis for coexistence led necessarily in the direction of secular principles.

But none of these theorists of international society believed that relations among Christian powers were on the same basis as relations between these and others. Even for Grotius, within the wider circle of all mankind, bound by the principles of natural law, there was the narrower circle of Christendom, bound by volitional divine law, by the inherited customs and rules of *ius gentium*, by canon and Roman law. For the Spanish scholastics, Victoria and Suarez, natural law was not separable from divine law. The signing of treaties, in this period, was accompanied by religious oaths. Christian societies at this time had a strong sense of differentiation

from outside powers, and especially from the Ottomans, who presented a real and present threat.

Second, theorists of this period provided no clear guidance as to who the members of international society were; no fundamental constitutive principle or criterion of membership was clearly enunciated. When the conception of the state as the common political form of all the kingdoms, duchies, principalities and republics of modern Europe was itself not yet established, the idea of a society made up principally or exclusively of a single kind of political entity called 'states' could not take shape. In the writings of Victoria and Suarez, and even of Grotius, the political units which are bound by the law of nations are referred to not only by the term *civitates* but also by such terms as *principes, regni, gentes, respublicae*. The doctrine of natural law, on which all the internationalists of this period rested their conception of the rules binding princes and the communities over which they ruled, treated individual men, rather than the groupings of them as states, as the ultimate bearers of rights and duties.

Third, in the idea of international society that prevailed in this period, primacy was accorded to natural law over what today would be called positive international law in defining the source of the rules by which Christian princes and communities were bound. For Grotius natural law was supplemented by the inherited rules of the Roman *ius gentium* and by existing treaty law, such as that contained in the body of mercantile and maritime law developed in mediaeval times, just as it was supplemented by divine law. But princes and peoples were bound by rules in their dealings with one another primarily because princes and peoples were men and thus subject to natural law. This primacy accorded to natural law by the early internationalists reflected their perception that the existing body of positive law bequeathed by the universal society of Western Christendom was out of touch with the new political realities. By invoking the natural law they hoped to liberate the law of nations from the constraints of existing practice and develop rules appropriate to the new situation.

A fourth feature of the idea of international society that emerged in this early period was that the rules of coexistence which it enunciated were inchoate and overlaid with the assumptions of a universal society. It was characteristic of the natural law theorists that they in no case wholly liberated themselves from the

ambiguities of the Roman term *ius gentium*, as between its modern meaning of 'international law' or law between states and nations, and its original meaning of a law common to all nations.

This emerges in their attempts to formulate the basic rules which limit violence between the members of international society. Thus the early internationalists all insist, in line with Thomist tradition, that war should be fought only by those with proper authority, for a just cause and by just means. But they do not do more than grope towards the modern doctrines that only public authorities are entitled to wage war, and that only states can be regarded as such authorities. Even Grotius does not seek to proscribe private war, and indeed his own doctrine of the freedom of the seas, as formulated in *Mare Liberum* (1609), arose from his defence of a warlike action of the Dutch East India Company. Nor does he state unequivocally the doctrine that rules of just conduct or just means in war protect both parties and not merely the party whose cause is just. In expounding the need to limit the way war is conducted and to contain its geographical spread, he is inhibited by his commitment to the universalist or solidarist idea that such limitations should not be allowed to inhibit the party whose cause is just. All of the early internationalists except Gentili have difficulty in coming to terms with the idea that is the foundation of later attempts to accept war between states as an institution of international society, that war may have a just cause on both sides, not merely 'subjectively' but objectively.

The carrying over of universalist assumptions is also apparent in the treatment accorded by the early internationalists to rules upholding the sanctity of agreements. The principle *pacta sunt servanda* is one which they all uphold, but they conceive of treaties in terms of an analogy with contracts in private law. Thus in this period it was still widely held that treaties were binding only upon the princes that entered into them, and not on their successors; that treaties, like private contracts, were not binding if concluded under duress; and that they remained binding irrespective of any *clausula rebus sic stantibus*, or proviso that conditions remained the same. The far-sighted Gentili sought to dispute these views, and drawing upon him Grotius later developed a general theory of treaties as a distinct species of contract, but even these thinkers remained under the sway of the private-contract analogy to some degree.

Similarly, universalist assumptions prevented these thinkers from developing any clear conception of sovereignty as an attribute of

the member states of international society, or of the exchange of recognition of sovereignty as a basic element in the compact of coexistence. The notion of sovereignty developed by Bodin (in his *Six livres de la Republique* in 1576) did not make its impact on international thought until much later. Traces of the idea are to be found in Suarez's use of the conception of a 'perfect community', or in Grotius's use of the term *summum imperium*, or in the tendency to make use of the Roman-law notion of *dominium* or private property, with its implication that a territory and its people are the patrimony of the ruler, to be bartered at his will. But what is lacking is a conception that makes independence of outside authority in the control of territory and population the inherent right of all states.

