International Society and International Solidarity: Recapturing the Solidarist Origins of the English School

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Over the last two decades, a growing number of scholars have come to recognize that the works of C.A.W. Manning, Martin Wight, Herbert Butterfield, Adam Watson, Hedley Bull, Alan James and their followers represent a distinct perspective on International Relations (IR) for which *the English School* has become the popular term, partly because of its immediate origins in British IR departments and the British Committee on the Theory of International Politics (1959-1984), partly because of Roy E. Jones' decision to give the school he wanted to close, but instead managed to bring to public life, an awkward name.[118]

In the 1980's, the debate about the English School was mainly conducted by a few colleagues and pupils of the scholars in question.[119] Over the last decade, however, it seems that all the scholars who have been associated with this school of thought have come to share the belief that it makes sense to talk about such a school, and to discuss its origins, its membership, its outlook on international politics, its position in the discipline, and its possible contributions to current and future debates. Most recently, this tendency of the 1990's has been further stimulated by a number of important contributions, among them Tim Dunne's book *Inventing International Society: A History of the English School*,[120] the publication of a number of

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118. Roy E. Jones, "The English School of International Relations: A Case for Closure", *Review of International Studies*, Vol. 7, No. 1, 1981, pp. 1-13.

119. On the early debate about the English school and its potentials, see Jones, "The English School of International Relations: A Case for Closure"; Hidemi Suganami, "The Structure of Institutionalism: An Anatomy of British Mainstream International Relations", *International Relations*, Vol. 7, 1983, pp. 2363-2381; Sheila Grader, "The English school of international relations: evidence and evaluation", *Review of International Studies*, Vol. 14, 1988, pp. 29-44; Peter Wilson, "The English school of international relations: a reply to Sheila Grader", *Review of International Studies*, Vol. 15, 1989, pp. 49-58; Alexander Wendt and Raymond Duvall, "Institutions and International Order", in Ernst-Otto Czempiel and James N. Rosenau (eds.), *Global Changes and Theoretical Challenges: Approaches to World Politics for 1990's*, Lexington: Lexinton Books, 1989, pp. 51-73; Ole Wæver, "International Society: Theoretical Promises Unfulfilled", *Cooperation and Conflict*, Vol. 27, No. 1, 1992, pp. 97-108; Robert H. Jackson, "Pluralism and International Political Theory", *Review of International Studies*, Vol. 18, No. 3, 1992, pp. 271-281.

120. Tim Dunne, *Inventing International Society: A History of the English School*, London and Oxford: Macmillan in association with St. Antony's, 1998. See also Dunne, "International Society: Theoretical Promises Fulfilled?", *Cooperation and Conflict*, Vol. 30, No. 2, 1995, pp. 125-154, and Dunne, "The Social

articles, books and textbooks which present the English School as a general perspective on international politics comparable to realism, liberalism and critical theories,[121] and not least the current attempt led by Barry Buzan to `reconvene' the English School, a formulation that should be read as a commitment to continue and strengthen the work in this tradition.[122] It should be added here that the prospects look very good. Scholars and students in Britain, the former British Empire and continental Europe are referring to or engaging in the English School as a perspective they can either use for particular analyses or as a permanent source of inspiration and identity. To some extent, this observation is true also for the American academic community where institutionalists like Robert Keohane, constructivists and critical theorists like Alex Wendt and Rob Walker, and experts on international law and human rights like Jack Donnelly have been inspired by the English School.[123]

The current period of intense self-reflection in the English School and beyond is concurrent with an ongoing attempt throughout the discipline to reformulate the research agenda of International Relations in response to the changes brought about or accentuated by the end of the Cold War. This search for more fruitful ideas and theories about international relations

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Construction of International Society", *European Journal of International Relations*, Vol. 1, No. 3, 1995, pp. 367-389.

121. See for instance Tony Evans and Peter Wilson, "Regime Theory and the English School of International Relations: A Comparison", *Millennium: Journal of International Studies*, Vol. 21, No. 3, pp. 329-351, 1992; Barry Buzan, "From international system to international society: structural realism and regime theory meet the English school", *International Organization*, Vol. 47, No. 3, 1993, pp. 327-352; Robert H. Jackson, "The Political Theory of International Society", in Ken Booth and Steve Smith (eds.), *International Relations Theory Today*, Philadelphia: Pennsylvania State University Press, 1995, pp. 110-128; Geoffrey Stern, *The Structure of International Society: An Introduction to the Study of International Relations*, London and New York: Pinter, 1995; Andrew Linklater, "Rationalism", in Scott Burchill and Andrew Linklater (eds.), *Theories of International Relations*, London: MacMillan, 1996, pp. 93-118; Ole Wæver, "Four Meanings of International Society: A Trans-Atlantic Dialogue", in B.A. Roberson (ed.), *International Society and the Development of International Relations Theory*, London and Washington: Pinter, 1998, pp. 80-144; Robert H. Jackson and Georg Sørensen, *An Introduction to International Relations*, Oxford: Oxford University Press, 1999.

122. Barry Buzan, "The English School as a Research Program: an overview and a proposal for reconvening", Paper presented at the 24th Annual BISA Conference, Manchester, 20-22 December 1999.

123. Robert O. Keohane, "International Institutions: Two Approaches", *International Studies Quarterly*, Vol. 32, No. 4, 1988, pp. 379-396; Jack Donnelly, "Human Rights: a new standard of civilization?", *International Affairs*, Vol. 74, No. 1, 1998, pp. 1-24; R.B.J. Walker, *Inside/Outside: International Relations as Political Theory*, Cambridge: Cambridge University Press, 1993; Wendt and Duvall, "Institutions and International Order"; Alexander Wendt, "Anarchy is what states make of it: the social construction of power politics", *International Organization*, Vol. 46, No. 2, pp. 391-425, 1992.

makes the debate about intellectual origins even more important for the future development of the field. Inevitably, the search for the origins of a perspective like the English School becomes a search not only for persons to pay tribute to, but also for basic philosophies and pre-theories which it might be profitable to recapture, revitalize and reformulate.

The assumption of this paper is that a return to the solidarist origins of the English School could turn out to be profitable both as a means of understanding the centrality of human rights in contemporary international politics, changes in international legitimacy[124] and the means and values of global governance, and as a model of international progress. To recapture the solidarist conception of international society - that is the conception which sees the organization and working of international society as a reflection of international solidarity with respect to the promotion and enforcement of common standards of international conduct including the rights and duties of individuals - there is a need to do examine the relationship between the English School and the broad rationalist or Grotian tradition of which it is part,[125] and from which it has developed most of its ideas.

While it is a standard observation that inquiries into the history of ideas seem to be an obligation for any writer inside the English School, there has been too little focus on the debt that the school has to the thinkers they discuss, and especially those of the solidarist tradition. Moreover, it seems that the solidarist contributions of scholars like Martin Wight and C.A.W. Manning have been overlooked, and that other leading figures, among them Hedley Bull and Herbert Butterfield, have deliberately tried to detach themselves from this part of the tradition. Today, however, solidarist ethics, ideas and principles are evident everywhere in international politics, and the possibility for reorganizing international society along these lines seem to be bigger than ever before. Thus, as a basis of objective analysis, in the sense that this is possible at all, and as a source of critical investigations, there seems to be a strong case for inquiries into the solidarist origins and potentials of the English School. More precisely, I am going to concern myself with the following questions:

1. What is the relationship between the English School and the broad rationalist tradition of thought?

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124. With `international legitimacy', I refer to those principles which the majority of the members of international society at a given point in time regard as the proper basis for the exercise and transferral of government, the regulation of state succession and the international interference in such matters. For a discussion, see Martin Wight, *Systems of States* (edited by Hedley Bull), Leicester: Leicester University Press, 1977, pp. 153-173, especially 153, 160 and 163.

125. Here I am referring to Martin Wight's depiction of the discipline of International Relations as an ongoing debate between the realist (Hobbesian), the idealist (Kantian) and the rationalist (Grotian) traditions of thought. See Martin Wight, *International Theory: The three Traditions* (edited by Gabriele Wight and Brian Porter), Leicester: Leicester University Press, 1991.

2. What are the solidarist origins of the English School, and how can we account for the fact that most representatives of the school have been cautious if not overtly sceptical towards this part of their own academic background?

3. How can a solidarist theory of international society be derived from the English School and its roots, and how can it be transferred into an agenda for further theoretical and diplomatic investigations?

The English School and the Rationalist Tradition of Thought

Though the debate about the English School did not begin until the early eighties when Roy E. Jones provoked it by his counter-productive case for closure, its existence as a distinct perspective on international politics goes back to the first years of the Cold War and possibly even further, and as a part of the broader rationalist or Grotian tradition of thought, its roots can be traced back even to Grotius' Italian and Spanish predecessors first of all Gentili, Vitoria and Suárez.[126]

Thus, before Jones' provocative essay, there had been a number of debates involving the international society perspective associated with the English School. Firstly, in the 1960's Hedley Bull, who is probably the most influential scholar of the English School, re-launched and extended the classical debate between adherents of the naturalist and the positivist position on the sources of international law and the nature of international society, now under the labels solidarism and pluralism. Unfortunately, the intention and effect of Bull's essay was not to stimulate a real English School inquiry into the nature and potentials of the solidarist conception of international society.[127] Bull also led the traditionalist side, which included both international society scholars and classical realists, against the behaviouralists in the great debate over methodology in the 1960's.[128] Moreover, the members of the British Committee on the Theory of International Politics, which played an important role in the development of the international society perspective, were disagreeing with many of their colleagues, especially those within American realism, also on a number of substantial points. These include the existence and quality of international society as a whole and the nature, basis and significance of what the committee considered to be some of its key elements, namely order, cooperation and morality.[129] It should also be noted that earlier in this century, Grotian scholars like Hersch

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126. On the Grotian tradition of thought see Wight, *The Three Traditions*, and Hedley Bull, Benedict Kingsbury and Adam Roberts (eds.), *Hugo Grotius and International Relations*, Oxford: Clarendon Press, 1992, especially chs. 1,2 and 4.

127. At the end of his career, however, Bull attempted to make up for this unfortunate state of affairs, and with some success. See Bull, Kingsbury and Roberts (eds.), *Hugo Grotius and International Relations*.

128. Hedley Bull, "International Theory: The Case for a Classical Approach", in Klaus Knorr and James N. Rosenau (eds.), *Contending Approaches to International Politics*, Princeton: Princeton University Press, 1969, pp. 20-38.

129. See Herbert Butterfield and Martin Wight (eds.), *Diplomatic Investigations: Essays in the Theory of International Politics*, London: Allen and Unwin, 1966, the most important collective contribution from the members of the Committee to the discipline. The substantial challenge to realism is most direct and clear in the preface, pp. 11-13, in Bull's "Society and Anarchy", which is basically a rejection of the realist analogy between international politics and the Hobbesian state of nature, and in Wight's "Western Values in International Relations", which makes the Grotian case for international order and morality against idealism

Lauterpacht and Cornelius Van Vollenhoven confronted both realism and legal positivism including representative writers and founding fathers like Hans Morgenthau, George Kennan, John Herz and E.H. Carr on the one hand, and Hans Kelsen and Emer de Vattel on the other.[130]

Though the international society perspective combines elements of classical realism, liberalism and international law,[131] it is basically a Rationalist (reason as a source of knowledge in itself) or Grotian line of thought, and as such it is part of an old tradition in the discipline of International Relations. As opposed to realism, the Grotian position holds that the potential for disorder and inter-state conflict resulting from the anarchical character of the international system is mediated by, or even contingent upon, the existence of common values, norms and institutions. Consequently, the domestic analogy, referring to the Hobbesian state of nature as the inescapable consequence of the absence of government, must be rejected. As opposed to idealism, the Grotian tradition insists that the primary agents or members of international society are states rather than individual human beings, although the latter have rights and duties in the solidarist version of the Grotian tradition. Furthermore, the degree of order that has been achieved in interstate relations, and the existence of mutual obligations, do not point to the conclusion that the system of states must be overthrown in favour of a universal society of mankind. Instead, the Grotian position advocates the maintenance and development of the existing element of order and cooperation, or, in other words, the continuation of the society among states.[132]

The case for the existence of a society among states based on reason, morality and practice

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and especially realism.

