The Anarchical Society

A Study of Order in World Politics

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The Concept of Order in World Politics

A study of order in world politics must begin with the question: what is it? I shall indicate what I mean by order in social life generally, and proceed to consider what it means in the system of states and in world politics in general.

Order in Social Life

To say of a number of things that together they display order is, in the simplest and most general sense of the term, to say that they are related to one another according to some pattern, that their relationship is not purely haphazard but contains some discernible principle. Thus a row of books on the shelf displays order whereas a heap of books on the floor does not.

But when we speak of order as opposed to disorder in social life we have in mind not any pattern or methodical arrangement among social phenomena, but a pattern of a particular sort. For a pattern may be evident in the behaviour of men or groups in violent conflict with one another, yet this is a situation we should characterise as disorderly. Sovereign states in circumstances of war and crisis may behave in regular and methodical ways; individual men living in the conditions of fear and insecurity, described in Hobbes's account of the state of nature, may conduct themselves in conformity with some recurrent pattern, indeed Hobbes himself says that they do; but these are examples not of order in social life but of disorder.

The order which men look for in social life is not any pattern or regularity in the relations of human individuals or groups, but a pattern that leads to a particular result, an arrangement of social

life such that it promotes certain goals or values. In this purposive or functional sense, a number of books display order when they are not merely placed in a row, but are arranged according to their author or subject so as to serve the purpose or fulfil the function of selection. It was this purposive conception of order that Augustine had in mind when he defined it as 'a good disposition of discrepant parts, each in its fittest place'.[1] This is a definition which, as we shall see, involves a number of problems, but because it presents order not as any pattern but as a particular kind of pattern, and, because it places the emphasis on ends or values, it provides a helpful starting point.

Augustine's definition at once raises the question: 'good' or 'fittest' for what? Order in this purposive sense is necessarily a relative concept: an arrangement (say, of books) that is orderly in relation to one purpose (finding a book by a particular author) may be disorderly in relation to another purpose (finding a book on a particular subject). It is for this reason that disagreement obtains as to whether or not a particular set of social arrangements embodies order, and that social and political systems that are in conflict with one another may both embody order. The social and political systems of the *ancien régime* and of Revolutionary France, or today of the Western world and the socialist countries, each embodies a 'disposition of discrepant parts' that is 'good' or 'fittest' for some different set of values or ends.

But while order in this Augustinian sense exists only in relation to given goals, certain of these goals stand out as elementary or primary, inasmuch as their fulfilment in some measure is a condition not merely of this or that sort of social life, but of social life as such. Whatever other goals they pursue, all societies recognise these goals and embody arrangements that promote them. Three such goals in particular may be mentioned. First, all societies seek to ensure that life will be in some measure secure against violence resulting in death or bodily harm. Second, all societies seek to ensure that promises, once made, will be kept, or that agreements, once undertaken, will be carried out. Third, all societies pursue the goal of ensuring that the possession of things will remain stable to some degree, and will not be subject to challenges that are constant and without limit.[2] By order in social life I mean a pattern of human activity that sustains elementary, primary or universal goals of social life such as these.

Because this definition is central to all of what follows in the present study, it is worth lingering over it to add some points of clarification. It is not suggested that these three basic values of all social life – sometimes called those of life, truth and property – represent an exhaustive list of the goals common to all societies, or that the term 'order' can be given content only in relation to them. But they are certainly to be included in any list of these basic goals, and they illustrate the idea of a basic goal.

All three goals may be said to be *elementary:* a constellation of persons or groups among whom there existed no expectation of security against violence, of the honouring of agreements or of stability of possession we should hardly call a society at all. The goals are also primary in the sense that any other goals a society may set for itself presuppose the realisation of these goals in some degree. Unless men enjoy some measure of security against the threat of death or injury at the hands of others, they are not able to devote energy or attention enough to other objects to be able to accomplish them. Unless there can be a general presumption that agreements entered into will be carried out, it is not conceivable that agreements can be entered into to facilitate human co-operation in any field. Unless the possession of objects by persons or groups can be to some degree stabilised or settled (it is not material here whether this is through private or communal ownership, or with what kind of mixture of the one and the other) then given that human beings are what they are, and given that the things human beings want to possess have only limited abundance, it is difficult to imagine stable social relations of any sort. Of course, as Hume and others have argued, the need which societies feel to stabilise possession is conditional. If men in their wants of material things were wholly egotistical, the stabilisation of possession by rules of property or ownership would be impossible – just as if men were wholly altruistic in relation to these wants, such stabilisation would he unnecessary. Equally, if there existed total scarcity of the things men wish to possess, rules of property would be impossible to make effective, and if there were total abundance of these things, rules of property would be unnecessary. But given the facts of limited human altruism and limited abundance of the things men want, the attempt to stabilise possession of these things is a primary goal of all social life. The three goals are also *universal* in the sense that all actual societies appear to take account of them.

A further point of clarification is that in defining order in social life as a pattern of human activities, a 'disposition of discrepant parts' that sustains elementary or primary ends such as these, I am not seeking to argue that these goals should have priority over others; nor, indeed, at this point in the argument, am I seeking to endorse them as valuable or desirable at all. I do contend that unless these goals are achieved in some measure, we cannot speak of the existence of a society or of social life; that the achievement of other goals presupposes the achievement of these basic goals in some degree; and that in fact all societies seek to promote them. This does not mean, however, that when a conflict arises between these goals and others, societies either do or should always give priority to them. In fact, as in periods of war or revolution, men frequently and sometimes, it may be argued, rightly, resort to violence, dishonour agreements and violate rights of property in the pursuit of other values. As was argued in the Introduction, order is not the only value in relation to which human conduct can be shaped, nor should we assume that it is prior to other values.

It is not argued here that the elementary or primary ends of social life do or should take priority over others, nor is it being contended that these ends are mandatory at all. In particular, I do not wish to embrace the position of exponents of the doctrine of natural law that these and other elementary, primary or universal goals of social life are mandatory for all men, or that the binding force of rules of conduct upholding them is self-evident to all men. It is true that the position I have adopted here can be said to have been part of the 'empirical equivalent' of the natural-law theory, which sought to deal with the elementary or primary conditions of social existence in the idiom of a different era. Indeed, the natural-law tradition remains one of the richest sources of theoretical insight into the matters dealt with in the present study. But it is not part of my intention to revive the central tenets of natural-law thinking itself.

A point of clarification must be added about the relationship of order in social, life, as I have defined it, to rules, or general imperative principles of conduct. Social order is sometimes defined in terms of obedience to rules of conduct; sometimes it is defined, more specifically, as obedience to rules of law. In fact, order in social life is very closely connected with the conformity of human behaviour to rules of conduct, if not necessarily to rules of law. In

most societies, what helps to create patterns of conduct that conform to the elementary goals of security against violence, the honouring of agreements and the stability of possession, is the existence of rules prohibiting murder and assault, rules prohibiting breach of contract, and rules of property. However, I have sought deliberately to find a definition of order in social life that excludes the conception of rules. This is because, for reasons discussed in Chapter 3, I believe order in social life can exist in principle without rules, and that it is best to treat rules as a widespread, and nearly ubiquitous, means of creating order in human society, rather than as part of the definition of order itself.

I must also set out the relationship between order in social life, as it is defined here, and social laws of a different kind: not rules, or general imperative principles of conduct, but scientific laws, or general propositions asserting a causal connection between one class of social events and another. It is sometimes said that order in social life is to do with the conformity of conduct in society to such scientific laws – or, more specifically, that conduct which is orderly is conduct which is predictable, that is, which conforms to laws that can be applied to future cases as well as to past and present ones. Once again, there does in fact exist a close connection between order in the sense in which it is defined here, and the conformity of conduct to scientific laws that afford a basis for predicting future behaviour. One of the consequences of a situation in which elementary or primary goals of social coexistence are consistently upheld is that regular patterns of behaviour become known, are formulated as general laws, and afford a basis for expectations about future behaviour. Moreover, if we ask the question why men attach value to order (and it is my contention that almost universally they do, this being as much part of the perspective of a revolutionary as of a conservative), at least part of the answer is that they value the greater predictability of human behaviour that comes as the consequence of conformity to the elementary or primary goals of coexistence. But to define order in social life in terms of scientific law and predictability is to confuse a possible consequence of social order, and reason for treating it as valuable, with the thing itself. Behaviour which is disorderly, in the sense in which the term is used here, may also conform to scientific law, and afford a basis for expectations about the future: the whole theoretical literature of the recurrent features of wars, civil

conflicts and revolutions attests to the possibility of finding conformity to scientific law in social conduct that is disorderly.

