

# The 'Grotian tradition' in international relations\*

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## Introduction

The works of Huig de Groot, or Grotius,<sup>1</sup> the seventeenth-century Dutch jurist, are said to exemplify a particular tradition in international law<sup>2</sup> and in international theory.<sup>3</sup> The Grotian tradition 'views international politics as taking place within an international society' in which states 'are bound not only by rules of prudence or expediency but also by imperatives of morality and law'.<sup>4</sup> This tradition contemplates a 'civil science' or constitutional approach to the study of international politics, for it directs attention to the 'rules which constitute and govern political life within and between sovereign states'.<sup>5</sup> The conviction that the totality of international relations is subject to the rule of law is one of the principal features of the Grotian tradition, a feature that distinguishes this from alternative conceptions or traditions.

The Grotian tradition has been distinguished from that based upon Hobbesian or realist assumptions, which deny that common values, rules and institutions bind states together in a society and posit that international politics is a state of war and 'an anarchy whose social elements are negligible'.<sup>6</sup> It has also been distinguished from conceptions premised upon Kantian or universalist assumptions that international society is a latent community of mankind that is 'not yet manifested' and 'groping for its necessary fulfilment' in a universal community transcending the states system.<sup>7</sup>

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<sup>1</sup> *Mare Liberum* was first published in 1609 and *De Jure belli ac Pacis* in 1625. The latter work includes 61 Prologomena. For a comprehensive list, see H. C. Rogge, *Bibliotheca Grotiana* (The Hague, 1883).

<sup>2</sup> Sir Hirsch Lauterpacht, 'The Grotian Tradition in International Law', *British Yearbook of International Law*, 23 (1946), pp. 1–53; C. F. Murphy, 'The Grotian Vision of World Order', *American Journal of International Law*, 76 (1982), pp. 477–98; C. E. Edwards, *Hugo Grotius: The Miracle of Holland* (Chicago, 1981); R. Higgins, 'Grotius and the United Nations', *International Social Sciences Journal* 1, (1985), pp. 119–27.

<sup>3</sup> H. Bull, 'The Grotian Conception of International Society', in H. Butterfield and M. Wight (eds.), *Diplomatic Investigations* (Cambridge, Mass., 1968), pp. 51–73; K. J. Holsti, *The Dividing Discipline: Hegemony and Diversity in International Theory* (London, 1985); A. Lijphart, 'The Structure of the Theoretical Revolution in International Relations', *International Studies Quarterly*, 18 (1974), pp. 41–74; H. Bull, 'Martin Wight and the Theory of International Relations', *British Journal of International Studies*, 2 (1976), pp. 101–16.

<sup>4</sup> H. Bull, *The Anarchical Society: A Study of Order in World Politics* (London, 1977), pp. 24, 27.

<sup>5</sup> R. H. Jackson, 'Civil Science: Comparative Jurisprudence and Third World Governance', *Governance: An International Journal of Policy and Administration*, 1 (1988), p. 380. For the nature of a civil science approach to international theory, see R. H. Jackson, 'Quasi-states, Dual Regimes, and Neoclassical Theory: International Jurisprudence and the Third World', *International Organization*, 41 (1987), pp. 519–49.

<sup>6</sup> M. Wight, 'Western Values in International Relations', in Butterfield and Wight, *Diplomatic Investigations*, p. 92.

<sup>7</sup> Wight, 'Western Values', p. 93.

According to the Hobbesian formulation, an international society of states constituted under the rule of law and other binding elements is a 'fiction' and an 'illusion', while for the universalist formulation, it is doomed to be 'modified or swept away by the course of events'.<sup>8</sup>

Between the belief that the society of states is non-existent or at best a polite fiction, and the belief that it is the chrysalis for the community of mankind, lies a more complex conception of international society. It does not derogate from the moral claims of states . . . but it sees them as relatively, not absolutely perfect, and as parts of a greater whole. It does not see international society as ready to supersede domestic society; but it notes that international society actually exercises restraints upon its members.<sup>9</sup>

A number of authors of diverse origin and concern are said to exemplify the Grotian tradition. Martin Wight<sup>10</sup> and Hedley Bull<sup>11</sup> are regarded by some as exemplary of key elements of the tradition, while others working in the area of international regimes are said to be 'strongly informed by the Grotian tradition'.<sup>12</sup>

Given what appear to be rather important instances of Grotian thought, it would be instructive to determine more precisely what constitutes the Grotian tradition and who might accurately be considered to fall within the tradition or exhibit elements of Grotian thought. In addition, it would be useful to place this tradition within the broader context of international theory to evaluate its contributions to theory and research in the field.

The sort of 'international theory' here contemplated takes as its point of departure the following definition: that part of international relations which offers 'descriptive and explanatory statements about the structure, units and processes of international politics that transcend time, location, and personality'.<sup>13</sup> To avoid limiting international theory to its empirical variant and thereby neglecting normative concerns, one might add that what is contemplated is an 'approach to theorizing that derives from philosophy, history and law'<sup>14</sup> and concerns itself with what R. H. Jackson refers to as theory about the 'good life'.<sup>15</sup>

In assessing the contributions that the Grotian tradition has made to international theory and research, it will be helpful to identify the constituent elements of the tradition by considering the thought of alleged 'Grotians' in the context of three

<sup>8</sup> M. Wight, 'An Anatomy of International Thought', *Review of International Studies*, 13 (1987), pp. 223–4.

<sup>9</sup> Wight, 'Western Values', p. 95. (notes omitted).

<sup>10</sup> Bull, 'Martin Wight', p. 107 notes that, if forced to pigeon-hole Wight into one of his categories, 'we should have to consider him a Grotian', though Bull argues that this would be a mistake, for it overlooks the influence of the other categories on Wight's thought.

<sup>11</sup> K. J. Holsti in 'Along the Road to International Theory', *International Journal*, 39 (1984), p. 345 notes that 'Hedley Bull's *The Anarchical Society* is the most notable exposition on the Grotian concept that a *society* of states contains many bonds that brings stability and order that would not be found in a mere collection of sovereignties' (original emphasis). See also S. Hoffmann, 'Hedley Bull and His Contribution to International Relations', *International Affairs*, 62 (1986), pp. 179–95.

<sup>12</sup> S. D. Krasner, 'Structural Causes and Regime Consequences: Regimes as Intervening Variables', in Krasner (ed.), *International Regimes* (Ithaca, 1983), p. 8.

<sup>13</sup> Holsti, *The Dividing Discipline*, p. 3.

<sup>14</sup> H. Bull, 'International Theory: The Case for a Classical Approach', in K. Knorr and J. N. Rosenau (eds.), *Contending Approaches To International Politics* (Princeton, 1969), p. 20.

<sup>15</sup> 'Inverted Rationalism: Martin Wight, International Theory and The Good Life', presented at the joint meeting of the International Studies Association and the British International Studies Association, London, 1989.

questions or features identified by K. J. Holsti that 'implicitly or explicitly, establish the boundaries as well as the core of the field'.<sup>16</sup> The first concerns the *raison d'être* or problematic of the field, the second concerns the identification of the main actors or units of analysis, while the third focuses upon the image of the world.

Holsti identifies what he refers to as the 'classical tradition' which has long dominated the study of international relations. He argues that while classicists like Rousseau, Hobbes, Morgenthau, Bull and others 'disagree on a number of matters . . . they are also joined by a common set of questions or problems'.<sup>17</sup> Those working within the classical tradition define the problematic in terms of the causes of war and the conditions of peace, security or order. States are regarded to be the essential actors or units of analysis, while the dominant image of the world is a system of sovereign states, characterized by international anarchy or the absence of centralized authority.

Holsti believes that those who share the Grotian view generally operate within the boundaries set by the classical tradition, thus marking no significant departure from the dominant mode of theorizing.<sup>18</sup>

In contrast, Arend Lijphart believes that substantial matters differentiate Grotians from what he refers to as the 'traditional paradigm', which 'revolves around the notions of state sovereignty and its logical corollary, international anarchy'.<sup>19</sup> According to the traditional paradigm, states 'recognizing no higher authority are in an international state of nature; the resulting security dilemma forces them to live in a condition of mutual competition and conflict'.<sup>20</sup> Lijphart asserts that the Grotian image of the world differs considerably from the traditional paradigm and marks an important theoretical innovation because it imputes a normative consensus to states strong enough to render the image of a state of nature inappropriate.

Given this dispute, the discussion will proceed to consider the terms in which Grotius, Wight, Bull and certain regime theorists define the problematic, identify the essential actors and formulate their world views. It will be argued that while Wight, Bull and the regime theorists considered have much in common with Grotius, they do not rest their thinking on natural law foundations. This creates significant differences among them and suggests that they are more appropriately described as 'neo-Grotians'. Furthermore, an assessment of the contributions that the Grotian and neo-Grotian traditions have made to international theory and research reveals that, while these traditions do provide new avenues for research and study, they do not constitute a significant departure from the dominant mode of theorizing about international relations. Consideration will now begin with Grotius himself.<sup>21</sup>

<sup>16</sup> *The Dividing Discipline*, pp. 7–8.

<sup>17</sup> *The Dividing Discipline*, pp. 7–8.

<sup>18</sup> In *The Dividing Discipline* Holsti acknowledges that Grotians differ with respect to their image of the world, in that they impart a great deal more order to international relations than do classicists.

However, he argues that differences in 'a *single* feature of the states system are not sufficient in my opinion to signify the existence of different paradigms, so long as the units of analysis, actors, and the problematic remain essentially the same (p. 33, original emphasis).

<sup>19</sup> 'Theoretical Revolution', p. 43.