A fifth feature of the idea of international society entertained by the early internationalists was that it did not define a set of institutions deriving from the co-operation of states. On the one hand, the existing 'international' or 'supranational' institutions were those of the decadent Empire and Papacy, and did not derive from the co-operation or the consent of states; and on the other hand the tradition of co-operation which states were developing was not yet perceived as taking the place of these institutions.

Thus the early theorists of international society were all contributing to the development of what was later called 'international law', one of the central institutions of the society of states, but they did not, as we have seen, seek to found the law of nations primarily on the actual practice of states, and their preoccupation with natural law and with divine law was one which was bound to inhibit the development of international law as a distinct discipline and technique, different from moral philosophy and from theology.

The institution of diplomacy was in fact developing in this period; resident ambassadors, which had originated in Italy in the fifteenth century, became generalised north of the Alps in the sixteenth century and spread to Russia in the time of Peter the Great. Theorists in this period analysed the new institution and the rules surrounding its operation; most notably, Gentili's *De Legationibus* (1584) provided the first systematic examination of the principle of the inviolability of envoys, and Grotius introduced the notion of the 'extraterritoriality' of the ambassador. But they did not seek to treat the co-operation of states in operating the machinery of diplomatic representation, or the development of

'summit conferences' of heads of government, of which there were a number in this period, as part of the evidence that a society of states existed.

Nor did any of these theorists discuss the balance of power or take any account of it in elaborating their conception of international society. The actual institution of the balance of power, in the sense of a conscious attempt to check the preponderance of any one state, began to develop in the coalition against Philip II, and its preservation was an implicit objective of the Peace of Westphalia of 1648, which marked the end of Habsburg pretensions to universal monarchy. But it was not until much later – until the time of the struggle against Louis XIV – that the balance of power was recognised in international theory as an institution of international society, and the various writers of the earlier period who contributed to the development of the theory (Guicciardini, Comynnes, Overbury, Rohan) belonged to a separate tradition of historical and political commentary, whose observations were not integrated into the natural law theory of international society.

Nor, again, did exponents of the latter have any conception of a great power, and its role in international society. They did, indeed, think in terms of a hierarchy of rulers, but this was a hierarchy determined by the status and precedent of the receding universal society, and not by considerations of relative power (that were the terms in which leading writers such as Rohan and Bolingbroke were to discuss great powers in the period) or of the special rights and duties accorded to certain powers by the society of states at large.

European International Society

In the eighteenth and nineteenth centuries, when the vestiges of Western Christendom came almost to disappear from the theory and practice of international politics, when the state came to be fully articulated, first in its dynastic or absolutist phase, then in its national or popular phase, and when a body of modern inter-state practice came to be accumulated and studied, the idea of international society assumed a different form. As natural law gave place to positive international law the ideas of political and legal theorists converged with those of historians, who sought to record the practice of the states system, and of statesmen who were operating it. A history of the idea of international society in this period would

have to be concerned with the latter as well as the former, and might deal with Bynkershoek, Wolff, Vattel, J. J. Moser, Burke, G. F. von Martens, Gentz, Ancillon, Heeren, Ranke, Castlereagh, Phillimore, Gladstone and Salisbury.

The international society conceived by theorists of this period was identified as European rather than Christian in its values or culture. References to Christendom or to divine law as cementing the society of states declined and disappeared, as did religious oaths in treaties. References to Europe took their place, for example in the titles of their books: in the 1740s the Abbe de Mably published his *Droit public de l'Europe*, in the 1770s J. J. Moser his *Versuch des neuesten Europaischen Volkerrechts*, in the 1790s Burke denounced the regicide Directory of France for having violated 'the public law of Europe'.⁵

As the sense grew of the specifically European character of the society of states, so also did the sense of its cultural differentiation from what lay outside: the sense that European powers in their dealings with one another were bound by a code of conduct that did not apply to them in their dealings with other and lesser societies. The sense of differentiation, as we have noted, was already present in the era of Christian international society, as indeed it had been present in the distinction recognised by the Greek city-states between their relations *inter se* and their relations with barbarian powers such as Persia and Carthage. But the exclusiveness of the idea of Christian international society had been mitigated by the influence of the doctrine of natural law, which proclaimed the common rights and duties of men everywhere. In the era of European international society the decline of natural law thinking withdrew this mitigating influence. By the nineteenth century the orthodox doctrine of the positivist international lawyers was that international society was a European association, to which non-European states could be admitted only if and when they met a standard of civilisation laid down by the Europeans – the test which Turkey was the first to pass when under Article VIII of the Treaty of Paris of 1856 she was admitted to 'the public law and concert of Europe'.