130. See Cornelius van Vollenhoven, *The Three Stages in the Evolution of the Law of Nations*, The Hague: Nijhoff, 1919 and Hersch Lauterpacht, "On Realism, Especially in International Relations" and "Kelsen's pure science of law", in Elihu Lauterpacht (ed.), *International Law Being the Collected Papers of Hersch Lauterpacht (Vol. 2)*, Cambridge: Cambridge University Press, 1975, pp. 52-66 and 404-430 respectively. The paper on realism, written in 1953, was originally presented to a small circle of prominent scholars only, but it is representative of the scepticism towards realism that Lauterpacht expressed also elsewhere.

131. Here, I am not referring to international law as a discipline, but to the view held by most international lawyers that the international system is also a society of states with the binding nature of international rules as the most important feature.

132. See Bull, "Society and Anarchy in International Relations" and *The Anarchical Society: A Study of Order in World Politics*, London: Macmillan 1977, pp. 26-27. For a deeper inquiry into the three traditions of thought (which are identified with but not identical to the thinking of Hobbes/Machiavelli, Grotius, and Kant) see Wight, *International Theory: The Three Traditions*, and "Western Values in International Relations". Bull and especially Wight also used the terms realism, rationalism (stressing that to the Grotians, reason is a source of knowledge in itself) and revolutionalism.

is normally associated with Hugo Grotius, but it was also made very convincingly by his predecessor, Francisco Suárez:

> although a given sovereign state ... may constitute a perfect community in itself ... nevertheless, each one of these states is also, in a certain sense, and viewed in relation to the human race, a member of that universal society; for these states when standing alone are never so self-sufficient that they do not require some mutual assistance, association, and intercourse, at times for their own greater welfare and advantage, but at other times because also of some moral necessity or need.[133]

Furthermore, Suárez stressed that mutual obligations derive not only from natural reasoning and morality, but also from custom, and he backed this claim with references to the custom of receiving ambassadors under a law of immunity and security, the custom of making and observing commercial contracts, the customs of war, the customs relating to treaties of peace, and, less enlightened, the customs of slavery.[134] This depiction of international politics as a rule-guided and institutionalized process of diplomatic dialogue and exchange unites such natural law writers as Vitoria, Gentili, Suárez and Grotius on the one hand, and the legal positivist tradition represented by Vattel and (further away from natural law), Lawrence and Oppenheim on the other.[135] In the second half of the present century, the Grotian line of thought has been put forward by the solidarist and pluralist schools of thought, which we can identify with Hersch Lauterpacht and the Yale school of international law on the one hand, and Lassa Oppenheim and possibly the leading British international lawyers of the Cold War period, Ian Brownlie and

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133. Francisco Suárez, *Selections from Three Works (1612, 1613, 1621)*, Volume II: The Translation, ed. by James Brown Scott in the Carnegie series "The Classics of International Law", Oxford: Clarendon Press, 1944, see p. 349 (De Legibus, 1612, Book II, Ch. XIX, para. 9).

134. Suárez, *Selections from Three Works*, pp. 345-348. The discussion of custom is part of a larger analysis of the sources of international law during which Suárez makes a careful distinction between positive international law based on custom on the one hand and natural and civil law on the other, where positive law is referred to as `unwritten law'.

135. Bull, "The Grotian Conception of International Society"; Wight, *International Theory: The Three Traditions* and "Western Values in International Relations". Many other names, among them Burke, Locke, Philimore, and Westlake have been put forward as exponents of Grotian thought, but the classification of the three traditions is not sufficiently clear to eradicate all cases of doubt. Wight, for instance, tended to see both the purified naturalist and legal positivist traditions as realist, while the rationalists or the Grotians were those who combined the naturalist and the positivist systems of law. Since, however, Wight was not at all insisting on a balanced mixture (and since purified naturalism referred to the ideas of Hobbes and Pufendorf and not to the classical natural law doctrine), writers like Suárez and Grotius leaning towards natural law on the one hand, and writers like Vattel, T.J. Lawrence and Lassa Oppenheim leaning towards legal positivism on the other were readily (and correctly) classified as Grotian rationalists (see *International Theory: The Three Traditions*, pp. 14, 36-37, 41, 129, and 233-234).

Michael Akehurst on the other. Looking at the current positions in the academic discipline of international relations, a Grotian outlook can be found in certain parts of the American regime perspective, in the constructivist approach of scholars like Alexander Wendt, R.B.J. Walker and Nicholas Onuf, and, of course, in the international society perspective of the English school.[136]

The English School is in other words part of a long tradition of thought in which the belief in the existence of a genuine international society is at the heart. Inside this tradition, the English School is just one of many voices. Other modern theories of international society based on the Grotian legacy were developed in the decades before the occurrence of the English School, and some evolved concurrent with it. The English School can therefore be seen as a perspective that has grown out of modern versions of the Grotian tradition of thought and the debates between them, and not just out of classical realism combined with a unique reading and use of the history of ideas. In other words, we may learn important things about the English School and its potential by revisiting the works of solidarist scholars like Hersch Lauterpacht, an intellectual source from which the founders of the English School have actually gained direct inspiration as we shall see below.

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136. I. The Yale School of International Law (New Haven Approach). This position could perhaps be referred to more broadly as solidarist American international law, the leading figures being Harold D. Lasswell, Myres S. McDougal, Michael Reisman and Richard Lillich. These scholars do not only stress the political dimension of international law (international law as a reflection of purposes, values and, consequently, the process of international politics), but also that international society is an association of both states and individual human beings enjoying rights and obligations in their own right. Therefore, it is argued, the ongoing formulation and reformulation of international law should be informed by the fundamental value of human dignity. For a brief account of this constructivist and solidarist position on international law and society, see Robert D. Vander Lugt, "International Legal Rules: Contending Approaches", paper presented at the 36th Annual Conference of the International Studies Association, Chicago, February 1995, pp. 21-26. For some good examples of this approach, see Richard Lillich, "Humanitarian Intervention: A reply to Ian Brownlie and a plea for constructive alternatives", in John Norton Moore (ed.), Law and Civil War in the Modern World, Baltimore: The John Hopkins University Press, 1974, pp. 217-228, and W. Michael Reisman and Myres S. McDougal, "Humanitarian Intervention to Protect the Ibos", in Richard B. Lillich (ed.), *Humanitarian Intervention and the United Nations*, Charlottesville: University Press of Virginia, 1973, pp. 167-195.

II. Regime Theory. As argued by Stephen D. Krasner, the American regime theory embraces a Grotian line of thought in so far that some of its representatives (Young; Hopkins and Puchala) are not only maintaining that cooperation for common objectives is possible, but also that some of the resulting arrangements and shared understandings might constitute a different international game. See Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as intervening variables", in Stephen D. Krasner (ed.), *International Regimes*, Ithaca and London: Cornell University Press, 1983, pp. 1-21.

III. Constructivism. Can be seen as a methodological approach spanning a number of disciplines within the social sciences, but the idea that virtually all aspects of international life are subjectable to change is not just an argument in favour of the claim that the theorist is constructing the reality he writes about; it is, in some cases, also an endorsement of the basically Grotian position that the shared rules and practices of international society are human constructs reflecting reason and custom rather than power political (or naturalist or religious) determinism. See for instance Alexander Wendt, "Anarchy is What States Make of it: The Social Construction of Power Politics", *International Organization*, Vol. 46, No. 2, 1992, pp. 391-425.

Solidarist and Pluralist Origins of the English School

The distinction between a solidarist and a pluralist conception of international society was first put forward by Hedley Bull in 1966 in one of his contributions to *Diplomatic Investigations* edited by Herbert Butterfield and Martin Wight.[137] It is clear, however, that this distinction is a reflection of the old controversy between the legal traditions of naturalism and positivism over the nature of international society and the proper foundation of international law. According to the former tradition, international law must be based on the universal laws of nature, discoverable by the common reason of man, whereas the latter derives the rules of international law from the actual agreement among states as indicated by their common practices and treaties.[138] What Bull did was to trace this controversy beyond the disagreement on the sources of international law and into some more substantial questions of law and politics, such as the status of the individual in international society, the place of war and the possibility of collective enforcement of common principles.[139] Thus, by identifying the broader solidarist and pluralist conceptions of international society, Bull drew attention to a fundamental and long-standing disagreement in the disciplines of international law and politics concerning the nature and potential of international society.[140] It is the systematic presentation of this disagreement over the character of international society as a whole, and the categorial assertion of the implications of organizing international politics according to one or the other of the two conceptions, which are the main contributions of Bull's essay on solidarism and pluralism.[141]

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137. Bull, "The Grotian Conception of International Society". See also Bull, "Society and Anarchy in International Relations", in Herbert Butterfield and Martin Wight (ed.), *Diplomatic Investigations: Essays in the Theory of International Politics*, London: Allen & Unwin, 1966, p. 39, and the broader use of the solidarist label in Bull, *The Anarchical Society*, pp. 148-151, 156-158 and 238-240.

138. For a brief introduction, see R.J. Vincent, *Nonintervention and International order*, Princeton: Princeton University Press, 1974, pp. 20-44.

139. Bull, "The Grotian Conception", pp. 51-73. Bull says (p. 52) that he is pursuing the difference between the two conceptions of international society on the basis of three questions, namely the sources of law, the place of war and the position of the individual, but the possibility of collective enforcement of common standards is at the heart of his distinction and inquiry as well. For discussions and developments of the distinction and the connote one of positivism and naturalism, see Vincent, *Nonintervention and International Order*, pp. 283-285 and 340-349, and Nicholas J. Wheeler, "Pluralist or Solidarist Conceptions of International Society: Bull and Vincent on Humanitarian Intervention", *Millennium*, Vol. 21, No. 3, 1992, pp. 463-487.

140. On this, see Bull, the Grotian Conception, pp. 51-52 and 69-73.

141. This does not mean that the discipline of international law was unaware that the disagreement between naturalism and positivism included other aspects than the sources of international law. See for instance Hersch Lauterpacht, "Westlake and Present Day International Law", in Elihu Lauterpacht (ed.), *International Law*

According to Hedley Bull, the question at issue between the solidarists and the pluralists is not so much one as to what is actually contained in the law at a given point in time, though the interpretation of a certain part of international law can, in many cases, be given a specific solidarist or pluralist interpretation.[142] Rather, it is a question as to what *kind* of legal rules are most appropriate to the working of international society: rules reflecting an assumption of a relatively high degree of international solidarity, cooperation and unity, or rules reflecting a belief that international society is a pluralist order in which states agree on the requirements of coexistence, but not on collective enforcement of common standards or the substance of the `good life'. In Hedley Bull's view, this is a matter not of international law, but of international political science.[143] This is not, however, the same as to say that this is not a subject for international lawyers to deal with. But when addressing these matters, the debate enters the common ground of international law, international politics and political science.

In the discussion conducted by Hedley Bull, the positions under consideration were first of all Lassa Oppenheim's pluralism of the early twentieth century on the one hand and Hugo Grotius' solidarism of the early seventeenth century on the other.[144] On the pluralist side, Oppenheim was accompanied by Emer de Vattel, who did a great deal to establish the pluralist doctrine with the publishing of his celebrated *Le Droit de Gens* in 1758, though in many respects Vattel's position is to be seen as a via media between solidarism and pluralism.[145] Besides Oppenheim and Vattel, Bull identified the pluralist position with the nineteenth century legal positivists, a group including Henry Wheaton, Robert Philimore, William E. Hall, William V. Harcourt, Mountague Bernard and T.J. Lawrence.[146] On the solidarist side, Bull associated

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Being the Collected Papers of Hersch Lauterpacht (Vol. 2), Cambridge: Cambridge University Press, 1975, pp. 385-403. First Published in *Economica*, Vol. 5, November 1925, pp. 307-325.

142. Apparently, Bull, who was focusing on the different recommendations that the two positions were putting forward, tended to overlook this last point concerning the room for different interpretations of the rules contained in international law at a given point in time. See Bull, "The Grotian Conception of International Society", pp. 69-70.