<sup>20</sup> Lijphart, 'Theoretical Revolution', p. 43.

<sup>21</sup> A caveat is in order. R. J. Vincent in 'The Hobbesian Tradition in Twentieth Century International Thought', *Millennium: Journal of International Studies*, 10 (1981), p. 96, has cautioned that one may question 'the whole enterprise of treating great thinkers like parcels at the post office'. The attempt to reduce the ideas of these thinkers to three essential elements to enable their categorization intends no disservice to the complexity or richness of their thought.

**Grotius and the ‘Grotian tradition’**

In *De Jure Belli ac Pacis*<sup>22</sup> Grotius attempted to formulate a theory of law that he hoped would assist in bringing order to the chaos of early-seventeenth-century Europe. In the Prolegomena to the text he notes that few authors have dealt with the law governing relations between states in a comprehensive manner, but that ‘the welfare of mankind demands that this task be accomplished’.<sup>23</sup> He further states his reasons for writing the treatise:

... I have had many and weighty reasons for undertaking to write upon this subject. Throughout the Christian world I observed a lack of restraint in relation to war, such as even barbarian races should be ashamed of; I observed that men rush to arms for slight causes or no cause at all, and that when arms have once been taken up there is no longer any respect for law, divine or human; it is as if, in accordance with a general decree, frenzy had openly been let loose for the committing of all crimes.<sup>24</sup>

The pervasiveness of private conflict in Grotius’ day was growing increasingly incongruous with the developing ‘statist tendencies that emphasized territoriality and the domestic centralization of both legitimate authority and military power’.<sup>25</sup> Richard Falk notes that Grotius was concerned with providing the normative framework for the newly emerging states system—a framework that accommodated statist tendencies and filled the void created by the collapse of the unity and authority provided by the Church of Rome.<sup>26</sup> The appearance of the text was, indeed, timely:

At the time that *De Jure Belli ac Pacis* was published the historic process of the disintegration of European political society as hitherto known and the rise of the territorial sovereign state were being consummated . . . the demise of the feudal system gave a new and higher significance to the territorial state. The need for a system of law governing the relations of the independent states to replace the legal and spiritual unity of Christendom had thus become urgently obvious.<sup>27</sup>

Scholars debate the extent to which Grotius may be properly considered the ‘father of modern international’ law, referring to the earlier works of Suarez, Victoria and others on the law of nations. However, it is generally conceded that Grotius was the first to attempt a comprehensive and systematic treatise on international law on the basis of state sovereignty, although he had a particular conception of that principle.<sup>28</sup>

Grotius defines the essential problematic very much in terms of the phenomenon of war and conditions of peace and order. However, he provides no searching discussion of the causes of war, but is more concerned with imposing limits on the recourse to and the conduct of war. In fact, Grotius begins with the assumption that war is inevitable and, indeed, ‘is in perfect accord with first principles of nature’, for the aim of war is the ‘preservation of life and limb’.<sup>29</sup> However, he distinguishes between just

<sup>22</sup> All references to this text are taken from Hugo Grotius, *The Law of War and Peace*, trans. F. W. Kelsey (New York, 1925).

<sup>23</sup> *War and Peace*, Prolegomena 1, p. 9.

<sup>24</sup> *War and Peace*, Prolegomena 28, p. 20.

<sup>25</sup> R. A. Falk, Introduction to Edwards, *Grotius*, p. xv.

<sup>26</sup> *Grotius*, p. xv.

<sup>27</sup> Lauterpacht, ‘Grotian Tradition’, pp. 16–17.

<sup>28</sup> Lauterpacht, ‘Grotian Tradition’, pp. 16–17. For a review of the debate over Grotius’ status as the ‘father of international law’ see Edwards, *Grotius*, ch. 2.

<sup>29</sup> Grotius, *War and Peace*, Book I, ch. 2, p. 52. Further references for this paragraph are found in Prolegomena 8; Book I, ch. 2; Book II and Book III.

and unjust wars, positing that the law of nations sanctions only wars undertaken to assert or defend community or societal rights. These rights include defence, the recovery of property, the enforcement of promises and the infliction of punishment. In addition to limiting the conditions under which it is just to wage war, Grotius outlines laws limiting the conduct of war. These laws comprise the law of nations, but are ultimately rooted in the laws of nature, which are transmitted to man through 'right reason':

Right reason, moreover, and the nature of society . . . do not prohibit all use of force, but only that use of force which is in conflict with society, that is which attempts to take away the rights of another. For society has in view this object, that through community of resource and effort each individual be safeguarded in the possession of what belongs to him.<sup>30</sup>

While more will be said shortly about the Grotian notions of society and natural law, for the moment it is sufficient to note that in defining the problematic in terms of the phenomenon of war and the conditions of peace and order, Grotius falls squarely within the classical tradition. However, he departs from the tradition in his identification of the essential actors. It was earlier noted that the classical tradition identifies states to be the essential actors in international relations. While Grotius accepts that the sovereign state is the primary actor, he also accords to individuals a particular status in international relations and under international law. This is attributable to his theory of the essential identity of the individual and the state, which in turn reflects a 'patrimonial' conception of the state and the influence of natural law theory.

Grotius maintains that individuals, alongside states, hold rights and owe duties under international law. The analogy drawn by Grotius between the individual and the state reflects the absence at the time of a clearly perceived distinction between individual and state personality. The 'patrimonial' conception of the state, which regards the state to be 'the creature of personal rule', formed the prevailing view and reflects the condition of the seventeenth century when the 'history of Europe could still, to a large extent, be conceived of as a history of dynasties and dynastic ambitions'.<sup>31</sup> While Grotius clearly has a conception of sovereignty, it is not one premised upon the state as an abstraction or upon the juridical concept of international or state personality.<sup>32</sup> The abstraction and personification of the state and the doctrine of exclusive state personality were only to take root firmly later, in the eighteenth century.<sup>33</sup>

The posited identity between the individual and the state derives, as well, from natural law premises. Lauterpacht denies that this analogy is 'the result of any

<sup>30</sup> *War and Peace*, p. 53.

<sup>31</sup> Lauterpacht, 'Grotian Tradition', pp. 28–9.

<sup>32</sup> See Edwards, *Grotius*, pp. 146–7. Lauterpacht, 'Grotian Tradition', p. 29 interprets the Grotian conception of sovereignty in terms of a proprietary notion of 'dominion held under law' and argues that the disappearance of patrimonial theory and practice had more relevance for the evolution of laws governing territorial property than for those relating to international personality. J. L. Brierly in *The Basis of Obligation in International Law* (Oxford, 1958), pp. 20–23 notes that Grotius's theory of sovereignty was unclear, reflecting a notion of 'superiority', 'with no pretensions to independence in the modern sense', but also tending against absolutist formulations, in the belief that the sovereign is subject to the rule of law. Brierly also identifies the Grotian view of sovereignty as consistent with the feudal notion of the patrimony or property of the ruler.

<sup>33</sup> Wight in 'Western Values', p. 102, notes that the 'fruitful imprecision' as to the membership of the Grotian international society is consistent with the tendency before the eighteenth century and the formulation of the juridical concept of exclusive state personality to regard kings, peoples, individuals and even certain institutions as possessing international personality.

anthropomorphic or organic conception of the state as being—biologically, as it were—assimilated to individuals, as being an individual person ‘writ large’. Rather, the analogy is based upon the fact that ‘states are composed of individual human beings’ and the individual is the ‘ultimate unit of all law’.<sup>34</sup> Individuals as repositories of rights and duties under international law have the right to refuse to participate in unjust wars. Furthermore, states have the right to intervene in the affairs of others on humanitarian grounds when the rights of individuals are being violated or abrogated. The recognition of the rights of individuals under the law of nations was made possible by the assumption that natural law and not positive or voluntary law provides the ultimate source of moral and legal obligation.<sup>35</sup> Indeed, Hedley Bull notes that ‘natural law theories take as their point of departure the rights and duties attaching to individual human beings, rather than those attaching to states or other groups . . . in natural law theories it is individual human beings, not particular arrangements of them such as states, that are taken to be the primordial subjects of the law’.<sup>36</sup>

The theory of the essential identity of the individual and the state provided the basis for the application of the same laws of conduct to state and to individual actions. Furthermore, the belief that the ultimate source of moral and legal obligation derive from natural law principles enabled Grotius to apply the law of nations to all states at all times. Natural law provided the ‘element of universalization’ necessary to the conception of a universal moral order.<sup>37</sup> This furnished the basis for the notion of ‘international society’, which is the hallmark of the Grotian tradition and comprises the third element of the tradition—the Grotian view or image of the world.

It will be recalled that the classical tradition views the world in terms of a system of sovereign states, characterized by international anarchy or the absence of centralized authority. The conception of international politics as a ‘state of war’, in which the absence of effective centralized restraints results in a ‘war of all against all’, typifies some versions of the classical image of the world.<sup>38</sup> Characteristic as well is what later became known as the ‘security dilemma’, which for Rousseau inevitably breeds distrust and instability and precludes the existence of collective or societal interests among states.<sup>39</sup> Grotius accepts that the world comprises sovereign states. However,

<sup>34</sup> Lauterpacht, ‘Grotian Tradition’, pp. 27, 29 (original emphasis).

<sup>35</sup> Grotius identifies three categories of law: natural, divine and voluntary or positive law. Voluntary law comprises both municipal law and the law of nations, both of which derive from the consent of their subjects. However, Grotius roots the obligatory nature of consent in natural law and thus gives positive law a naturalist base. See Grotius, *War and Peace*, Prolegomena 1, p. 16; Brierly, *Basis of Obligation*, p. 10 and Lauterpacht, ‘Grotian Tradition’, pp. 21–2.