International Order

By international order I mean a pattern of activity that sustains the elementary or primary goals of the society of states, or international society. Before spelling out in more detail what is involved in the concept of international order I shall first set the stage by indicating what I mean by states, by a system of states, and by a society of states, or international society.

The starting point of international relations is the existence of *states,* or independent political communities each of which possesses a government and asserts sovereignty in relation to a particular portion of the earth's surface and a particular segment of the human population. On the one hand, states assert, in relation to this territory and population, what may be called internal sovereignty, which means supremacy over all other authorities within that territory and population. On the other hand, they assert what may be called external sovereignty, by which is meant not supremacy but independence of outside authorities. The sovereignty of states, both internal and external, may be said to exist both at a normative level and at a factual level. On the one hand, states assert the right to supremacy over authorities within their territory and population and independence of authorities outside it; but, on the other hand, they also actually exercise, in varying degrees, such supremacy and independence in practice. An independent political community which merely claims a right to sovereignty (or is judged by others to have such a right), but cannot assert this right in practice, is not a state properly so-called.

The independent political communities that are states in this sense include city-states, such as those of ancient Greece or renaissance Italy, as well as modern nation-states. They include states in which government is based on dynastic principles of legitimacy, such as predominated in modern Europe up to the time of the French Revolution, as well as states in which government is based upon popular or national principles of legitimacy, such as have predominated Europe since that time. They include multinational states, such as the European empires of

the nineteenth century, as well as states of a single nationality. They include states whose territory is scattered in parts, such as the oceanic imperial states of Western Europe, as well as states whose territory is a single geographical entity.

There are, however, a great variety of independent political communities that have existed in history and yet are not states in this sense. The Germanic peoples of the Dark Ages, for example, were independent political communities, but while their rulers asserted supremacy over a population, they did not assert it over a distinct territory. The kingdoms and principalities of Western Christendom in the Middle Ages were not states: they did not possess internal sovereignty because they were not supreme over authorities within their territory and population; and at the same time they did not possess external sovereignty since they were not independent of the Pope or, in some cases, the Holy Roman Emperor. In parts of Africa, Australia and Oceania, before the European intrusion, there were independent political communities held together by ties of lineage or kinship, in which there was no such institution as government. Entities such as these fall outside the purview of 'international relations', if by this we mean (as we generally do) not the relations of nations but the relations of states in the strict sense. The relations of these independent political communities might be encompassed in a wider theory of the relations of *powers,* in which the relations of states would figure as a special case, but lie outside the domain of 'international relations' in the strict sense.[3]

A *system of states* (or international system) is formed when two or more states have sufficient contact between them, and have sufficient impact on one another's decisions, to cause them to behave – at least in some measure – as parts of a whole. Two or more states can of course exist without forming an international system in this sense: for example, the independent political communities that existed in the Americas before the voyage of Columbus did not form an international system with those that existed in Europe; the independent political communities that existed in China during the Period of Warring States (circa 481– 221 B.C.) did not form an international system with those that existed in Greece and the Mediterranean at the same time.

But where states are in regular contact with one another, and where in addition there is interaction between them sufficient to

make the behaviour of each a necessary element in the calculations of the other, then we may speak of their forming a system. The interactions among states may be direct — as when two states are neighbours, or competitors for the same object, or partners in the same enterprise. Or their interactions maybe indirect — the consequence of the dealings each of them has with a third party, or merely of the impact each of them makes on the system as a whole. Nepal and Bolivia are neither neighbours, nor competitors, nor partners in a common enterprise (except, perhaps, as members of the United Nations). But they affect each other through the chain of links among states in which both participate. The interactions among states by which an international system is defined may take the form of co-operation, but also of conflict, or even of neutrality or indifference with regard to one another's objectives. The interactions may be present over a whole range of activities — political, strategic, economic, social — as they are today, or only in one or two; it may be enough, as Raymond Aron's definition of an international system implies, that the independent political communities in question 'maintain regular relations with each other' and 'are all capable of being implicated in a generalised war'.[4]

Martin Wight, in classifying different kinds of states system, has distinguished what he calls an 'international states system' from a suzerain-state system'.[5] The former is a system composed of states that are sovereign, in the sense in which the term has been defined here. The latter is a system in which one state asserts and maintains paramountcy or supremacy over the rest. The relations of the Roman Empire to its barbarian neighbours illustrate the concept of a suzerain-state system; so do the relations of Byzantium to its lesser neighbours, of the Abbasid Caliphate to surrounding lesser powers, or of Imperial China to its tributary states. In some of what Martin Wight would call 'international states systems', it has been assumed that at any one time there is bound to be a dominant or hegemonial power: the classical Greek city-state system, for example, and the later system of Hellenistic kingdoms, witnessed a perpetual contest as to which state was to be *hegemon*. What distinguishes a 'suzerain-state system' such as China-and-its-vassals from an 'international states system', in which one or another state at any one time exerts hegemonial power, is that in the former one power exerts a hegemony that is permanent and for practical

purposes unchallengeable, whereas in the latter, hegemony passes from one power to another and is constantly subject to dispute.

In terms of the approach being developed here, only what Wight calls an 'international states system' is a states system at all. Among the independent political entities constituting a 'suzerain-state system' such as China-and-its-vassals, only one state — the suzerain state itself — possesses sovereignty, and therefore one of the basic conditions of the existence of a states system, that there should be two or more sovereign states, is absent.

A second distinction made by Martin Wight is between 'primary states systems' and 'secondary states systems'.[6] The former are composed of states, but the latter are composed of systems of states — often of suzerain-state systems. He gives as examples of a 'secondary states system' the relationship between Eastern Christendom, Western Christendom and the Abbasid Caliphate in the Middle Ages and the relationship of Egypt, the Hittites and Babylon in the Armana Age. This is a distinction which may prove a helpful one if a general historical analysis of the political structure of the world as a whole — today almost completely uncharted territory — is ever attempted. The distinction does not help us very much if, as here, we confine our attention to what are strictly systems of states. If the systems of which 'secondary states systems' are composed, each contains a multiplicity of states, then if there is contact and interaction sufficient between these states and other states, the states as a whole form a 'primary states system'. If, on the other hand, the systems concerned do *not* contain states — as Western Christendom did not, for example — then the interactions between such systems are of interest to a theory of world politics, but are not systems of states at all. In terms of our present approach we need take account only of 'primary states systems'.

The term 'international system' has been a fashionable one among recent students of international relations, principally as a consequence of the writings of Morton A. Kaplan.[7] Kaplan's use of the term is not unlike that employed here, but what distinguishes Kaplan's work is the attempt to use the concept of a system to explain and predict international behaviour, especially by treating international systems as a particular kind of 'system of action'.[8] Here nothing of this sort is intended, and the term is employed simply to identify a particular kind of international constellation.

It should be recognised, however, that the term 'system of states' had a long history, and embodied some rather different meanings, before it came to have its present one. It appears to have begun with Pufendorf, whose tract *De systematibus civitatum* was published in 1675.[9] Pufendorf, however, was referring not to the European states system as a whole, but to particular groups of states within that system, which were sovereign yet at the same time connected so as to form one body – like the German states after the peace of Westphalia. While the term 'system' was applied to European states as a whole by eighteenth-century writers such as Rousseau and Nettelbladt, it was writers of the Napoleonic period, such as Gentz, Ancillon and Heeren, who were chiefly responsible for giving the term currency. At a time when the growth of French power threatened to destroy the states system and transform it into a universal empire, these writers sought to draw attention to the existence of the system, and also to show why it was worth preserving; they were not merely the analysts of the states system, but were also its apologists or protagonists. Of their works, the most important was A. H. L. Heeren's *Handbuch der Geschichte des Europaischen Staatensystems und seiner Kolonien,* first published in 1809. The term 'states system' first appeared in English in the translation of this work that was published in 1834, the translator noting that it was 'not strictly English'.[10]

For Heeren the states system was not simply a constellation of states having a certain degree of contact and interaction, as it is defined here. It involved much more than simply the causal connection of certain sets of variables to each other, which Kaplan takes to define a 'system of action'.[11] A states system for Heeren was 'the union of several contiguous states, resembling each other in their manners, religion and degree of social improvement, and cemented together by a reciprocity of interests'.[12] He saw a states system, in other words, as involving common interests and common values and as resting upon a common culture or civilisation. Moreover, Heeren had a sense of the fragility of the states system, the freedom of its members to act so as to maintain the system or allow it to be destroyed, as the Greek city-state system had been destroyed by Macedon, and as later the system of Hellenistic states that succeeded Alexander's empire had in turn been destroyed by Rome. Indeed, Heeren in the 'Preface' to his first and second editions thought that Napoleon had in fact destroyed

the European states system, and that he was writing its epitaph. Such a conception of the states system differs basically from what is called an international system in the present study, and is closer to what I call here an international society.