143. Bull, "The Grotian Conception of International Society", p. 70.

144. As for Grotius, Bull was referring to *De Jure Belli ac Pacis*, 1625, while Oppenheim's position was discussed on the basis of his *International Law: A Treatise*, Vol. I and II, London: Longmans, 1905 and 1906.

145. Emer de Vattel, *The Law of Nations*, edited by James Brown Scott in the Carnegie series on "The Classics of International Law", Washington: The Carnegie Institute, 1916 (1756). For a discussion of Vattel's pluralism, see Bull, "The Grotian Conception of International Society", p. 69, and Benedict Kingsbury and Adam Roberts, "Introduction: Grotian Thought in International Relations", in Hedley Bull, Benedict Kingsbury and Adam Roberts (eds.), *Hugo Grotius and International Relations*, Oxford: Clarendon Press, 1992, pp. 32-33.

146. In the essay on the Grotian conception of international society, Bull did not point to specific representatives of the group of the nineteenth century legal positivists, but the ones mentioned here are normally included. See

the position of Grotius with that of the Cornelius Van Vollenhoven and Hersch Lauterpacht, two of the leading advocates of Grotian ideas in the first and middle part of the twentieth century.[147]

It should be noted that these scholars, and the streams of thought they can be taken to represent, are in agreement on the most fundamental features of the broad Grotian or rationalist tradition. Thus, they both regard international society as a really existing and valuable association, they both reject the competing lines of thought represented by Hobbesian realism and revolutionary idealism, they both stress the binding character of international rules, and they both believe that use of force is sometimes not only legitimate, but also constructive to international society.[148] Thus, in spite of the fact that Grotius' own position was predominantly the solidarist one, this substantial area of agreement between solidarism and pluralism justifies that they are both included in the broad rationalist tradition under the Grotian label.[149]

As for the difference between the two sub-categories of the Grotian tradition, Bull pursued it on the basis of the four parameters mentioned above, namely the sources of international law, the possibility of collective enforcement, the place of war and the status of the individual in international society. In the following, I will first discuss the pluralist origins of the English School and Hedley Bull's influential attempt to give them a superior position in the attempt by himself and his associates to develop a philosophy and a theory of international society. Afterwards I return to the solidarist origins of the English School and make the case that in spite of the mostly cautious, sceptical or hostile treatment of this conception, it remained important to the school. Furthermore, I am going to argue that there is room a solidarist conception and theory of international society even if we start from the framework developed by Hedley Bull in the Anarchical Society and elsewhere.

The Pluralist Origins of the English School and the Legacy of Hedley Bull

Whereas the central assumption of the solidarist conception of international society is that international law and the universal standards of conduct can be enforced by states in common,

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for instance Vincent, *Nonintervention and International Order*, pp. 31-40, 281-285 and 346-348.

147. See "The Grotian Conception of International Society", pp. 51-52 and 69. In addition, Bull referred to C.W. Jenks (p. 64) and later, he included J.L. Brierly, Richard A. Falk and Rosalyn Higgins as examples of the solidarist position. See Bull, *The Anarchical Society*, pp. 148-151.

148. Bull, "The Grotian Conception", p. 53.

149. In *The Anarchical Society* (chapter 2, note 3), Bull reminded the reader that he had been using the Grotian label in two senses: firstly as a reference to the broad rationalist tradition of thought, which insists that there is a society of states; secondly as a reference to the solidarist conception of this society, which was expressed by Grotius himself. Therefore, it would have been more accurate if Bull had called his essay from 1966 "The *Solidarist* Conception of International Society".

the pluralist conception as described by Hedley Bull starts out from the assumption that states are able to agree only for certain minimum purposes, which fall short of the enforcement of international law.[150] Accordingly, order and the rule of law in international society hangs first of all on the ability of states to further these and other values in their own societies, thus the term pluralism, while the chief function of international rules and institutions is to stipulate the minimal agreement that exists at a given moment, and to promote international cooperation in the relevant areas, especially international peace and security. Consequently, the pluralist view on the sources of international law, the position of the individual, the possibility of collective enforcement of the law and the place of war amounts to what some would call a less ambitious, others a more realistic conception of international society than the solidarist one.

As for *the sources of international law*, the pluralist position is determined by the belief that states cannot be expected to be able to agree on matters beyond certain minimum purposes of mutual interest. Consequently the appropriate role of international law is, in their opinion, to confirm the actual area of agreement among states by stipulating it in authoritative principles, so that there is no doubt about its extent and status. The pluralist conception of international society is, in other words, closely associated with the legal positivism which evolved from the eighteenth century and onwards as an attempt to base international law on something less fluctuant and vulnerable than the law of nature as evident by human reason. According to the British international lawyer William E. Hall, who is perhaps the one of the legal positivists of the nineteenth century, who comes closest to the ideal type pluralist doctrine described by Hedley Bull, the doctrine of absolute rights derived from nature, divinity or any other source suffers from the fact that there is no agreement as to the content of these standards. Therefore, Hall argued,

> however useful ... an absolute standard of right might be as presenting an ideal towards which law might be made to approach continuously nearer, either by the gradual modification of usage or by express agreement, it can only be a source of confusion and mischief when it is regarded as a test of the legal value of existing practices.[151]

Neither Hall nor the rest of the legal positivists could, in fact, do entirely without ideas

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150. Bull, "The Grotian Conception of International Society", pp. 52-53 and 67-68. In fact, this observation goes too far in relation to several of the classical pluralist writers of the nineteenth century, among them Henry Wheaton, T.J. Lawrence and John Westlake. It is correct, however, that they have been unwilling to make their system dependent on collective enforcement. On the other hand, it would not be fair to say without any qualifications that the solidarist system of law hangs on collective enforcement. As a rule of thumb, the solidarist position prefers unilateral enforcement of international law to no enforcement at all.

151. Hall, William Edward, *A Treatise on International Law*, Eigth Edition (by Pearce A. Higgins, Oxford: Clarendon Press, 1924 (first published 1880) pp. 4-5.

reflecting the law of nature.[152] However, the conscious attempt by these writers to free themselves from the doctrine of natural law and base their theory of law on the will of nations justifies the distinction between naturalism and positivism, and the broader one between solidarism and pluralism.[153] The pluralist project, then, is to be seen as an attempt to derive the law of nations from international treaties and custom, because this is where we find the rules and principles to which the members of international society have given their consent. As indicated by Hall in the passage quoted above, the `minimum standards of humanity', and other doctrines which used to be derived from natural law, could become international law if adopted by international agreement or in state practice. However, the idea of using such standards as supplementary sources of law as proposed by the solidarist writers did not find much support in Hall's treatise, although it did play a role to him on the question of humanitarian intervention as it did to most of the nineteenth century legal positivists. In Hedley Bull's account of pluralism, however, as in the general academic and political outlook during the Cold War, reason and morality did not count as supplementary sources of international law.

On the basis of state practice and explicit consent, it has still been possible to codify rules regulating the conduct of war, the principles of sovereign jurisdiction and formal equality, the terms of neutrality, the obligations to honour treaty commitments and a few other sets of rules and principles. When we look at the pluralist view on *the position of the individual*, however, it is apparent that a regime of individual human rights does not fit easily into the pluralist dogma that only states have rights and duties in international law.[154] In light of the growing recognition of human rights up through the twentieth century, Hedley Bull admitted that the development of international law and politics had been significantly influenced by the solidarist doctrine.[155] This was, however, something he felt he had to warn against. If the observance of international law cannot be put in the hands of collective action, but hangs on the ability of states to enforce their own rights, there would not seem to be much point in making individual rights a part of the law of nations. Rather than endorsing the growth of human rights, then, the pluralist doctrine points to the principle of nonintervention, which must be upheld, so that every state can decide for

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152. For an advancement of this point with reference to Hall and other legal positivists like Bynkershoek and Kelsen, see Lauterpacht, "The Grotian Tradition in International Law", pp. 330-331. On the role of natural law in classical positivist and pluralist thought, see also Vincent, *Nonintervention and International Order*, pp. 31-44.

153. On pluralism and legal positivism see Bull, "The Grotian Conception of International Society" and Vincent, *Nonintervention and International Order*, pp. 31-40, 283-285 and 340-349.

154. Bull, "The Grotian Conception of International Society", pp. 54-55 and 68. See also Hall, *A Treatise of International Law*, pp. 342.

155. Bull, "The Grotian Conception of International Society", pp. 55 and 71.

itself what the `good life' is.[156] This is the essence of the term pluralism, which, in the ideal formulation offered by Bull and Vincent, puts the destiny of the individual entirely in the hands of the state.[157] In this conception of international society, there is still room for the codification of a declaratory body of human rights as recommended by most modern pluralist writers, for instance Ian Brownlie, R.J. Vincent and, towards the end of his career at least, Hedley Bull. However, there is no support of a right of enforcement, since this would endanger the principle of non-intervention and thus international order.[158]

By restricting the domain of international law to the most basic needs of coexistence, the pluralist doctrine can be seen a as defence of the minimal degree of international law and order, which is so crucial for the maintenance of international society in general. Assuming that only the most basic international principles, such as those concerning sovereign jurisdiction, nonintervention, diplomatic interaction and the rules of war and neutrality, will remain a manageable subject of regulation, the pluralist doctrine is upholding a defensive, conservative and relatively uncritical conception of international law. On the other hand, the very limited ground that international law and society hangs on is defended with an eagerness and a sense of urgency that sometimes take the pluralist writers beyond their own principles and into a contradictory position. This is especially so with the essential principle of nonintervention, which has always been difficult to ground firmly on state practice, and, until more recently, written law. Instead, the sacrosanct position of the principle of non-intervention has been defended with a retreat into `first principles' and reason, that is an approximation to natural law.[159]

Turning to ***the possibility of collective enforcement of the law and the place of war***, the pluralist position is that both parties in a war would be likely to see its own cause as the just

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156. For this moral defence of the doctrine of nonintervention, see Vincent, *Nonintervention and International Order*, pp. 345-346. For a classical pluralist defense of nonintervention, see Mountague Bernard, *On the Principle of Nonintervention*, 1860. A recent discussion of the virtues of nonintervention and pluralism can be found in Robert H. Jackson, "Martin Wight, International Theory and the Good Life", *Millennium: Journal of International Studies*, Vol. 19, No. 2, 1990, pp. 261-272.

157. Vincent, *Nonintervention and International Order*, p. 344; Bull, "The Grotian Conception of International Society", pp. 54 and 63.

158. Ian Brownlie was even in favour of `effective implementation of human rights', but at the same time, he stressed that this did not include a right of humanitarian intervention in the normal sense of that expression. See his essay "Humanitarian Intervention", in Moore (ed.), pp. 226-227. Bull and Vincent were also inclined to dismiss the possibility of enforcement, although with some pain as noted above. See especially Vincent, *Nonintervention and International Order*, pp. 345, 346 and 348.

159. For a good account of this classical pluralist habit, see Vincent, *Nonintervention and International Order*, pp. 32-39.

one. Moreover, if international society in general cannot be expected to raise an effective voice on this matter, the system will lose its meaning. Thus, the ideal pluralist conception of international society as presented by Hedley Bull accepts what has been seen as the political reality of war as an instrument for the national interest.[160] Traditionally, therefore, the pluralist doctrine preferred to support the rules regulating the just conduct of war rather than the solidarist distinction between just and unjust causes of wars.

The pluralist defence of both the right to go to war and the duty not to intervene in the internal affairs of other states might appear to be an inconsistent position. However, the right to declare war in order to further some national interest does not necessarily involve a right to intervene in the internal relationship between a government and its subjects. With the general ban on the use of force introduced in the Covenant of the League of Nations, the legal positivists found a de facto solution to their delicate theoretical problem about the customary right to wage war. Today, the distinction between just and unjust wars even ranks prominently in the UN Charter. In the long run, therefore, the problematic relationship between the principle of nonintervention and the rights of the individual, which plagued the classical pluralist writers as well, has proven to be more difficult to come to terms with for this perspective on international society.