<sup>36</sup> ‘Natural Law and International Relations’, *British Journal of International Studies*, 5 (1979), p. 171.

<sup>37</sup> R. J. Vincent, ‘Western Conceptions of a Universal Moral Order’, *British Journal of International Studies*, 4 (1978), pp. 21–2. See also D. M. Mackinnon, ‘Natural Law’, in Butterfield and Wight (eds.) *Diplomatic Investigations*, p. 79 for a discussion of the recourse to natural law for establishing the source of ‘a human norm’ or a ‘metaphysical basis for the good life’.

<sup>38</sup> This conception is commonly associated with the thought of Hobbes. However, Holsti in *The Dividing Discipline*, pp. 24–5 notes that commentators often overlook that Hobbes ‘in fact acknowledged a number of conflict-reducing mechanisms whose operations imply some form of international order. These include the laws of nature, prudence (the recognition that constant warfare would derogate from the subjects’ loyalties), and the possibility that a more highly developed international law might lead to a ‘troubled peace’ rather than to recurring war’ (notes omitted). See also Vincent, ‘The Hobbesian Tradition’.

<sup>39</sup> Holsti, *The Dividing Discipline*, p. 25 suggests that Rousseau ‘represents more of the opposite to Grotius’s viewpoint’ than does Hobbes, for Rousseau believed that the ‘areas of common agreement’ amongst states are insignificant and that interstate relations, rather than breeding societal interests, breed conflict.

he rejects the notion that the world is necessarily disorderly or conflictual. Here he differs from the classical tradition in arguing that states, like individuals, are basically sociable.

But among the traits characteristic of man is an impelling desire for society, that is, for the social life—not of any and every sort, but peaceful, and organized according to the measure of his intelligence, with those who are of his own kind; this social trend the Stoics called 'sociableness'.<sup>40</sup>

Through the reciprocity of mutual needs a 'great society of states' develops, characterized by common norms and customs. These norms and customs are embodied in the law of nations and in natural law and are binding upon all nations. States abide by these rules out of long-term, enlightened self-interest.

For just as the national, who violates the law of his country in order to obtain an immediate advantage, breaks down that by which the advantages of himself and his posterity are for all future time assured, so the state which transgresses the laws of nature and of nations cuts away also the bulwarks which safeguard its own future peace.<sup>41</sup>

Reciprocity and the avoidance of retaliation provide self-interested grounds for compliance. However, law observance is not based upon self-interest alone, but upon a more deeply rooted sense of obligation deriving from man's nature as a rational and social creature.

Thus, Grotius rejects the doctrine of the 'reason of state' and denies that individuals and states are subject to different standards of morality. On the basis of the identity of the individual and the state, he posits that both are subject to the same moral and ethical standards and restraints.<sup>42</sup>

The distinction between unjust and just wars and the limitation of the latter to wars undertaken to assert or defend societal or community interests reflects the assumption that there is an objectively determinable collective or societal interest, the breach of which is subject to punishment.<sup>43</sup> This assumption is made possible by rooting moral standards, values and interests in universal natural legal principles, which is indeed the essence of the Grotian world view—a view out of keeping with the moral dualism contemplated by the doctrine of 'reason of state'.

While Grotius defines the problematic in much the same terms as does the classical tradition, but differs from the tradition with regard to the role and status he accords

<sup>40</sup> Grotius, *War and Peace*, Prolegomena 6, p. 11 (notes omitted).

<sup>41</sup> Grotius, *War and Peace*, Prolegomena 18, p. 16 (notes omitted).

<sup>42</sup> Grotius, *War and Peace*, Prolegomena 21, p. 17.

<sup>43</sup> Michael Donelan in 'Grotius and the Image of War', *Millennium: Journal of International Studies*, 12 (1983), p. 241, argues that the Grotian 'community of mankind' is not premised upon notions of the common good, but derives from the 'self-regarding' interests of states. According to this view 'states are not radically ordered to the common good. They may attain it if the Liberal doctrine of the harmony of interests is correct. But there is not the power of a basic obligation to each other behind their search'. Professor Donelan cites E. B. F. Midgley, *The Natural Law Tradition and the Theory of International Relations* (London, 1975), pp. 154–67, in support of the 'individualism' and self-regarding nature of the Grotian society. However, both authors overlook the fact that for Grotius perceptions of self-interest are infused with concerns for the common good. Grotius refuses to concede that 'every animal is impelled by nature to seek only its own good' (Prolegomena 6, p. 11) and argues that the law of nations has 'in view the advantage, not of particular states, but of the great society of states' (Prolegomena 17, p. 15). Furthermore, the right to wage war to inflict punishment upon a wrongdoer, which is regarded by both authors as illustrating the individualistic and self-regarding bias in that it sanctions the right of individual states to sit in judgment on their own causes, is limited by Grotius to action that 'has some good end in view' and wrongdoings that directly or indirectly affect 'human society or fellow man' (Book II, ch. 20, pp. 468, 489).

to individuals under international law, it is his view or image of the world that constitutes the most significant difference. Belief in the existence of an objectively identifiable and compelling societal interest among states is profoundly at odds with Rousseau, who according to Stanley Hoffmann held the 'conviction that in a competitive situation as fierce as that among nations, common interests are evanescent and hardly significant'.<sup>44</sup> Furthermore, Grotius goes beyond Hobbes's assumption 'that different 'reasons of state' could converge on common interests'<sup>45</sup> and the latter's acknowledgment, as noted by Holsti, that 'prudence, rudimentary international law, and the idea of reciprocity' could form the basis for a semblance of common interest.<sup>46</sup> Reciprocity and expediency do to a certain extent form part of the Grotian international society. Indeed, Grotius recognizes that associations under law have their 'roots' in expediency, but asserts that 'law is not founded on expediency alone', for its ultimate obligatory force derives from natural law.<sup>47</sup> The most profound component of the Grotian world view is the assumption that there is a universal standard of justice and morality against which the actions of states may be judged. States, as individuals, are compelled to act in accordance with these principles, not simply out of considerations of expediency, reciprocity or self-interest, but out of their sociable nature and the moral obligation that attends membership in society.<sup>48</sup> This feature of the Grotian tradition is what distinguishes Grotius most from the classical tradition and from 'neo-Grotians'.

Before moving on to consider the neo-Grotians, it should be noted that Grotius shares certain beliefs with the classical tradition. Like the classicists, Grotius was a 'minimalist' in terms of prescriptions for the problem of international governance.<sup>49</sup> He rejects replacement of the present system of sovereign states with world government on the grounds that it would be too large, inefficient and ungovernable:

The advantages which it brings are in fact offset by its disadvantages. For as a ship may attain to such a size that it cannot be steered, so also the number of inhabitants and the distance between places may be so great as not to tolerate a single government.<sup>50</sup>

Grotius accepts that the system of sovereign states is a permanent feature of international relations, and in so doing was *ad idem* with the logic underlying the emerging new order. As Falk expresses it, '[I]n many respects Hugo Grotius was an exemplary visionary of the shadowland', the shadowland being at the 'outer edge of the realm of politics' where barely perceptible new structures are replacing old ones.<sup>51</sup> But the solutions Grotius advances, however revolutionary for his time, imply a certain static thinking and are far from revolutionary in modern terms. In seeking to subject states to the rule of law and, thereby, impose restraints on statism and its logical corollary, the doctrine of reason of state, Grotius was attempting to strength-

<sup>44</sup> *The State of War* (New York, 1965), p. 68.

<sup>45</sup> Hoffman, *State of War*, p. 67.

<sup>46</sup> *The Dividing Discipline*, p. 25.

<sup>47</sup> Grotius, *War and Peace*, Prolegomena 16, 17 and 22, pp. 15–17.

<sup>48</sup> For an illuminating discussion of the concept of reciprocity and the distinction between reciprocity arising from self-interest (specific reciprocity) and reciprocity arising from a sense of obligation or 'solidaristic social norms' (diffuse reciprocity), see R. O. Keohane, 'Reciprocity in International Relations', *International Organization*, 40 (1986), pp. 1–27.

<sup>49</sup> Holsti, *The Dividing Discipline*, p. 20.

<sup>50</sup> Grotius, *War and Peace*, Book II, ch. 22, sect. xiii, p. 552. References in the following paragraph to Grotius are found in Prolegomena 25; Book I, chs. 3, 4 and 22; Book II, ch. 5.

<sup>51</sup> Falk, introduction to Edwards, *Grotius*, p. xiv.

en the societal elements of international relations without at the same time undermining the rationale of the emerging states system. 'Just wars' are limited in cause to the defence or assertion of existing rights and did not extend to the creation of new rights. Furthermore, the recognition that Grotius grants to the individual under international law was a product of the patrimonial conception of the state and of natural law. As such, Grotius conceives of the individual in terms of the 'constraints and limitations' contemplated by natural law and not in terms of the 'demands and permissions' contemplated by theories of natural rights'.<sup>52</sup> Indeed, Grotius denies the right of resistance against oppressive rule, justifies slavery under natural law and rejects the notion of any 'sovereignty of the people'. Moreover, the Grotian notion of international society—of a universal society of states bound together by the recognition of a higher, albeit secular, moral and legal order—partakes more of medieval ideas of universal Christendom than it does of the ideas underlying the emerging states system. It was to take the replacement of the natural law origins of international law with positive law origins and further development of the concept of sovereignty to complete the transition to the new order. Both developments were ultimately to erode the universalist premise of the Grotian international society and to leave subsequent theorists of society searching for a replacement.<sup>53</sup> Nevertheless, Grotius contributed to constitutionalism and rationalism in international theory by positing that rights and duties attend membership in international society and in providing a secular and rationalist basis for natural law and the law of nations.<sup>54</sup>

### The neo-Grotian tradition

#### *Martin Wight*

Martin Wight's earlier work fits quite easily into the classical tradition. In *Power Politics* Wight frames the problematic in terms of the phenomenon of war and identifies states as the major actors in international politics.<sup>55</sup> The image of the world advanced is one of anarchy. Citing Hobbes, Wight argues that 'mutual mistrust is fundamental' in international relations:

. . . the international scene is properly described as an anarchy—a multiplicity of powers without a government . . . In such a situation, mutual distrust is fundamental, and one can

<sup>52</sup> For the distinction between natural law and natural rights, see Mackinnon, 'Natural Law', pp. 79 ff.