In the idea of international society elaborated by eighteenth- and nineteenth-century theorists, the ambiguity of earlier thinkers as to what kinds of groups or entities are members of the society of states gives way to a clear statement of the principle that international

society is a society of states or nations – even though this is sometimes accompanied by a qualification, as in Westlake's doctrine that while states are the immediate members of the society, men are its ultimate members. 'The Law of Nations', Vattel proclaims simply, 'is the science of the rights which exist between Nations or States, and of the obligations corresponding to these rights'.⁶ From this recognition that all members of international society are a particular kind of political entity called 'states', and that entities that do not satisfy the criterion cannot be members, there stem other basic features of the idea of international society in this period, which without it could not have been conceivable: the idea that members all have the same basic rights, that the obligations they undertake are reciprocal, that the rules and institutions of international society derive from their consent, and the idea that political entities such as Oriental kingdoms, Islamic emirates or African chieftaincies should be excluded from membership.

Before the American and French Revolutions these states were, for the most part, hereditary monarchies, and what Martin Wight has called the 'principle of international legitimacy' was dynastic: that is to say, the collective judgement of international society was that dynastic principles should determine questions about rightful membership of the family of nations, about how sovereignty over territory or population should be transferred from one government to another, or about how state succession should be regulated. After the American and French Revolutions the prevailing principle of international legitimacy ceased to be dynastic and became national or popular: that is to say, it came to be generally held that questions of this sort should be settled not by reference to the rights of rulers, but by reference to the rights of the nation or the people.⁷ The dynastic marriage, as the means whereby acquisition of territory was made internationally respectable, gave place to the plebiscite; the patrimonial principle to the principle of national self-determination. The actual course of events was no more determined by the national or popular doctrine of international legitimacy than in the earlier period it had been determined by the dynastical or monarchical one, but these doctrines did determine the kind of justifications that could be offered for whatever was done.

In identifying the sources of the rules by which states are bound, theorists of international society in the eighteenth and nineteenth

centuries turned away from natural law and towards positive international law; more generally, they took as their guide, not abstract theories about what states should do, but the body of custom and treaty law that was accumulating as to what they did do. Modern examples could be cited in place of the ancient and mediaeval ones that abound in the pages of Suarez and Grotius. The histories of the states system and of the rise and fall of great powers, especially those that came to be written in Germany during and after the the Napoleonic wars, provided a new source of political generalisations and maxims.

When they came to formulate the rules of coexistence, theorists of this period were able to free themselves of the universalist or solidarist assumptions inherited from mediaeval times, and to take account of the unique characteristics of the anarchical society. The term 'law of nations', *droit des gens*, *Volkerrecht*, not only drove out the term 'law of nature', with which it had previously always been coupled; it came quite clearly to mean not law common to all nations, but law between nations. The transition was completed when the term 'law of nations' itself gave way to 'international law', the term coined by Bentham in 1789 in his *Introduction to the Principles of Morals and Legislation*.

Thus the rules restricting violence that were formulated in this period, by contrast with those of the early naturalists, make it clear that resort to legitimate violence in international politics is the monopoly of the state. From their recognition that a war may have a just cause on both sides, it was a short step to the doctrine that war was simply a political conflict and that the question of the justice of the cause should be banished from international law as being incapable of being settled by international society. Rules limiting the conduct of war, as formulated by these theorists, thus gave equal protection to all belligerents. Neutrality – the device for limiting the geographical spread of war – was recognised by Bynkershoek and Vattel to require impartiality towards both sides, as against the doctrine of Grotius that it had to be qualified by discrimination in favour of the party whose cause was just.

Thus, again, the theorists of this period, in their approach to the rule requiring treaties to be kept, were able to dispense entirely with the analogy with private contracts, and to recognise that treaties concluded by a government were binding upon its successors, and that they were valid even if concluded under duress. In the

nineteenth century, moreover, the doctrine that Gentili had first sought to apply to the law of nations, that treaties remained valid only while circumstances remained the same, came to be generally accepted, as was also the addendum that it was for each party to determine whether or not circumstances had changed. This is a doctrine which is sometimes said to be an invitation to international lawlessness, but in the view of the nineteenth-century positivists it provided a means of securing some place for international agreements in the historical process, while also coming to terms with the forces of change.

Likewise, also, theorists of this period were able to recognise sovereignty as an attribute of all states, and the exchange of recognition of sovereignty as a basic rule of coexistence within the states system. They were also able to work out such corollary principles as the rule of non-intervention, the rule of the equality of states in respect of their basic rights, and the rights of states to domestic jurisdiction. For some legal theorists in this period, it should be noted, the idea of sovereignty was bound up with a doctrine of the 'natural rights of states' and of rights of self-preservation which were in effect a denial of the idea of 'international society'. But such ideas are in no way inherent in the treatment of sovereignty as a complex of rights conferred by rules of international law.