A *society of states* (or international society) exists when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions. If states today form an international society (to what extent they do is the subject of the next chapter), this is because, recognising certain common interests and perhaps some common values, they regard themselves as bound by certain rules in their dealings with one another, such as that they should respect one another's claims to independence, that they should honour agreements into which they enter, and that they should be subject to certain limitations in exercising force against one another. At the same time they co-operate in the working of institutions such as the forms of procedures of international law, the machinery of diplomacy and general international organisation, and the customs and conventions of war.

An international society in this sense presupposes an international system, but an international system may exist that is not an international society. Two or more states, in other words, may be in contact with each other and interact in such a way as to be necessary factors in each other's calculations without their being conscious of common interests or values, conceiving themselves to be bound by a common set of rules, or co-operating in the working of common institutions. Turkey, China, Japan, Korea and Siam, for example, were part of the European-dominated international system before they were part of the European-dominated international society. That is to say, they were in contact with European powers, and interacted significantly with them in war and commerce, before they and the European powers came to recognise common interests or values, to regard each other as subject to the same set of rules and as co-operating in the working of common institutions. Turkey formed part of the European-dominated international system from the time of its emergence in the sixteenth century, taking part in wars and alliances as a member of the system. Yet in the first three centuries of this relationship it was

specifically denied on both sides that the European powers and Turkey possessed any common interests or values; it was held on both sides that agreements entered into with each other were not binding, and there were no common institutions, such as united the European powers, in whose working they co-operated. Turkey was not accepted by the European states as a member of international society until the Treaty of Paris of 1856, terminating the Crimean War, and perhaps did not achieve full equality of rights within international society until the Treaty of Lausanne in 1923.

In the same way Persia and Carthage formed part of a single international system with the classical Greek city-states, but were not part of the Greek international society. That is to say, Persia (and to a lesser extent Carthage) interacted with the Greek city-states, and was always an essential factor in the strategic equation, either as an outside threat against which the Greek city-states were ready to combine, or as a power able to intervene in the conflicts among them. But Persia was perceived by the Greeks as a barbarian power; it did not share the common values of the Greeks, expressed in the Greek language, the pan-Hellenic games or consultation of the Delphic oracle; it was not subject to the rules which required Greek city-states to limit their conflicts with one another; and it was not a participant in the *amphictyonae* in which institutional co-operation among the Greek states took place, or in the diplomatic institution of *proxenoi*.

When, as in the case of encounters between European and non-European states from the sixteenth century until the late nineteenth century, states are participants in a single international system, but not members of a single international society, there may be communication, exchanges of envoys or messengers and agreements – not only about trade but also about war, peace and alliances. But these forms of interaction do not in themselves demonstrate that there is an international society. Communication may take place, envoys may be exchanged and agreements entered into without there being a sense of common interests or values that gives such exchange substance and a prospect of permanence, without any sense that there are rules which lay down how the interaction should proceed, and without the attempt of the parties concerned to co-operate in institutions in whose survival they have a stake. When Cortes and Pizarro parleyed with the Aztec and Inca kings, when George III sent Lord Macartney to Peking, or when

Queen Victoria's representatives entered into agreements with the Maori chieftains, the Sultan of Sokoto or the Kabaka of Buganda, this was outside the framework of any shared conception of an international society of which the parties on both sides were members with like rights and duties.

Whether or not these distinguishing features of an international society are present in an international system, it is not always easy to determine: as between an international system that is clearly also an international society, and a system that is clearly not a society, there lie cases where a sense of common interests is tentative and inchoate; where the common rules perceived are vague and ill-formed, and there is doubt as to whether they are worthy of the name of rules; or where common institutions – relating to diplomatic machinery or to limitations in war – are implicit or embryonic. If we ask of modern international society the questions 'when did it begin?' or 'what were its geographical limits?' we are at once involved in difficult problems of the tracing of boundaries.

But certain international systems have quite clearly been international societies also. The chief examples are the classical Greek city-state system; the international system formed by the Hellenistic kingdoms in the period between the disintegration of Alexander's empire and the Roman conquest; the international system of China during the Period of Warring States; the states system of ancient India; and the modern states system, which arose in Europe and is now world-wide.

A common feature of these historical international societies is that they were all founded upon a common culture or civilisation, or at least on some of the elements of such a civilisation: a common language, a common epistemology and understanding of the universe, a common religion, a common ethical code, a common aesthetic or artistic tradition. It is reasonable to suppose that where such elements of a common civilisation underlie an international society, they facilitate its working in two ways. On the one hand, they may make for easier communication and closer awareness and understanding between one state and another, and thus facilitate the definition of common rules and the evolution of common institutions. On the other hand, they may reinforce the sense of common interests that impels states to accept common rules and institutions with a sense of common values. This is a question to which we shall return when, later in this study, we consider the

contention that the global international society of the twentieth century, unlike the Christian international society of the sixteenth and seventeenth centuries, or the European international society of the eighteenth and nineteenth centuries, is without any such common culture or civilisation (see Chapter 13).

Having elaborated our conception of states, of a system of states, and of a society of states, we may return to the proposition with which this section began: that by international order is meant a pattern or disposition of international activity that sustains those goals of the society of states that are elementary, primary or universal. What goals, then, are these?

First, there is the goal of preservation of the system and society of states itself. Whatever the divisions among them, modern states have been united in the belief that they are the principal actors in world politics and the chief bearers of rights and duties within it. The society of states has sought to ensure that it will remain the prevailing form of universal political organisation, in fact and in right. Challenges to the continued existence of the society of states have sometimes come from a particular dominant state – the Habsburg Empire, the France of Louis XIV, the France of Napoleon, Hitler's Germany, perhaps post-1945 America – which seemed capable of overthrowing the system and society of states and transforming it into a universal empire. Challenges have also been delivered by actors other than states which threaten to deprive states of their position as the principal actors in world politics, or the principal bearers of rights and duties within it. 'Supra-state' actors such as, in the sixteenth and seventeenth centuries, the Papacy and the Holy Roman Emperor, or, in the twentieth century, the United Nations (one thinks especially of its role as a violent actor in the 1960–1 Congo crisis) present such a threat. 'Sub-state' actors which operate in world politics from within a particular state, or 'trans-state' actors which are groups cutting across the boundaries of states, may also challenge the privileged position of states in world politics, or their right to enjoy it; in the history of modern international society the revolutionary and counter-revolutionary manifestations of human solidarity engendered by the Reformation, the French Revolution and the Russian Revolution are principal examples.

Second, there is the goal of maintaining the independence or external sovereignty of individual states. From the perspective of

any particular state what it chiefly hopes to gain from participation in the society of states is recognition of its independence of outside authority, and in particular of its supreme jurisdiction over its subjects and territory. The chief price it has to pay for this is recognition of like rights to independence and sovereignty on the part of other states.

International society has in fact treated preservation of the independence of particular states as a goal that is subordinate to preservation of the society of states itself; this reflects the predominant role played in shaping international society by the great powers, which view themselves as its custodians (see Chapter 9). Thus international society has often allowed the independence of individual states to be extinguished, as in the great process of partition and absorption of small powers by greater ones, in the name of principles such as 'compensation' and the 'balance of power' that produced a steady decline in the number of states in Europe from the Peace of Westphalia in 1648 until the Congress of Vienna in 1815. In the same way, international society, at least in the perspective of the great powers which see themselves as its guardians, treats the independence of particular states as subordinate to the preservation of the system as a whole when it tolerates or encourages limitation of the sovereignty or independence of small states through such devices as spheres-of-influence agreements, or agreements to create buffer or neutralised states.

Third, there is the goal of peace. By this is meant not the goal of establishing universal and permanent peace, such as has been the dream of irenists or theorists of peace, and stands in contrast to actual historical experience: this is not a goal which the society of states can be said to have pursued in any serious way. Rather what is meant is the maintenance of peace in the sense of the absence of war among member states of international society as the normal condition of their relationship, to be breached only in special circumstances and according to principles that are generally accepted.

Peace in this sense has been viewed by international society as a goal subordinate to that of the preservation of the states system itself, for which it has been widely held that it can be right to wage war; and as subordinate also to preservation of the sovereignty or independence of individual states, which have insisted on the right to wage war in self-defence, and to protect other rights also. The

subordinate status of peace in relation to these other goals is reflected in the phrase 'peace and security', which occurs in the United Nations Charter. Security in international politics means no more than safety: either objective safety, safety which actually exists, or subjective safety, that which is felt or experienced. What states seek to make secure or safe is not merely peace, but their independence and the continued existence of the society of states itself which that independence requires; and for these objectives, as we have noted, they are ready to resort to war and the threat of war. The coupling of the two terms together in the Charter reflects the judgement that the requirements of security may conflict with those of peace, and that in this event the latter will not necessarily take priority.