<sup>53</sup> Vincent, in 'Western conceptions', pp. 22, 26, notes that the element of universalization, necessary to the contemplation of a universal moral order, is present in both Christianity and natural law. In providing a secular basis for natural law, Grotius assisted in the transition from natural law to natural right, by providing the foundation for social contract theory and 'placing the origin of society in an agreement among individuals who had natural rights and thence to the rights of man'. But, with the growth of legal positivism and its emphasis upon the state as the sole repository of rights and duties and the ultimate determinant of moral values, the status of the individual was reduced to that of being 'a mere object of international law', while the element of universality was replaced by moral relativism.

<sup>54</sup> It should be noted that while Grotius is generally regarded to have provided a secular and rationalist basis for natural law and the law of nations, there is a certain ambiguity in the place he assigns to divine law. Grotius states that natural law would retain its character even if one were to concede that there is no God. (Prolegomena 11). However, the fact that he identifies divine law as a source of law, albeit not the ultimate source, has led some to question his status as a secularist and a rationalist. See Edwards, *Grotius*, p. 47.

<sup>55</sup> (Leicester, 1978), p. 108. The original version first appeared in 1946 in the form of an essay and later appeared as a text, edited and enlarged by Hedley Bull and Carstan Holbraad.

never have an assurance that another power is not malevolent . . . in international politics law and institutions are governed and circumscribed by the struggle for power. This indeed is the justification for calling international politics 'power politics' par excellence.<sup>56</sup>

The Grotian elements of Wight's thought emerge more clearly in his later essays and lectures.<sup>57</sup> In his later work, Wight, like Grotius, defines the problematic in terms of the phenomenon of war and conditions of peace and order and is less concerned with the causes of war than with the conditions of peace and order, reflecting the belief that war is inevitable.<sup>58</sup> Likewise, Wight, rejects the view that 'the only subjects of international law are states', citing with approval those who argue that there is a need to broaden the concept of international personality to 'bring international law into closer relation with political experience' which recognizes the role of individuals and non-state actors.<sup>59</sup> Finally, Wight, like Grotius, conceives of the world in terms of a society of states. Indeed, he defines international theory as 'a tradition of speculation about the relations between states' and about the 'society of states' and posits that the 'most fundamental question you can ask in international theory is, What is international society?'<sup>60</sup>

Wight, though expressing doubts about the existence of 'international theory',<sup>61</sup> identifies persistent and recurrent patterns of ideas or traditions. He argues that it is possible to trace 'at least three, coherent patterns of thought about international relations, two of which are indeed self-conscious intellectual traditions'.<sup>62</sup> The three categories identified are realism, rationalism, revolutionism and a fourth, or sub-category of revolutionism, inverted revolutionism. They are associated, respectively, with the thought of Machiavelli, Grotius and Kant, among others.<sup>63</sup> The main distinguishing feature is the position adopted on 'international society'. The realist or Machiavellian conception forms one extreme and denies the existence of an 'effective' international society. Most legal positivists, he argues, reflect this position. In emphasizing that 'society' can only be established by contract and, in positing that international relations is a pre-contractual state of nature, positivists are unable to contemplate a meaningful society amongst states.<sup>64</sup>

Revolutionism or Kantianism lies at the other extreme and posits that the existing community of states is 'unreal'—'a complex of legal fictions and obsolescent diplomatic forms which conceals, obstructs and oppresses the *real* society of individual

<sup>56</sup> Wight, *Power Politics*, pp. 101–2.

<sup>57</sup> In particular, see 'Western Values', in Butterfield and Wight (eds.), *Diplomatic Investigations*, where Wight discusses the rationalist or Grotian tradition.

<sup>58</sup> Bull, 'Martin Wight', p. 110.

<sup>59</sup> 'Western Values', p. 102.

<sup>60</sup> 'Why Is There No International Theory?', in Butterfield and Wight (eds.), *Diplomatic Investigations*, pp. 17–8 and 'An Anatomy', p. 222.

<sup>61</sup> In 'Why Is There No International Theory?' Wight attributes what he refers to as 'a kind of recalcitrance of international politics to being theorized about' to the intellectual dominance of the state and to the belief in progress, which is inconsistent with the recurrent and necessitous nature of international politics.

<sup>62</sup> 'An Anatomy', pp. 221–2. Wight does not develop the distinction between 'patterns of thought' and 'traditions of thought' in depth, save for the observation that the former partakes more of philosophy, thereby exhibiting greater logical coherence, while the latter partakes of history and practice and thus is subject to actions that are inconsistent with logic. Unfortunately, Wight does not specify which of the categories constitute traditions and which constitute patterns.

<sup>63</sup> Bull, in 'Martin Wight', and B. Porter in 'Patterns of Thought and Practice: Martin Wight's 'International Theory' in M. Donelan (ed.), *The Reason of States* (London, 1978), pp. 64–78. Both note that Wight did not limit these categories to the thought of any one individual alone.

<sup>64</sup> 'Western Values', p. 93 and 'An Anatomy', p. 222.

men and women, the *civitas maxima*'.<sup>65</sup> The identification of individuals and not states as the true members of international society is similar to the Grotian notion of a society of mankind. However, Wight argues that belief in the illegitimacy of the present order and the inevitability of its replacement by a world cosmopolis differentiates revolutionism from the Grotian formulation. Kant's prescriptions for perpetual peace and Dante's vision of a divinely ordained world state exemplify this tradition. The revolutionist acknowledges society, but considers it to be illegitimate and temporary in nature.

Between these two categories lies the third, rationalism or Grotianism. This tradition rejects both the realist's claim that international society is a fiction and the revolutionist's assessment of the illegitimate and transitory nature of the states system. Wight describes this tradition as a 'Whig' or 'constitutional' tradition in diplomacy and cites Grotius, Suarez, Burke, Locke, Gladstone, Churchill and others as exemplifying its basic ideas. For Wight, this tradition embodies the Western values of constitutionalism and moderation. The constitutionalism lies in the preoccupation with moral and legal limits on the exercise of power, while the moderation lies in its character as a *via media* between the extremes of realism and revolutionism. He describes the rationalist version of international society in the following terms:

International society, then, on this view, can be properly described only in historical and sociological depth. It is the habitual intercourse of independent communities, beginning in the Christendom of Western Europe and gradually extending throughout the world. It is manifest in the diplomatic system; in the conscious maintenance of the balance of power to preserve the independence of the member communities; in the regular operations of international law, whose binding force is accepted over a wide though politically unimportant range of subjects; in economic, social and technical interdependence and the functional international institutions established latterly to regulate it. All these presuppose an international consciousness, a world-wide community sentiment.<sup>66</sup>

To Wight the thread that holds the society together is a 'core of common standards and common custom', which is embodied in international law and in the practices and institutions of international society. However, while Grotius was able to justify the universal value of these common standards and customs by providing a natural law foundation, Wight is ambiguous as to their origin. He is reluctant to embrace the positivist position that attributes the binding force of international law to the will or consent of states alone on the grounds that in so doing, one denies the existence of an 'effective' international society and renders legal theory inconsistent with actual state practice. Yet, he is unprepared to accept the adequacy of natural law explanations, again noting a tension and 'disharmony between international theory and diplomatic practice':

But international law seems to follow an inverse movement to that of international politics. When diplomacy is violent and unscrupulous, international law soars into the regions of natural law; when diplomacy acquires a certain habit of co-operation, international law crawls in the mud of legal positivism.<sup>67</sup>

The asymmetry between theory and practice is illustrated with reference to the lack of restraint evident in the conduct of seventeenth-century diplomacy, in spite of the

<sup>65</sup> 'Western Values', p. 93 (original emphasis). The following discussion relies primarily upon 'Western Values', and 'An Anatomy'.

<sup>66</sup> 'Western Values', pp. 96–7.