However, the pluralists may get a free chance to solve the moral problems following from their theory of international society. This happens if the post-Cold War revival of humanitarian intervention in state practice and the resolutions of the UN Security Council takes on such a permanence and consistency that this old Grotian doctrine rises to the status of customary or positive law. From an academic point of view, however, the interesting thing is, whether such a development can be comprehended and accepted by a pluralist tradition of thought which has come to regard the right of humanitarian intervention, a principal example of solidarist principles and ideas, as dysfunctional to, and almost incompatible with, the principles that it has proposed for the proper working of international society.

Since it is first of all Hedley Bull, who has given us the impression that the principles of solidarism and pluralism are mutually exclusive, his sporadic indications that the right of humanitarian intervention might be acceptable in a pluralist world after all, if it is supported by an overwhelming majority of international society and implemented collectively, is of particular interest.[161] The pluralist position, then, seems to be that as a general rule, it would be dangerous to base international order on the assumption of international solidarity with respect to the

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160. As for the pluralist acceptance of the political reality of war, Bull was referring to the views of Lassa Oppenheim (*International Law: A Treatise*, Vol. I).

161. Bull, "The Grotian Conception of International Society", pp. 70-71; Bull (ed.), *Intervention in World Politics*, pp. 193-195.

enforcement of the law, but if the domain of international law comes to expand into the internal affairs of a sovereign state, the enforcement of such principles should be based on exactly the solidarist principle of collective enforcement.

This is, actually, a consistent position, if it is evaluated on the basis of the prime value of the pluralist doctrine: international order. The principles that are constitutive of international order, for instance sovereignty, are so important that they must be enforceable also by unilateral action. The principles that protect the individual, however, is not a defense of international order in the pluralist sense, but a reflection of the kind of international justice that involves a threat to the sacred position of the state. Accordingly, these principles should either be enforced in a way, which returns the maximum of control and authority to the state and involves a minimum of risk for a great-power confrontation, namely through the collective authorization and implementation of the great powers, or it should not be enforced at all. Such is the minimal accept of the doctrine of humanitarian intervention that can be extracted from the pluralist tradition of thought. Furthermore, this acknowledgement appears to come about as a result of a wish to defend the state and the international order that is built on its superior position, and not as a result of a wish to institutionalize a defence of the individual.

This discussion of the pluralist view on the enforcement of international law shows firstly that if there must be a mechanism for the enforcement of individual rights, it must be arranged in such a way as to minimize the damage done to international order. In this respect, the pluralist position is consistent. On the given terms, that is the terms that state practice may give the more or less happy pluralist observer, the rules and institutions of international society must be shaped to the maximum benefit of the value of order. The second implication of the pluralist flirt with the principle of collective enforcement of the law, however, is that on this point as on many others, so the argument will proceed, there is no zero-sum relationship between the two conceptions: in theory as well as in practice, they may be mixed. This point will be further developed below.

As a doctrine of international law and politics, the pluralist conception of international society has been developed by the classical legal positivists, among them Henry Wheaton, Robert Philimore, William E. Hall, William V. Harcourt, Mountague Bernard, T.J. Lawrence and Lassa Oppenheim. Throughout the twentieth century, and especially after the Second World War, the view that international society was, and ought to be, a pluralist construction rose to almost absolute dominance in the disciplines of international law and politics. As for the members of the English school, they have, with Martin Wight as a notable exception, tended to follow the pluralist track laid down by Hedley Bull in 1966, also after the end of the Cold War. This goes for instance for James Mayall, Robert Jackson, Adam Roberts and, more reluctantly, John Vincent and Nicholas Wheeler.[162]

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162. This is quite clear from the cautious and sceptical way in which most of these writers have received the post-Cold revival of humanitarian intervention which obviously involves a number of solidarist principles. See for

It would probably be fair to say that the dominating view on international law and politics throughout the present century has been pluralist. Most of the scholars who believe in the existence of international order and society beyond the fragments that follows from the balance of power, have been of the opinion that this desirable state of affairs rests on the pluralist principles that only states have rights and duties under international law, that these rights and duties cannot be expected to be enforced in common, that international law must be grounded on the consent of states, that it is impossible to agree on a genuine regime of just causes of war, and that every state must respect the right of others to regulate their internal affairs as they wish without outside interference. Accordingly, the majority of the academic establishment has been inclined to dismiss the solidarist conception of international society

Though we have questioned that this was in fact the unanimous or even dominant conclusion reached by the classical pluralist writers, it does pay justice to the *spirit* of the pluralist conception of international society. Furthermore, it fully covers the scepticism of Hedley Bull and many others towards solidarist ideas. To some extent, however, this position, which Bull and especially R.J. Vincent only took very reluctantly, must be seen as a consequence of the way they came to see the *relationship* between the solidarist and pluralist conceptions of international society. The main challenge that can be raised against Bull's treatment of the solidarist and pluralist conceptions of international society is that it takes the pluralist concern for order to the extreme and conveys the message, both implicitly and explicitly, that the two systems cannot be combined. This is clear, for instance, when Bull defends his personal choice in favour of the pluralist conception of international society:

> The view of the pluralists is not to be dismissed as a mere rationalization of state practice; it is a conception of international society founded upon the observation of the actual area of agreement between states and informed by a sense of the limitations within which in this situation rules may be usefully made rules of law. It seeks not to burden international law with a weight it cannot carry. It presents a set of prescriptions more conductive for the working of international order than those of the Grotians.[163]

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instance Robert H. Jackson, "Armed Humanitarianism", *International Journal*, Vol. XLVIII, No. 4, 1993, pp. 579-606; James Mayall, "Non-intervention, self-determination and the new world order", *International Affairs*, Vol. 67, No. 3, 1991, pp. 421-429; James Mayall, "Nationalism and international security after the Cold War", *Survival*, Spring, 1992, pp. 19-35; Adam Roberts, "Humanitarian War: Military intervention and human rights", *International Affairs*, Vol. 69, No. 3, 1993, pp. 429-449; and Nicholas Wheeler and Justin Morris, "Humanitarian Intervention and State Practice at the End of the Cold War", in Jeremy Larkins and Rick Fawn (eds.), *International Society after the Cold War: Anarchy and Order Reconsidered*, London: Macmillan, 1996.

163. Bull, "The Grotian Conception of International Society", pp. 71-72. Here, the Grotians are synonymous with the solidarists.

> Nor would there be general assent to the more general presupposition of Grotius from which his right of humanitarian intervention is derived: that individual human beings are subjects of international law and members of international society in their own right.[164]

It should be noted, however, that the view presented by Bull is not just a matter of logical reasoning. It is also a consequence of the general political climate of the Cold War international system, which did, indeed, not leave much hope for international solidarity and collective great power action in favour of individual human beings. However, Bull sent the message that international society has to choose between the solidarist and the pluralist conception. He did not explicitly claim that combinations were impossible, and sometimes he even gave examples on the presence of solidarist principles in Cold War international law, although in most cases he then immediately went on to show how this had done the expected harm to international order.[165]

To conclude, Hedley Bull did not only use the ideas of his pluralist sources for the development of the theory of international order which has become central for the English School. He also neglected the reflections of solidarist ideas that were actually evident in the writings of the original founders of the pluralist doctrine. Furthermore, he reduced the question of the possibility of solidarist ideas to a question of theoretical logic rather than of political and legal realities. Thereby, he strongly contributed to the explicit or implicit fear of engaging with the solidarist doctrine that has been evident in the writings of most of the followers of the English School.

The Solidarist Origins of the English School: Back to Lauterpacht

As argued by Hedley Bull, the essence of solidarism is the assumption of solidarity or potential solidarity among states with respect to the enforcement of the law.[166] This means, first of all,

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164. Bull, "The Grotian Conception of International Society", p. 64.

165. In "The Grotian Conception of International Society" (pp. 55, 64 and 71), Bull pointed to the growth of human rights, the Nuremberg Tribunal and the reservation of the use of force for self-defence and defence of international peace and security. These developments were all taken to be dysfunctional or potentially dysfunctional to international order, either as a matter of principle or by reference to particular unfortunate events like the UN-sponsored intervention in Korea. For the pluralist scepticism towards solidarist developments in the twentieth century see also Bull, *The Anarchical Society*, pp. 151-153 and R.J. Vincent, *Human Rights and International Relations*, Cambridge: Cambridge University Press, 1986, pp. 99-108 and 113-118.

166. Bull, "The Grotian Conception", p. 52. On the solidarist conception of international society, see also Kingsbury and Roberts, "Introduction: Grotian Thought in International Relations", pp. 1-64, especially pp. 8-9, 15, 33, and 49-50; R.J. Vincent, "Grotius, Human Rights, and Intervention", in Bull, Kingsbury and Roberts (ed.), *Hugo Grotius and International Relations*, pp. 241-256; and Wheeler, "Solidarist or Pluralist

that the defence of the institution of international law as a whole is considered to be a common responsibility, but it also means that the international community has an obligation to offer diplomatic or military support to any state, whose rights have been violated. It is important to note, however, that according to the solidarist doctrine, international solidarity is not confined to the relationship between states, and this is professed to be true as a matter of both legal principle and state practice. Firstly, individuals too have rights and duties under international law, and under some circumstances the enforcement of these rights and duties may be a legitimate concern for international society as a whole, either on behalf of the individual or on behalf of groups of individuals, for instance an ethic minority looking for protection.[167] Secondly, states have an obligation to defend the interest of all mankind by imposing upon themselves an element of self-restraint in matters of global relevance, and by preventing crimes against humanity as a whole.[168]

The solidarist conception of international society advocates, in other words, the establishment and development of solidarist principles at all levels of international relations. This does not make it a naive and utopian doctrine, however. Rather, it is a relatively sophisticated set of prescriptions for the organization of international politics, which takes its point of departure in the actual elements of international solidarity in state practice and existing law. The progressivist spirit enters the picture, however, in the attempt to promote these elements of solidarity by drawing attention to them wherever they are left out by deduction from what Lauterpacht called `an arbitrary definition of international law', and by leaving a margin for the use of reason and morality in the interpretation of existing rules of law.[169] It is in this light that the solidarist views on such questions as the sources of international law, the status of the individual, the place of war, the enforcement of common principles, the possibility of international governance and the meaning of sovereignty, must be seen.

Conceptions of International Society". As for the original formulation of the solidarist conception, the most important source besides Grotius' work is Hersch Lauterpacht's comprehensive authorship.

167. See for instance Hersch Lauterpacht, "The Grotian Tradition in International Law", in Elihu Lauterpacht (ed.), *International Law Being the Collected Papers of Hersch Lauterpacht*, Vol. 2, Cambridge: Cambridge University Press, 1975 (1946), pp. 307-365 (especially pp. 354-358). This article, which Hersch Lauterpacht considered to be the most important he ever wrote (see the editor's note at page 307) was, of course, an attempt to promote the Grotian tradition in international law and politics as a whole, but throughout the article, the emphasis is on the solidarist rather than the pluralist elements of the Grotian tradition.

168. See for instance Lauterpacht, "The Grotian Tradition in International Law", pp. 340-346 and 356-357.

169. Lauterpacht, "Westlake and Present Day International Law", p. 388. Considering the many dimensions on which Lauterpacht carried out his attack on the positivists in this article, it should probably be seen as an early statement of the debate that Hedley Bull presented as a disagreement between solidarism and pluralism about forty years later with reference to the works of Grotius and Oppenheim.