Fourth, it should be noted that among the elementary or primary goals of the society of states are those which, at the beginning of this chapter, were said to be the common goals of all social life: limitation of violence resulting in death or bodily harm, the keeping of promises and the stabilisation of possession by rules of property.

The goal of limitation of violence is represented in international society in a number of ways. States co-operate in international society so as to maintain their monopoly of violence, and deny the right to employ it to other groups. States also accept limitations on their own right to use violence; at a minimum they accept that they shall not kill one another's envoys or messengers, since this would make communication impossible. Beyond this, they accept that war should be waged only for a 'just' cause, or a cause the justice of which can be argued in terms of common rules. They have also constantly proclaimed adherence to rules requiring that wars be fought within certain limits, the *temperamenta belli*.

The goal of the keeping of promises is represented in the principle *pacta sunt servanda*. Among states as among individuals, co-operation can take place only on the basis of agreements, and agreements can fulfil their function in social life only on the basis of a presumption that once entered into they will be upheld. International society adjusts itself to the pressures for change that make for the breaking of treaties, and at the same time salvages the principle itself, through the doctrine of *rebus sic stantibus*.

The goal of stability of possession is reflected in international society not only by the recognition by states of one another's property, but more fundamentally in the compact of mutual

recognition of sovereignty, in which states accept one another's spheres of jurisdiction: indeed, the idea of the sovereignty of the state derived historically from the idea that certain territories and peoples were the property or patrimony of the ruler.

The above are among the elementary or primary goals of modern international society, and of other international societies. It is not suggested here that this list is exhaustive, nor that it could not be formulated in some other way. Nor is it any part of my thesis that these goals should be accepted as a valid basis for action, as legislating right conduct in international relations. It should also be said that at this stage in the argument we are concerned only with what may be called the 'statics' of international order and not with its 'dynamics'; we are concerned only to spell out what is involved in the idea of international order, not to trace how it is embodied in historical institutions subject to change.

World Order

By world order I mean those patterns or dispositions of human activity that sustain the elementary or primary goals of social life among mankind as a whole. International order is order among states; but states are simply groupings of men, and men may be grouped in such a way that they do not form states at all. Moreover, where they are grouped into states, they are grouped in other ways also. Underlying the questions we raise about order among states there are deeper questions, of more enduring importance, about order in the great society of all mankind.

Throughout human history before the nineteenth century there was no single political system that spanned the world as a whole. The great society of all mankind, to which allusions were made by exponents of canon law or natural law, was a notional society that existed in the sight of God or in the light of the principles of natural law: no actual political system corresponded to it. Before the latter half of the nineteenth century world order was simply the sum of the various political systems that brought order to particular parts of the world.

However, since the late nineteenth century and early twentieth century there has arisen for the first time a single political system that is genuinely global. Order on a global scale has ceased to be

simply the sum of the various political systems that produce order on a local scale; it is also the product of what may be called a world political system. Order in the world – say, in 1900 – was still the sum of the order provided within European and American states and their overseas dependencies, within the Ottoman empire, the Chinese and Japanese empires, within the Khanates and Sultanates that preserved an independent existence from the Sahara to Central Asia, within primitive African and Oceanic political systems not yet destroyed by the European impact – but it was also the consequence of a political system, linking them all, that operated all over the world.

The first global political system has taken the form of a global system of states. What is chiefly responsible for the emergence of a degree of interaction among political systems in all the continents of the world, sufficient to make it possible for us to speak of a world political system, has been the expansion of the European states system all over the globe, and its transformation into a states system of global dimension. In the first phase of this process the European states expanded and incorporated or dominated the rest of the world, beginning with the Portuguese voyages of discovery in the fifteenth century and ending with the partition of Africa in the nineteenth. In the second phase, overlapping with the first in point of time, the areas of the world thus incorporated or dominated broke loose from European control, and took their places as member states of international society, beginning with the American Revolution and ending with the African and Asian anti-colonial revolution of our own times. It is true that the intermeshing of the various parts of the world was not simply the work of states; private individuals and groups played their part as explorers, traders, migrants, missionaries and mercenaries, and the expansion of the states system was part of a wider spread of social and economic exchange. However, the political structure to which these developments gave rise was one simply of a global system and society of states.

But while the world political system that exists at present takes the form of a system of states, or takes principally this form (we shall contend later that a world political system is emerging of which the system of states is only part), world order could in principle be achieved by other forms of universal political organisation, and a standing question is whether world order

might not better be served by such other forms. Other forms of universal political organisation have existed in the past on a less than global scale; in the broad sweep of human history, indeed, the form of the states system has been the exception rather than the rule. Moreover, it is reasonable to assume that new forms of universal political organisation may be created in the future that do not resemble those that have existed in the past. In Part 3 of this study we shall consider the questions whether the present states system is giving place to some other form of universal political organisation, and whether world order would be best served if it did give place to some such other form.

Here we need only stress that in this study world order entails something different from international order. Order among mankind as a whole is something wider than order among states; something more fundamental and primordial than it; and also, I should argue, something morally prior to it.

World order is wider than international order because to give an account of it we have to deal not only with order among states but also with order on a domestic or municipal scale, provided within particular states, and with order within the wider world political system of which the states system is only part.

World order is more fundamental and primordial than international order because the ultimate units of the great society of all mankind are not states (or nations, tribes, empires, classes or parties) but individual human beings, which are permanent and indestructible in a sense in which groupings of them of this or that sort are not. This is the moment for international relations, but the question of world order arises whatever the political or social structure of the globe.

World order, finally, is morally prior to international order. To take this view is to broach the question of the value of world order and its place in the hierarchy of human values, which I have so far avoided, but which I discuss in Chapter 4. It is necessary to state at this point, however, that if any value attaches to order in world politics, it is order among all mankind which we must treat as being of primary value, not order within the society of states. If international order does have value, this can only be because it is instrumental to the goal of order in human society as a whole.

2

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 co-operative 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 co-operation 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

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, Commynes, 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 *cuijus regio, eijus 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

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 Soveraigne 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 arc 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 responsibles' 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

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.

3

How is Order Maintained in World Politics?

We have now explained what is meant by order in world politics, and shown that in some measure it exists in the modern system of states. The question to which we shall now turn is: how is it maintained?

The Maintenance of Order in Social Life

In all societies, it has been argued, order is a pattern of behaviour that sustains the elementary or primary goals of social life. Order in this sense is maintained by a sense of common interests in those elementary or primary goals; by rules which prescribe the pattern of behaviour that sustains them; and by institutions which make these rules effective.

The maintenance of order in any society presupposes that among its members, or at least among those of its members who are politically active, there should be a sense of *common interests* in the elementary goals of social life. Thus the facts of human vulnerability to violence and proneness to resort to it lead men to the sense of common interests in restricting violence. The fact of human interdependence for material needs leads them to perceive a common interest in ensuring respect for agreements. The facts of limited abundance and limited human altruism lead them to recognise common interests in stabilising possession. This sense of common interests may be the consequence of fear. It may derive from a rational calculation that the limitations necessary to sustain elementary goals of social life must be reciprocal. Or in some cases it may express the ability of the individuals or groups concerned to

identify with each other to the extent of treating each other's interests as ends in themselves and not merely as means to an end; that is to say, it may express a sense of common values rather than common interests.

This sense of common interests in achieving the elementary goals of social life may be vague and inchoate, and does not in itself provide any precise guidance as to what behaviour is consistent with these goals, and what behaviour is not. The contribution of *rules* is to provide this kind of guidance. Rules are general imperative principles which require or authorise prescribed classes of persons or groups to behave in prescribed ways. Order in any society is maintained not merely by a sense of common interests in creating order or avoiding disorder, but by rules which spell out the kind of behaviour that is orderly. Thus the goal of security against violence is upheld by rules restricting the use of violence; the goal of the stability of agreements by the rule that they should be kept; and the goal of stability of possession by the rule that rights of property, public or private, should be respected. These rules may have the status of law, of morality, of custom or etiquette, or simply of operating procedures or 'rules of the game'.

Order might in principle be provided in social life without the help of rules. It is conceivable, for example, that orderly patterns of behaviour might be inculcated by means of conditioning, in such a way that men would act consistently with elementary social objectives simply by virtue of a reflex action. In this case rules, directed as they are towards guiding men's choices among alternative courses of action, would not be necessary. It is conceivable, also, that in very small societies, such as families or clans, rules might be dispensed with by an authority which relied solely upon the enforcement of singular commands requiring or authorising particular persons to do particular things, and avoiding resort to any general imperative principle. For these reasons we need to distinguish conceptually between order in social life and the rules which help to create and maintain it. As noted above, to define order in social life in terms of obedience to rules prescribing behaviour that is consistent with elementary social goals would be to mistake an apparently universal cause of order with the thing itself (see Chapter 1).