<sup>67</sup> Wight, 'Why Is There No International Theory?', p. 29.

currency of natural law theories imposing restraints on state action. It is further illustrated by the preeminence in the nineteenth century of the theory of legal positivism, which Wight argues denied the existence of an 'effective' international society 'in an age when the conception of Europe as a cultural and moral community acquired a new vigour, and the diplomatic system of the Concert maintained standards of good faith, mutual consideration and restraint higher probably than at any other time in international history'.<sup>68</sup>

Despite the asymmetry between theory and practice, Wight maintains that the natural law ethic has survived and is an integral part of Western values. But it 'survives in an awareness of the moral significance and the moral context of all political action', not in terms of a 'dramatic moral veto on political action'. Its enduring influence lies in rationalism or Grotianism—in the ability to contemplate an alternative, middle ground of 'a permissible accommodation between moral necessity and practical demands', wherein self-control and restraint temper the exercise of power.<sup>69</sup> The notion of a *via media* or middle ground between extremes emerges as a means for resolving the imperfect fit between theory and practice. In addition, the 'golden mean' serves as a method for reconciling the divergent world views presented by the three competing patterns or traditions of thought which Wight argues coexist throughout time 'dynamically interweaving, but always distinct', 'in mutual tension and conflict'.<sup>70</sup>

Wight's rationalism thus emerges from an inability to embrace any one single formulation. This inability is in part due to the recognition that all three patterns are simultaneously present in international thought and practice and, therefore, no one formulation is able to account, from an empirical point of view, for the totality of international relations. His belief in the efficacy of international society militates against wholesale acceptance of realism. But the inability of natural law formulations to accommodate the state and state practices works against embracing the Grotian view of international society in its totality, while his Christian pessimism rules out revolutionism, save perhaps for the inverted variant.<sup>71</sup>

Beyond considerations of empirical inadequacy, Wight was also profoundly influenced by his belief in the moral virtue of the *via media*, which to him was embodied in Western values of constitutionalism and rationalism. Though Wight prefaces 'Western Values' with a disclaimer of 'impulses of personal commitment', the conclusion that he was deeply and personally committed to the values of moderation, tolerance and accommodation is inescapable. Indeed, Wight states that the *via media* embodies a 'moral sense', for it 'assumes that moral standards can be upheld without the heavens falling' and that 'the upholding of moral standards will in itself tend to strengthen the fabric of political life'.<sup>72</sup>

Wight thus reflects the Grotian image of the world as a society of sovereign states that is anarchical, in that it lacks a central authority, but that is also orderly due to the regulating influence of the rules, institutions and practices of international society. Grotius ultimately rooted the common standards and practices of international

<sup>68</sup> Wight, 'Why Is There No International Theory?', p. 30.

<sup>69</sup> 'Western Values', pp. 124, 128.

<sup>70</sup> 'An Anatomy', p. 227.

<sup>71</sup> For further discussion of the influence of Wight's religious beliefs and for the view that Grotian rationalism is a compromise position which makes concessions to both alternate formulations see Bull, 'Martin Wight'.

<sup>72</sup> 'An Anatomy', pp. 130–1.

society in the transcendent principles of natural law. Wight, while acknowledging that such standards and practices were initially inspired by natural law thinking, attributes their currency and longevity to their embodiment in the positive institutions and practices of international society—diplomacy, international law, the balance of power and functional international institutions. Wight thus extends the concept of international society to embrace a broader range of institutions and practices, suggesting a more encompassing and complex society than the Grotian vision of international society. Furthermore, the reluctance to confine international society entirely to a natural law source, recognizing the impact of state practice and the need for an accommodation between political necessity and moral imperatives, is suggestive of a less absolute and compelling social order than that contemplated by Grotius. Accordingly, it is more appropriate to refer to Wight as 'neo-Grotian'.

Both Wight and Grotius believe in the legitimacy of the present order, and in this regard share with the classical tradition a sense of conservatism evident in the *a priori* value accorded to the state.<sup>73</sup> However, they subject the primacy of the state to the moral and legal restraints embodied in international society, reflecting a world view that is at variance with classical formulations of international anarchy.

### *Hedley Bull*

The distinction between the Grotian and neo-Grotian formulations is even more evident in the work of Hedley Bull. While neither Grotius nor Wight falls squarely within the classical tradition with regard to their identification of the essential actors and their images of world, the same cannot be said of Bull. The departures Bull makes from the Grotian identification of the essential actors and the Grotian world view suggest that Bull is even less 'Grotian' than Wight. Indeed, Bull himself distinguishes between 'Grotians' and 'twentieth-century neo-Grotians' and states that while the conception of international society he has in mind 'may be called the Grotian conception', the 'reason for giving it this name does not lie in the part which the writings of Grotius have played in bringing about this twentieth-century doctrine, although this has by no means been negligible; but simply in the measure of identity that exists between the one and the other'.<sup>74</sup>

Bull, like Grotius and Wight, defines the problematic in terms of the phenomenon of war and the conditions of peace and order, and is more concerned with the question of order. Similarly, he offers no sustained analysis of the causes of war, but seeks to explain the existence of order in anarchy and unity in fragmentation. *The Anarchical Society* opens with the following statement:

The present study takes as its starting-point the proposition that . . . 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.<sup>75</sup>

With regard to the identification of the problematic, Bull is at one with Grotius, Wight, and the classical tradition. However, with respect to his identification of the

<sup>73</sup> See Jackson, 'Inverted Rationalism'.

<sup>74</sup> 'The Grotian Conception', p. 51.

<sup>75</sup> Bull, *Anarchical Society*, p. 24.

essential actors, Bull parts company with Grotius and Wight, placing himself squarely within the classical tradition. Bull firmly endorses the view that states are the essential actors in international relations and the primary units of analysis. He rejects that international legal personality should be granted to individuals, arguing that when '[C]arried to its logical extreme, the doctrine of human rights and duties under international law is subversive of the whole principle that mankind should be organized as a society of sovereign states'.<sup>76</sup> In addition, while Bull acknowledges the existence of other non-state or transnational actors and though he minimizes their success in challenging the primacy of the state, he considers their claims to international personality to carry 'the seeds of subversion of the society of sovereign states'.<sup>77</sup>

Bull rejects the Grotian notion that natural law forms the basis of international society and the foundation for individual rights and responsibilities. In so doing, he aligns himself with the positivist position that common values, customs and norms are created by states and not by 'abstract theories about what states should do'.<sup>78</sup> In fact, Bull claims to be expounding the "empirical equivalent" of natural law theory'.<sup>79</sup> Furthermore, the rights and duties created by states and embodied in positive international law are owed only to states.

In building the case for a positive law basis for international society, Bull distinguishes between 'solidarist' and 'pluralist' views of international society, aligning himself with the latter. Both views, he notes, accept the existence of a society of states and reject formulations that posit that international relations is a pre-contractual state of nature, devoid of any societal elements, or alternatively, posit the immanent replacement of the states system with a universal empire or world state. However, they are divided over the role of war in international society, their identification of the source of international law and the status of individuals in international society. The solidarist view, exemplified by Grotius, Vollenhoven and Lauterpacht, assumes the 'solidarity, or potential solidarity, of the states comprising international society' with regard to the establishment and enforcement of standards governing state action.<sup>80</sup> In contrast, the pluralist view, exemplified by Oppenheim, Vattel and, with which Bull associates himself, assumes that states do not exhibit 'solidarity' with regard to the standards or criteria governing state action. The pluralist view posits that states 'are capable of agreeing only for certain minimum purposes which fall short of that of the enforcement of the law'.<sup>81</sup>

As a pluralist, Bull argues that there is no universal consensus as to right and wrong conduct in international relations. Thus, he rejects the Grotian distinction between just and unjust wars on the grounds that international society may often be 'divided as to which side embodies the just cause'.<sup>82</sup> Furthermore, he argues that laws granting the 'just party' special status in war threaten to weaken the reciprocal enforcement of the laws of war, while special rules of intervention threaten to undermine the principle of territorial integrity in the absence of a societal consensus governing their application.

<sup>76</sup> Bull, *Anarchical Society*, p. 152.

<sup>77</sup> Bull, *Anarchical Society*, p. 153.

<sup>78</sup> Bull, *Anarchical Society*, p. 35.

<sup>79</sup> Bull, *Anarchical Society*, p. 6.

<sup>80</sup> 'The Grotian Conception', p. 52.

<sup>81</sup> 'The Grotian Conception', p. 52.

<sup>82</sup> 'The Grotian Conception', p. 70.

Bull thus recognizes the existence of an international society, but not one based upon universal natural law principles of right and wrong conduct. Rather, Bull's international society consists of the positive rules, practices and institutions of international society which embody the common interests and values of states.

*A society of states* . . . 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.<sup>83</sup>

Bull notes that the common interests may be a result of shared fears of 'unrestricted violence, of the instability of agreements or of the insecurity of their independence or sovereignty'.<sup>84</sup> Furthermore, states may recognize the benefits of reciprocity in accepting limitations on their actions. Bull identifies international law, the balance of power, great power management and war as the common institutions of international society, while mutual respect for the territorial integrity and independence of states, belief in the sanctity of promises and in certain limitations on the use of force constitute the common interests of its members. These common interests, in turn, reflect the value that states attach to the goal of preserving the society of independent and sovereign states. Indeed, Bull regards 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' to be the 'fundamental or constitutional normative principle of world politics' today.<sup>85</sup>

Bull justifies the pluralist position on the grounds that it is more consistent with the reality of international relations. The solidarist position 'sets up the law over and against the facts' and places too heavy a burden on international law, for it requires a degree of consensus not possible amongst states. Pluralism, in contrast, is more representative of state practice. Bull denies that pluralism is a 'mere rationalization of state practice' and argues that it is a 'conception of international society founded upon the observation of the actual area of agreement between states and [is] informed by a sense of the limitations within which in this situation rules may be usefully made rules of law'. Bull concludes that 'in the twentieth century the Grotian [i.e. solidarist] conception has proven premature'.<sup>86</sup>

In emphasizing the potentially subversive impact of the status that natural law theory accords to the individual, Bull overlooks the influence that the patrimonial conception of the state had on Grotius' thinking and confounds the Grotian view of the society of mankind with that of Kantianism or revolutionism. We saw earlier that Grotius was essentially conservative in that he did not contemplate the replacement of the existing order with a new order, but was concerned with creating a normative and legal framework for the emerging states system by subjecting the relations of sovereign states to the rule of law. Indeed, it is the belief of Grotians or rationalists in the legitimacy and propriety of the states system that enables Wight to differentiate between rationalism and revolutionism. Furthermore, while Bull expresses sympathy for the positivist view that 'there are no rules that are valid independently of human will, that are part of "nature"', he does impute a transcendent and universal quality

<sup>83</sup> *Anarchical Society*, p. 13.