According to the solidarist conception of international society, the ***sources of international law*** include natural law, either in the classical sense of that doctrine or in the versions that have succeeded it, among them `the rational constitution of man', `natural rights', `basic rights', and `the universally recognized principles of international law'.[170] To Grotius, natural law was `the dictate of right reason' and he explicitly offered this source as a saving ground for international law under the impression of the decline of divine law in the late Middle Ages:

> What we have been saying [about the law of nations] would have a degree of validity even if we should concede that which cannot be conceded without the utmost wickedness, that there is no God, or that the affairs of men are of no concern to Him.[171]

Thus, in the system of law proposed by Grotius, natural law was not only a source by which the incomplete and sometimes unclear customary law of nations could be supplemented. It was also a source, which could - and should - override the law of nations as manifest in state practice, when the lack of principle, or the tyranny of custom, became intolerable.[172] Though recognizing the importance of the will of nations, Hersch Lauterpacht was prepared to endorse this position in his restatement of the Grotian case for international solidarity just after the Second World War:

> There - in a society deprived of the normal legislative and judicial organs - the function of natural law, whatever may be its form, must approximate more closely to that of a direct source of law. In the absence of the overriding authority of the judicial and legislative organs of the State there must assert itself - unless anarchy or stagnation are to ensue - the persuasive but potent authority of reason and principle derived from the

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170. Lauterpacht, "The Grotian Tradition in International Law", pp. 329-336; Lauterpacht, "Westlake and Present Day International Law", pp. 393-397. On natural rights and basic rights see Vincent, *Nonintervention and International order*, pp. 20-44 and Vincent, *Human Rights and International Relations*, pp. 111-113, 125-128, and 143-152.

171. Grotius, *De Jure Belli Ac Pacis*, Book I, Introduction, p. 13. On the definition of natural law, see Book I, Ch.I, pp. 38-39.

172. For a discussion of this, see Lauterpacht, "The Grotian Tradition in International Law", pp. 329-333, and Bull, "The Grotian Conception of International Society", pp. 66-68. Grotius did not specify the relative importance of his sources of law in any precise or general manner, but the privileged position of natural law is evident in many of his conclusions, for instance when he states that in spite of the principle of sovereign jurisdiction `the right to make war may be conceded against a king who openly shows himself the enemy of the whole people ... for the will to govern and the will to destroy cannot coexist in the same person'. Grotius, *De Jure Belli Ac Pacis*, Book I, Ch. IV, pp. 157-158.

fact of the necessary coexistence of a plurality of States.[173]

As for the ambivalence and vagueness of the law of nature, which he, inspired by Grotius, defines as `the law which is most in conformity with the social nature of man and the preservation of human society' Lauterpacht simply argued that `the uncertainty of the higher law is preferable to the arbitrariness and insolence of naked force'.[174]

However, to Lauterpacht the strongest argument in favour of the solidarist conception of international society is the identification of solidarity in state practice, and the finest duty of the scholar of international law is to draw attention to this element, and to offer his advice as to how this element can be promoted through the formulation of solidarist principles and procedures, or through a solidarist interpretation of already established rules of international law and politics.[175] Notwithstanding this attempt to use the binding nature of customary and written law in favour of the solidarist vision, Lauterpacht did, as we have seen, regard natural law and the use of reason as supplementary sources of international law. Moreover, he believed that the solidarist principles derived from these sources should be held up as the eternal goals of positive law, and that all rules of law were to be interpreted in accordance with the basic principle of `good faith'.[176]

In spite of the differences in language and Lauterpacht's more cautious, but also more consequent, way of invoking the idea of natural law, it is a common feature of the solidarist conception of international society held by him and Grotius that it assumes that there is a superior and universal source of law, and that a number of *a priori* or objective rights can be

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173. Lauterpacht, "The Grotian Tradition in International Law", p. 331.

174. Lauterpacht, "The Grotian Tradition in International Law", pp. 314 and 333. While accepting, by and large, the definition and criteria of natural law offered by Grotius, Lauterpacht was highly dissatisfied with the lack of human solidarity, which characterized a number of the rules of war prescribed by Grotius. On these matters, said Lauterpacht, Grotius did not live up to his own principle that natural law is determined by the social nature of man, because if he had, he would not have endorsed the idea that in war, there are no limits to the right to kill, destroy and plunder. See pp. 314-316.

175. For an early presentation of this programmatic statement of the solidarist doctrine, see his critique of the self-declared positivists and the accompanying tribute to the British International Lawyer, John Westlake, in Lauterpacht, "Westlake and Present Day International Law", especially pp. 387-390 and 400-403. As for the direct attempt to promote the solidarist conception of international society, the foremost example of Lauterpacht's unique contribution is his proposals for, and analysis of, the development of an international bill of the rights of man. See Hersch Lauterpacht, *International Law and Human Rights*, London: Stevens & Sons Limited, 1950.

176. Hersch Lauterpacht, "State Sovereignty and Human Rights", in Elihu Lauterpacht (ed.), *International Law Being the Collected Papers of Hersch Lauterpacht*, Vol. 3, Cambridge: Cambridge University Press, 1977, p. 418. See also Lauterpacht, "International Law after the Second World War", p. 166.

derived from it. In Lauterpacht's modern use of natural law, however, its prime function seems to be that it serves as a back-door through which reason or standards of morality can enter the domain of international law and politics, and provide for progressive change through extended interpretations or outright amendments of international norms and rules. Though the use of natural law is presented as an appeal to the nature of man and the ability of human beings to realize the requirements of international society, the solidarist position does not intent to shake the solid ground that international law has in custom and treaties. It is, rather, an attempt to introduce an element of morally informed judgement in any specific or general application or development of the rules of international law. Or, in other words, an attempt to establish a right for any relevant international actor to demand that the final interpretation and implementation of the law must be informed by reason and morality.

In practice, this position would simply pave the way for the type of argument which claims that a given rule or interpretation is inconsistent with the common wish to make international society as orderly, just and prosperous as possible, or inconsistent with the fundamental and inalienable rights of the individual. Thus, in the solidarist conception of international society, the significance of the law of nature - and this goes no matter whether it is presented as a body of natural rights or as a the dictate of right reason - is that it provides international society with a permanent platform for the presentation of arguments, and the introduction of practices, which may lead to international progress. In a given situation, in the processes of international politics more generally and in the development of international norms and rules, this is to endow international society with a standing court of appeal to reason and morality.

Even in this moderate version, the solidarist doctrine of natural law is bound to be confronted with the argument that the law cannot be based on something as open for dispute as morality and reason. The solidarist defence, however, will be that the legal argument does not stand or fall with the nature of its origins, but with the reception it will get in international society at the moment when it is brought up. It is in this way that principles derived from reason and morality may be turned into standard operating procedures, state practice and, ultimately, rules of positive international law, and thus acquire the international recognition, which they cannot acquire by reference to nature or reason in itself.

It is in this sense that the solidarist position on the sources of international law is relevant to the English School which is constantly seeking for a platform from which moral judgement can be made without a retreat to complete relativism.

As noted by Hedley Bull, it is a key feature of the solidarist doctrine that individual human beings are direct members of international society, even though states are the strongest and most dominating ones.[177] This attitude to *the position of the individual in international society* is, of course, a logical consequence of the solidarist principle that despite the dominance of states in

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177. Bull, "The Grotian Conception of International Society", p. 68.

international life, international society is a society of mankind, but it also reflects the belief that the individual is the ultimate member of international society. Accordingly, individuals have rights and duties in their own right, and the observance of these rights is a matter not only for domestic law, but also for the common law of nations. Consequently, these standards may become the object of international enforcement, either by one state or collectively, just like the rights of states.

In Grotius' dual system of international law, this was institutionalized by the listing of a number of exceptions to the rule of exclusive sovereignty, one of them being the right of humanitarian intervention. According to Grotius, it was even more honourable to avenge the wrongs of others rather than one's own, and this included wrongs committed by a ruler against his own subjects, when they were of a particular outraging kind:

> Kings have the right of demanding punishments ... also on account of injuries which do not directly affect them but excessively violate the law of nature or of nations in regard to any persons whatsoever.[178]

While it is possible to show that the system of international law proposed by Hugo Grotius assigned rights and duties to both states and individuals, he did only embrace a vague notion of human rights in the modern sense of this idea. The centrality of the individual was first of all evident in the fact that in the Grotian system, individuals were directly bound by the rules of law. However, human rights can also be derived from Grotius' work, though they were mainly put forward in the discourse of mankind or humanity. Moreover, the idea that the individual has an independent position in international law remained associated with the naturalist doctrine of international law from which the solidarist doctrine descends.

As for the contemporary notion of human rights, it becomes evident in the beginning of the twentieth century. Thus, considering how to find a law for the enforcement of the right of humanitarian intervention which did not simply refer to the solidarity of mankind, as proposed by the French writer Antoine Rougier in 1910, the American lawyer Ellery C. Stowell argued that it would be `much simpler and more in accord with the fundamental principles to recognize that ... international law includes certain universally recognized rules of decent conduct in the treatment of human beings, and guarantees to them a minimum of rights'.[179] In some more recent accounts, these basic rights have been restricted to the right to life, subsistence, security and (arguably) freedom. Since in principal, these rights are only to a very limited degree

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178. See Grotius, *De Jure Belli Ac Pacis*, Book II, Ch.XX, pp. 504-506.

179. See Ellery C. Stowell, *Intervention in International Law*, Washington DC: John Byrne & Co, 1921, pp. 52 and 57. Apparently, Stowell's discussion of human rights was inspired by some ideas put forward by Edwin M. Borchard in a study from 1915.

contested across different cultures (except, perhaps, for the right of freedom), this position is less vulnerable than that of traditional natural law.[180] At any rate, to bring the universality of such basic rights, and especially the right to life, into question, is no business of the solidarist conception of international society. Similarly, it is taken for granted that international law as a whole is a body of rules which confers rights and duties to individuals as well as states.

Looking back at a period in which the position of the individual had been in decline, and the principles of naturalism and solidarism more generally on the defensive, Hersch Lauterpacht welcomed the gradual admission of human rights in international politics and law, and the development of direct and indirect measures of enforcement, which came about up through the twentieth century.[181] Thus, to Lauterpacht, the creation of the United Nations marked an indisputable improvement of the status of the individual in international law and politics:

> The Charter of the United Nations expressed in a more direct manner the principle that the individual is possessed of inalienable rights independent of the law of the sovereign state ... and pledged the Members of the United Nations to their promotion and encouragement by just and collective action.[182]

To Hedley Bull's pluralist mind, this development was not necessarily something to be condoned since an effective dual system of rights and duties would involve a threat to international order. Accordingly, Bull seemed to find comfort in the fact that the Charter and the Universal Declarations contain no explicit provisions for the enforcement of human rights.[183] To Lauterpacht, however, it was a sign of progress that the old naturalist and solidarist concern for the individual was written into the preamble of the United Nations Charter along with the concern for international peace and security, and that enforcement, in his view, was possible by extended interpretation.[184]

It follows from this brief discussion of the solidarist view on the position of the individual in international society that it has always been able to find some ground in international law, upon which a defence of the individual can be built. Thus, followers of the English School who

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180. See Vincent, *Human Rights and International Relations*, pp. 111-113, 125-128, and 143-152. Vincent was strongly inspired by Henry Shue, *Basic Rights: Subsistence, Affluence, and US Foreign Policy*, Princeton: Princeton University Press, 1980.

181. See Lauterpacht, "International Law after the Second World War", pp. 165-168 and Lauterpacht, *International Law and Human Rights*.

182. Lauterpacht, "International Law after the Second World War", p. 166.

183. Bull, *The Anarchical Society*, pp. 83-84 and 151-153.

184. Lauterpacht, "International Law after the Second World War", pp. 166-167.

wants to go beyond the cautious suggestions offered by scholars like Vincent and Wheeler that international humanitarian law is enforceable will be able to find support and inspiration in their solidarist origins. Furthermore, at a time when human rights have become a legitimate basis of interference and military intervention, the solidarist perspective on international law and the position of the individual offers a constructive framework of analysis.