We need also to take account of the Marxist view that rules serve as the instruments, not of the common interests of members of a

society, but rather of the special interests of its ruling or dominant members. This is an important insight into the social function of all rules, and is especially valid in relation to the function of rules of law. It is of course the case that all actual systems of social rules are imbued with the special interests and values of those who make them. Since the influence exerted by members of a society in the process of making the rules is likely always to be unequal, any historical system of rules will be found to serve the interests of the ruling or dominant elements of the society more adequately than it serves the interests of the others.

While it is important to take account of this insight in studying the role of rules, in international society as in other societies, it does not invalidate the present analysis. The special interests of the dominant elements in a society are reflected in the way in which the rules are defined. Thus the particular kinds of limitations that are imposed on resort to violence, the kind of agreements whose binding character is upheld, or the kinds of rights of property that are enforced, will bear the stamp of those dominant elements. But that there should be limits of some kind on resort to violence, an expectation in general that agreements will be carried out, and rules of property of some kind, is not a special interest of some members of a society but a general interest of all of them. The objective of those elements in any society which seek to change the existing order is not to have a society in which there are no restrictions on violence, no rules requiring agreements to be kept, and no rights of property, but rather to change the terms of these rules in such a way that they cease to serve the special interests of the presently dominant elements.

But rules by themselves are mere intellectual constructs. They play a part in social life only to the extent that they are effective. The effectiveness of a rule does not consist in its being carried out by all those persons or groups to which it applies in every instance; on the contrary, any effective rule of conduct is normally violated from time to time, and if there were no possibility that actual behaviour would differ from prescribed behaviour, there would be no point in having the rule. But a rule, to be effective in society, must be obeyed to some degree, and must be reckoned as a factor in the calculations of those to whom it applies, even those who elect to violate it.

Where rules are not mere intellectual constructs but are socially effective in this sense, this is in part at least because there are

institutions which carry out the following functions. The functions listed below may not be exhaustive, and not all of them may be essential for the effectiveness of a rule in any given case. But something like the following must obtain.

(i) The rules must be *made*, that is to say they must be formulated and promulgated as rules for this society.

(ii) The rules must be *communicated* - they must be stated or advertised in such a way that their content is known to those to whom they apply.

(iii) The rules must be *administered* in cases where acts, ancillary to what is prescribed in the rules themselves, must be carried out if the rules are to be observed. The rules prohibiting or restricting violence in the modern state, for example, may require for their efficacy that steps be taken to establish and maintain police forces, prisons, courts, a department of justice, and so on.

(iv) The rules must be *interpreted* – questions arising about the meaning of a rule, the relationship between rules in cases of conflict, and the existence or non-existence of breaches of a rule, have to be settled if rules are to provide guidance for actual behaviour.

(v) The rules need to be, in the broadest possible sense, *enforced* - if rules are to be effective, there needs to be some penalty attached to non-compliance, whether this penalty takes the form of coercion or some other kind of sanction, or merely that of reciprocal non-compliance by other persons or groups bound by the rule.

(vi) The rules need to be *legitimised* in the eyes of the persons or groups to which they apply. Rules are legitimised to the extent that members of the society accept them as valid, or embrace the values implied or presupposed by the rules. To the extent that the rules are legitimised they do not depend for their effectiveness on sanctions or enforcement.

(vii) The rules must be capable of adaptation to changing needs and circumstances – there must be ways of rescinding or modifying old rules and replacing them with new ones.

(viii) The rules must be *'protected'* against developments in the society likely to undermine the effective operation of the rules. In any society the maintenance of effective rules will depend on conditions, not guaranteed by the rules themselves, but for which the system of rules would be bound to break down.[1]

Order in the Modern State

Within the modern state an institution, or set of connected institutions, is available to help make elementary social rules effective: government. A government is distinguished from other institutions within the modern state by its ability to call on physical force. On the one hand, it possesses actual force at its disposal that is overwhelming in relation to that which is commanded by any other group. On the other hand, it possesses a near monopoly of the legitimate use of force: apart from certain residual rights of self-defence that are accorded to the individual, only the government is able to employ force while being regarded by members of the society at large as within its rights in doing so. It is just as important to a government that its use of force should be legitimate as that it should be overwhelming. These two aspects of a government's coercive power are connected inasmuch as the collapse of a government's legitimacy may make possible a combination of force against it such that its force is no longer overwhelming. Insurgent groups show that they understand this interconnection when they devote as much attention to undermining the government's right, in the eyes of the population, to use force, as to combating that force with force of their own.

The government helps to make elementary social rules effective within the modern state by carrying out all the functions that were outlined in the last section. It is not only by the government that these functions are carried out; individuals and groups other than the state also undertake them. But the role of the government in promoting the effectiveness of elementary social rules is a central one.

(i) The government makes rules – not always in the sense that it invents them or first states them – but in the sense that it fixes upon them society's *imprimatur* or stamp of approval. In the modern state this process of rule-making results in a special set of rules which we refer to as 'the law'. While the making of rules in the modern state is formally the function of the legislature, it is familiar that the rule-making or legislative function is carried out not only by legislatures but by administrative bodies, whose formal function is the translation of law into orders, and judicial bodies, whose formal function is the interpretation of laws rather than the making of them.

(ii) The government helps to communicate the rules to those who are bound by them. The publication of statutes and court records, the actual enforcement of the rules by the prosecution of offenders, the work of the police in apprehending, deterring or punishing offenders, all contribute to the spreading of an awareness of what rules are treated by society as rules of law.

(iii) The government also administers or gives effect to the rules, translating them from general principles into requirements that particular persons do or refrain from doing particular things. This is formally the function of the executive branch, but a specialised branch is not necessarily presupposed by this function, which is in fact normally carried out by other arms of the government as well.

(iv) The government is able to interpret the rules – to resolve uncertainties about the validity of rules, their meaning or their relationship to one another – principally through its judicial arm.

(v) The government is also able to enforce the law through the use, and the threat of the use, of the police and armed forces and through the sanctions imposed by the courts. Particular legal rules may not be backed up by explicit sanctions, but the legal system as a whole is underpinned by the government's coercive power.

(vi) The government can contribute to the legitimisation of the rules, the acceptance of them as valuable in themselves, by the influence it has over education and public information, the powers of persuasion of its own leaders, and its ability to project itself as the symbolic embodiment of the values of the society and to mould the political culture in a manner favourable to acceptance of the rules as legitimate.

(vii) The government may also adapt the rules to changing circumstances and demands by having its legislature repeal or amend old laws and enact new ones, and by having its administrators execute the law and its judges interpret it in such a way as to change its content.

(viii) The government carries out the function of 'protection' of the rules through the political actions it takes to set the social scene in such a way that the rules will continue to operate. The invocation of armed forces to crush a rising or expel a foreign invader exemplifies this 'protection'. So do measures taken by the government to appease political dissatisfaction, to remove social or economic grievances, to suppress irreconcilable agitators or to heal social cleavages or bridge antagonisms that threaten to bring about the breakdown of society.

What these miscellaneous political acts have in common is that they are all directed towards the preservation of order, not by directly upholding or implementing the rules, but by shaping, moulding or managing the social environment in which the rules operate in such a way that they have the opportunity of continuing to do so. They belong to a sphere of action which the rules themselves may not regulate and may even impede, but which their operation nevertheless presupposes.

Order in Primitive Stateless Societies

Order within the modern state is the consequence, among other things, of government; order among states cannot be, for international society is an anarchical society, a society without government. But primitive stateless societies also present this spectacle of 'ordered anarchy', and it is worth considering the resemblances and differences between the ways in which order is created and maintained in the one case and in the other.

Apart from the attention given by political theorists to notional stateless societies, and the largely speculative accounts of them given by historians such as Maine and Maitland, primitive stateless societies were not subject to empirical observation and systematic analysis until they attracted the attention of twentieth-century anthropologists.[2] Primitive societies that have been identified as stateless by the latter include the Nuer, the Western Dinka and the Mandari of southern Sudan, the Tallensi of Northern Nigeria, the Bwamba of Uganda, the Lugbara of Uganda and Congo and the Konkomba of Togoland. All of these societies are without a government in the sense defined above and are, in addition, without central political institutions – legislative, executive or judicial – of any kind. Indeed, it is said of some of them that they contain no specialised political roles at all; while there are persons or bodies within them, such as heads of a family or lineage group or a village, that fulfil political roles, these roles are not formally distinguished from the other roles they have. The distinctions which outside observers draw between the political, the local, the kinship or the ritualistic roles of these persons or groups may have no meaning in the culture of the societies themselves.