<sup>84</sup> *Anarchical Society*, p. 67.

<sup>85</sup> *Anarchical Society*, pp. 67–70.

<sup>86</sup> 'The Grotian Conception', pp. 71–3. See also *The Anarchical Society*, pp. 238–40.

to the rules necessary to the maintenance of the existing states system. Moreover, he recognizes that this quality derives from natural law thinking.

Finally, it may be argued that there are certain moral premises that are shared universally, or nearly universally—that moral rules protecting life, property and the sanctity of agreements, for example, are respected in all societies, including international society. To draw attention to the fact that these very widely shared rules seem to reflect not the conventions of particular times and places but the nature of human beings and the perennial situation in which they find themselves, has been one of the contributions of the natural law tradition.<sup>87</sup>

Bull's position that states share the elementary or fundamental goals and purposes of preserving and maintaining order in the existing states system,<sup>88</sup> sits uncomfortably with the assertion that there is no solidarity amongst states with regard to standards of right or wrong conduct. Terry Nardin has argued persuasively that purposive associations require and assume consensus amongst the members as to the goals or ends of the association and that such consensus is difficult to conceive of in a world of normative pluralism.<sup>89</sup>

There is thus a tension in Bull's society arising from the ambiguity with regard to its natural law or positive law origins. Bull only partially succeeds in expounding the 'empirical equivalent of natural law', for he fails to provide the theoretical basis for the transcendent and near universal commitment to the value of maintaining the existing system. One searches in vain for an unambiguous formulation of the source of the pre-existing rule that binds states *a priori* to the fundamental constitutional principles of international society. While natural law furnishes the source of obligation and the element of universalization for Grotius, and Western values and practices, ultimately rooted in natural law, provide the source of obligation and universality for Wight, Bull proposes common goals and purposes. However, Bull's commitment to pluralism and positivism, denies the element of universalization necessary for postulating the existence of obligatory common values, goals and purposes.

There is yet another aspect of this tension which relates to the posited scope of international society. The pluralist position that international society is limited to areas of positive agreement amongst states and the limitation of those areas, as noted before, to certain 'minimum purposes which fall short of that of the enforcement of the law', sounds curiously like the description of the Hobbesian world where prudence, rudimentary international law and reciprocity carve out an area of minimum agreement amongst states. Indeed, Bull concedes that the pluralist doctrine might be 'a disguised form of *Realpolitik*' and that the pluralist archetype, Oppenheim, 'leans toward the position of *Realpolitik*'.<sup>90</sup> Stanley Hoffman notes the apparent tension between Bull's realism and his emphasis on society:

Bull's approach to the study of international society is marked by one important tension, which gives rise to a number of unanswered questions. This is the tension between his realism and his emphasis on the rules and institutions which dampen anarchy—international law, the balance of power, even war as a means of preserving a balance, the role of the great powers . . . the rule of non-intervention . . . He showed that anarchy was compatible with society; but how much society . . . is likely to flourish in an anarchical structure?<sup>91</sup>

<sup>87</sup> 'Natural Law and International Relations', p. 180.

<sup>88</sup> *Anarchical Society*, ch. 1.

<sup>89</sup> *Law, Morality, and the Relations of States* (Princeton, 1983).

<sup>90</sup> 'The Grotian Conception', pp. 70, 53.

<sup>91</sup> 'Hedley Bull', pp. 186–7.

The realist elements in Bull's thought may be at least partially explained by reference to the affinity between legal positivism and realism. Both identify the state as the essential actor and both confine whatever elements of society that may be said to exist to the areas of positive international law—the areas of actual agreement between states evidenced in treaty or customary law. This affinity has been noted by others. C. F. Murphy, for example, traces the influence of Hobbes, Machiavelli and Spinoza on post-Grotian international legal thinkers who developed the doctrine of positive law.<sup>92</sup> He argues that the growth of positivist legal science paralleled and, indeed, complemented the historical development of the system of sovereign states. The Treaty of Westphalia recognized the independence of states, while the doctrine of legal positivism provided both a theory and a justification for *raison d'état*. Both institutionalized and formalized the principle of political independence and reinforced the idea that there was no higher authority to which states are obligated.

Lauterpacht, in a similar vein, observes that

[M]odern formulae such as that international law is possible only as a 'law of coordination' effected by agreement of sovereign states, express ideas of distinct affinity with those of 'reason of State'. For there is probably more truth than exaggeration in the view that uncompromising insistence upon the unlimited rights of state sovereignty in contempt of the interests of other nations, of the interdependence of states, and of the public opinion of the world, is one of the manifestations of the spirit of ruthless egotism which has become associated with the idea of *raison d'état*.<sup>93</sup>

By combining the Grotian notion of society with positive law theory and the latter's realist inclinations, Bull draws upon two distinct and incompatible traditions. Both accept the states system as a given, but one posits the existence of universal values, which provide the basis for a community or societal interest, while the other rejects the universality of values and limits community or societal interests to areas where state interests coincide. For the solidarist Grotian, the posited universality of natural law provides the source of definitions of the 'international good'—the *grundnorm*, if you will. But for the pluralist Grotian, who purports to rid international society of its naturalist underpinnings, there is no basis upon which to construct a definition of the 'international good'. This is quite evident in Bull's discussion of the difficulty of conceiving of the 'world common good', which we are forced to identify through the 'distorting lens' of the views and particularist interests of states, due to the absence of means of identification at the international level.<sup>94</sup>

Thus, Bull is forced to endow the preservation of the system of sovereign states with some sort of universally or near universally recognized, super-ordinate value that somehow escapes the particularist goals and purposes of states. In so doing, Bull is articulating what is closer to a moral or normative commitment to the existing order than an observation about the empirical reality of international relations. This is particularly so with regard to his subordination of demands for human or cosmopolitan justice to demands for order in international relations. Bull makes the observation that order pre-exists justice—the goal of order is an elementary or primary goal which must be achieved before the secondary goal of justice is realisable. However, he also recognizes that certain demands for justice are revolutionary in nature and contemplate the destruction or transformation of the society of states,

<sup>92</sup> 'The Grotian Vision.'

<sup>93</sup> 'The Grotian Vision', pp. 34–35 (original emphasis).

<sup>94</sup> *Anarchical Society*, p. 86.

thus challenging both the primacy attached to order as a value and the primacy attached to the preservation of the existing order. In such cases, Bull argues that while he is reluctant to give a 'commanding value' to order, for he would prefer a solution that accommodates demands for both order and justice, the absence of a consensus as to what justice requires renders such accommodation unlikely. Accordingly, he adopts the 'conservative or orthodox' view that gives order priority over justice on the grounds that in the absence of consensus as to the nature of desired change, 'the prospect is opened up that the consensus which does exist about order or minimum coexistence will be undone'.<sup>95</sup> The observation that order pre-exists justice masks his normative preference for preservation of the existing order. Indeed, he recognizes that the 'proponent of order takes up his position partly because the existing order is, from his point of view, morally satisfactory, or not so unsatisfactory as to warrant its disturbance'.<sup>96</sup>

While Bull is at one with the classical tradition with regard to his formulation of the problematic and comes closer to the classical tradition than do Grotius or Wight in terms of the identification of the essential actors, the position with regard to his world view is more difficult to assess. Bull clearly acknowledges the existence of societal elements that mute the effects of anarchy, but the ambiguity with which he formulates the foundation or source of international society results in considerable uncertainty. The realist or pluralist aspects of his thought suggest that states are unable to achieve a consensus on values such as justice or individual human rights or to formulate and articulate the international or common good. International society is thus limited in scope to areas where states have reached agreement on the minimum conditions necessary for coexistence. In contrast, the remnants of solidarism, reflected in the near universal legitimacy accorded by states to international society's fundamental constitutional principles, suggest a society of broader scope and one capable of achieving a consensus over the primacy of order and the need to preserve the existing order, as moral ends.

### *Comparison of Grotius and the neo-Grotians*

The distinctions between Grotius, Wight and Bull might be further illustrated by way of a continuum. At one end of the continuum is the natural law formulation, which posits the solidarity of states and the universality of values and extends membership in society to individuals and to states. Natural law forms the foundation for international society and, by virtue of the claim of natural law to universal application, asserts the universality and ubiquity of international society.<sup>97</sup> For the

<sup>95</sup> *Anarchical Society*, p. 96.

<sup>96</sup> *Anarchical Society*, p. 97.

<sup>97</sup> It is important here to distinguish between the claim to universality in theory and in fact. Bull notes in 'The Emergence Of A Universal International Society', in H. Bull and A. Watson (eds.), *The Expansion of International Society* (Oxford, 1984), p. 120, that, in fact, there really was no universal international society prior to the nineteenth century. Though natural law posited the existence of such a society, 'the universal international society of mankind contained in the doctrine of natural law was a merely conceptual or theoretical one. It had no foundation in the will or consent of political communities throughout the world'. Bull emphasizes that the absence of commonly perceived interests and accepted rules, practices and institutions militate against the finding of a universal international society in the relations between European and non-European states. Similarly, Martin Wight in *System of States*, p. 128 argues that the Grotian society was dualistic in nature, comprised of an universal 'outer circle', uniting all men under natural law, and an European 'inner circle', uniting men under divine law, thus differentiating between Christians and infidels.

naturalist, the source of moral and legal obligation derives from transcendent and universal natural law principles. At the other end of the continuum lies the positive law tradition. Legal positivism questions the prospects for developing a universal consensus over values in a system of sovereign states that recognizes no higher authority, which is posited to be necessary for the formulation and enforcement of common standards.<sup>98</sup> Positivists limit membership in international society to sovereign states and delimit the boundaries of society according to the areas of state agreement. In so doing, the positivist formulation contemplates an international society that admits to less-than-universal application, for it is present only in areas exhibiting common interests, practices, rules and institutions. Furthermore, for the positivist the source of obligation is traced to the will or consent of states, as evidenced in customary and treaty law.