Finally, in the eighteenth and nineteenth centuries international society was seen to have visible expression in certain institutions that reflected the co-operation of its member states. International law was recognised to be a distinct body of rules, arising from the co-operation of modern states, and calling for a discipline and technique distinct from that of philosophy or theology; it was seen to be distinct also from matters of private law extending across frontiers, as was recognised in the nineteenth century by the term 'public international law'. The diplomatic system, whose role in relation to international society was now set out in the writings of Callières and other diplomatic theorists, was recognised to be the concern of international society as a whole by the Congress of Vienna, whose Final Act regularised it and brought it into conformity with the doctrine of the sovereign equality of states. The preservation of a balance of power was elevated to the status of an objective consciously pursued by international society as a whole; proclaimed to be this by the Treaty of Utrecht of 1713,

that ended the War of Spanish Succession, and absorbed into the mainstream of international legal thinking with Vattel's *Droit des Gens* in 1758, it generated a great corpus of historical and political literature during the Napoleonic era, whose maxims were widely taken to state the conditions of international society's survival, and by some to have legal force. Phillimore, for example, in his *Commentaries Upon International Law* (1854–61), maintained that war or intervention to maintain a balance of power was lawful. Likewise the notion of a 'great power', explored by Ranke in his famous essay, and of its special rights and duties, came to express a new doctrine of the hierarchy or grading of states, in place of the old hierarchy of inherited status and precedent, based on the facts of relative power and the consent of international society, and was formally expressed in the Concert of Europe that sprang, by way of the Congress System, from the Vienna settlement.

World International Society

In the twentieth century, as in the sixteenth and seventeenth centuries, the idea of international society has been on the defensive. On the one hand, the Hobbesian or realist interpretation of international politics has been fed by the two World Wars, and by the expansion of international society beyond its originally European confines. On the other hand, Kantian or universalist interpretations have been fed by a striving to transcend the states system so as to escape the conflict and disorder that have accompanied it in this century, and by the Russian and Chinese revolutions, which have given a new currency to doctrines of global transnational solidarity, both communist, and anti-communist. Ideas of international society in the twentieth century may be said to be closer to those that were entertained in the early centuries of the states system than to those that prevailed in the eighteenth and nineteenth centuries.

In the twentieth century international society ceased to be regarded as specifically European and came to be considered as global or world wide. In the 1880s the Scottish natural lawyer James Lorimer expressed the orthodox doctrine of the time when he wrote that mankind was divided into civilised humanity, barbarous humanity and savage humanity. Civilised humanity comprised the nations of Europe and the Americas, which were entitled to full

recognition as members of international society. Barbarous humanity comprised the independent states of Asia – Turkey, Persia, Siam, China and Japan – which were entitled to partial recognition. And savage humanity was the rest of mankind, which stood beyond the pale of the society of states, although it was entitled to ‘natural or human recognition’.⁸ It is worth noting in passing that Lorimer’s distinction is in fact the same one which is made by social scientists today when they distinguish between modern societies, traditional societies and primitive societies.

Today, when non-European states represent the great majority in international society and the United Nations is nearly universal in its membership, the doctrine that this society rests upon a specific culture or civilisation is generally rejected and even the echo of it that survives in the Statute of the International Court of Justice – which lists the law common to civilised states among the sources of international law it recognises – has become an embarrassment. It is important to bear in mind, however, that if contemporary international society does have any cultural basis, this is not any genuinely global culture, but is rather the culture of so-called ‘modernity’. And if we ask what is modernity in culture, it is not clear how we answer this except by saying that it is the culture of the dominant Western powers. (This point is discussed further in Chapter 13.)

In the twentieth century, also, there has been a retreat from the confident assertions, made in the age of Vattel, that the members of international society were states and nations, towards the ambiguity and imprecision on this point that characterised the era of Grotius. The state as a bearer of rights and duties, legal and moral, in international society today is widely thought to be joined by international organisations, by non-state groups of various kinds operating across frontiers, and – as implied by the Nuremberg and Tokyo War Crimes Tribunals, and by the Universal Declaration of Human Rights – by individuals. There is no agreement as to the relative importance of these different kinds of legal and moral agents, or on any general scheme of rules that would relate them one to another, but Vattel’s conception of a society simply of states has been under attack from many different directions.

In this century, also, the theory of international society has moved away from the emphasis of eighteenth- and nineteenth-century legal and historical positivism on existing practice as the

source of norms about international conduct, in favour of a return to natural law principles or to some contemporary equivalent of them; in political as in legal analysis of international relations the idea of international society has been rested less on the evidence of co-operation in the actual behaviour of states than on principles purporting to show how they should behave, such as those proclaimed in the League Covenant, the Kellogg-Briand Pact or the Charter of the United Nations.

Going along with this there has been a reappearance of universalist or solidarist assumptions in the way the rules of coexistence are formulated. The idea that the means states use in war should be limited has been qualified by the reappearance of the distinction between objectively just and unjust causes for which war is waged, as in the attempts to prohibit 'aggressive' war. The idea that neutrals should behave impartially towards belligerent states has been qualified in the same way, as in the doctrine of 'collective security' embodied in the League of Nations Covenant and the United Nations Charter.

The twentieth-century emphasis upon ideas of a reformed or improved international society, as distinct from the elements of society in actual practice, has led to a treatment of the League of Nations, the United Nations and other general international organisations as the chief institutions of international society, to the neglect of those institutions whose role in the maintenance of international order is the central one. Thus there has developed the Wilsonian rejection of the balance of power, the denigration of diplomacy and the tendency to seek to replace it by international administration, and a return to the tendency that prevailed in the Grotian era to confuse international law with international morality or international improvement.