Turning to *the possibility of collective enforcement of the law and the place of war*, it is clear that the system of enforcement advocated by Grotius did not hang on collective action, but on the indirect juridical solidarity inherent in the right of every state to punish a wrongdoer. However, Hersch Lauterpacht, the modern champion of the solidarist conception of international society made the possibility of collective action in favour of both individual human beings, individual states and international society as a whole a corner stone in his legal and political theory of international society.[185] Thus, in a review of the condition of international law after the establishment of the United Nations, Lauterpacht summarized the record of solidarist international progress in relation to the preceding period as lying mainly `in the undoubted improvement of the structure of international organization; in the growing acceptance of the principle of enforcement of international law not only in relation to states, but also against individuals acting on their behalf; and in the recognition of the inalienable rights of the individual conceived as the ultimate unit of all law'.[186]

Lauterpacht did, of course, support the widely held opinion that certain international rules have the status of law, because states consider themselves to by bound by them, and because each state have the possibility of defending both its own rights and the rights of other states.[187] As stated by Lauterpacht, however, structures of enforcement are essential to the law, since to the extent to which they are lacking, the legal nature of rules of conduct is weakened.[188] Thus, in the solidarist view a full and effective system of international law requires a system of enforcement that transcends such sporadic actions of solidarity that the members of international society may be able to muster in the absence of an effective structure of international organization. To Lauterpacht, such a state of affairs could best be secured through the establishment of some kind of universal commonwealth of independent states.[189] Clearly, this is

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185. Lauterpacht, "International Law after the Second World War", pp. 166-167. See also Lauterpacht, "The Grotian Tradition in International Law", pp. 329.

186. Lauterpacht, "International Law after the Second World War", p. 167.

187. Hersch Lauterpacht, "The Reality of the Law of Nations", in Elihu Lauterpacht (ed.), *International Law Being the Collected Papers of Hersch Lauterpacht (Vol. 2)*, Cambridge: Cambridge University Press, 1975, pp. 31-32.

188. Lauterpacht, "International Law after the Second World War", p. 165.

189. Lauterpacht, "The Reality of the Law of Nations", p. 47.

where the solidarist conception of international society comes closest to the doctrines of the idealist tradition of thought. The logic of Lauterpacht's version, however, and this is an attitude which can be found in numerous solidarist statements today and before, is that such a universally valid and potent legal order should only come about as a result of a natural process through which the relations between states as well as the fundamental rights of the individual become the object of an increasing degree of international regulation. This is the reason why Lauterpacht put so much hope in the United Nations. For in spite of the fact that their efficacy has from the very beginning depended on the ability of the permanent members of the Security Council to act in unanimity, the provisions for the enforcement of international law established under the Charter *envisage* a regular and collective enforcement of the rules of international society. No matter what the particular great power climate of the day may provide for of collective action, this has given international society a permanent vehicle of international governance.

The solidarist doctrine, then, takes it for granted that international law can be enforced collectively and that, ultimately, this goes for the basic rights of the individual, too. What is dismissed by the pluralists, however, is not the preference for a collective enforcement of the law in itself. Rather, it is the belief that the members of international society can display such a degree of solidarity that international law and order can be *based* on a principle of collective enforcement, which is rejected by the pluralists. Recent examples in state practice like the UN-authorized interventions in Somalia, Bosnia and Rwanda suggest that the solidarist doctrine has won the day. However, the case of Kosovo shows that it is too early to take it for granted that intervention in the name of international society will rest on universal international governance.

Solidarist Thinkers in the English School

Over the centuries, the solidarist conception of international society has been put forward by a number of authorities on international law and politics. Firstly, it would be correct to include some pre-Grotian Spanish and Italian writers of international law and philosophy, for instance Vitoria, Suárez and Gentili, among the solidarists.[190] Secondly, the solidarist writers referred to at the outset, among them Hersch Lauterpacht, C.W. Jenks, J.L. Brierly and Richard Falk, can be supplemented with the circle of American international lawyers already mentioned, among them Myres S. McDougal, Michael Reisman and Richard Lillich. It is a central assumption of

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190. See the citation from Suárez, *Selections from three Works*, above and the discussions in Kingsbury and Roberts, "Introduction: Grotian Thought in International Relations", pp. 8-12 and 40-42; Wight, *International Theory: The Three Traditions*, pp. 14-15, 39, and 71-73; and Theodor Meron, "Common Rights of Mankind in Gentili, Grotius and Suárez", *American Journal of International Law*, Vol. 85, 1991, pp. 110-116.

these scholars that international society is an association of both states and individuals having rights and duties in their own right, and they also support the solidarist principle that the interpretation of international law should be informed by the fundamental value of human dignity.

There is also a strong French solidarist tradition including classical authorities of international law like Gustave Rolin-Jaequesmyns and Antoine Rougier, who both supported the right of humanitarian intervention with reference to the nature of humanity, and contemporary writers like Mario Bettati, Bernard Kouchner, Alain Destexhe and other scholars engaged in the humanitarian activism of Médecins Sans Frontière and Médecins du Monde.[191]

Looking for solidarist thinkers and elements of solidarist theory inside the English School, much depends on how the immediate origins of the school is considered. The conventional view has been that enlightened classical realism like E.H. Carr's on the one hand, and theories of international law stressing the holistic and solidarist nature of international society like Hersch Lauterpacht's on the other, should be seen as the immediate sources from which the specific international society perspective of the English school has been inspired. The important thing here is that some scholars from these quarters of international politics and law developed their ideas towards a genuine theory of international society and its constituent parts, and they are probably the ones to be seen as the real founders of the English school: Martin Wight, and possibly Herbert Butterfield, starting out from classical realism and history, Wight being strongly inspired by the the classical writers on international law as well, and Charles Manning starting out from international law and ideas derived from the discipline of sociology.[192] Other

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191. Antoine Rougier, "La Théorie De L'Intervention D'Humanité", *Revue Générale de Droit International Public*, Vol. 17, 1910, pp. 468-526; Gustave Rolin-Jaequemyns, "Le Droit Internationale et la Phase Actuelle de la Question d'Orient" and "Note sur la Théorie du Droit d'Intervention", both in *Revue du Droit International et de Législation Comparée*, Vol. 8, 1876, pp. 295-385 and 673-682 respectively. For examples of contemporary French solidarism, see Mario Bettati, "Un Droit D'ingérence", *Revue Générale de Droit Internationale Public*, Vol 95, No. 3, 1991, pp. 639-670; Mario Bettati and Bernard Kouchner (eds.), *Le Devoir d'Ingérence. Peut-on les laisser mourir?*, Paris: Denöel, 1987; Alain Destexhe, "The third Genocide", *Foreign Policy*, No. 97, 1994, pp. 3-17; Francois Jean (ed.), *Life, Death and Aid: Médecins Sans Frontières Report on World Crisis Intervention*, London, Routledge, 1993.

192. The first manifestations of this neo-Grotian line of thought were probably Wight's course on the three traditions of thought in the 1950's and Manning's course on the structure of international society starting in 1949, both in the London School of Economics and Political Science. On the crucial role played by Wight and Manning in the development of the English School, see F.S. Northedge, "In Memmoriam: Charles Manning 1894-1978", *British Journal of International Studies*, Vol. 5, 1979, pp. 1-5, and Stern, *The Structure of International Society: An Introduction to the Study of International Relations* (see also notes 3, 4 and 5 above). As for the publication of these original ideas, the most important works are Charles A.W. Manning, *The Nature of International Society*, London: London School of Economics, 1962; Butterfield and Wight (eds.), *Diplomatic Investigations*; Wight, *Systems of States*; Martin Wight, *Power Politics*, Leicester: Leicester University Press, 1978 (1946); and Wight, *International Theory: The three Traditions*. Manning's

leading figures of the school are according to most accounts Adam Watson, Hedley Bull, Alan James, James Mayall, John Vincent, Robert H. Jackson, Adam Roberts, Hidemi Suganami, Nicholas J. Wheeler, Timothy Dunne and from a more critical quarter, Andrew Linklater.

In Tim Dunne's recent book,[193] however, the origins of the English School is found almost exclusively in the British Committee 1959-84 and the writings of E.H. Carr where the realist and pluralist inspiration was much stronger than the solidarist one.[194] Although Martin Wight and Hedley Bull were present in both institutions, it is quite obvious that the International Relations Department of the London School of Economics and Political Science in the 1940's, 50's and 60's - the other main centre for the evolution of the English School -was more oriented towards the classical writers of international law including not least the solidarist ones, than the British Committee. One reason for this was that Charles A.W. Manning, the head of the department, and Martin Wight both took a strong interest in International law including the work of Hersch Lauterpacht. Here, the time factor may he important too since Manning and Wight were working with the international society perspective some 20 years before the British Committee was established, something that made them the contemporaries of Lauterpacht when he was at the height of his career.

In other words, my own position is that the specific theory of international society which we now associate with the English School has grown out of the broad Grotian tradition of thought and its internal dialogues as well as the discussions it has had with other traditions of thought over the past few centuries. Since Martin Wight revisited these traditions and retold (and developed) many of the discussions that evolved within and between them in his lectures at the LSE during the 1950's,[195] and since he favoured the Grotian position in most questions, it should not be difficult for anybody to accept Tim Dunne's treatment of Wight as a founding father of the English School. However, the time and place of these lectures and the advanced state of the theory of international society that they contained strongly indicate that the "School" had at least one member at the beginning of the 1950's, and we also know that this member spread his message to colleagues and students at the LSE.

However, Manning too was lecturing in the nature of international society at the LSE in the 1950's. His course, *The Structure of International Society*, was initiated in 1949, and generation after generation of students attended it until Manning's formal retirement in 1962 after which

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contribution to the international society perspective is also well reflected in Alan James (ed.), *The Bases of International Order: Essays in the Honour of C.A.W. Manning*, London: Oxford University Press, 1973.

193. Dunne, *Inventing International Society: A History of the English School*.

194. For a critique, see Tonny Brems Knudsen, "Theory of Society or Society of Theorists? With Tim Dunne in the English School", *Cooperation and Conflict*, Summer 2000 (forthcoming).

195. Wight, *The Three Traditions*.

Alan James took over the course.[196] In 1962, Manning finally published his ideas about the nature of international society, which is regarded by many as the first book from the English School.[197] More recently, Geoffrey Stern published the text book referred to above, which is a testimony to the combined teaching and writings of Manning and Wight, his former colleagues at the LSE. The same can be said about *The Bases of International Order*, a collection of essays written in the honour of Manning by his colleagues at the LSE.[198] It seems that Hedley Bull, Alan James, Geoffrey Stern, Geoffrey Goodwin, Peter Lyon and many other scholars at the LSE all got the same strong input on subjects like international society, law, order, justice, the traditions of thought and the history of the states system from the combined forces of Wight and Manning.

However, according to Dunne, who is citing a letter from Michael Howard, one of the members of the British Committee, Wight and Bull did not have much time for Manning.[199] This does not seem to be a correct judgement, but even if it is, it does not show that Wight and Bull were not indebted to Manning's ideas. In fact, there are much evidence to the contrary. In the preface to *The Anarchical Society* (1977), which can be taken to be the most influential work of the English school to date, Bull referred to Manning and Wight as being among his main sources of inspiration. Furthermore, in his 1976 memorial lecture for Martin Wight, Bull pointed to Manning's influence as a major cause of Wight's journey from classical realism,[200] to a full-blown Grotian position at the end of his career:

> As one of the factors causing him to move closer to the Grotian perspective after he came to the London School of Economics, I should not myself discount the influence upon him of Professor Manning, despite the great contrasts in their respective approaches to the subject. Certainly, the idea of international society occupied a central place in Manning's thinking and it emerges, I suggest, from the volume of essays presented to him, to which Martin Wight contributed along with others among Manning's former colleagues and students, that there were certain common elements in the outlook of all those who worked in the Department at that time, no less noticeable in Wight's contribution than in the

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196. Stern, *The Structure of International Society*, pp. 6-7; Hidemi Suganami, "C.A.W. Manning and the Study of International Relations", 1999 (forthcoming), p. 1. Some of these details, I owe to Alan James.

197. Manning, *The Nature of International Society*.

198. James (ed.), *The Bases of International Order: Essays in the Honour of C.A.W. Manning*, 1973.

199. Dunne, *Inventing International Society*, p. 93.

200. Wight, *Power Politics*, 1946.

others.[201]

This statement clearly weakens Dunne's claim that it is not possible to identify a distinctive line of thought among the leading figures at the LSE after World War II.[202] The true founders of the English School were Manning and Wight, and what united them was first of all a background in or a preoccupation with international law and legal philosophy, although Manning rarely referred directly to the latter. This is why it is relatively easy to associate Wight and Manning around the concept of society from an early point in time, while it is highly problematic to align Wight with Carr and Butterfield before the British Committee had managed to establish a common agenda several years later, an agenda which, by the way, still left Carr as a stranger to the idea and theory of international society.[203]

As for the origins of the English School, I would furthermore like to draw attention to the fact that one of Manning's early attempts to promote the idea of international society[204] was shaped mainly as a response to the even more internationalist position taken by the neo-Grotian

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201. Hedley Bull, "Martin Wight and the Theory of International Relations: The Second Martin Wight memmorial lecture", *British Journal of International Studies*, Vol. 2, 1976, pp. 101-116, see p. 108 (here referring to James (ed.), *The Bases of International Order*, 1973).