Grotius clearly lies on the natural law end of the continuum. The source of obligation, the *grundnorm* or metaphysical first principle is identified in transcendent and universal principles, while membership in society is extended to both states and individuals.

Wight occupies a position somewhere between the two ends, though probably closer to natural law. In according membership in international society to both states and individuals, Wight reflects the natural law tradition. However, the intimate connection Wight makes between thought and action, between international theory and diplomatic practice, in the evolution of Western values, suggests that his society contemplates dual sources. The ultimate source of obligation for Wight must, therefore, comprise consent and custom infused with the overarching moral force of Western values. Western values, for Wight replace natural law as the *grundnorm* or metaphysical first principle. But Wight's society admits, in theory, to less-than-universal application, being primarily Western in character and thus lacking the element of universalization present in natural law.<sup>99</sup>

As a pluralist, Bull places himself in the positivist camp with regard to both the essential actors and the source of obligation. However, the priority attached to the preservation of the existing order and the belief that this priority is virtually universally shared are inconsistent with the assumptions of positivism and pluralism and are more reflective of solidarist premises. Bull thus sits somewhere between positivism and natural law on the continuum, though arguably closer to the former, for in seeking to attribute the normative force of international society to shared purposes and goals he is trying to root the first principle in state practice. The problem lies in attempting to derive a universalist element from positivist and pluralist premises which defy universalization. Thus Bull is forced to impute a transcendent meaning and value to the vague notion of 'the elementary goals of social life', giving his society an almost Darwinian character.

### Regime theorists

The idea that a less-than-universal or limited society may exist in pockets or areas of actual agreement amongst states is reflected in the works of international regimes

<sup>98</sup> Note, however, that not all positivists ascribe to the command theory of law. See H. L. A. Hart, 'Positivism and the Separation of Law and Morals', *Harvard Law Review*, 71 (1958), pp. 593–629.

<sup>99</sup> Vincent in 'Western Conceptions', p. 31 notes that an 'intractable difficulty' with notions of 'world society as constituting a moral framework' is that 'in being *western* conceptions, they are inescapably a partial view of the world society as a whole'. See also Bull, 'Martin Wight', p. 115, for a discussion of the Eurocentric and Western character of Wight's international society.

analysts. Students of international regimes are generally concerned with the issue of governance and focus upon the formal and informal rules, institutions and practices that regulate international relations. Regimes have been 'broadly defined as governing arrangements constructed by states to coordinate their expectations and organize aspects of international behavior in various issue-areas'.<sup>100</sup>

As mentioned at the onset, some students of international regimes are said to be strongly informed by the Grotian tradition, which accepts regimes as 'pervasive and significant phenomenon in the international system'.<sup>101</sup> Krasner identifies Oran Young, Donald Puchala and Raymond Hopkins as adherents of a Grotian perspective.<sup>102</sup> To what extent, however, does this 'Grotian strain' embody elements of the Grotian tradition that has occupied the discussion thus far? Does this strain mark a significant departure from the classical tradition?

A review of these authors discloses that they, too, are better described as neo-Grotians, than as Grotians. At the most fundamental level they define the problematic in terms of the conditions of order in international relations. While immediately concerned with creating typologies of international regimes and explaining the phenomena of regime creation and transformation, they are ultimately concerned with accounting for cooperative and rule governed behavior in an anarchic system. Young defines the central feature of regime analysis to be the 'search for determinants of stability and change in international institutions',<sup>103</sup> which is simply another way of approaching the question of order in international relations. If one accepts that the concern with regime governed behavior is analogous to the concern with order and governance, then it appears that the Grotian strain defines the problematic in much the same terms as does the Grotian tradition and does not mark a substantial departure from the classical tradition's formulation of the problematic.<sup>104</sup> Additionally, in identifying the essential actors and in formulating a world view, the Grotian strain closely resembles the classical tradition.

For Young, states are the essential regime actors, though he notes that they often act through the agency of non-state actors:

In formal terms, the members of international regimes are always sovereign states, though the parties carrying out the actions governed by international regimes are often private entities (for example, fishing companies, banks or private airlines).<sup>105</sup>

Puchala and Hopkins identify sets of elites as the 'practical actors' of regimes, but 'nation-states are the prime official members of most international regimes, although international, transnational, and sometimes subnational organizations may practi-

<sup>100</sup> F. Kratochwil and J. G. Ruggie, 'International Organization: A State of the Art on the Art of the State'. *International Organization*, 40 (1986), p. 759. For a useful review of the regimes literature, see S. Haggard and B. A. Simmons, 'Theories of International Regimes', *International Organization*, 41 (1987), pp. 491–517.

<sup>101</sup> Krasner, 'Structural Causes', p. 10. This volume adopts the following definition of international regimes: 'sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations'.

<sup>102</sup> O. R. Young, 'Regime Dynamics: The Rise and Fall of International Regimes', in Krasner (ed.), *International Regimes*, pp. 93–114; D. J. Puchala and R. F. Hopkins, 'International Regimes: Lessons from Inductive Analysis', in Krasner (ed.), *International Regimes*, pp. 61–90.

<sup>103</sup> 'International Regimes: Toward a New Theory of Institutions', *World Politics*, 39 (1986), p. 111.

<sup>104</sup> Holsti would likely disagree for in 'The Necrologists of International Relations', *Canadian Journal of Political Science*, 18 (1985), p. 692, he argues that the 'normative core' of regime analysis is 'welfare broadly conceived' and not the causes of war and conditions of peace.

<sup>105</sup> 'Regime Dynamics', p. 93.

cally and legitimately participate'.<sup>106</sup> While they note that individuals and bureaucratic units are often the real players in regime creation and maintenance, they do not suggest that subnational units or individuals are recognized as having any special status or holding any special rights in international relations. In identifying the state as the essential actor, they are at one with more positivist neo-Grotians and reflect the classical tradition.

Like Bull, the Grotian strain views the world in terms of a system of sovereign states, and believes that the absence of an overarching authority does not necessarily result in disorder. Young posits the existence of 'recognized patterns of behavior or practice around which expectations converge' which impart order to international relations.<sup>107</sup> Puchala and Hopkins posit that in 'international relations there are revered principles, explicit and implicit norms, and written and unwritten rules, that are recognized by actors and that govern their behavior'.<sup>108</sup> They argue that regimes exist in every area of international relations where there is 'discernibly patterned behavior. Wherever there is regularity in behavior some kinds of principles, norms or rules must exist to account for it'.<sup>109</sup>

Regimes are traced to their origins in expediency, reciprocity, utility and, sometimes sheer power. They emerge as responses to problems of coordination and situations in which self-interested and individualistic behaviour lead to undesirable or sub-optimal outcomes, like prisoners' dilemma situations, collective goods problems and the tragedy of the commons. They may arise by negotiation, by imposition of dominant states or by the spontaneous coordination of state activities. While Puchala and Hopkins emphasize that states comply with the rules and norms embodied in regimes, mostly out of 'calculated self-interest',<sup>110</sup> Young cites a general sense of obligation, simple habit, utilitarian considerations of self-interest, reciprocity and the fear of damage to reputation, as sources of compliance.<sup>111</sup>

The important thing to note is that the common norms and values which are said to characterize regime governed activities originate, not in transcendent or natural law principles, as do the societal values of the Grotian tradition, but in the positive actions of states. Young describes regimes as 'human artifacts' which have 'no existence or meaning apart from the behavior of individuals or groups of human beings . . . they belong to the sphere of social systems rather than natural systems . . . International regimes do not exist as ideals or essences prior to their emergence as outgrowths of patterned human behavior'. Moreover, he states that this view has 'much in common with the philosophical tenets of legal positivism as contrasted with natural law perspectives'.<sup>112</sup> Young thus aligns himself with the neo-Grotian position that delimits the boundaries of society (or regimes) by the areas of state agreement, suggesting that his strain of regime analysis lies on the positivist end of the continuum. It is not a natural law based theory of society or community, but an interest-based theory which traces the cooperative elements of international relations to more realist concerns of utility, expediency and power. The potential for regimes

<sup>106</sup> 'International Regimes', p. 63.

<sup>107</sup> 'Regime Dynamics', p. 63.

<sup>108</sup> 'International Regimes', p. 86.

<sup>109</sup> 'International Regimes', p. 63.

<sup>110</sup> 'International Regimes', p. 90.

<sup>111</sup> For a good discussion of formal and informal compliance mechanisms, see O. R. Young, *Compliance and Public Authority* (Baltimore and London, 1979).

<sup>112</sup> 'Regime Dynamics', p. 95.

to embody particularist or less-than-universal values and interests is evident in the notion of imposed or biased regimes.