The Reality of International Society

But does this idea of international society conform to reality? Do the theories of philosophers, international lawyers and historians in the Grotian tradition reflect the thought of statesmen? If statesmen pay lip-service to international society and its rules, does this mean that the latter affect their decisions? If the idea of international society played some real part during periods of relative interna-

tional harmony, as in Europe for long stretches of the eighteenth and nineteenth centuries, was it not extinguished during the wars of religion, the wars of the French Revolution and Napoleon, and the World Wars of the present century? What meaning can it have, for example, to say that Hitler's Germany and Stalin's Russia, locked in a struggle to the death during the Second World War, regarded each other as bound by common rules and co-operated in the working of common institutions? If the Christian and, later, European international system that existed from the sixteenth century to the nineteenth was also an international society, were not the bonds of this society stretched and ultimately broken as the system expanded and became world-wide? Is not the international politics of the present time best viewed as an international system that is not an international society?

The Element of Society

My contention is that the element of a society has always been present, and remains present, in the modern international system, although only as one of the elements in it, whose survival is sometimes precarious. The modern international system in fact reflects all three of the elements singled out, respectively, by the Hobbesian, the Kantian and the Grotian traditions: the element of war and struggle for power among states, the element of transnational solidarity and conflict, cutting across the divisions among states, and the element of co-operation and regulated intercourse among states. In different historical phases of the states system, in different geographical theatres of its operation, and in the policies of different states and statesmen, one of these three elements may predominate over the others.

Thus one may say that in the trade and colonial wars fought in the late seventeenth and eighteenth centuries, chiefly by Holland, France and England, where the object was trading monopoly enforced by sea power and the political control of colonies, the element of a state of war was predominant. In the wars of religion that marked the first phase of the states system up till the Peace of Westphalia, in the European convulsion of the wars of the French Revolution and Napoleon, and in the ideological struggle of communist and anti-communist powers in our own times, the element of transnational solidarity and conflict has been upper-

most – expressed not only in the revolutionist transnational solidarities of the Protestant parties, the democratic or republican forces favourable to the French Revolution, and the Communist Internationals, but also in the counter-revolutionist solidarities of the Society of Jesus, International Legitimism and Dullesian anti-communism. In nineteenth-century Europe, in the interval between the struggle of revolutionism and Legitimism that remained in the aftermath of the Napoleonic wars, and the re-emergence, late in the century, of the patterns of great power conflict that led to the First World War, one may say that the element of international society was predominant.

The element of international society has always been present in the modern international system because at no stage can it be said that the conception of the common interests of states, of common rules accepted and common institutions worked by them, has ceased to exert an influence. Most states at most times pay some respect to the basic rules of coexistence in international society, such as mutual respect for sovereignty, the rule that agreements should be kept, and rules limiting resort to violence. In the same way most states at most times take part in the working of common institutions: the forms and procedures of international law, the system of diplomatic representation, acceptance of the special position of great powers, and universal international organisations such as the functional organisations that grew up in the nineteenth century, the League of Nations and the United Nations.

The idea of ‘international society’ has a basis in reality that is sometimes precarious but has at no stage disappeared. Great wars that engulf the states system as a whole strain the credibility of the idea, and cause thinkers and statesmen to turn to Hobbesian interpretations and solutions, but they are followed by periods of peace. Ideological conflicts in which states and factions within them are ranged on opposite sides sometimes lead to a denial of the idea of international society by both sides, and lend confirmation to Kantian interpretations, but they are followed by accommodations in which the idea reappears.

Even at the height of a great war or ideological conflict the idea of international society, while it may be denied by the pronouncements of the contending states – each side treating the other as outside the framework of any common society – does not disappear so much as go underground, where it continues to influence the

practice of states. The Allied and Axis powers at the height of the Second World War did not accept each other as members of a common international society, and they did not co-operate with each other in the working of common institutions. But one could not say that the idea of international society ceased to affect the practice of international relations in that period. The Allied powers continued to respect the ordinary rules of international society in their relations among themselves and in their dealings with neutral countries; so did Germany, Italy and Japan. Within both groups of belligerent powers there were persons and movements who sought out the basis of a negotiated peace. The Allied and Axis states each insisted that the others were bound as members of international society to observe the Geneva conventions concerning prisoners of war, and in the case of the Western allies and Germany, in respect of one another's prisoners, in large measure actually did observe these conventions.