At the same time these societies clearly exhibit order in the sense that conduct within them conforms to elementary goals of social coexistence. In the shaping of this conduct rules play a vital part, and their effectiveness depends on the carrying out of the order-maintaining functions of making these rules, communicating, administering, interpreting, enforcing, legitimising, adapting and 'protecting' them. In the absence of any central authority, however, these functions are carried out solely by groups – such as lineage groups and locality groups – into which these stateless societies are divided.

Rules do not emanate from any central rule-making authority but arise out of the practice of lineage or locality groups in their relations with one another, become embodied in 'custom' and are confirmed by moral and religious belief. Custom or established practice is of course also a familiar source of rules in centralised political systems; in primitive stateless societies it is the only source of rules.

Conformity to these rules is brought about by conditioning and inertia, by 'moral' sanctions such as public ridicule and reprobation, and by ritual or supernatural sanctions, such as cursing by the elders of a tribe. In societies that are culturally homogeneous, especially if they are small societies, sanctions such as these will often be sufficient in themselves.

Where such sanctions are insufficient to deter or punish violations of rules, there may be a resort to 'self-help' on the part of groups within the society which take upon their own shoulders the responsibility of determining that there has been a breach of the rules, and of attempting to enforce them. The killing of a member of a lineage or locality group, for example, may lead that group to undertake a retaliatory killing of the guilty party or another member of his group. In circumstances in which the bonds between the groups are very strong, the legitimacy of the retaliation may be accepted on both sides and the matter brought to an end. But in others the legitimacy of the act may be disputed, and a sustained conflict, based on both sides on the exercise of subjectively legitimate self-help, may develop.

Since both groups will be interpreting the rules, and the facts of the case, on their own behalf (or on behalf of one of their members) their judgement is likely to be imperfect. Since, moreover, their ability actually to enforce the rules will depend on the amount of force at their command and their will to use it, the enforcement of the rules is

bound to be uncertain. Yet the recourse to self-help does not represent disregard of the rules and the descent of the groups concerned into a Hobbesian state of nature; it represents the operation of a system in which these groups are assuming the functions of interpreting, applying and enforcing the rules. Moreover, in doing so they are confined by rules limiting the activity of self-help itself.

Resort to force by these groups in response to what they judge to be a violation of the rules is accepted throughout these societies as legitimate. There is not a general right to self-help, available to any individual or group within the society; only those groups that are entitled to resort to violence may do so. The force which they employ, if it is legitimate, may only be used in response to a violation of rights. The nature of the force employed, moreover, is limited, for example by the principle that retaliation must be proportionate to the offence.

Acts of self-help in primitive stateless societies, in addition to providing rules with a coercive sanction, also serve two further functions, to which Roger Masters has drawn attention: they 'serve to unite social groups and to maintain legal and moral criteria of right and wrong'.[3] Not only do they help, by galvanising a group in support of violent action against an outside group, to maintain its cohesion, they are also, in addition to being an attempt to enforce a rule against this particular violation, a means of restating the rule itself, of underlining its continued validity and enduring importance.

Primitive anarchical societies clearly have important resemblances to international society in respect of the maintenance of order. In both cases some element of order is maintained despite the absence of a central authority commanding overwhelming force and a monopoly of the legitimate use of it. In both cases, also, this is achieved through the assumption by particular groups – lineage and locality groups in primitive stateless societies, sovereign states in international society – of the functions which, in a modern state, the government (but not the government exclusively) carries out in making rules effective. In primitive anarchical society, as in international society, order depends upon a fundamental or constitutional principle, stated or implied, which singles out certain groups as the sole bodies competent to discharge these political functions. In both societies the politically competent groups may legitimately use force in defence of their rights, while individuals and groups other than these must look to the privileged, politically

competent groups for protection, rather than resort to force themselves.

In primitive anarchical societies, as in international society, the relations between these politically competent groups are themselves circumscribed by a structure of acknowledged normative principles, even at times of violent struggle. But in both there is a tendency, during these periods of struggle, for the structure of rules to break down, and the society to fall apart to such an extent that the warring tribes or states are better described as a number of contending societies than as a single society. Finally, in both primitive anarchical society and modern international society there are factors operating, outside the structure of rules itself, inducing the politically competent groups to conform to them. These include the factors of mutual deterrence or fear of unlimited conflict, the force of habit or inertia, the long-term interests they have (consciously rationalised in the modern world, and intuitively felt in primitive society) in preserving a system of collaboration, whatever their short-term interest in destroying it.

However, the differences between international society and primitive stateless societies are also remarkable. In the first place there are crucial differences between the units that are politically competent in the two sorts of society. The state in international society is sovereign in that it has supreme jurisdiction over its citizens and its territory. The lineage or locality groups which exercise political powers in primitive society, by contrast, do not have any such exclusive rights in relation to the persons that make them up, and usually have a less clearly defined relationship to territory.

A given lineage group does not necessarily exercise exclusive authority over the persons of which it is composed. In some stateless societies lineage groups are divided into segments, and within them there is a constant process of segmentation and merging. Segments of a lineage which are units at one level merge into larger segments at others. Whereas at one level these units may be in competition, at higher levels they are united as subordinate parts of a larger segment. These shifting combinations and divisions illustrate what has been called 'the principle of complementary opposition' in primitive stateless societies. Politically competent units in primitive anarchical societies are so related that while any two of them are in conflict for certain purposes they are combined for certain other purposes. Thus, on the one hand, each unit

engages in conflict sufficient to generate a sense of identity and maintain its internal cohesion, but on the other hand there is no relationship of conflict between units that is not overlaid with some element of co-operation also.

Nor do politically competent units in primitive anarchical societies possess exclusive jurisdiction over precisely defined territories. The view of Sir Henry Maine that in primitive societies political solidarity arose only out of ties of blood and never out of common possession of a tract of territory has been rejected by modern anthropologists, who contend that primitive societies are based on both blood and territory.[4] But the lineage groups that carry out order-maintaining functions in the stateless societies that have been considered do not have exclusive rights to tracts of territory defined by precise, accepted boundaries.

Because the politically competent groups in primitive stateless societies are not sovereign over persons and territory, but are related less exclusively than is the modern state to the persons that belong to them and to areas of land, they appear to have a less self-sufficient existence and to be less introverted or self-regarding than are the members of the society of states.

A second point of contrast is that whereas modern international society, especially at the present time, is culturally heterogeneous, primitive stateless societies are marked by a high degree of cultural homogeneity. By a society's culture we mean its basic system of values, the premises from which its thought and action derive. All primitive societies appear to depend upon a common culture; stateless societies appear to depend upon it to a special degree. Fortes and Evans-Pritchard came to the tentative conclusion, on the basis of the African systems they studied, that a high degree of common culture was a necessary condition of anarchical structures, while only a central authority could weld together peoples of heterogeneous culture.[5] But the society of sovereign states – or, as it has sometimes been called, the inclusive society, today a political fabric that embraces the whole of mankind – *is par excellence* a society that is culturally heterogeneous.

A third point of contrast is that primitive stateless societies rest not simply on a culture that is homogeneous but also on one that includes the element of magical or religious belief. 'The social system', Fortes and Evans-Pritchard wrote, 'is, as it were, removed to a mystical plane, where it figures as a system of sacred values

beyond criticism or revision . . . hence the wars or feuds between segments of a society like the Nuer or the Tallensi are kept within bounds by mystical sanctions.'[6] International society, by contrast, is part of the modern world, the secular world that emerged from the collapse of ecclesiastical and religious authority. The various substitutes that have been brought forward in the last three centuries in the attempt to validate or authenticate the rules of international society – the natural law, the customary practice of states, the interests or 'needs' of states, the law common to 'civilised states' – are all inferior to religious authority in terms of their power to produce social cohesion because they are all subject to question and debate. The moral bases of international society may be less brittle than those of primitive societies, not subject to the shattering impact that was made by Christian and Islamic civilisations on sub-Saharan African and Oceanic systems, more able to absorb new intellectual challenges and preserve some measure of continuity. But they do not approach a magical or religious system of values in terms of their social impact.

Finally, there are gross differences in size between international society and primitive stateless societies. The Nuer, the largest-scale society studied by Fortes and Evans-Pritchard, numbered 300,000 in an area of 26,000 square miles. The society of states embraces all mankind and all the earth.

Together, what is shown by these points of contrast is that the forces making for social cohesion and solidarity are very much stronger in primitive anarchical societies than in international society. The less exclusive and self-regarding nature of the political units of which primitive stateless societies are composed, their cultural homogeneity, the underpinning of their rules by magical and religious belief, and their small and intimate nature, all indicate that though government is lacking in these systems, an impressive degree of social solidarity is not. The maintenance of order in international society has to take place not only in the absence of government but also in the absence of social solidarity of this sort.