202. Dunne, *Inventing International Society*, p. 15.

203. Herbert Butterfield's contribution to the English School was probably mainly indirect to begin with. His original position was tragical realism, but it was informed by the brilliant identification of the security dilemma, which he referred to as `the Hobbesian fear' (see Herbert Butterfield, *Christianity and History*, London: G. Bell and Sons, 1949, pp. 89-91 and his *History and Human Relations*, London: Collins, 1951, Ch. 1). As pointed out by Timothy Dunne, Butterfield gradually left the fatalist realist position in favour of a more Grotian outlook, but this was probably considerably later and slightly more hesitating than in the case of Martin Wight, whose realist manifesto - the original version of *Power Politics* from 1946 - soon gave way to the more balanced lecture course on the three traditions of thought at the London School of Economics in the early 1950's, during which he moved towards a Grotian outlook. The right interpretation, then, could be that it was in Wight's and (possibly less familiar to Butterfield), Manning's ideas about international society as a rule-guided and relatively orderly association of states that Butterfield found the answer to what he had earlier seen as an `irreducible dilemma' in human relations (Butterfield, *History and Human Relations*, p. 19). As it has been stressed by Adam Watson, however, Butterfield's contribution to the English school, especially concerning the ambitious attempt to compare the normative foundations of all historically known states systems, was by no means modest (Watson, *The Evolution of International Society: A comparative historical analysis*, London: Routledge, 1992, pp. 2-5).

204. C.A.W. Manning, "Some Suggested Conclusions", in Manning (ed.), *Peaceful Change: An International Problem*, London: Macmillan, 1937: 169-190.

or solidarist international lawyer, Hersch Lauterpacht[205] whereas Carr rejected both Lauterpacht and the idea of international society.[206]

In other words, there was a conversation between Carr's realism on the one hand and Lauterpacht's and Manning's ideas of international society on the other already before World War II, but whereas Lauterpacht went on to write his masterly essay about `The Grotian Tradition in International Law'[207] and Manning continued towards a genuine theory of international society, Carr remained split between realism and idealism, as it is also acknowledged by Tim Dunne.[208]

It is difficult to explain why Dunne ultimately includes Carr in the English School anyway, but his attempt to show that Carr was never confident with his realist critique of the utopians or `the children of light' (here using an expression favoured by Manning!!) is fascinating and generally convincing. Paraphrasing Ken Booth, Dunne states that Carr `was in the English school but the English School was not in him'.[209] Though this elegant formulation is not entirely without substance, it would be more correct to say that Carr passed by the house of the English school several times during his never-ending journey between the realist and the utopian homes, and at an early point in time, he even had a conversation with the man standing in the front-door (Manning) and the one who took care of the Grotian garden (Lauterpacht), but he never crossed neither the gate nor the doorstep.

The English School was not just the people who met in the club. It was the people who developed the political theory of international society on the basis of the legal and political philosophy of the Grotian (rationalist) tradition on the one hand, and classical realism on the other, the methods and insights from history and sociology being additional sources of inspiration.

Inside the English school, it is difficult to find the ideal solidarist position associated with Hersch Lauterpacht. At first sight it might seem that John Vincent is a candidate since his endorsement of the pluralist position in his first book *Nonintervention and International Order*

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205. Hersch Lauterpacht, "The Legal Aspect", in Manning (ed.), *Peaceful Change: An International Problem*, pp. 135-165.

206. E.H. Carr, *The Twenty Years' Crisis 1919-1939*, New York and Evanston: Harper Torchbooks, 1946, pp. 162-169 and 211-212.

207. Hersch Lauterpacht, "The Grotian Tradition in International Law", *British Year Book of International Law*, Vol. 23, 1946, pp. 1-53.

208. Dunne, *Inventing International Society*, p. 30.

209. Dunne, *Inventing International Society*, p. 38.

from 1974[210] gave way to a more solidarist position in his second major work, *Human Rights and international Relations*, but it is more complicated than so. Thus, in the latter work, Vincent's endorsement of basic human rights was accompanied with pluralist warnings, and the result was the cautious conclusion, that `there is now an area of domestic conduct ... that is under the scrutiny of international law'.[211] Thus, when holding Vincent up against Bull as examples of the solidarist and the pluralist conception of international society respectively, Nicholas Wheeler was perhaps underestimating the second thoughts that both writers, and especially Vincent, seemed to have.[212] As for Wheeler's own position, he seems to be investing his hope in the solidarist conception of international society, but at the same time, his surprisingly pessimistic interpretation of the post Cold War order appears to be informed by a pluralist outlook.[213]

It is probably Martin Wight, then, who has offered the most solidarist statements inside the English school. He considered the solidarist acceptance of individuals, peoples and international organizations as bearers of international rights and duties along with the state to be more fruitful and more `flexible and true to the variety of international life' than the theoretically more clear-cut state-focused positivist doctrine.[214] Like Lauterpacht had done before him, he applauded the point made by the British international lawyer John Westlake, that states are the immediate, but men the ultimate members of international society.[215] On one occasion, he even spoke of the possibility of transferring to international politics some of the elements of constitutionalism.[216] Wight also stressed the relevance of natural law as a source of both international law and morality. Not in the old Grotian sense of that doctrine, that is an objective source of truth and justice, but as `a certain ethical temper'.[217] As for the direct legal relevance of natural law, Wight

210. Vincent, *Nonintervention and International Order*, pp. 345, 346 and 348.

211. Vincent, *Human Rights and international Relations*, p. 152.

212. Wheeler, "Solidarist or Pluralist Conceptions of International Society: Bull and Vincent on Humanitarian Intervention".

213. See for instance Nicholas J. Wheeler and Tim Dunne, "Hedley Bull's Pluralism of the Intellect and Solidarism of the Will", *International Affairs*, Vol. 72, No. 1, 1996, pp. 91-107, and Wheeler and Morris, "Humanitarian Intervention and State Practice at the end of the Cold War".

214. Wight, "Western Values in International Relations", pp. 101-102.

215. Wight, "Western Values in International Relations", p. 102. Lauterpacht, "Westlake and Present Day International Law", p. 392.

216. Wight, "Western Values in International Relations", p. 103.

217. Wight, "Western Values in International Relations", p. 123.

preferred to talk about `a law behind the law', a term he ascribed to Charles Manning. To Wight, the recognition of this law behind the law remained also in the present century:

> there are fundamental or natural norms, even though the way in which they are conceived, and the nature of the appeal to them, may change.[218]

On the question of international law more generally, as in most other respects, Wight's sympathy was clearly with the broad rationalist tradition, which he, once again, saw as providing a via media, only this time as a combination of the purified naturalist and positivist traditions. Because they wrote the law exclusively after the practice of states, the positivists were, in Wight's view, simply realists by another name.[219] In the rationalist tradition, on the other hand, the principles rising from state practice and codification is subjected to a final interpretation that depends on the `law behind the law'. This is an exact description of Lauterpacht's position on the question of the sources of international law, and a key principle of what Hedley Bull saw as the solidarist wing inside the rationalist tradition. The interesting thing here is not whether Wight was right in characterizing positivists like Oppenheim as realists, or whether Bull's position that they are to be seen as pluralist rationalists is more appropriate. The point is that directly or indirectly, Wight aligned himself with the solidarist position of Hersch Lauterpacht.

Finally, at a time when the general opinion was that it had been discredited in theory and practice, Martin Wight gave his support to the doctrine of humanitarian intervention, which we have taken to embody most of the basic principles of the solidarist conception of international society. In Wight's view, humanitarian intervention must be seen in light of the general responsibility that states have for human society. Accordingly, intervention `may present itself as an exercise, not simply of the right of self-preservation, but of the duty of fellow-feeling and cooperation' and in that case `the theory of the rightful occasions for intervention falls at once into the same pattern as the theory of the just cause of war'.[220]

In Tim Dunne's account of the origins of the English School, Wight's solidarist ideas and recommendations are adequately discussed and appreciated. However, it would have been easier for Dunne to strengthen the legal and solidarist dimensions of the school and to take full advantage of its roots in legal philosophy, if he had payed more attention to Manning and his

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218. Wight, *International Theory: The Three Traditions*, p. 234.

219. Wight, *International Theory: The Three Traditions*, pp. 233-235.

220. Wight, "Western Values in International Relations", p. 116. In another passage, Wight noted with unspoken regret that after the break-down of the rudimentary system of minority protection offered by the League of Nations, the individual was, in the era of the United Nations, left confronting the state. See Wight, *Systems of States*, p. 172.

debate with Grotian scholars like Lauterpacht in the 1930's on the one hand, and the impact he had on his followers at the LSE after World War II on the other. As recognized by Dunne in a fascinating passage on Wight's attempt to defend the solidarist conception against the hostile reaction from the majority of the Committee members,[221] Carr, Butterfield and most of the British Committee were uncomfortable when confronted with overtly solidarist ideas. A return to Manning, who recognized at least some aspects of the solidarist conception,[222] and Lauterpacht who was its champion in the inter- and postwar periods where he self-consciously continued in the footsteps of Grotius as well as some surprisingly solidarist legal positivists (Wheaton, Lawrence and Westlake) could turn out to be very constructive. However, Dunne (100-104) tries to separate Lauterpacht from Grotius,[223] apparently in an attempt to show that the former is not a forerunner of the English School while the latter is, a move that almost becomes a confirmation of the very pluralist legacy of Hedley Bull that Dunne wants to loosen. In any case, what unites Lauterpacht, Wight and to some extent Manning is the simple point that the institutional bases of international society provide for a certain degree of international solidarity and the pursuit of justice, just like they provide for international order.[224]

Elements of an English School Theory of International Solidarity
While all these current and historical branches of the long Grotian tradition of thought have articulated the view that states are held together by their common adherence to and participation in common rules and practices, the ambitious attempt to account for the reality, coherence and scope of this society and its constituent parts is probably unique for the perspective developed by the writers of the English school. As a theoretical approach to the study of IR, the English School is basically an account of the shared understandings that make meaningful interaction possible.

Hedley Bull's theory of international society begins with the analytical distinction between an international system consisting simply of interacting states and an international society in which shared understandings concerning the conduct of this interaction have developed. With Adam Watson, Bull defined these concepts as follows:

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221. Dunne, *Inventing International Society*, pp. 100-104.

222. See Manning, "Some Suggested Conclusions" and *The Nature of International Society*, pp. 176-179.

223. Dunne, *Inventing International Society*, pp. 100-104.

224. For a systematic presentation of this point, see my *Humanitarian Intervention and International Society: Contemporary manifestations of an explosive doctrine*, Ph.D.-dissertation, Aarhus, University of Aarhus: Department of Political Science, June 1999, chapter 2.

> By an international society we mean a group of states (...) which not merely form a system, in the sense that the behaviour of each is a necessary factor in the calculations of the others, but also have established by dialogue and consent common rules and institutions for the conduct of their relations, and recognize their common interest in maintaining these arrangements.[225]

From this follows that the international system is characterized not only by anarchy (meaning the absence of a common government) and the distribution of power, but also by a variable element of society, which states more or less consciously have managed to establish over time.