Similarly, when the Cold War was being prosecuted most vigorously, the United States and the Soviet Union were inclined to speak of each other as heretics or outcasts beyond the pale, rather than as member states of the same international society. However, they did not even then break off diplomatic relations, withdraw recognition of one another's sovereignty, repudiate the idea of a common international law or cause the break-up of the United Nations into rival organisations. In both the Western and communist blocs there were voices raised in favour of compromise, drawing attention to the common interests of the two sides in coexistence and restating, in secular form, the principle *cuius regio, eius religio* that had provided a basis for accommodation in the wars of religion. Thus, even in periods when international politics is best described in terms of a Hobbesian state of war or a Kantian condition of transnational solidarity, the idea of international society has survived as an important part of reality, and its survival in these times of stress lays the foundation for the reconstruction of international society when war gives place to peace or ideological conflict to *détente*.

It may help to make clear the persistent reality of the element of international society if we contrast the relations of states within that system with examples of relations between independent political communities in which the element of society is entirely absent. The relations of Chingis Khan's Mongol invaders, and the Asian and

European peoples whom they subjugated, were not moderated by a belief on each side in common rules binding on both in their dealings with one another. Chingis Khan's conquests did have a basis in the moral ideas of the Mongols themselves: Chingis believed that he had the mandate of heaven to rule the world, that whatever peoples lay outside the *de facto* control of the Mongols were nevertheless *de jure* subjects of the Mongol empire, and that peoples who failed to submit to the Mongol court were therefore rebels against the divinely inspired order, against whom the waging of war was a right and a duty.⁹ But these ideas formed no part of the thinking of the peoples who were subjugated and in some cases annihilated by the Mongols.

When the Spanish Conquistadors confronted the Aztecs and the Incas, this similarly took place in the absence of any common notion of rules and institutions. The Spaniards debated among themselves what duties they had towards the Indians – whether their right to invade derived from the claim of the Pope to *imperium mundi*, the duty of a Christian prince to spread the faith, the failure of the Indians to extend rights of hospitality, and so on.¹⁰ But the rights which the Indians were acknowledged – by scholars such as Victoria – to have, were rights deriving from a system of rules recognised by the Spaniards; they did not derive from any system of rules acknowledged by the Indians also. The Spaniards and the Indians were able to recognise each other as human beings, to engage in negotiations and to conclude agreements. But these dealings took place in the absence of any common framework of rules and institutions.

The long history of relations between Europe and Islam provides a further illustration of this theme. As long as modern international society thought of itself as Christian or European, Islam in its successive embodiments was viewed as a barbarian power against which it was the duty of Christian princes to maintain a common front, even if they did not always do so in practice. Islamic thought reciprocated by dividing the world into *dar-al-Islam*, the region of submission to the will of God, and *dar-al-Harb*, the region of war which was yet to be converted. Coexistence with infidel states was possible; diplomatic exchanges, treaties and alliances could be and were concluded; and these relations were subject to rules – but only rules binding on Moslems. There was no conception of a common society in which Islamic and infidel states both had their place; the

latter were regarded as having only a provisional existence, and coexistence with them as only a temporary phase in a process leading inexorably to their absorption.

It might be argued that while there is indeed a contrast between cases where a common idea of international society is shared by adversary communities, and cases where no such idea exists, this is of no practical consequence; the language of a common international society spoken by states in the modern international system is mere lip-service. Thus, as Grotius notes, for some states which claim that they have a just cause for going to war with one another, this just cause is often simply a pretext, their real motives being quite otherwise. Grotius distinguishes between causes of war that are 'justifiable', that is to say which are undertaken in the belief that there is a just cause, from causes of war that are merely 'persuasive', that is in which allegation of a just cause is simply a pretext.¹¹

The question, however, is whether an international system in which it is necessary to have a pretext for beginning a war is not radically different from one in which it is not. The state which at least alleges a just cause, even where belief in the existence of a just cause has played no part in its decision, offers less of a threat to international order than one which does not. The state which alleges a just cause, even one it does not itself believe in, is at least acknowledging that it owes other states an explanation of its conduct, in terms of rules that they accept. There are, of course, differences of opinion as to the interpretation of the rules and their application to concrete situations; but such rules are not infinitely malleable and do circumscribe the range of choice of states which seek to give pretexts in terms of them. The giving of a pretext, moreover, means that the violence which the offending state does to the structure of commonly accepted rules by going to war in disregard of them is less than it would otherwise be; to make war without any explanation, or with an explanation stated only in terms of the recalcitrant state's own beliefs – such as the Mongols' belief in the Mandate of Heaven, or the belief of the Conquistadors in the Pope's *imperium mundi* – is to hold all other states in contempt, and to place in jeopardy all the settled expectations that states have about one another's behaviour.

Grotius recognises that while international society is threatened by states which wage war for merely 'persuasive' causes, and not for 'justifiable' ones, it is even more threatened by states which wage

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war without 'persuasive' causes either; wars which lack causes of either sort he speaks of as 'the wars of savages'.¹² Vattel speaks of those who wage war without pretext of any kind as 'monsters unworthy of the name of men', whom nations may unite to suppress.¹³

The Anarchical Society

It is often maintained that the existence of international society is disproved by the fact of anarchy, in the sense of the absence of government or rule. It is obvious that sovereign states, unlike the individuals within them, are not subject to a common government, and that in this sense there is, in the phrase made famous by Goldsworthy Lowes Dickinson, an 'international anarchy'.¹⁴ A persistent theme in the modern discussion of international relations has been that, as a consequence of this anarchy, states do not form together any kind of society; and that if they were to do so it could only be by subordinating themselves to a common authority.