All regimes are biased. They establish hierarchies of values, emphasizing some and discounting others. They also distribute rewards to the advantage of some and the disadvantage of others, and in so doing they buttress, legitimize, and sometimes institutionalize patterns of dominance, subordination, accumulation, and exploitation. In general, regimes favor the interests of the strong . . .<sup>113</sup>

While Young does recognize that compliance may arise out of a general sense of obligation that does not rest upon calculations of interest, he observes that the search for the 'ultimate normative source' of the obligation to comply 'must lead either to an infinite regress or to the formulation of some metaphysical first principle'.<sup>114</sup> Whereas Bull postulates commitment to the existing states system as the metaphysical first principle, and, arguably, Wight postulates the moral superiority of Western values as the *grundnorm* of society, Young resists the temptation and concludes that 'feelings of obligation can constitute a powerful incentive to comply with behavioral prescriptions in specific situations'.<sup>115</sup>

The Grotian strain of regime analysis is, thus, more neo-Grotian than Grotian, for it lacks the natural law origins characteristic of the latter. In addition, it shares a certain affinity with the classical tradition in its emphasis on positivism and its concessions to the realities of power or *realpolitik*, evident in the notions of imposed regimes and biased regimes. Furthermore, regime theorists lie closest to the positivist end of the continuum, having almost entirely divested society of any universalist premise by rooting obligation predominantly in utilitarian considerations of self-interest.

### Contribution to international theory

Thus far it has been argued that there is a need to distinguish between the Grotian tradition, evident in the works of Grotius, and the neo-Grotian tradition, evident in the works of Wight, Bull and certain regime analysts. The Grotian tradition posits the existence of a natural law based society, admitting to norms, standards and values of universal application. The neo-Grotian tradition, in contrast has largely rid itself of natural law origins for society or regimes and has adopted a positivist stance, more in keeping with realism and the classical tradition. Discontinuities appear, however, in the commitment of neo-Grotians to positivism. Some, like Bull and Wight exhibit a continuing preoccupation with the search for a *grundnorm* or metaphysical first principle to provide the theoretical basis for universalizing societal values and providing a 'metaphysical basis for the good life'.

The Grotian contribution to international theory and research today is doubtful, although there is some suggestion that it is making a modest comeback. Bull notes that the twentieth century has witnessed a retreat from the assertion that states are the essential actors, which is evident in the status accorded to individuals under international human rights law and the recognition of the roles played by a number

<sup>113</sup> Puchala and Hopkins, 'International Regimes', p. 66.

<sup>114</sup> *Compliance and Public Authority*, p. 23.

<sup>115</sup> *Compliance and Public Authority*, p. 23.

of non-state actors. In addition, he notes a 'reappearance of universalist or solidarist assumptions' in the limitations on war and the use of force embodied in the Covenant of the League of Nations and in the Charter of the United Nations.<sup>116</sup> Arguably, the demands for international justice expressed in the notion of a New International Economic Order and in the Law of the Sea reflect solidarist Grotian assumptions.<sup>117</sup> The impact of the natural law component of the Grotian tradition today is probably negligible, though R. H. Jackson notes that some argue that the concept of 'juridical statehood' is a 'reversion to natural law practice in international relations.'<sup>118</sup>

The neo-Grotians' positivistic and sociological contributions to international theory are more evident. Notions of society, regimes and areas of cooperative state relations challenge the classical assumptions that a system of sovereign states is necessarily disorderly and incapable of producing cooperative patterns of behaviour of any more than a rudimentary character. Bull and Wight show that there are formal and informal, explicit and implicit rules, institutions and practices regulating the behaviour of states, despite the structure of anarchy. Bull, it has been argued, does not really part company with or seriously challenge the classical tradition, but has attempted to combine the notion of society with the realist assumptions of the classical tradition. In so doing, he has produced some discomfort, particularly with regard to the inconsistency in positing the existence of a metaphysical first principle in a society that is incapable of normative solidarity. However, he has also augmented the classical tradition by showing that anarchy is not synonymous with disorder and by turning attention towards areas of informal, cooperative and norm governed behaviour that might otherwise go unstudied.

Wight's contribution is more difficult to assess. His position on the essential actors in international relations may pose a challenge to the classical tradition, particularly if Bull is correct in the potential that according international personality to individuals and to other non-state actors has for subverting the primacy of the state. This is unlikely, though, given Wight's express preference for the *via media* or the 'golden mean', which he identifies in Western constitutionalism and rationalism. A more likely challenge to the classical tradition comes from those who reject the moral virtue of Western values.

The challenge to the classical tradition posed by the Grotian strain of regime analysis is questionable. No significant challenge is made to the classical tradition's definition of the problematic or identification of the essential actors. While the assertion that regimes are pervasive and present in every area of international relations where patterned activity occurs suggests a challenge to the world view of anarchy, this formulation is not of great assistance in determining where society and anarchy begin or end.<sup>119</sup> Furthermore, the recognition of biased and imposed regimes does more to buttress the classical tradition's realist inclinations than it does to support a notion of societal interests and values.

As part of a broader preoccupation with norm governed activity, the Grotian strain has contributed to theory and research by directing attention to the conditions

<sup>116</sup> *Anarchical Society*, pp. 39–40.

<sup>117</sup> See the various selections in T.M.C. Asser Institute (ed.), *International Law and the Grotian Heritage* (The Hague: 1985) for the contemporary relevance of the Grotian tradition to international law.

<sup>118</sup> 'Quasi-states', pp. 541–42.

<sup>119</sup> Haggard and Simmons, 'Theories of International Regimes', p. 493, criticize this formulation of regimes for overstating the normative consensus in international politics by assuming that all regularities in behaviour are rule governed, thus 'conflating' such patterns with rules.

under which classical formulations of anarchy are inadequate. But the extent to which regimes constitute a theoretical innovation or introduce 'a conception of international institutions that differs markedly from the conception embedded in the orthodox literature on international relations'<sup>120</sup> is questionable. Holsti argues that 'regimes' is really 'a new name to cover an old phenomenon; it used to be called international law and organization.'<sup>121</sup> Indeed, international legal scholars have for some time attempted to explain why states cooperate in international relations in the absence of an effective centralized enforcement mechanism. Theorists trace the source of international obligation to a variety of phenomena, including the common purposes of participants, the consent of states, shared expectations as to authority, customary practice, rules of recognition and the consensus of the international community, to name a few. Oscar Schachter notes that '[T]he peculiar features of contemporary international society have generated considerable normative activity without at the same time involving commensurate use of the formal procedures for international 'legislation' and adjudication'.<sup>122</sup> He observes that legal theorists have recognized the role of rules of the game based upon implicit understandings and informal agreements, suggesting that the so-called new view of international institutions is really not new at all. However, while regime analysis may not constitute a theoretical innovation, in the sense of a novel approach, it is useful in directing attention towards informal areas of international cooperation. Furthermore, as Young correctly notes, 'the literature on international regimes has already played a constructive role in promoting a reintegration of the subfields of international politics, economics, law, and organization'.<sup>123</sup> As such, regime analysis highlights new avenues for research and study, and thus adds to the development of international theory and research.

Lest this evaluation be taken to emphasize the positive contribution, it should be noted that not all are in agreement as to the advances posited by regime studies. Susan Strange cautions that regime analysts tend to exaggerate the degree of order present in international relations and obscure the influence of the underlying power structure that is truly determinative of state action.<sup>124</sup> She argues that regime analysis remains state-centric and tends to value order over justice, thus producing a static and conservative picture of international relations that does not adequately challenge the classical paradigm. To these criticisms, one might add that regimes analysis is ethnocentric and Western biased—'an American academic fashion'<sup>125</sup> that has gained in popularity as the decline of American regimes occurs.

Interestingly enough, many of these criticisms could be advanced in reference to the Grotian and neo-Grotian traditions in general. Indeed, conservatism, belief in the legitimacy of the existing order and fidelity to the rule of law upholding the existing order may be the common thread that connects Grotius and the neo-Grotians. Though Grotius and Wight reject the state-centric model, their reasons are not revolutionary in nature. Furthermore, Grotius is cautious in granting individuals

<sup>120</sup> Young, 'International Regimes', p. 105.

<sup>121</sup> 'The Necrologists', p. 692.

<sup>122</sup> 'Towards a Theory of International Obligation', *Virginia Journal of International Law*, 8 (1968), pp. 301–2. Schachter identifies 'at least a baker's dozen of 'candidates'' that have been suggested as the basis of obligation in international law.

<sup>123</sup> Young, 'International Regimes', p. 121.

<sup>124</sup> 'Cave! hic dragones: A Critique of Regime Analysis', in Krasner (ed.), *International Regimes*, pp. 337–54.

<sup>125</sup> 'A Critique of Regime Analysis'.

rights that might challenge the ability of the state to govern, noting that 'reason prefers life to freedom'.<sup>126</sup> Bull most certainly identifies demands for human and cosmopolitan justice as potentially subversive of international order, thus rationalizing the subordination of justice to order when the two cannot be reconciled. Even Wight's international society, in recognizing a place for individuals, does so in the context of constitutionalism and moderation, emphasizing constraints and limitations.

Wight's international society is clearly infused with Western values that contemplate constitutional limits to the exercise of powers and rights, as too is the society identified by Bull. Only Grotius developed a truly universal notion of society, though one could argue that even the Grotian society exhibits a Western bias, for it is premised upon the Christian natural law tradition. As Lauterpacht notes this tradition has 'been exposed to the reproach that it has served more often as the bulwark of the existing order of things than as a lever of progress'.<sup>127</sup>

The possibility that international society and international regimes may be Western inspired concepts further supports the belief in an 'Anglo-American hegemony' in the study of international relations,<sup>128</sup> and suggests that the challenges society and regimes have made to the classical tradition have been conducted largely within the boundaries of the field established by the classical tradition.

<sup>126</sup> Grotius, *War and Peace*, Book III, ch. 24, p. 573.

<sup>127</sup> 'Grotian Tradition', p. 14.

<sup>128</sup> Holsti, *The Dividing Discipline*.