It might be argued that the distinction is anachronistic, since the modern states system is also a society of states and has always been so, as it inherited the cultural and Christian unity of the complex system of overlapping medieval authorities from which it arose. The analytical abstraction, however, helps to isolate the static elements of modern international relations from the rules and practices that have been constructed over time, and thereby it triggers the useful theoretical exercise of imagining the effects of a `naked' anarchical environment in which interaction would be likely to be characterized by coincidence, fear and uncertainty rather than by shared expectations and order. Although the basic claim of the international society perspective is that the common norms and practices constitute a different game, it is plausible that in order to understand this reality, we must also understand the untransformed logic of anarchy. Institutions and principles like the balance of power, great power management, diplomacy and sovereignty are built on fundamental systemic facts like the existence of independent political units, inescapable interaction and differences in power resources, meaning that they are transforming rather than negating these systemic features.

Furthermore, the analytical distinction between system and society supports the intuitively logical assumption that the bases of international order and cooperation are variables, and that progress as well as regression is therefore possible in international life. This point is often overlooked or understated in the literature on international society, possibly because of a reluctance to shake the only relatively solid ground for theory building, namely the element of recurrence and repetition in international life, or because of an intuitive retreat from the awful conclusion that the Hobbesian state of nature, or something close to it, might not be eliminated for ever. On the other hand, the writers of the English school sometimes seem to be afraid of becoming associated with the progressive idealism of the interwar period, which was so devastatingly discredited by realism exactly because of the belief in progress. Thus, when touching upon the prospects for qualitative change at all, the international society perspective

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225. Bull, Hedley, and Adam Watson (eds.), *The Expansion of International Society*, Oxford: Oxford University Press, 1984, p. 1. This formulation is a composition of the definitions offered in Bull's *The Anarchical Society*, pp. 9-10, 13, and 65.

has been inclined to stress the risk of regression as well as the possibility of progress.

Nevertheless, the relative silence or caution on the nature and prospects of change may have nothing to do with strategic considerations after all. Rather, hinting to the legacy of Martin Wight, the celebration of recurrence and the disbelief in progress are often portrayed by followers of the international society perspective as a standard English school wisdom. However, if this interpretation has ever been true, it ceased to be so along the road that Wight followed away from classical realism and into his modern variant of the Grotian tradition. In his essay on Western values in international relations, Wight made the point as follows:

> If there is no international society, then international relations are not only the state of nature, but also the state of nature Hobbes described ... If there is an international society, however, then there is an order of some kind to be maintained, or even developed. It is not fallacious to speak of a collective interest, and security ... can be enjoyed or pursued in common. It becomes possible to transfer to international politics some of the categories of constitutionalism.[226]

The element of international society is, in other words, open for change, and new constructions might involve a stronger degree of order, or a more just one. How, then, can the solidarist conception be related to the theory of international society? If we follow the above cited definition offered by Bull and Watson international society can be seen as consisting of (1) common interests and values, (2) common norms and rules, and (3) a few fundamental or constitutive institutions.[227]

In his discussion of common interests and values, Hedley Bull refers to goals that are primary in the sense that all other goals presuppose their fulfilment. In modern international society, these primary and universal goals include the maintenance of the states system, mutual recognition of sovereignty, absence of war as the normal condition of interstate relations, constraints on violence and the keeping of promises.[228] These goals may not be pursued for entirely self-interested motives, but in order to base his claim about the universality and permanence of international society on as safe a ground as possible, Bull argued that states realize that the fulfilment of the basic common objectives are in fact in their own self-interest. So what Bull is talking about in the first phase of *The Anarchical Society* is extended, enlightened or long-term self-interest, and this does not seem to involve any concern for `the other', only a recognition of the fact that in order to get along, there must be some political arrangements which assure a minimum of order and thereby the exclusion of the Hobbesian

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226. Wight, "Western Values in International Relations", pp. 102-103.

227. For this systematic account of the element of international society, see Bull, *The Anarchical Society*, chs. 1-3, and (using a more loose system) Wight, "Western Values in International Relations", pp. 89-131.

228. Bull, *The Anarchical Society*, pp. 16-19 and 67.

state of nature at the international level. The cooperation inherent in this recognition is, in other words, restricted to the simultaneous pursuit by all states of the same national interests, and their realization that this can only be done in common.

In this account, in other words, the norms and rules resulting from these basic common interests are social and practical, but only moral in a very broad sense of this word. Occasionally, however, Bull also points to additional common interests and values inferred from morality and a common culture, and this unites him more closely with his mentor, Martin Wight and with the solidarist line of thought.[229] In general, however, the account of international society offered by Bull in *The Anarchical Society* tends to be more instrumental than the picture normally painted by the members of the English school in so far that he sometimes gives the impression that states are consciously pursuing these goals in order to maintain international society as a whole.[230]

The point, however, is not that every single norm or pattern of behaviour expresses this instrumental and universal rationality, but that the historical development of some rules and practices reflects the basic goals that most states have shared at most times, for instance to put some limits on, and order into, international violence. Thus, rationalism remains a basic feature in this contemporary Grotian line of thought. But, as argued above, relatively stable norms and practices may - still in accordance with the Grotian tradition as a whole and especially with its more solidarist quarters - also reflect a shared meaning, which derives from common values and morality. It is possible, then, that norms, rules and practices reflecting shared values and justice can be incorporated into, or added to, a system of norms, rules and practices that also allows for the establishment and maintenance of international order.[231] Consequently, the study of current

229. For the link between culture and common interests and values see Bull, *The Anarchical Society*, p. 316, Bull and Watson, *The Expansion of International Society*, pp. 432 and 434-435, and Wight, *Systems of States*, pp. 33-39.

230. For the less instrumental and rational account, see for instance Wight, *Systems of States* and "Western Values in International Relations"; Adam Watson, "Hedley Bull, States Systems and International Societies", *Review of International Studies*, Vol. 13, 1987, pp. 147-153, and "Systems of States", *Review of International Studies*, Vol. 16, No. 2, 1990, pp. 99-109; R.J. Vincent, *Human Rights and International Relations* (especially the conclusion); and James Mayal, *Nationalism and International Society*, Cambridge: Cambridge University Press, 1990, pp. 20-21. Moreover, Hedley Bull too has talked about a broader (and thus more variable, more complex, more open and less instrumental) set of interests and values, for instance in his contributions to Butterfield and Wight (eds.), *Diplomatic Investigations*, and on pages 77-81, 95-98 and 315-317 in *The Anarchical Society*.

231. According to Adam Watson, the combination of values and regulatory rules have been a basic element of all historically known international societies, from the ancient Sumer and Assyrian ones to the Christian European one of the preceding centuries. Furthermore, Watson suggests that the same may be true for the contemporary international society even though this one is not confined to one culture like the previous ones. See *The Evolution of International Society*, pp. 307-308.

reflections of the solidarist conception of international society like minority protection, humanitarian intervention, recognition of national self-determination, the prosecution of war criminals, common legitimization and coordination of the use of force at the UN (that is global governance), and a growing acceptance of the participation of non-state actors in international politics (promoting a much more complex generation of a world opinion on specific subjects) must focus on the ways that the norms, rules and practices which makes the realization of such ideas possible are being integrated in the normative systems providing for order, and on the extent to which this leads to inconsistent sets of rules and conflicting practices. As for the importance of various pieces of evidence, it is worth noting that international law is usually the last place where changes in international norms and values are reflected. It is quite normal, that an international rule first appears as a standard operating procedure, then it acquires the status of a practice or perhaps a moral code of conduct, and finally it develops into customary law or perhaps a written convention.[232] Thus, looking for specific manifestations of the solidarist conception, special attention should be given to pieces of evidence that might confirm or deny that solidarist values and ideas are taking on a rule-like or institutional character.

With the identification of relatively stable international norms, rules and practices, we have an analytical platform from which future state action and interaction can be anticipated and evaluated. It is important to note, however, that the essence of these norms, rules and practices is not their manifest appearances in everyday diplomacy or written principles of international law, but the shared understandings that they represent concerning what is normal, rational, legitimate or just behaviour in international society. As argued above, these shared understandings may change, but if it is correct that the basic rules and institutions of international society are linked together by a rational or intuitive quest for order as argued by Hedley Bull, such change is likely to come slowly and in a way that leaves parts of the old system more or less intact. Moreover, like individual human beings, states are inclined to carry out their interactions as they use to do, for instance by following the practices of mutual recognition and the codes of diplomatic conduct.

In other words, while the basic norms and institutions of international society make a number of specific forms of cooperation possible, there is also an element of resistance to change built into this society, especially when we are dealing with changes affecting its foundations.[233] Thus, compared to the extreme constructivist position of scholars like Alexander Wendt and Nicholas Onuf, a theory of institutional change building on the insights of the

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232. See for instance Bull, *The Anarchical Society*, pp. 67, 72-73, and 143, and Adam Watson, *Diplomacy: The Dialogue Between States*, London: Methuen, 1982, chapter 4.

233. This point can also been made on the basis of an absolute distinction between constitutive and regulative rules. See Georg Sørensen, "Sovereignty: Change and Continuity in a Fundamental Institution", *Political Studies*, Vol. XLVII, 1999, pp. 590-604.

English school must start with the idea of `bounded constructivism'. In principle `anarchy is what states make of it'.[234] In reality, meaning in the practices of the society of states, there are some important shaping factors, which influence the more or less conscious construction of new norms, rules and patterns of activity.[235]

Following this logic, a solidarist principle and practice could come about as a consequence of a growing belief that the principle of exclusive sovereignty can and should be qualified, when it comes to human rights for instance. Or it could be a consequence of a chain of actions, which lead to a reevaluation of activity or interaction that used to be considered to be impossible. On the other hand, however, the formulation, legitimation and implementation of new solidarist practices are likely to be influenced by already established ones. However, during this process of communication, interpretation and reorganization. Thus, as a general theoretical conception of societal change, we argue that any new value, idea or way of behaviour will be launched, communicated, interpreted, accepted, reorganized or dismissed by states on the basis of existing norms and practices. If some kind of acceptance of this idea is the outcome, the articulation of it will be shaped by the fundamental institutions and principles of international society. On the other hand, established principles and practices may acquire new meanings themselves. A good example is the way that rules of sovereignty have been shaping, and shaped by, the reintroduction of the doctrine of humanitarian intervention under the auspices of the UN.

Conclusions

In conclusion, the argument of this paper is that the English School is much more inspired by and indebted to the solidarist tradition of thought than most accounts by members and reviewers of the school acknowledge. Furthermore, I have made the case for a return to the solidarist elements in the writings of especially Martin Wight and C.A.W. Manning as well as one of their main sources of inspiration in this respect, namely Hersch Lauterpacht. However, the capacity for understanding and interpreting contemporary changes of a solidarist nature is already present in the analytical framework developed by Hedley Bull, the school's leading pluralist mind and most prominent theorist. Still, what we can obtain from a return to the solidarist origins of the English School is a better understanding of the system of international (in constrast to inter-

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234. See Wendt, "Anarchy is what states make of it: the social construction of power politics", and his "Collective Identity Formation and the International State", *American Political Science Review*, Vol. 88, No. 2, 1994, pp. 384-396.

235. In an earlier study, I have tried to combine the international society perspective with constructivism and structuration theory (T.B. Knudsen, *The English School of International Relations and the Agency-Structure Debate: A Sociological Approach to the Study of the Post-Cold War Order*. Paper presented at the Nordic International Studies Associations's Conference on "Agency and Structure in the Changing International and European Systems", Oslo, 29 august-1 September 1994). On constructivism and the English school, see also Dunne, "The Social Construction of International Society".

state) politics and global governance envisaged by this conception as well as a greater appreciation of its potentials as a source of progressive, but non-revolutionary, international change. Most importantly, however, the solidarist conception holds the key to a better understanding of a number of current international changes having to do with the position of the individual, the meaning of sovereignty, the role of the UN as an organ of global governance and development in international law indicating an increased capacity for enforcement not only in the area of peace and security, but also in relation to international humanitarian law. On each of these points, the solidarist conception has important things to say, but its greatest opportunities lie in its capacity for interpreting the collective impact of these changes which are about international legitimacy and the very organization of international society. Here, we need what Robert Jackson has called `the pluralist restraint' as well. However, a critical reconsideration of Hedley Bull's treatment of the solidarist conception is necessary in order to maintain the pluralist insights of the English School as a source of prudence and guidance, and prevent it from becoming a barrier to international progress.

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