A chief intellectual support of this doctrine is what I have called the domestic analogy, the argument from the experience of individual men in domestic society to the experience of states, according to which states, like individuals, are capable of orderly social life only if, as in Hobbes's phrase, they stand in awe of a common power.¹⁵ In the case of Hobbes himself and his successors, the domestic analogy takes the form simply of the assertion that states or sovereign princes, like individual men who live without government, are in a state of nature which is a state of war. It is not the view of Hobbes, or other thinkers of his school, that a social contract of states that would bring international anarchy to an end either should or can take place. By contrast, in the thinking of those who look forward – or backward – to a universal or world government, the domestic analogy is taken further, to embrace not only the conception of a state of nature but also that of a social contract among states that will reproduce the conditions of order within the state on a universal scale.

There are three weaknesses in the argument that states do not form a society because they are in a condition of international anarchy. The first is that the modern international system does not entirely resemble a Hobbesian state of nature. Hobbes's account of

relations between sovereign princes is a subordinate part of his explanation and justification of government among individual men. As evidence for his speculations as to how men would live were they to find themselves in a situation of anarchy, Hobbes mentions the experience of civil war, the life of certain American tribes and the facts of international relations:

But though there had never been any time wherein particular men were in a condition of warre one against another; yet in all times Kings, and Persons of Sovereigne authority, because of their Independency, are in continual jealousies, and in the state and posture of Gladiators; having their weapons pointing, and their eyes fixed on one another; that is, their Forts, Garrisons and Guns, upon the Frontiers of their Kingdomes; and continual Spyes upon their neighbours; which is a posture of warre.¹⁶

In Hobbes's account the situation in which men live without a common power to keep them in awe has three principal characteristics. In this situation there can be no industry, agriculture, navigation, trade or other refinements of living because the strength and invention of men is absorbed in providing security against one another. There are no legal or moral rules: 'The notions of Right and Wrong, Justice and Injustice have there no place. . . . It is consequent also to the same condition, that there can be no Propriety, no Dominion, no *Mine and Thine* distinct; but only that to be every mans, that he can get; and for so long as he can keep it.'¹⁷ Finally, the state of nature is a state of war: war understood to consist 'not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary'; and to be 'such a warre, as is of every man, against every man'.¹⁸

The first of these characteristics clearly does not obtain in international anarchy. The absence of a world government is no necessary bar to industry, trade and other refinements of living. States do not in fact so exhaust their strength and invention in providing security against one another that the lives of their inhabitants are solitary, poor, nasty, brutish and short; they do not as a rule invest resources in war and military preparations to such an extent that their economic fabric is ruined. On the contrary,

the armed forces of states, by providing security against external attack and internal disorder, establish the conditions under which economic improvements may take place within their borders. The absence of a universal government has not been incompatible with international economic interdependence.

It is also clear that the second feature of Hobbes's state of nature, the absence in it of notions of right and wrong, including notions of property, does not apply to modern international relations. Within the system of states that grew up in Europe and spread around the world, notions of right and wrong in international behaviour have always held a central place.

Of the three principal features of Hobbes's state of nature the only one that might be held to apply to modern international relations is the third – the existence in it of a state of war, in the sense of a disposition on the part of every state to war with every other state. Sovereign states, even while they are at peace, nevertheless display a disposition to go to war with one another, inasmuch as they prepare for war and treat war as one of the options open to them.

The second weakness of the argument from international anarchy is that it is based on false premises about the conditions of order among individuals and groups other than the state. It is not, of course, the case that fear of a supreme government is the only source of order within a modern state: no account of the reasons why men are capable of orderly social coexistence within a modern state can be complete which does not give due weight to factors such as reciprocal interest, a sense of community or general will, and habit or inertia.

If, then, we are to compare international relations with an imagined, pre-contractual state of nature among individual men, we may well choose not Hobbes's description of that condition but Locke's. Locke's conception of the state of nature as a society without government does in fact provide us with a close analogy with the society of states. In modern international society, as in Locke's state of nature, there is no central authority able to interpret and enforce the law, and thus individual members of the society must themselves judge and enforce it. Because in such a society each member of it is a judge in his own cause, and because those who seek to enforce the law do not always prevail, justice in such a society is crude and uncertain. But there is nevertheless a

great difference between such a rudimentary form of social life and none at all.

The third weakness of the argument from international anarchy is that it overlooks the limitations of the domestic analogy. States, after all, are very unlike human individuals. Even if it could be contended that government is a necessary condition of order among individual men, there are good reasons for holding that anarchy among states is tolerable to a degree to which among individuals it is not.