Order in International Society

The maintenance of order in world politics depends, in the first instance, on certain contingent facts which would make for order

even if states were without any conception of common interests, common rules or common institutions – even if, in other words, they formed an international system only, and not also an international society. A balance of power, for example, may arise in an international system quite fortuitously, in the absence of any belief that it serves common interests, or any attempt to regulate or institutionalise it. If it does arise, it may help to limit violence, to render undertakings credible or to safeguard governments from challenges to their local supremacy. Within international society, however, as in other societies, order is the consequence not merely of contingent facts such as this, but of a sense of common interests in the elementary goals of social life; rules prescribing behaviour that sustains these goals; and institutions that help to make these rules effective.

Common Interests

To say that *x* is in someone's interest is merely to say that it serves as a means to some end that he is pursuing. Whether or not *x* does serve as a means to any particular end is a matter of objective fact. But whether or not *x* is in his interest will depend not only on this but also on what ends he is actually pursuing. It follows from this that the conception of interest is an empty or vacuous guide, both as to what a person does do and as to what he should do. To provide such a guide we need to know what ends he does or should pursue, and the conception of interest in itself tells us nothing about either.

Thus the criterion of 'national interest', or 'interest of state', in itself provides us with no specific guidance ether in interpreting the behaviour of states or in prescribing how they should behave – unless we are told what concrete ends or objectives states do or should pursue: security, prosperity, ideological objectives or whatever. Still less does it provide us with a criterion that is objective, in the sense of being independent of the way state ends or purposes are perceived by particular decision-makers. It does not even provide a basis for distinguishing moral or ideological considerations in a country's foreign policy from non-moral or non-ideological ones: for *x* can be in a country's interest if it serves as a means to a moral or ideological objective that the country has.

However, the conception of national interest or interest of state does have some meaning in a situation in which national or state

ends are defined and agreed, and the question at issue is by what means they can be promoted. To say that a state's foreign policy should be based on pursuit of the national interest is to insist that whatever steps are taken should be part of some rational plan of action; an approach to foreign policy based on the national interest may thus be contrasted with one consisting simply of the uncritical pursuit of some established policy, or one consisting simply of unconsidered reactions to events. A policy based on the idea of the national interest, moreover, may be contrasted with one based on a sectional interest, or one based on the interests of some group wider than the state, such as an alliance or international organisation to which it belongs. To speak of the national interest as the criterion at least directs our attention to the ends or objectives of the nation or state, as against those of some other group, narrower or wider.

The maintenance of order in international society has as its starting-point the development among states of a sense of common interests in the elementary goals of social life. However different and conflicting their objectives may be, they are united in viewing these goals as instrumental to them. Their sense of common interests may derive from fear of unrestricted violence, of the instability of agreements or of the insecurity of their independence or sovereignty. It may have its origins in rational calculation that the willingness of states to accept restrictions on their freedom of action is reciprocal. Or it may be based also on the treatment of these goals as valuable in themselves and not merely as a means to an end – it may express a sense of common values as well as of common interests.

Rules

In international society, as in other societies, the sense of common interests in elementary goals of social life does not in itself provide precise guidance as to what behaviour is consistent with these goals; to do this is the function of *rules*. These rules may have the status of international law, of moral rules, of custom or established practice, or they may be merely operational rules or 'rules of the game', worked out without formal agreement or even without verbal communication. It is not uncommon for a rule to emerge first as an operational rule, then to become established practice, then to attain the status of a moral principle and finally to be incorporated

in a legal convention; this appears to have been the genesis, for example, of many of the rules now embodied in multilateral treaties or conventions concerning the laws of war, diplomatic and consular status, and the law of the sea.

The range of these rules is vast, and over much of this range they are in a state of flux. Here we shall mention only three complexes of rules that play a part in the maintenance of international order.

First, there is the complex of rules that states what may be called the fundamental or constitutional normative principle of world politics in the present era. This is the principle that identifies the idea of a society of states, as opposed to such alternative ideas as that of a universal empire, a cosmopolitan community of individual human beings, or a Hobbesian state of nature or state of war, as the supreme normative principle of the political organisation of mankind. It is emphasised elsewhere in this study that there is nothing historically inevitable or morally sacrosanct about the idea of a society of states. Nor does this idea in fact monopolise human thought and action, even in the present phase; on the contrary, it has always had to do battle with competing principles, and does so now. Order on a world scale however, does require that one or another of these basic ideas should be clearly in the ascendancy; what is incompatible with order on a world scale is a discord of competing principles of universal political organisation.

On the one hand, the idea of international society identifies states as members of this society and the units competent to carry out political tasks within it, including the tasks necessary to make its basic rules effective; it thus excludes conceptions which assign this political competence to groups other than the state, such as universal authorities above it or sectional groups within it. On the other hand, the idea of international society identifies the relationship between the states as that of members of a society bound by common rules and committed to common institutions; it thus excludes the conception of world politics as a mere arena or state of war.

This fundamental or constitutional principle of international order is presupposed in ordinary state conduct. The daily actions of states – in arrogating to themselves the rights or competences of principal actors in world politics, and in combining with each other to this end, in resisting the claims of supra-state or sub-state groups to wrest these rights and competences from them – display this

principle and provide evidence of its central role. The principle is contained in a number of basic rules of international law. Thus it has been the predominant doctrine that states are the only or the principal bearers of rights and duties in international law; that they alone have the right to use force to uphold it; and that its source lies in the consent of states, expressed in custom or treaty. The principle, however, is prior to international law, or to any particular formulation of international law; it is manifest in a whole complex of rules – legal, moral, customary and operational. It is not a static principle, but is subject to constant development. In the formative stages of international society, it had to meet the challenge of doctrines which proclaimed the right of individuals and of groups other than the state to a place in universal political organisation; and at the present time it faces a similar challenge.

Second, there are what may be called 'the rules of coexistence'. Given the guidance supplied by the constitutional principle as to who are the members of international society, these rules set out the minimum conditions of their coexistence. They include, first of all, the complex of rules which restrict the place of violence in world politics. These rules seek to confine the legitimate use of violence to sovereign states and to deny it to other agents by confining legitimate violence to a particular kind of violence called 'war', and by treating war as violence that is waged on the authority of a sovereign state. Furthermore, the rules seek to limit the causes or purposes for which a sovereign state can legitimately begin a war, for example by requiring that it be begun for a just cause, as maintained by the natural-law doctrines of the formative era of the states system, or by requiring that it be begun only after certain other procedures had been tried first, as insisted by the Covenant of the League of Nations. The rules also have sought to restrict the manner in which sovereign states conduct war, for example by insisting that war be conducted in a way proportionate to the end pursued, or in such a way as to spare non-combatants, or so as to employ no more violence than necessary. In addition, the rules have sought to restrict the geographical spread of a war, by establishing the rights and duties of neutrals and belligerents in relation to one another.

There is a further complex of rules of coexistence which prescribes the behaviour appropriate to sustain the goal of the carrying out of undertakings. The basic rule *pacta sunt servanda,*

sometimes seen as a presupposition of the law of nations, and sometimes as a first principle of it, established the presumption on which alone there can be point in entering into agreements at all. Subordinate or qualifying rules concern whether or not good faith need be kept with heretics or infidels, whether or not agreements remain valid in changing circumstances and who is the judge as to whether or not they have changed, whether or not and in what sense agreements are valid that are imposed by force, what the circumstances are in which a party to an agreement can be released from it, what are the principles according to which agreements should be interpreted, whether or not and to what extent a new government succeeds to the obligations of its predecessors, and so on.

The rules of coexistence also include those which prescribe behaviour that sustains the goal of the stabilisation of each state's control or jurisdiction over its own persons and territory. At the heart of this complex of rules is the principle that each state accepts the duty to respect the sovereignty or supreme jurisdiction of every other state over its own citizens and domain, in return for the right to expect similar respect for its own sovereignty from other states. A corollary or near-corollary of this central rule is the rule that states will not intervene forcibly or dictatorially in one another's internal affairs. Another is the rule establishing the 'equality' of all states in the sense of their like enjoyment of like rights of sovereignty.

Third, there is the complex of rules concerned to regulate co-operation among states – whether on universal or on a more limited scale – above and beyond what is necessary for mere coexistence. This includes the rules that facilitate co-operation, not merely of a political and strategic, but also of a social and economic nature. The growth in this century of legal rules concerned with co-operation between states in economic, social, communications and environmental matters exemplifies the place of rules of co-operation and will be considered later (see Chapter 6).