We have already noted that, unlike the individual in Hobbes's state of nature, the state does not find its energies so absorbed in the pursuit of security that the life of its members is that of mere brutes. Hobbes himself recognises this when, having observed that persons in sovereign authority are in 'a posture of war', he goes on to say that 'because they uphold thereby the industry of their subjects, there does not follow from it that misery which accompanies the liberty of particular men'.¹⁹ The same sovereigns that find themselves in a state of nature in relation to one another have provided, within their territories, the conditions in which refinements of life can flourish.

Moreover, states are not vulnerable to violent attack to the same degree that individuals are. Spinoza, echoing Hobbes in his assertion that 'two states are in the same relation to one another as two men in the condition of nature', goes on to add, 'with this exception, that a commonwealth can guard itself against being subjugated by another, as a man in the state of nature cannot do. For, of course, a man is overcome by sleep every day, is often afflicted by disease of body or mind, and is finally prostrated by old age; in addition, he is subject to troubles against which a commonwealth can make itself secure.'²⁰ One human being in the state of nature cannot make himself secure against violent attack; and this attack carries with it the prospect of sudden death. Groups of human beings organised as states, however, may provide themselves with a means of defence that exists independently of the frailties of any one of them. And armed attack by one state upon another has not brought with it a prospect comparable to the killing of one individual by another. For one man's death may be brought about suddenly in a single act; and once it has occurred it cannot be undone. But war has only occasionally resulted in the physical extinction of the vanquished people.

In modern history it has been possible to take Clausewitz's view that 'war is never absolute in its results', and that defeat in it may be 'a passing evil which can be remedied'.²¹ Moreover, war in the past, even if it could in principle lead to the physical extermination of one or both of the belligerent peoples, could not be thought capable of doing so at once in the course of a single act. Clausewitz, in holding that war does not consist of a single instantaneous blow, but always of a succession of separate actions, was drawing attention to something that in the past has always held true and has rendered violence among independent political communities different from violence between individual persons.²² It is only in the context of nuclear weapons and other recent military technology that it has become pertinent to ask whether war could not now both be 'absolute in its results' and 'take the form of a single, instantaneous blow', in Clausewitz's understanding of these terms; and whether, therefore, violence does not now confront the state with the same sort of prospect it has always held for the individual.

This difference, that states have been less vulnerable to violent attack by one another than individual men, is reinforced by a further one: that in so far as states have been vulnerable to physical attack, they have not been equally so. Hobbes builds his account of the state of nature on the proposition that 'Nature hath made men so equal, in the faculties of body and mind, [that] the weakest has strength enough to kill the strongest.'²³ It is this equal vulnerability of every man to every other that, in Hobbes's view, renders the condition of anarchy intolerable. But in modern international society there has been a persistent distinction between great powers and small. Great powers have not been vulnerable to violent attack by small powers to the same extent that small powers have been vulnerable to attack by great ones. Once again it is only the spread of nuclear weapons to small states, and the possibility of a world of many nuclear powers, that raises the question whether in international relations, also, a situation may come about in which 'the weakest has strength enough to kill the strongest'.

The argument, then, that because men cannot form a society without government, sovereign princes or states cannot, breaks down not only because some degree of order can in fact be achieved among individuals in the absence of government, but also because states are unlike individuals, and are more capable of forming an anarchical society. The domestic analogy is no more than an

analogy; the fact that states form a society without government reflects features of their situation that are unique.

The Limitations of International Society

We have shown that the modern international system is also an international society, at least in the sense that international society has been one of the elements permanently at work in it; and that the existence of this international society is not as such disproved by the fact of international anarchy. It is important, however, to retain a sense of the limitations of the anarchical international society.

Because international society is no more than one of the basic elements at work in modern international politics, and is always in competition with the elements of a state of war and of transnational solidarity or conflict, it is always erroneous to interpret international events as if international society were the sole or the dominant element. This is the error committed by those who speak or write as if the Concert of Europe, the League of Nations or the United Nations were the principal factors in international politics in their respective times; as if international law were to be assessed only in relation to the function it has of binding states together, and not also in relation to its function as an instrument of state interest and as a vehicle of transnational purposes; as if attempts to maintain a balance of power were to be interpreted only as endeavours to preserve the system of states, and not also as manoeuvres on the part of particular powers to gain ascendancy; as if great powers were to be viewed only as 'great responsables' or 'great indispensables', and not also as great predators; as if wars were to be construed only as attempts to violate the law or to uphold it, and not also simply as attempts to advance the interests of particular states or of transnational groups. The element of international society is real, but the elements of a state of war and of transnational loyalties and divisions are real also, and to reify the first element, or to speak as if it annulled the second and third, is an illusion.

Moreover, the fact that international society provides some element of order in international politics should not be taken as justifying an attitude of complacency about it, or as showing that the arguments of those who are dissatisfied with the order provided

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by international society are without foundation. The order provided within modern international society is precarious and imperfect. To show that modern international society has provided some degree of order is not to have shown that order in world politics could not be provided more effectively by structures of a quite different kind.