Rules of this kind prescribe behaviour that is appropriate not to the elementary or primary goals of international life, but rather to those more advanced or secondary goals that are a feature of an international society in which a consensus has been reached about a wider range of objectives than mere coexistence. Nevertheless, these rules may be said to play a role in relation to international order,

inasmuch as the development of co-operation and consensus among states about these wider goals may be expected to strengthen the framework of coexistence.

This is not the place to expound these three complexes of rules in full, or to examine the problems of interpreting them or reconciling the conflicts between them. Nor is it appropriate here to consider which of them has the status of law, which the status of moral rules, which should be seen as customary or as operational rules, nor to trace the historical evolution through which these rules have passed from one of these embodiments to another, and sometimes back again. It is sufficient to note that the vast and changing corpus of rules and quasi-rules, of which those cited are part of the central core, provide the means whereby international society moves from the vague perception of a common interest to a clear conception of the kind of conduct it requires.

Institutions

In international society it is the members of the society themselves – sovereign states – which are chiefly responsible for performing the functions of helping to make the rules effective; they do so in the absence of either a supreme government, which is able to undertake these functions in the modern state, or the degree of solidarity among themselves that characterises the performance of these functions by politically competent groups in primitive stateless societies. In this sense it is states themselves that are the principal institutions of the society of states.

Thus states undertake the function of making the rules, or legislating, by signifying their consent to them. Rules of general application, like the rules of coexistence, arise out of custom and established practice, and are in some cases confirmed by multi-lateral conventions. Rules that apply only to particular groups of states may also arise out of custom and established practice – as do the operational rules of crisis avoidance and management now being evolved by the great powers – but they may also be the subject of explicit agreements or treaties.

States communicate the rules through their official words, as when they state that they respect the legal principle of the sovereignty of states, or the moral principle of national self-determination, or the operational rule that great powers should

not interfere in each other's spheres of influence. But they also communicate the rules through their actions, when they behave in such a way as to indicate that they accept or do not accept that a particular rule is valid. Because the communication of the rules is in the hands of states themselves, and not of an authority independent of them, the advertisement of the rules is commonly distorted in favour of the interests of particular states.

States administer the rules of international society inasmuch as executive acts ancillary to the rules themselves are performed either by themselves (as when particular states are designated as the depository states for a treaty, or the guarantors of a neutralisation arrangement, or the arbiters of a dispute) or by international organisations which are responsible to them (as when organisations are set up to implement agreements concerning international post and telecommunications, or a host of other matters).

Each state provides its own interpretation of the rules – legal, moral or operational. Even in the case of legal rules, a state relies on its own legal advisers, and there is no conclusive way in which disagreements about interpretation can be settled by an independent authority. The interpretation of moral or of operational rules is even more uncertain.

The enforcement of the rules, in the absence of a central authority, is carried out by states, which may resort to acts of self-help, including acts of force, in defence of their rights under operational, moral or legal rules. Because states are frequently not in a position to carry out effective action in defence of their rights, the enforcement of the rules is uncertain. Because of the low degree of consensus or solidarity among states, actions which the state committing them sees as self-help or rule-enforcement are frequently not viewed as such by international society at large.

States undertake the task of legitimising the rules, in the sense of promoting the acceptance of them as valuable in their own right, by employing their powers of persuasion and propaganda to mobilise support for them in world politics as a whole. At the present time an important means to the legitimisation of rules is to have them endorsed by international assemblies and international organisations.

States undertake the task of changing or adapting operational, moral and legal rules to changing circumstances, but have to do so in the absence of a universal legislative authority competent to

rescind old rules and devise new ones, and with the handicap that there is often no consensus as to whether or not, or how, the rules should be changed. States change the rules by demonstrating, through their words or their actions, that they are withdrawing their consent from old rules and bestowing it upon new ones, and thus altering the content of custom or established practice. The operational rules observed by great powers, whereby they respect one anothers' spheres of influence in particular parts of the world, are rescinded or changed when these powers show by what they do or say that they no longer accept them, or regard their boundaries or limiting conditions as having changed. The moral principle of national self-determination – the rule that states should be nation-states – came to displace that of dynastic legitimacy not by enactment of any legislative authority, but by war and revolution. In the changing of legal rules a part is sometimes played by multilateral conventions or treaties, but here also states change the old rules by violating or ignoring them systematically enough to demonstrate that they have withdrawn their consent to them. In other words, while the adaptation of the rules to changed circumstances is part of the process whereby order is maintained, it is itself often accompanied by disorder.

Finally, states undertake the task which, for want of a better term, has been called 'protection' of the rules. The rules which sustain order in international society can operate only if conditions obtain in the international political system that enable them to do so. In particular, they can operate only if that sense of common interests among states, which they seek to translate into a precise guide to conduct, continues to exist. The function of 'protection' of the rules comprises all those things which states may do to create or maintain that state or condition of the system in which respect for the rules can flourish.

The 'protection' of the rules encompasses, first and foremost, those classical acts of diplomacy and war whereby states seek to preserve a general balance of power in the international system (and today a relationship of mutual nuclear deterrence among contending nuclear powers); to accommodate or contain conflicts of ideology; to resolve or moderate conflicts of state interest; to limit or control armaments and armed forces in relation to interests perceived in international security; to appease the demands of dissatisfied states for what they regard as just change; and to

secure and maintain the acquiescence of the smaller powers in the assumption by great powers of special rights and responsibilities.

These measures of 'protection' of the rules are not prescribed by the rules of coexistence, or by international law, in which some of the rules of coexistence are stated. Indeed, some of the measures which states take in the course of 'protecting' the rules may bring them into conflict with international law. The activities that go to make up 'protection' of the rules of coexistence are themselves the subject of further bodies of rules, such as those which regulate the balance of power, diplomacy and the special position of the great powers.

In carrying out these functions, states collaborate with one another, in varying degrees, in what may be called the institutions of international society: the balance of power, international law, the diplomatic mechanism, the managerial system of the great powers, and war. By an institution we do not necessarily imply an organisation or administrative machinery, but rather a set of habits and practices shaped towards the realisation of common goals. These institutions do not deprive states of their central role in carrying out the political functions of international society, or serve as a surrogate central authority in the international system. They are rather an expression of the element of collaboration among states in discharging their political functions – and at the same time a means of sustaining this collaboration. These institutions serve to symbolise the existence of an international society that is more than the sum of its members, to give substance and permanence to their collaboration in carrying out the political functions of international society, and to moderate their tendency to lose sight of common interests. The contribution of these institutions to international order, in the past and at present, are considered in Part 2.

Functional and Causal Explanations

A central theme in this study is that the rules and institutions to which reference has been made carry out positive functions or roles in relation to international order. In this study what is meant by statements of this kind is simply that these rules and institutions are part of the efficient causation of international order, that they are among the necessary and sufficient conditions of its occurrence. The

present study is not an attempt to apply 'structural-functionalist' explanation, in which terms such as 'function' and 'role' have a different meaning.

In 'structural-functionalist' explanation the statement that these rules and institutions fulfil 'functions' in relation to international order might be taken to imply that international society, for its own survival or maintenance, has certain 'needs', and that the rules and institutions in question are fulfilling those needs. If we can make the additional assumptions that fulfilment of these needs is essential to the survival of international society, and that fulfilment of them cannot be carried out in any other way, then to say that these rules and institutions fulfil these functions is tantamount to endorsing them.

The present study is not intended to provide a rationale for, or justification of, the rules of coexistence in international society or the institutions that help to make them effective. In the first place it is emphasised here that order is not the only value in international politics, nor is it necessarily an overriding one. Thus even if a 'structural-functionalist' explanation were accepted, to the effect that the present rules and institutions of international society are essential to the preservation of order in it, it would not follow from this that they were to be endorsed.

In the second place, whatever merits may lie in the application of 'structural-functionalist' reasoning to other societies, doubts may be entertained about its validity when applied to the society of states. The underlying assumption of the 'structural-functionalist' explanation is that of the wholeness or unity of the society being explained, the primacy of the whole over its parts in accounting for what occurs within it, the possibility of describing the nature and purpose of each part in terms of what it contributes to the 'needs' of the whole.

International society does not display the kind of wholeness or unity that would give point to explanations of this sort. It is emphasised in this study that society is only one of a number of competing elements in international politics; indeed, the description of it as a society at all conveys only part of the truth. An explanation of the rules and institutions of international society that dealt only with the functions they served in relation to international society as a whole would overlook the extent to which international politics is better described as a state of war

or as a political field in which individuals and groups other than the state are the principal actors.

In the third place there is room for doubt about the basic validity of 'structural-functional' analysis, even when this is applied to societies displaying more unity than does the society of states. Even in those societies, like modern nation-states or primitive societies marked by a high degree of social consensus and solidarity, there are forces making for anti-social or non-social behaviour which cannot be readily encompassed in a theory which seeks to relate all social events to the working of the social framework as a whole.